

the right of every sovereign State. He also stated that the accusations that some countries had made against China were totally groundless.²⁸⁸

F. Items relating to the situation in Kosovo, Federal Republic of Yugoslavia

Letter dated 11 March 1998 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

Letter dated 27 March 1998 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Initial proceedings

Decision of 31 March 1998 (3868th meeting): resolution 1160 (1998)

By a letter dated 11 March 1998 addressed to the President of the Security Council,²⁸⁹ the representative of the United Kingdom transmitted the text of a statement on Kosovo, Federal Republic of Yugoslavia,²⁹⁰ agreed by the members of the Contact Group²⁹¹ at their meeting in London on 9 March 1998. The Contact Group expressed their dismay that, although they had called upon the authorities in Belgrade and the leadership of the Kosovo Albanians to join in a peaceful dialogue, rather than taking steps to reduce tensions or entering without preconditions in dialogue towards a political solution, the Belgrade authorities had applied repressive measures in Kosovo. They stressed that their condemnation of the actions of the Serbian police should not in any way be mistaken

for an endorsement of terrorist actions by the Kosovo Liberation Army (KLA) or any other group or individual. In the light of the deplorable violence in Kosovo, they felt compelled to take steps to demonstrate to the authorities in Belgrade that they could not defy international standards without facing severe consequences. The Contact Group welcomed the continuation of consultations in the Security Council, in view of the implications of the situation in Kosovo for regional security. Owing to the gravity of the situation, they endorsed the following measures, to be pursued immediately: consideration by the Council of a comprehensive arms embargo against the Federal Republic of Yugoslavia, including Kosovo; refusal to supply equipment to the Federal Republic of Yugoslavia, which might be used for internal repression, or for terrorism; denial of visas for senior Federal Republic of Yugoslavia and Serbian representatives responsible for repressive action by security forces of the Federal Republic of Yugoslavia in Kosovo; and a moratorium on government-financed export credit support for trade and investment, including government financing for privatizations, in Serbia. The Contact Group further noted that the Russian Federation could not support the last two measures mentioned above for immediate imposition. However, if there was no progress towards the steps called for by the Contact Group, the Russian Federation would then be willing to discuss all the measures. The Contact Group also called upon President Milosevic of the Federal Republic of Yugoslavia to take rapid and effective steps to stop the violence and engage in a commitment to find a political solution to the issue of Kosovo through dialogue. If President Slobodan Milosevic took those steps, they would immediately reconsider the measures they had adopted. If he failed to take those steps, and repression continued in Kosovo, the Contact Group would move to further international measures, and, specifically, pursue a freeze on the funds held abroad by the Federal Republic of Yugoslavia and Serbian Governments. The Contact Group stressed that they supported neither independence nor the maintenance of the status quo. As they had set out clearly, the principles for a solution of the Kosovo problem needed to be based upon the territorial integrity of the Federal Republic of Yugoslavia, and in accordance with the Organization for Security and Co-operation in Europe (OSCE) standards, the Helsinki Principles, and the Charter of the United Nations. A solution also had to

²⁸⁸ *Ibid.*, p. 9.

²⁸⁹ S/1998/223.

²⁹⁰ For purposes of this Supplement, the term "Kosovo" refers to "Kosovo, Federal Republic of Yugoslavia", without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

²⁹¹ The Contact Group was composed of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.

take into account the rights of the Kosovo Albanians and all those who lived in Kosovo. They supported an enhanced status for Kosovo within the Federal Republic of Yugoslavia, which a substantially greater degree of autonomy would bring, and recognized that that must include meaningful self-administration.

By a letter dated 27 March 1998, addressed to the President of the Security Council,²⁹² the representative of the United States transmitted the text of a statement on Kosovo, Federal Republic of Yugoslavia, agreed by the members of the Contact Group at their meeting in Bonn on 25 March 1998. They stated that their overall assessment was that further progress by Belgrade on certain points requiring action by the Federal Republic of Yugoslavia and Serbian governments was necessary. Therefore, they had agreed to maintain and implement the measures announced on 9 March, including seeking adoption by 31 March of the arms embargo resolution currently under consideration in the Security Council.

At its 3868th meeting, held on 31 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letters in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Albania, Bosnia and Herzegovina, Canada, Croatia, Egypt, Germany, Greece, Hungary, Italy, the Islamic Republic of Iran, Pakistan, Poland, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. He also extended an invitation to Mr. Vladislav Jovanovic, at his request, to address the Council in the course of its discussion of the item.²⁹³

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, Sweden, the United Kingdom and the United States.²⁹⁴ The President further drew the attention of the Council to the following documents: identical letters dated 11 March 1998 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General and to the President of the Security Council;²⁹⁵ letters dated 12, 16 and 18 March 1998,

respectively, from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General;²⁹⁶ a letter dated 13 March 1998 from the representative of Bulgaria addressed to the Secretary-General;²⁹⁷ and a letter dated 17 March 1998 from the representative of Poland addressed to the President of the Security Council.²⁹⁸ Members of the Council also received a letter dated 30 March 1998 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,²⁹⁹ protesting the efforts of the Council to adopt a resolution that provided for the imposition of an arms embargo on the Federal Republic of Yugoslavia, and stating that the situation in Kosovo and Metohija was an internal matter of Serbia.

At the same meeting, the representative of Costa Rica stated that his country had always maintained that safeguarding human rights was not solely and exclusively a matter of the internal jurisdiction of States. In that connection, he expressed the belief that there were certain circumstances in which a violation of such fundamental rights was so serious that it constituted, in and of itself, a threat to international peace and security and therefore fully justified the Security Council invoking the powers granted to it under Chapter VII of the Charter. While condemning terrorism in all its forms, he underlined that combating terrorism did not justify human rights violations or the failure to respect international humanitarian law.³⁰⁰

The representative of Brazil stated that although the Charter enshrined the principle of non-intervention in matters that were essentially within the domestic jurisdiction of any State, everyone was aware that the principle did not prejudice the application of

²⁹² S/1998/272.

²⁹³ S/PV.3868, p. 2.

²⁹⁴ S/1998/284.

²⁹⁵ Letter transmitting a statement by the Government of Serbia on the situation in Kosovo and Metohija

(S/1998/225).

²⁹⁶ Letter transmitting statements by the Federal Republic of Yugoslavia and the President of Serbia on the situation in Kosovo, and a letter to the President of the International Committee of the Red Cross (S/1998/229, S/1998/240 and S/1998/250).

²⁹⁷ Letter transmitting a joint declaration adopted by the Ministers for Foreign Affairs of countries of south-eastern Europe concerning the situation in Kosovo (S/1998/234).

²⁹⁸ Letter transmitting decision 218 on the situation in Kosovo, adopted at the special session of the Permanent Council of OSCE on 11 March 1998 (S/1998/246).

²⁹⁹ S/1998/285.

³⁰⁰ S/PV.3868 and Corr.1 and Corr.2, pp. 3-4.

enforcement measures under Chapter VII, in accordance with Article 2 (7). He noted that in recent years some observers had gone so far as to suggest that there might have been a tendency to frame emergencies under Chapter VII so as to circumvent the non-intervention principle. This would be a distortion of the waiver provided by Article 2 (7), which would seem to be incompatible with its original purpose. On the other hand, as stated in General Assembly resolution 51/242, annex II, sanctions should be resorted to only with the utmost caution, when other peaceful options provided by the Charter were inadequate. In conclusion, he emphasized his delegation's commitment to the pacific settlement of disputes within a context of respect for sovereignty and territorial integrity. Brazil believed that exercising caution in resorting to coercive measures would actually strengthen the authority of the Security Council in the face of serious and otherwise intractable situations.³⁰¹

The representative of Slovenia stated that there were three essential political lessons to be borne in mind while approaching the issue of Kosovo. First, there was no reason to expect quick fixes. Second, it was essential that the political process be started on the basis of the broad and fundamental principles of the Charter of the United Nations and the Helsinki Final Act of 1975. Third, it was essential to ensure that intellectual and moral accuracy prevailed in the international efforts to help resolve the situation. He noted that in the past, the unilateral dismantling of the autonomy of Kosovo represented one of the major sources of political deterioration and instability in the region. At present, the use of force against the Albanians of Kosovo represented the most important source of instability and a threat to international peace and security. Consequently, efforts had to be directed toward the elimination of that threat. Regarding terrorism, he stated that it was clear that violent acts, such as the taking of hostages, attacks against the safety of civilian air traffic, terrorist bombings and other attacks against civilian targets were properly defined as terrorism. On the other hand, there were forms of struggle that, while undesirable, were not terrorism and ought not to be labeled so. That was particularly relevant to the situation in Kosovo, where the characteristics of an armed conflict had already

³⁰¹ Ibid., pp. 6-7.

assumed serious proportions. He expressed agreement with the decisions of the Contact Group and stressed that such action was necessary since the situation in Kosovo had already developed into a threat to international peace and security in the region, which was the reason for action based on Chapter VII of the Charter.³⁰²

The representative of Bahrain stated that the Organization of the Islamic Conference (OIC), at its meeting of Ministers for Foreign Affairs from 16 to 17 March 1998, had expressed its concern at the grave violations of the human and political rights of the inhabitants of the Kosovo region and called for an immediate halt to such actions and for an immediate withdrawal from civilian areas.³⁰³

The representative of the Russian Federation stated that from the outset his delegation had viewed the events in Kosovo as the internal affair of the Federal Republic of Yugoslavia. His Government strongly believed that the basic principle for a settlement of the situation in Kosovo was that the autonomous region had to remain within Serbia, on the basis of unswerving compliance with the principle of the territorial integrity of the Federal Republic of Yugoslavia and of the republics that made it up. Only within that legal framework was an effective settlement of the Kosovo problem possible through peaceful political dialogue without preconditions or unilateral approaches. He underscored that, while condemning the use of excessive force by the Serbian police, the Russian Federation also strongly condemned any terrorist acts on the part of the Kosovo Albanians, including the "so-called" Kosovo Liberation Army and other manifestations of extremism. The representative stressed that, while the events in Kosovo had an adverse regional impact, the situation in Kosovo, despite its complexity, did not constitute a threat to regional, much less international, peace and security. He informed the Council that it had been extremely difficult for the Russian Federation to agree with the introduction of a military embargo, and had done so only on the understanding that the issue was not about punishing anyone, Belgrade in particular, but about specific measures designed to prevent an increase in tension, to erect an obstacle to external terrorism and

³⁰² Ibid., pp. 7-9.

³⁰³ Ibid., p. 9.

to foster the political process with a view to a speedy and lasting settlement. He also noted that one of the most important conditions for the viability of the embargo was an effective monitoring regime for its implementation, particularly on the Albanian-Macedonian border, and it was precisely from that perspective that the Council needed to consider the mandate of the United Nations Preventive Deployment Force.³⁰⁴ It was his delegation's position that the establishment by the Security Council of a military embargo, like any application of military sanctions, was possible only with a clear exit strategy. While the approach of his delegation had not received sufficient support in the Security Council, the draft resolution had been able to define strict criteria. If Belgrade complied with these criteria, the Security Council would decide to lift the embargo. He stressed that the main task of the international community was the full promotion of the consolidation of progress made in the situation around Kosovo. That must not be done by increasing sanction measures, which might have the most adverse repercussions for the entire Balkan region and many other States.³⁰⁵

The representative of China stated that Kosovo was an integral part of the territory of the Federal Republic of Yugoslavia. The question of Kosovo was an internal matter of the Federal Republic. It should be resolved properly through negotiations between the two parties concerned, on the basis of the principle of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. He noted that the Government of the Federal Republic of Yugoslavia had taken a series of positive measures in that regard and the situation on the ground was moving towards stability. He stated that his delegation did not think that the situation in Kosovo endangered regional and international peace and security. The representative stressed that if the Council was to get involved in a dispute without a request from the country concerned, it might set a bad precedent and would have wider negative implications. Therefore, the Council needed to be cautious when addressing those issues. He underlined that, although the priority in solving the question of Kosovo in the Federal Republic of Yugoslavia was for the parties to start the political talks

as soon as possible, the draft resolution would not help move the parties to negotiations. Neither was it appropriate to bring before the Council the differences between OSCE and the Federal Republic of Yugoslavia, as well as the human rights issues in Kosovo, nor was it proper to link the return of the Federal Republic of Yugoslavia to the international community to the question of Kosovo. Since the content of the draft resolution did not conform to the principled positions of China, his delegation had no choice but to abstain in the voting.³⁰⁶

Speaking both before and after the vote, a number of speakers stated that neither the repression of human and political rights of the Albanian population in Kosovo nor the separation and independence of Kosovo were acceptable, but that a solution had to be found within the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. All speakers urged the authorities in Belgrade and the leadership of the Albanian community in Kosovo to immediately enter into a substantive dialogue without precondition. They also endorsed the statements made by the Contact Group. Several speakers also called upon all States to strictly observe the embargo.³⁰⁷

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (China), as resolution 1160 (1998),³⁰⁸ which reads:

The Security Council,

Noting with appreciation the statements by the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States (the Contact Group) of 9 and 25 March 1998, including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision adopted at the special session of the Permanent Council of the Organization for Security and Cooperation in Europe on 11 March 1998,

³⁰⁶ *Ibid.*, pp. 11-12.

³⁰⁷ *Ibid.*, p. 3 (Japan); pp. 4-5 (France); p. 5 (Kenya); pp. 5-6 (Sweden); pp. 9-10 (Portugal). After the vote: pp. 13-14 (Gambia); pp. 14-15 (United Kingdom on behalf of the European Union and Czech Republic, Hungary, Poland, Romania and Norway); pp. 19-20 (Germany); pp. 20-21 (Italy); p. 22 (Pakistan); pp. 24-25 (Poland); pp. 25-26 (Hungary); pp. 29-30 (Ukraine); and p. 30 (Islamic Republic of Iran).

³⁰⁸ For the vote, see S/PV.3868, p. 12.

³⁰⁴ See section 27.E in this chapter on the situation in the former Yugoslav Republic of Macedonia.

³⁰⁵ S/PV.3868 and Corr.1 and Corr.2, pp. 10-11.

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Taking note of the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija,

Noting the clear commitment of senior representatives of the Kosovo Albanian community to non-violence,

Noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,

1. *Calls upon* the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo through dialogue and to implement the actions indicated in the Contact Group statements of 9 and 25 March 1998;

2. *Also calls upon* the Kosovo Albanian leadership to condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

3. *Underlines* the fact that the way to defeat violence and terrorism in Kosovo is for the authorities in Belgrade to offer the Kosovo Albanian community a genuine political process;

4. *Calls upon* the authorities in Belgrade and the leadership of the Kosovo Albanian community urgently to enter without preconditions into a meaningful dialogue on political status issues, and notes the readiness of the Contact Group to facilitate such a dialogue;

5. *Agrees*, without prejudging the outcome of that dialogue, with the proposal in the Contact Group statements of 9 and 25 March 1998 that the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia and should be in accordance with standards of the Organization for Security and Cooperation in Europe, including those set out in the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki on 1 August 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovo Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo, which would include a substantially greater degree of autonomy and meaningful self-administration;

6. *Welcomes* the signature on 23 March 1998 of an agreement on measures to implement the 1996 Education Agreement, calls upon all parties to ensure that its implementation proceeds smoothly and without delay according to the agreed timetable, and expresses its readiness to consider measures if either party blocks implementation;

7. *Expresses its support* for the efforts of the Organization for Security and Cooperation in Europe for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who is also the Special Representative of the European Union, and the return of the long-term missions of the Organization for Security and Cooperation in Europe;

8. *Decides* that all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related materiel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there;

9. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by the present resolution;

(b) To consider any information brought to its attention by any State concerning violations of the prohibitions imposed by the present resolution and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by the present resolution;

(d) To promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by the present resolution;

(e) To examine the reports submitted pursuant to paragraph 12 below;

10. *Calls upon* all States and all international and regional organizations to act strictly in conformity with the present resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the prohibitions imposed by the present resolution, and stresses in this context the importance of continuing implementation of the Agreement on Subregional Arms Control signed in Florence, Italy, on 14 June 1996;

11. *Requests* the Secretary-General to provide all necessary assistance to the Committee established pursuant to paragraph 9 above and to make the necessary arrangements in the Secretariat for this purpose;

12. *Requests* States to report to the Committee established pursuant to paragraph 9 above within thirty days of adoption of the present resolution on the steps they have taken to give effect to the prohibitions imposed by the present resolution;

13. *Invites* the Organization for Security and Cooperation in Europe to keep the Secretary-General informed on the situation in Kosovo and on measures taken by that organization in this regard;

14. *Requests* the Secretary-General to keep the Council regularly informed and to report on the situation in Kosovo and the implementation of the present resolution no later than thirty days following the adoption of the present resolution and every thirty days thereafter;

15. *Also requests* that the Secretary-General, in consultation with appropriate regional organizations, include in his first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by the present resolution, and calls upon all States, in particular neighbouring States, to extend full cooperation in this regard;

16. *Decides* to review the situation on the basis of the reports of the Secretary-General, which will take into account the assessments of, inter alia, the Contact Group, the Organization for Security and Cooperation in Europe and the European Union, and decides also to reconsider the prohibitions imposed by the present resolution, including action to terminate them, following receipt of the assessment of the Secretary-General that the Government of the Federal Republic of Yugoslavia, cooperating in a constructive manner with the Contact Group, has:

(a) Begun a substantive dialogue in accordance with paragraph 4 above, with the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;

(b) Withdrawn the special police units and ceased action by the security forces affecting the civilian population;

(c) Allowed access to Kosovo by humanitarian organizations as well as representatives of the Contact Group and other embassies;

(d) Accepted a mission by the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the long-term missions of the Organization for Security and Cooperation in Europe;

(e) Facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;

17. *Urges* the Office of the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to resolution 827 (1993) of 25 May 1993, to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal and that the Contact Group countries will make available to the Tribunal substantiated relevant information in their possession;

18. *Affirms* that concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the Federal Republic of Yugoslavia and prospects for normalization of its international relationships and full participation in international institutions;

19. *Emphasizes* that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;

20. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United Kingdom stated that in adopting the resolution, the Security Council had sent an unmistakable message that, by acting under Chapter VII of the Charter, the Council considered that the situation in Kosovo constituted a threat to international peace and security in the Balkans. It said to Belgrade that repression in Kosovo would not be tolerated by the international community and to the Kosovar side that terrorism was unacceptable. He stressed that his delegation did not support separatism or independence in Kosovo, but that it expected Belgrade to grant Kosovo an enhanced status, including self-administration. Getting the authorities in Belgrade and the Kosovo Albanian community to start a constructive dialogue without preconditions about the differences between them was the only chance of reaching a peaceful settlement.³⁰⁹

The representative of the United States stated that the international community had to avoid the mistakes of the past, when they had waited too long before taking decisive action. His delegation fully recognized that the security of the region directly affected broader international interests and that deterioration of the situation in Kosovo constituted a threat to international peace and security. He reiterated that to have the arms

³⁰⁹ S/PV.3868, pp. 12-13.

embargo and other sanctions lifted and to avoid further measures, the Federal Republic of Yugoslavia had to begin an unconditional dialogue on political status issues with the Kosovo Albanian leadership. He welcomed the commitment of senior representatives of the Kosovo Albanian leadership to non-violence and a negotiated solution to the crisis in Kosovo and stressed that his Government would not countenance terrorist activity or external support for terrorist activity. He also noted that the resolution underlined the important role of the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia in gathering evidence about the violence in Kosovo that might fall within its jurisdiction. Finally, urgent action by the Federal Republic of Yugoslavia to stop the violence and other provocative action by its police and paramilitary security forces was of key importance.³¹⁰

Mr. Jovanovic stated that Kosovo and Metohija was a Serbian province that had always been, and was, an integral part of the Republic of Serbia. He stated that the meeting of the Security Council and the adoption of a resolution were not acceptable to the Government of the Federal Republic of Yugoslavia, since questions that represented an internal matter for Serbia and the Federal Republic of Yugoslavia were at stake. His Government considered that the internal question could not be the subject of deliberation in any international forum without the consent of the Government of the Federal Republic of Yugoslavia, and such consent had not been granted. He noted that the pretext for the action by the Security Council had been found in two anti-terrorist police actions in Kosovo and Metohija, the autonomous province of Serbia. He stressed that there was not, nor had there been, any armed conflict in Kosovo and Metohija. There was therefore no danger of a spillover, no threat to peace and security and no basis for invoking Chapter VII of the Charter of the United Nations. He stressed that the Contact Group was not authorized to create obligations for the Security Council by its statements, or to establish the calendar of its meetings and decisions or to determine the content of those decisions. He also maintained that Serbia was firmly committed to an unconditional dialogue with the members of the Albanian minority and to the solution of all questions through political means in accordance with European standards. However, he emphasized that

³¹⁰ Ibid., p. 13.

the call of some countries for solutions to be sought outside Serbia or within the Federal Republic of Yugoslavia constituted a violation of the territorial integrity of Serbia, a State which had been in existence for more than 13 centuries, much longer than even the first ideas of “Yugoslavness”.³¹¹

The representative of Turkey stated that his Government had formulated a number of proposals towards finding a concrete solution to the Kosovo problem. A solution to the dispute had to be found through comprehensive dialogue between the parties and within the framework of the territorial integrity of the Federal Republic of Yugoslavia. He suggested that it should be possible for a third party, which would be decided on by the two sides, to assume a function that would facilitate reaching a settlement. He also suggested that the dialogue aimed at reinstating all the rights of all the ethnic minorities in Kosovo ought to begin immediately. Those minorities, including the Turkish community, ought to be represented in the talks concerning the future of Kosovo.³¹²

The representative of Albania stated that his Government favoured a peaceful resolution of the conflict, did not support the use of violence and was firm in demanding a harsh condemnation of Serbia. Albania called for the immediate withdrawal of the Serbian military, paramilitary and police forces and for serious talks, declaring that borders would not change and that the Kosovo problem had to be considered, as were those of other Yugoslav republics, by always applying the European model. He maintained that, given the dimensions of the Kosovo crisis and the danger of it spilling over to the south of the Balkan peninsula, the crisis went far beyond the limits of having some implications for regional security. He expressed the belief that the great responsibility of the Member States of the Security Council to preserve peace and security in the area, in order to avoid a new tragedy, would guide them to take the necessary decisions without delay.³¹³

The representative of Croatia emphasized that all political issues in Kosovo, including its future status, had to be resolved between the Belgrade authorities and Kosovo Albanians through a genuinely democratic

³¹¹ Ibid., pp. 15-19.

³¹² Ibid., pp. 21-22.

³¹³ Ibid., pp. 22-24.

political process, which had to take into account both the opinions of the Badinter Commission on the inviolability of the borders of new States established following the dissolution of the former Yugoslavia and the tradition of territorial autonomy in Kosovo. Croatia acknowledged the importance of normalizing relations between the Federal Republic of Yugoslavia and the rest of the international community. However, he stressed that the participation of the Federal Republic of Yugoslavia in international institutions was conditional upon its application for membership and the fulfilment of all criteria for acceptance into those institutions, as was the case with every new applicant. Consequently, it was the understanding of his delegation that that was the only context within which paragraph 18 of the resolution could be interpreted. The issue of succession to the former Yugoslavia could not be linked to the Kosovo crisis, because it was a matter which involved all the successor States to the former Yugoslavia and needed to be resolved on the basis of the opinions of the Badinter Commission and international law.³¹⁴

The representative of Greece pointed out that any measures against the Federal Republic of Yugoslavia should also take into account the stability of south-eastern Europe and should not unduly harm States in the region, which were particularly hit by the negative consequences of the sanctions regime in the years 1992 through 1996.³¹⁵

The representative of Bosnia and Herzegovina first of all welcomed the role of the Security Council in the process and emphasized the determinative importance of the Council remaining seized of the matter. Second, the authority and active role of the International Tribunal for the Former Yugoslavia was unquestioned and necessary. Third, they stressed the territorial integrity and sovereignty of all the States in the region, without any prejudice to the eventual solution. Fourth, they emphasized that the basis for a solution lay with full respect for the democratic, human, national and minority rights of all the citizens of the Federal Republic of Yugoslavia. Fifth, noting that the role of the Federal Republic of Yugoslavia in the situation in Bosnia and Herzegovina had been frequently addressed before the Council, the

representative emphasized that the health of the Federal Republic of Yugoslavia also reflected upon the health of Bosnia and Herzegovina. Sixth, he stressed the importance of the arms-control arrangements negotiated under the authority of OSCE, both within the region and in their country. Seventh, his Government would like to underline the consistency of the interpretation provided by the representative of Slovenia with that of the relevant Security Council and General Assembly resolutions, as that related to paragraph 18 of the resolution.³¹⁶

The representative of Egypt stated that his delegation had noted that the Security Council candidly referred to the fact that the resolution had been adopted under the provisions of Chapter VII of the Charter without a prior reference to a determination by the Security Council that there existed a threat to international peace and security as required by the provisions of Article 39 of the Charter. He stated that, of course, it might be said that the Council was the master of its own procedures, and that was correct with regard to procedures. However, in principle, the constitutional requirements in the Charter should in general be scrupulously followed and respected.³¹⁷

**Decision of 24 August 1998 (3918th meeting):
statement by the President**

On 5 August 1998, pursuant to Security Council resolution 1160 (1998), the Secretary-General submitted to the Council a report on developments in Kosovo, Federal Republic of Yugoslavia.³¹⁸ In his report, the Secretary-General informed the Council that the situation in Kosovo had continued to deteriorate with increased heavy fighting between the security forces of the Federal Republic of Yugoslavia and the "so-called" Kosovo Liberation Army being reported. Most disturbing were reports of increased tensions along the border between the Federal Republic of Yugoslavia and Albania. The unrelenting violence had led to a dramatic increase in internally displaced persons in Kosovo and Montenegro since his last report, which was causing further instability. He observed that the continuing infiltration from outside the borders of the Federal Republic of Yugoslavia of weapons and fighting men was a source of continuing

³¹⁴ Ibid., pp. 25-27.

³¹⁵ Ibid., p. 27.

³¹⁶ Ibid., pp. 27-28.

³¹⁷ Ibid., pp. 28-29.

³¹⁸ S/1998/712.

widespread concern, as were the sharp escalation of violence and the reported use of excessive force by security forces against civilians as part of the operations of the Government against KLA. He stated that centrifugal tendencies appeared to be gaining ground. He maintained that the situation was aggravated by the failure of the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanians to enter into serious negotiations on the future status of Kosovo. He underlined that the continuation or further escalation of the conflict had dangerous implications for the stability of the region. Finally, he expressed his strong hope that the question of Kosovo would be examined not in isolation, but in a manner that fully took into account and embraced the broad, regional context and the principles of the Charter of the United Nations.

At its 3918th meeting, held on 24 August 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Slovenia), with the consent of the Council invited the representatives of Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 20 July 1998 from the representative of Austria addressed to the Secretary-General,³¹⁹ transmitting the text of a statement on recent fighting in Kosovo issued on 20 July 1999 by the President of the European Union.

At the same meeting, the President made the following statement on behalf of the Council:³²⁰

The Security Council has considered the report of the Secretary-General of 5 August 1998 submitted pursuant to its resolution 1160 (1998) of 31 March 1998.

The Council remains gravely concerned about the recent intense fighting in Kosovo which has had a devastating impact on the civilian population and has greatly increased the numbers of refugees and displaced persons.

The Council shares the concern of the Secretary-General that the continuation or further escalation of the conflict in Kosovo has dangerous implications for the stability of the region. In particular, the Council is gravely concerned that given the increasing numbers of displaced persons, coupled with the approaching winter, the situation in Kosovo has the potential to

become an even greater humanitarian disaster. The Council affirms the right of all refugees and displaced persons to return to their homes. In particular, the Council emphasizes the importance of unhindered and continuous access of humanitarian organizations to the affected population. The Council is concerned over reports of increasing violations of international humanitarian law.

The Council calls for an immediate ceasefire. The Council emphasizes that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanians must achieve a political solution to the issue of Kosovo and that all violence and acts of terrorism from whatever quarter are unacceptable, and reiterates the importance of the implementation of its resolution 1160 (1998). The Council reaffirms the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, and urges the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue leading to an end to the violence and a negotiated political solution to the issue of Kosovo. It supports in this context the efforts of the Contact Group, including its initiatives to engage the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership in discussions on the future status of Kosovo.

In this regard, the Council welcomes the announcement by Mr. Ibrahim Rugova, the leader of the Kosovo Albanian community, of the formation of a negotiating team to represent the interests of the Kosovo Albanian community. The formation of the Kosovo Albanian negotiating team should lead to the early commencement of a substantial dialogue with the authorities of the Federal Republic of Yugoslavia, with the aim of ending the violence and achieving a peaceful settlement, including the safe and permanent return of all internally displaced persons and refugees to their homes.

It remains essential that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanians accept responsibility for ending the violence in Kosovo, for allowing the people of Kosovo to resume their normal lives and for moving the political process forward.

The Council will continue to follow the situation in Kosovo closely and will remain seized of the matter.

Decision of 23 September 1998 (3930th meeting): resolution 1199 (1998)

On 4 September 1998, pursuant to Security Council resolution 1160 (1998), the Secretary-General submitted to the Council a report on the situation in Kosovo, Federal Republic of Yugoslavia.³²¹ In his report, the Secretary-General expressed his alarm at the lack of progress towards a political settlement in Kosovo and the further loss of life, displacement of the

³¹⁹ S/1998/675.

³²⁰ S/PRST/1998/25.

³²¹ S/1998/834 and Add.1.

civilian population and destruction of property resulting from the ongoing conflict. He reiterated that it was essential that negotiations get under way so as to break “the cycle of disproportionate use of force by the Serbian forces and acts of violence by the Kosovo Albanian paramilitary units” by promoting a political resolution of the conflict. Persistent tensions on the border between the Federal Republic of Yugoslavia and Albania, including reports of border violations and cross-border shelling, were a further cause of serious concern. That escalation of tensions risked detrimental consequences for the stability in the region. He reiterated his concern that the United Nations operations in the region could be negatively affected by developments in Kosovo. He expressed his belief that there could be no military solution for the crisis and urged both parties to demonstrate restraint and to start the negotiating process as soon as possible. He stated that efforts by the Contact Group, regional organizations and individual States to put an end to the violence and to create appropriate conditions or a political settlement of the conflict had his full support. Finally, he noted that recent clashes in Kosovo had led to further displacement of the civilian population, which had borne the brunt of the fighting since March 1998, and urged parties in the Federal Republic of Yugoslavia to assure unhindered access to all affected areas and to ensure the security of the relief personnel.

At its 3930th meeting, held on 23 September 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Sweden), with the consent of the Council, invited the representatives of Albania, Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States.³²²

Speaking before the vote, the representative of the Russian Federation stated that the situation in and around Kosovo, Federal Republic of Yugoslavia, remained extremely difficult. As a result of the continued armed confrontations, including some in

which heavy weapons were used, there was a steady flow of refugees and displaced persons, which, given the onset of winter, was fraught with grave humanitarian consequences. In violation of Security Council resolution 1160 (1998), material and financial support from abroad continued to be provided to Kosovo extremists, first and foremost from the territory of Albania, which was seriously destabilizing the situation and provoking tensions in Kosovo. Despite the efforts undertaken, up to that time, it had been impossible to establish a direct political dialogue between the Serbian authorities, the Federal Republic of Yugoslavia and the leadership of the Kosovo Albanians. Under those circumstances, an urgent need had arisen to give additional impetus to international efforts to facilitate a political settlement and a normalization of the humanitarian situation in the area. He reiterated that the basic provisions of the draft resolution corresponded with the fundamental stance taken by the Russian Federation, which favoured settlement of the conflict in Kosovo exclusively through peaceful and political means on the basis of granting broad autonomy to Kosovo, with strict respect for the territorial integrity of the Federal Republic of Yugoslavia. He maintained that his delegation was convinced that there was no reasonable alternative to such an approach. In particular, the use of unilateral measures of force to settle the conflict was fraught with the risk of destabilizing the Balkan region and all of Europe and would have long-term adverse consequences for the international system, which relied on the central role of the United Nations.³²³

The representative of China stated that his country had always been of the view that the question of Kosovo was an internal matter of the Federal Republic of Yugoslavia. He expressed his belief that the question of Kosovo should and could be solved only by the Yugoslav people themselves in their own way. His delegation appreciated the position of the Government of the Federal Republic of Yugoslavia regarding settling the Kosovo issue through unconditional dialogue. He maintained that the situation in the Kosovo region was now stabilizing. There was no large-scale armed conflict, still less any escalation of the conflict. The Government of the Federal Republic of Yugoslavia had also taken a series of positive measures to encourage the refugees to

³²² S/1998/882.

³²³ S/PV.3930, pp. 2-3.

return home and provide facilities for humanitarian relief work. He expressed grave concern about the action of blocking for political purposes the return of refugees and prolonging the humanitarian crisis so as to keep the attention of the international community on the region. He reiterated that China did not see the situation in Kosovo as a threat to international peace and security. He also reiterated that many of the countries in the region were multi-ethnic. If the Security Council became involved in a dispute without being requested to do so by the countries of the region, or went even further and unfairly applied pressure on or threatened actions against the Government of the country concerned, it would create a bad precedent and have wider negative implications. He asserted that the draft resolution had not taken into full consideration the situation in Kosovo and the legitimate rights of the Federal Republic of Yugoslavia within its sphere of sovereignty. It had invoked Chapter VII of the United Nations Charter all too indiscreetly in order to threaten the Federal Republic of Yugoslavia. That would not help bring about the fundamental settlement of the Kosovo issue. It might, on the contrary, reinforce the separatist and terrorist forces in the region and increase the tension there. As a result, the Chinese delegation could not support the draft resolution and would be compelled to abstain.³²⁴

At the same meeting, the draft resolution was put to the vote and was adopted by 14 votes to none, with 1 abstention (China), as resolution 1199 (1998),³²⁵ which reads:

The Security Council,

Recalling its resolution 1160 (1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to resolution 1160 (1998), and in particular his report of 4 September 1998,

Taking note with appreciation of the statement by the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 12 June 1998 at the conclusion of the meeting of the Contact Group with the Ministers for Foreign Affairs of Canada and Japan, and the further statement of the Contact Group made in Bonn on 8 July 1998,

³²⁴ Ibid., pp. 3-4.

³²⁵ For the vote, see S/PV.3930, p. 4.

Taking note also with appreciation of the joint statement of 16 June 1998 by the Presidents of the Russian Federation and the Federal Republic of Yugoslavia,

Taking note of the communication by the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army, which have resulted in numerous civilian casualties and, according to the estimate of the Secretary-General, the displacement of over 230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia and Herzegovina and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the Office of the United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned by the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary-General, and emphasizing the need to prevent this from happening,

Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem, which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects for a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership and reduce the risks of a humanitarian catastrophe;

2. *Demands also* that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

3. *Calls upon* the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

4. *Demands* that the Federal Republic of Yugoslavia, in addition to the measures called for under resolution 1160 (1998), implement immediately the following concrete measures towards achieving a political solution to the situation in Kosovo as contained in the Contact Group statement of 12 June 1998:

(a) Cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;

(b) Enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic missions accredited to the Federal Republic of Yugoslavia, including access and complete freedom of movement of such monitors to, from and within Kosovo, unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to the monitoring;

(c) Facilitate, in agreement with the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, the safe return of refugees and displaced persons to their homes, and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo;

(d) Make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 above with the Kosovo Albanian community, which was called for in resolution 1160 (1998), with the aim of agreeing to confidence-building measures and finding a political solution to the problems of Kosovo;

5. *Notes*, in this connection, the commitments of the President of the Federal Republic of Yugoslavia, in his joint

statement with the President of the Russian Federation of 16 June 1998:

(a) To resolve existing problems by political means on the basis of equality for all citizens and ethnic communities in Kosovo;

(b) Not to carry out any repressive actions against the peaceful population;

(c) To provide full freedom of movement for and ensure that there will be no restrictions on representatives of foreign States and international institutions accredited to the Federal Republic of Yugoslavia monitoring the situation in Kosovo;

(d) To ensure full and unimpeded access for humanitarian organizations, the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees, and delivery of humanitarian supplies;

(e) To facilitate the unimpeded return of refugees and displaced persons under programmes agreed upon with the Office of the High Commissioner and the International Committee of the Red Cross, providing State aid for the reconstruction of destroyed homes;

and calls for the full implementation of these commitments;

6. *Insists* that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

7. *Recalls* the obligations of all States to implement fully the prohibitions imposed by resolution 1160 (1998);

8. *Endorses* the steps taken to establish effective international monitoring of the situation in Kosovo, and in this connection welcomes the establishment of the Kosovo Diplomatic Observer Mission;

9. *Urges* States and international organizations represented in the Federal Republic of Yugoslavia to make available personnel to fulfil the responsibility of carrying out effective and continuous international monitoring in Kosovo until the objectives of the present resolution and those of resolution 1160 (1998) are achieved;

10. *Reminds* the Federal Republic of Yugoslavia that it has the primary responsibility for the security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia and all others concerned in the Federal Republic of Yugoslavia to take all appropriate steps to ensure that monitoring personnel performing functions under the present resolution are not subject to the threat or use of force or interference of any kind;

11. *Requests* States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998);

12. *Calls upon* Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

13. *Calls upon* the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal;

14. *Underlines* the need for the authorities of the Federal Republic of Yugoslavia to bring to justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property;

15. *Requests* the Secretary-General to provide regular reports to the Council as necessary on his assessment of compliance with the present resolution by the authorities of the Federal Republic of Yugoslavia and all elements in the Kosovo Albanian community, including through his regular reports on compliance with resolution 1160 (1998);

16. *Decides*, should the concrete measures demanded in the present resolution and resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region;

17. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United Kingdom stated that, despite the efforts of the international community to help find a settlement, the security forces of President Milosevic of the Federal Republic of Yugoslavia were continuing to inflict brutality and repression on those they “claim[ed] to see as their fellow citizens”. He stressed that President Milosevic carried a direct responsibility. If he ignored those obligations and continued to pursue military repression, the international community would respond vigorously. By acting under Chapter VII of the United Nations Charter and by explicitly characterizing the deterioration of the situation in Kosovo as a threat to peace and security in the region, the Security Council was putting President Milosevic on notice that he would be held accountable for his actions.³²⁶

³²⁶ S/PV.3930, p. 4.

The representative of the United States stated that the best way to stem the crisis was for Belgrade to heed the demands for an immediate cessation of offensive actions and for the pullback of its security forces. They also called for a meaningful dialogue, without preconditions and with international involvement, leading to a solution to the Kosovo question, as set out in the resolution. In particular, the authorities in Belgrade had to be held accountable for creating the conditions to allow all refugees and displaced persons to return to their homes in safety. Belgrade was responsible for the well-being of the people of Kosovo, as well as for the security of all diplomatic personnel and non-governmental humanitarian personnel on the ground. He also underlined the importance of full cooperation with the Tribunal. He expressed their hope that the resolution and the ongoing efforts to reach a settlement would convince Belgrade to comply with the demands of the international community, but stressed that planning at the North Atlantic Treaty Organization for military operations, if those efforts did not succeed, was nearing completion. He underscored that the international community would not stand idly by as the situation in Kosovo deteriorated.³²⁷

**Decision of 24 October 1998 (3937th meeting):
resolution 1203 (1998)**

On 4 September 1998, pursuant to Security Council resolutions 1160 (1998) and 1199 (1998), the Secretary-General submitted to the Council a report on the situation in Kosovo, Federal Republic of Yugoslavia. In his report, the Secretary-General informed the Council that, during the reporting period, fighting in Kosovo had continued unabated.³²⁸ He stated that the international community had witnessed appalling atrocities in Kosovo, reminiscent of the recent past elsewhere in the Balkans. Those had been borne out by reporting by the Kosovo Diplomatic Observer Mission and other reliable sources. It was clear beyond any reasonable doubt that the great majority of such acts had been committed by security forces in Kosovo acting under the authority of the Federal Republic of Yugoslavia, although Kosovo Albanian paramilitary units had engaged in armed action also, and there was good reason to believe that

³²⁷ *Ibid.*, pp. 4-5.

³²⁸ S/1998/912.

they too had committed atrocities. He cautioned that, if the present state of affairs continued, thousands could die in the winter and that conditions had to be created that would allow for the return of a significant number of internally displaced persons. He expressed his hope that the negotiations between the Federal Republic of Yugoslavia and the Kosovo Albanian leadership would be resumed without delay and would produce early agreements, and that they would result in the restoration of confidence that was needed for a return and resettlement of all those who had fled their home in fear. Such agreements might also envisage more far-reaching steps, possibly even institutional reforms, to address long-term needs. He suggested that it would be useful to initiate consultations amongst international actors to prepare to face such a challenge, without necessarily awaiting the agreements. He also suggested that it would be helpful if, in the immediate term, the Kosovo Diplomatic Observer Mission were brought to its full strength and if the presence of human rights observers were enhanced. He noted that for the report he had had to rely largely on information and analysis from sources external to the United Nations and did not have the means necessary to provide an independent assessment of compliance, as required by the Security Council in paragraph 15 of resolution 1199 (1998), other than on the humanitarian situation. Therefore, the Council might wish to make its own judgment in that respect on the basis of the present report. He reiterated that, as the Council had affirmed, the deterioration in the situation in Kosovo, Federal Republic of Yugoslavia, constituted a threat to peace and security in the region.

At its 3937th meeting, held on 24 October 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representatives of Germany, Italy, Poland and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Bahrain, France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States.³²⁹ The President further drew the attention of the Council to the following documents:

³²⁹ S/1998/992.

letters dated 14, 16 and 23 October 1998, respectively from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, transmitting the endorsement of the Yugoslav Republic of Serbia of the accord on the problems in Kosovo and Metohija, reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy, the agreement on the Organization for Security and Cooperation in Europe Verification Mission in Kosovo, and a statement on the meeting between the Yugoslav President and the Head of the OSCE Mission in Kosovo;³³⁰ letters dated 16 and 19 October 1998 from the representative of Poland addressed to the President of the Security Council and to the Secretary-General, respectively, transmitting a decision of OSCE on Kosovo and the agreement on the OSCE Verification Mission in Kosovo;³³¹ and a letter dated 22 October 1998 from the representative of the United States addressed to the President of the Security Council, enclosing the text of the Kosovo Verification Mission Agreement between NATO and the Federal Republic of Yugoslavia.³³² He further drew the attention of the Council to a letter dated 16 October 1998 from the representative of Canada to the United Nations addressed to the President of the Security Council,³³³ expressing the view that the Council should move quickly to adopt a resolution to lock in the agreement that the President of the Federal Republic of Yugoslavia had signed, and to provide for its enforcement.

The representative of Poland presented the view of the Polish Chairmanship-in-Office of OSCE. The Organization for Security and Cooperation in Europe was concerned at the unfolding crisis in Kosovo, its dangerous potential ramifications for peace and stability in the region and in Europe, and the fact that the provisions of Security Council resolutions 1160 (1998) and 1199 (1998) had not been fully complied with. He informed the Council that OSCE had taken the position that the solution should be based on respect for the territorial integrity of the Federal Republic of Yugoslavia and on the standards defined in the United Nations Charter, as well as on OSCE documents. The Organization for Security and

³³⁰ S/1998/953, S/1998/962 and S/1998/993.

³³¹ S/1998/959 and S/1998/978.

³³² S/1998/991.

³³³ S/1998/963.

Cooperation in Europe insisted that such a solution take into account the right of the Kosovo Albanians to autonomy and significant self-government, which would be reflected in a special status of the province within the Federal Republic of Yugoslavia. He noted that, thanks to the efforts of the international community, the process of settling the Kosovo dispute had entered into a new phase. The OSCE Chairman-in-Office had signed an agreement between OSCE and the Government of the Federal Republic of Yugoslavia on the establishment of the Mission. That agreement, together with the agreement on the NATO-Kosovo Air Verification regime, constituted an important step towards the development of a political framework aimed at ensuring compliance with the demands set out in resolution 1199 (1998). He also stated that the leader of the Kosovo Albanians, had, in spite of some reservations, welcomed the agreement and expressed the view that the Albanian community in Kosovo would cooperate with the OSCE Verification Mission in Kosovo. The Kosovo Albanian leader saw that act as an important step towards enhancing the international presence in Kosovo, which needed to facilitate negotiations for a political solution to the crisis, the recognition of Albanian community institutions, including local police, and a decision on the future of Kosovo. Finally, the representative of Poland expressed the belief that an effective implementation of the recently concluded agreements had to be secured, if the process of conflict resolution was to gain momentum.³³⁴

The representative of Ukraine stressed that, as the Ministry for Foreign Affairs of Ukraine had noted, while understanding the motivations behind the decision by NATO of 13 October 1998 on the possibility of the use of military force in the Federal Republic of Yugoslavia, his delegation was still hopeful that the latest steps of the Federal Republic of Yugoslavia leadership as to the implementation of Security Council resolution 1199 (1998) would make it possible to avert the use of force, because it could lead to unpredictable consequences.³³⁵

Speaking before the vote, the representative of Costa Rica stated that, while his Government was supporting the draft resolution, he wanted to state some

³³⁴ S/PV.3937, pp. 2-4.

³³⁵ *Ibid.*, pp. 4-5.

misgivings of a legal nature, with regard to certain aspects of the draft resolution. He maintained that a goal such as that one, which was ethically and morally unquestionable, deserved to be achieved by means of international law. He expressed the belief that any Security Council resolution ought to be strictly in keeping with international law and with a sound political concept. The adoption of any measure that implied the use of force or military troops had to meet all the legal, political and strategic requirements of the Charter and be based on practical experience. Any action that implied the use of force, with the very limited exception of the right of legitimate defence, thus required clear authorization by the Council for each specific case. He maintained that those principles were implicit in the primary responsibility of the Council with respect to the maintenance of international peace and security and in the absolute prohibition of the use of force in international relations. The Council could not transfer to others or set aside its primary responsibility for the maintenance of international peace and security. His delegation did not believe that the Council should authorize missions with military troops whose limits and powers were not clearly pre-established or whose mandate might be conditional on the subsequent decisions of other organs or groups of States. He insisted that the Security Council alone could determine whether there had been a violation of its resolutions, adopted in the exercise of its mandated powers. Only the Security Council could authorize the use of force to ensure compliance with its resolutions, in exercise of its primary responsibility of the maintenance of international peace and security.³³⁶

The representative of Brazil observed that a difficult negotiating process had prevented the Security Council from moving more rapidly on Kosovo after the agreements reached between the Federal Republic of Yugoslavia on the one hand, and OSCE and NATO on the other. In its attempt to reach a consensus, the Security Council had been caught between two opposing tendencies. Some had argued that the Council's role at that stage should not go beyond a mere endorsement of those agreements; others had argued in favour of exerting as much pressure as possible, if need be, without a clear reference to the prerogatives of the Council under the Charter. Of particular concern was the possibility that the Council

³³⁶ *Ibid.*, pp. 6-7.

might be transferring to other organizations its essential role in making the determination on whether or not its resolutions were being complied with. He expressed the belief that before it became sufficiently clear that the trend of the past few months had been reversed in Kosovo, the Council could not allow itself to be seen as showing complacency about non-compliance or even incomplete compliance with its resolutions. He commented that his delegation did not wish to raise the question of how regional groups define themselves. However, as a State Member of the United Nations it was his country's right to defend the Charter and according to the Charter, "non-universal organisms" might resort to force only on the basis either of the right to legitimate self-defence, as stipulated in Article 51, or through the procedures of Chapter VIII, in particular Article 53, which imposed on them the obligation of seeking Security Council authorization beforehand and abiding by the Council's decisions. He underscored that the integration of non-universal organizations into the wider collective security concept enshrined in the Charter was a serious matter. He maintained that it would be regrettable if they were to slide into a two-tiered international system, in which the Security Council would continue to bear primary responsibility for the maintenance of peace and security in most of the world, while it would bear only secondary responsibility in regions covered by special defence arrangements. He noted that his delegation was glad that the suggestion to have a preambular paragraph reaffirming the primary responsibility of the Council for the maintenance of international peace and security had been taken on board. In light of that reaffirmation and of other changes which satisfied their basic concerns, his delegation would be voting in favour of the draft resolution before them.³³⁷

The representative of the Russian Federation stated that a new, important stage had been reached, opening up prospects for a political solution of the Kosovo problem. He reiterated that the Russian Federation fully supported the Agreements regarding the dispatch of the verification missions and called upon Belgrade to implement them fully. He noted that there had also clearly been some progress in the fulfillment of the requirements contained in Security Council resolutions 1160 (1998) and 1199 (1998),

although much still remained to be done. Regarding the draft resolution, he stressed that enforcement elements had been excluded, and there were no provisions in it that would directly or indirectly sanction the automatic use of force, which would be to the detriment of the prerogatives of the Council under the Charter. Observing that in the course of the work on the draft resolution, much attention had been paid to the question of ensuring the security of the personnel of the verification missions in Kosovo, he expressed their satisfaction that it was clearly stated in paragraph 9 that, in the event of an emergency, measures to ensure the safety of the verification missions, including arrangements for evacuating OSCE personnel, would be undertaken strictly in accordance with the procedure provided for in the agreements signed with the Federal Republic of Yugoslavia. He commented that the clarity introduced on that issue provided guarantees against arbitrary and unsanctioned actions. He also maintained that one could not fail to take account of the possible danger to the implementation of the agreements between OSCE and the Federal Republic of Yugoslavia as a result of actions by the Kosovo Albanians and expressed alarm at news of their continuing failure to comply with the demands of the Security Council. Noting that illegal weapons continued to reach Kosovo in violation of the arms embargo, he emphasized that that created a real threat of a new outbreak of violence and tension. He reminded members that resolution 1160 (1998) had been adopted under Chapter VII of the Charter, and that the draft resolution also made reference to that chapter, which served as a reminder to those who were violating the arms embargo and in particular the prohibition on supplying outside weapons or assistance to the Kosovo terrorists. He cautioned that the draft resolution did not take into account the recent positive changes with respect to the implementation by Belgrade of the Council's demands. His delegation could not agree with the one-sided assertion in the preambular part of the text that the unresolved situation in Kosovo constituted a continuing threat to peace and security in the region. He also expressed regret that the sponsors of the draft resolution refused to delete the portion of the text relating to freedom of operation of media outlets in the Federal Republic of Yugoslavia. Questions of freedom of the press lay far beyond the powers of the Security Council, and therefore could not be the object of a Council resolution, especially one adopted under Chapter VII of the Charter. It was other United Nations

³³⁷ Ibid., pp. 10-11.

organs that considered such matters. He informed the Council that under the circumstances, the Russian delegation would abstain in the vote on the draft resolution. Finally, he reiterated that his delegation was convinced that there were no differences of opinion among members of the Security Council on the strategy for action to achieve a peaceful settlement in Kosovo. That strategy, which precluded the granting of *carte blanche* with respect to the use of force, was reflected in the draft resolution and the Russian Federation would not object to its adoption.³³⁸

The representative of the United Kingdom welcomed the draft resolution and noted that it was right that its commitments were enshrined in a mandatory Chapter VII resolution. The history of unfulfilled commitments from the President of the Federal Republic of Yugoslavia over the summer meant that they could not rely on his word, but had to watch his actions closely. In agreeing to the two missions, the Yugoslav President had accepted that the international community had a significant role to play in resolving the problems of Kosovo. He stressed that the Federal Republic of Yugoslavia had guaranteed the freedom of movement of the OSCE Verification Mission as well as its safety and security. The representative underlined that there should be no doubt that his Government would use to the full their inherent right to protect their nationals if they were in danger, and the right under the draft resolution to ensure their safety and freedom of movement. The United Kingdom called upon the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to seize the opportunity to build a new Kosovo, based on free elections and the principle of self-government for its people. Failure to do so would not be understood or accepted by the international community.³³⁹

A number of other speakers took the floor, welcoming the signing of the agreements between OSCE and NATO and the Federal Republic of Yugoslavia; calling for the two parties to begin a constructive, unconditional dialogue leading to agreement on all matters and issues that had yet to be resolved and to take measures to prevent a humanitarian catastrophe.³⁴⁰

³³⁸ *Ibid.*, pp. 11-12.

³³⁹ *Ibid.*, p. 13.

³⁴⁰ *Ibid.*, p. 5 (Bahrain); pp. 5-6 (Portugal); pp. 6-7

At the same meeting, the draft resolution was put to the vote and was adopted by 13 votes to none, with 2 abstentions (China and the Russian Federation), as resolution 1203 (1998),³⁴¹ which reads:

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998 and 1199 (1998) of 23 September 1998, and the importance of the peaceful resolution of the problem of Kosovo, Federal Republic of Yugoslavia,

Having considered the reports of the Secretary-General pursuant to resolutions 1160 (1998) and 1199 (1998), in particular his report of 3 October 1998,

Welcoming the agreement signed in Belgrade on 16 October 1998 by the Minister for Foreign Affairs of the Federal Republic of Yugoslavia and the Chairman-in-Office of the Organization for Security and Cooperation in Europe providing for that organization to establish a verification mission in Kosovo, including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160 (1998) and 1199 (1998),

Welcoming also the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied Commander, Europe, of the North Atlantic Treaty Organization providing for the establishment of an air verification mission over Kosovo, complementing the Organization for Security and Cooperation in Europe Verification Mission in Kosovo,

Welcoming further the decision of the Permanent Council of the Organization for Security and Cooperation in Europe of 15 October 1998,

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem, which would include an enhanced status for Kosovo, a substantially greater degree of autonomy and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo,

(Sweden); pp. 7-8 (Slovenia); p. 8 (Kenya); p. 8 (Gambia); p. 9 (Japan); and pp. 9-10 (Gabon).

³⁴¹ For the vote, see S/PV.3937, p. 14.

and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,

Deeply alarmed and concerned at the continuing grave humanitarian situation throughout Kosovo and the impending humanitarian catastrophe, and re-emphasizing the need to prevent this from happening,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Endorses and supports* the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe, and on 15 October 1998 between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organization, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998), and demands the full and prompt implementation of those agreements by the Federal Republic of Yugoslavia;

2. *Notes* the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy, and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;

3. *Demands* that the Federal Republic of Yugoslavia comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the Organization for Security and Cooperation in Europe Verification Mission in Kosovo and the North Atlantic Treaty Organization Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraph 1 above;

4. *Demands also* that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the Verification Mission in Kosovo;

5. *Stresses* the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo;

6. *Demands* that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the Verification Mission in Kosovo and other international personnel;

7. *Urges* States and international organizations to make available personnel to the Verification Mission in Kosovo;

8. *Reminds* the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the Verification Mission in Kosovo, as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugoslavia, including the Kosovo Albanian leadership, to take all appropriate steps to ensure that personnel performing functions under the present resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind;

9. *Welcomes* in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Missions as contained in the agreements referred to in paragraph 1 above, notes that, to this end, the Organization for Security and Cooperation in Europe is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement as envisaged in the agreements referred to in paragraph 1 above;

10. *Insists* that the Kosovo Albanian leadership condemn all terrorist actions, demands that such actions cease immediately, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

11. *Demands* immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

12. *Reaffirms* the right of all refugees and displaced persons to return to their homes in safety, and underlines the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so;

13. *Urges* Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

14. *Calls* for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, including compliance with its orders, requests for information and investigations;

15. *Decides* that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;

16. *Requests* the Secretary-General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of the present resolution;

17. *Decides* to remain seized of the matter.

At the same meeting, speaking after the vote, the representative of China stated that his delegation understood the agreements on the question of Kosovo reached between the Federal Republic of Yugoslavia and the parties concerned and that they evaluated positively the efforts made by the Government in alleviating the humanitarian situation in Kosovo and pursuing lasting peace and reconciliation in the region. However, at the same time as those agreements were being concluded, a regional organization made the decision to take military actions against the Federal Republic of Yugoslavia and interfere in its internal affairs — a decision that was made unilaterally, without consulting the Security Council or seeking its authorization. That act had violated the purposes, principles and relevant provisions of the Charter of the United Nations, as well as international law and widely acknowledged norms governing relations between States. He reiterated that the question of Kosovo needed to be resolved on the basis of maintaining the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, conforming to the provisions and requirements of the Charter. The implementation of the agreements also had to proceed on that basis and be completed through full consultation and cooperation

with the Government of the Federal Republic of Yugoslavia. The representative stated that, while China did not oppose the adoption of a well-focused technical resolution by the Council to endorse the agreements reached between the Federal Republic of Yugoslavia and relevant parties and to encourage peaceful approaches on the question of Kosovo, his Government did not favour the inclusion in the resolution of content beyond the above agreements, and was even more opposed to using Council resolutions to pressure the Federal Republic of Yugoslavia or to interfere in its internal affairs. He noted that the Chinese delegation had put forward its amendments during the Council's consultations, among which the request to delete those elements authorizing use of force or threatening to use force was accommodated. He stressed that China believed that the resolution did not entail any authorization to use force or to threaten to use force against the Federal Republic of Yugoslavia, nor should it be interpreted as authorizing the use of force. Nonetheless, the resolution still contained several elements beyond the agreements reached between the Federal Republic of Yugoslavia and the parties concerned, including reference to Chapter VII of the Charter and elements of interference in the internal affairs of the Federal Republic of Yugoslavia, and the Chinese delegation therefore abstained in voting.³⁴²

The representative of the United States stated that the voices of reason and moderation in Kosovo had been muffled by repressive political, military and police actions and by those who advocated violence and the use of force over negotiation. Recently, Belgrade had taken steps to silence the independent media, further depriving the people of the Federal Republic of Yugoslavia of the capacity to make their own judgments about events in Kosovo and to assess accurately the actions of their leaders. In that context, he expressed regret that not all members of the Council were able to support the resolution, and in particular its language about the importance of free media to a peaceful resolution of the Kosovo crisis. He also stressed that the investigations of the International Criminal Tribunal for the Former Yugoslavia into Kosovo were essential to restoring peace and security and had to continue with the cooperation of everyone. He acknowledged that a credible use of force was key to achieving OSCE and NATO agreements and

³⁴² S/PV.3937, p. 14.

remained key to ensuring their full implementation. In addition, no party should be under the misapprehension that it could take any action that would hinder or endanger international verifiers or the personnel of humanitarian organizations. He also insisted that the NATO allies, in agreeing on 13 October to the use of force, made it clear that they had the authority, the will and the means to resolve the issue, and that they retained that authority. Finally, he reiterated that the crisis in Kosovo could and should be resolved through peaceful dialogue and negotiation.³⁴³

The representative of France stated that the way was open to a peaceful settlement to the question of Kosovo, but vigilance and commitment on the part of all would be required. He noted that members of the Council were aware of the dangers and threats and did not want any recurrence of the violations of the safety and security of those entrusted with the verification and implementation of the agreements. The Council therefore welcomed the commitment of the Federal Republic of Yugoslavia to guarantee the security of the verification missions, but it affirmed that, in the event of an emergency, action might be necessary to ensure the safety and freedom of movement of the Mission, as envisaged in the agreements signed in Belgrade.³⁴⁴

Decision of 19 January 1999 (3967th meeting): statement by the President

At its 3967th meeting, held on 19 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil), with the consent of the Council, invited the representatives of Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 16 January 1999 addressed to the President of the Security Council,³⁴⁵ in which the representative of Albania requested that an urgent meeting of the Security Council be convened with regard to the massacre of ethnic Albanians in the village of Racak, Kosovo. The President further drew the attention of the Council to the following other documents: a letter dated 17 January 1999 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-

General,³⁴⁶ transmitting a statement by the President of the Republic of Serbia following a statement of the Head of the OSCE Verification Mission; and a letter dated 18 January 1999 from the representative of Albania addressed to the Secretary-General,³⁴⁷ transmitting a letter from the Minister for Foreign Affairs concerning the massacre of ethnic Albanians in Racak, Kosovo, urging the Secretary-General's immediate engagement in the matter.

At the same meeting, the President made the following statement on behalf of the Council:³⁴⁸

The Security Council strongly condemns the massacre of Kosovo Albanians in the village of Racak in southern Kosovo, Federal Republic of Yugoslavia, on 15 January 1999, as reported by the Kosovo Verification Mission of the Organization for Security and Cooperation in Europe. It notes with deep concern that the report of the Mission states that the victims were civilians, including women and at least one child. The Council also takes note of the statement by the head of the Mission that the responsibility for the massacre lay with security forces of the Federal Republic of Yugoslavia, and that uniformed members of both the armed forces of the Federal Republic of Yugoslavia and Serbian special police had been involved. The Council emphasizes the need for an urgent and full investigation of the facts and urgently calls upon the Federal Republic of Yugoslavia to work with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the Mission to ensure that those responsible are brought to justice.

The Council deplores the decision by Belgrade to declare the head of the Mission, William Walker, *persona non grata*, and reaffirms its full support for Mr. Walker and the efforts of the Organization for Security and Cooperation in Europe to facilitate a peaceful settlement. It calls upon Belgrade to rescind this decision and to cooperate fully with Mr. Walker and the Mission.

The Council deplores the decision by the Federal Republic of Yugoslavia to refuse access to the Prosecutor of the International Tribunal for the Former Yugoslavia, and calls upon the Federal Republic of Yugoslavia to cooperate fully with the International Tribunal in carrying out an investigation in Kosovo, in line with the call for cooperation with the Tribunal in Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998.

The Council notes that, against the clear advice of the Mission, Serb forces returned to Racak on 17 January 1999 and that fighting broke out.

³⁴³ *Ibid.*, p. 15.

³⁴⁴ *Ibid.*, pp. 15-16.

³⁴⁵ S/1999/50.

³⁴⁶ S/1999/51.

³⁴⁷ S/1999/52.

³⁴⁸ S/PRST/1999/2.

The Council considers that the events in Racak constitute the latest in a series of threats to the efforts to settle this conflict through negotiation and peaceful means.

The Council condemns the shooting of Mission personnel on 15 January 1999 and all actions endangering Mission and international personnel. It reaffirms its full commitment to the safety and security of the Mission personnel. It reiterates its demands that the Federal Republic of Yugoslavia and the Kosovo Albanians cooperate fully with the Mission.

The Council calls upon the parties to cease immediately all acts of violence and to engage in talks on a lasting settlement.

The Council also strongly warns the Kosovo Liberation Army against actions which are contributing to tensions.

The Council considers all of these events to be violations of its resolutions and of relevant agreements and commitments calling for restraint. It calls upon all parties to respect fully their commitments under the relevant resolutions and affirms once again its full support for international efforts to facilitate a peaceful settlement on the basis of equality for all citizens and ethnic communities in Kosovo. The Council reaffirms its commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

The Council takes note with concern of the report of the United Nations High Commissioner for Refugees that five-and-a-half-thousand civilians fled the Racak area following the massacre, showing how rapidly a humanitarian crisis could again develop if steps are not taken by the parties to reduce tensions.

The Council will remain actively seized of the matter.

**Decision of 29 January 1999 (3974th meeting):
statement by the President**

At its 3974th meeting, held on 29 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil), with the consent of the Council, invited the representatives of Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 26 January 1999 from the representatives of the Russian Federation and the United States addressed to the Secretary-General³⁴⁹ and to a letter dated 29 February 1999 from the representative of the United

³⁴⁹ Transmitting the text of the statement on Kosovo, Federal Republic of Yugoslavia, issued by the Minister for Foreign Affairs of the Russian Federation and the Secretary of State of the United States on 26 January 1999 (S/1999/77).

Kingdom addressed to the President of the Security Council.³⁵⁰

At the same meeting, the President made the following statement on behalf of the Council:³⁵¹

The Security Council expresses its deep concern at the escalating violence in Kosovo, Federal Republic of Yugoslavia. It underlines the risk of a further deterioration in the humanitarian situation if steps are not taken by the parties to reduce tensions. The Council reiterates its concern at attacks on civilians and underlines the need for a full and unhindered investigation of such actions. It calls once again upon the parties to respect fully their obligations under the relevant resolutions and to cease immediately all acts of violence and provocation.

The Council welcomes and supports the decisions of the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group), following their meeting in London on 29 January 1999, which aim at reaching a political settlement between the parties and establishing a framework and timetable for that purpose. The Council demands that the parties accept their responsibilities and comply fully with these decisions and requirements, as with its relevant resolutions.

The Council reiterates its full support for international efforts, including those of the Contact Group and the Kosovo Verification Mission of the Organization for Security and Cooperation in Europe, to reduce tensions in Kosovo and facilitate a political settlement on the basis of substantial autonomy and equality for all citizens and ethnic communities in Kosovo and the recognition of the legitimate rights of the Kosovo Albanians and other communities in Kosovo. It reaffirms its commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

The Council will follow the negotiations closely and would welcome members of the Contact Group keeping it informed about the progress reached therein.

The Council will remain actively seized of the matter.

³⁵⁰ Transmitting the statement of the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States (the Contact Group) following their meeting in London on 29 January 1999 (S/1999/96).

³⁵¹ S/PRST/1999/5.

**Letter dated 24 March 1999 from the
Permanent Representative of the Russian
Federation to the United Nations addressed to
the President of the Security Council**

Initial proceedings

**Decision of 26 March 1999 (3989th meeting):
rejection of a draft resolution**

By a letter dated 24 March 1999 addressed to the President of the Security Council, the representative of the Russian Federation requested that an urgent meeting of the Security Council be convened to consider “an extremely dangerous situation” caused by the unilateral military action of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia.³⁵²

At its 3988th meeting, held on 24 March 1999 in response to the request contained in the preceding letter, the Council included the letter in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representatives of Albania, Belarus, Bosnia and Herzegovina, Germany and India, at their request, to participate in the discussion without the right to vote. He also invited Mr. Vladislav Jovanovic to address the Council in the course of its discussion of the item. The President then recalled Security Council resolutions 1160 (1998), 1199 (1998), 1199 (1998), and 1203 (1998).

At the same meeting, the President drew the attention of the Council to a letter dated 24 March 1999 from the representative of the Federal Republic of Yugoslavia, addressed to the President of the Security Council,³⁵³ requesting the Council to convene an urgent meeting, on the basis of Chapter VII of the Charter, so that it might take an immediate action to condemn and to stop the NATO military activities against the Federal Republic of Yugoslavia. He stressed that by carrying out air strikes against military and civilian facilities, the armed forces of NATO had committed an act of aggression on the territory of the Federal Republic of Yugoslavia, which represented a blatant and flagrant violation of the basic principles of the Charter of the United Nations and was in direct

contravention of Article 53 (1), in which it was stated that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council”. He stated that, in reply to the NATO aggression against its territory, the Federal Republic of Yugoslavia, as a sovereign and independent State and a founding member of the United Nations, had no alternative but to defend its sovereignty and territorial integrity in accordance with Article 51 of the Charter. The President further drew the attention of the Council to a letter of the same date addressed to the President of the Security Council from the representative of Belarus, also calling for an urgent meeting of the Council to consider the situation caused by the military activity of NATO.³⁵⁴

The representative of the Russian Federation stated that his country was profoundly outraged at the use of military force by NATO against the Federal Republic of Yugoslavia. He stressed that the countries involved in the unilateral use of force against the sovereign Federal Republic of Yugoslavia, carried out in violation of the Charter of the United Nations and without the authorization of the Council, needed to realize the heavy responsibility they bore for subverting the Charter and other norms of international law. He continued that the members of NATO were not entitled to decide the fate of other sovereign and independent States. Those States were not only members of their alliance, but also Members of the United Nations, so that it was their obligation to be guided by the Charter of the United Nations, in particular its Article 103, which clearly established the absolute priority for Members of the Organization of Charter obligations over any other international obligations. The representative maintained that the attempts to justify the NATO strikes with arguments about preventing a humanitarian catastrophe in Kosovo were completely untenable. Those attempts were in no way based on the Charter or other generally recognized rules of international law. He also underscored that the decision of NATO to use military force was particularly unacceptable from any point of view, because the potential of political and diplomatic methods to yield a settlement in Kosovo had not been exhausted. He stated that the Russian Federation demanded the immediate cessation of illegal military

³⁵² S/1999/320.

³⁵³ S/1999/322.

³⁵⁴ S/1999/323.

action against the Federal Republic of Yugoslavia, and they reserved the right to raise in the Security Council the question of the adoption of appropriate measures with respect to the situation, which had arisen as a result of the illegal actions of NATO and posed a clear threat to international peace and security.³⁵⁵

The representative of the United States stated that the current situation in Kosovo was of grave concern to everyone. The United States and its allies had begun military action only with the greatest reluctance. He expressed the belief that such action was necessary to respond to Belgrade's brutal persecution of Kosovo Albanians, violations of international law, excessive and indiscriminate use of force, refusal to negotiate to resolve the issue peacefully and recent military build-up in Kosovo, all of which foreshadowed a humanitarian catastrophe. He stressed that the continuing offensive by the Federal Republic of Yugoslavia was threatening the stability of the region and constituted a threat to the safety of international observers and humanitarian workers in Kosovo. He reminded the Council that resolutions 1199 (1998) and 1203 (1998) recognized that the situation in Kosovo constituted a threat to peace and security in the region and invoked Chapter VII of the Charter. In resolution 1199 (1998) the Council had demanded that the Serbian forces take immediate steps to improve the humanitarian situation and avert the impending humanitarian catastrophe. Moreover, Belgrade had refused to comply with agreements with NATO and the Organization for Security and Cooperation in Europe (OSCE) to verify its compliance with Security Council demands. The actions of the Federal Republic of Yugoslavia also violated its commitments under the Helsinki Final Act, as well as its obligations under the international law of human rights. He summed up by saying that Belgrade's actions in Kosovo could not be dismissed as an internal matter. He reiterated that efforts by the Contact Group had led to talks in Rambouillet and Paris, which had produced a balanced agreement, which the Kosovo Albanians had signed, but Belgrade had rejected. While they were mindful that violations of the ceasefire by the Kosovo Liberation Army had also contributed to the situation, it was Belgrade's policy that had prevented a peaceful solution. He concluded by expressing his country's belief that the action by NATO was justified and

³⁵⁵ S/PV.3988, pp. 2-3.

necessary to stop the violence and prevent an even greater humanitarian disaster.³⁵⁶

The representative of Canada stated that the conflict in Kosovo threatened to precipitate a far larger humanitarian disaster and destabilize the entire region. He emphasized that the preference of his delegation had been for a diplomatic solution and the diplomatic track had been given every chance to succeed. The continuing oppression in Kosovo by the Government in Belgrade and its continuing refusal to act in compliance with the requirements of successive Security Council resolutions had left NATO with no choice but to take action.³⁵⁷

The representative of Slovenia, noting that the military action against the civilian population had further escalated, stated that the situation represented a case of massive violations of the relevant Security Council resolutions, in particular resolution 1199 (1998) of 23 September 1998, which called for an immediate end to all military activity against the civilian population, and was a looming threat to international peace and security in the region. He stressed that their main concern were the consequences of the systematic and brutal violations of the Security Council resolutions. He expressed regret that not all permanent members were willing to act in accordance with their special responsibility for the maintenance of international peace and security under the Charter of the United Nations. Their apparent absence of support had prevented the Council from using its powers to the full extent and from authorizing the action, which was necessary to put an end to the violations of its resolutions. He stated that it was his country's expectation and belief that the action that was being undertaken would be carried out strictly within the substantive parameters established by the relevant Security Council resolutions, particularly resolution 1199 (1998) of 23 September 1998, which called for an immediate end to all military activity against the civilian population.³⁵⁸

The representative of the Gambia expressed regret that the international community had had to take the actions it had. He maintained that, while regional arrangements had responsibility for the maintenance of

³⁵⁶ *Ibid.*, pp. 4-5.

³⁵⁷ *Ibid.*, pp. 5-6.

³⁵⁸ *Ibid.*, pp. 6-7.

peace and security in their areas, the Council had primary responsibility for the maintenance of international peace and security, as stated in the Charter of the United Nations. However, he noted that at times the exigencies of a situation demanded and warranted decisive and immediate action. His country had found that the present situation in Kosovo deserved such a treatment. He therefore called on those with whom the responsibility lay to take the necessary actions to prevent a continuation of the action before it was too late.³⁵⁹

The representative of the Netherlands stated that they had participated in and assumed responsibility for the NATO decisions because there had been no other solution. He underlined that a country or alliance that was compelled to take up arms to avert a humanitarian catastrophe would always prefer to be able to base its action on a specific Security Council resolution. However, if due to one or two permanent members' rigid interpretation of the concept of domestic jurisdiction, such a resolution was not attainable, they could not sit back and simply let the humanitarian catastrophe occur. He stressed that in such a situation they would act on the legal basis they had available, and what they had available in that case was more than adequate.³⁶⁰

The representative of Brazil stated that the Government of Brazil had expressed its concern about the developments in the crisis and regretted that the escalation of tensions had resulted in recourse to military action.³⁶¹

The representative of France stated that the actions that had been decided upon were a response to the violation by Belgrade of its international obligations, which stemmed in particular from the Security Council resolutions adopted under Chapter VII of the Charter. He reiterated that the Belgrade authorities needed to be persuaded that the only way to settle the crisis in Kosovo was for them to halt their military offensives in Kosovo and accept the framework defined by the Rambouillet Accords.³⁶²

The representative of Malaysia stated that as a matter of principle, his delegation was not in favour of

the use or threat of use of force to resolve any conflict situation. If the use of force was necessary, it should be a recourse of last resort, to be sanctioned by the Council, which had been vested with the primary responsibility for the maintenance of international peace and security. He stated that the ongoing conflict would have international repercussions and that the international community could not afford to stand idly by. His delegation had wished that the crisis in Kosovo could have been dealt with directly by the Council and regretted that in the absence of action by the Council it had been necessary for action to be taken outside the Council.³⁶³

The representative of Namibia stated that his delegation wished to underscore that military action against the Federal Republic of Yugoslavia might not be the solution, and that the implications of that action might go beyond the Federal Republic of Yugoslavia, thereby posing a serious threat to peace and security in the region. Therefore, his delegation appealed for the immediate cessation of the ongoing military action and for exhausting all possible avenues for a peaceful resolution of the conflict.³⁶⁴

The representative of Gabon stated that his delegation would have hoped that the Contact Group would continue to use all its authority to compel the Federal Republic of Yugoslavia to sign the Rambouillet agreement. His Government was in principle opposed to the use of force to settle local or international disputes.³⁶⁵

The representative of Argentina stated that they reiterated their position regarding the urgent need for strict compliance with Security Council resolution 1160 (1998), and 1199 (1998) and appealed to the Belgrade Government to return to the path of negotiation.³⁶⁶

The representative of the United Kingdom stated that, in defiance of the international community, the President of the Federal Republic of Yugoslavia had refused to accept the interim political settlement negotiated at Rambouillet, to observe the limits on security-force levels agreed to on 25 October and to end the excessive and disproportionate use of force in

³⁵⁹ Ibid., pp. 7-8.

³⁶⁰ Ibid., p. 8.

³⁶¹ Ibid., p. 8.

³⁶² Ibid., pp. 8-9.

³⁶³ Ibid., pp. 9-10.

³⁶⁴ Ibid., p. 10.

³⁶⁵ Ibid., pp. 10-11.

³⁶⁶ Ibid., pp. 10-11.

Kosovo. He asserted that renewed acts of repression by the authorities of the Federal Republic of Yugoslavia would cause further loss of civilian life and would lead to displacement of the civilian population on a large scale in hostile conditions. He maintained that in those circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention was legally justifiable. The force now proposed was directed exclusively to averting a humanitarian catastrophe and was the minimum judged necessary for that purpose.³⁶⁷

The representative of China stated that NATO, with the United States in the lead, had launched military strikes against the Federal Republic of Yugoslavia, seriously exacerbating the situation in the Balkan region. He underlined that the act amounted to a blatant violation of the Charter of the United Nations and of the accepted norms of international law. The Government of China strongly opposed that act. He reiterated that the question of Kosovo, as an internal matter of the Federal Republic of Yugoslavia, needed to be resolved among the parties concerned in the Federal Republic of Yugoslavia themselves. He maintained that it had always been their position that, under the Charter, it was the Security Council that bore primary responsibility for the maintenance of international peace and security, and it was only the Council that could determine whether a given situation threatened international peace and security and could take appropriate action. His Government was firmly opposed to any act that violated this principle and that challenged the authority of the Security Council. He stated that the Chinese Government vigorously called for an immediate cessation of the military attacks by NATO against the Federal Republic of Yugoslavia.³⁶⁸

The representative of the Russian Federation then took a second intervention to make two factual clarifications. First, in response to the statement that the Russian Federation was a co-sponsor of the packages of documents of the Contact Group, he stated that, while the Russian Federation was a member of the Contact Group, and the Contact Group had adopted a document in London that was the basis of the draft political settlement; the military implementation had never been discussed in the Contact Group, but in

NATO. Second, in response to the statement that the actions of NATO had become inevitable because one or two of the permanent members of the Security Council had blocked action, he stated that that was not correct because no proposals on that topic had been introduced in the Council by anyone.³⁶⁹

Mr. Jovanovic stated that the armed forces of NATO had committed a unilateral act of aggression against the Federal Republic of Yugoslavia, despite the fact that his Government had not threatened any country or the peace and security of the region. It had been attacked because it sought to solve an internal problem and had used its sovereign right to fight terrorism and prevent the secession of a part of its territory. He underscored that the decision to attack an independent country had been taken outside the Security Council, the sole body responsible, under the Charter of the United Nations, for maintaining international peace and security. That blatant aggression was a flagrant violation of the basic principles of the Charter of the United Nations and was in direct contravention of Article 53 (1). His country requested the Council to take immediate action to strongly condemn and stop the aggression against the Federal Republic of Yugoslavia and to protect its sovereignty and territorial integrity. Until that happened, his country had no alternative but to defend its sovereignty and territorial integrity by all means at its disposal, in accordance with Article 51 of the Charter of the United Nations. He stressed that the Government of the Federal Republic of Yugoslavia remained committed to a reasonable political settlement of the problems in Kosovo and Metohija that respected the sovereignty and territorial integrity of Serbia and the Federal Republic of Yugoslavia and guaranteed the equality of the rights of all citizens and national communities living there.³⁷⁰

The representative of Belarus stressed that the use of military force against the Federal Republic of Yugoslavia without a proper decision of the only competent international body, which was the Security Council, qualified as an act of aggression, with all ensuing responsibility for its humanitarian, military, and political consequences. His country was disturbed that the unlawful military action against the Federal

³⁶⁷ *Ibid.*, pp. 11-12.

³⁶⁸ *Ibid.*, pp. 12-13.

³⁶⁹ *Ibid.*, p. 13.

³⁷⁰ *Ibid.*, pp. 13-15.

Republic of Yugoslavia meant an intentional disregard for the role and responsibility of the Security Council in maintaining international peace and security. He stated that Belarus called for an immediate stop to the use of force against and in the sovereign Federal Republic of Yugoslavia; for the immediate resumption of the negotiating process on a peaceful settlement; and insisted on restoring the Charter role of the Council in maintaining international peace and security.³⁷¹

The representative of India stated that the attacks against the Federal Republic of Yugoslavia were in clear violation of Article 53 of the Charter. He emphasized that no country, group of countries or regional arrangement, no matter how powerful, could arrogate to itself the right to take arbitrary and unilateral military action against others. Noting that Kosovo was recognized as part of the sovereign territory of the Federal Republic of Yugoslavia, he stressed that under the application of Article 2 (7), the United Nations had no role in the settlement of the domestic political problems of the Federal Republic of Yugoslavia. He stated that the only exception laid down by Article 2 (7) would be the application of enforcement measures under Chapter VII, and that the attacks had not been authorized by the Council, acting under Chapter VII, and were therefore illegal. He commented that they had heard that the attack on the Federal Republic of Yugoslavia would be called off if its Government accepted what had been described as "NATO peacekeeping forces" on its territory. He observed that his country and the entire membership of the Non-Aligned Movement had repeatedly said that the United Nations could not be forced to abdicate its role in peacekeeping and that a peacekeeping operation could be deployed only with the consent of the Government concerned. He stressed that there was a very real danger that the attacks would imperil regional peace and security and spread discord in the Balkans and beyond. He urged NATO to stop immediately the military action against the Federal Republic of Yugoslavia.³⁷²

The representative of Germany spoke as the Presidency of the European Union and informed the Council of a statement adopted by the European Council at its meeting in Berlin. The statement said

³⁷¹ *Ibid.*, p. 15.

³⁷² *Ibid.*, pp. 15-16.

that policy of the European Council was directed against the irresponsible policy of the Yugoslav leadership. President Milosevic needed to stop Serb aggression in Kosovo and sign the Rambouillet Accords, which included a NATO-led implementation force to provide stability. The only objective of the international community was to find a political future for Kosovo, on the basis of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, which did justice to the concerns and aspirations of all the people of Kosovo.³⁷³

The representative of Albania expressed the total support of his Government for the military action of NATO and considered it an action in support of peace and stability in the region. The international community had not declared war on Serbia, because war had existed there for a long time. However, the international community had achieved the first step towards peace, security in the region and the reestablishment of human values and of the principles that were so well expressed in the Charter of the United Nations. He maintained that no country that tried to bury the basic Charter principles of peace, security and cooperation and that committed genocide and crimes against humanity could expect to receive the protection of the United Nations and the Security Council.³⁷⁴

The representative of Bosnia and Herzegovina stated that, while military force was never a welcome option, it was sometimes the only alternative. He maintained that a country that had most recently engaged in aggression and military intervention against its own neighbours, and that had committed genocidal acts against its own population and others, that had refused to adhere to international law and numerous Security Council resolutions or to cooperate with the International Tribunal for the Former Yugoslavia, could not credibly plead for the protection of international law.³⁷⁵

The representative of Slovenia spoke again regarding Security Council resolutions 1199 (1998) and 1203 (1998). He stated that the situation in Kosovo was defined by the Council as a threat to international peace and security in the region. That defined the

³⁷³ *Ibid.*, pp. 16-18.

³⁷⁴ *Ibid.*, p. 18.

³⁷⁵ *Ibid.*, pp. 18-19.

situation as something other than a matter that was essentially within the domestic jurisdiction of a State. Therefore, he asserted that Article 2 (7) of the Charter did not apply. He also stated that, while the responsibility of the Security Council for international peace and security was a primary responsibility, it was not an exclusive responsibility. He stated that it very much depended on the Security Council and on its ability to develop policies that would make it worthy of the authority it had under the Charter, whether the primacy of its responsibility would actually be the reality of the United Nations.³⁷⁶

At its 3989th meeting, held on 26 March 1999 in accordance with the understanding reached in its prior consultations, the Security Council again included the letter from the representative of the Russian Federation in its agenda.³⁷⁷ Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representatives of Albania, Belarus, Bosnia and Herzegovina, Cuba, Germany, India and Ukraine, at their request, to participate in the discussion without the right to vote. The President then recalled Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998). The President further drew the attention of the Council to a draft resolution submitted by Belarus and the Russian Federation and sponsored by India.³⁷⁸

At the same meeting, the President also drew the attention of the Council to the following documents: a letter dated 24 March 1999 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, transmitting the decision of the Government of the Federal Republic of Yugoslavia to declare a state of war;³⁷⁹ a letter dated 25 March 1999 from the representative of Tajikistan addressed to the Secretary-General, expressing concern over the bomb strikes and calling for a peaceful resolution to the conflict;³⁸⁰ and a letter dated 24 March 1999 from the representative of Belarus addressed to the Secretary-General, calling for the convening of an emergency meeting of the Security Council on the matter.³⁸¹ He also drew attention to letters dated 25 March 1999 from the representative of

Ukraine addressed to the Secretary-General,³⁸² stating that it considered the military action by NATO as aggression against a sovereign State and urging the Council to consider the situation; and a letter dated 25 March 1999 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 23 March 1999 from the Secretary-General of NATO.³⁸³

At the same meeting, speaking before the vote, the representative of Canada, noting that the draft resolution demanded an immediate cessation of the hostilities and urgent resumption of negotiations, pointed out that the entire international community had been negotiating urgently and actively since the beginning of the humanitarian crisis in Kosovo in order to avert the escalation. Moreover, the Security Council had adopted a number of resolutions and presidential statements asking the President of the Federal Republic of Yugoslavia to put an end to the repression. However, during that process, the President of the Federal Republic of Yugoslavia had “taken advantage of the international community’s good intentions” to continue and even intensify his tactic of repression in Kosovo, in obvious violation of the relevant resolutions of the Council and of the commitments he had undertaken. The representative maintained that the draft resolution would only grant the President of the Federal Republic of Yugoslavia free rein, which was why Canada would vote against the resolution.³⁸⁴

The representative of Slovenia stated that the draft resolution represented an inadequate attempt to address the situation concerning Kosovo. He observed that the draft resolution ignored the fact that several months ago the Security Council had declared the situation to be one constituting a threat to peace and security in the region. The draft resolution also ignored the fact that the Council had already spelled out the requirements for the removal of that threat and the fact that those requirements were flagrantly violated by the Federal Republic of Yugoslavia. He stated that all those and other obstacles to the implementation of the resolutions under Chapter VII of the Charter were ignored in the draft resolution, which failed to address the relevant circumstances and ignored the situation of necessity, which had led to the current international

³⁷⁶ *Ibid.*, pp. 19-20.

³⁷⁷ S/1999/320.

³⁷⁸ S/1999/328.

³⁷⁹ S/1999/327.

³⁸⁰ S/1999/331.

³⁸¹ S/1999/332.

³⁸² S/1999/335 and S/1999/336.

³⁸³ S/1999/338.

³⁸⁴ S/PV.3989, pp. 2-3.

military action. In addition, he stated that the draft resolution also failed to reflect the practice of the Security Council, which had several times chosen to remain silent at a time of military action by a regional organization, aimed at the removal of a regional threat to peace and security. He stressed that the requirement of consistency in the interpretation and application of the principles and norms of the Charter demanded some indication as to the specific justification for the approach proposed by the draft resolution. He concluded by stating that in the present circumstances, according to the Charter, the Council had the primary, but not the exclusive, responsibility for the maintenance of international peace and security.³⁸⁵

The representative of the Netherlands noted that resolution 1203 (1998) clearly stated that the Security Council was acting under Chapter VII of the Charter. He maintained that the NATO action followed directly from resolution 1203 (1998), in conjunction with the flagrant non-compliance on the part of the Federal Republic of Yugoslavia. Given its complex background, his delegation could not allow it to be described as unilateral use of force. He emphasized that if the Security Council demanded an immediate cessation of the NATO action, it would send the wrong signal to the President of the Federal Republic of Yugoslavia, leading to a further prolongation of the bloodshed in Kosovo.³⁸⁶

The representative of the United States reiterated that, by rejecting a peace settlement and escalating its assault on the people of Kosovo, in violation of numerous Security Council resolutions, Belgrade had chosen the path of war. He stressed that the Federal Republic of Yugoslavia forces were pressing their offensive against civilians, burning, looting, and attacking Kosovo Albanian political leaders. As a result, the large refugee flows out of Kosovo into neighbouring countries could have a serious and destabilizing effect. The stability of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and the rest of the region was at stake. Those developments justified sustained military action to limit Belgrade's ability to threaten and harm innocent civilians in Kosovo. He underscored that, while the draft resolution alleged that NATO was

acting in violation of the Charter, that "turned the truth on its head", as the Charter did not sanction armed assaults upon ethnic groups or imply that the international community should turn a blind eye to a growing humanitarian disaster. Therefore the actions by NATO were completely justified. He concluded by saying that the draft resolution did nothing to advance the cause of peace in the Balkans, which the international community and the Security Council had worked long and hard to achieve.³⁸⁷

The representative of the Russian Federation stated the continuing military action, undertaken under the pretext of preventing a humanitarian catastrophe, had already caused severe humanitarian consequences and done serious damage to the efforts to find a political settlement in Kosovo. He maintained that the aggressive military action unleashed by NATO against a sovereign State without the authorization, and in circumvention, of the Security Council was a real threat to international peace and security and a gross violation of the Charter and other basic norms of international law. He stressed that key provisions of the Charter were being violated, in particular: Article 2 (4), which required all Members of the United Nations to refrain from the threat or use of force in their international relations, including against the territorial integrity or political independence of any State; Article 24, which entrusted the Council with the primary responsibility for the maintenance of international peace and security; Article 53, on the inadmissibility of any enforcement action under regional arrangement or by regional agencies without the authorization of the Council, as well as others. He also added that the ban declared by NATO on any civil aviation flights in the airspace of the Federal Republic of Yugoslavia, Bosnia and Herzegovina, Macedonia and Croatia was a gross violation of the principle of exclusive sovereignty of a State over the airspace above its territory, which was enshrined in article 1 of the Convention on International Civil Aviation (Chicago Convention). He concluded by saying that members of the Council could not ignore the demands that they were hearing in various parts of the world, made by, among others, the Rio Group, the Council of Defence Ministers of the member countries of the Commonwealth of Independent States and members of the Non-Aligned

³⁸⁵ Ibid., pp. 3-4.

³⁸⁶ Ibid, p. 4.

³⁸⁷ Ibid., pp. 4-5.

Movement, to stop the military aggression and to respect international legality.³⁸⁸

At the same meeting, the Council proceeded to vote on the draft resolution. Under the preambular part of the draft resolution, the Council would have expressed concern that NATO had used military force against the Federal Republic of Yugoslavia without the authorization by the Council, and affirmed that that such unilateral use of force constituted a flagrant violation of the United Nations Charter, in particular Articles 2 (4), 24 and 53. The draft resolution also would have recognized that the ban by NATO of civil flights in the airspace of a number of countries in the region constituted a flagrant violation of the principle of complete and exclusive sovereignty of every State over the airspace above its territory in accordance with Article 1 of the Chicago Convention; and determined that the use of force by NATO against the Federal Republic of Yugoslavia constituted a threat to international peace and security. The resolution received 3 votes in favour (China, Namibia and the Russian Federation) and 12 against, and was not adopted because it did not obtain the required majority.³⁸⁹

Speaking after the vote, the representative of the United Kingdom reiterated that, as recognized in resolutions 1199 (1998) and 1293 (1998), it was the policies of Belgrade with regard to Kosovo that had caused the threat to peace and security in the region, not the actions of NATO. He maintained that, in the circumstances existing at that time, military intervention was justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe. Referring to the suggestion in the draft resolution that NATO had banned civil flights over a number of countries in the Balkan region, he informed the Council that that was incorrect: NATO had advised Albania, Bosnia and Herzegovina, Croatia and the former Yugoslavia Republic of Macedonia that NATO air strikes could make their airspace unsafe for civil flights. In the light of that advice, those countries had decided to close their airspace to such flights. As a result, there had been no breach of either the Charter of the United Nations or of the Chicago Convention.³⁹⁰

³⁸⁸ *Ibid.*, pp. 5-6.

³⁸⁹ *Ibid.*, p. 6.

³⁹⁰ *Ibid.*, pp. 6-7.

The representative of France stated that the actions decided upon responded to the violation by Belgrade of its international obligations under the resolutions, which the Security Council had adopted under Chapter VII of the Charter of the United Nations. He also stated that the draft resolution ran directly counter to his country's judgment, which was why France had voted against it.³⁹¹

The representatives of Argentina and Malaysia stated that they could not accept a draft resolution that failed to mention earlier resolutions of the Security Council on the question of Kosovo that invoked Chapter VII, disregarded the extremely grave humanitarian context and did not take into account the background to the situation.³⁹²

The representative of Bahrain stated that his Government was not able to vote in favour of the draft resolution because it would have encouraged the Belgrade authorities to continue with their current policy of "ethnic cleansing" and led to more massacres and displacements for the Kosovo Albanians.³⁹³

The representative of China stated that the continued military strikes against the Federal Republic of Yugoslavia by NATO had already resulted in severe casualties and damage, and the situation in the Balkan region had seriously deteriorated. He stated that the Government of China strongly opposed such an act, which constituted a blatant violation of the principles of the Charter of the United Nations and of international law, as well as a challenge to the authority of the Council. The representative reiterated the call for an immediate cessation of military action so as to facilitate the restoration of peace in the Balkan region. He also reiterated that the question of Kosovo, being an internal matter of the Federal Republic of Yugoslavia, needed to be resolved by the parties concerned in the Federal Republic of Yugoslavia among themselves.³⁹⁴

The representative of Ukraine read a statement issued by the Ministry of Foreign Affairs of Ukraine on 24 March 1999, which stated that Ukraine considered the use of military force against a sovereign State without the authorization of the Security Council as

³⁹¹ *Ibid.*, p. 7.

³⁹² *Ibid.*, pp. 7-8 (Argentina) and pp. 8-9 (Malaysia).

³⁹³ *Ibid.*, p. 9.

³⁹⁴ *Ibid.*, p. 9.

inadmissible. At the same time, the refusal by Belgrade to sign the agreements elaborated through the mediation of the Contact Group had resulted in the breakdown of the negotiating process. Therefore, the provisions of Security Council resolutions 1160 (1998) and 1199 (1998) had not been fully implemented, and that had led to the use of force.³⁹⁵

Mr. Jovanovic stated that the aggression by NATO countries, led by the United States, could not be justified on any grounds whatsoever. If the aggression went on, the Federal Republic of Yugoslavia would continue to protect its sovereignty and territorial integrity on the basis of Article 51 of the United Nations Charter. He maintained that once the aggression was stopped, his Government would be ready to resume negotiations about political solutions of the problem in Kosovo and Metohija on the basis of the 10 principles adopted by the Contact Group on 29 January 1999 and the document signed in Paris by the members of their delegation. He asserted that, by attacking the Federal Republic of Yugoslavia, NATO had not solved the “alleged humanitarian catastrophe in Kosovo and Metohija”, but was itself creating “a catastrophe of enormous proportions for all citizens of Yugoslavia” and for peace and stability in the region and beyond. He concluded by saying that the aggressor “displayed contempt” for the United Nations and its Charter and arrogated the prerogatives of the Security Council as the only organ in charge of maintaining international peace and security.³⁹⁶

The representatives of Belarus and Cuba stressed that the decision to use force could be made only by the Council taking into account the views of the States Members of the Organization; and called on the Council to put a halt to and condemn the NATO military action. They also called for the resumption of the work of the Contact Group on the former Yugoslavia.³⁹⁷

The representative of Bosnia and Herzegovina stated that, if the draft resolution had been adopted or had even succeeded in garnering significant support, it would have been a defeat for peace in Bosnia and Herzegovina. He stressed his concern for the implications of the NATO military action being

undertaken without the sanction of the Council. However, his delegation would have been even more concerned and dismayed if the Council had been blocked and there had been no response to the humanitarian crisis and to the legal obligation to confront ethnic cleansing and war crime abuses. He also noted that the airspace of Bosnia and Herzegovina was closed on the basis of their own decision.³⁹⁸

The representative of India underlined that it was a matter of great concern that the attacks of NATO on the Federal Republic of Yugoslavia continued, with the Security Council reduced to helplessness. He reiterated that his Government had expected the Council to exert its authority to bring about an early return of the peace that was broken by the bombing. He therefore expressed his country’s deep regret that the Council had not adopted the draft resolution and maintained that the effect would be to prevent a return of the peace that the international community so dearly wanted and which permanent members, three of whom had cast vetoes in pursuit of national interests, had a special responsibility to uphold.³⁹⁹

At the same meeting, the representative of Canada referred to the statement of the representative of India that three vetoes had been cast and pointed out that, in fact, there had been no vetoes cast, as a veto was cast only when it overrode nine positive votes, which had not been the case that morning. The representative of France associated himself with the statement made by the representative of Canada.⁴⁰⁰

Letter dated 7 May 1999 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council

Initial proceedings

Decision of 14 May 1999 (4001st meeting): statement by the President

By a letter dated 7 May 1999 addressed to the President of the Security Council, the representative of China requested an urgent meeting of the Security Council to discuss the North Atlantic Treaty

³⁹⁵ Ibid., p. 10.

³⁹⁶ Ibid., p. 11-12.

³⁹⁷ Ibid., p. 12 (Belarus) and pp. 13-14 (Cuba).

³⁹⁸ Ibid., pp. 15-16.

³⁹⁹ Ibid., pp. 15-16.

⁴⁰⁰ Ibid., p. 16 (Canada and France).

Organization (NATO) attack at the Embassy of China in Belgrade.⁴⁰¹

At its 4000th meeting, held on 8 May 1999 in response to the above-mentioned letter, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representatives of Albania, Belarus, Cuba, India, Iraq and Ukraine, at their request, to participate in the discussion without the right to vote.

At the same meeting, the representative of China read a statement by the Government of China, informing the Council that NATO, led by the United States, had attacked the Embassy of the People's Republic of China in the Federal Republic of Yugoslavia, resulting in serious damage to the Embassy premises and at least two dead and more than 20 injured. The representative expressed his country's indignation and strong condemnation of the incident. He underscored that it was a flagrant violation of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The representative stated that China strongly demanded that NATO carry out an investigation of the serious incident and account for it and stressed that NATO had to assume all responsibility for it. He noted that his Government reserved the right to take further action. Finally, he reiterated the demand that NATO immediately and unconditionally stop its air strikes against the Federal Republic of Yugoslavia.⁴⁰²

The representative of the United States stated that his delegation did not have confirmation of the facts at that time and that NATO had opened an investigation of the matter. He stressed that if NATO had been responsible for the incident, his country was deeply sorry and reiterated that NATO would never target civilians or an embassy. However, he maintained that NATO was taking action in response to Belgrade's "sustained multi-year, outrageous, unacceptable policies of ethnic cleansing, terrorization and repression of its own citizens in Kosovo". He underscored that NATO would continue to press the Federal Republic of Yugoslavia until it agreed to accept

conditions offered by NATO and the Group of Eight principles.⁴⁰³

The representative of the Russian Federation expressed his country's deepest condolences to the Government of China and to the families of the victims of the NATO strike. He underscored that his Government was outraged and demanded an immediate investigation. He maintained that the fate of the Kosovars had become entirely incidental, and the humanitarian banner was being used "as a cover for NATO's attempts to destroy the present world order", which was based on respect for international law and for the Charter of the United Nations. He reiterated that it was essential to shift immediately to a political settlement.⁴⁰⁴

The representative of the Netherlands expressed his regret about the incident. He stated that collateral damage to an embassy building was not essentially different from other collateral damage. As the Embassy was not deliberately targeted, the accident could not be regarded as a violation of diplomatic immunity, let alone as an attack on the integrity of the country concerned. He reiterated his Government's conviction that they had no choice but to launch air strikes after President Slobodan Milosevic had continued to ignore the demands of the Security Council. He acknowledged that there were many more refugees, but maintained that they could not be held responsible for the fact that President Milosevic had seized the opportunity to accelerate and try to complete his "final solution to the Kosovo problem".⁴⁰⁵

The representative of France first expressed his delegation's profound sympathy to the delegation of China. He stated that France, like all members of the European Union, supported the initiative of the Secretary-General of the United Nations dated 9 April 1999, and was working together with Canada, Germany, Italy, Japan, the Russian Federation, the United Kingdom and the United States (Group of Eight) to develop a political solution. He informed the Council that a meeting of the Ministers for Foreign Affairs of the eight countries on 6 May had made it possible to adopt general principles for a political

⁴⁰¹ S/1999/523.

⁴⁰² S/PV.4000 and Corr.1, pp. 2-3.

⁴⁰³ *Ibid.*, p. 3.

⁴⁰⁴ *Ibid.*, pp. 3-4.

⁴⁰⁵ *Ibid.*, p. 4.

solution to the Kosovo problem.⁴⁰⁶ He expressed the desire of his Government to arrive at the adoption of a Security Council resolution under Chapter VII that would endorse and adopt those principles for a settlement and that would make it possible to restore peace and stability to that region in crisis.⁴⁰⁷

The representative of Slovenia expressed their sincere condolences to the Government and the people of China. He informed the Council that a draft resolution relating to the humanitarian aspects of the situation had been submitted to the Council, and he expressed hope that the Council would take action on the draft resolution soon. He stressed that all efforts for a peaceful resolution of the situation in and around Kosovo, Federal Republic of Yugoslavia had to continue, and that the Council had to be actively involved in the process.⁴⁰⁸

The representative of the United Kingdom expressed his sincere condolences to China. He reiterated that NATO also expressed its regrets, that they awaited the results of the investigation and that NATO did not target civilians or embassies. He also maintained that NATO had taken urgent and forceful action to reverse the humanitarian tragedy and to return the displaced to their homes in safety. He stated that the key to concluding the conflict was the acceptance by the Federal Republic of Yugoslavia of the steps spelled out in the Group of Eight statement of 6 May 1999.⁴⁰⁹

Mr. Jovanovic stated that his country had been a victim of NATO aggression, and that NATO attacks had been concentrated on civilian targets, threatening lives, the environment and the basic human rights of the entire population of the country. He stressed that there was no mention of collateral damage or incidental killings of people and destruction of property in the Geneva Conventions or in the statutes of the International Criminal Tribunal for the Former Yugoslavia. He reiterated that the Federal Republic of Yugoslavia had been committed to a peaceful solution of the crisis in Kosovo and Metohija, but that they had

the right and the duty to protect themselves from aggression — rights and duties that were enshrined in the Charter and international law. He also noted that the Embassy building was in the exclusive residential area of New Belgrade, which had no military targets, and stressed that the attack was in gross violation of the Geneva Convention of 1949 and of international law. He maintained that it was not only the Federal Republic of Yugoslavia that was targeted, but peace and security in the region as well. He stated that the Security Council had perhaps a last chance to exercise its duty and reaffirm the authority invested in it by the Charter of the United Nations.⁴¹⁰

The representative of Albania expressed its condolences to the Government of China. He also expressed his country's belief that NATO, through its action, was trying to preserve the principles of the Charter of the United Nations, including the maintenance of peace and international security.⁴¹¹

The representative of India underscored that any damage to a diplomatic establishment was to be entirely deplored and maintained that the incident, along with the continuing loss of innocent lives and other untoward consequences, only confirmed that the very fundamentals of the approach of NATO were wrong. He reiterated that a solution to the problems relating to the Federal Republic of Yugoslavia were to be found only in means other than military ones. He therefore urged an immediate end to all hostilities so as to give peace a chance.

The representative of China spoke again and, referring to the argument that as NATO had not intentionally attacked the Chinese Embassy it could not be charged with violating the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, maintained that, deliberate or not, the action by NATO was a "blatant flouting of international law" and reiterated that NATO had to shoulder full responsibility for its action.⁴¹²

All speakers made statements expressing profound regret for the strike on the Embassy and extending their sympathy to the delegation of China. A number of speakers also called for the crisis to be

⁴⁰⁶ For the principles, see the letter dated 6 May 1999 from the representative of Germany addressed to the President of the Security Council (S/1999/516); see also decision of 10 June 1999.

⁴⁰⁷ S/PV.4000 and Corr.1, pp. 4-5.

⁴⁰⁸ *Ibid.*, p. 7.

⁴⁰⁹ *Ibid.*, p. 7.

⁴¹⁰ *Ibid.*, pp. 8-9.

⁴¹¹ *Ibid.*, pp. 11-12.

⁴¹² *Ibid.*, p. 12.

resolved by diplomatic means.⁴¹³ Other speakers condemned the military actions by NATO and called for an immediate halt to the bombing and the resumption of diplomatic efforts to find a peaceful solution.⁴¹⁴

At its 4001st meeting, held on 14 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council again included the letter dated 7 May 1999 from the representative of China addressed to the President of the Security Council in its agenda. Following the adoption of the agenda, the President (Gabon), in accordance with the decisions taken at the 4000th meeting, invited the representatives of Albania, Belarus, Cuba, India, Iraq and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 9 May 1999 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council;⁴¹⁵ a letter dated 10 May 1999 from the representative of South Africa addressed to the President of the Security Council;⁴¹⁶ and a letter dated 10 May 1999 from the representative of the Sudan addressed to the President of the Security Council,⁴¹⁷ transmitting statements by the respective countries concerning the bombing of the Chinese Embassy by NATO.

At the same meeting, the President made the following statement on behalf of the Council:⁴¹⁸

The Security Council recalls the press statement by the President on 8 May 1999, and expresses its deep distress and concern over the bombing of the Embassy of the People's Republic of China in the Federal Republic of Yugoslavia on 7 May 1999, which has caused serious casualties and property damage. The Council expresses its deepest sympathy and profound condolences to the Chinese Government and families of the victims.

The Council expresses profound regrets over the bombing and deep sorrow for the loss of lives, injuries and property damage caused by the bombing, and notes that regrets and apologies were expressed for this tragedy by members of the

North Atlantic Treaty Organization. The Council, bearing in mind the Charter of the United Nations, reaffirms that the principle of the inviolability of diplomatic personnel and premises must be respected in all cases in accordance with internationally accepted norms.

The Council stresses the need for a complete and thorough investigation of the bombing by the North Atlantic Treaty Organization. In this connection, it takes note of the fact that an investigation has been initiated by the North Atlantic Treaty Organization and it awaits the results of the investigation.

The Council will remain seized of this matter.

Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998)

Initial proceedings

Decision of 14 May 1999 (4003rd meeting): resolution 1239 (1999)

At its 4003rd meeting, held on 14 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998)" in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representatives of Albania, Belarus, Bosnia and Herzegovina, Cuba, Egypt, the Islamic Republic of Iran, Jordan, Kuwait, Morocco, Pakistan, Qatar, Saudi Arabia, Senegal, Turkey, Ukraine, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President also invited the Deputy Permanent Observer of the Organization of the Islamic Conference (OIC) under rule 39 of its provisional rules of procedure. The President then drew the attention of the Council to a draft resolution submitted by Argentina, Bahrain, Bosnia and Herzegovina, Brazil, Egypt, Gabon, the Gambia, the Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Morocco, Namibia, Pakistan, Qatar, Saudi Arabia, Senegal, Slovenia, Turkey, the United Arab Emirates and Yemen.⁴¹⁹ The President further drew the attention of the Council to a letter dated 6 May 1999 from the representative of Turkey addressed to the President of the Security Council, informing the Council that its co-sponsorship of the draft resolution in no way indicated any change in regard to the long-standing position of Turkey

⁴¹⁹ S/1999/517.

⁴¹³ Ibid., p. 4 (Argentina); p. 6 (Bahrain); p. 6 (Malaysia); and p. 7 (Gabon).

⁴¹⁴ Ibid., p. 5 (Namibia); p. 9 (Belarus); pp. 9-10 (Iraq) and pp. 10-11 (Cuba).

⁴¹⁵ S/1999/529.

⁴¹⁶ S/1999/530.

⁴¹⁷ S/1999/541.

⁴¹⁸ S/PRST/1999/12.

concerning the name of the former Yugoslav Republic of Macedonia.⁴²⁰

At the same meeting, speaking before the vote, the representative of Bahrain observed that according to United Nations sources there were more than 840,000 displaced persons within the Federal Republic of Yugoslavia and more than 700,000 outside that territory. He stated that, therefore, there was a need to try to redress the humanitarian situation and to help the refugees. He informed the Council that it was in view of the humanitarian situation that the delegations of Bahrain and Malaysia had taken the initiative to submit a draft resolution, which had achieved consensus in the Council and in the caucus and other groups of Member States outside of the Council. His country called upon Council members to adopt the draft resolution by consensus so that the humanitarian assistance that was so necessary to the refugees could be given to them and so that their situation could be improved pending their return to their homes.⁴²¹

The representative of Malaysia stated that, while nothing would have pleased his delegation more than adopting a resolution that addressed the Kosovo issues in a comprehensive manner, the Council could in the meantime play a meaningful role by pronouncing itself on the humanitarian situation, which was an important aspect of the Kosovo crisis. He stressed that formal action by the Council on the humanitarian issue in and around Kosovo would be a clear expression of the serious concern of the Council about the humanitarian tragedy that had unfolded. He stated that the draft resolution represented the first serious attempt on the part of some Council members to bring the Kosovo issue back to the Council in the hope that it could pave the way for the forging of a consensus on the more difficult aspects of the Kosovo problem, thereby reasserting the role of the Council on the issue.⁴²²

The representative of the United States observed that the draft resolution focused attention on the urgent issue at hand in Kosovo and the surrounding region: the plight of hundreds of thousands of refugees and displaced persons and the critical need to assist the United Nations High Commissioner for Refugees and other humanitarian organizations and workers in their

efforts to address the crisis. He also reiterated that the crisis could be resolved if Belgrade met the conditions set out by NATO and the principles of the Group of Eight, agreed to at the Foreign Ministers' meeting on 6 May 1999. He stressed that his country remained firm in its resolve to continue to exert pressure on President Slobodan Milosevic and his Government to stop their planned, systematic campaign of ethnic cleansing and to permit the return of all refugees and displaced persons to their homes in safety and in security. He stated that his Government expected that the Secretary-General's humanitarian mission to the Federal Republic of Yugoslavia would focus on the destruction in Kosovo, and stressed that it was essential in their view that the team have unimpeded access throughout its visit.⁴²³

The representative of France stressed the importance of paragraph 5 of the draft resolution, which emphasized that the humanitarian situation would continue to deteriorate in the absence of a political solution to the crisis. He noted that, by specifying that any solution needed to be consistent with the principles adopted by the Foreign Ministers of Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom and the United States on 6 May 1999, the Council was clearly indicating what the parameters of a political solution needed to be.⁴²⁴

The representative of China stated that, while his delegation was deeply disturbed by the humanitarian crisis in the Balkans, the fact that NATO had launched military attacks against the Federal Republic of Yugoslavia was an equal concern. Following the bombing of the Embassy of China, he stressed that China had every reason to demand that NATO immediately and unconditionally stop the bombing. He stressed that an immediate cessation of the bombing campaign against the Federal Republic of Yugoslavia needed to be the prerequisite for any political solution to the Kosovo issue and also the minimum condition for alleviating the humanitarian crisis in the Balkans. For those reasons, the Chinese delegation had put forward constructive amendments to the draft resolution calling for a cessation of all military activities, which were not accepted. He also noted that

⁴²⁰ S/1999/542.

⁴²¹ S/PV.4003, p. 3.

⁴²² *Ibid.*, pp. 3-4.

⁴²³ *Ibid.*, pp. 4-5.

⁴²⁴ *Ibid.*, pp. 5-6.

the draft resolution referred to the principles adopted by the Foreign Ministers of the Group of Eight, and stated that they could not accept that the Council had prejudged those principles in the draft resolution without first deliberating on them. On the basis of those considerations, he stated that the Chinese delegation had no choice but to abstain in the voting on the draft resolution.⁴²⁵

The representative of the Russian Federation stated that the tragic course of events in the Federal Republic of Yugoslavia had shown that it was the military action against that sovereign country, conducted by NATO in circumvention of the Security Council and in violation of the Charter of the United Nations and other generally recognized norms of international law, that had caused the humanitarian catastrophe and created a real emergency situation in the Balkans region. Noting that the civilian infrastructure was being destroyed systematically and deliberately, and very serious damage was being done to the economy, he stressed that the material basis for the return of the refugees and the displaced persons to their homes was being destroyed, though NATO had proclaimed that the resolution of the problem of refugees was one of its main tasks. He stated that, although it was difficult to remain indifferent in the face of the escalating humanitarian catastrophe, it was clear that this was a consequence, not a cause, of the crisis situation. It was precisely with regard to the causes of the humanitarian catastrophe that the Security Council should have spoken out, as the organ bearing primary responsibility for the maintenance of international peace and security. He noted that it had been upon the initiative of his delegation that the draft resolution had taken on board the important conclusion that the humanitarian situation would continue to deteriorate unless a political settlement to the crisis could be ensured. However, the draft resolution had not taken into account a number of their other amendments, of which the main one was an appeal for immediate cessation of the NATO air strikes on the Federal Republic of Yugoslavia, adamantly supported by the Russian Federation and China. He informed the Council that because of the principled nature of their position, his delegation could not support the text.⁴²⁶

⁴²⁵ Ibid., pp. 7-8.

⁴²⁶ Ibid., pp. 8-9.

Speaking both before and after the vote, several other speakers expressed their support for the draft resolution and their concern about the humanitarian situation in and around Kosovo. A number of speakers called for the cessation of hostilities and for the Security Council to reassert its authority over the situation and to find a political solution.⁴²⁷ Other speakers maintained that the major reason for the worsening humanitarian situation was the NATO military action and called for its immediate end.⁴²⁸

At the same meeting, the draft resolution was put to the vote and adopted by 13 votes to none, with two abstentions (China and the Russian Federation), and adopted as resolution 1239 (1999),⁴²⁹ which reads:

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998, and the statements by its President of 24 August 1998, 19 January 1999 and 29 January 1999,

Bearing in mind the provisions of the Charter of the United Nations, and guided by the Universal Declaration of Human Rights, the international covenants and conventions on human rights, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as well as other instruments of international humanitarian law,

Expressing grave concern at the humanitarian catastrophe in and around Kosovo, Federal Republic of Yugoslavia, as a result of the continuing crisis,

Deeply concerned by the enormous influx of Kosovo refugees into Albania, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, and other countries, as well as by the increasing numbers of displaced persons within Kosovo, the Republic of Montenegro and other parts of the Federal Republic of Yugoslavia,

Stressing the importance of effective coordination of humanitarian relief activities undertaken by States, the Office of the United Nations High Commissioner for Refugees and international organizations in alleviating the plight and suffering of refugees and internally displaced persons,

⁴²⁷ Ibid., p. 5 (United Kingdom); p. 5 (Canada); p. 6 (Gambia); pp. 6-7 (Namibia); pp. 9-10 (Argentina); p. 10 (Brazil); pp. 12-13 (Pakistan); p. 13 (Qatar in its capacity as Chairman of the Islamic Group); pp. 13-14 (Saudi Arabia); pp. 15-16 (Egypt); pp. 16-17 (Ukraine); and pp. 20-21 (Organization of the Islamic Conference).

⁴²⁸ Ibid., p. 18 (Belarus) and pp. 19-20 (Cuba).

⁴²⁹ For the vote, see S/PV.4003, p. 9.

Noting with interest the intention of the Secretary-General to send a humanitarian needs assessment mission to Kosovo and other parts of the Federal Republic of Yugoslavia,

Reaffirming the territorial integrity and sovereignty of all States in the region,

1. *Commends* the efforts that have been taken by Member States, the Office of the United Nations High Commissioner for Refugees and other international humanitarian relief organizations in providing urgently needed relief assistance to the Kosovo refugees in Albania, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina, and urges them and others in a position to do so to contribute resources for humanitarian assistance to the refugees and internally displaced persons;

2. *Invites* the Office of the United Nations High Commissioner for Refugees and other international humanitarian relief organizations to extend relief assistance to the internally displaced persons in Kosovo, the Republic of Montenegro and other parts of the Federal Republic of Yugoslavia, as well as to other civilians being affected by the ongoing crisis;

3. *Calls* for access for United Nations and all other humanitarian personnel operating in Kosovo and other parts of the Federal Republic of Yugoslavia;

4. *Reaffirms* the right of all refugees and displaced persons to return to their homes in safety and in dignity;

5. *Emphasizes* that the humanitarian situation will continue to deteriorate in the absence of a political solution to the crisis consistent with the principles adopted by the Ministers for Foreign Affairs of Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on 6 May 1999, and urges all concerned to work towards this aim;

6. *Decides* to remain actively seized of the matter.

Speaking after the vote, Mr. Jovanović reiterated that the aggression of NATO was continuing, expanding and intensifying, and was a gross violation of the Charter of the United Nations and the basic principles of international relations. He noted that, despite many requests by his Government, the Security Council had taken no steps to uphold the Charter of the United Nations, to prevent the arrogation of its authority by others and the violations of international peace and security. He stated that the NATO campaign had targeted civilians, infrastructure and the economy, and inflicted a humanitarian catastrophe on the Federal Republic of Yugoslavia. Additionally, NATO bombs had caused an ecological disaster in the Federal Republic of Yugoslavia and the region and NATO had violated international conventions and covenants on human rights and freedoms, in particular the Geneva

Convention relative to the Protection of Civilian Persons in Time of War. He expressed his delegation's regret that the draft resolution made no mention of the tragic consequences of the NATO aggression. Stating that the concern of the Security Council about the humanitarian situation in the Federal Republic of Yugoslavia was justified, he reiterated that the attempt to legalize the aggression of NATO by means of the "so-called humanitarian resolution" was unjustified. He stressed that the bypassing of the Security Council, the body charged with the maintenance of international peace and security, prior to the commencement of the aggression, and the subsequent attempts to get the Council on board in order to legalize the aggression, dealt a heavy blow to the reputation of the United Nations and set a dangerous precedent for international relations in general.⁴³⁰

The representative of the Netherlands commented on the statement by Mr. Jovanović and stressed that if Serbia wanted to be part of Europe, it would have to realize why it had been subjected to NATO air strikes, and maintained that their intervention on account of "the atrocities committed by the Serbian security forces and the Yugoslav army in Kosovo" would not have been possible if it had not been preceded by almost eight years of "ethnic cleansing".⁴³¹

The representative of the Islamic Republic of Iran, in his capacity as Chairman of the OIC Contact Group on Bosnia and Herzegovina and Kosovo, expressed his deep concern about the ripple effect of the Kosovo crisis and the belief that the continuation of the current Kosovo crisis could endanger the fragile peace and security in other parts of the Balkans. The OIC Contact Group deeply regretted the failure of the Security Council to deal effectively with the crisis in Kosovo and to put an end to the plight of the Kosovo Albanians. They reiterated that the Security Council had the primary responsibility for the maintenance of international peace and security and expressed hope that the Council would accelerate its endeavors in order to carry out its responsibility under the United Nations Charter in an effective manner.⁴³²

The representative of Albania expressed his country's strong support for the resolution and belief in

⁴³⁰ S/PV.4003, pp. 10-11.

⁴³¹ *Ibid.*, pp. 11-12.

⁴³² *Ibid.*, pp. 14-15.

the value of the NATO mission and its actions. He stated that NATO was saving exactly the same values that the United Nations was created to defend, and noted that the Albanian people regretted that the United Nations was not able to deliver the same message due to the obstacles created by some of its Members. Albania welcomed any initiative of the international community that could solve the crisis in Kosovo and the humanitarian catastrophe and that respected the freedom of the people who believed so much in the principles of the United Nations.⁴³³

The representative of Slovenia appealed to all Council members to understand that the unity and resolve of the entire international community were the essential conditions for the success of the efforts for peace and expressed his country's belief that the resolution was a relevant contribution to that end.⁴³⁴

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)

Initial proceedings

Decision of 10 June 1999 (4011th meeting): resolution 1244 (1999)

By a letter dated 6 May 1999 addressed to the President of the Security Council, the representative of Germany transmitted a statement by the Chairman of the conclusion of the meeting of the Group of Eight Ministers for Foreign Affairs held at the Petersberg Centre on 6 May 1999.⁴³⁵ The letter announced that the Ministers had adopted the following general principles on the political solution to the Kosovo crisis: immediate and verifiable end to violence and repression in Kosovo; withdrawal from Kosovo of military, police and paramilitary forces; deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives; establishment of an interim administration for Kosovo to be decided by the Security Council to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo; the safe and free return of all refugees and displaced persons

and unimpeded access to Kosovo by humanitarian aid organizations; a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet Accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the Kosovo Liberation Army (KLA); and a comprehensive approach to the economic development and stabilization of the crisis region.

By a letter dated 5 June 1999 addressed to the Secretary-General,⁴³⁶ the representative of the Federal Republic of Yugoslavia transmitted a letter dated 4 June 1999 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the Secretary-General, informing him of the acceptance by the Government of the Federal Republic of Yugoslavia and the Assembly of the Republic of Serbia of the Peace Plan (principles) presented by the President of the Finnish Republic, representing the European Union and the United Nations, and by the personal envoy of the President of the Russian Federation. He noted that the Yugoslav constitutional authorities had been strongly motivated by the fact that the competence of the Security Council was being established by the acceptance of the Peace Plan, including the setting up of a United Nations mission in accordance with the Charter of the United Nations. The Federal Minister stated his conviction that that had created conditions and a need for regular contacts and cooperation between the Government of the Federal Republic of Yugoslavia and the United Nations. He expected that his delegation's representatives would be able to present their views on the draft resolution, and that an appropriate agreement would be concluded later on between the Government of the Federal Republic of Yugoslavia and the United Nations.

By a letter dated 7 June 1999 addressed to the President of the Security Council,⁴³⁷ the representative of Germany, on behalf of the Presidency of the European Union, transmitted the agreement on the Peace Plan (principles) to move towards a resolution of the Kosovo crisis.

⁴³³ *Ibid.*, pp. 19-20.

⁴³⁴ *Ibid.*, p. 21.

⁴³⁵ S/1999/516.

⁴³⁶ S/1999/646.

⁴³⁷ S/1999/649.

By a letter dated 10 June 1999 addressed to the President of the Security Council,⁴³⁸ the Secretary-General transmitted a letter dated 10 June 1999 from the Secretary-General of the North Atlantic Treaty Organization (NATO). The Secretary-General of NATO informed the United Nations that NATO military authorities had agreed with the Federal Republic of Yugoslavia on the procedures and modalities for the withdrawal from Kosovo of the Federal Republic of Yugoslavia security forces, which had begun to withdraw from Kosovo in accordance with those procedures and modalities. He noted that NATO was monitoring the compliance of the Federal Republic of Yugoslavia closely. Against that background, NATO air operations against the Federal Republic of Yugoslavia had been suspended.

At its 4011th meeting, held on 10 June 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item entitled "Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)" and the above-mentioned letters in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Albania, Belarus, Costa Rica, Croatia, Cuba, Germany, Hungary, the Islamic Republic of Iran, Italy, Japan, Mexico, Norway, Turkey, the former Yugoslav Republic of Macedonia and Ukraine, at their request, to participate in the discussion without the right to vote. The President also invited Mr. Vladislav Jovanovic to sit at the Council table and to make a statement.

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by Canada, France, Gabon, Germany, Italy, Japan, the Netherlands, the Russian Federation, Slovenia, Ukraine, the United Kingdom and the United States, with Bahrain joining as a co-sponsor.⁴³⁹ The President also drew the attention of the Council to the following documents: a letter dated 2 June 1999 from the representative of Germany addressed to the Secretary-General;⁴⁴⁰ and letters dated 1, 5 and 7 June 1999, respectively, from the representative of the Federal Republic of Yugoslavia addressed to the President of

the Security Council.⁴⁴¹ Members of the Council also received a letter dated 4 June 1999 from the representative of France addressed to the President of the Security Council⁴⁴² and a letter dated 9 June 1999 from the Secretary-General addressed to the President of the Security Council.⁴⁴³

Mr. Jovanovic, on behalf of the Government of the Federal Republic of Yugoslavia, addressed the following requests to the members of the Council: first, to point out the responsibility of the NATO member States for flagrantly violating the principles of the Charter of the United Nations and for the unauthorized and brutal bombing of the Federal Republic of Yugoslavia, which resulted in a massive humanitarian catastrophe, the destruction of the civilian infrastructure and the economy of the country, the death of more than 2000 people and the wounding of more than 6,000 civilians; second, to stress the moral, political and material obligation of the NATO member States to fully compensate the Federal Republic of Yugoslavia and its citizens within the shortest possible period of time for all the damage caused by the unauthorized bombing; and third, to restore the Federal Republic of Yugoslavia all of its suspended rights in the United Nations, in international and financial institutions and in other international organizations and associations, as well as to lift all existing sanctions and unilateral restrictions and all other discriminatory measures. He stated that, although the peace plan had confirmed a role for the United Nations in the solution of the crisis, his Government had instead faced NATO attempts to deploy its troops in Kosovo and Metohija by way of insisting on some political elements without a decision and a mandate from the Council. He stressed that, in order to achieve a lasting and stable peace in the region and reaffirm the roles of the United Nations and the Security Council as the highest bodies for the maintenance of international peace and security, it was necessary to deploy the United Nations peacekeeping

⁴³⁸ S/1999/663.

⁴³⁹ S/1999/661.

⁴⁴⁰ Letter transmitting a statement on Kosovo issued on 31 May 1999 (S/1999/650) by the European Union.

⁴⁴¹ Letters transmitting statements concerning the acceptance of the principles of the Group of Eight (S/1999/631), and the peace plan (principles) (S/1999/655) respectively; and transmitting a statement regarding humanitarian aid (S/1999/647).

⁴⁴² Letter transmitting the text of the Rambouillet accords (S/1999/648).

⁴⁴³ Letter transmitting a report of the Inter-Agency Needs Assessment Mission to the Federal Republic of Yugoslavia (S/1999/662).

mission in Kosovo and Metohija on the basis of a decision of the Council and of Chapter VI of the Charter and with the prior and full agreement of the Government of the Federal Republic of Yugoslavia. He also stated that, in that context, the Security Council draft resolution needed to contain the following positions: a firm and unequivocal reaffirmation of full respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia; and a political solution to the situation in Kosovo and Metohija that would be based on broad autonomy, in accordance with the highest international standards, such as the Paris Charter and the Organization for Security and Cooperation in Europe (OSCE) Copenhagen document, ensuring the full equality of all ethnic communities. The solution for Kosovo and Metohija also needed to fall within the legal frameworks of the Republic of Serbia and the Federal Republic of Yugoslavia, which implied that all State and public services in the province, including the organs of law and order, should function according to the Constitution and laws of the Federal Republic of Yugoslavia and the Republic of Serbia. He also stressed that the draft resolution should not contain provisions on the International Tribunal for the Former Yugoslavia, considering that that institution had no jurisdiction over the Federal Republic of Yugoslavia and had not been included in the principles of the Ahtisaari-Chernomyrdin peace plan. The resolution also needed to contain a condemnation of NATO aggression against the Federal Republic of Yugoslavia as an act in violation of the Charter of the United Nations and a threat to international peace and security; a reference to the reports of the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the United Nations High Commissioner for Human Rights, which should point to the civilian casualties and material destruction as consequences of NATO attacks, and a condemnation of the use of inhumane weapons; a condemnation of NATO bombing of foreign diplomatic and consular missions in the Federal Republic of Yugoslavia; provisions ensuring unhindered and safe passage of refugees; and respect for the Constitution and laws of the Republic of Serbia and the Federal Republic of Yugoslavia as necessary preconditions for the solution of all questions and a successful evolution of the international presence. He stated that the mandate of the mission needed to consist of the supervision of the implementation of the comprehensive agreement on Kosovo and Metohija,

the withdrawal of Yugoslav military and political forces, the return of refugees and displaced persons and cooperation with international humanitarian organizations in providing assistance to all in need of it. The mission also had to guarantee full security and equality to all citizens in Kosovo and Metohija, regardless of their religious and national affiliations, and prevent all violence, especially the resurgence of terrorism and separatism. The mission had to be responsible to and report to the Secretary-General and the Security Council. He underscored that the Federal Republic of Yugoslavia could not accept a mission that would take over the role of government in Kosovo and Metohija or any form of open or hidden protectorate, or a mission that had an open mandate, unlimited in time. He also stressed that they were against the participation in the United Nations mission by the countries that had taken an active part in the aggression. He expressed his delegation's regret that the draft resolution proposed by the Group of Eight was "yet another attempt to marginalize the world Organization aimed at legalizing *post festum* the brutal aggression", and noted that the solutions being tried provided a broad authority to those who had conducted a war against a sovereign country. He observed that in sub-items (a) and (b) of operative paragraph 9, the draft resolution requested in all practical terms that the Federal Republic of Yugoslavia renounce a part of its sovereign territory and grant amnesty to terrorists. Furthermore, in operative paragraph 11, the draft resolution established a protectorate, provided for the creation of a separate political and economic system in the province and opened up the possibility of the secession of Kosovo and Metohija from Serbia and the Federal Republic of Yugoslavia. He concluded by stating that, in adopting the draft resolution, the Council would not only be instrumental in a de facto dismemberment of a sovereign European State, but would also set a negative precedent with far-reaching consequences for overall international relations.⁴⁴⁴

The representative of Namibia expressed regret that it was only after the "senseless killing of innocent civilians, the destruction of property and the massive displacement of people" that a peace plan had been possible. He stressed that his country did not condone ethnic cleansing and other human rights abuses committed in the Federal Republic of Yugoslavia, and

⁴⁴⁴ S/PV.4011, pp. 3-6.

also opposed any attempt to dismember the Federal Republic of Yugoslavia. Finally, he reiterated that it was the primary responsibility of the Security Council to maintain international peace and security, and that all States Members of the United Nations had the obligation to uphold the provisions of the Charter in that regard.⁴⁴⁵

The representative of the Russian Federation stated that the draft resolution's main significance lay in the fact that it restored the Kosovo settlement to the political track along with the central role of the United Nations. He noted that in addition to clearly reaffirming the commitment of all States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, the draft resolution authorized the deployment in Kosovo, under United Nations auspices, of international civil and security presences with a clearly formulated, concrete mandate. He underlined that the draft resolution's reference to Chapter VII of the Charter related exclusively to ensuring the safety and security of international personnel and compliance with the provisions of the draft resolution. It did not even hint at the possibility of any use of force beyond the limits of the tasks clearly set out by the Security Council. He also stressed that the demilitarization of the "so-called" Kosovo Liberation Army and other armed Kosovo Albanian groups was of special importance in terms of achieving a lasting and effective political settlement of the Kosovo crisis, which was clearly defined as one of the principal duties of the international security presence. The Kosovo Liberation Army needed scrupulously to comply with all demands made of it by the Council and needed to cease to exist as a military force. He also called for the leadership of the Federal Republic of Yugoslavia to comply fully with the obligations it had entered into.⁴⁴⁶

The representative of China reiterated that the Government of China had made their principled stance clear. His delegation had firmly opposed NATO military action against the Federal Republic of Yugoslavia and demanded that NATO immediately stop all its bombing operations. China stood for peaceful settlement of the question of Kosovo, on the basis of respect for the sovereignty and territorial integrity of

the Federal Republic of Yugoslavia and guarantees of the legitimate rights and interests of all ethnic groups in the Kosovo region. His country was of the view that any proposed solution needed to take full account of the view of the Federal Republic of Yugoslavia. He emphasized that, fundamentally speaking, ethnic problems within a State needed to be settled by its own Government and people, through the adoption of sound policies. They could not be used as an excuse for external intervention, much less used by foreign States as an excuse for the use of force. He maintained that respect for sovereignty and non-interference in each other's internal affairs were basic principles of the Charter of the United Nations. Since the end of the cold war, the international situation had undergone major changes, but those principles were by no means outdated, having acquired even greater relevance. He underscored that, in essence, the "human rights over sovereignty" theory served to infringe upon the sovereignty of other States and to promote "hegemonism" under the pretext of human rights, which ran counter to the purposes and principles of the Charter of the United Nations. The representative stated that the draft resolution had failed to reflect fully the principled stand and justified concerns of China. In particular, it made no mention of the disaster caused by NATO bombing in the Federal Republic of Yugoslavia, and it had failed to impose necessary restrictions on the invoking of Chapter VII of the Charter. However, in view of the fact that the Federal Republic of Yugoslavia had already accepted the peace plan, that NATO had suspended its bombing and that the draft resolution had reaffirmed the purposes and principles of the Charter of the United Nations, the primary responsibility of the Security Council for the maintenance of international peace and security and the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, he stated that the Chinese delegation would not block the adoption of the draft resolution.⁴⁴⁷

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (China),⁴⁴⁸ as resolution 1244 (1999), which reads:

The Security Council,

⁴⁴⁵ Ibid., pp. 6-7.

⁴⁴⁶ Ibid., pp. 7-8.

⁴⁴⁷ Ibid., pp. 8-9.

⁴⁴⁸ For the vote, see S/PV.4011, p. 9.

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of those resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999, contained in annex I to the present resolution, and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999, contained in annex II to the present resolution, and the agreement of the Federal Republic of Yugoslavia to that paper,

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, as set out in the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki 1 August 1975, and in annex II to the present resolution,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. *Decides* that a political solution to the Kosovo crisis shall be based on the general principles in annex I to the

present resolution and as further elaborated in the principles and other required elements in annex II;

2. *Welcomes* the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. *Demands* in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete a verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. *Confirms* that after the withdrawal, an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex II;

5. *Decides* on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. *Requests* the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;

7. *Authorizes* Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex II with all necessary means to fulfil its responsibilities under paragraph 9 below;

8. *Affirms* the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

9. *Decides* that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided for in point 6 of annex II;

(b) Demilitarizing the Kosovo Liberation Army and other armed Kosovo Albanian groups, as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. *Authorizes* the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia and which will provide for a transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. *Decides* that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex II and of the Rambouillet Accords;

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peacebuilding activities;

(e) Facilitating a political process designed to determine the future status of Kosovo, taking into account the Rambouillet Accords;

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and in the meantime through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. *Emphasizes* the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

13. *Encourages* all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. *Demands* full cooperation by all concerned, including the international security presence, with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

15. *Demands* that the Kosovo Liberation Army and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. *Decides* that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related materiel for the use of the international civil and security presences;

17. *Welcomes* the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a stability pact for South-Eastern Europe, with broad international participation, in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. *Demands* that all States in the region cooperate fully in the implementation of all aspects of the present resolution;

19. *Decides* that the international civil and security presences are established for an initial period of twelve months, to continue thereafter unless the Security Council decides otherwise;

20. *Requests* the Secretary-General to report to the Council at regular intervals on the implementation of the present resolution, including reports from the leadership of the international civil and security presences, the first reports to be submitted within thirty days of the adoption of this resolution;

21. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of Slovenia stated that, with regard to military and security aspects, his country wanted to emphasize the need for the Federal Republic of Yugoslavia to terminate the state of war in the country immediately. In particular, the state of war and related measures could not be used against the Republic of Montenegro, which had demonstrated a reasoned and constructive approach throughout the conflict, including by accepting and taking care of tens of thousands of internally displaced persons. He stressed that the pressures exerted by Belgrade against the Republic of Montenegro under the pretext of military needs had to stop and expressed concern that without such a measure the situation in Montenegro could escalate into a new threat to international peace and security in the region. At the political level, he underlined that the Federal Republic of Yugoslavia had to understand the importance of the normalization of its relations with its neighbors and with other States. It therefore had to stop its attempts to create the erroneous impression that it was a continuing Member State of the United Nations and apply for membership in the United Nations, as expressly required by Security Council resolution 777 (1992) and General Assembly resolution 47/1 of 22 September 1992. He repeated that justice would be an essential condition for the durability of peace, and stressed the importance of the role of the International Tribunal for the Former Yugoslavia. In conclusion, he observed that, while it was true that international organizations had to be careful in all their efforts and that they had to respect international law, including the principle of the sovereignty of States, it was at least equally clear that State sovereignty was not absolute and that it could not be used as a tool of denial of humanity resulting in threats to peace.⁴⁴⁹

The representative of the Netherlands expressed the hope of his Government that the few delegations that had maintained that the NATO air strikes against the Federal Republic of Yugoslavia were a violation of the United Nations Charter would one day realize that

the Charter was not the only source of international law. He maintained that the Charter was much more specific on respect for sovereignty than on respect for human rights, but they regarded it as a generally accepted rule of international law that no sovereign State had the right to terrorize its own citizens. He stated that the shift from sovereignty to human rights spelled uncertainty, and they all had their difficulties with it, but the Security Council could not afford to ignore it.⁴⁵⁰

The representative of Canada stated that his country considered that humanitarian and human rights concerns had to be given new weight in the Council's definition of security and in its calculus as to when and how the Council had to engage. He expressed the belief that the agreement reached in the Council was an important step towards a broader definition of security by the international community.⁴⁵¹

The representative of the United States stated that the resolution would advance a goal that was shared by all members, that of returning hundreds of thousands of Kosovars to their homes with security and self-government. While his country welcomed agreement by Belgrade to principles for resolving the crisis, he stressed that his delegation could not forget the systematic campaign of repression and ethnic cleansing carried out against the people of Kosovo in violation of recognized principles of international law. In the resolution, the international community had clearly demonstrated that such policies and behaviour would not be tolerated and affirmed that the resolution addressed all of their key objectives as set out by NATO. In particular, his delegation welcomed the reiteration in the resolution of the strong mandate of the authority and the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia over war crimes committed in the former Yugoslavia, including Kosovo, contained in Security Council resolution 1160 (1998). He also stressed that it was important to note that the resolution provided for the civil and military missions to remain in place until the Council affirmatively decided that conditions existed for their completion. The United States would work to ensure that the people of Kosovo were given the meaningful self-government they deserved, as envisioned in the

⁴⁵⁰ *Ibid.*, pp. 12-13.

⁴⁵¹ *Ibid.*, pp. 13-14.

⁴⁴⁹ S/PV.4011, pp. 10-11.

Rambouillet Accords. Finally, he stressed that both sides to the conflict needed to demonstrate a firm commitment to peace.⁴⁵²

The representative of Brazil commented that, independent of the moral considerations invoked for the actions, problematic precedents had been set in the resort to military force without Security Council authorization. He stressed that those had neither contributed to upholding the Council's authority nor improved the humanitarian situation.⁴⁵³

The representative of the United Kingdom stated that the Chapter VII resolution and its annexes clearly set out the demands of the international community, which Belgrade had to satisfy. He stressed that the interpretation and conditions that the delegation of the Federal Republic of Yugoslavia had attempted to propose had been rejected. The resolution also provided for the deployment of an international civil presence, led by the United Nations, for the continuing work of the International Criminal Tribunal for the Former Yugoslavia, and for an effective international security presence to re-establish a safe environment in Kosovo. That force needed to command the confidence of Kosovo Albanian refugees if they were to return home, which was why NATO had made clear that it would be essential to have a unified NATO chain of command under the political direction of the North Atlantic Council in consultation with non-NATO force contributors.⁴⁵⁴

The Secretary-General stated that the United Nations was determined to lead the civilian implementation of the peace effectively and efficiently, but to do so it needed the cooperation of all parties and the means to carry out the mandate. He underscored that the commitment to peace was not enough, but that it was the will to implement it that was what counted. That included tasks for which the United Nations was not responsible, but which were vital if peace and stability were to be restored, for example the need for the full withdrawal of Serb military, paramilitary and police forces and for the demilitarization of the Kosovo Liberation Army. He said that he looked to those responsible for the security aspects of the resolution to act swiftly. He informed the Council that he would

soon revert to them with specific proposals on how to make the civilian operation authorized by the resolution truly integrated and effective. Finally, he affirmed that the hard and extremely complex work of building a durable peace lay ahead, and in doing so they needed to deal with the roots of the crisis.⁴⁵⁵

A number of other speakers took the floor after the vote and after the resumption of the meeting. They welcomed the resolution and stressed the importance of immediate efforts to provide a secure environment for the refugees and displaced persons to return to their homes; underlined the importance of the work of the International Criminal Tribunal for the Former Yugoslavia in Kosovo; and noted that the resolution reaffirmed that it was the primary responsibility of the Security Council to maintain international peace and security.⁴⁵⁶

The representative of Belarus reiterated the condemnation of the military actions by NATO, and stressed that they had been undertaken in violation of the Charter of the United Nations and universally recognized norms of international law.⁴⁵⁷

The representative of Germany spoke on behalf of the European Union and associated and aligned countries,⁴⁵⁸ stating that the necessary and warranted military action by NATO, in combination with diplomatic activity, had brought about the agreement of the authorities of the Federal Republic of Yugoslavia to withdraw all military, police and paramilitary forces, thereby creating the conditions for the return of hundreds of thousands of Kosovars driven out of Kosovo. He reiterated that full responsibility for the situation lay entirely with President Milosevic and the regime. The European Union firmly believed that all those who planned, authorized and executed the campaign of forced deportation, torture and murder had to be held personally accountable and brought to justice before the International Criminal Tribunal for

⁴⁵² Ibid., pp. 14-15.

⁴⁵³ Ibid., p. 17.

⁴⁵⁴ Ibid., p. 18.

⁴⁵⁵ Ibid., p. 21.

⁴⁵⁶ S/PV.4011 pp. 11-12 (France); pp. 15-16 (Malaysia); pp. 18-19 (Argentina); pp. 19-20 (Bahrain); and pp. 19-20 (the Gambia); S/PV.4011 (Resumption 1), p. 3 (Japan); p. 13 (Islamic Republic of Iran); pp. 12-13 (Hungary); and pp. 17-18 (Mexico).

⁴⁵⁷ S/PV.4011 (Resumption 1), p. 6.

⁴⁵⁸ Ibid., p. 2 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Iceland and Liechtenstein).

the Former Yugoslavia. It was gratified to see the Security Council assuming the functions foreseen by the United Nations Charter and urged the Security Council to show unity and coherence in its further handling of the crisis. Finally, he informed the Council that, with a view to enhancing peace, stability, prosperity and cooperation among countries in the region, the European Union had established a stability pact for South-Eastern Europe.⁴⁵⁹

The representative of Norway stated that, as Chairman-in-Office of the Organization for Security and Cooperation in Europe, the Minister for Foreign Affairs of Norway, welcomed the decision to place the overall responsibility for the civilian presence with the United Nations. Noting that the civilian implementation of the peace agreement would have to be divided between several international organizations, he stressed that clear lines of command and clearly defined areas of responsibility would be necessary. Careful consideration needed to be given to ensuring that the division of responsibility was logical and promoted efficient implementation. He stated that the primary responsibility for rebuilding democratic institutions and civil society needed to lie with OSCE, as the organization had considerable experience and expertise with regard to the tasks.⁴⁶⁰

The representative of Costa Rica expressed concerns about how the operations in the Federal Republic of Yugoslavia had been conducted and reiterated that with the very limited exception of the right to legitimate defence, any option involving the use of force required the clear authorization of the Security Council in each specific case. He expressed his country's belief that that principle was implicit in the Council's primary responsibility for the maintenance of international peace and security, as well as in the absolute prohibition against the use of force in international relations.⁴⁶¹

The representative of Cuba maintained that this had been an invasion by the United States and NATO and that the sovereignty and territorial integrity of the Federal Republic of Yugoslavia were absolutely unworkable under the conditions that had been

imposed, meaning the disintegration by force of a sovereign State.⁴⁶²

The representative of Ukraine stated that they were more certain than before that the threatening development of the situation in and around Kosovo could have been avoided, if the Security Council had been prepared to exercise its powers under Chapter VII of the Charter at a very early stage of the conflict. He also stressed that his country expected the Council to address in a positive and action-oriented way the problem of the economic losses of third countries suffered as a result of military activities in Kosovo.⁴⁶³

The representative of Croatia stated that "the Great Serbian expansion policy" had initiated wars in Bosnia and Herzegovina, Croatia, Slovenia, and had resulted in the dissolution of the former Socialist Federal Republic of Yugoslavia, a founding member of the United Nations, and its replacement by five equal successor States, none of which automatically continued the international legal personality and status of the former Socialist Federal Republic of Yugoslavia in the United Nations. Regarding their role in the Kosovo crisis, he stressed that, while supporting the actions of the international community in Kosovo, they had persisted in maintaining the pace of the normalization of relations with the Federal Republic of Yugoslavia and its peoples. He maintained that peace bred in, and on, economic prosperity so the international community needed to strengthen its approach towards fostering the overall security, political and economic stability and prosperity of the entire region and thus "widen the road" towards reintegration into Euro-Atlantic structures, for those who sought it.⁴⁶⁴

The representative of Albania expressed his country's high appreciation for the irreplaceable role of NATO, which had stopped "one of the greatest human catastrophes in Europe after the Second World War" and which had brought to a halt "the genocide and the ethnic cleansing carried out against millions of innocent civilians". He maintained that the leaders of the Group of Eight and NATO had been defending the principles of the Charter of the United Nations and preventing the spillover of the conflict into Europe. He

⁴⁵⁹ Ibid., pp. 2-3.

⁴⁶⁰ Ibid., pp. 3-4.

⁴⁶¹ Ibid., pp. 4-5.

⁴⁶² Ibid., pp. 6-9.

⁴⁶³ Ibid., pp. 9-11.

⁴⁶⁴ Ibid., pp. 11-12.

underlined that the mission of peace initiated by the Security Council resolution would achieve success when it took into consideration two essential conditions set out by the international community. First, there needed to be substantial economic assistance for reconstructing Kosovo and its economy, infrastructure and self-governing institutions. Second, any long-term solution to the Kosovo problem had to take into consideration and respect the will of the people of Kosovo to decide their own future.⁴⁶⁵

The representative of the former Yugoslav Republic of Macedonia stated that the implementation of the resolution and the peace agreement had priorities: the first priority was the goal of enabling each refugee and every displaced person to go home in safety and with dignity; the other was the recovery and reconstruction of the region. He stressed that the implementation of paragraph 17 of the resolution was of crucial importance for his country and for others in the region, and reiterated that the firm intention to promote democracy, economic prosperity, stability and regional cooperation in their region needed to be implemented in the spirit of the resolution, generously and without hesitation.⁴⁶⁶

The representative of Bulgaria emphasized that the return before the winter of all the ethnic Albanian refugees who wished to go back to their homes in Kosovo was the key to a durable resolution of the present conflict. He stressed that the rehabilitation efforts in Kosovo could be even more challenging than those that had led to the peace. He also noted that of particular importance in avoiding further similar crises in the Balkans was the comprehensive stabilization and development of the States affected by the Kosovo crisis. The international community needed to play a decisive role in helping countries in South-Eastern Europe to rebuild and develop their economies, their civil societies, their democratic infrastructure and their security relations according to their specific needs.⁴⁶⁷

At the same meeting, the representative of the United States took a second intervention to observe that the representative of Cuba had avoided any acknowledgement of the human realities in Kosovo

prior to the commencement of the NATO air campaign on 24 March.⁴⁶⁸

The representative of Cuba made a second statement and reiterated that it was NATO that had flagrantly violated the sovereignty and territorial integrity of a Member State.⁴⁶⁹

The representative of the Netherlands also made a second statement noting that an effort to get the Council to support the “allegation” that NATO had violated the Charter of the United Nations had been defeated by 12 votes to 3. He also referred again to the rule, which was now generally accepted in international law, that no sovereign State had the right to terrorize its own citizens.⁴⁷⁰

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Initial proceedings

Deliberations of 5 and 8 November and 30 December 1999 (4061st and 4086th meetings): private meetings

At its 4061st and 4086th meetings, held in private on 5 and 8 November 1999, the Security Council considered the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. The representatives of Albania, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, the Czech Republic, Denmark, Egypt, Finland, Georgia, Germany, Greece, Guatemala, Hungary, India, the Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Lithuania, Luxembourg, Mexico, Morocco, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Singapore, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine were invited to one or both meetings, at their request, to participate. At the 4061st meeting, Mr. Branislav Srdanovic was invited to participate, at Mr. Vladislav Jovanovic’s request. At the 4086th meeting, Mr. Jovanovic was invited, at his request, to be seated at the Council table during the discussion.

⁴⁶⁵ Ibid., pp. 13-15.

⁴⁶⁶ Ibid., pp. 15-16.

⁴⁶⁷ Ibid., pp. 16-17.

⁴⁶⁸ Ibid., p. 18.

⁴⁶⁹ Ibid., pp. 18-19.

⁴⁷⁰ Ibid., p. 19.

The Permanent Observer of the Holy See to the United Nations was also invited to participate, at his request, in accordance with the understanding reached in the Council's prior consultations.⁴⁷¹

At the 4061st meeting, the Security Council heard a briefing under rule 39 of its provisional rules of procedure by Mr. Bernard Kouchner, Special

Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, Federal Republic of Yugoslavia. At the 4086th meeting, the Security Council heard a briefing under rule 39 of its provisional rules of procedure by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations. The members of the Council made comments and posed questions in connection with the briefings, to which the speakers responded.

⁴⁷¹ S/PV.4061 and S/PV.4086.

28. The situation in Georgia

Decision of 12 January 1996 (3618th meeting): resolution 1036 (1996)

On 2 January 1996, pursuant to Security Council resolution 993 (1995), the Secretary-General submitted to the Council a report on all aspects of the situation in Abkhazia, Georgia,¹ and his recommendations regarding the role of the United Nations after the expiry of the mandate of the United Nations Observer Mission in Georgia (UNOMIG) on 12 January 1996.² In his report, the Secretary-General informed the Council that the Georgian-Abkhaz peace process remained deadlocked and the situation in the UNOMIG area of responsibility remained unsettled and tense. He stated that, despite strenuous efforts by the Russian Federation, in its capacity as facilitator, to draft a protocol acceptable to both parties to the conflict, there had been very little progress. Stressing that the two sides continued to need outside assistance to help them find a lasting solution to their dispute, he recommended that the Security Council extend the mandate of UNOMIG for six months, until 12 July 1996. However, as the situation in Abkhazia as well as the mandate of the Commonwealth of Independent States (CIS) peacekeeping force would be considered at the meeting of the Council of Heads of State of CIS on 19 January 1996, he also expressed the view that it would be appropriate to make the extension of the

mandate of UNOMIG subject to early review by the Security Council if decisions taken at that meeting changed the mandate of the CIS peacekeeping force.

At its 3618th meeting, held on 12 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution, prepared in the course of the Council's prior consultations.³ The President also drew the attention of the Council to a letter dated 8 January 1996 from the representative of Georgia addressed to the President of the Security Council, reporting the killing of eight civilians in the Abkhazian region allegedly by "Abkhaz boeviks".⁴

At the same meeting, the representative of Georgia stated that the firm position of the Security Council regarding the developments in the troubled region of Georgia had repeatedly thwarted the aspirations of the separatists to divide the country and to put its sovereignty in question. Abkhaz separatists stubbornly continued to intimidate the civilian population through kidnappings, torture and summary executions. He informed the Council that, despite the resolutions of the Security Council calling for the unconditional return of refugees to their homes, only a

¹ For purposes of this *Supplement*, the term "Abkhazia" refers to "Abkhazia, Georgia", without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

² S/1996/5.

³ S/1996/16.

⁴ S/1996/9.