

# UNSCR 1244

## 1999

The idea of Neutrality in the Resolution	<ul style="list-style-type: none"><li>• No agreement between the two conflicting parties</li><li>• Ambiguous</li><li>• Balanced between Serbian Army and UCK from a military point of view, but unfair from a political point of view</li></ul>
Civilian aspects of the Crisis Management	<ul style="list-style-type: none"><li>• Return of refugees (not exhaustive)</li><li>• Misunderstanding of government and administration aspects (going toward the independence or the restoration of Serbian authority?)</li><li>• Participation, representation</li></ul>
Effectiveness	Completely negative: <ul style="list-style-type: none"><li>• Security</li><li>• Violation of human rights of minority communities</li><li>• Corruption</li><li>• others contradictions between what is stated and what has been done</li></ul>

## The idea of Neutrality in the Resolution

### No agreement between the two conflicting parties:

The UNSC Resolution is a “last minute attempt” in order to solve the crisis. It has been signed on June 1999 2 months after the beginning of the NATO intervention which was not legalized till the ratification.

The resolution does not reflect an agreement between Federal Republic of Yugoslavia and KLA. It incorporates as Annex 1 the statement by G8 foreign ministers at Petersburg on 6 May 1999, and as Annex 2 the Ahtisaari-Chernomyrdin text approved by the Serbian Parliament on 3 June 1999.

### Resolution Ambiguity:

The resolution is ambiguous regarding the status of Kosovo. The resolution both states:

- “... sovereignty and territorial integrity of Federal Republic of Yugoslavia”. (*Preamble*)
- “Responsibilities of the international civil presence will include: ... promoting the establishment, pending the final settlement, of substantial autonomy and self-government in Kosovo, taking full account of Annex 2 and of the Rambouillet accords. ...facilitating a political process designed to determine Kosovo’s future status, taking into account the Rambouillet accords.” (*Paragraph 11a, 11e*)

On one hand UNSC Resolution 1244 is often interpreted as requiring that Kosovo remain part of the Federal Republic of Yugoslavia (FRY). But on the other hand many disagree with the latter. According to them UNSC 1244 reaffirms the sovereignty and territorial integrity of the FRY, but in the context of the Helsinki Final Act which allows for peaceful change of borders. UNSC 1244 also establishes an interim administration under international presence in Kosovo, to provide for substantial autonomy within the FRY, including a provisional, democratic, self governing institution taking account of the 1999 Rambouillet Accords. These accords included a referendum after three years as one of several elements to be considered in determining a final settlement in Kosovo. UNSC 1244, however, leaves open all options for Kosovo’s future.

### Balanced between Serbian Army and UCK from a military point of view, but unfair from a political point of view:

Paragraph 3 of Regulation 1244 provides for the withdrawal from Kosovo of all Yugoslav military, police and paramilitary forces. On the other hand paragraph 9 (b) provides for the demilitarization of the Kosovo Liberation Army as well as of any other armed Kosovo Albanian groups. Furthermore the regulation foresees that a certain number of Serb military and police personnel (“hundreds”) will be permitted to return in Kosovo to perform functions, such as: maintaining a presence at key border crossings and Serb patrimonial sites, marking/clearing minefields, etc. So it can be concluded that the military issues have been approached neutrally.

The Resolution does not mention the problem of minorities’ protection and does not provide measures in order to avoid discrimination and revenge against the non Albanian minorities living in Kosovo.

# **Civilian aspects of the Crisis Management**

## **Return of refugees (ambiguous):**

The Resolution calls for a “safe and free return to all refugees and displaced persons” even if it does not provide any measure and call for the right of safe and free return of the new minorities.

## **Misunderstanding of government and administration aspects**

Does the resolution go toward the independence of Kosovo or the restoration of Serbian authority? Again we have the aforementioned problem of resolution’s ambiguity and vagueness.

## **Participation and representation**

The Resolution does not mention any call for effective participation of minorities in the process of institutional building (since it was easy to foresee that Albanian civil society would exclude minorities from these new institutions).

# Effectiveness

The result is **completely negative**, UNMIK failed to achieve many of its stated objectives:

## Security:

Failure to establish a secure environment. According to the Serbian government, there are around 250 000 refugees and internally displaced persons (IDPs) from Kosovo, the vast majority of whom are Serbs and Roma people, who still do not feel safe returning to their homes.

## Violation of human rights of minority communities

There has been a constant abuse of human rights, especially towards Serbian minority communities. Ethnic violence has always been present and has reached its peak on March 2004 when the international presence failed to protect both the civilians and the cultural and religious heritage; level of inter-ethnic integration has been and still is absent. Furthermore the representative system within the institutions (with “symbolic” reserved quotas for minorities) has determined a 100% Albanian composition of the provisional governments.

## Corruption

Corruption exists at all levels of the society.

As soon as Serbian forces withdrew Kosovo a lack of power, lack of law, lack of administration have been present at all for weeks, and partially for months (UNMIK forces entered and took power in September). During the first anarchy period corruption and violence have grown up very much.

According to some international organizations Kosovo has become a major destination country for women and young girls trafficked into forced prostitution.

## Others contradictions between what has been done and what has been stated

- Parallel structures continued to exist. Health and education within the Kosovo Serbian community remained dependent on Serbian budgets.
- UNMIK has prevented Serbia from sending a specific amount of its troops back into Kosovo, thus in fact breaching the resolution.
- The key infrastructure is still not reconstructed. Specifically, electric distribution remained a big problem.
- Economy is completely dependent from import of agricultural products.
- The Disarmament and Demilitarization of KLA failed: soldiers have been involved into the Police force (Kosovo Police Service and Kosovo Protection Force) building de facto a Kosovar army in embryo.
- Civil society is very weak and too homogeneous: no opposition voices, almost 100% Albanian composition of new institutions.