

103^D CONGRESS
2^D SESSION

H. R. 4115

To condition the lifting of sanctions on Serbia and Montenegro upon improvements in Kosova, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1994

Mr. ENGEL (for himself, Ms. MOLINARI, Mr. SERRANO, Mr. KING, Mrs. LOWEY, and Mr. OLVER) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, and Public Works and Transportation

A BILL

To condition the lifting of sanctions on 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 and De-
5 mocracy Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The political rights of the Albanian majority
9 in Kosova were curtailed in 1989 when the former

1 Yugoslav Government in Belgrade illegally amended
2 the Yugoslav federal constitution, revoking Kosova's
3 autonomous status.

4 (2) In September 1990, a referendum on the
5 question of independence for Kosova was held in
6 which 87 percent of those eligible to participate
7 voted, and 99 percent of those voting supported
8 independence for Kosova.

9 (3) In May 1992, a Kosovar national par-
10 liament was elected and Dr. Ibrahim Rugova was
11 overwhelmingly elected President of the Republic of
12 Kosova.

13 (4) The government in Belgrade has not al-
14 lowed the new Kosovar government to assemble on
15 Kosovar territory.

16 (5) Credible reports of Serbian "ethnic cleans-
17 ing" in Kosova have been received by the United
18 Nations Special Rapporteur on Human Rights, and
19 Serbian leader Slobodan Milosevic has called for the
20 transfer of ethnic Albanians from their homes in
21 Kosova to areas outside of Kosovar territory and
22 their replacement by Serbs.

23 (6) Since 1990, tens of thousands of Kosovars
24 of Albanian origin have been dismissed from their
25 jobs solely on the basis of their ethnicity.

1 (7) Reports of brutal beatings of ethnic Alba-
2 nians in Kosova by the mostly Serbian police are re-
3 ceived almost daily.

4 (8) The government in Belgrade has severely
5 restricted the access of ethnic Albanians in Kosova
6 to all levels of education solely on the basis of their
7 ethnicity.

8 (9) All forms of the media in Kosova, especially
9 those in the Albanian language, are strictly con-
10 trolled by the government in Belgrade and dissent-
11 ing political views are systematically deleted from all
12 forms of the media.

13 (10) Under the “Special Measures” decree
14 adopted in 1991, the government in Belgrade inten-
15 tionally undermined the independent character of
16 the judiciary of Kosova by dismissing hundreds of
17 ethnic Albanian judges, replacing them with Serbs
18 or Montenegrins, and changing the official court lan-
19 guage to Serbian, which is not native to the Alba-
20 nian majority.

21 (11) Those expressing political views in opposi-
22 tion to the current government are frequently jailed
23 and tortured while in prison by Serbian authorities,
24 and occasional deaths of detainees have been re-
25 ported.

1 (12) Conference on Security and Cooperation in
2 Europe observers dispatched to Kosova in 1991,
3 were expelled by the government in Belgrade in July
4 1993.

5 (13) Following the departure of such observers,
6 several international human rights organizations, in-
7 cluding Amnesty International, Human Rights
8 Watch, and the Helsinki Federation for Human
9 Rights, have documented an increase in humani-
10 tarian abuses in Kosova.

11 (14) The economy of Kosova is under severe
12 pressure caused by the combination of the closing of
13 small businesses by Serbian authorities and the ef-
14 fect of international sanctions.

15 (15) Radio Free Europe recently began broad-
16 casts to the former Yugoslavia in Serbian and Cro-
17 atian, but not in Albanian.

18 (16) Congress has provided for the opening of
19 a United States Information Agency cultural center
20 in Prishtina, Kosova, in section 223 of the Foreign
21 Relations Authorization Act, Fiscal Years 1992 and
22 1993, but security conditions have prevented the es-
23 tablishment of such center.

24 (17) The closing of the airport in Prishtina,
25 Kosova, represents an obstacle to the delivery of hu-

1 manitarian goods into Kosova and a barrier to a re-
2 turn to normalcy.

3 (18) The President has explicitly warned the
4 government in Belgrade that “in the event of con-
5 flict in Kosova caused by Serbian action, the United
6 States will be prepared to employ military force
7 against the Serbs in Kosova and in Serbia proper.”.

8 **SEC. 3. SENSE OF CONGRESS.**

9 It is the sense of the Congress that—

10 (1) “ethnic cleansing” and other acts of repres-
11 sion against the citizens of Kosova by the govern-
12 ment in Belgrade must be halted immediately;

13 (2) members of the elected government of
14 Kosova should be allowed to assemble and exercise
15 their legitimate mandate as elected representatives
16 of the people of Kosova;

17 (3) all individuals in Kosova whose employment
18 was terminated on the basis of their ethnicity should
19 be reinstated to their previous positions immediately;

20 (4) the education system in Kosova should be
21 reopened to all residents of Kosova regardless of eth-
22 nicity, and the majority ethnic Albanian population
23 should be allowed to be educated in its native
24 tongue;

1 (5) all decrees undermining the autonomous
2 and indigenous character of the Kosovar bar and ju-
3 diciary should be reversed;

4 (6) the right of the press and all forms of
5 media in Kosova, including those in the Albanian
6 language, relating to freedom of expression should
7 be respected;

8 (7) Conference on Security and Cooperation in
9 Europe observers, expelled by the government in
10 Belgrade in July 1993, should be readmitted to
11 Kosova and their numbers expanded;

12 (8) the United Nations should dispatch observ-
13 ers to Kosova to monitor human rights and to limit
14 violence;

15 (9) the airport in Prishtina, Kosova should be
16 reopened;

17 (10) the United States Information Agency
18 should open a cultural center in Prishtina, Kosova,
19 as provided in section 223 of the Foreign Relations
20 Authorization Act, Fiscal Years 1992 and 1993, as
21 soon as possible;

22 (11) the “no-fly-zone”, currently covering
23 Bosnia, should be expanded to cover Kosova;

24 (12) the United States should reiterate
25 warnings to the government in Belgrade that it is

1 prepared to respond with all necessary means in the
2 event that Serbia expands the military conflict into
3 Kosova; and

4 (13) the North Atlantic Treaty Organization
5 should develop plans to halt the spread of the Bal-
6 kan conflict to Kosova.

7 **SEC. 4. PROHIBITION ON LIFTING OF SANCTIONS AGAINST**
8 **SERBIA AND MONTENEGRO UNTIL CERTAIN**
9 **CONDITIONS MET.**

10 (a) CODIFICATION OF EXECUTIVE BRANCH SANC-
11 TIONS.—The sanctions imposed on Serbia and
12 Montenegro, as in effect on the date of the enactment of
13 this Act, that were imposed by or pursuant to the follow-
14 ing directives of the executive branch shall (except as pro-
15 vided under subsection (e)) remain in effect until the
16 President certifies to the Congress that the conditions de-
17 scribed in subsection (d) have been met:

18 (1) Executive Order 12808 of May 30, 1992, as
19 continued in effect on May 25, 1993.

20 (2) Executive Order 12810 of June 5, 1992.

21 (3) Executive Order 12831 of January 15,
22 1993.

23 (4) Executive Order 12846 of April 25, 1993.

24 (5) Department of State Public Notice 1427,
25 effective July 11, 1991.

1 (6) Proclamation 6389 of December 5, 1991
2 (56 Fed. Register 64467).

3 (7) Department of Transportation Order 92-5-
4 38 of May 20, 1992.

5 (8) Federal Aviation Administration action of
6 June 19, 1992 (14 C.F.R. Part 91).

7 (b) PROHIBITION ON ASSISTANCE.—No funds appro-
8 priated or otherwise made available by law may be obli-
9 gated or expended on behalf of the government of Serbia
10 or the government of Montenegro until the President cer-
11 tifies to the Congress that the conditions described in sub-
12 section (d) have been met.

13 (c) INTERNATIONAL FINANCIAL INSTITUTIONS.—
14 The Secretary of the Treasury shall instruct the United
15 States executive director of each international financial in-
16 stitution to use the voice and vote of the United States
17 to oppose any assistance from that institution to the gov-
18 ernment of Serbia or the government of Montenegro, ex-
19 cept for basic human needs, until the President certifies
20 to the Congress that the conditions described in subsection
21 (d) have been met.

22 (d) CONDITIONS DESCRIBED.—The conditions de-
23 scribed in this subsection are the following:

1 (1) There is substantial progress toward the
2 restoration of the independent identity and auton-
3 omy of Kosova.

4 (2) There is substantial improvement in the
5 human rights situation in Kosova, including im-
6 provement in those factors listed in paragraphs (5)
7 through (11) of section 2.

8 (3) International human rights observers are al-
9 lowed to return to Kosova.

10 (4) The elected government of Kosova is per-
11 mitted to meet and carry out its legitimate mandate
12 as elected representatives of the people of Kosova.

13 (e) WAIVER AUTHORITY.—

14 (1) IN GENERAL.—The President may waive or
15 modify the application, in whole or in part, of any
16 sanction described in subsection (a), the prohibition
17 in subsection (b), or the requirement in subsection
18 (c).

19 (2) CERTIFICATION.—Such a waiver or modi-
20 fication may only be effective upon certification by
21 the President to Congress that the President has de-
22 termined that the waiver or modification is nec-
23 essary—

24 (A) to meet emergency humanitarian
25 needs; or

1 (B) to achieve a negotiated settlement of
2 the conflict in Kosova that is acceptable to the
3 parties.

4 **SEC. 5. PROGRAMMING BY RADIO FREE EUROPE AND**
5 **RADIO LIBERTY IN THE ALBANIAN LAN-**
6 **GUAGE TO KOSOVA, THE FORMER YUGOSLAV**
7 **REPUBLIC OF MACEDONIA, AND OTHER**
8 **AREAS.**

9 Not later than 3 months after the date of enactment
10 of this Act, the Chairman of the Board for International
11 Broadcasting shall submit to the Congress a plan, to-
12 gether with a detailed budget, for the establishment of a
13 surrogate home service under the auspices of Radio Free
14 Europe/Radio Liberty for Albanian populations living in
15 Kosova and other areas of the former Yugoslavia. Such
16 service shall be in the Albanian language and shall be
17 broadcast not less than one hour per day.

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