

Forum: Historical Security Council (HSC)

Issue: The Situation in Kosovo

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Introduction

This conflict began in 1389. That is to say that the Kosovo War of 1389 can be shown as the earliest significant source for the Kosovo conflict. The war, fought between the Serbian Prince Lazar Hrebeljanović's forces and the Ottoman Empire makes Kosovo a historically significant location for Serbs. They did not win the war but the assassination of Sultan Murad I during the war made for a significant moment in Serbian history.



(War of Kosovo, Adam Stefanovic)

Although Kosovo is historically significant for Serbian people; as it stands in the second half of the 20th century, its population is primarily Albanian with a significant majority, an estimated 81.6% according to the 1991 Yugoslav census. Therefore, it was grounds for a territorial and ethnic conflict between the two nations in the last decade of the 20th century, at a time that can be considered as the denouement of the Yugoslav wars. The upheaval in Kosovo - a predominantly Albanian region - to become independent of Yugoslavia - mostly occupied by Serbs - led to increased hostilities, culminating in the Kosovo War of 1998–1999, which drew international attention due to widespread human rights violations, forced displacement and intervention from the international community.

After Kosovo's autonomy was revoked in 1989 by Slobodan Milošević's government, the region saw growing political repression, economic exclusion, and cultural suppression of its Albanian population. What began as a mostly peaceful resistance soon turned into armed conflict, with the Kosovo Liberation Army (KLA) launching an insurgency by the mid-1990s.

The newly formed Federal Republic of Yugoslavia, established in 1992, claimed Kosovo as an integral part of its territory. Belgrade framed its military actions as a legitimate fight against terrorism and separatism. But for Kosovo Albanians and their allies, these actions were systemic human rights abuses that justified calls for international intervention.

By early 1999, the conflict had spiraled. Armed clashes escalated into widespread violence against

civilians, mass displacement, and reported war crimes, including the Račak massacre. UN agencies estimated hundreds of thousands displaced, with key Security Council resolutions calling for a ceasefire and humanitarian access. The Rambouillet Accords proposed by NATO had offered a glimmer of hope but the withdrawal of the Yugoslav side from the agreement has now spiked the tensions between NATO and Yugoslavia.

As the humanitarian crisis deepens and diplomatic efforts seem to be futile, the situation threatens to destabilize the wider Balkan region. In such a situation, in accordance with Chapter VII of the UN Charter, the protection of human rights must be balanced with the principles of state sovereignty, and the United Nations must make definitive calls to action before the crisis worsens.

Definition of Key Terms

Kosovo Liberation Army (KLA): “The KLA [is] a militant group of ethnic Albanians in Kosovo, set up in the early 1990s. From 1996, its members carried out attacks on Serbian police stations and other targets.” It is the primary militant group representing the Albanian people in Kosovo. While the Yugoslav government designates it as a terrorist group, the response from the international community is more ambivalent. As reports of Serbian violence increase, some countries have begun to sympathize with the KLA, especially those in NATO.

Federal Republic of Yugoslavia (FRY): The Federal Republic of Yugoslavia is a nation founded after the dissolution of the Socialist Federal Republic of Yugoslavia, consisting of the republics of Serbia and Montenegro. “Its aspirations to be the sole legal successor state to SFR Yugoslavia were not recognized by the United Nations, following the passing of United Nations Security Council Resolution 777” which was adopted unanimously by the Council. The FRY claims full authority over the Kosovo region and firmly opposes the KLA and adjacent independence movements.

Ethnic Cleansing: “As ethnic cleansing has not been recognized as an independent crime under international law, there is no precise definition of this concept or the exact acts to be qualified as ethnic cleansing. A United Nations Commission of Experts mandated to look into violations of international humanitarian law committed in the territory of the former Yugoslavia defined ethnic cleansing in its interim report S/25274 as ‘... rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area.’”

Sovereignty: Sovereignty on a state level can be defined as “the principle of supreme and unquestioned authority reflected in the claim by the state to be the sole author of laws within its territory.” All United Nations member states work on a basis of recognising each other’s sovereign right over their own internationally recognized territory.

Humanitarian Intervention: A definition for this term given by a prominent humanitarian organization,

the Red Cross, is “the use of force in order to stop or oppose massive violations of the most fundamental human rights (especially mass murder and genocide) in a third State, provided that the victims are not nationals of the intervening State and there is no legal authorization given by a competent international organization.” The United Nations’ means of humanitarian intervention is chiefly and almost exclusively the Security Council.

General Overview

Following the revocation of Kosovo’s autonomy in 1989 by the government of Slobodan Milošević, the province has experienced a sharp increase in political repression, economic marginalization, and cultural suppression directed at the Albanian population. The ethnic tensions in the issue, when taken in conjunction with the greater racial tensions and the heightened importance of nation-states in Europe, has led what was once a predominantly non-violent resistance movement to devolve into an armed insurgency led by the Kosovo Liberation Army (KLA) by the mid 1990’s.

The Federal Republic of Yugoslavia (FRY), established in 1992 following the disintegration of the Socialist Federal Republic of Yugoslavia, regards Kosovo as an indivisible part of its sovereign territory. From the perspective of Belgrade, the current security operations in the province constitute a legitimate internal response to terrorism and separatism. For the Yugoslavs, the issue of Kosovo is as much about territorial integrity as it is an ethnic issue. In contrast, Kosovo Albanians and their supporters argue that the systematic and violent suppression of Albanians in the region by the Yugoslav government constitute a violation of human rights and a threat towards stability in the region – citing this as a base for their case for international involvement. As of early 1999, the crisis has reached a critical juncture, with large-scale armed confrontations between Yugoslav and Serbian security forces and the KLA escalating into widespread violence against civilians, severe breaches of international humanitarian law, and the potential for regional spillover. The failure of diplomatic initiatives and the steady deterioration of the humanitarian situation now forces states to confront an uneasy future where both the principles of state sovereignty and the international commitment to prevent large-scale atrocities are contested.

Currently, the humanitarian situation seems bleak. From 1998 onward, reports from international observers and human rights organizations had documented mass displacement, the destruction of villages, extrajudicial killings, and collective punishment of civilians. A UNHCR estimate posits that hundreds of thousands of people have either been forced into local displacement or regional immigration. The UNSC has taken some steps under Chapter VII of the UN Charter—beginning with Resolution 1160, imposing an arms embargo; followed by Resolution 1199, demanding an immediate ceasefire and access for humanitarian agencies. Recently, the massacre of over 40 ethnic Albanian civilians in the village of Račak in January 1999, allegedly carried out by Serbian forces, has intensified calls for international intervention even further.

In February, the Interim Agreement for Peace and Self-Government in Kosovo (The Rambouillet

Accords) was drafted by NATO to reach an agreement between the Albanian and Yugoslav sides. The accords call for 30,000 NATO peacekeeping troops in Kosovo; an unhindered right of passage for NATO troops on Yugoslav territory; and immunity for NATO and its agents to Yugoslav law. These demands mean that NATO would effectively act as mediators and peacekeepers to the conflict. However, although the Albanian side signed onto the agreement on March 18th, the Yugoslav side has withdrawn. This has led to NATO-Yugoslav relations to reach a point of severe tensions as NATO members sympathize with the KLA further. Statements from NATO members like that of the United States Special Envoy to the Balkans that “while the KLA have committed 'terrorist acts,' it has 'not been classified legally by the U.S. Government as a terrorist organization” make NATO’s ambivalent position the key to how the situation will unfold.

The crisis now risks igniting broader regional instability and threatens to destabilize Southeast Europe, especially as neighboring states with significant Albanian populations observe the situation closely at a time where the Balkans face unprecedented instability. As the UNSC examines this issue, it must hold in balance the duty to prevent ethnic persecution and human rights violations with the responsibility to respect a nation’s sovereignty and uphold non-interference. The deliberations on Kosovo will define whether the international community is capable of upholding its collective responsibilities toward human rights and statehood at once; or whether it will once again fail to prevent the escalation of ethnic violence, humanitarian turmoil and political insecurity in the Balkans.

Major Parties Involved and Their Views

The Kosovo Liberation Army (KLA): The KLA is composed mostly of ethnic Albanians living in Kosovo. The KLA has been born out of a reaction towards Serbian/Yugoslav oppression towards Albanians and this is still one of its primary goals. However, following the precedent set by Croatia and Bosnia, it also seeks to garner Western support to its cause of independence which is now its main goal – the KLA is receiving this support as reports of human rights infringements by Serbia are released. The KLA was the only side to sign the Rambouillet Accords that advocated for NATO intervention in Kosovo.

The Federal Republic of Yugoslavia (FRY): The FRY considers Kosovo an integral part of its sovereign territory and is not willing to recognize its independence. This is also intensified by the cultural and historical significance of Kosovo to Serbians, one of the two republics comprising the FRY. It deems the KLA as a terrorist organization and justifies its military operations towards the group as domestic security. Despite growing international criticism, the government continues its crackdown and alleged human rights abuses in Kosovo with the backing of Russia and China.

The North Atlantic Treaty Organization (NATO): NATO has positioned itself as a potential intervening force should bilateral diplomacy fail. Currently, their only intervention has been the Rambouillet accords; however, military action is considered by the alliance and some members, such

as the USA and UK, strongly advocate for humanitarian intervention, even without Security Council approval. NATO members tend to sympathize with the KLA and its cause.

Russia and China: Russia and China both support Yugoslavia and oppose any foreign intervention without explicit UNSC authorization. Russia especially has taken a conservative interpretation of Chapter VII of the UN Charter and cites the principle of sovereignty and non-interference as ground for Yugoslav intervention. Russia has indicated its readiness to veto any resolution authorizing the use of force. China also believes that military intervention without a state’s consent would be in violation of international law and positions itself against NATO.

Timeline of Events

March 1989	The Republic of Serbia revokes Kosovo’s autonomy
1996	The KLA armed resistance and insurgencies begin
February 1998	The conflict between the KLA and FRY begin to escalate
28 February 1998	During attacks on the villages of Likoshane and Çirez, 26 ethnic Albanians are killed by Serbian forces, starting the Kosovo War
31 March 1998	The UNSC Resolution 1160 imposes an arms embargo to both Yugoslavia and Kosovo
23 September 1998	The UNSC Resolution 1199 demands a ceasefire in the region and humanitarian access
October 1998	The Organization for Security and Co-operation in Europe (OSCE) sends official monitors to Kosovo
January 1999	45 ethnic Albanians are killed in the Raçak Massacre, prompting a global response and condemnation
23 February 1999	The Rambouillet Accords are drafted by NATO

18 March 1999	The Albanian side signs the Rambouillet Accords
March 1999	The refusal of the Yugoslav side to sign the Rambouillet Accords increases tensions between Yugoslavia and NATO, the UNSC is at a diplomatic deadlock

UN Involvement

The United Nations response, diplomatically, has been through the Security Council’s resolutions and certain monitoring clauses. The United Nations have been engaged in the humanitarian side of the conflict through organizations like UNHCR and OCHA, responding primarily to the crisis of mass displacement after Serbian massacres. However, there has not been much success when it comes to the diplomatic facet of the issue. Although some UNSC resolutions have been passed, the political response from the UN is stunted due to an inability of parties within the Security Council to reach a consensus on the issue. The diplomatic divide points at the larger post-Cold War blocs’ contradiction of each other’s policies: Westerns states push for humanitarian intervention by the United Nations in accordance with Chapter VII of its charter, while other nations – primarily Russia and China – believe that any action taken by the UN would be a breach of sovereignty towards the nation of Yugoslavia.

Relevant UN Documents

United Nations Charter, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, 26 June 1945: This chapter of the UN Charter gives the Security Council the authority to identify “any threat to the peace, breach of the peace, or act of aggression” and determine a non-military response in accordance with Articles 40 and 41. However, Article 42 provides the UNSC with the power to utilize military action, demonstrations and blockades provided that Article 41 “would be inadequate or have proved to be inadequate.”

Security Council Resolution 1160, 31 March 1998: An arms embargo was imposed on the FRY and Kosovo “for the purposes of fostering peace and stability in Kosovo.” The actions of the Yugoslav government in Kosovo are condemned and diplomatic dialogue is proposed as a solution. It is also decided that the “Kosovar Albanian community should pursue their goals by peaceful means only.”

Security Council Resolution 1199, 23 September 1998: An immediate ceasefire is demanded through the phrasing “cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression.” Diplomatic dialogue and an immediate timeline are demanded of both parties. The language of this resolution is stricter than 1160 and it is stated that “failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;” meaning the UNSC has moved toward a more stern approach with 1199.

Treaties and Events

Likoshane and Çirez Attacks, February 1998: After an ambush of a unit of the Serbian police force by the KLA, resulting in 4 deaths on the Serbian side, the pursuance of KLA members resulted in an operation in the villages of Likoshane and Çirez. During the Serbian counter-offensive, 26 Kosovo Albanians and 4 KLA members were killed. These attacks, alongside the Prekaz massacre targeting KLA members and families which resulted in a further 60 deaths marked the beginning of the Kosovo War.

Račak Massacre, January 1999: In this particular massacre, 45 ethnic Albanians were killed, allegedly by Serbian forces. The massacre took on a symbolic meaning as it represented the cruel treatment that the ethnic Albanian population of Kosovo were subjected to at the time. This event marked a turning point in global sentiment regarding the Kosovo conflict as more and more nations started to sympathise with the KLA and its goals.

The Rambouillet Accords, February–March 1999: The Rambouillet Accords were drafted by NATO with the intended signatories of Yugoslavia and the Albanian leadership that would deploy NATO peacekeepers into the region and regain some autonomy to Kosovo. Although the Albanian delegation accepted the terms of the agreement, the FRY went against it and rejected its military provisions, particularly clauses granting NATO freedom of movement throughout Yugoslavia.

Evaluation of Previous Attempts to Resolve the Issue

Efforts by the International Community: The efforts by the international community to resolve the issue can be characterized as almost exclusively a response from Europe. The attempts at monitoring the conflict by the Organization for Security and Co-operation in Europe were not successful as the organization did not have the authority and strength to actually enforce any compliance from the parties involved. The presence of the organization did not deter any major conflicts as non-coercive majors deemed themselves ineffective in the resolution of this conflict. NATO's attempts at peacebuilding through the Rambouillet accords resulted in a similar manner as non-coercion failed to halt the violence or reach a lasting agreement. The accords also established that the FRY refused to accept any foreign troops in its territory and deemed the matter entirely as a domestic dispute. The international community's efforts failed due to non-coercion and an unwillingness to cooperate by the FRY.

Efforts by the UNSC: The UNSC's efforts were not able to deter nor de-escalate the conflict in a meaningful manner. Although sanctions, condemnations and calls to action had been issued in SC resolutions, the polarized views within the council made it difficult for any substantive steps to be taken. The SC's attempts failed due to a lack of cooperation between its members and an inability to determine the extent to which Article VII should be applied to the situation.

Possible Solutions

- **UN-led Diplomatic and Peacekeeping Frameworks:** With the precedent of past Yugoslav

War resolutions and territory disputes, the United Nations is equipped to create a framework under which discussions can be held on Kosovo between two parties that refuse to accept each other's legitimacy on the region. These frameworks need to be specialized to the conflict, find a way to include non-state actors in dialogue and foster an agreement similar to the Rambouillet Accords that notes the Yugoslav apprehension to the accords and works to refine it. On a similar note, UN peacekeeping forces can be utilized mindfully, keeping the tentative attitude of Yugoslavia and its supporters in mind.

- **Humanitarian Effort:** Considering that a major facet of this issue is the humanitarian crisis and the displacement of ethnic Albanians from their homes, and that there are accusations regarding human rights abuses in the region by multiple NGOs, the UN should be at the forefront of an organized humanitarian effort in the region. These can include setting up humanitarian safe zones, ensuring access to basic necessities such as food, water, shelter and medical attention and efforts to stabilize areas of conflict.
- **Finding Common Ground in the UNSC:** The scope of Chapter VII should be discussed in the council and a common ground between the conservative and liberal interpretations needs to be established in order for the UN to take the next step in its intervention. Whether the event constitutes an Article 40-41 response or an Article 42 response should be discussed and the deployment of peacekeeping needs to be considered accordingly. Also, whether the current situation can be defined as an ethnic cleansing and, in accordance with this decision, whether a UN tribunal needs to be established – or whether the International Criminal Tribunal for the Former Yugoslavia has jurisdiction over potential war crimes and crimes against humanity committed in Kosovo – must be decided. Moreover, the permanent members of the council need to be aware of each other's policies regarding the issue and find a way to work around each of their objections that can still realistically make an impact – the permanent nations need to consider a reasonable amount of compromise before vetoing a solution as tensions in the region are escalating further and further.
- **Cooperation with Regional Organizations:** Organizations like NATO and OSCE should be considered when most solutions are established as they are regional actors that are attempting to impact the outcome of the conflict. How the UNSC should engage with these organizations, how much of the SC's mandates aligns with their goals and whether the UNSC needs to take precautionary measures against potential altercations from these actors needs to be discussed.
- **Further Serious Sanctions:** In conjunction with the arms embargo established in Resolution 1160, economic and diplomatic sanctions should be discussed. Articles 40 and 41 of the charter should be consulted in deciding the appropriate course of action and both the targets and the purpose of these sanctions should be clearly identified. The sanctions should be precise and severe enough as to actually make an impact on the conflict and elicit a diplomatic response.

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