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CONTACT GROUP, LONDON 22 JANUARY: CHAIRMAN'S CONCLUSIONS

Members of the Contact Group met in London on 22 January to discuss the grave situation in Kosovo. It reaffirmed its united commitment to achieve an early political solution to the present crisis, and its determination to intensify its efforts to that end.

The Contact Group unreservedly condemns the massacre of Kosovo Albanians in Racak on 15 January. All members expressed their revulsion at this act of mass murder. No amount of provocation could justify it. The Contact Group condemns UCK provocations which can only contribute to rising tensions and further violence. It deplores the taking of hostages and calls for the unconditional release of any hostages currently held. The Contact Group calls on both sides to comply fully with relevant SCRs.

The Contact Group also condemns the decisions by the FRY authorities to refuse entry into Kosovo by ICTY Chief Prosecutor Judge Arbour.

The Contact Group looks to the FRY to:

- stop all offensive actions/repression in Kosovo;
- promote the safe return home of those persons displaced in the past few days from the Racak area and take all steps to avoid a humanitarian catastrophe;
- permit the KVM and its Chief of Mission to carry out their responsibilities unimpeded;
- co-operate fully with ICTY, in particular by allowing unimpeded access for its investigators to Kosovo;
- work with the International Tribunal to ensure that those responsible for Racak are brought to justice;
- suspend those VJ/MUP officers operating in Racak on 15 January pending the results of this investigation becoming available;
- comply fully with the OSCE/FRY and NATO/FRY agreements and relevant SCRs.

The Contact Group set a goal of early negotiations on a political settlement with direct international involvement.

The Contact Group is assuming its responsibilities and has identified the basic elements for these negotiations.

All members of the Contact Group, and in particular Chris Hill and Wolfgang Petritsch, will intensify pressure on the parties in order for these negotiations to be successful. It expects the parties to engage constructively in these negotiations.

Robin Cook will now consult his colleagues in order to arrange an early Ministerial meeting.

BASIC ELEMENTS

PRINCIPLES FOR
POLITICAL SETTLEMENT

Draft 2, 22 January 1999

General elements:

- Necessity of immediate end of violence and respect of cease-fire
- Peaceful solution through dialogue
- Interim agreement; a mechanism for a final settlement after an interim period of three years
- No unilateral change of interim status
- Territorial integrity of the FRY and its neighbouring countries
- Guarantees of interim solution on federal level
- Protection of rights of the members of all national communities (preservation of identity, language and education; special protection for their religious institutions)
- Free and fair elections in Kosovo (municipal and Kosovo-wide) under supervision of the OSCE
- No criminal prosecution for crimes related to the Kosovo conflict (exception: crimes against humanity)
- Amnesty and release of political prisoners
- ~~Internal and external involvement~~

Governance in Kosovo:

- People of Kosovo to be governed by democratically accountable Kosovo institutions
- High degree of self-governance realized through own legislative, executive and judiciary bodies (with authority over, inter alia, taxes, financing, police, economic development, judicial system, health care, education and culture (subject to respect for the rights of the members of national communities), communications, roads and transport, protection of the environment)
 - Legislative: Assembly
 - Executive: Head of Kosovo (Chairman/President/Presidency); Government/Council of Ministers/Executive Board; Administrative bodies
 - Judiciary: Kosovo court system
- Clear definition of competencies at communal level
- Members of all national communities to be present at all levels of administration and elected government
- Local police representative of ethnic make-up with co-ordination on Kosovo level
- Harmonisation of Serbian and Federal legal norms with Kosovo interim agreement

Human rights:

- Judicial protection of human rights enshrined in international conventions and rights of members of national communities
- International Ombudsman
- Role of OSCE and other relevant IOs

Implementation:

- Dispute resolution mechanism
- Establishment of a joint commission to supervise implementation
- Participation of OSCE and other international bodies as necessary

Issues:

- Review clause
- Role of int. comm.: Degree of international involvement, international guarantees
- Courts of appeal, Constitutional and Supreme Courts in Kosovo
- Representation of Kosovo on the Federal level
- Kosovo Head (President/Presidency)
- Nomenclature ("Government" etc.)
- Finance

Out of what give parties.

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 Petrified's paper as
 of today.
 Clark-

CHAIRMAN'S CONCLUSIONS

**CONTACT GROUP, 10 NOVEMBER 1998
WASHINGTON, D.C.**

The Contact Group met to gauge progress in Bosnia and Herzegovina in the post-election period and to discuss priorities for the upcoming Peace Implementation Council Ministerial meeting December 15-16 in Madrid and for the coming years ahead.

The Contact Group reviewed the status of the formation of governments and parliamentary bodies in Bosnia at the national and entity levels, welcomed the work of the High Representative to facilitate agreements and encouraged him to continue playing an active role in this process. The group reiterated the expectation that all office holders will work towards full implementation of the Dayton peace agreement and in support of a united and multi-ethnic Bosnia. This is the only basis on which they can expect support from the international community.

The Contact Group noted that the political evolution in Bosnia has opened up new possibilities with regard to the development and improved effectiveness of the central institutions. It endorsed a specific proposal of the High Representative which provides for a longer rotation for the Chairman of the Council of Ministers, staggered to ensure that no single ethnic group will occupy both the Chair of the Council and the Chair of the Joint Presidency at the same time, and for the establishment of additional Ministries.

The Contact Group welcomed a report by the European Commission on the informal mini-donors' meeting held November 4-5 in Brussels. While reaffirming their commitment to devote resources to peace implementation in Bosnia, Contact Group members noted the importance of beginning a process of the gradual reduction of international assistance, taking into account the need to address requirements in those areas which have not benefited fully from such assistance.

The Group also affirmed the need for Bosnia to take greater steps in the transition to a sustainable market economy. In this regard, it will be important for Bosnia and the international community to focus on private sector development, including an efficient, transparent, and apolitical privatization process, on the establishment of a modern and efficient payments system, and on the proper functioning of capital markets and banking institutions.

The Contact Group noted three risk factors that must be addressed: the lack of inter-ethnic integration, the need to fully delineate state and entity responsibilities, and the existence of political party strangleholds over the means of production.

The Contact Group agreed to recommend to the PIC Steering Board five priority areas for the PIC Ministerial and for subsequent focus in the years ahead:

- Accelerating the transition to a sustainable market economy;
- Increasing the momentum on the return of refugees and displaced persons, especially to minority areas;
- Providing a secure environment through the rule of law, including significant progress on judicial reform and further establishment of multi-ethnic police;
- Developing and reinforcing the central institutions, including adoption of a permanent election law; and
- Pressing ahead with media reform and education issues.

The Contact Group remains gravely concerned about the frequency of violent incidents in parts of Bosnia and Herzegovina, related to refugee return and to general criminality, and calls on all parties in Bosnia to act in accordance with the rule of law and with the peace agreement.

The Contact Group reemphasized the importance of the establishment of normal and legitimate relations by Bosnia and Herzegovina's neighbors, and of clearly demarcated international borders. In this regard, the Group expects full implementation of Dayton by all of its signatories.

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16 October 1998

STATEMENT BY THE NATO SPOKESMAN ON THE NAC OF 16 OCTOBER 1998

The North Atlantic Council at its meeting today took stock of the State of Compliance in Kosovo.

We are still at some distance from full compliance. There is a clear evidence that many army and special units, that are normally based outside Kosovo, are still deployed in Kosovo. As the Secretary General made clear in Belgrade, the North Atlantic Council expects these units to be withdrawn immediately.

While in Belgrade, the Secretary General impressed upon President Milosevic the urgent need to comply fully with UNSCR 1199.

The NAC therefore decided to maintain its readiness to launch air operations against Yugoslavia, including the deployment of substantial air forces in the region.

The NAC has decided that the period before execution of air strikes will be extended until 27th October.

The Council will continue to monitor developments very closely.

The NAC calls on President Milosevic to take urgent steps to ensure that full compliance is achieved in this time period.

**EMBASSY OF THE
UNITED STATES OF AMERICA**

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15 October 1998

FACSIMILE MESSAGE

**TO: Mike Hurley
National Security Council**

**FROM: Douglas Davidson
Public Affairs Officer**

SUBJECT: Solana Statement

Here is the text of the Solana statement. Dick Miles, our Chief of Mission, will be calling Larry Rossin of EUR/SCE at State secure with a read-out very shortly.

SECRETARY GENERAL'S VISIT TO BELGRADE: PRESS POINTS

- I have come to Belgrade today, accompanied by the Chairman of the Military Committee, General Naumann, and SACEUR, General Clark, to deliver a simple but strong message to President Milosevic. He must comply fully and immediately with the requirements of the UN Security Council Resolution 1199.
- Three weeks have elapsed since that Resolution was adopted but still we are far from seeing the full compliance that the international community demands. I have told President Milosevic about the many army and special police units that, according to our information, remain in Kosovo even though their barracks are outside Kosovo territory. These units

must be withdrawn immediately.

- Let there be no doubt: we will keep the situation in Kosovo under the closest scrutiny. NATO will maintain its pressure until we have evidence that compliance has been fully achieved. We will remain ready and willing to act if these obligations are not met. NATO prefers compliance to conflict.
- We have just signed with the government of this country an agreement to establish a NATO/Kosovo air verification regime, to be operated by NATO. We intend to begin implementation in the very near future. Along with the OSCE mission on the ground in Kosovo, NATO's role will be crucial in verifying that President Milosevic intends to keep his word and to help stabilize the situation in Kosovo.

- I also made clear to President Milosevic that we expect the full cooperation of the Yugoslav government in carrying out the agreement on the air verification regime over Kosovo strictly. Any attack or hostile intent against our NATO verification aircraft will have the gravest consequences.
- We also expect the full cooperation of the Yugoslav authorities, including its security forces, with both the NATO and the OSCE verification missions.
- I want to emphasize that the agreement that ~~WE~~ we have signed today and the agreement that the OSCE will sign shortly are not the end of the story. They are but the first step in ending the conflict in Kosovo and in relieving the urgent humanitarian situation. These agreements represent an opportunity for the leaders of Yugoslavia to solve

problems in a peaceful and more constructive way. I urge President Milosevic and the Kosovar Albanians not to squander this opportunity.

- Finally, I would like to address a few words to the peoples of Yugoslavia. There has been too much suffering, too much intolerance and too much violence in this country and this region over the past few years. Much of this has been caused by political leaders who have misused their political power. Apart from the terrible human tragedy, the result is that Yugoslavia has been increasingly isolated from the European democratic family of nations. I urge you to open a new chapter in your history and to work for solutions through dialogue and ^{re}conciliation~~s~~. The Alliance is there to help you in this endeavour; but you too must accept your responsibility and look to the future.

And the closure of independent newspapers is the latest example.

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RECEIVED: 15 OCT 98 15

TO: MEMO FOR RECORD

FROM: UNKNOWN

DOC DATE: 13 OCT 98
SOURCE REF:

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PUBLIC STATEMENTS

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SUBJECT: PRES 13 OCT STATEMENT ON KOSOVO

ACTION: NOTED BY PRESIDENT

DUE DATE: 21 OCT 98 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: PA

NSCP:

CODES:

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FOR ACTION

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10/13/98 10:30 a.m.

**PRESIDENT WILLIAM JEFFERSON CLINTON
STATEMENT ON KOSOVO
THE WHITE HOUSE
OCTOBER 13, 1998**

Before I depart, I have a few words to say about the situation in Kosovo.

Over the past few days, NATO's ~~clear threat to use~~ ^{Resolve} ~~force~~ moved President Milosevic from the battlefield to the bargaining table. The commitments he has made could lead to the peaceful resolution of a crisis that threatens stability in the Balkans and the lives of tens of thousands of refugees, many of them homeless. But for that to happen, we must now see progress as President Milosevic turns those commitments into concrete realities.

(First)

The cessation of hostilities must continue.)

(Second)

The troops

President Milosevic recently sent to Kosovo must

begin to move out, and those already there must begin

(Third)

to come to garrison.) The international monitors must

be allowed to enter and be given full freedom of

(Fourth)

movement.) Humanitarian relief agencies must be able

to bring help to the hundreds of thousands of

(Fifth)

displaced persons. And serious autonomy negotiations

with the Kosovars need to go forward.

As I said last night, we will not rely on what President

he does for the world

Milosevic says, but on what ~~we see that he does~~ **to see**.

To that end, a key component of the commitments he has made is an intrusive on-the-ground and in-the-air verification system. It will include about 2000 international inspectors in Kosovo, who will serve as watchdogs to ensure that the cease-fire holds and Serbs forces withdraw, while building confidence among Kosovars to return to their homes. And it will involve unrestricted NATO aerial surveillance, to monitor compliance and quickly detect violations.

The international community prefers compliance to conflict. But in voting to give our military commanders the authority to carry out air strikes against Serbia, NATO sent a clear message to President Milosevic: NATO is ready to act. It is up to you to follow through on your commitments.

24 September 1998

Statement by the Secretary General following the ACTWARN decision

Just a few moments ago, the North Atlantic Council approved the issuing of an ACT WARN for both a limited air option and a phased air campaign in Kosovo.

The ACTWARN will take NATO to an increased level of military preparedness. In particular, the ACTWARN will allow NATO Commanders to identify the assets required for these NATO air operations.

Let me stress that the use of force will require further decisions by the North Atlantic Council. But today's decision is an important political signal of NATO's readiness to use force, if it becomes necessary to do so.

Finally, let me express the strong support of all Allies for firm Resolution that was adopted in New York last night by the UN Security Council. This Resolution makes it clear what President Milosevic must do:

- he must stop his repressive actions against the population;
- he must seek a political solution to the Kosovo crisis based on negotiations, as must the Kosovar Albanians;
- and he must take immediate steps to alleviate the humanitarian situation.
- the Resolution and today's decision by NATO underline the unity of the international community and our resolve to find a solution to the Kosovo crisis.

NATO Information is available on Internet:
<http://www.nato.int>

Further information can be requested by e-mail:
NATODOC@HQ.NATO.INT

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 23, 1998

STATEMENT BY THE PRESIDENT

U.N. Security Council Resolution on Kosovo

Today's U.N. Security Council resolution makes absolutely clear that the international community is determined to see an end to the violence and repression in Kosovo. The resolution places responsibility squarely on President Milosevic to take the concrete steps necessary to prevent a major humanitarian disaster and restore peace in the region.

I am particularly encouraged that the resolution, adopted under Chapter VII of the U.N. Charter, makes clear that the deterioration of the situation in Kosovo constitutes a threat to regional peace and security.

The United States and its allies are moving NATO activities from the planning stage to readiness to act. With more than 250,000 Kosovars displaced from their homes and cold weather coming, Milosevic must act immediately to heed the will of the international community.

#

Summary of UNSYG October 3 Report on Kosovo

- o Reiteration of SYG's utter condemnation of wanton killing and destruction, appalling atrocities in Kosovo, reminiscent of Bosnia.
- o No justification for systematic terror inflicted on civilians these past few days and weeks.
- o All those involved must be brought to justice. Call for thorough investigation.
- o Reiteration that the deterioration in the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region.
- o Fighting continues: Government forces' offensives continued in various parts of Kosovo and intensified following adoption of UNSCR 1199 on Sept. 23. At least 20,000 additional civilians displaced in latest offensives.
- o Fighting continued Sept. 28-29, contrary to statements of Serbian Prime Minister Marjanovic. Some wind-down of military activity in late September, but Government armed presence remains significant, special police operations continue.
- o Civilians are increasingly the main target: Many villages destroyed by shelling and burning following operations by federal and Serbian government forces. Disproportionate use of force. Security forces actions are designed to terrorize, subjugate, and collectively punish the population.
- o Level of destruction points clearly to indiscriminate and disproportionate use of force against civilian populations.
- o Outrage at reports of mass killings of civilians, including as reported in Gornje Obrinje in the central Drenica region on 28 September (where KDOM verified at least 14 bodies, some severely mutilated, mostly children and women from 18 months to 95 years); and the alleged summary execution of some 12 to 23 males in the Golubovac area on 27 September.
- o Effects on the civilian population are not abating: Some returns, but more than 200,000 remain displaced and 80,000 in neighboring countries and other parts of Serbia. Shifting operations by Serb security forces and Yugoslav army keep relief efforts off-balance. 30,000 to 50,000 may have recently returned to their homes, but the total number of internally displaced persons is unchanged.
- o Clear effects in the region: Clear political and economic impact in Albania (20,000 refugees). Montenegro has the same number of displaced persons as during height of the war in BH (45,000). 7,000 asylum-seekers in Bosnia and Herzegovina. 3,000-5,000 visitors in FYROM, directly linked to the conflict.

- 2 -

- o An immediate and fundamental change in the Serbian authorities' approach is fundamental: After six months of hostilities, Government appeals for displaced persons to return are insufficient. The Government of the FRY must assume its full responsibility to guarantee security for returnees and punishing those responsible for abuses and destruction. Call for the removal of an unofficial blockade of Kosovo by the Serbian authorities.
- o Must see expeditious and effective implementation of assurances of speedy resolution of all humanitarian problems in Kosovo in the Conclusions of the National Assembly of the Republic of Serbia adopted on 28 September.
- o Continued restrictions on humanitarian operations: Security operations continue to delay relief convoys. Environment in which aid agencies operate is restrictive. Protracted shelling of targets in close proximity to large groups of displaced, use of intimidation tactics. Reported systematic use of landmines by FRY in border areas with Albania and FYROM. NGO's denied radio clearance, jeopardizing security.
- o Political settlement remains key: October 2 London Contact Group voiced expectation of full and immediate compliance with UNSCR 1199. "Time is running out." No resolution without a negotiated political settlement, deep-rooted effects of Government operations will take much time and effort to address.
- o Confidence-building measures: Must see a radical change of policy and behavior, introduction of confidence-building measures such as withdrawal of police units, declaration of amnesty, and release of prisoners. Any police withdrawal so far appears limited.
- o Imperative that international presence must be strengthened and made more effective: Recommends immediate increase to full strength of KDOM and enhanced numbers of human rights observers.
- o Ultimate need for a comprehensive political solution.

ELEMENTS FOR THE STATEMENT TO THE PRESS OF THE
PRESIDENT OF THE SECURITY COUNCIL
Kosovo Report of the SG pursuant to resolutions 1160 and 1199

- Security Council members met today to discuss the report of the Secretary-General on Kosovo, submitted pursuant to resolutions 1160 and 1199 of the Security Council. Council members expressed their appreciation for the report and for the additional briefing provided today by Assistant Secretary-General de Soto.

Council members noted that military activity had appeared to wind down and withdrawals had taken place in recent days, but also that the Belgrade Government's armed presence in Kosovo remained significant and the operations of the special police had continued after the adoption of resolution 1199. They condemned the tactics of indiscriminate and disproportionate use of force against civilians, as well as terrorist activities.

- Council members reaffirmed their commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.
- Council members supported the Secretary-General's call for a thorough investigation, under international supervision or with international participation, of atrocities committed by all sides to the conflict. They urged the ICTY to extend its investigations to cover these atrocities.
- Council members requested the Secretary-General to consider how he could ensure that the United Nations Secretariat had a first-hand capacity to assess developments on the ground and to continue reporting to the Council on compliance with resolutions 1160 and 1199.
- Council members insisted on the need for an early resumption of negotiations, without preconditions, in pursuit of a comprehensive political settlement of the crisis. They supported the international efforts in this regard and underlined the need for both parties to cooperate with those efforts.
- Council members shared the Secretary-General's assessment of the danger of humanitarian disaster in Kosovo. They underlined the importance of full and unimpeded humanitarian access throughout the affected area and the need to create conditions for the safe return of refugees and displaced persons to their homes. They called for further early improvements in this respect. They also underlined the need for an early response to the appeal by the Secretary-General to the international community to intensify efforts to prevent a humanitarian disaster.
- Council members agreed that there ^{had yet} ~~still had~~ to be full compliance with all the requirements of Security Council resolutions 1160 and 1199 and, in this regard, they made clear their determination to see full and sustained compliance in accordance with their responsibilities under the Charter.

U. S. State Department
S, Room 7246**FAX**Date October 8, 1998Number of pages including cover sheet 17**To:**Greg SchulteNSC

Phone _____

Fax Phone 456-9150

CC: _____

From:James C. O'BrienPhone 202/647-7190Fax Phone 202/647-0753**REMARKS:**☒ Urgent☐ For your review☐ Reply ASAP☐ Please comment

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2

INTRODUCTION

1. All citizens in Kosovo have equal rights and duties as set forth in this Agreement. In Kosovo, members of each national community have additional rights as set forth below.
2. Nothing in this Agreement shall be interpreted as authority for Federal and Republic organs to influence or intervene in the work of the organs of Kosovo. The areas of competence of the respective organs shall be defined in this Agreement.
3. The organs of Kosovo shall follow principles of full respect for human rights, democracy, and national communities.
4. Citizens in Kosovo shall enjoy, without limitation, human and democratic rights and shall be given the opportunity to be represented in all organs of authority.
5. Every person 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. Each side will implement the Agreement in accordance with its procedures, including for the Republic of Serbia and the Federal Republic of Yugoslavia their respective legal systems, and international standards, including the Helsinki Final Act.
7. Kosovo shall retain its current boundaries.

II. RIGHTS AND DUTIES OF CITIZENS IN KOSOVO

1. Persons in Kosovo shall govern themselves democratically through legislative, executive, and judicial organs established in this Agreement. The rights and duties of citizens in Kosovo will include the right to democratic self-government and to participate in free and fair elections.
2. The basic unit of government will be the communes. All responsibilities not expressly assigned elsewhere by this Agreement will be the responsibility of the communes.
3. The Federal authorities will have responsibility in Kosovo for territorial integrity, maintaining a common market within the Federal Republic of Yugoslavia, monetary policy, defense, foreign policy consistent with the Constitution of the Federal Republic of Yugoslavia, customs services, and other functions specified in this Agreement.
4. The organs of Kosvo shall not interfere in the additional rights described in Part III of this Agreement.

III. 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. 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.
3. Each national community shall select through democratic means, in accordance with procedures it shall decide, a National Council to administer the affairs of the community in Kosovo. Each Council will establish its own executive organs and procedures.
4. The national communities shall be subject to Decisions of the Assembly of Kosovo, provided that any decisions concerning national communities must be nondiscriminatory. The Assembly shall decide upon a procedure for resolving disputes between national communities.
5. The additional 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, consistent with decisions about style made by the communal organs.
 - providing information in the language and alphabet of the national community.
 - establishing educational, cultural and religious associations, for which relevant authorities will 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.
- protecting national practices on family law by, if the community decides, arranging rules in the field of heritage, family, and matrimonial relations; tutorship; and adoption.
- the preservation of sites of religious, historical, or cultural importance.
- implementing public health and social services.
- operating religious institutions in cooperation with religious authorities.

(ii) adopt procedures for dispute resolution, as provided in Article V(1)(b) of this Agreement;

(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.

6. 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. GOVERNANCE IN KOSOVO

PART I: GENERAL

1. The organs of Kosovo are the Assembly, the Chairman, the Government, the Administrative Organs, and the Ombudsman.

The Assembly

2. The Assembly.

(a) (i) The Assembly shall comprise [] Members, of which [] Members shall be directly elected in accordance with Article VII(4).

(ii) The remaining [] Members shall be allocated among the national communities with at least []% of the population of Kosovo, each of which shall elect Members democratically according to its own procedure.

(b) The Assembly shall be responsible for enacting all Decisions of Kosovo, including those regulating relations in political, economic, social, and cultural areas consistent with this Agreement. Its areas of responsibility include:

- The adoption of the organic documents of Kosovo consistent with this Agreement;
- The adoption of regulations concerning the organization and procedures of the organs of Kosovo;
- The adoption of budgets and annual accounts of the Organs of the Government;
- Cooperation with Federal and Republic authorities;
- Ensuring freedom of movement;
- Financing activities of the Organs of the Provisional Government, including by levying taxes or other charges;
- Coordination among communes or national communities when necessary, including the enactment of laws or decisions concerning inter-communal issues; and
- Confirmation of the members of the Governing Board and judges of the courts.

(c) Decisions of the Assembly shall be taken by majority of those present and voting, except as provided in paragraph (d).

(d) When a majority of the Members of a national community covered by paragraph (a)(ii) assert that a proposed decision affects the vital interests of their national community, that decision shall require for approval a majority including the 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.

(e) A procedure for resolving disputes over the use of the procedure established in paragraph (d) will be agreed.

(f) A majority of Members shall constitute a quorum.

(g) The Assembly will decide its own rules of procedure and select its officers. Each national community covered by paragraph (a)(ii) shall be represented in the leadership. The Presidency of the Assembly shall rotate each term of office among those national communities in alphabetical order but may not be from the same national community as the Chairman.

The Chairman

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

(a) The Chairman shall be responsible for:

- Chairing meetings of the Government.
- Representing all persons in 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.
- Conducting foreign relations consistent with the Constitution of the Federal Republic of Yugoslavia.
- Signing agreements on behalf of Kosovo after they are approved by the Assembly.

- Serving on the Joint Implementation Commission established in Article VII(9) of this Agreement.
- Meeting regularly with the President of the Federal Republic of Yugoslavia, the President of Montenegro, and the President of Serbia to discuss issues of mutual concern.

Government

4. Executive power shall be exercised by the Government.

(a) The Government shall comprise [] Members, including at least one person from each national community. Members shall be nominated by the Chairman and approved by a majority of those members present and voting in the Assembly.

(b) The Government shall be responsible for implementing and enforcing Decisions of the Assembly and actions of other government authorities, which such action are devolved by those authorities.

(c) Decisions of the Government shall require a majority of Members present and voting. The Government shall otherwise decide its own rules of procedure.

Ombudsman

6. (a) There shall be an Ombudsman of Kosovo, who shall monitor the implementation of this Agreement, particularly with regard to the rights of the national communities.

(b) The selection, term, and termination of the Ombudsman shall be set forth in the Agreement.

(c) The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request. He or she shall have the right to intervene before any Federal or other domestic authority upon his or her request.

PART II: THE COMMUNES

1. Kosovo shall have [] communes, with boundaries determined by .
2. Communes may by mutual agreement form self-administering regions comprising multiple communes. These regions shall have the authorities of communes, unless the agreement establishing them expressly determines otherwise.
3. Each commune shall have a Council and such executive bodies as each Council 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 exclusive responsibility for carrying out typical functions of local and regional government, including:
 - Providing law enforcement, including criminal investigations, prosecution, and punishment.
 - Regulating and, when appropriate, providing child care.
 - Establishing and regulating the work of medical institutions and hospitals. Special arrangements will be made for institutions owned by government entities.
 - Providing and regulating education, consistent with the rights and duties of national communities.
 - Protecting 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, and 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 importance, including fire, emergency response, and police.
- Financing the work of communal organs, 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.

Part III. REPRESENTATION OF KOSOVO IN FEDERAL AND REPUBLIC BODIES.

(a) The participation of Kosovo in Federal institutions shall be discussed, in particular to obtain appropriate representation in Federal organs responsible for developing and implementing defense and economic policies and to take into account developments in Yugoslavia since 1991.

(b) The following is without prejudice to the rights of persons in Kosovo to decide whether to accept the offer and to the review described in section IX(3):

- Kosovo shall be offered 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.
- Each national community in Kosovo shall be offered at least one place in the Federal Government and in the Government of the Republic of Serbia.
- Each national community in Kosovo shall be offered at least one judge on the Federal Court of the Federal Republic and three judges on the Supreme Court of Serbia.

V

RESOLVING CONFLICTS AND MAINTAINING PUBLIC ORDER

(1) Dispute Resolution.

(a) Courts in Kosovo.

The Assembly shall establish courts for Kosovo, with jurisdiction over all legal matters arising under the organic documents of Kosovo, Decisions of the Assembly, and international and other law to be applied in Kosovo.

(b) National Communities.

Each 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 imprisonment of up to one year is prescribed in the currently applicable penal code. These procedures must ensure that practices are consistent with internationally recognized human rights. They shall have jurisdiction only when all parties to a dispute agree.

Decisions of the national community dispute resolution mechanism shall be honored by other courts in Kosovo and the Federal Republic of Yugoslavia in accordance with applicable rules.

(2) Police.

(a) Police at the communal and municipal levels shall be under the supervision of civilian authorities and shall have primary responsibility for maintaining public order and security in Kosovo. A Kosovo administrative agency will have responsibility for all law enforcement matters in Kosovo, in accordance with Annex I to this Agreement. [Annex I to be provided.]

(b) All law enforcement personnel in Kosovo shall be sworn to uphold the law impartially, fairly, and with equal treatment for all persons.

(c) All police operating in Kosovo must be trained to internationally accepted standards for police

operations, in particular with regard to human rights.

(d) All law enforcement bodies operating in Kosovo will be representative of the local population.

(e) 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. These commissions shall have the complete cooperation of both sides and unimpeded access to any person, place, document, and information it requests.

VI. FINANCING

1. The bodies authorized to levy and collect taxes and other charges are set forth in Section II - IV. 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. (a) 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.

(b) The bodies of Kosovo shall have a part of revenue otherwise derived in Kosovo (including duties or fees). The organs of Kosovo shall participate in the collection of customs and other duties within Kosovo according to procedures to be agreed.

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

VII. CONFIDENCE-BUILDING MEASURES

1. The sides will end violence. Alleged violations shall be reported to international observers and will not be used to justify violence in response.
2. In recognition of changes in the security situation since [June 16, 1998], state security forces now will return to their permanent garrisons. International personnel will be invited to accompany security personnel on any patrols in Kosovo outside areas of permanent encampment.
3. Locally-controlled police will be established in Kosovo, starting immediately with selected communities but including the entire territory of Kosovo as soon as practicable. These police will be solely responsible for law enforcement in their communities except when they request assistance. Federal authorities will provide essential equipment for local police. International assistance is requested with regard to training, organization, and equipment.
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. Federal and Republic authorities will provide building materials and assistance through international humanitarian organizations 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 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 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.

8. 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.

9. A joint commission will serve as central coordinating mechanism for monitoring the implementation of these measures. It will be comprised of Federal and Republic representatives, representatives of the national communities in Kosovo, and international representatives (including the KDOM, the Contact Group, and others as agreed). 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.

VIII IMPLEMENTATION PERIOD

1. This Agreement shall be implemented as quickly as possible. The signatories of this Agreement take the obligation to allow, insofar as possible, its adequate implementation even before the adoption and undertaking of all acts and measures fixed in the Agreement.
2. The sides 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 organic document of Kosovo, political acts and measures, and the elections of establishment of institutions and bodies established by this Agreement.
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 [] months, there will be elections for all bodies established by this Agreement. The Government of the FRY hereby invites the Organization for Security and Cooperation in Europe (OSCE) to conduct those elections.
5. Under international supervision, an objective and free census of the population in Kosovo shall be carried out when the international supervisor determines that conditions allow an accurate census.
6. All relevant governmental institutions shall provide the organs of Kosovo with all necessary records about the places of residence, citizenship, voters' lists, and other data.
7. The signatories of this Agreement shall provide active support, cooperation, and participation for the successful implementation of the Agreement.
8. Laws and institutions currently in place in Kosovo shall remain until replaced by a decision of a competent body established by this Agreement. Government owned property, except that relevant to a

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competence set forth in this Agreement, shall be transferred to the organs of the commune in which the property is located.

IX AMENDMENTS

1. Amendments to the Agreement shall be adopted by signature of the parties.
2. Each signatory may propose amendments at any time and will consider and consult with the other with regard to proposed amendments.
3. In three years, the sides 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.

X FINAL PROVISIONS

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

FOR

Federal Republic of
Yugoslavia

Republic of
Serbia

Kosovo

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under resolution 1160 (1998). In this connection I would like to refer to paragraph 5 of my previous report (S/1998/834) and to inform the Council that I have not yet received any suggestions on the establishment of an integrated coordinating mechanism of which UNPREDEP would form a part.

III. SITUATION IN KOSOVO

4. The present report is based on information regarding the situation on the ground from the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the European Union, the North Atlantic Treaty Organization (NATO), the Contact Group and individual Member States. My Special Representative for Children and Armed Conflict, Olara A. Otunnu, and the United Nations High Commissioner for Refugees, Sadako Ogata, visited the region from 10 to 12 September and from 24 to 28 September respectively and reported to me on their findings. As the present report was being finalized, the Secretariat received a factual report from NATO on the military situation in Kosovo following the adoption of resolution 1199 (1998). The information provided therein is reflected in the report. Reports have also been received from the Kosovo Diplomatic Observer Mission. In addition to other information provided (see annex), the Chairman-in-Office of OSCE indicated to me that, despite a number of approaches, the authorities of the Federal Republic of Yugoslavia had not changed their position vis-à-vis the earlier requests of OSCE, including the acceptance of the mission of Felipe González or prospective OSCE missions, including one in Kosovo.

Hostilities

5. During the reporting period, fighting in Kosovo continued unabated. Government security forces conducted offensives in the various parts of Kosovo, including the areas of Licovac, Glogovac and Cicavica. In the week following the adoption, on 23 September 1998, of resolution 1199 (1998), the forces in fact intensified their operations, launching another offensive in the Drenica region and in the Suva Reka-Stimlje-Drosevac triangle. Those operations have reportedly resulted in the displacement of some 20,000 additional people. Smaller operations were conducted by the Serbian security forces in the Prizren area. Fighting continued on 28 and 29 September, contrary to the statement of the Serbian Prime Minister, Mr. Marjanovic, on 28 September, that anti insurgency operations in Kosovo had been completed and that peace reigned in Kosovo.

6. Military activity seemed to wind down in the last days of September. There was evidence of heavily armoured formations returning to their barracks. On 29 September, Federal Minister for Foreign Affairs Zivadin Jovanovic assured me that troops were returning to the places of their permanent location. According to the most recent reports, military forces withdrew from the Drenica and Prizren areas on 1 October and observers indicated a decrease in activities of the security forces. However, the Secretariat is still receiving information that the Government's armed presence remains significant and that the operations of the special police continue.

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7. The desperate situation of the civilian population remains the most disturbing aspect of the hostilities in Kosovo. I am particularly concerned that civilians increasingly have become the main target in the conflict. Fighting in Kosovo has resulted in a mass displacement of civilian populations, the extensive destruction of villages and means of livelihood and the deep trauma and despair of displaced populations. Many villages have been destroyed by shelling and burning following operations conducted by federal and Serbian government forces. There are concerns that the disproportionate use of force and actions of the security forces are designed to terrorize and subjugate the population, a collective punishment to teach them that the price of supporting the Kosovo Albanian paramilitary units is too high and will be even higher in future. The Serbian security forces have demanded the surrender of weapons and have been reported to use terror and violence against civilians to force people to flee their homes or the places where they had sought refuge, under the guise of separating them from fighters of the Kosovo Albanian paramilitary units. The tactics include shelling, detentions and threats to life, and finally short-notice demands to leave or face the consequences. There have been disruptions in electricity and other services, and empty dwellings have been burned and looted, abandoned farm vehicles have been destroyed, and farm animals have been burned in their barns or shot in the fields. For example, international observers witnessed Serb troops looting and burning houses in the Suva Reka area on 27 September.

8. The level of destruction points clearly to an indiscriminate and disproportionate use of force against civilian populations. As of mid-September, an estimated 6,000 to 7,000 buildings in 269 villages had been severely damaged or destroyed by shelling and deliberate burning in the Serb forces' main areas of operations. Information available to me from reliable sources covered only villages - not cities - in western and central Kosovo. If the rate of destruction observed in the first two weeks of September were to continue, an estimated total of 9,000 homes in nearly 300 settlements would be uninhabitable (without significant reconstruction) by early November.

Human rights

9. I am outraged by reports of mass killings of civilians in Kosovo, which recall the atrocities committed in Bosnia and Herzegovina. Following reports concerning the killing of 20 Kosovo Albanian internally displaced persons in Gornje Obrinje in the central Drenica area on 28 September, a Kosovo Diplomatic Observer Mission team witnessed at least 14 bodies, some severely mutilated. Most were children and women at ages ranging from 18 months to 95 years. The Serb authorities denied any involvement of the police force in those atrocities. However, further killings of Kosovo civilians were reported, including the alleged summary execution of some 12 to 23 males (accounts vary) in the Golubovac area on 27 September. The Kosovo Diplomatic Observer Mission conducted a preliminary investigation in the area and observed pools of blood in the dirt, tools presumably used to stab the victims and small-calibre shell casings.

10. While the victims of the conflict are overwhelmingly ethnic Albanians, Kosovo Serbs are suffering as well. There have been a number of reports of the kidnapping and killing of Serbian and Albanian civilians by Kosovo Albanian

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paramilitary units. The village of Zocite, which was once half-Serb and half-Kosovo Albanian, now has only 30 Serbs, and 80 per cent of the houses were burned and destroyed during the period of several months when the village was under the control of Kosovo Albanian paramilitary units. Mass graves of Serbs were discovered in Klacka, Glodjane and Ratis. The Kosovo Diplomatic Observer Mission investigated the latest mass grave in Glodjane. The ambushing of members of the security forces by the Kosovo Albanian paramilitary units has led to reprisals, not only by the Serbian authorities, but also by armed Serb civilians, against the innocent population.

Humanitarian situation

11. The pattern of displacement is fast-changing and unpredictable as people flee in response to the actions and real or perceived threats of the security forces. Even though there have been some returns, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that more than 200,000 persons remain displaced in Kosovo and some 80,000 are in neighbouring countries and other parts of Serbia. Shifting operations by Serb security forces and the Yugoslav army have continued to uproot new groups of Kosovars and to keep relief efforts off-balance. Although reporting indicated that approximately 30,000 to 50,000 internally displaced persons in Kosovo had recently returned to their homes, the total number of internally displaced persons remains unchanged, offset by the most recent government offensives. International monitors have been told that displaced persons are refusing to return home because of their fear of reprisals, and a number of displaced people have been arrested by the security forces upon returning home.

12. In Albania, while the estimated number of refugees is relatively small (some 20,000), the political and economic impact of their presence is clearly felt. The poor infrastructure and rampant lawlessness in some areas magnify the impact of the arrival of refugees. The harsh winter and insecurity in Bajram Curri led to the closure of the UNHCR office there, where only 2,500 refugees remain. The High Commissioner requested a quick decision on the allocation of land and buildings for collective accommodation in more suitable locations. The internal situation in Albania, however, is likely to delay this allocation and the adoption of legislation on refugees.

13. With 45,000 recent arrivals from Kosovo, Montenegro now has about the same number of displaced persons as at the height of the war in 1993 - some 12 per cent of the population. The High Commissioner for Refugees told President Djukanovic that while the reasons for the closure of the border with Kosovo announced on 11 September were understandable, she urged him to reverse the decision. President Djukanovic gave assurances that the decision would be implemented flexibly, with individual situations considered. He also gave assurances that there would be no more forced returns to Kosovo or expulsions to Albania. The High Commissioner pledged additional support for assistance programmes and noted a positive response to the August 1998 inter-agency appeal for the Kosovo crisis.

14. There are some 7,000 Kosovo Albanian asylum-seekers in Bosnia and Herzegovina, and the number continues to rise. The Government has finally adopted an instruction on the treatment of asylum-seekers. Finding satisfactory

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accommodation is now the main problem, given the already very heavy pressure on housing.

15. In the former Yugoslav Republic of Macedonia there are an estimated 3,000 to 5,000 Kosovo Albanians whose presence is directly linked to the conflict. Citizens of the Federal Republic of Yugoslavia do not need an entry visa for a two-month stay, and the Government has just formally agreed to regularize the status of those who have exceeded this period. Some 500 persons have approached UNHCR and its partners for assistance. A large-scale influx is thought unlikely but cannot be excluded.

16. The Government claims that some 100,000 refugees have returned to their homes (independent estimates are some 30,000 to 50,000) and has pledged to facilitate the process of returns. At present, the authorities have opened 12 centres around Kosovo to provide assistance to internally displaced persons. In some of them, ethnic Albanians are employed. An immediate and fundamental change in the Serbian authorities' approach is, however, essential. Without it, indicators of different stages in the underlying cycle of violence and repression - for example, the end of one offensive, fluctuations in the number of those affected, displaced or without shelter or returnees - will have only short-term significance. The current policy and methods used by the authorities predictably cause large-scale and often repeated displacement and a well-founded fear of mistreatment by the security forces upon return. Many internally displaced persons were reportedly prevented from returning to their homes and were forced to move elsewhere. There are a number of reports of detentions and arrests of able-bodied men, some of whom are still unaccounted for. Such an attitude, combined with information about atrocities committed against civilians, has generated fear among many internally displaced persons, preventing them from returning. Thus, the absence of adequate security remains the main obstacle to return.

17. With only a few weeks before the onset of winter, the issue of the return of displaced persons and refugees remains one of the most pressing issues. Some 50,000 internally displaced persons currently lack shelter or any support network, and are ill-prepared for inclement winter weather that may arrive as early as next month. The priority of any humanitarian strategy should be to assist these people. Children and the elderly will almost certainly risk death from exposure if they remain at their current locations - especially the ones at higher elevations - into the winter.

18. While the major focus is on immediate needs, such as the return of internally displaced persons and the provision of urgent assistance to those still living in the open air, it is also necessary to address broader humanitarian issues. As most of the displaced persons in Kosovo are staying with families, assistance has to be provided to a much broader segment of the population. The host families that support most of them are beginning to deplete their personal food stocks. In this regard, an important element, in addition to providing assistance to local host families, is the removal of an unofficial blockade of Kosovo by the Serbian authorities.

19. The Government has appealed to internally displaced persons, encouraging them to return. However, after six months of hostilities, mere declarations

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appear to be insufficient to ensure their return. The Government of the Federal Republic of Yugoslavia must be made to assume its full responsibility of guaranteeing security for returnees as well as punishing those responsible for previous abuses and destruction.

20. I welcome the good intentions contained in the conclusions of the National Assembly of the Republic of Serbia, adopted on 28 September, regarding the speedy resolution of all humanitarian problems in Kosovo, including the reconstruction of damaged houses and the adoption of concrete measures for health care as well as the overall normalization of the economy and supply. The National Assembly also indicated that the Government of Serbia would continue to cooperate fully with the International Committee of the Red Cross (ICRC) and UNHCR with the basic goal of reducing as much as possible humanitarian problems and eliminating them soon through joint and concerted efforts, and would ensure the ability of humanitarian agencies to work unhindered. I am looking forward to seeing these assurances implemented in the most expeditious and effective way.

21. The United Nations High Commissioner for Refugees urged President Milosevic to stop the violence against civilians, the destruction and looting of deserted property and the random detention of able-bodied males. She stressed the importance of confidence-building measures such as amnesty, a reduction in the presence of a highly visible and intimidating security force, an end to the de facto commercial blockade imposed in Kosovo and the restoration of essential services. However, even those measures would have little impact without evidence of a real change of heart and approach.

The humanitarian response

22. There has been a significant increase in operational capacity, and coordination is good on the ground. UNHCR has strengthened both this capacity and its presence in order to discharge its lead agency responsibilities effectively. Coordination with UNHCR non-governmental organization partners, with ICRC and with the Kosovo Diplomatic Observer Mission is of particular importance. UNHCR has a full-time liaison officer with the Mission.

23. Coordination with the provincial and local authorities and with representatives of the Kosovo Albanian community is no less important. The High Commissioner for Refugees underlined to President Milosevic that the beneficiaries must have confidence in the delivery of humanitarian assistance and that a key role had to be played by such agencies as the Mother Theresa Society.

24. Although aid agencies have significantly expanded their operations in Kosovo, total requirements are not being met because of the restrictive environment in which aid agencies operate. The security operations have continued to delay relief convoys travelling to populations in need until they have deemed an area "secure", have carried out protracted shelling of targets in close proximity to large groups of internally displaced persons and have displayed extremely heavy-handed behaviour when dealing with displaced persons. While overall freedom of movement for humanitarian agencies and international observers has improved, it does not apply to internally displaced persons or, in

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certain cases, to journalists. Moreover, continued fighting and security operations in the area have impeded the access of monitors and the delivery of humanitarian aid. There is an urgent need for non-governmental organizations to be given access and for clearance to be granted for humanitarian supplies. To date, non-governmental organizations have been denied radio clearance, thereby jeopardizing the coordination of life-saving operations and personal security.

25. It has been reported that the Federal Republic of Yugoslavia has undertaken the systematic deployment of both anti-personnel and anti-tank landmines in the border areas with Albania and the former Yugoslav Republic of Macedonia. In the areas of fighting within Kosovo itself, however, there have so far been only isolated reports of the use of anti-personnel landmines. However, a Kosovo Diplomatic Observer Mission vehicle recently hit a mine, and on 1 October an ICRC vehicle ran into an anti-tank mine in the same area. Since the laying of landmines could become a trend, the early deployment of a United Nations Mine Action Service team could become necessary. It should be given clearance to assess the situation of landmines in conflict areas. This will be fundamental to the return process and will also help to ensure the safe and free movement of humanitarian personnel and international observers.

Political settlement

26. There is a need to create a favourable climate for the process of negotiating a political settlement of the Kosovo crisis. I welcome in this regard the efforts of the international community to bring about a political solution to the problem and support the efforts of the Contact Group, and in particular Ambassador Christopher Hill, to negotiate a political settlement between the Serb authorities and Kosovo Albanian leaders, of whom Dr. Rugova remains the most prominent figure, although his leadership is contested by the Albanian opposition and Kosovar paramilitary units. Following the discussion of the Kosovo issue at the meeting of the Contact Group in London on 2 October, the Chairman communicated to me his conclusions:

"The Contact Group is united and intends to be united. We expect full and immediate compliance with Security Council resolution 1199. This has not so far been achieved.

"We heard a report on the work of the U.S. facilitator, Ambassador Hill, on the negotiating track. We endorsed a revised paper which will now be put to the parties on behalf of the Contact Group.

"We are united in condemning what is happening on the ground and in support for humanitarian efforts.

"We all concluded that time is running out."

27. I support the Chairman's conclusions and believe that there is no alternative to a direct dialogue in search of a mutually acceptable settlement in the interest of all people of Kosovo and the Federal Republic of Yugoslavia. The consequences of the current repressive approach not only affect the immediate humanitarian situation, they also have a direct and major adverse impact on the prospects for a just and lasting political solution. Even once

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there is a fundamentally new approach by Belgrade, the task of correcting the very deep-rooted damage of the last years, and in particular the last months, will be enormous.

IV. OBSERVATIONS

28. In the last few weeks, the international community has witnessed appalling atrocities in Kosovo, reminiscent of the recent past elsewhere in the Balkans. These have been borne out by reporting by the Kosovo Diplomatic Observer Mission and other reliable sources. I reiterate my utter condemnation of such wanton killing and destruction. It is clear beyond any reasonable doubt that the great majority of such acts have been committed by security forces in Kosovo acting under the authority of the Federal Republic of Yugoslavia. But Kosovar Albanian paramilitary units have engaged in armed action also, and there is good reason to believe that they too have committed atrocities. All those involved in the killing and mistreatment of civilians and in the destruction of property must be brought to justice. There is a need for a thorough investigation, under effective international control or with international participation, of all reported cases of atrocities and violations of human rights.

29. The Security Council has reaffirmed the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. The authorities of the Federal Republic of Yugoslavia have the inherent right, as well as the duty, to maintain public order and security and to respond to violent acts of provocation. However, this can in no way justify the systematic terror inflicted on civilians these past few days and weeks. It is the duty of security forces to give equal protection to all citizens, not to intimidate or murder them. It is equally necessary, as called for by the Security Council, for terrorist action, including the taking of hostages by Kosovar Albanian elements, to cease.

30. If the present state of affairs persists, thousands could die in the winter. In my earlier statements on the situation in Kosovo, I have emphasized this danger repeatedly and appealed to the international community to undertake urgent steps in order to prevent a humanitarian disaster. The possibilities of asylum outside Kosovo are ever more limited, and much of the shelter available clearly is inadequate for winter. Conditions must be created that would allow for the return of a significant number of internally displaced persons. This requires a radical change of policy and behaviour and the introduction of confidence-building measures - such as a withdrawal of police units, a declaration of amnesty and a release of prisoners. The Federal Republic of Yugoslavia authorities assert that such steps have already been taken. According to reports from the field, the withdrawal so far appears limited, and it would seem that the fear that led civilians to flee remains. For all internally displaced persons, the first priority is the restoration of security. The Government must restrain police excesses and give police instructions to respect international human rights conventions. Greater efforts are also required to improve access to prisoners taken by the authorities and to secure the release of, or accounting for, hostages taken by the Kosovar Albanian side.

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31. It is my earnest hope that the negotiations between the Federal Republic of Yugoslavia and the Kosovo Albanian leadership will be resumed without delay and produce early agreements, and that they will result in the restoration of confidence that is needed for a return and resettlement of all those who have fled their homes in fear. Such agreements might also envisage more far-reaching steps, possibly even institutional reforms, to address long-term needs. If there is to be a role for the international community in assisting in the implementation of such agreements, it will require a proper assessment of needs that would take humanitarian as well as rehabilitation and reconstruction requirements fully into account. The necessary operational planning must be conducted, including an appropriate division of labour, and effective implementation and coordination mechanisms. I would like to express my hope that these considerations will be borne in mind by those involved in the negotiations. It would in my view be useful, in this regard, to initiate consultations amongst international actors to prepare to face such a challenge, without necessarily awaiting the agreements. The United Nations is prepared to play an active role in such consultations.

32. I believe that action is urgently required on several fronts. The violence on all sides has to be brought to a halt. Full humanitarian access must be granted. Conditions need to be created that will enable refugees and internally displaced persons to return to their homes with confidence that they will not face harassment or worse. It is imperative that the international presence be strengthened and made more effective. In particular, it would be helpful if, in the immediate term, the Kosovo Diplomatic Observer Mission were brought to its full strength and if the presence of human rights observers were enhanced. Also, it will be essential to ensure the closest possible coordination of international efforts in the political, humanitarian and other fields. A broad range of options could be considered in that regard.

33. In the present report, as in previous ones issued pursuant to Security Council resolution 1160 (1998), I have had to rely largely on information and analysis from sources external to the United Nations. I am grateful for these contributions, which carry conviction and are reflected in the body of the report. But, unlike reports to the Council on missions or operations where the United Nations has a direct political presence on the ground, I do not have the means necessary to provide an independent assessment of compliance, as required by the Security Council in paragraph 15 of resolution 1199 (1998), other than on the humanitarian situation. Therefore, the Council may wish to make its own judgement in this respect on the basis of the present report. As the Council has affirmed in its resolution 1199 (1998), the deterioration in the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region. It is widely recognized in the international community that the humanitarian crisis is a consequence of what is fundamentally a political problem, which requires a comprehensive political solution through a negotiated settlement.

34. While I fully share the sense of indignation and revulsion at what has been happening in Kosovo, the international community must never lose sight of the ultimate need for a comprehensive political solution. Otherwise, we shall be treating only the symptoms of the problem, and not its causes.

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Annex

Information on the situation in Kosovo and measures taken by
the Organization for Security and Cooperation in Europe,
submitted pursuant to paragraphs 13 and 16 of Security
Council resolution 1160 (1998)

General situation

The period since the previous report (S/1998/834/Add.1) has been characterized by a decrease in military operations after the offensive against armed groups of Kosovo Albanians launched by Serb forces in August.

During the second half of August only limited military actions were observed. However, house-to-house searches were carried out and the number of mine accidents increased. In the first week of September the area of Kosovo bordering north-eastern Albania was relatively calm, but continued fighting was observed towards the south, on the outskirts of Djakovica and in villages nearby. During September Yugoslav forces continued to pound villages to stamp out any traces of resistance, the burning of houses continued in the area south of Prizren and military operations commenced in the area of Orahovac with a starting line at Zrze-Orahovac and moving west.

At the end of August, Kosovo Liberation Army (KLA) fighters admitted that because of serious setbacks and lack of success with previous tactics they would resort to "hit and run" operations. Similar views were presented by Adem Demaci, leader of the Parliamentary Party of Kosovo and recently appointed political representative of the Kosovo Liberation Army. In late August, he stated to the media that the group would now adopt classic guerrilla warfare tactics against Yugoslav targets after losing territory during the recent Serbian offensive.

At the beginning of September, the United States Ambassador to the former Yugoslav Republic of Macedonia and Peace Envoy, Christopher Hill, announced that an outline agreement had been reached between the Kosovo Albanians and the Belgrade authorities on the future of Kosovo. The agreement, based on options featured in the document of the Contact Group, envisages a three-year stabilization and normalization period to allow for the re-establishment of democratic institutions. It was also agreed that indirect talks should continue, despite the fact that indirect talks had as yet been fruitless.

Still, there is confusion as to just who the Kosovo Albanians making such an agreement represent. Hitherto, there has been little success in the attempts to persuade the Albanian Democratic Movement (LDS), a party created in late June 1998 and led by Mr. Rexhep Qosja, a former ally of Rugova, to join the negotiations. Moreover, the political representative of KLA, Mr. Demaci, sees any temporary agreement as a capitulation and has pledged to continue the fighting. But the fact that some returnees have handed over their weapons to Serb forces is seen as an indication that segments of the Albanian population are prepared to accept whatever interim political agreement is reached.

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In this respect there are increasing indications of splits among Albanian fighting groups. With sharp divisions within the Kosovo Albanian ranks, the problem of just who represents them will likely continue and the prospects of a ceasefire called by KLA and the Serbian authorities currently appear remote.

Monitoring activities in Kosovo

The Kosovo Diplomatic Observer Mission has continued its activity despite the growing aversion on the part of Serb security forces and KLA. The Mission is composed of several tens of people representing European Union (EU) States, the United States of America, the Russian Federation and Canada. Every week there are about 50 to 60 observation trips and a report on the situation is presented and further accepted in Belgrade by the ambassadors of the Contact Group States (the United Kingdom of Great Britain and Northern Ireland, France, Italy, Germany, Russian Federation and the United States of America) and Austria (EU Presidency) and Poland (Chairmanship of the Organization for Security and Cooperation in Europe (OSCE)).

Regardless of the missions, Kosovo has been regularly visited by employees of embassies accredited to Belgrade. Also, politicians and diplomats on a visit to the Federal Republic of Yugoslavia used to go to Kosovo.

The situation of the civilian population

Fighting has forced more than 200,000 people to flee their homes. The situation is made worse by large-scale destruction of houses, food shortages and the risk of epidemic. The threat of humanitarian catastrophe is becoming ever more real. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), large numbers of displaced persons, as many as 50,000, are today living out in the open in Kosovo. Many others are living in desperate conditions as entire villages have been destroyed, livestock slaughtered and fields burned.

Although great emphasis has been given recently to the return of displaced persons, the return process is hampered by the level of destruction in some villages, and, for those who can return to relatively undamaged areas, the issue of security is paramount. The presence of Serb security forces in many areas continues to create a feeling of insecurity on the part of those wishing to return.

Several cases of large-scale detentions have been reported on different occasions where men of fighting age suspected of being separatist guerrillas were separated from the women, children and elderly by police, backed by armoured vehicles, and taken to places of detention for interrogation.

Analysis of the Kosovo conflict spillover potential

As at 1 September, UNHCR was reporting a total of 14,000 refugees in Albania of which 7,000 remained in the Tropoja district, the rest having left for other parts of the country. Still, reliable statistics are difficult to compile owing to the fluid nature of the situation. According to Albanian sources there are about 7,500 registered refugees in the Bajram Curri area and

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7,500 in central Albania, particularly in the Durrës area. Out of a total of 15,000 persons (6,100 families), about 1,000 live in accommodations provided by the Government and the rest live with ordinary families.

The relative decrease in incoming refugees during the summer in the Tropoja and Has districts was caused by the tightening of the border by Yugoslav forces: the creation of a cordon sanitaire along the border west of Djakovica (Dečane-Ponoševac-Djakovica road and Dečane-Skrivljani-Djakovica road), heavier controls by the Yugoslav authorities on the routes over the mountains and the laying of mines. The need for refugees to find more arduous routes through this area in order to avoid detection resulted in many refugees trying to enter Albania through Montenegro. It was estimated that, by the end of August, approximately 100 to 120 refugees a day were entering the Shkodër-Koplik area through Montenegro. During the first two weeks of September, the number of refugees crossing into Albania increased steadily, indicating an opening of safe corridors through the border.

The readiness of the local population to accommodate a vast majority of the refugees, mainly elderly people, women and children, largely facilitated the immediate handling of the major influx. However, it put further strain on the local Albanian population already living under difficult or even harsh economic and social conditions. Evidence suggests that the absorption capacities are exhausted. This underlines the importance of establishing appropriate shelter facilities, preferably in other parts of Albania, in order to alleviate current and potential needs before the winter.

In this respect, in the first week of September, the Kosovo refugee issue was discussed in the Albanian Parliament, and the respective parliamentary commissions severely criticized the Government for failing to take measures to accommodate the refugees from Kosovo, particularly with winter approaching.

According to the latest figures, the number of refugees in Montenegro (640,000 inhabitants) exceeds 45,000, which have to be added to the 30,000 refugees from Bosnia and Herzegovina and Croatia. The Podgorica authorities have begun the organized transport of about 3,000 refugees from Kosovo to Albania across the unofficial Vrmac border crossing some three kilometres from Plav (south-east of Montenegro).

Numerous incidents between KLA units and the Yugoslav army and Serb police have been reported in the border areas. Many attempts have been recorded of the illegal crossing of the border by armed Albanians. The Federal Republic of Yugoslavia and Albania have accused one another of causing incidents on the border and of shooting in the other State's territory.

Measures taken by the Organization for Security and Cooperation in Europe

On 18 August 1998, in a letter addressed to the Foreign Minister of the Federal Republic of Yugoslavia, Mr. Jovanovic, the OSCE Representative on Freedom of the Media, Mr. Duve, expressed his concerns over lack of access for foreign journalists intending to cover events in Yugoslavia in a number of instances, considered as serious incidents and not consistent with OSCE principles and commitments. On 27 August, Mr. Duve addressed the Permanent

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Council of OSCE, recalling the letters sent to the Yugoslav Foreign Minister and urging the Belgrade authorities to allow unimpeded access to the media to cover the events in the country, especially in Kosovo.

On 3 September 1998, Ambassador Hill addressed the OSCE Permanent Council in Vienna and assessed the current situation in the region, elaborating on the prospects for a negotiated settlement to the crisis in Kosovo. He made it very clear that violence must stop and that there can only be a peaceful solution to the problems of Kosovo, but emphasizing also that the search for political solutions should not be conditioned by the continued violence and that pursuing diplomatic action cannot wait until a ceasefire is called.

On the political negotiations, Ambassador Hill informed the Permanent Council that a new Albanian negotiating team composed of moderate and more radical Albanian participants had reached an agreement based on options featured in the document of the Contact Group. The agreement envisages a three-year stabilization and normalization period to allow for the re-establishment of democratic institutions, and after this period new approaches could be envisaged. He stressed the crucial importance of the international presence in Kosovo during the implementation period and the important role OSCE had to play in the area.

In her address to the Permanent Council on the same day, United States Secretary of State Madeleine Albright elaborated on the same issue, stating that she foresaw a special role for OSCE in a possible negotiated settlement of the Kosovo conflict, especially with regard to elections.

In its continued efforts to monitor the situation on the borders of Albania and the former Yugoslav Republic of Macedonia with the Federal Republic of Yugoslavia, on 10 September the OSCE Permanent Council approved supplementary budgets for the continued enhancement of the OSCE presence in Albania and the OSCE Spillover Monitor Mission to Skopje.

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S/1998/912
3 October 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT
TO RESOLUTIONS 1160 (1998) AND 1199 (1998) OF THE
SECURITY COUNCIL

1. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolutions 1160 (1998) of 31 March 1998 and 1199 (1998) of 23 September 1998. In its resolution 1160 (1998), the Council requested me to keep it regularly informed on the situation in Kosovo and to provide an assessment on whether the Federal Republic of Yugoslavia had complied in a constructive manner with conditions put forward by the Contact Group. In its resolution 1199 (1998), the Council further requested me to provide regular reports to it as necessary on my assessment of compliance with that resolution by the authorities of the Federal Republic of Yugoslavia and all elements in the Kosovo Albanian community, including through my regular reports on compliance with resolution 1160 (1998). The present report covers the period since my previous report, dated 4 September 1998, prepared pursuant to resolution 1160 (1998) (S/1998/834).

II. SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1160 (1998)

2. As at 2 October 1998, a total of 51 States, listed in my earlier reports (S/1998/608, S/1998/712 and S/1998/834), as well as Ireland and the Russian Federation, had reported to the Committee established pursuant to paragraph 9 of Security Council resolution 1160 (1998), in accordance with paragraph 12 of that resolution, on the steps they had taken to give effect to the prohibitions imposed by the same resolution. In a note verbale dated 15 September 1998, the Permanent Mission of Austria to the United Nations, on behalf of the European Union, transmitted to the Chairman of the Committee the second special report from the European Community Monitoring Mission containing its observations pertaining to the Albania/Kosovo border.

3. It will be recalled that on 21 July 1998, the Security Council adopted resolution 1186 (1998), by which it mandated the United Nations Preventive Deployment Force (UNPREDEP) to perform tasks of monitoring the border areas and to report to me on illicit arms flows and other activities that are prohibited

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under resolution 1160 (1998). In this connection I would like to refer to paragraph 5 of my previous report (S/1998/314) and to inform the Council that I have not yet received any suggestions on the establishment of an integrated coordinating mechanism of which UNPREDEP would form a part.

III. SITUATION IN KOSOVO

4. The present report is based on information regarding the situation on the ground from the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the European Union, the North Atlantic Treaty Organization (NATO), the Contact Group and individual Member States. My Special Representative for Children and Armed Conflict, Olara A. Otunnu, and the United Nations High Commissioner for Refugees, Sadako Ogata, visited the region from 10 to 12 September and from 24 to 29 September respectively and reported to me on their findings. As the present report was being finalized, the Secretariat received a factual report from NATO on the military situation in Kosovo following the adoption of resolution 1199 (1998). The information provided therein is reflected in the report. Reports have also been received from the Kosovo Diplomatic Observer Mission. In addition to other information provided (see annex), the Chairman-in-Office of OSCE indicated to me that, despite a number of approaches, the authorities of the Federal Republic of Yugoslavia had not changed their position vis-à-vis the earlier requests of OSCE, including the acceptance of the mission of Felipe González or prospective OSCE missions, including one in Kosovo.

Hostilities

5. During the reporting period, fighting in Kosovo continued unabated. Government security forces conducted offensives in the various parts of Kosovo, including the areas of Licovac, Glogovac and Cacak. In the week following the adoption, on 23 September 1998, of resolution 1199 (1998), the forces in fact intensified their operations, launching another offensive in the Drenica region and in the Suva Reka-Stimlje-Uroševac triangle. Those operations have reportedly resulted in the displacement of some 20,000 additional people. Smaller operations were conducted by the Serbian security forces in the Prizren area. Fighting continued on 28 and 29 September, contrary to the statement of the Serbian Prime Minister, Mr. Marjanovic, on 28 September, that anti insurgency operations in Kosovo had been completed and that peace reigned in Kosovo.

6. Military activity seemed to wind down in the last days of September. There was evidence of heavily armoured formations returning to their barracks. On 29 September, Federal Minister for Foreign Affairs Zivadin Jovanovic assured me that troops were returning to the places of their permanent location. According to the most recent reports, military forces withdrew from the Drenica and Prizren areas on 1 October and observers indicated a decrease in activities of the security forces. However, the Secretariat is still receiving information that the Government's armed presence remains significant and that the operations of the special police continue.

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7. The desperate situation of the civilian population remains the most disturbing aspect of the hostilities in Kosovo. I am particularly concerned that civilians increasingly have become the main target in the conflict. Fighting in Kosovo has resulted in a mass displacement of civilian populations, the extensive destruction of villages and means of livelihood and the deep trauma and despair of displaced populations. Many villages have been destroyed by shelling and burning following operations conducted by federal and Serbian government forces. There are concerns that the disproportionate use of force and actions of the security forces are designed to terrorize and subjugate the population, a collective punishment to teach them that the price of supporting the Kosovo Albanian paramilitary units is too high and will be even higher in future. The Serbian security forces have demanded the surrender of weapons and have been reported to use terror and violence against civilians to force people to flee their homes or the places where they had sought refuge, under the guise of separating them from fighters of the Kosovo Albanian paramilitary units. The tactics include shelling, detentions and threats to life, and finally short-notice demands to leave or face the consequences. There have been disruptions in electricity and other services, and empty dwellings have been burned and looted, abandoned farm vehicles have been destroyed, and farm animals have been burned in their barns or shot in the fields. For example, international observers witnessed Serb troops looting and burning houses in the Suva Reka area on 27 September.

8. The level of destruction points clearly to an indiscriminate and disproportionate use of force against civilian populations. As of mid-September, an estimated 6,000 to 7,000 buildings in 269 villages had been severely damaged or destroyed by shelling and deliberate burning in the Serb forces' main areas of operations. Information available to me from reliable sources covered only villages - not cities - in western and central Kosovo. If the rate of destruction observed in the first two weeks of September were to continue, an estimated total of 9,000 homes in nearly 300 settlements would be uninhabitable (without significant reconstruction) by early November.

Human rights

9. I am outraged by reports of mass killings of civilians in Kosovo, which recall the atrocities committed in Bosnia and Herzegovina. Following reports concerning the killing of 20 Kosovo Albanian internally displaced persons in Gornje Obrinje in the central Drenica area on 28 September, a Kosovo Diplomatic Observer Mission team witnessed at least 14 bodies, some severely mutilated. Most were children and women at ages ranging from 18 months to 95 years. The Serb authorities denied any involvement of the police force in those atrocities. However, further killings of Kosovo civilians were reported, including the alleged summary execution of some 12 to 23 males (accounts vary) in the Golubovac area on 27 September. The Kosovo Diplomatic Observer Mission conducted a preliminary investigation in the area and observed pools of blood in the dirt, tools presumably used to stab the victims and small-calibre shell casings.

10. While the victims of the conflict are overwhelmingly ethnic Albanians, Kosovo Serbs are suffering as well. There have been a number of reports of the kidnapping and killing of Serbian and Albanian civilians by Kosovo Albanian

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paramilitary units. The village of Zocite, which was once half-Serb and half-Kosovo Albanian, now has only 30 Serbs, and 80 per cent of the houses were burned and destroyed during the period of several months when the village was under the control of Kosovo Albanian paramilitary units. Mass graves of Serbs were discovered in Klacka, Glodjane and Ratis. The Kosovo Diplomatic Observer Mission investigated the latest mass grave in Glodjane. The ambushing of members of the security forces by the Kosovo Albanian paramilitary units has led to reprisals, not only by the Serbian authorities, but also by armed Serb civilians, against the innocent population.

Humanitarian situation

11. The pattern of displacement is fast-changing and unpredictable as people flee in response to the actions and real or perceived threats of the security forces. Even though there have been some returns, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that more than 200,000 persons remain displaced in Kosovo and some 80,000 are in neighbouring countries and other parts of Serbia. Shifting operations by Serb security forces and the Yugoslav army have continued to uproot new groups of Kosovars and to keep relief efforts off-balance. Although reporting indicated that approximately 30,000 to 50,000 internally displaced persons in Kosovo had recently returned to their homes, the total number of internally displaced persons remains unchanged, offset by the most recent government offensives. International monitors have been told that displaced persons are refusing to return home because of their fear of reprisals, and a number of displaced people have been arrested by the security forces upon returning home.

12. In Albania, while the estimated number of refugees is relatively small (some 20,000), the political and economic impact of their presence is clearly felt. The poor infrastructure and rampant lawlessness in some areas magnify the impact of the arrival of refugees. The harsh winter and insecurity in Bajram Curri led to the closure of the UNHCR office there, where only 2,500 refugees remain. The High Commissioner requested a quick decision on the allocation of land and buildings for collective accommodation in more suitable locations. The internal situation in Albania, however, is likely to delay this allocation and the adoption of legislation on refugees.

13. With 45,000 recent arrivals from Kosovo, Montenegro now has about the same number of displaced persons as at the height of the war in 1991 - some 12 per cent of the population. The High Commissioner for Refugees told President Djukanovic that while the reasons for the closure of the border with Kosovo announced on 11 September were understandable, she urged him to reverse the decision. President Djukanovic gave assurances that the decision would be implemented flexibly, with individual situations considered. He also gave assurances that there would be no more forced returns to Kosovo or expulsions to Albania. The High Commissioner pledged additional support for assistance programmes and noted a positive response to the August 1998 inter-agency appeal for the Kosovo crisis.

14. There are some 7,000 Kosovo Albanian asylum-seekers in Bosnia and Herzegovina, and the number continues to rise. The Government has finally adopted an instruction on the treatment of asylum-seekers. Finding satisfactory

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accommodation is now the main problem, given the already very heavy pressure on housing.

15. In the former Yugoslav Republic of Macedonia there are an estimated 3,000 to 5,000 Kosovo Albanians whose presence is directly linked to the conflict. Citizens of the Federal Republic of Yugoslavia do not need an entry visa for a two-month stay, and the Government has just formally agreed to regularize the status of those who have exceeded this period. Some 500 persons have approached UNHCR and its partners for assistance. A large-scale influx is thought unlikely but cannot be excluded.

16. The Government claims that some 100,000 refugees have returned to their homes (independent estimates are some 30,000 to 50,000) and has pledged to facilitate the process of returns. At present, the authorities have opened 12 centres around Kosovo to provide assistance to internally displaced persons. In some of them, ethnic Albanians are employed. An immediate and fundamental change in the Serbian authorities' approach is, however, essential. Without it, indicators of different stages in the underlying cycle of violence and repression - for example, the end of one offensive, fluctuations in the number of those affected, displaced or without shelter or returnees - will have only short-term significance. The current policy and methods used by the authorities predictably cause large-scale and often repeated displacement and a well-founded fear of mistreatment by the security forces upon return. Many internally displaced persons were reportedly prevented from returning to their homes and were forced to move elsewhere. There are a number of reports of detentions and arrests of able-bodied men, some of whom are still unaccounted for. Such an attitude, combined with information about atrocities committed against civilians, has generated fear among many internally displaced persons, preventing them from returning. Thus, the absence of adequate security remains the main obstacle to return.

17. With only a few weeks before the onset of winter, the issue of the return of displaced persons and refugees remains one of the most pressing issues. Some 50,000 internally displaced persons currently lack shelter or any support network, and are ill-prepared for inclement winter weather that may arrive as early as next month. The priority of any humanitarian strategy should be to assist these people. Children and the elderly will almost certainly risk death from exposure if they remain at their current locations - especially the ones at higher elevations - into the winter.

18. While the major focus is on immediate needs, such as the return of internally displaced persons and the provision of urgent assistance to those still living in the open air, it is also necessary to address broader humanitarian issues. As most of the displaced persons in Kosovo are staying with families, assistance has to be provided to a much broader segment of the population. The host families that support most of them are beginning to deplete their personal food stocks. In this regard, an important element, in addition to providing assistance to local host families, is the removal of an unofficial blockade of Kosovo by the Serbian authorities.

19. The Government has appealed to internally displaced persons, encouraging them to return. However, after six months of hostilities, mere declarations

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appear to be insufficient to ensure their return. The Government of the Federal Republic of Yugoslavia must be made to assume its full responsibility of guaranteeing security for returnees as well as punishing those responsible for previous abuses and destruction.

20. I welcome the good intentions contained in the conclusions of the National Assembly of the Republic of Serbia, adopted on 28 September, regarding the speedy resolution of all humanitarian problems in Kosovo, including the reconstruction of damaged houses and the adoption of concrete measures for health care as well as the overall normalization of the economy and supply. The National Assembly also indicated that the Government of Serbia would continue to cooperate fully with the International Committee of the Red Cross (ICRC) and UNHCR with the basic goal of reducing as much as possible humanitarian problems and eliminating them soon through joint and concerted efforts, and would ensure the ability of humanitarian agencies to work unhindered. I am looking forward to seeing these assurances implemented in the most expeditious and effective way.

21. The United Nations High Commissioner for Refugees urged President Milosevic to stop the violence against civilians, the destruction and looting of deserted property and the random detention of able-bodied males. She stressed the importance of confidence-building measures such as amnesty, a reduction in the presence of a highly visible and intimidating security force, an end to the de facto commercial blockade imposed in Kosovo and the restoration of essential services. However, even those measures would have little impact without evidence of a real change of heart and approach.

The humanitarian response

22. There has been a significant increase in operational capacity, and coordination is good on the ground. UNHCR has strengthened both this capacity and its presence in order to discharge its lead agency responsibilities effectively. Coordination with UNHCR non-governmental organization partners, with ICRC and with the Kosovo Diplomatic Observer Mission is of particular importance. UNHCR has a full-time liaison officer with the Mission.

23. Coordination with the provincial and local authorities and with representatives of the Kosovo Albanian community is no less important. The High Commissioner for Refugees underlined to President Milosevic that the beneficiaries must have confidence in the delivery of humanitarian assistance and that a key role had to be played by such agencies as the Mother Theresa Society.

24. Although aid agencies have significantly expanded their operations in Kosovo, total requirements are not being met because of the restrictive environment in which aid agencies operate. The security operations have continued to delay relief convoys travelling to populations in need until they have deemed an area "secure", have carried out protracted shelling of targets in close proximity to large groups of internally displaced persons and have displayed extremely heavy-handed behaviour when dealing with displaced persons. While overall freedom of movement for humanitarian agencies and international observers has improved, it does not apply to internally displaced persons or, in

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certain cases, to journalists. Moreover, continued fighting and security operations in the area have impeded the access of monitors and the delivery of humanitarian aid. There is an urgent need for non-governmental organizations to be given access and for clearance to be granted for humanitarian supplies. To date, non-governmental organizations have been denied radio clearance, thereby jeopardizing the coordination of life-saving operations and personal security.

25. It has been reported that the Federal Republic of Yugoslavia has undertaken the systematic deployment of both anti-personnel and anti-tank landmines in the border areas with Albania and the former Yugoslav Republic of Macedonia. In the areas of fighting within Kosovo itself, however, there have so far been only isolated reports of the use of anti-personnel landmines. However, a Kosovo Diplomatic Observer Mission vehicle recently hit a mine, and on 1 October an ICRC vehicle ran into an anti-tank mine in the same area. Since the laying of landmines could become a trend, the early deployment of a United Nations Mine Action Service team could become necessary. It should be given clearance to assess the situation of landmines in conflict areas. This will be fundamental to the return process and will also help to ensure the safe and free movement of humanitarian personnel and international observers.

Political settlement

26. There is a need to create a favourable climate for the process of negotiating a political settlement of the Kosovo crisis. I welcome in this regard the efforts of the international community to bring about a political solution to the problem and support the efforts of the Contact Group, and in particular Ambassador Christopher Hill, to negotiate a political settlement between the Serb authorities and Kosovo Albanian leaders, of whom Dr. Rugova remains the most prominent figure, although his leadership is contested by the Albanian opposition and Kosovar paramilitary units. Following the discussion of the Kosovo issue at the meeting of the Contact Group in London on 2 October, the Chairman communicated to me his conclusions:

"The Contact Group is united and intends to be united. We expect full and immediate compliance with Security Council resolution 1199. This has not so far been achieved.

"We heard a report on the work of the U.S. facilitator, Ambassador Hill, on the negotiating track. We endorsed a revised paper which will now be put to the parties on behalf of the Contact Group.

"We are united in condemning what is happening on the ground and in support for humanitarian efforts.

"We all concluded that time is running out."

27. I support the Chairman's conclusions and believe that there is no alternative to a direct dialogue in search of a mutually acceptable settlement in the interest of all people of Kosovo and the Federal Republic of Yugoslavia. The consequences of the current repressive approach not only affect the immediate humanitarian situation, they also have a direct and major adverse impact on the prospects for a just and lasting political solution. Even once

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there is a fundamentally new approach by Belgrade, the task of correcting the very deep-rooted damage of the last years, and in particular the last months, will be enormous.

IV. OBSERVATIONS

28. In the last few weeks, the international community has witnessed appalling atrocities in Kosovo, reminiscent of the recent past elsewhere in the Balkans. These have been borne out by reporting by the Kosovo Diplomatic Observer Mission and other reliable sources. I reiterate my utter condemnation of such wanton killing and destruction. It is clear beyond any reasonable doubt that the great majority of such acts have been committed by security forces in Kosovo acting under the authority of the Federal Republic of Yugoslavia. But Kosovar Albanian paramilitary units have engaged in armed action also, and there is good reason to believe that they too have committed atrocities. All those involved in the killing and mistreatment of civilians and in the destruction of property must be brought to justice. There is a need for a thorough investigation, under effective international control or with international participation, of all reported cases of atrocities and violations of human rights.

29. The Security Council has reaffirmed the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. The authorities of the Federal Republic of Yugoslavia have the inherent right, as well as the duty, to maintain public order and security and to respond to violent acts of provocation. However, this can in no way justify the systematic terror inflicted on civilians these past few days and weeks. It is the duty of security forces to give equal protection to all citizens, not to intimidate or murder them. It is equally necessary, as called for by the Security Council, for terrorist action, including the taking of hostages by Kosovar Albanian elements, to cease.

30. If the present state of affairs persists, thousands could die in the winter. In my earlier statements on the situation in Kosovo, I have emphasized this danger repeatedly and appealed to the international community to undertake urgent steps in order to prevent a humanitarian disaster. The possibilities of asylum outside Kosovo are ever more limited, and much of the shelter available clearly is inadequate for winter. Conditions must be created that would allow for the return of a significant number of internally displaced persons. This requires a radical change of policy and behaviour and the introduction of confidence-building measures - such as a withdrawal of police units, a declaration of amnesty and a release of prisoners. The Federal Republic of Yugoslavia authorities assert that such steps have already been taken. According to reports from the field, the withdrawal so far appears limited, and it would seem that the fear that led civilians to flee remains. For all internally displaced persons, the first priority is the restoration of security. The Government must restrain police excesses and give police instructions to respect international human rights conventions. Greater efforts are also required to improve access to prisoners taken by the authorities and to secure the release of, or accounting for, hostages taken by the Kosovar Albanian side.

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31. It is my earnest hope that the negotiations between the Federal Republic of Yugoslavia and the Kosovo Albanian leadership will be resumed without delay and produce early agreements, and that they will result in the restoration of confidence that is needed for a return and resettlement of all those who have fled their homes in fear. Such agreements might also envisage more far-reaching steps, possibly even institutional reforms, to address long-term needs. If there is to be a role for the international community in assisting in the implementation of such agreements, it will require a proper assessment of needs that would take humanitarian as well as rehabilitation and reconstruction requirements fully into account. The necessary operational planning must be conducted, including an appropriate division of labour, and effective implementation and coordination mechanisms. I would like to express my hope that these considerations will be borne in mind by those involved in the negotiations. It would in my view be useful, in this regard, to initiate consultations amongst international actors to prepare to face such a challenge, without necessarily awaiting the agreements. The United Nations is prepared to play an active role in such consultations.

32. I believe that action is urgently required on several fronts. The violence on all sides has to be brought to a halt. Full humanitarian access must be granted. Conditions need to be created that will enable refugees and internally displaced persons to return to their homes with confidence that they will not face harassment or worse. It is imperative that the international presence be strengthened and made more effective. In particular, it would be helpful if, in the immediate term, the Kosovo Diplomatic Observer Mission were brought to its full strength and if the presence of human rights observers were enhanced. Also, it will be essential to ensure the closest possible coordination of international efforts in the political, humanitarian and other fields. A broad range of options could be considered in that regard.

33. In the present report, as in previous ones issued pursuant to Security Council resolution 1160 (1998), I have had to rely largely on information and analysis from sources external to the United Nations. I am grateful for these contributions, which carry conviction and are reflected in the body of the report. But, unlike reports to the Council on missions or operations where the United Nations has a direct political presence on the ground, I do not have the means necessary to provide an independent assessment of compliance, as required by the Security Council in paragraph 15 of resolution 1199 (1998), other than on the humanitarian situation. Therefore, the Council may wish to make its own judgement in this respect on the basis of the present report. As the Council has affirmed in its resolution 1199 (1998), the deterioration in the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region. It is widely recognized in the international community that the humanitarian crisis is a consequence of what is fundamentally a political problem, which requires a comprehensive political solution through a negotiated settlement.

34. While I fully share the sense of indignation and revulsion at what has been happening in Kosovo, the international community must never lose sight of the ultimate need for a comprehensive political solution. Otherwise, we shall be treating only the symptoms of the problem, and not its causes.

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Annex

Information on the situation in Kosovo and measures taken by
the Organization for Security and Cooperation in Europe,
submitted pursuant to paragraphs 11 and 16 of Security
Council resolution 1160 (1998)

General situation

The period since the previous report (S/1998/834/Add.1) has been characterized by a decrease in military operations after the offensive against armed groups of Kosovo Albanians launched by Serb forces in August.

During the second half of August only limited military actions were observed. However, house-to-house searches were carried out and the number of mine accidents increased. In the first week of September the area of Kosovo bordering north-eastern Albania was relatively calm, but continued fighting was observed towards the south, on the outskirts of Djakovica and in villages nearby. During September Yugoslav forces continued to pound villages to stamp out any traces of resistance, the burning of houses continued in the area south of Prizren and military operations commenced in the area of Orahovac with a starting line at Zrze-Orahovac and moving west.

At the end of August, Kosovo Liberation Army (KLA) fighters admitted that because of serious setbacks and lack of success with previous tactics they would resort to 'hit and run' operations. Similar views were presented by Adem Demaci, leader of the Parliamentary Party of Kosovo and recently appointed political representative of the Kosovo Liberation Army. In late August, he stated to the media that the group would now adopt classic guerrilla warfare tactics against Yugoslav targets after losing territory during the recent Serbian offensive.

At the beginning of September, the United States Ambassador to the former Yugoslav Republic of Macedonia and Peace Envoy, Christopher Hill, announced that an outline agreement had been reached between the Kosovo Albanians and the Belgrade authorities on the future of Kosovo. The agreement, based on options featured in the document of the Contact Group, envisages a three-year stabilization and normalization period to allow for the re-establishment of democratic institutions. It was also agreed that indirect talks should continue, despite the fact that indirect talks had as yet been fruitless.

Still, there is confusion as to just who the Kosovo Albanians making such an agreement represent. Hitherto, there has been little success in the attempts to persuade the Albanian Democratic Movement (LDS), a party created in late June 1998 and led by Mr. Rexhep Qosja, a former ally of Rugova, to join the negotiations. Moreover, the political representative of KLA, Mr. Demaci, sees any temporary agreement as a capitulation and has pledged to continue the fighting. But the fact that some returnees have handed over their weapons to Serb forces is seen as an indication that segments of the Albanian population are prepared to accept whatever interim political agreement is reached.

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In this respect there are increasing indications of splits among Albanian fighting groups. With sharp divisions within the Kosovo Albanian ranks, the problem of just who represents them will likely continue and the prospects of a ceasefire called by KLA and the Serbian authorities currently appear remote.

Monitoring activities in Kosovo

The Kosovo Diplomatic Observer Mission has continued its activity despite the growing aversion on the part of Serb security forces and KLA. The Mission is composed of several tens of people representing European Union (EU) States, the United States of America, the Russian Federation and Canada. Every week there are about 50 to 60 observation trips and a report on the situation is presented and further accepted in Belgrade by the ambassadors of the Contact Group States (the United Kingdom of Great Britain and Northern Ireland, France, Italy, Germany, Russian Federation and the United States of America) and Austria (EU Presidency) and Poland (Chairmanship of the Organization for Security and Cooperation in Europe (OSCE)).

Regardless of the missions, Kosovo has been regularly visited by employees of embassies accredited to Belgrade. Also, politicians and diplomats on a visit to the Federal Republic of Yugoslavia used to go to Kosovo.

The situation of the civilian population

Fighting has forced more than 200,000 people to flee their homes. The situation is made worse by large-scale destruction of houses, food shortages and the risk of epidemic. The threat of humanitarian catastrophe is becoming ever more real. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), large numbers of displaced persons, as many as 50,000, are today living out in the open in Kosovo. Many others are living in desperate conditions as entire villages have been destroyed, livestock slaughtered and fields burned.

Although great emphasis has been given recently to the return of displaced persons, the return process is hampered by the level of destruction in some villages, and, for those who can return to relatively undamaged areas, the issue of security is paramount. The presence of Serb security forces in many areas continues to create a feeling of insecurity on the part of those wishing to return.

Several cases of large-scale detentions have been reported on different occasions where men of fighting age suspected of being separatist guerrillas were separated from the women, children and elderly by police, backed by armoured vehicles, and taken to places of detention for interrogation.

Analysis of the Kosovo conflict spillover potential

As at 1 September, UNHCR was reporting a total of 14,000 refugees in Albania of which 7,000 remained in the Tropoja district, the rest having left for other parts of the country. Still, reliable statistics are difficult to compile owing to the fluid nature of the situation. According to Albanian sources there are about 7,500 registered refugees in the Hajram Curri area and

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7,500 in central Albania, particularly in the Durrës area. Out of a total of 15,000 persons (5,100 families), about 1,000 live in accommodations provided by the Government and the rest live with ordinary families.

The relative decrease in incoming refugees during the summer in the Tropoja and Has districts was caused by the tightening of the border by Yugoslav forces: the creation of a cordon sanitaire along the border west of Djakovica (Dečane-Ponoševac-Djakovica road and Dečane-Skrivljani-Djakovica road), heavier controls by the Yugoslav authorities on the routes over the mountains and the laying of mines. The need for refugees to find more arduous routes through this area in order to avoid detection resulted in many refugees trying to enter Albania through Montenegro. It was estimated that, by the end of August, approximately 100 to 120 refugees a day were entering the Shkodër-Koplik area through Montenegro. During the first two weeks of September, the number of refugees crossing into Albania increased steadily, indicating an opening of safe corridors through the border.

The readiness of the local population to accommodate a vast majority of the refugees, mainly elderly people, women and children, largely facilitated the immediate handling of the major influx. However, it put further strain on the local Albanian population already living under difficult or even harsh economic and social conditions. Evidence suggests that the absorption capacities are exhausted. This underlines the importance of establishing appropriate shelter facilities, preferably in other parts of Albania, in order to alleviate current and potential needs before the winter.

In this respect, in the first week of September, the Kosovo refugee issue was discussed in the Albanian Parliament, and the respective parliamentary commissions severely criticized the Government for failing to take measures to accommodate the refugees from Kosovo, particularly with winter approaching.

According to the latest figures, the number of refugees in Montenegro (640,000 inhabitants) exceeds 45,000, which have to be added to the 30,000 refugees from Bosnia and Herzegovina and Croatia. The Podgorica authorities have begun the organized transport of about 3,000 refugees from Kosovo to Albania across the unofficial Vrmos border crossing some three kilometres from Plav (south-east of Montenegro).

Numerous incidents between KLA units and the Yugoslav army and Serb police have been reported in the border areas. Many attempts have been recorded of the illegal crossing of the border by armed Albanians. The Federal Republic of Yugoslavia and Albania have accused one another of causing incidents on the border and of shooting in the other State's territory.

Measures taken by the Organization for Security and Cooperation in Europe

On 18 August 1998, in a letter addressed to the Foreign Minister of the Federal Republic of Yugoslavia, Mr. Jovanovic, the OSCE Representative on Freedom of the Media, Mr. Duve, expressed his concerns over lack of access for foreign journalists intending to cover events in Yugoslavia in a number of instances, considered as serious incidents and not consistent with OSCE principles and commitments. On 27 August, Mr. Duve addressed the Permanent

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Council of OSCE, recalling the letters sent to the Yugoslav Foreign Minister and urging the Belgrade authorities to allow unimpeded access to the media to cover the events in the country, especially in Kosovo.

On 3 September 1998, Ambassador Hill addressed the OSCE Permanent Council in Vienna and assessed the current situation in the region, elaborating on the prospects for a negotiated settlement to the crisis in Kosovo. He made it very clear that violence must stop and that there can only be a peaceful solution to the problems of Kosovo, but emphasizing also that the search for political solutions should not be conditioned by the continued violence and that pursuing diplomatic action cannot wait until a ceasefire is called.

On the political negotiations, Ambassador Hill informed the Permanent Council that a new Albanian negotiating team composed of moderate and more radical Albanian participants had reached an agreement based on options featured in the document of the Contact Group. The agreement envisages a three-year stabilization and normalization period to allow for the re-establishment of democratic institutions, and after this period new approaches could be envisaged. He stressed the crucial importance of the international presence in Kosovo during the implementation period and the important role OSCE had to play in the area.

In her address to the Permanent Council on the same day, United States Secretary of State Madeleine Albright elaborated on the same issue, stating that she foresaw a special role for OSCE in a possible negotiated settlement of the Kosovo conflict, especially with regard to elections.

In its continued efforts to monitor the situation on the borders of Albania and the former Yugoslav Republic of Macedonia with the Federal Republic of Yugoslavia, on 10 September the OSCE Permanent Council approved supplementary budgets for the continued enhancement of the OSCE presence in Albania and the OSCE Spillover Monitor Mission to Skopje.
