

Treaties Conventions resolutions and notes:

Security Council Resolution 827, 1993: Establishes the Court for the former Yugoslavia to treat crimes committed by person inside Yugoslavia since 1991 to a date that will be established later by the Council and excels the need for fair and rightful solutions to abuses in the area and calls for international cooperation to help the court in its task. The seat of the court is The Hague, the Netherlands

Security Council Resolution 1244, 1999 (nonexistent to the date): Establishes how the peace process should be given to correctly address the situation at Kosovo, it establishes the need for the collaboration of the Yugoslav government in the process and a substantial NATO presence in the peacekeeping mission, as well as the cessation of hostilities the rightful exercise of the right of return to the refugees and the commitment to territorial integrity and exercise of Sovereignty.

Security Council Resolution 1203, 1998: Is related to the OSCE verification mission and the task that Yugoslavia undertakes in protection of the mission and on the establishment of a stable security situation, makes pressure on the Kosovo-Albanian leadership to condemn all terrorist actions and to also help in the mission of the OSCE verification mission. Also, urges the parties to use peaceful means for the solution of the conflict.

Security Council Resolution 1199, 1998: This resolution speaks in favor of a dialogue between the parties and the need for the protection and cooperation for the diplomatic missions in the area, in which further repression from Serbia and Yugoslavia must stop and that anyone that has violated rights of civilians affected by the conflict should be taken into justice. It emphasizes the need for the guarantee of the right of return to the internally displaced persons and refugees. It is also very clear that if the decisions taken in this resolution or in resolution 1160 are not fulfilled further coercive actions can be taken.

Security Council Resolution 1160, 1998: it acts on the of a political solution to the conflict, it establishes a committee to check the progress of the resolution in which they will report if there are violations to the prohibitions established in the resolution, calls for a cessation of hostilities from both parties and specially Serbia that must refrain the use of excessive force towards civilians during the conflict, to collaborate with the establishment of a UNCHR mission to safeguard the refugees, and that weapons control should be enhanced even with the idea of a arms embargo. Also states like a lifting of international community pressure if Yugoslavia further cooperates and helps with the decisions of the resolution.

Helsinki Final Act 1975: Consists of many issues but we will handle the main part entitled Questions relation Security in Europe, this is made of:

**1. (a) Declaration on Principles Guiding Relations
Between Participating States**

- I. Sovereign equality, respect for the rights inherent in sovereignty*
- II. Refraining from the threat or use of force*
- III. Inviolability of frontiers*
- IV. Territorial integrity of States*
- V. Peaceful settlement of disputes*
- VI. Non-intervention in internal affairs*
- VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief*
- VIII. Equal rights and self-determination of peoples*
- IX. Co-operation among States*
- X. Fulfilment in good faith of obligations under international law*

(b) Matters related to giving effect to certain of the above Principles

2. Document on confidence-building measures and certain aspects of security and disarmament

- I. Prior notification of major military manoeuvres*
Prior notification of other military manoeuvres
Exchange of observers
Prior notification of major military movements
Other confidence-building measures
- II. Questions relating to disarmament*
- III. General considerations*

The use of the document during the 1999 part of the Kosovo war is very political given that it seems to have fallen into inactivity since its signing in 1975 in the complete document, more specifically, in principles II, III, IV and VI of the Decalogue give certain explanations as to the what principles should the conference have instead of just the discussion of the contact group proposal.

Paris Charter, November 21st 1990: With this conference the OSCE foundations were established, it was established in the momentum of the fall of communism and it was much like the Versailles Conference because the Paris conference was the peace conference of the Cold War and establishing relations in a new-born Europe. This establishes the principles for changes in Europe.

IV Geneva convention 1949: Under this convention are the proceedings for the protection of civilians in armed conflict that fall into the hands of an occupying power or enemy but it applies only to international conflict.

- **Protocol II:** refers to the procedures related to internal or non-international conflicts that were necessary to specify since common article III was not clear enough about the language used in the article and this protocol is about the non-international conflicts and how to apply the convention on under that situations. On article 3 regarding Non-Intervention is establishes that nothing is powerful enough to intervene in the affairs of another government or trespass the Sovereignty of any of the high contracting parties but the part of the High contracting parties takes a higher level when the UN Security Council adopted a report from the secretary general that the Geneva Conventions were part of International Customary Law making it binding for non signatory UN State Parties.

Note 1: The Autonomy of Kosovo is established at the 1945 constitution of Yugoslavia even if it mattered little to the time due to the strength of the control for manifestations and riots from the Federal Government.

Note 2: In 1974 the rights and status of Kosovo are enlarged by a new constitution but it remains being autonomous not independent. Kosovar representation in the Yugoslav and Serbian procedures became wider.

Note 3: the two track negotiation prototype can be used in the process as well.

Program for Achieving Peace, Freedom and Equality in Kosovo 1990: It was a plan adopted by the Serbian Parliament to prevent problems due to ethnic differences; one of the statements is that the main problem was the Albanian separatism, making it a bit harsh yet not impossible.

1948 genocide convention: Is the first formal declaration about Genocide, its prevention and how to punish it. This convention bears an action that responds the need for war crime control that rose during World War II. It establishes a legal definition and the compromise of the states for the proceedings to punish people guilty or indicted of such a crime under legal ways. Its formal name is United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

Petersberg tasks: Are the security priorities of the old Western European Union, and now have been adopted by the Common Foreign and Security policy of the actual European Union. These are established under the Petersberg declaration made in Bonn, Germany

during 1922. The tasks are the military duties that a peacekeeping and/or peacemaking force should take, these are:

- Humanitarian and rescue tasks.
- Peacekeeping tasks.
- Combat forces during crisis management times and peacemaking.

However the new European Union already embraces these tasks but can take forward steps, in a more aggressive fashion since many of them are also members of the NATO. But NATO is used for territorial defense or “collective defense” that differs from collective security given that the last is a non violent approach to maintain peace and the first is a military approach to establish peace or to prevent war times.

Agreement on Subregional Arms Control signed in Florence on 14 June 1996: It regulated part of the weaponry used during the Bosnian War mainly armored vehicles, artillery and aircraft. This was signed by all the parties in the Bosnian conflict not as a disarmament agreement but as a contention and it did not regulate light weaponry that in the Kosovo case is far more dangerous specially the influx coming from Albania.

The SANU (Serbian Academy of Sciences and Arts) Memorandum (1985 - 1986): This document is a report made by the SANU to study how the Serb community in being affected by the situation with Kosovo, concluding that Serbs have been expelled by force by Kosovars and leading them into places deeper into Yugoslavia where the Serbs face equally or worse situations that the one they faced in Kosovo. The solution that the SANU made was security equality for both ethnic parties and thus eliminating the discrimination factor, and the return of the people that were expelled from their homes and making clear emphasis in the fast application those measures required. The SANU described the problems of the Serb people as a cultural, political, legal and physical genocide in open and total war from the Kosovar community. The Kosovar community rejected it stating that the Serbs that left the place were doing it due to the economic situation. Milosevic also criticized the memo.

KVM (Kosovo Verification Mission): It replaces the Kosovo Diplomatic Observation mission with the purpose of having a more active role in the process changing the status of “observers” to “verifiers”, it was established after resolution 1244 of the SC. The KVM further answered the call of the resolution and the KDOM was there to observe the peace process that was lacking and reporting violations to the ceasefires that normally were made by the KLA, the difference between the KDOM and the KVM is the weight it represented in the area and the role it had con peace building and peacekeeping, the KDOM was less active and useful than the KVM and far less safe however both mission were accepted by Yugoslavia since the nature of the OSCE answers impartiality.

Dayton Agreements (1995): Ended the Bosnian War and established a series of points for the peace building, reconstruction and re-establishment of the rule of law processes as well as territorial delimitations, the agreements were divided in:

1. Military aspects of the peace settlement
2. Regional Stabilization
3. Inter-Entity Boundary Line and related issues
4. Elections
5. Constitution
6. Arbitration
7. Human Rights
8. Refugees and Displaced persons
9. Commission to preserve National Monument
10. Establishment of Bosnia and Herzegovina public corporations
11. Civilian implementation of peace settlement
12. International Police task force.

It was also established a redistribution of the ethnicity of the federation of Bosnia and Herzegovina but specialists establish that the agreements did not follow certain principles under the international law and that is one of the main reasons that makes the region so unstable and fractured.

Drenica: Mountain region west of Pristina that had an intense fight during before the meeting and is technically the birthplace of the KLA.

Ethnic cleansing: Defined by the United Nations as the planned deliberate removal from a specific territory, persons of a particular ethnic group, by force or intimidation, in order to render that area ethnically homogenous, this was made by a group of specialist to the UN Security Council on 1993. More than the action is a policy used to make a certain group leave a region whether by force or willingly. A part of the ethnic cleansing can be attributed to the sanctions of the USA that made the inflation rise up to 3.6 millions percent a year of the Yugoslav dinar this exceed all precedents ever known being higher than 1929 Great Depression. This is a reason high enough to force any group to look for other opportunities outside from a sanctioned-isolated country that doesn't have the potential to give its citizens a proper job or the conditions to remain in it. It is also necessary to mention the illegal practices of the Kosovar Albanian people of establishing a whole political structure to force the remaining Serbs in Kosovo to leave. Ethnic cleansing has no legal definition as a crime.

Genocide: it is defined as the “... *Intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group*”. By the United Nations Convention about the Prevention and Punishment of the Crime of Genocide. This definition even if it is used as the legal definition about genocide still lacks other conditions and actions that could be considered as genocide such as measures that do not use physical needs to make that kind of damage such as sanctions that generate starvation death of a certain political/national group. The term was really used for prosecution almost 4 decades after its approval since many of the states of the UN did not sign promptly being the last the United States of America in 1988. It can be classified into three concepts:

1. Genocide, as defined above.
2. Politicide is when it also includes targeting hierarchical figures of the political scenario of a certain region that oppose the genocidal figure.
3. Democide is when the act of genocide/mass murder involves a government as perpetrator.

It is also conceived in 8 stages:

1. Classification is when there is a clear social divide (us and them)
2. Symbolization is when symbols begin to be used by ethnical radical groups or are used to identify a certain group this is also made through hate speech.
3. Dehumanization when the social groups are compared to vermin, diseases, viruses and other degrading qualifications coming from rival social/ethnic groups.
4. Organization is the rising of armed or violent organized social groups, as militias.
5. Polarization is the attempt of the organized group of gathering more people to their cause through polarizing propaganda.
6. Preparation separation and targeting of the victims begins and they are classified given their ethnicity of target profile of the perpetrators.
7. Extermination is the execution of the genocide and the mass murder.
8. Denial is the political process of denying the act or the involvement on it.

The prevention of genocide is quite complex and to establish effective measure to react over the possibility of the existence of one is not easy and usually genocide is punished after it is executed.

War crimes (not completely legally defined): violations of the laws or customs of war; including murder, the ill-treatment or deportation of civilian residents of an occupied territory to slave labor camps, the murder or ill-treatment of prisoners of war, the killing of hostages, the wanton destruction of cities, towns and villages, and any devastation not justified by military, or civilian necessity. Also involves the inhuman use of force during conflict and it is clear that these crimes are usually made in concert with genocide or crimes against humanity but not necessarily needs to reflect a policy but it takes under its definition the chain of command making possibly guilty the physical perpetrator and the intellectual perpetrator also. Definition that can be used in non-international conflict and not in riots, disturbances and sporadic moments of violence.

Crimes against humanity (not completely legally defined): are particularly odious offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. However:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of meriting the stigma attaching to the category of crimes under discussion. On the other hand, an individual may be guilty of crimes against humanity even if he perpetrates one or two of the offences mentioned above, or engages in one such offense against only a few civilians, provided those offenses are part of a consistent pattern of misbehavior by a number of persons linked to that offender (for example, because they engage in armed action on the same side or because they are parties to a common plan or for any similar reason.) Consequently when one or more individuals are not accused of planning or carrying out a policy of inhumanity, but simply of perpetrating specific atrocities or vicious acts, in order to determine whether the necessary threshold is met one should use the following test: one ought to look at these atrocities or acts in their context and verify whether they may be regarded as part of an overall policy or a consistent pattern of an inhumanity, or whether they instead constitute isolated or sporadic acts of cruelty and wickedness, as described on the Rome Statute of the International Criminal Court Explanatory Memorandum, as we can see there are a series of conditions that must be met for a crime to be against humanity, in a wider look:

- It is not necessarily directed towards a ethnic group as genocide can be, and even if it is systematic a crime against humanity must be the result of a state/organizational policy instead of a mere social reaction as genocide can be
- It can be isolated as an event, but if it is proven to have connection with governmental policies is a crime against humanity, else, is a crime under discussion.

NATO's Activation Order: It's the final action before full deployment of an operation by this organization in the case of the related issue even, the order has already been given but still no action had taken place so reflecting a more aggressive stance instead of ultimate physical action, this was made to force the parties to engage in a real diplomacy process, but the conference failed, thus making it the argument to fully attack.

Status Quo Plus: after a series of attempts for making an accord for peace the Contact Group developed a large list of non negotiable principles for the peace conference (page 30 to 32 of the chapter 5)

UN charter Chapter VI: This chapter relates to how end a dispute under peaceful means and the procedures to do it, these are:

- Negotiation
- Enquiry
- Mediation
- Conciliation
- Arbitration
- Judicial Settlement
- Resort to regional agencies or arrangements
- Other peaceful means of their own choice.

Also gives the Security Council power to be the central body to solve international disputes or non-international disputes that are brought to it by the countries, also the Council has the duty to coerce the parties of the disputes to solve it through peaceful means.

UN charter Chapter VII: Explains the duties of the Security Council regarding breaches and threats to peace and acts of aggression, also explains what the states parties should do to help the Council for having its decisions effective. Defines the Military staff committee and its functions (this committee became a relic of the cold war and fell into history), it is important to notice that this chapter refers mainly on how the decisions of the council can be made effective and states that if a member of the UN is attacked it can respond with the means it considers until the Council decides what to do, also no one can interfere with the duties of the Council. Always leaves force as last resort.

International Court for the former Yugoslavia: This international court established through resolution 827 is in charge with the prosecution of the crimes committed in the former Socialist Federal Republic of Yugoslavia principally in Bosnia and Herzegovina but as the Kosovo conflict escalated the crimes committed in Kosovo also fell into jurisdiction.

Belgrade Agreements, 16 October 1998: Signed between the Federal Republic of Yugoslavia and the OSCE it establishes the procedures for the OSCE verification mission or KVM for the urgent need of compliance with the resolution 1199 and to begin with the verification of the ceasefires to increase the diplomatic momentum achieved with Yugoslavia through Mr. Yeltsin and Mr. Holbrooke.

Conflict parties relations and brief history:

- Kosovo Liberation Army: armed front of the Albanian Kosovar opposition, it has no known ties with Rugova but it the real opponent in the area, it is mainly armed by

the armories that were left unguarded in the failed Albanian government and it is in a way supported and recognized by the US.

- Serbia: one of the republics that are part of Yugoslavia, its president is Milan Milutinovic. In the present its main allies are Russia and Montenegro, the conflict in Kosovo is totally internal.
- NATO: North Atlantic Treaty Organization is a coalition for collective defense that was established to stop the rising of communism and its military power during the cold war, since it is already involved in the Yugoslavian wars specially in the Bosnian wars with the argument that it was necessary that the security conditions should improve and that intervention was necessary.
- Russia: This permanent member of the UN has an strong position over the situation stating that there can be no independence over Kosovo and that military intervention should not be carried out by the NATO neither should have its presence, its policy over the area is looks quite like the one it has over Chechnya.
- United States: it has been the political enemy of Yugoslavia regarding Kosovo, clearly, it is looking for independence of the Kosovar region a NATO intervention and a judgment to the whole Yugoslavian nation, it clearly exaggerates numbers and situations to look for international pressure to make the region explode and then have a reason to military intervene, actually it has sanctions over Yugoslavia in contrary with it is established in the Dayton agreement.
- European Union: This regional organization gets into the problem as a mediator for the interest the West European union has over the stability of the area, they are looking for an Europeanization of Yugoslavia and their military interest is low.
- OSCE: Organization for Security and Cooperation in Europe, its foundation is over the Paris charter and the Helsinki final act, the main function it has on the issue is the verification, and observation of the peace process including its ceasefires and its progress, the advance of an stable security sector, a real rule of law following the defense of the human rights. They also gather information of the clashes between the forces and the casualties for the judicial processes that must take place for the violations that happened.
- The Contact Group: USA, UK, France, Germany, Italy, Russia and in some meetings also NATO and EU. It is totally informal but it helps to maintain security and peace throughout the Balkans.
- Ambassador Richard Holbrooke: Special envoy to Cyprus and the Balkans, mainly focused on negotiating a cease-fire with Milošević, however the time between the agreement signature and the Peace conference killed the agreement with the repeated violations from the KLA forcing the FRY to be more aggressive.

- Ambassador Christopher Hill: Special Envoy to Kosovo, concentrated on developing a new constitution and state structure for Kosovo, after the failure of the Belgrade agreements Hill prepared the draft proposals for the conference focusing on the reinforcement of the Holbrooke-Milosevic agreement and his own proposal of an enhanced status for Kosovo, the failure of the Hill proposal can be given to the change in appendix B where the international peacekeeping mission was established as an intervention from NATO.

Position of the Country to be represented (Serbia): Serbia will not accept independence from Kosovo or an intervention from NATO with the excuse of peacekeeping. It will accept autonomy as it is established in the constitutions of Yugoslavia and not independence since territorial integrity must and shall be preserved by the international community; peacekeepers must be above all from the UN or from the OSCE, and aggression from the NATO must cease discussion of the Status Quo Plus is essential as well as the demilitarization of the KLA. Exaggeration of the situation to further the international criticism over Serbia must cease.

Nearest declarations to date (resolution 1244): Clearly Yugoslavia did not want a humanitarian intervention, the sole presence of NATO in the area will complicate the situation and further increase the complexity of the humanitarian crisis, the world ignores the impact of the sanctions over the refugee and displacement situation in Yugoslavia, the sanctions from the international community gave Yugoslavia the host of an inflation worthy of world Guinness records with an inflation percentage of 3.6 million percentage. The deaf ears of the international community towards Yugoslavia make that country to have no other choice but to act to their own expenses, putting aside the international isolation led by the NATO states on the negotiation process thus not letting the concerns from Yugoslavia being heard.

Situation of the field at the moment of the debate: At the moment of the debate the NATO Activation Order has been given and the idea of a humanitarian intervention is not far away the Racak Massacre exacerbated the tension in the international community making the NATO to further the pressure over Serbia and the KLA to stop the aggressions. On the Other hand, the Contact group presented the Status Quo plus package with a series of unchangeable principles and demands for each part to speed up the peace process (That were going to be discussed at the Conference) however the fighting continued and the international community slowly lost faith in the conference. Insecurity was rising in urban areas and assassination spread throughout the whole country. Many argued that if NATO peacekeepers entered the way to peace would be faster.

Background:

(After WWII) During the existence of the socialist Yugoslavia and when Tito was president the problem between Serbs and the Kosovar was controlled with fierce repression and the real problem was held at bay but the ethnicity of the Kosovar people became wider and after the death of Tito, the Kosovar were granted higher rights similar to those of the Six republics however it remained as an autonomous republic and not an independent one, furthermore it was also granted participation in the federal institutions as well as in the Serb ones. Nonetheless the tension between those parties continued to escalate through the end of the 1980's.

(Mid 80's) With the rising of Milosevic in the Serb community the Albanian nationalism deepened and further escalated the conflict between both parties thus resulting in the SANU Memorandum that passed through a phase of controversy that unleashed further repression from Milosevic in Kosovo ordering a curfew stating that the political changes and actions were for the good and protection of the people in the area

(1990) Milosevic controlled half of the Yugoslav presidency since it imposed his allies on Vojvodina and Kosovo and since Montenegro was a close ally it forced the rest of the Yugoslav republics to ally to prevent some of the changes brought by the new greater Serbia controlled by Milosevic. Inside Serbia further repression towards the Kosovar was growing but still no real physical action was taken, educational and job discriminations actions were taken. With those actions the leader of the Kosovar opposition (Ibrahim Rugova) led a non violent front towards the Serbs since they knew that an open confrontation will not give victory to Kosovo given the amount of military power owned by Serbia, the actions taken by the opposition were based in boycotts and separation of the Serb system and finally leading to a referendum that stated that Kosovo had the majority to be a independent republic with Rugova as president but the Serbs declared it void and null.

(Mid to end 90's) With the non aggression policy Kosovo was held at bay of the conflict compared to other regions but led to the unrest of the people also backed with the rising of the Kosovo Liberation Army. Rugova asked for a Peacekeeping mission in Kosovo and at the early 90's Milosevic was president of the Federal Republic of Yugoslavia. The KLA was been financed in a way by the Albanians in weaponry and the Yugoslavian government saw them as terrorist and insurgents while the Kosovar-Albanians saw them as freedom fighters. Even if the US and the Clinton administration saw and declared the KLA initially as terrorists the actions being taken towards the group reflected another scope, the controversy around that particular factor in the international community was that even if it was a terrorist group none of the powers that intervened in the process did anything to stop the group from getting more weaponry and in unofficial reports it established the

existence of some sort of alliance between the KLA and the USA highlighting the fact that the Clinton administration negotiated with “political leaders” of the KLA and took sanctions towards the Yugoslavian territory even if the Dayton agreements established that all sanctions must be raised.

With the escalation of the situation and the intensification of the attacks by the KLA also came a further use of diplomacy by the Serbs, that tried to dialogue with Rugova but countless times the Kosovar representation never showed up, arguing that they will not meet with a Serb representation but with a Yugoslav representation and only to discuss independence matters, thus stagnating the negotiation process. After those events the transition to an ultra-nationalist and socialist government in Serbia International Pressure conducted through Boris Yeltsin (Russian Federation President) that established talks between Milosevic and Rugova and the entry of the Kosovo Diplomatic Observer mission during 1998 and a ceasefire between the parties. The US administration welcomed the process and stated that the Serbian government was the one who should cease fire, not making any emphasis in the prevention of terrorist attacks by any of the parties.

With the further escalation of the conflict, due to the sabotaging of the KLA to energy supply facilities, came the NATO activation order and a series of negotiation attempts that led to the Kosovo verification agreement through the USA ambassador to Macedonia. One of the issues of the negotiation that still remains is that Milosevic accepts a NATO mission inside Serbia nonetheless it accepted a Verification mission made of high quantities of OSCE verficators who helped with the monitoring of the situation without carrying any real action.

With no real response from the KLA towards the agreements the conflicted deepened and the Račak Massacre took place following the Rambouillet peace conference in Paris, France. The stances of the different parties changed drastically to high military pressure and controversial demands especially by the US and the NATO that threatened both parties the Contact Group for the Balkans established a series of points that were crucial for the peace process, under the name Status Quo Plus as a basis for the negotiations that will be held at France. The international community slowly lost hope con the conference.

Key Dates:

1. June 28, 1989, Gazimestan speech
2. October 12, 1998, Kosovo verification agreement (KVA):
3. October 25 1998, ceasefire and use of the KVA:
4. Račak massacre January 15 1999: this event unleashed a heavy pressure over Yugoslavia and the international community over the conference took a downfall

towards failure. Regarding a defensive argument the position of Serbia towards the situation is the fact that the event is still fresh and since the KLA and Kosovar representation has been involved clearly in the preparation of false evidence to make Serbia guilty of false crimes and of using those actions to accomplish the Kosovar political objectives. And there are many perspectives of the situation from the obvious aggression from the KLA towards Serb/Yugoslav security forces and that the area was empty of civilian presence given that the national security forces had already emptied them making obvious the presence of the KLA, the other view is of the excessive force and inhuman treatment towards the people of the village leaving horrific evidence of mass murder. However to state about what really happened is not advisable since the proceedings have not finished to the date.

R2P: In here we have a case of backfired R2P, the KLA forced the repression from Serbia and the Kosovar leadership of Mr. Rugova made the social part of the backfiring to further escalate the situation, thus making the international community wanting to intervene in the situation and with the already established presence of NATO Humanitarian intervention was almost imminent. The constant violation of the KLA of the ceasefire agreements forces Yugoslavia to further repress the area thus making any agreement unstable and in the end the whole pressure will be over Yugoslavia in a 4th generation asymmetric warfare.

Arguments:

1. We are not against Kosovo we are against the KLA, why? Because if we were against the whole Kosovar-Albanian ethnicity in Yugoslavia we would not have negotiated with Mr. Rugova, we would not have accepted the contact groups suggestions, not to mention the peace keepers and observer or the mediation of Mr. Boris Yeltsin, so to speak of genocide or ethnic cleansing for the purpose of indicting the republic of Serbia is not the right procedure, Serbia will collaborate through the international criminal Court for the former Yugoslavia of the UN Security Council, since as we can see the majority of the chamber is not completely impartial. Also in the convention on Genocide of 1948, genocide is not defined as the defense of the unity of a country neither as the will of a country to do not fall in the same social illness of the past.
2. Territorial integrity is undeniable and untouchable; according with what it is established in the Helsinki Final act 4th guiding principle, autonomy inside Yugoslavia in the only that will be accepted. In the non-negotiable principles of the Contact group this is also envisaged to have a chance to negotiate, furthermore, in

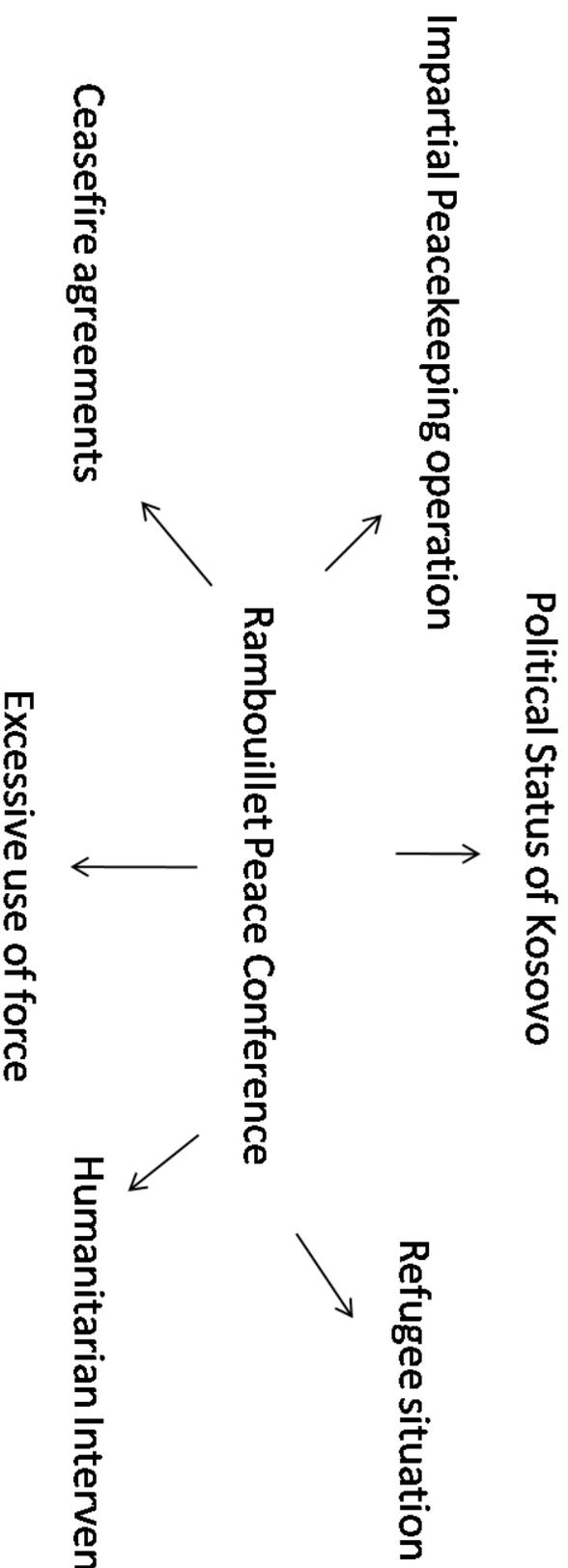
the UN charter and in the Helsinki final act 1st guiding principle it also states the rights and duties inherent to Sovereignty, one of them being territorial integrity.

3. Genocide is not for the convention to determine, because the convention is not about judging Yugoslavia but to achieve a peace process, the conference cannot do it either for what Mr. Hill brought in the non-negotiable principles, and also because the conference is not an international tribunal with the jurisdiction to do so. If the situation is conceived as a genocide because a country is trying to defend its soil from a domestic threat then every country is a potential genocidal state and the article 51 of chapter VII of the United Nations turns us into legal genocidal states, something logically and completely abhorrent for the likes of the international community.
4. Peacekeeping operation in the area, will not be led by the NATO since its purpose of collective defense it not what Yugoslavia needs neither what it can be done through the Helsinki final act about non-intervention also the 3rd article of the second protocol of the IV Geneva convention establishes non-intervention on internal conflicts in the sphere of international customary law, since it will be merely a peace enforcement mission and in the case of Kosovo it is needed, peace enforcement by a really impartial body such as the OSCE and the UN under what it is established in the Capstone doctrine and the Petersberg tasks. And since those organization respond to collective security they are better suited for a real all-round peacekeeping operation.
5. Ceasefire agreements are not being accomplished because they don't withstand the fact that the KLA is the real factor that is making all ceasefire agreement impossible and even if the arms control signed in Florence helps it does not affect the light weapons being smuggled into Kosovo from Albania and all around the World, thus violating the arms embargo that was adopted for Yugoslavia but is not affecting the KLA, another fact that must be taken into account is that each time Yugoslavia retreats from an area following what it is stated in the Security Council Resolution the KLA violently takes it thus making necessary a real Yugoslav action because the Kosovar leadership of Mr. Rugova does not condemns the terrorists attacks nor does it condemn the violent acts from the KLA that stagnate the peace process and make impossible the fulfillment of a real ceasefire agreement.
6. Kosovar autonomy/independence, at the time Milosevic accepts the possibility that we can establish a series of instruments to help increase the rule of law and respect for human rights in the area and prevent the social problem of ethnic hate that has for long time withered the country but as it is established Kosovo is an Autonomous region inside the Republic of Serbia that is part of Yugoslavia, and in every constitution there has been Albanian-Kosovar Involvement in the

governmental processes, the elections can be for a reform of the ethnic presence inside the government. Independence is not the answer not because the Serbian representation demands it, it's because that as we can see Kosovo has not the institution nor the social situation for having hopes to establish a stable independent government, it is a landlocked country that will not withstand to be independent under the existence of embargoes and sanctions that have raised the inflation to a 3.6 million percent in the last two years.

Quotes:

- Peace sells but who's buying? – Dave Mustaine
- If there is not a way, we will make it – Hannibal
- None should be surprised that Serbia raised its head because of Kosovo this summer. Kosovo is the pure centre of its history, culture and memory. Every nation has one love that warms its heart. For Serbia it is Kosovo.- Milosevic
- History can tolerate another Bay of Pigs and the world can expect the same result – combination.
- Man has never established a definition for freedom – Abraham Lincoln 16th president of the United States
- In the atomic era, a rifle is still a hymn - Arab proverb
- I come bearing an olive branch in one hand, and the freedom fighter's gun in the other. Do not let the olive branch fall from my hand because the freedom fighter's gun in the other is not going to give in – Yasser Arafat
- *Let the memory of Kosovo heroism live forever! Long live Serbia! Long live Yugoslavia! Long live peace and brotherhood among peoples!" – Milosevic*
- Justice and power must be brought together, so that whatever is just may be powerful, and whatever is powerful may be just – Blaise Pascal
- History does not long entrust the care of freedom to the weak or the timid. - Dwight D. Eisenhower
- It is the utmost necessity that this congress be a congress of unity - Slobodan Milosevic
- The truth cannot be drowned by any flood of false indictments - Slobodan Milosevic
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Schemed Analysis: