

**FHSMUN XXIX**  
**UNITED NATIONS SECURITY COUNCIL**

**THE SITUATION IN KOSOVO**

“Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other states of the region...”<sup>1</sup>

“We, the democratically-elected leaders of our people, hereby declare Kosovo to be an independent and sovereign state. This declaration reflects the will of our people and it is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement.”<sup>2</sup>

“Kosovo is Serbia.”<sup>3</sup>

**Introduction**

The Balkan region of southeastern Europe has long been a fractious and segmented area, claimed and fought over by various empires. Clashes between the expanding 14<sup>th</sup> century Turkish Empire and the medieval Christian kingdom of Serbia would be followed by wars between the Austrian Habsburg Empire and the Ottoman Turkish Empire, with considerable influence exerted in the region by Russia. The infamous assassination of Austrian Archduke Franz Ferdinand would take place in Sarajevo on June 28, 1914, the anniversary of a crucial Turkish victory over the Serbs in 1389. Out of the ashes of World War I and the dismembered Habsburg and Ottoman Empires, the multiethnic country of Yugoslavia would be created. Yugoslavia would last as a country for just over 70 years until it was torn apart by civil war and eventually carved into 6, possibly 7, different republics. In 1999, Kosovo became the center of international attention as NATO forces bombed Serbian targets for over 2 months, ostensibly to end “ethnic cleansing” by Serbian military and paramilitary units. With the recent declaration of independence by Kosovo, the situation in the Balkans has become even more complicated and fraught with danger. The delegates to the United Nations Security Council must work cooperatively to devise lasting comprehensive settlements to these complex problems.

**Background**

The international community must remain vigilant because of the possibility that Kosovo will again become the site of armed conflict. The catastrophic consequences of the violent breakup of the former Yugoslavia in the early to mid-1990’s threatened peace and stability throughout Central and Southeastern Europe. Even after the war in the former Yugoslavia ended in 1995, hostilities between different communities continued. By February 1998, the Kosovo Liberation Army (KLA) initiated a small rebellion against

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<sup>1</sup> S/RES/1244 June 10, 1999.

<sup>2</sup> Assembly of Kosovo, “Kosovo Declaration of Independence” February 17, 2008.

<sup>3</sup> Serbian protesters in Pristina and Belgrade following Kosovo’s declaration of independence.

Serbian rule. Serbia reacted by attacking KLA targets as well as increased repression against Kosovar Albanian civilians, forcing thousands to flee their homes. Samantha Power writes that “with every KLA attack on a Serbian official, Serbian reprisals intensified, as Serb gunmen torched whole villages suspected of housing KLA loyalists.”<sup>4</sup> Serb atrocities would intensify during the winter of 1998-99, including a massacre of 45 Kosovar Albanian civilians in the town of Racak. Western diplomats convened at the Rambouillet Conference in February 1999 and issued demands that Serbia pull back its forces from Kosovo and permit the deployment of 25,000 armed peacekeepers.

After Serbia ignored repeated warnings from NATO, NATO warplanes began bombing Serbian targets, especially the Serbian capital of Belgrade. Significantly, the UN Security did not authorize NATO’s actions, leading Serbia to label NATO’s bombing campaign illegal. Over the course of two and a half months, NATO warplanes flew thousands of missions, striking at civilian and military targets in Serbia, including the errant bombing of the Chinese embassy in Belgrade in May 1999. NATO’s bombing campaign eventually forced then Serbian President Slobodan Milosevic to stop ethnic cleansing in Kosovo but during the bombing campaign, Serbian ethnic cleansing of Kosovar Albanians intensified. Milosevic’s forces forced over 1.3 million Kosovar Albanians to flee their homes, sending nearly 750,000 into neighboring Albania, Macedonia, and Montenegro. Furthermore, the Serbs killed 3,000 Kosovar Albanians before the NATO bombing campaign began and an additional 10,000 during the bombing. The aftermath of the 1999 conflict in Kosovo was deeply disconcerting as well; “in the year after the NATO victory, while some 50,000 NATO troops patrolled Kosovo, Albanian extremists expelled more than 100,000 Serbs from their homes in Kosovo and killed some 1,500.”<sup>5</sup> Throughout the conflict and its aftermath, UN agencies, especially the UN High Commissioner for Refugees (UNHCR), sought to provide critical humanitarian relief to all affected populations as well as to establish working relationships with the various governments of the region.

As the NATO bombing campaign inflicted greater economic distress on Serbia, Milosevic faced increasing pressure from both his internal and external allies. The Russian Federation, led by then President Boris Yeltsin, was seen as critical to obtaining Serb cooperation, and by early June 1999, it was clear that the combined effects of NATO’s bombing and this accompanying political pressure were limiting Milosevic’s ability to continue fighting. In the immediate aftermath of Serbia’s agreeing to NATO’s demands in June 1999, the Security Council adopted resolution 1244 (S/RES/1244), establishing the United Nations Interim Administration Mission in Kosovo (UNMIK). The Security Council provided UNMIK with an extensive mandate including “detering renewed hostilities,” “demilitarizing the Kosovo Liberation Army (KLA),” “ensuring public safety,” “supervising demining,” monitoring the borders, “promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo,” “performing basic civilian administrative functions where and as long as required,” organizing self-government institutions, and “maintaining civil law and order,

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<sup>4</sup> Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* Perennial New York 2003 p. 445.

<sup>5</sup> Samantha Power, *“A Problem from Hell”* 2003 p. 463.

including establishing local police forces.”<sup>6</sup> UNMIK’s and the accompanying NATO peacekeeping mission, Kosovo Force’s (KFOR)<sup>7</sup>, presence in Kosovo over the past eight and a half years have been crucial to preventing significant outbreaks of fighting. On January 3, 2008, Secretary-General Ban Ki-moon submitted the latest UNMIK report to the Security Council, detailing recent developments in Kosovo. In November 2007, elections for Kosovo’s Assembly as well as for 30 municipalities were held, the fifth set of elections successfully conducted under UNMIK’s auspices. Secretary-General Ban Ki-moon noted that “the participation of Kosovo Serbs was disappointingly very low” and that “the authorities in Belgrade called for a boycott of the elections.”<sup>8</sup> The Secretary-General further noted that “the number of minority returns to Kosovo continues to remain disappointingly low” and that “events on the ground could take on a momentum of their own.”<sup>9</sup>

### **Ahtisaari’s proposal**

The UN System’s plans for Kosovo were guided from March 2007 onward by the Comprehensive Proposal For Kosovo’s Future Status developed by then Special Envoy to the Secretary-General, Martti Ahtisaari, the former President of Finland. Ahtisaari’s recommendation was for “independence, supervised by the international community.”<sup>10</sup> Ahtisaari argued that reintegration into Serbia was not viable but neither was continued interim administration by the United Nations. Ahtisaari did caution, however, that “while independence for Kosovo is the only realistic option, Kosovo’s capacity to tackle the challenges of minority protection, democratic development, economic recovery and social reconciliation on its own is limited.”<sup>11</sup> As is evident from recent Security Council discussions, the UN is itself divided over the future of Serbia because it is in some ways bound by Security Council resolution 1244 while also striving to implement the Ahtisaari plan.

### **The present dilemma**

The UN System and the international community are clearly facing two contradictory ideas: territorial integrity and sovereignty versus self-determination of peoples. Security Council Resolution 1244 (S/RES/1244), adopted in June 1999, remains the governing framework for the UN System in regards to Kosovo; in the preambulatory clause quoted above, the Security Council asserts its commitment to maintaining the territorial integrity of the then Federal Republic of Yugoslavia. Serbia and its primary

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<sup>6</sup> S/RES/1244 June 10, 1999.

<sup>7</sup> <http://www.nato.int/KFOR/>

<sup>8</sup> Ban Ki-moon, “Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo” S/2007/768 January 3, 2008 p. 2.

<sup>9</sup> Ban Ki-moon, S/2007/768 pp. 7-8.

<sup>10</sup> Martti Ahtisaari, “Report of the Special Envoy of the Secretary-General on Kosovo’s future status” S/2007/168 March 26, 2007 p. 2.

<sup>11</sup> S/2007/168 p. 4. Delegates may wish to read the full report which may be found at: <http://www.unosek.org/docref/report-english.pdf>

Security Council ally, the Russian Federation, continue to cite this language as proof that Kosovo's declaration of independence contravenes international law. Kosovo's government argues that the UN System must be bound by the rights of all peoples to self-determination and that Kosovo's ethnic Albanians, approximately 90% of the population of Kosovo, overwhelmingly voted in favor of independence from Serbia.

International reaction has been sharply divided over recognizing Kosovo as an independent country. Serbia and Russia have declared Kosovo's declaration to be illegal and a number of other states have expressed considerable reservations about Kosovo's independence. Serbian President Boris Tadic warned the Security that "there are dozens of various Kosovos in the world and all of lie in wait for Kosovo's act of secession to become a reality and to be established as an acceptable norm."<sup>12</sup> Within the European Union, Cyprus, Romania, Spain, and Security Council member Slovakia have opposed Kosovo's declaration of independence, often because of possible tensions with minority populations within their own territories.<sup>13</sup> China noted that "Security Council resolution 1244 (1999) remained the political and legal basis for the settlement of the Kosovo issue" and that "if a resolution adopted by the Council was not observed and implemented, the resolution in question would become a mere scrap of paper, and the authority and credibility of the Council would be compromised."<sup>14</sup> There is also considerable speculation that China is also withholding recognition of Kosovo because of concerns that this might embolden Taiwan. On the other hand, the United States and much of the European Union, including Security Council members France, the United Kingdom (UK), Belgium, and Italy, have already recognized Kosovo as an independent country.<sup>15</sup>

### **A precarious situation**

Kosovo's declaration of independence surprised no one as the process had been underway for several years. The negative reactions by Serbia and by Kosovo's minority Serbian population were also anticipated; indeed, the United States had closed its embassy in Serbia's capital, Belgrade, in advance of predicted protests. The protests took place as predicted and minor damage was caused at the embassy.<sup>16</sup> While Serbia remains furious over Kosovo's recent declaration of independence and formally committed to retaining Kosovo as the "heart" of Serbia, the government in Belgrade is simultaneously pursuing EU membership and the EU's split over recognizing Kosovo may limit Serbia's potential responses. On March 8, 2008, Serbian Prime Minister Vojislav Kostunica dissolved the Serbian Cabinet and indicated that he would call for new elections in May; Kostunica declared that the Serbian government could not function if its leaders were divided over tying EU membership to retaining Kosovo.<sup>17</sup> The International Crisis Group

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<sup>12</sup> SC/9252 "Security Council Meets in Emergency Session Following Kosovo's Declaration of Independence, with Members Sharply Divided on Issue" February 18, 2008 p. 4.

<sup>13</sup> *BBC News*, "Saying 'no' to Kosovo independence" March 5, 2008.

<sup>14</sup> SC/9252 February 18, 2008 p. 6.

<sup>15</sup> The countries on the Security Council that have thus far recognized Kosovo's independence are: Belgium, France, Italy, Peru, the United Kingdom, and the United States.

<sup>16</sup> *BBC News*, "US embassy in Belgrade attacked" February 22, 2008.

<sup>17</sup> *The New York Times*, "Prime Minister Dissolves Serbia's Government" March 8, 2008.

(ICG) further argues that “in the current political constellation in Belgrade, the prospect of EU membership is not alluring enough to produce a fundamental policy reversal.”<sup>18</sup>

During the approximately 3 weeks since Kosovo declared independence, the UN, EU, and NATO have been striving to prevent further outbreaks of violence. In the immediate aftermath of Kosovo’s declaration, angry Serbs attacked two border checkpoints and NATO peacekeeping soldiers moved in and sealed the northern border with Serbia.<sup>19</sup> On March 3, 2008, Serbian railroad workers claimed that they were in charge of rail operations in northern Kosovo but they backed down from that claim the next day when the UN Interim Administration Mission in Kosovo (UNMIK) “reasserted control of a rail line in northern Kosovo.”<sup>20</sup> The Kosovo police forces have also been affected by recent developments. Approximately 10% of the 7,000-strong Kosovo Police Service (KPS) is composed of ethnic Serbs, many of whom were either already under the exclusive direction of UNMIK’s police monitors or refused to accept orders from Kosovar Albanian police commanders. At the beginning of March 2008, the KPS suspended some 150 Serb police officers for refusing to follow orders.<sup>21</sup>

## **Conclusion**

The UN System must not allow the situation in Kosovo to return to the ethnic cleansing of 1998-99. UNMIK and NATO’s KFOR have maintained an uneasy peace in the region for the past eight and a half years and this peace must be maintained, even given the very difficult circumstances in Kosovo today. The Security Council must decide on how best to allow UNMIK to continue while assisting Kosovo achieve true independence. The international community must also do more for Serbia; international financial institutions (IFI’s) will be critical in the creation of a viable economy for Kosovo and in reconstructing the Serbian economy.

## **Guiding Questions:**

Has your country recognized Kosovo as an independent country? If your country has not yet recognized Kosovo as an independent country, is it likely to do so in the near future?

If your country is opposed to Kosovo being an independent country, what future status does it envision for Kosovo? If your country prefers to see Kosovo remain part of Serbia, how will it reconcile the fact that the Kosovar Albanian population overwhelmingly prefers independence?

How should UNMIK’s mandate be adjusted in the wake of recent developments? Does your country support the continuation of KFOR in Kosovo or should the Security Council request that NATO remove its forces from the area?

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<sup>18</sup> International Crisis Group (ICG), “Kosovo Countdown: A Blueprint for Transition” Europe Report No. 188 December 6, 2007 p. ii.

<sup>19</sup> *BBC News*, “NATO troops close Kosovo border” February 20, 2008.

<sup>20</sup> UNMIK Online, “UN mission reasserts its control over stretch of rail line in northern Kosovo” March 5, 2008. Found at: <http://www.unmikonline.org/news.htm#0103>

<sup>21</sup> *BBC News*, “Kosovo suspends rebel Serb police” March 1, 2008.

