

20. Military Technical Agreement 9 JUNE 1999

Military Technical Agreement between the International Security Force (“KFOR”) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia

Article I: General Obligations

1. The Parties to this Agreement reaffirm the document presented by President Ahtisaari to President Milosevic and approved by the Serb Parliament and the Federal Government on June 3, 1999, to include deployment in Kosovo under UN auspices of effective international civil and security presences. The Parties further note that the UN Security Council is prepared to adopt a resolution, which has been introduced, regarding these presences.

2. The State Governmental authorities of the Federal Republic of Yugoslavia and the Republic of Serbia understand and agree that the international security force (“KFOR”) will deploy following the adoption of the UNSCR referred to in paragraph 1 and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission. They further agree to comply with all of the obligations of this Agreement and to facilitate the deployment and operation of this force.

3. For purposes of the agreement, the following expressions shall have the meanings as described below:

- a. “The Parties” are those signatories to the Agreement.
 - b. “Authorities” means the appropriate responsible individual, agency, or organisation of the Parties.
 - c. “FRY Forces” includes all of the FRY and Republic of Serbia personnel and organisations with a military capability. This includes regular army and naval forces, armed civilian groups, associated paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, federal and Serbian Ministry of Internal Affairs local, special, riot and anti-terrorist police, and any other groups or individuals so designated by the international security force (“KFOR”) commander.
 - d. The Air Safety Zone (ASZ) is defined as a 25-kilometre zone that extends beyond the Kosovo province border into the rest of FRY territory. It includes the airspace above that 25-kilometre zone.
 - e. The Ground Safety Zone (GSZ) is defined as a 5-kilometre zone that extends beyond the Kosovo province border into the rest of FRY territory. It includes the terrain within that 5-kilometre zone.
 - f. Entry into Force Day (EIF Day) is defined as the day this Agreement is signed.
4. The purposes of these obligations are as follows:

- a. To establish a durable cessation of hostilities, under no circumstances shall any Forces of the FRY and the Republic of Serbia enter into, reenter, or remain within the territory of Kosovo or the Ground Safety Zone (GSZ) and the Air Safety Zone (ASZ) described in paragraph 3. Article I without the prior express consent of the international security force (“KFOR”) commander. Local police will be allowed to remain in the GSZ.

The above paragraph is without prejudice to the agreed return of FRY and Serbian personnel which will be the subject of a subsequent separate agreement as provided for in paragraph 6 of the document mentioned in paragraph 1 of this Article.

- b. To provide for the support and authorization of the international security force (“KFOR”) and in particular to authorize the international security force (“KFOR”) to take such actions as are required, including the use of necessary force, to ensure compliance with this Agreement and protection of the international security force (“KFOR”), and to contribute to a secure environment for the international civil implementation presence, and other international organisations, agencies, and non-governmental organisations (details in Appendix B).

Article II: Cessation of Hostilities

1. The FRY Forces shall immediately, upon entry into force (EIF) of this Agreement, refrain from committing any hostile or provocative acts of any type against any person in Kosovo and will order armed forces to cease all such activities. They shall not encourage, organise or support hostile or provocative demonstrations.

2. Phased Withdrawal of FRY Forces (ground): The FRY agrees to a phased withdrawal of all FRY Forces from Kosovo to locations in Serbia outside Kosovo. FRY Forces will mark and clear minefields, booby traps and obstacles. As they withdraw, FRY Forces will clear all lines of communication by removing all mines, demolitions, booby traps, obstacles and charges. They will also mark all sides of all minefields. International security forces’ (“KFOR”) entry and deployment into Kosovo will be synchronized. The phased withdrawal of FRY Forces from Kosovo will be in accordance with the sequence outlined below:

- a. By EIF + 1 day, FRY Forces located in Zone 3 will have vacated, via designated routes, that Zone to demonstrate compliance (depicted on the map at Appendix A to the Agreement). Once it is verified that FRY forces have complied with this subparagraph and with paragraph 1 of this Article, NATO air strikes will be suspended. The suspension will continue provided that the obligations of this agreement are fully complied with, and provided that the UNSC adopts a resolution concerning the deployment of the international security force (“KFOR”) so rapidly that a security gap can be avoided.
- b. By EIF + 6 days, all FRY Forces in Kosovo will have vacated Zone 1 (depicted on the map at Appendix A to the Agreement). Establish liaison teams with the KFOR commander in Pristina.
- c. By EIF + 9 days, all FRY Forces in Kosovo will have vacated Zone 2 (depicted on the map at Appendix A to the Agreement).
- d. By EIF + 11 days, all FRY Forces in Kosovo will have vacated Zone 3 (depicted on the map at Appendix A to the Agreement).
- e. By EIF +11 days, all FRY Forces in Kosovo will have completed their withdrawal from Kosovo (depicted on map at Appendix A to the Agreement) to locations in Serbia outside Kosovo, and not within the 5 km GSZ. At the end of the sequence (EIF + 11), the senior FRY Forces commanders responsible for the withdrawing forces shall confirm in writing to the international security force (“KFOR”) commander that the FRY Forces have complied and completed the phased withdrawal. The international security force (“KFOR”) commander may approve specific requests for exceptions to the phased withdrawal. The bombing campaign will terminate on complete withdrawal of FRY Forces as provided under Article II. The international security force (“KFOR”) shall retain, as necessary, authority to enforce compliance with this Agreement.
- f. The authorities of the FRY and the Republic of Serbia will co-operate fully with international security force (“KFOR”) in its verification of the withdrawal of forces from Kosovo and beyond the ASZ/GSZ.

- g. FRY armed forces withdrawing in accordance with Appendix A, i.e. in designated assembly areas or withdrawing on designated routes, will not be subject to air attack.
 - h. The international security force ("KFOR") will provide appropriate control of the borders of FRY in Kosovo with Albania and FYROM (1) until the arrival of the civilian mission of the UN.
3. Phased Withdrawal of Yugoslavia Air and Air Defence Forces (YAADF)
- a. At EIF + 1 day, no FRY aircraft, fixed wing and rotary, will fly in Kosovo airspace or over the ASZ without prior approval by the international security force ("KFOR") commander. All air defence systems, radar, surface-to-air missile and aircraft of the Parties will refrain from acquisition, target tracking or otherwise illuminating international security ("KFOR") air platforms operating in the Kosovo airspace or over the ASZ.
 - b. By EIF + 3 days, all aircraft, radars, surface-to-air missiles (including man-portable air defence systems (MANPADS)) and anti-aircraft artillery in Kosovo will withdraw to other locations in Serbia outside the 25 kilometre ASZ.
 - c. The international security force ("KFOR") commander will control and coordinate use of airspace over Kosovo and the ASZ commencing at EIF. Violation of any of the provisions above, including the international security force ("KFOR") commander's rules and procedures governing the airspace over Kosovo, as well as unauthorised flight or activation of FRY Integrated Air Defence (IADS) within the ASZ, are subject to military action by the international security force ("KFOR"), including the use of necessary force. The international security force ("KFOR") commander may delegate control of normal civilian air activities to appropriate FRY institutions to monitor operations, deconflict international security force ("KFOR") air traffic movements, and ensure smooth and safe operations of the air traffic system. It is envisioned that control of civil air traffic will be returned to civilian authorities as soon as practicable.

Article III: Notifications

1. This agreement and written orders requiring compliance will be immediately communicated to all FRY forces.
2. By EIF +2 days, the State governmental authorities of the FRY and the Republic of Serbia shall furnish the following specific information regarding the status of all FRY Forces:
 - a. Detailed records, positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglement, physical or military hazards to the safe movement of any personnel in Kosovo laid by FRY Forces.
 - b. Any further information of a military or security nature about FRY Forces in the territory of Kosovo and the GSZ and ASZ requested by the international security force ("KFOR") commander.

Article IV: Establishment of a Joint Implementation Commission (JIC)

A JIC shall be established with the deployment of the international security force (“KFOR”) to Kosovo as directed by the international security force (“KFOR”) commander.

Article V: Final Authority to Interpret

The international security force (“KFOR”) commander is the final authority regarding interpretation of this Agreement and the security aspects of the peace settlement it supports. His determinations are binding on all Parties and persons.

Article VI: Entry Into Force

This agreement shall enter into force upon signature.

Appendices:

A. Phased withdrawal of FRY Forces from Kosovo

(...)

B. International security force (“KFOR”) operations

1. Consistent with the general obligations of the Military Technical Agreement, the State Governmental authorities of the FRY and the Republic of Serbia understand and agree that the international security force (“KFOR”) will deploy and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo.
2. The international security force (“KFOR”) commander shall have the authority, without interference or permission, to do all that he judges necessary and proper, including the use of military force, to protect the international security force (“KFOR”), the international civil implementation presence, and to carry out the responsibilities inherent in this Military Technical Agreement and the Peace Settlement which it supports.
3. The international security force (“KFOR”) nor any of its personnel or staff shall be liable for any damages to public or private property that they may cause in the course of duties related to the implementation of this Agreement. The parties will agree a Status of Forces Agreement (SOFA) as soon as possible.
4. The international security force (“KFOR”) shall have the right:
 - a. To monitor and ensure compliance with this Agreement and to respond promptly to any violations and restore compliance, using military force if required.
This includes necessary actions to:
 1. Enforce withdrawals of FRY forces.
 2. Enforce compliance following the return of selected FRY personnel to Kosovo
 3. Provide assistance to other international entities involved in the implementation or otherwise authorised by the UNSC.
 - b. To establish liaison arrangements with local Kosovo authorities, and with FRY/Serbian civil and military authorities.

- c. To observe, monitor and inspect any and all facilities or activities in Kosovo that the international security force (“KFOR”) commander believes has or may have military or police capability, or may be associated with the employment of military or police capabilities, or are otherwise relevant to compliance with this Agreement.
5. Notwithstanding any other provision of this Agreement, the Parties understand and agree that the international security force (“KFOR”) commander has the right and is authorised to compel the removal, withdrawal, or relocation of specific Forces and weapons, and to order the cessation of any activities whenever the international security force (“KFOR”) commander determines a potential threat to either the international security force (“KFOR”) or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the international security force (“KFOR”) shall be subject to military action by the international security force (“KFOR”), including the use of necessary force, to ensure compliance.

Footnote:

1. Turkey recognises the Republic of Macedonia with its constitutional name.
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