

108TH CONGRESS
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S. RES. 144

Expressing the sense of the Senate that the United States should declare its support for the right of the people of Kosova to determine their political future once Kosova has made requisite progress, as defined by United Nations benchmarks, in developing democratic institutions and human rights protections.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2003

Mr. BIDEN submitted the following resolution; which was referred to the
Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate that the United States should declare its support for the right of the people of Kosova to determine their political future once Kosova has made requisite progress, as defined by United Nations benchmarks, in developing democratic institutions and human rights protections.

Whereas paragraph 1 of Article 1 of the International Covenant on Civil and Political Rights, to which the United States is a party, recognizes that all peoples have the right of self-determination;

Whereas Kosova was constitutionally defined as an autonomous region in the First National Liberation Conference for Kosova on January 2, 1944, this status was con-

firm in the Constitution of the Socialist Federal Republic of Yugoslavia adopted in 1946, and the autonomous status of Kosova was preserved in the amended Yugoslav Constitution adopted in 1974;

Whereas prior to the disintegration of the former Yugoslavia, the autonomous region of Kosova constituted a political and legal entity with its own distinct financial institutions, police force, municipal government, school system, judicial and legal system, hospitals, and other organizations;

Whereas, in 1987, Serbian strongman Slobodan Milosevic rose to power in Yugoslavia on a platform of ultranationalism and anti-Albanian racism, advocating violence and hatred against all non-Slavic peoples and specifically targeting the ethnic Albanians of Kosova;

Whereas Slobodan Milosevic subsequently stripped Kosova of its political autonomy without the consent of the people of Kosova;

Whereas the elected Assembly of Kosova, faced with this illegal act, adopted a Declaration of Independence on July 2, 1990, proclaimed a Republic of Kosova, and adopted a constitution on September 7, 1990, based on the internationally accepted principles of self-determination, equality, and sovereignty;

Whereas in recognition of the de facto dissolution of the Yugoslav federation, the European Community established principles for the recognition of the independence and sovereignty of the republics of the former Socialist Federal Republic of Yugoslavia;

Whereas a popular referendum was held in Kosova from September 26 to 30, 1991, in which 87 percent of all eligible

voters cast ballots and 99.87 percent voted in favor of declaring Kosova independent of the Socialist Federal Republic of Yugoslavia;

Whereas, during the occupation of Kosova, which began in 1989 and ended with the North Atlantic Treaty Organization (NATO) military action against the regime of Slobodan Milosevic in 1999, the ethnic Albanians of Kosova were subjected to brutal treatment by the occupying forces, and approximately 400,000 ethnic Albanians were forced to flee to Western Europe and the United States;

Whereas in the spring of 1999 almost 1,000,000 ethnic Albanians were driven out of Kosova and at least 10,000 were murdered by Serbian paramilitary and military forces;

Whereas Slobodan Milosevic was indicted by the International Criminal Tribunal for the Former Yugoslavia and extradited to The Hague in June 2001, to stand trial for war crimes, crimes against humanity, and genocide in Kosova, Bosnia and Herzegovina, and Croatia;

Whereas on June 10, 1999, United Nations Security Council Resolution 1244 mandated an international civil presence in Kosova, ending the decade-long Serbian occupation of Kosova and Milosevic's genocidal war there;

Whereas the people of Kosova, including ethnic Albanians, Serbs, Turks, Roma, Bosniaks, Goranis, and Ashkalis, held free and fair municipal elections in 2000 and 2002 and a general election in 2001 to elect a Parliament, which in turn selected a President and Prime Minister in 2002;

Whereas, with 50 percent of the population in Kosova being under the age of 25, and the unemployment rate cur-

rently being between 60 and 70 percent, there is an increasing likelihood of young people entering criminal networks, or working abroad in order to survive unless massive job creation is facilitated by guaranteeing the security of foreign investments through the establishment of the rule of law and functioning institutions in Kosova;

Whereas for the first time since the end of the conflict, refugees from ethnic minority communities in Kosova have started to return to their homes in substantial numbers, although those refugees are still a small fraction of the number of people that left in 1999;

Whereas most ethnic Albanian elected authorities in Kosova recognize that substantial efforts toward reconciliation with ethnic minorities are needed for the long-term security and participation in government institutions of all citizens of Kosova;

Whereas leaders of the Kosova Parliament have publicly committed to developing a western-style democracy in which all citizens, regardless of ethnicity, are granted full human and civil rights and are committed to the return of all refugees, whatever their ethnicity, who fled Kosova during and after the conflict;

Whereas Deputy Prime Minister Nebojsa Covic of Serbia called for the return of Serbian forces to Kosova and for talks on the status of the province;

Whereas, on February 25, 2003, representatives of a Serbian minority coalition in the Kosova Parliament called for the establishment of a Serbian Union in northern Kosova;

Whereas the international community has made clear that it will support neither monoethnic government institutions, nor the partition of Kosova;

Whereas the tragic assassination in Belgrade of Serbian Prime Minister Zoran Djindjic on March 12, 2003, underscored that criminal nationalist elements remain a destabilizing factor in the region and an obstacle to reform efforts;

Whereas the Special Representative of the United Nations Secretary General in Kosova has initiated a dialogue between the authorities in Belgrade and in Pristina on issues of practical concern;

Whereas the Serbian Government on April 17, 2003, declared as “unacceptable” the plan put forward by the Special Representative to devolve powers to the elected officials in Kosova;

Whereas following his address to the Organization for Security and Cooperation in Europe Permanent Council on May 8, 2003, the Special Representative of the United Nations Secretary General stated that “Kosovo Albanians are being more assertive about competencies and status issues while at the same time Kosovo Serbs are concentrating on developing monoethnic structures”;

Whereas Deputy Prime Minister Covic on May 9, 2003, again dismissed the assessment that the time has come to begin to discuss the final status of Kosova;

Whereas United Nations Security Council Resolution 1244 stated that the main responsibilities of the international civil presence in Kosova include facilitating a political process designed to determine Kosova’s future status and, in the final stage, overseeing the transfer of authority from Kosova’s provisional institutions to institutions established under a political settlement; and

Whereas the only viable option for the future of Kosova is one that reflects both the needs and aspirations of its entire population: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that the
2 United States should—

3 (1) recognize the danger that an unnecessary
4 delay in the resolution of Kosova's final status would
5 pose for the political and economic viability of
6 Kosova and the stability of Southeast Europe;

7 (2) publicly support the goal of a democratic
8 government in Kosova in which human rights, in-
9 cluding the rights of ethnic and religious minorities,
10 are respected;

11 (3) to achieve that goal, call for holding a ref-
12 erendum, under international supervision, on the fu-
13 ture status of Kosova, once Kosova has made fur-
14 ther progress in developing institutions of demo-
15 cratic self-government, establishing the rule of law,
16 facilitating the return and reintegration of refugees
17 into local communities, and protecting ethnic minori-
18 ties, in accordance with the benchmarks established
19 by the United Nations;

20 (4) work in conjunction with the United Na-
21 tions, the North Atlantic Treaty Organization, the
22 European Union, the Organization for Security and
23 Cooperation in Europe, and other international orga-

1 nizations to assist Kosova to meet the United Na-
2 tions benchmarks that are the necessary conditions
3 for holding a referendum on the future status of
4 Kosova and to facilitate the implementation of the
5 form of government determined by the people of
6 Kosova; and

7 (5) continue to provide assistance, trade, and
8 other programs to encourage the further develop-
9 ment of democracy and a free market economic sys-
10 tem in Kosova.

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