

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1360

To establish United States policy conditioning the lifting of sanctions against Serbia and Montenegro upon improvements in Kosova, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1995

Mr. GILMAN (for himself, Mr. ENGEL, Ms. MOLINARI, Mr. ROHRABACHER, Mr. KING, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To establish United States policy conditioning the lifting of sanctions against Serbia and Montenegro upon improvements in Kosova, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kosova Peace, Democ-  
5 racy, and Human Rights Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Constitution of the Socialist Federal  
9 Republic of Yugoslavia, adopted in 1946, and the

1 amended Constitution of Yugoslavia, adopted in  
2 1974, described the status of Kosova as one of the  
3 eight constituent territorial units of the Yugoslav  
4 Federation.

5 (2) The political rights of the Albanian majority  
6 in Kosova were curtailed when the Government of  
7 Yugoslavia illegally amended the Constitution of  
8 Yugoslavia without the consent of the people of  
9 Kosova on March 23, 1989, revoking the autono-  
10 mous status of Kosova.

11 (3) In 1990, the Parliament and Government of  
12 Kosova were abolished by further unlawful amend-  
13 ments to the Constitution of Yugoslavia.

14 (4) In September 1990, a referendum on the  
15 question of independence for Kosova was held in  
16 which 87 percent of those eligible to participate  
17 voted and 99 percent of those voting supported inde-  
18 pendence for Kosova.

19 (5) In May 1992, a Kosovar national par-  
20 liament was elected and Dr. Ibrahim Rugova was  
21 overwhelmingly elected President of the Republic of  
22 Kosova.

23 (6) The Parliament and Government of Kosova  
24 were not permitted to assemble in Kosova.

1           (7) Credible reports of Serbian “ethnic cleans-  
2           ing” in Kosova have been received by the United  
3           Nations Special Rapporteur on Human Rights, and  
4           in January 1995, Serbia announced a new policy to  
5           colonize Albanian land in Kosova.

6           (8) Over 100,000 ethnic Albanians in govern-  
7           ment, police, the judiciary, enterprises, media, edu-  
8           cational institutions, and hospitals of Kosova have  
9           been removed from their jobs and replaced by Ser-  
10          bians.

11          (9) The government in Belgrade has severely  
12          restricted the access of ethnic Albanians in Kosova  
13          to all levels of education, especially education in the  
14          Albanian language, solely on the basis of their eth-  
15          nicity.

16          (10) Reports of arrests and brutal beatings by  
17          the mostly Serbian police, sometimes leading to the  
18          death of ethnic Albanians in Kosova for expressing  
19          views in opposition to Serbian authorities, are re-  
20          ceived almost daily.

21          (11) Observers of the Organization on Security  
22          and Cooperation in Europe dispatched to Kosova in  
23          1991 were expelled by the government in Belgrade  
24          in July 1993.

1           (12) The Government of Serbia has ignored  
2           United Nations Security Council Resolution 855 of  
3           August 1993, which calls upon Belgrade to allow the  
4           continuation of the mission of the Organization on  
5           Security and Cooperation in Europe and to guaran-  
6           tee the safety of and unimpeded access for monitors  
7           of the Organization on Security and Cooperation in  
8           Europe.

9           (13) Following the departure of such observers,  
10          several international human rights organizations, in-  
11          cluding Amnesty International, Human Rights  
12          Watch-Helsinki, and the Helsinki Federation for  
13          Human Rights have documented an increase in hu-  
14          manitarian abuses in Kosova.

15          (14) Congress provided for the opening of a  
16          United States Information Agency cultural center in  
17          Prishtina, Kosova, in section 223 of the Foreign Re-  
18          lations Authorization Act, Fiscal Years 1992 and  
19          1993, but the Department of State has asserted that  
20          security conditions have prevented the establishment  
21          of such center.

22          (15) The President has explicitly warned the  
23          Government of Serbia that the United States is pre-  
24          pared to respond in the event of escalated conflict in  
25          Kosova caused by Serbia.

1           (16) On January 4, 1994, President Clinton  
2           stated, “there are a large number of issues, includ-  
3           ing Kosova, that I believe must be addressed before  
4           Belgrade should be freed of United Nations sanc-  
5           tions and able to return to the international commu-  
6           nity. . . . As before, our decision of whether to sup-  
7           port suspension of any sanctions will be made in  
8           close consultation with Congress.”.

9           (17) On February 15, 1994, President Clinton  
10          announced, without prior consultation with the Con-  
11          gress, a set of conditions, not including improve-  
12          ments in Kosova, which, if met by Serbia and  
13          Montenegro, would result in the lifting of inter-  
14          national sanctions against Serbia and Montenegro.

15 **SEC. 3. POLICY.**

16          It is the policy of the United States that—

17               (1) the situation in Kosova must be resolved be-  
18               fore Belgrade is freed of international sanctions and  
19               is able to return to the international community;

20               (2) the right of the people of Kosova to govern  
21               themselves and to establish a separate identity for  
22               Kosova must not be denied;

23               (3) international observers should be returned  
24               to Kosova;

1           (4) the elected Government of Kosova should be  
2 permitted to meet and exercise its legitimate man-  
3 date as elected representatives of the people of  
4 Kosova;

5           (5) all individuals whose employment was termi-  
6 nated on the basis of their ethnicity should be rein-  
7 stated to their previous positions; and

8           (6) the education system in Kosova should be  
9 reopened to all residents of Kosova regardless of eth-  
10 nicity and the majority ethnic Albanian population  
11 should be allowed to educate its youth in its native  
12 tongue.

13 **SEC. 4. RESTRICTIONS ON THE TERMINATION OF SANC-**  
14 **TIONS AGAINST SERBIA AND MONTENEGRO**  
15 **UNTIL CERTAIN CONDITIONS ARE MET.**

16           (a) RESTRICTIONS.—Notwithstanding any other pro-  
17 vision of law, no sanction, prohibition, or requirement de-  
18 scribed in section 1511 of the National Defense Authoriza-  
19 tion Act for Fiscal Year 1994 (Public Law 103–160), with  
20 respect to Serbia or Montenegro, may cease to be effective,  
21 unless—

22           (1) the President first submits to the Congress  
23 a certification described in subsection (b); and

24           (2) the requirements of section 1511 of that  
25 Act are met.

1 (b) CERTIFICATION.—A certification described in this  
2 subsection is a certification that—

3 (1) there is substantial progress toward—

4 (A) the realization of a separate identity  
5 for Kosova and the right of the people of  
6 Kosova to govern themselves; or

7 (B) the creation of an international protec-  
8 torate for Kosova;

9 (2) there is substantial improvement in the  
10 human rights situation in Kosova;

11 (3) international human rights observers are al-  
12 lowed to return to Kosova; and

13 (4) the elected government of Kosova is per-  
14 mitted to meet and carry out its legitimate mandate  
15 as elected representatives of the people of Kosova.

16 **SEC. 5. REPORTING REQUIREMENT.**

17 Not later than 60 days after the date of the enact-  
18 ment of this Act, the President shall prepare and transmit  
19 to the Congress a report on—

20 (1) the situation in Kosova, including the man-  
21 ner in which the policies of Serbia have affected the  
22 economic, social, and cultural rights of the majority  
23 in Kosova;

24 (2) measures to provide humanitarian assist-  
25 ance to the population of Kosova and to Kosovar

1 refugees who have fled Kosova, including the impact  
2 of United States sanctions against Serbia and  
3 Montenegro upon the delivery of humanitarian as-  
4 sistance to Kosova;

5 (3) recommendations (taking into account the  
6 views of other United Nations Security Council  
7 members and the European Union) on what modali-  
8 ties may be pursued, including the possibility of es-  
9 tablishing an international protectorate for Kosova  
10 together with other members of the United Nations  
11 Security Council and the European Union, to imple-  
12 ment international protection of the rights of the  
13 people of Kosova, reestablish an international pres-  
14 ence in Kosova to monitor more effectively the situa-  
15 tion in Kosova, and secure for the people of Kosova  
16 their right to democratic self-government;

17 (4) the current status of United States efforts  
18 to establish a United States Information Agency cul-  
19 tural center in Prishtina, Kosova, as provided in sec-  
20 tion 223 of the Foreign Relations Authorization Act,  
21 Fiscal Years 1992 and 1993, specifying the security  
22 conditions and any other factors preventing estab-  
23 lishment of such center; and

24 (5) the presence of United States officials in  
25 Kosova, prior to establishment of a United States

1 Information Agency cultural center in Prishtina,  
2 Kosova, including the number, frequency, and dura-  
3 tion of visits of personnel of the United States Em-  
4 bassy in Belgrade to Kosova during the 12-month  
5 period ending on the date of the enactment of this  
6 Act.

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