

# **The Role of Transatlantic Cooperation in Attempts to Resolve Kosovo Crisis**

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## **Abstract:**

*The aim of this article is to present international cooperation in the solution of the Kosovo conflict, which intensified in the late 1990s. The article briefly presents the most important events which affected the course of the Serbian-Albanian conflict. The article is an analysis of the activity of individual European Union countries and the United States on the forum of the Contact Group and the UN Security Council. In addition, the text presents the role of the European Union in its attempts to find a solution to the crisis in the province. The article also briefly discusses the events that took place after the end of NATO's military operations.*

**Key words:** Kosovo, European Union, United States, United Nations,

## **1. Introduction**

After World War II, on 29 November 1945, the Federative People's Republic of Yugoslavia was established. It included the republics of Croatia, Slovenia, Bosnia and Herzegovina, Macedonia and Serbia. On the territory of the Republic of Serbia, the Autonomous Kosovo- Metohija and the Autonomous Province of Vojvodina were isolated. Such a division of the Republic aroused controversy both among the Serbs and the Albanians. Consequently, it lead to occasional riots in Kosovo.

In connection with the federal constitution of February 21, 1974, the situation of the population of Kosovo deteriorated. Benefits received under the federal constitution encouraged nationalist attitudes. In addition, the ethnic structure of Kosovo was undergoing constant changes. Serbs and Montenegrins were migrating from Kosovo. In contrast, high birth rates among the Albanian population contributed to the fact that in 1971 the population of Albanian origin already accounted for 73.7% of all inhabitants of Kosovo. An increase in

nationalist sentiments was noted after the death of Josip Broz-Tito.<sup>1</sup> In 1989, the parliament of Kosovo carried out an appropriate vote, which was intended to introduce constitutional amendments which were explicitly anti-Albanian. Albanians held from voting. The results could be regarded as unlawful, as they were not supported by a majority of two thirds of the votes. However, the speaker of the parliament announced that the amendments were formally adopted.<sup>2</sup> Changes in the constitution would lead to the subsequent mass protests of the Albanian population, which were often brutally suppressed both by the Serbs and the army of the SFRY. Early 1990s saw numerous incidents designed to weaken the position of the Albanians in Kosovo. For this reason, on September 7, 1990, in the village Kachanik, a new constitution for Kosovo was enacted. The Kachanik declaration said that the Republic of Kosovo was a democratic state of the Albanian people of other nationalities who have its citizenship. Under it, Kosovo became an independent nation as the Kosovo Assembly confirmed the declaration, and 19 October 1991, it again declared the independence of Kosovo. On 22 October 1991, the Republic of Kosovo was recognized by Albania. In May 1992, Ibrahim Rugova became the president of the newly formed state. Thus, in 1992 a period of dual power in Kosovo began. Both forms of power existed in a parallel manner, without causing additional conflicts that would lead to the use of force.<sup>3</sup> President Rugova during this period implemented a doctrine of non-violence. The Serbs, in turn, did not seek to eliminate the power structures of the Kosovars at this stage.

The described events did not, however, meet with a particular reaction of the international community. Only the European Community showed some interest in the situation in Kosovo. During the economic summit in Munich which took place in the spring of 1992, the European Community called to the Serb leaders urging them to respect human

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<sup>1</sup>Josip Broz-Tito (1892-1980), Yugoslav and international communist movement activist. In the period between 1945 and 1953, Prime Minister of the Federal Republic of Yugoslavia and from 1953 President of that country. The system of government introduced by him (Titoism) was characterized by a foreign policy of independence from the Soviet Union and active participation of Yugoslavia in the nonaligned countries movement. *Encyklopedia popularna PWN*, Warszawa 1998, Volume 9, p. 384.

<sup>2</sup> The amendments to the Constitution shifted the control over the Kosovo police, judicial system, economic policy and education into the hands of the government in Serbia, abolished the right of veto by the parliament of Kosovo regarding further amendments to the Constitution of Serbia, and *de facto* deprived the Albanian language from being chosen as the official language in Kosovo K. Pawłowski, *Kosowo konflikt i interwencja*, p. 68, quoted in A. Zimmermann, C. Stahn, *Yugoslav Territory, United Nations Trusteeship of Sovereign State? Reflections on the Current and Future Legal Status of Kosovo*, "Nordic Journal of International Law", 2001, vol. 70, no. 4, p. 425

<sup>3</sup> D. Gibas-Krzak, *Serbsko-albański konflikt o Kosowo w XX wieku. Uwarunkowanie, przebieg, konsekwencje*, Toruń 2008, p. 168.

rights and refrain from further repression in Kosovo.<sup>4</sup> The president of the United States George H.W. Bush threatened the Serbs from Kosovo with military operation against them and Serbia should they cause conflict in the province, on 24 December 1992 in the so-called Christmas Warning.<sup>5</sup>

The UN Security Council, in its Resolution 855 adopted on 9 August 1993 criticized the decision of the Federal Republic of Yugoslavia on the lack of consent to the continued operation of the mission of the Conference on Security and Cooperation in Europe<sup>6</sup> which operated in the province from September 1992 to June 1993 and was intended to promote stability and prevent the risk of conflict escalation.

It should also be noted that in the first half of the 1990s, the West never developed a consistent policy towards Kosovo, although after the conclusion of peace in Dayton, the European Union decided to pursue a common strategy towards the conflict in Kosovo and concluded that normalization of relations with Belgrade will depend on the improvement of the position of Albanians in Kosovo. However, already in February 1996 France began to press for recognition of the Federal Republic of Yugoslavia, as a few months beforehand, Belgrade freed two French bomber pilots it had been holding as POWs. "Germany, Great Britain, Italy, Sweden, Denmark, the Netherlands and Portugal reluctantly joined this action. Members of the European Union who first rushed to the recognition of the 'new' Yugoslavia sharply criticized the European Parliament, which not give any effect. The members failed to agree on a common policy issues towards Kosovo and make the recognition of Kosovo dependent from Belgrade's significant concessions to the Albanian Kosovars."<sup>7</sup> In turn, the United States does not recognize the new Yugoslav state.

These actions meant that only exacerbating of the situation in Kosovo, which occurred in 1998, caused an increase in the involvement of the West in the case of the province.

## 2. The Contact Group activity in former Yugoslavia

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<sup>4</sup>D. Skrpec, *European and American Reactions to Kosovo: The Policy Divide Revisited in the Iraq War*, Sais Review, *A Journal of International Affairs*, Summer – Fall 2003, Vol. XXIII, 2.

<sup>5</sup> D.T. Buckwalter, *Madeleine's War: Operation Allied Force*, <http://www.au.af.mil/au/awc/awcgate/navy/pmi/oaf.pdf>, accessed: 05.04.2014.

<sup>6</sup> See Resolution 855 (1993), 9 August 1993, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/855\(1993\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/855(1993)), accessed: 05.04.2014.

<sup>7</sup> B. Koszel, *Konflikt na Balkanach (1991-1999) a bezpieczeństwo europejskie*, 16/2000, Poznań 2000, p. 41.

The increase in the involvement of the West in the case of Kosovo was affected mainly by the severity of violence in the province.<sup>8</sup> In February 1998, as a result of the murder of two Serb policemen at the hands of militant Kosovo Liberation Army, the Belgrade authorities decided to act out mass repression on Albanians. It resulted in, as reported by Albanian media followed by international ones, killing dozens of civilians. Thus, Contact Group became involved in the case of Kosovo.<sup>9</sup>

On behalf of the United States the U.S. secretary of state - Madeleine Albright became involved in the case of Kosovo. In early March 1998, she met in Berlin with the German foreign minister Klaus Kinkel. Then it was decided to internationalize the Kosovo issue.<sup>10</sup> Following the American initiative, on March 9, 1998, in London a meeting of the Contact Group for the former Yugoslavia took place.<sup>11</sup> The meeting was attended by the foreign ministers of the Contact Group - the United States, Britain, France, Russia, Germany and Italy, as well as representatives of the European Commission and the Office of the High Representative. During the meeting, the participants called on the UN Security Council to

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<sup>8</sup>Kosovo Liberation Army Kosovo, which was founded probably in 1994, although some sources say that in a conspiratorial form, it started in 1992., M. Marcinko, "Wyzwoleńcza Armia Kosowa: analiza struktury i ocena działalności" (in:) P. Czubik (Ed.) *Balkany u progu zjednoczonej Europy*, Kraków 2008, p. 148, as quoted in M. Tanty, *Balkany w XX wieku. Dzieje polityczne*, Warszawa 2003, p. 360. The main objective of this organization was to achieve independence by Kosovo. Kosovo Liberation Army, in order to draw the attention of the West to the problem of Kosovo and gain support in its quest for independence, organized attacks primarily aimed against the Yugoslav police and army.

<sup>9</sup> In addition to these entities, the North Atlantic Council took a position on Kosovo, as the main decision making body of the North Atlantic Treaty Organization, condemning, on 5 March 1998, both the repressions against Albanians and the activities of the Kosovo Liberation Army. Also, the OSCE condemned the use of violence by both sides fighting forces in Kosovo. In its decision of 18 March 1998 the OSCE called on the authorities in Belgrade and the leaders of the Albanian Kosovars to enter into a dialogue without preconditions, which would be based on full respect for the principles and commitments of the OSCE, including the Helsinki Final Act. Organization for Security and Co-operation in Europe Permanent Council, PC.DEC/218, 18 March 1998, 156th Plenary Meeting, PC Journal No.156, Agenda item 3, <http://www.osce.org/pc/20518>, (accessed: 05.04.2014).

<sup>10</sup> Earlier, on 24 February 1998, the special envoy of the United States - Robert S. Gelbard - met with President Milosevic. He emphasized the importance of the Serb-Albanian dialogue in resolving the conflict in Kosovo. Gelbard also stated that Kosovo should be included within the territorial boundaries of the Federal Republic of Yugoslavia and the Kosovo Liberation Army remained a terrorist organization. K. Pawłowski, op. cit., p. 87, as quoted in S. Przybyła, *Konflikt w Kosowie*. B. Szulczewska, M. Szumański, Warszawa, 1998, p. 10-11.

<sup>11</sup>The idea of the Contact Group for the former Yugoslavia was presented in the spring of 1994. Its aim was to establish an informal but strong political core bringing together the major international actors. They focused their efforts on crisis management. The Contact Group, which dealt with the problem of the conflict in Bosnia and Herzegovina included: United Kingdom, United States, Russia, France, Germany, and in the case of the Contact Group dealing with the issue of Kosovo, also Italy. The Contact Group made decisions by consensus. Ch. Schwegmann, *The Contact Group and its impact on the European Institutional Structure*, Institute for Security Studies – Western European Union, Paris, June 2000.

It should be emphasized that the first reaction of the Contact Group on the development of the situation in Kosovo happened on 24 September 1997. Then, the members of the Group expressed deep concern about the conflict and called on the parties to cease violence. Both this appeal and its renewal on 8 January 1998, met with no response from the feuding parties.

immediately impose an arms embargo on the Federal Republic of Yugoslavia. Moreover, the Group wanted to introduce a ban on the supply of equipment which might be used in repressive or terrorist activities to the area of Yugoslavia. It also opted for refusal to issue visas to senior officials and representatives of Serbia and the Federal Republic of Yugoslavia, who were found guilty of repressions, by the security forces in Kosovo, and for a moratorium on government support for export credits and other investments, including privatization. Russia, however, did not agree to the imposition of the last two measures.

It should be noted that the Contact Group recognized the need for sending a mission under the leadership of the UN High Commissioner for Human Rights to Kosovo. According to the members of the Contact Group in Kosovo, Sandzak and Vojvodina, long-term activity of the OSCE mission was legitimate.

Contact Group also requested that President Milosevic prevent the police from using violence in Kosovo, allow personnel of international humanitarian organizations and members of the Contact Group to come to the province, and partner with the latter. The Contact Group warned Slobodan Milosevic that a failure to comply with these requirements within 10 days would be followed by an enforcement of other international efforts such as freezing of funds that Serbia and the Federal Republic of Yugoslavia invested abroad. In addition, the statement of 9 March 1998 by the Contact Group declared that the activity of Belgrade affected the relations of the Federal Republic of Yugoslavia with the international community so that until the situation in Kosovo and the cessation of violence against civilians, these relations would not improve. It was also emphasized that the Group supported neither Kosovo's independence nor maintaining the status quo. The Contact Group opted for a solution to the problem of Kosovo on the basis of respect for the territorial integrity of the Federal Republic of Yugoslavia and the standards of the OSCE and the UN Charter.<sup>12</sup>

The next meeting of the Contact Group took place on 25 March 1998 in Bonn. The meeting was aimed primarily to assess progress in the incorporation of the recommendations of the Contact Group statement of 9 March 1998. Members of the Group estimated that Milosevic partly conformed to the recommendations; however, they sustained their opinion on the need for an arms embargo on the territory of the Federal Republic of Yugoslavia by the UN Security Council. In addition, the foreign ministers of the Contact Group decided that Milosevic would receive additional four weeks of grace to meet all

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<sup>12</sup>London Contact Group Meeting, Statement on Kosovo, 9 March 1998 , [Internet] [http://1997-2001.state.gov/www/travels/980309\\_kosovo.html](http://1997-2001.state.gov/www/travels/980309_kosovo.html), (accessed: 06.04.2014).

demands. This decision was dictated by the desire to cover up the failure of the Contact Group to solve the problem of Kosovo.<sup>13</sup> Even then there was a split in the Contact Group. United States, United Kingdom and Germany stated that Milosevic did not meet their demands, and the same foreign funds should be frozen. In turn, Russia, France and Italy were ready to accept the explanations by Milosevic.<sup>14</sup>

At the next meeting of the Contact Group, which was held on 29 April 1998 in Rome, foreign ministers of the group condemned the exacerbation of the situation in the province. The Contact Group reiterated its request with respect to the feuding parties stating that their requirements were not filled. For this reason, the Contact Group decided to freeze the funds accumulated in the bank accounts of the foreign leaders of the Federal Republic of Yugoslavia. It also threatened the government in Belgrade that in the event of blocking peace talks, it would decide on blocking new investments in Serbia. It should be noted that Russia definitely distanced itself from these actions of the Contact Group.<sup>15</sup>

Therefore, the diplomatic efforts of the Contact Group until summer 1998 did not achieve the desired result. Most of the members of the group decided to support the idea of the NATO military operation in Kosovo. However, Russia was against such a solution and sought to promote Serbian interests in the forum of the Contact Group. For Russia, NATO's military intervention meant additional greater involvement of the United States in Europe and the precedent associated with the attack of the armed forces of the North Atlantic against a sovereign state. Despite the opposition from Russia, the United States, due to the lack of interest in peace talks on the part of Milosevic, considered the military intervention of NATO in Kosovo, even if they did not receive the support of the UN Security Council. Other Western countries included in the Contact Group had some doubts in this respect; however, they were willing to opt for this type of operation. On the forum of the Contact Group also a decision that the U.S. diplomat Richard Holbrooke would be responsible for conducting shuttle diplomacy, whose aim was to resolve the Serb-Albanian conflict. Richard Holbrooke, sometimes accompanied by NATO General Michael Short, began negotiations with President

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<sup>13</sup> Contact Group Statement on Kosovo – Bonn, 25 March 1998, [Internet] [http://www.ohr.int/other-doc/contact-g/default.asp?content\\_id=3552](http://www.ohr.int/other-doc/contact-g/default.asp?content_id=3552), (accessed: 06.04.2014).

<sup>14</sup> Again the Visible Hand, Slobodan Milosevic's Manipulation of the Kosovo Dispute, International Crisis Group, Yugoslavia, Report No. 2, 6 May 1998, [Internet] <http://www.crisisgroup.org/~media/Files/europe/Kosovo%202.pdf>, (accessed: 06.04.2014).

<sup>15</sup> Statement on Kosovo adopted by the members of the Contact Group, [Internet] <http://www.monde-diplomatique.fr/cahier/kosovo/contact-290498-en>, (accessed: 06.04.2014).

Slobodan Milosevic at the beginning of October 1998. Final conditions of the armistice<sup>16</sup> were accepted by Milosevic on 13 October 1998, and on October 15, 1998 the agreement was officially approved by the Contact Group, on whose behalf performed Richard Holbrook.<sup>17</sup>

Although the Albanian and Serb parties agreed to abide the agreement, its signing did not lead to a final settlement of the conflict. Following December 1998, the situation in Kosovo started to deteriorate, and in January 1999 the information was given to the public that in the village of Racak 45 of Kosovo's Albanians were executed. In view of the situation, the talk peace plan prepared by the members of the Contact Group<sup>18</sup> was to be the last chance to avoid a military invasion in Kosovo. The peace conference in Rambouillet near Paris was held from 6 to 23 February 1999. Its main purpose was to cease acts of violence in the province, the renewal of the autonomy of Kosovo and to prevent NATO military intervention in Kosovo. Christoph Schwegmann drew attention to the fact that the European members of the Contact Group were strongly pushing for a leadership role during conference calls. Thus, Germany holding the Presidency of the Council of the European Union was overshadowed by Britain and France. These countries, along with the United States, decided to hold a conference in Rambouillet, while Germany preferred that the conference be held in German Petersberg. In addition, Hubert Vedrine and Robert Cook took over the chairmanships of the conference. According to German media, Foreign Minister of Germany Joschka Fischer had to intervene – three times – so that the Austrian special envoy of the European Union, Wolfgang Petritsch could act as the conference negotiator on behalf of the European Union instead of Cook and Vedrine.<sup>19</sup> The lack of unity of the same Contact Group was further intensified by the fact that the representative of Russia – Boris Mayorski was forbidden to engage in discussions about the annex to the peace agreement that would address safety issues. Therefore, Russia stated afterwards that the Contact Group did not present matters

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<sup>16</sup> Under this agreement, the Federal Republic of Yugoslavia obliged, until autumn of 1999, to carry out free elections - under the supervision of the UN. Moreover, about 2,000 observers were deployed in Kosovo to work for the OSCE verification mission. Milosevic also agreed to withdraw army and police from Kosovo, and allow the return of 250,000 Albanian refugees to their homes. S. Sobociński, "Konflikt serbsko-albański o Kosowo (do rozmów pokojowych w Rambouillet) – na podstawie polskiej prasy", Gniezno 30.03.2009, [http://historia.terramail.pl/opracowania/wspolczesna/konflikt\\_serbsko\\_albanski\\_o\\_kosowo.html](http://historia.terramail.pl/opracowania/wspolczesna/konflikt_serbsko_albanski_o_kosowo.html), (accessed: 08.04.2014).

<sup>17</sup> Richard Holbrooke was an American diplomat responsible for acting on behalf of the United States in the Dayton peace negotiations that ended the conflict in Bosnia and Herzegovina.

<sup>18</sup> This plan is commonly known as the Hill-Petritsch plan. It envisaged giving the province an autonomy within the Federal Republic of Yugoslavia and provided independent bodies such as the Assembly, the Governing Board, local administration, the ombudsman an ability to function. In addition, armed forces were to be moved to Kosovo, for the implementation of the agreement.

<sup>19</sup> Ch. Schwegmann, op. cit.

relating to military operations at the conference. European members of the Group also considered the possibility of establishing OSCE personnel instead of NATO forces in Kosovo, which Russia agreed with. However, this plan was not accepted by Italy. In the absence of progress in the talks, the U.S. secretary of state Madeleine Albright, in mid-February, had bilateral talks with the Government of the Federal Republic of Yugoslavia. In turn, Christopher Hill, Robin Cook and Huber Vedrine flew to Belgrade to regulate last matters related to the peace agreement, about which it did not inform the representatives of the European Union, Germany, Russia and Italy.<sup>20</sup> On the last day of the conference, the members of the Contact Group agreed on the content of "Interim Agreement for Peace and Self-Government in Kosovo", which covered a detailed plan for the division of powers between Kosovo Serbs and Albanians. This agreement was to be signed on 18 March 1999 at a conference in Paris. The delegation of the Kosovo Albanians decided to sign it. However, the Serbian side flatly refused to do so. The Serbian tenacity was confirmed by Richard Holbrooke on March 22, 1999 on his last trip to Belgrade, where he tried to convince Slobodan Milosevic to sign the Rambouillet agreement. No agreement resulted launching, on 24 March 1999, a NATO military operation in the Federal Republic of Yugoslavia. Since that time, there was only one informal meeting of the Contact Group, which took place on 7 April 1999 in Brussels. Both during the NATO military action and after the completion of the duties of the Contact Group, its duties were transferred to the G8.<sup>21</sup>

### **3. The UN activity in the question of Kosovo the conflict resolution**

The cooperation of the international community to resolve the conflict in Kosovo was also happening within the UN Security Council. The United Kingdom, United States, France and Russia, in addition to their permanent membership in the Security Council, were also involved in the aforementioned Contact Group.<sup>22</sup> Thus, the Security Council constituted an additional forum for exchange of views for these countries on the regulation of the problem of the province.

Until the start of NATO's military invasion, the UN Security Council adopted three resolutions on the situation in Kosovo. Resolution 1160, adopted at the Council meeting, was

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<sup>20</sup> Ch. Schwegmann, op. cit.

<sup>21</sup> See Ch. Schwegmann, op. cit.

<sup>22</sup> China also had permanent membership in the Security Council, however, it was not a part of the Contact Group.

the first of them,<sup>23</sup> which took place on 31 March 1998. Prior to the vote on the adoption of Resolution 1160, the majority of representatives of the Member States of the Security Council spoke in this case. Representatives from Japan, Costa Rica, Kenya, Sweden, Brazil, Slovenia, Bahrain and Portugal in their speeches referred to the need to increase the interest of the international community in the situation in Kosovo, which they believed aroused concern since it was a threat to peace and security in the Balkans. Furthermore, those countries supported the draft resolution taking into account the appropriateness of introducing an embargo on trade and supply weapons on the territory of the Federal Republic of Yugoslavia, including Kosovo. At this stage, the representatives of these countries found that the reaction of the Security Council expressed in its Resolution 1160 could contribute to the improvement of the political situation in this region of Europe. This opinion was also shared by France, the United States and the United Kingdom. In turn, the representatives of China and Russia, although they condemned the developments in Kosovo, acknowledged that the situation in the province was an internal matter of the Federal Republic of Yugoslavia. In addition, they recognized that, despite its complexity, it did not jeopardize the security of the region and the international peace and security. The representative of Russia reluctantly said that his country supported the provision introducing an embargo and arms trafficking against the Federal Republic of Yugoslavia and Kosovo, however, he recognized that such a measure was not punishing the government in Belgrade but was necessary to eliminate the tensions in the region and reach agreement between the warring parties. In addition, Russia concluded that the use of this type of sanction should be closely linked to the future establishment of an exact timeframe after which the Council would have to decide whether a sanction should be maintained.<sup>24</sup> During the vote, it turned out that only China abstained from voting on the adoption of Resolution 1160. All the remaining countries voted for the resolution. Resolution 1160, apart from the introduction of an embargo on the sale or supply of arms and any materials used in armed conflicts to the area of the Federal Republic of Yugoslavia, including Kosovo, regulated the issues concerning the form of solution to the conflict in Kosovo. In the opinion of the members of the Council, the Federal Republic of Yugoslavia should take immediate steps to achieve a political solution to the conflict by diplomatic methods and the implementation of decisions of the Contact Group, saying that the conflict in Kosovo had to

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<sup>23</sup>The non-permanent members of the Council were: Gambia, Bahrain, Brazil, Costa Rica, Gabon, Japan, Kenya, Portugal, Slovenia, Sweden.

<sup>24</sup> Security Council, S/PV.3868, 31 March 1998, [Internet] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3868](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3868), (accessed: 07.04.2014).

be resolved on the basis of the principle of territorial integrity of the Federal Republic of Yugoslavia and in accordance with OSCE standards. Monitoring the implementation of the provisions of Resolution 1160 was entrusted to a special committee of the Security Council composed of all the members of that body. In turn, the UN Secretary General's tasks was to regularly inform and report to the Council on the situation in Kosovo. The reports were intended to include evaluations of Contact Groups, OSCE, European Union. It should be noted that Resolution 1160 was adopted under Chapter VII of the Charter of the United Nations,<sup>25</sup> this did not include a provision that the situation in Kosovo threatened international peace and security.<sup>26</sup> Resolution 1160 was in fact the result of a compromise between Western countries, Russia and China, who did not want to interfere in the internal affairs of the Federal Republic of Yugoslavia.

In view of the fact that Resolution 1160 did not produce the desired effect and the situation in Kosovo was continuously deteriorating, on 23 August 1998 the Security Council adopted another resolution on the province. During the debate on the analysis of the situation in Kosovo, a difference was revealed between the permanent members of the Security Council. While the representative of the United States referred to the possibility of intervention by the North Atlantic Treaty if Belgrade fail to fulfill the obligations arising from the adopted resolution, the Russian ambassador declared that the Security Council was not considering the use of force and did not introduce additional sanctions. In turn, the representative of China reiterated that according to his country, the situation in Kosovo did not endanger international peace and security. Therefore, China as the only Member State of the Council, abstained from voting in favor of Resolution 1199 which occurred a clear statement that the situation in Kosovo constituted a threat to international peace and security<sup>27</sup>. In the Resolution under Chapter VII of the UN Charter, the Security Council demanded that all parties involved in the conflict in Kosovo ceased hostilities and violence in the region. In addition, the Council called on the authorities in Belgrade and the Kosovo Albanian leadership to take appropriate measures to improve the humanitarian situation and eliminate the risk of an onset of a humanitarian disaster, and they appealed to both parties to

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<sup>25</sup>See: Chapter VII: Action with respect to threats to the peace, breaches of the peace and acts of aggression, Charter of the United Nations, [Internet] <https://www.un.org/en/documents/charter/chapter7.shtml>, (accessed: 08.04.2014).

<sup>26</sup>Resolution 1160 (1998), S/RES/1160, 31 March 1998, [Internet] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1160%20\(1998\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1160%20(1998)), (accessed: 08.04.2014).

<sup>27</sup>Security Council, S/PV.3930, 23 September 1998, [Internet] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3930](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3930), (accessed: 09.04.2014).

the conflict to engage in dialogue, with the support of the international community to resolve the problem. In addition, the Council called on the Federal Republic of Yugoslavia to immediately apply the measures for political settlement of the situation in Kosovo, as a supplement to the guidelines adopted pursuant to Resolution 1160, which was included in the declaration of the Contact Group on 12 June 1998. For these measures, the Federal Republic of Yugoslavia first had to cease all activities undertaken by the armed forces directed against the civilian population as well as a withdraw security units which engaged in civil repression. What is more, the Council argued that the Federal Republic of Yugoslavia was obliged to enable effective and continuous international monitoring of the situation in Kosovo, providing, under an agreement with 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 uninterrupted access to assistance from humanitarian organizations. The last of the measures on the way to achieving a political solution to the conflict was to make rapid progress with the aim to develop a dialogue with the Albanian sides on the basis of a clear timetable.<sup>28</sup> The Security Council also requested the Secretary-General to submit regular reports on compliance with Resolution 1199, as well as further submission of reports on the fulfillment of Resolution 1160.<sup>29</sup>

Resolution 1203 concerning the events in Kosovo was the last resolution adopted on 24 October 1998 by the Security Council before the NATO military operation. It further divided the permanent members of the Security Council. In relation to the draft Resolution 1203, the representative of Russia said that during the debate over the draft there appeared divergent opinions on its content. Finally, the resolution did not find a record of the automatic use of force in the absence of respecting the provisions of the Resolution. The representative of Russia also stated that the draft resolution did not take into account the positive changes that were made by Belgrade to comply with requests of the Security Council. At the same time, he did not agree with the statement that the conflict in Kosovo remained a threat to peace and security in the region. He expressed the allegation towards supporters of a notion of free media in the Federal Republic of Yugoslavia. According to Lavrov, the issue of freedom of the media extended beyond the responsibilities of the Security Council. Thus, it should not be included in the resolution, especially when it was one resolution under Chapter VII of the

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<sup>28</sup>Item 4 of Resolution 1199 (1998), <http://www.un.org/peace/kosovo/98sc1199.htm> [accessed: 09.04.2014].

<sup>29</sup> Resolution 1199 (1998), R/RES/1199, 23 September 1998, [Internet] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1199%20\(1998\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1199%20(1998)), (accessed: 09.04.2014).

Charter of the United Nations. At the end of the speech, the Russian representative stressed that Russia was ready to continue to work on the shape of a draft Resolution 1203. Excessive haste caused by a desire to refer the project to a vote effectively prevented Russia from the introduction of acceptable entries. Also the representative of China expressed dissatisfaction. Thus, both Russia and China abstained during the vote on the adoption of Resolution 1203 and thus remained in opposition to France, Britain and the United States. These countries not only supported the content of the Resolution, but also in the absence of respect for its provisions were determined to support the military intervention of NATO in the Federal Republic of Yugoslavia.<sup>30</sup>

In Resolution 1203, the Security Council informed the international community that it welcomed the agreement signed by the Minister of Foreign Affairs of the Federal Republic of Yugoslavia and the OSCE Chairman under which the Organization for Security and Cooperation in Europe could establish a Verification Mission.<sup>31</sup> Based on this agreement, the government in Belgrade decided to meet the obligations of Resolution 1160 and 1199. The Council decided that the article 1160 of the Resolution was still violated. It also expressed regret over the worsening humanitarian crisis in Kosovo. The authority, acting under Chapter VII of the Charter of the United Nations, noted the support of the government in Belgrade on the agreement reached between President Federal Republic of Yugoslavia and the Special Envoy of the United States, as well as the public commitment of the Federal Republic of Yugoslavia to develop a framework for a political settlement and ending the peace negotiations until November 2 1998. Furthermore, the Council reiterated its request to the Federal Republic of Yugoslavia and Kosovo's Albanian leaders to quickly and fully comply with the provisions contained in Resolutions 1160 and 1199. The Council ordered the government in Belgrade to establish cooperation with the OSCE Verification Mission and the NATO verification air mission acting on the territory of Kosovo. In Resolution 1203 contained a provision that had not occurred in previously adopted Resolutions 1160 and 1199. It concerned, inter alia, prohibition on acquisition of military equipment introduced by

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<sup>30</sup>Security Council, S/PV. 3937, 24 October 1998, [internet] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3937](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3937), (accessed: 09.04.2014).

<sup>31</sup> The agreement was signed on October 16, 1998 in Belgrade. In addition, the OSCE mission was reinforced by a NATO air verification mission established on the basis of the agreement concluded on 15 October 1998 in Belgrade between the Chief of the General Staff of the Federal Republic of Yugoslavia and NATO's Supreme Allied commanders in Europe.

paragraph 8 of Resolution 1160 other than equipment used by verification missions.<sup>32</sup> As in the case of Resolutions 1160 and 1199, the matters relating to the observance of Resolution 1203 were entrusted to the Secretary-General of the United Nations.<sup>33</sup>

The notorious violations of the Resolution by the parties to the conflict and the said refusal to sign the Rambouillet peace agreement by Slobodan Milosevic meant that despite the clear opposition of Russia and the lack of authorization of military operations by the Security Council, the United States - supported by Britain, France, Germany and Italy - decided to carry out NATO's operation Allied Force in the Federal Republic of Yugoslavia. The operation was supported by all 19 countries<sup>34</sup> of the North Atlantic Treaty Organization, including 13 countries providing the aircraft necessary to military action.<sup>35</sup>

On 14 May 1999, which was already during the military operations of NATO in Kosovo, Resolution 1239 was adopted. In this document, the Security Council expressed its deep concern at the humanitarian crisis taking place in the province. The situation led to the exodus of the people of Kosovo to neighboring Balkan countries. The Council also called on the authorities in Belgrade to allow personnel of international organizations to provide assistance to all in need. Only Russia and China abstained from voting on the adoption of Resolution 1239, not wanting to support the humanitarian activities of the United Nations High Commissioner for Refugees and other humanitarian organizations in the province.<sup>36</sup>

#### **4. UE activity in resolving the conflict in Kosovo**

The activity of the European Union in the early stages of the conflict in Kosovo was limited to the aforementioned calls for dialogue and peaceful resolution of the problem. One of the first signs of interest in the European Union concerning the situation in Kosovo was to the agreement on a comprehensive approach to the problem of Kosovo and to establishing the framework of Common Foreign and Security Policy Common Strategy for the Western Balkans. These findings were taken during the European Council summit, which took place in

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<sup>32</sup>See item 15 of Resolution S/RES/1203 (1998), 24 October 1998, [Internet] <http://www.un.org/peace/kosovo/98sc1203.htm>, (accessed: 10.04.2014).

<sup>33</sup> Resolution S/RES/1203 (1998), 24 October 1998, [Internet] <http://www.un.org/peace/kosovo/98sc1203.htm>, (accessed: 10.04.2014).

<sup>34</sup> In 1999, NATO states included: Belgium, Canada, Denmark, France, Island, Italy, Luxembourg, Holland, Norway, Portugal, Great Britain, USA, Greece, Turkey, Germany, Spain, Czech Republic, Hungary, Poland, North Atlantic Treaty Organization, [Internet] [http://www.nato.int/cps/en/natolive/topics\\_52044.htm](http://www.nato.int/cps/en/natolive/topics_52044.htm), (accessed

<sup>35</sup> Operation Allied Force: Lessons for Future Coalition Operations, [internet] [http://www.rand.org/pubs/research\\_briefs/RB72/index1.html](http://www.rand.org/pubs/research_briefs/RB72/index1.html) (accessed: 10.04.2014).

<sup>36</sup> Resolution 1239 (1999), S/RES/1239, 14 May 1999, [Internet] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1239%20\(1999\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1239%20(1999)), (accessed: 10.04.2014)

Vienna on 11-12 December 1998. The conclusions derived from the said summit of the European Council stated that it was necessary that the parties to the conflict in Kosovo fully implement Resolutions 1160, 1199, 1203 and 1207.<sup>37</sup> The European Union appointed Wolfgang Petritsch as European Union's Special Envoy to Kosovo. He held this function from October 1998 to July 1999. Then, as already mentioned above, Petritsch participated in peace talks in Rambouillet and Paris as Chief Negotiator for the European Union, from February to March 1999.

On 24-25 March 1999 in Berlin, the European Council also issued two statements on the situation in Kosovo. In the first one, it expressed dissatisfaction with the fact that peace talks in Rambouillet ended in a fiasco. In addition, the Council announced that Europe would not tolerate a humanitarian disaster in the province. The European Council also stated that its policy was not directed against Serbia and the Serbs, but against the regime of Milosevic. The second statement of the European Council focused on the NATO attacks, which began on 24 March 1999. The Council underlined that NATO air strikes would cease when Milosevic makes violence in Kosovo stop and accepts the Rambouillet peace agreement.<sup>38</sup>

The activity of the European Union to resolve the conflict in Kosovo was, therefore, not too extensive. The main role in attempts to resolve the conflict was taken over by the main European Union Member States, i.e. the United Kingdom, France, Germany and Italy. The situation changed after the cessation of military operations of NATO. Thus, June 1999 saw an increase in the EU activity in Kosovo.

## **5. Situation after the ending of NATO military operation**

NATO's military operations ended on 10 June 1999. On the same day, the UN Security Council adopted Resolution 1244. Pursuant to the Resolution, under Chapter VII of the Charter of the United Nations, the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK). "Civilian component of the Mission was divided into four departments, coordinated by different organizations. Civil administration was the responsibility of the UN, humanitarian aid – of the Office of the UN High Commissioner for Refugees, democratization and the building of democratic institutions - of the OSCE, and the reconstruction of the economy - of the European Union".<sup>39</sup> The UN

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<sup>37</sup> Vienna European Council, 11 and 12 December 1998, Presidency Conclusions, [Internet] [http://www.europarl.europa.eu/summits/wie1\\_en.htm](http://www.europarl.europa.eu/summits/wie1_en.htm), (accessed: 10.04.2014).

<sup>38</sup> <sup>38</sup> D. Duić, op. cit.

<sup>39</sup> J. Rydzkowski, *Słownik Organizacji Narodów Zjednoczonych*, Warszawa 2003, p. 132-133.

Secretary General was intended to be responsible for establishing the administration. The Resolution, however, did not specify the future status of Kosovo. There was also no mention of the independence of the territory. Resolution 1244 only assured Kosovo's autonomy within the Federal Republic of Yugoslavia.<sup>40</sup> In order to ensure security on the territory of Kosovo, the Council decided to prevent the resumption of hostilities and to ensure that the troops of the Yugoslav police and army will be withdrawn from the area of Kosovo; secondly, to bring about the demilitarization of the Kosovo Liberation Army, ensure protection for refugees and make it possible for displaced persons return safely to their homes and to organize humanitarian aid; thirdly, to ensure public safety and order, provide supervision over the land mine clearance, monitor borders and allow free movement of both members of the civilian mission, and members of other international organizations.<sup>41</sup>

In the beginning, the activities of UNMIK were met with significant reluctance on the part of the feuding parties. The first big achievement of the mission was carrying out, on October 28, 2000, local elections in which the Serbs did not participate, objecting to the idea of creating new structures in the country. On November 17, 2001 elections were held for the local Assembly. On 4 March 2002, the Assembly elected Ibrahim Rugova as the President of Kosovo. The first Prime Minister was Bajram Rexhepi. Despite the fact that Kosovo had their president, core competencies such as security issues, foreign affairs and the future status of the province, remained in the range of activities of the head of UNMIK.

In December 2003, the Chief of Mission Harii Holkeri presented a document entitled "Standards for Kosovo." The document was approved by the Security Council, the European Union and the Contact Group. It contained 109 goals that UNMIK and the provisional authorities in the province had to realize in order to build a multiethnic and democratic political structure.<sup>42</sup> The implementation of the "Standards for Kosovo" was to launch a debate on the future status of the province. "On 7 October 2005, the UN special envoy to monitor compliance with standards made in December 2003 Kai Eide recommended the adoption of international negotiations on the final status of Kosovo, despite a very critical assessment of the progress in the construction of a multi-ethnic society. The UN Security

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<sup>40</sup> J. Ch. Cady, *Etablir l'état de droit au Kosovo. Succès et échecs des Nations Unies.*, Focus stratégique n° 34, Paris, Bruxelles 2011.

<sup>41</sup> Resolution 1244 (1999), S/RES/1244, 10 June 1999, [Internet] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1244%20\(1999\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1244%20(1999)), (accessed: 10.04.2014).

<sup>42</sup> D. Duić, *Analysis of the international community influence on Kosovo independence with emphasis on the EU role*, Faculty of Law in Osijek, J.J. Strossmayer University of Osijek, Review paper, UDK: 321.011(497.115):061.1EU 341.21.

Council, on 24 October 2005, endorsed this recommendation and on 1 November 2005, the UN Secretary-General Kofi Annan appointed former Finnish President Martti Ahtisaari Special Envoy for Negotiations on the future status of Kosovo.<sup>43</sup> Formal negotiations on the future status of Kosovo began on 20 February 2006, with the participation of Serbian and Albanian representatives. During the negotiations, no agreement was developed, which was caused by the fact that the Albanians were in favor of independence of Kosovo, while Serbs were against. Due to the stalemate situation, Martti Ahtisaari decided to develop a plan to resolve the situation in Kosovo.<sup>44</sup> The plan was announced on 2 February 2007 and was immediately rejected by Serbia, supported by Russia. Ahtisaari, in March 2007, submitted a plan to the UN Security Council, thus recognizing the independence of Kosovo as the best solution for the future of the province. On the basis of Ahtisaari's plan, several versions of a draft resolution of the Security Council were developed. It was to replace Resolution 1244 and thus enter the plan into action. The vote on the Resolution, however, did not take place, as Russia clearly stated that it would veto any decision which would guarantee Kosovo's independence. Thus, the international negotiations on the status of Kosovo were resumed. The deadline to reach an agreement was 10 December 2007. As of 7 December 2007, it was known that an agreement would not be reached. Then, the mediators from the United States, Russia and the European Union presented a report to UN Secretary-General, which indicated that the negotiations on the future status of Kosovo ended in a fiasco. The debate of 19 December 2007 held by the UN Security Council, which was attended by the Serbian Prime Minister Vojislav Kostunica and Kosovo's President Sejdiu Fatmi also did not produce the expected outcome. Then it became clear that Kosovo would seek the previously announced unilateral declaration of independence.

On February 17, 2008, at a special session of the Assembly of Kosovo, the province's independence was declared. "Presenting the declaration of independence of Kosovo to the Kosovar parliament, the Prime Minister Hashim Thaçi said that Kosovo's statehood line of development will be based on the implementation of the recommendations contained in the

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<sup>43</sup> *Serbia – Kosovo, Stosunki Międzynarodowe*, [Internet:] <http://www.stosunkimiedzynarodowe.info/kraj,Serbia,problemy,Kosowo>, (accessed: 11.04.2014).

<sup>44</sup>Ahtisaari's Plan " ... although it did not talk about Kosovo's independence, it drew a direct way to achieve it. The intentions of the author were revealed in the formal attributes that Kosovo would receive, including: constitution, army, flag, anthem, and ability to conclude international agreements. The project created a state of 'controlled independence from the EU institutions in the role of arbiter of internal conflicts.' According to the plan, the EU mission was to participate in the construction of the police, judiciary system and customs administration, and to ensure the safety of international forces under the command of NATO." E. Pietras, *Unia Europejska wobec niepodległości Kosowa*, Biuletyn Polskiego Instytutu Spraw Międzynarodowych 11 (425), 1 March 2007.

Ahtisaari Plan in accordance with European standards of human rights protection. In addition, the Prime Minister expressed his determination to continue the UN and NATO missions in Kosovo, along with the European Union's planned mission."<sup>45</sup>

The declaration of Kosovo's independence aroused much controversy in the international political arena. The United States, France, Germany and the United Kingdom immediately expressed their support for the independence of Kosovo and announced recognition of the newly formed state. In turn, Cyprus, Spain, Greece, Romania and Slovakia categorically refused to recognize Kosovo. Also, Russia and Serbia did not hide their indignation at the situation. Russia even called on the UN to cancel the declaration of independence. As one can see, Kosovo's case has divided the world. However, regardless of the negative opinions on the topic, Kosovo did not cease its efforts to build its own statehood. On June 15, 2008 the Constitution of Kosovo came into force. Also, the official national anthem was approved. Of course, the proclamation of independence caused riots among the civilian population. However, there was no serious bloodshed and Serb protesters were suppressed.

The government in Belgrade did not intend to leave the matter of independence of Kosovo to itself. They sent a request to the UN General Assembly. The Serbian authorities demanded that the International Court of Justice issue an advisory opinion on the legality of Kosovo's declaration of independence with international law. The proposal was accepted by the General Assembly on 8 October 2008. The basis for its adoption was Article 96, item 1 of the Charter of the United Nations.<sup>46</sup> The question the International Court of Justice was asked was: is the unilateral declaration of independence proclaimed by the Provisional Local Government Authorities of Kosovo in accordance with international law.<sup>47</sup> Thus, the ICJ did not have to answer to the rendering of the principle of independence and the principle of territorial integrity. It was only to determine the legality of the unilateral declaration which under international law is always legal. At most, it can have no legal effect. Thus, the content of the formulated questions has aroused much controversy even today, especially among experts in the field of international law.

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<sup>45</sup> L. Powirska, *Kosovo – architektura niepodległości*, Biuletyn Międzynarodowy Instytutu Nauk Politycznych i Stosunków Międzynarodowych UJ, 6(6), Ferbruary 2008, [Internet:] <http://www.inp.uj.edu.pl/www/biuletyn/06.pdf>, (accessed: 11.04.2014).

<sup>46</sup> Article 96 item 1 of the Charter says that "United Nations "the General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.", A. Przyborowska-Klimczak, op. cit., p. 28

<sup>47</sup> Rezolucja Zgromadzenia Ogólnego ONZ nr A/RES/63/3, [Internet], <http://www.undemocracy.com/A-RES-63-3.pdf>, (accessed: 11.04.2014).

ICJ Advisory Opinion was issued on 22 July 2010<sup>48</sup> According to the Court, the unilateral declaration did not breach international law. Thus, the opinion of the International Court of Justice did not satisfy Serbia, which tried to persuade the General Assembly to adopt a resolution stating the inadmissibility of a unilateral declaration of secession, calling for reconsideration of the status of Kosovo. This attempt proved to be ineffective. On September 9, 2010 the UN General Assembly adopted a resolution which urged Serbia and Kosovo to dialogue with the participation of the European Union.<sup>49</sup>

Six years after Kosovo's declaration of independence, it has been recognized by 108 countries.<sup>50</sup> Despite the unrest associated with the proclamation of independence, relative calm prevails in the region of Kosovo. Its guarantee is the mission of the European Union (EULEX).<sup>51</sup> Although the situation in the region was temporarily disorganized when the Swiss politician and member of the Parliamentary Assembly of the Council of Europe, Dick Marty presented the 10 December 2010 report, in which he accused, among others, former Prime Minister of Kosovo and the former commander of the KLA, Hashim Thaci, of involvement in trafficking of human organs in the 1998-1999.<sup>52</sup> However, the prosecution of Thaci did not make the United States or most European Union countries change their position regarding whether the declaration of independence of Kosovo was justified.

## 6. Conclusion

Analyzing the problems of the conflict in Kosovo, it should be noted that despite the lack of effectiveness in solving the situation in the province, the main actors of the European political scene as well as the United States, despite the differing views, can come to an agreement and work out a plan to exit the crisis in Kosovo. This plan, worked out with

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<sup>48</sup> See Advisory Opinion – International Court of Justice, [internet:] <http://www.icj-cij.org/docket/files/141/15987.pdf>, (accessed: 11.04.2014).

<sup>49</sup> Resolution of the UN General Council A/RES/64/298, [Internet] <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/479/71/PDF/N0947971.pdf?OpenElement>, (accessed: 11.04.2014).

<sup>50</sup> Who recognized Kosovo as an independent state, [Internet] <http://www.kosovothanksyou.com/>, (accessed: 11.04.2014).

<sup>51</sup>“Mission of the European Union in Kosovo - EULEX Kosovo”, was created on the basis of a document of the Council of the European Union - *Council Joint Action 2008/124/CFSP of 04 February 2008 on the mission of the European Union rule of Law in Kosovo, EULEX KOSOVO*.

The EU mission EULEX Kosovo has taken over responsibility for the Balkan region from the Interim Administration Mission of the United Nations UNMIK Kosovo after reaching operational readiness on 09.12.2008. The mission is attended by representatives of the EU Member States and third countries (including the U.S., Russia, Canada, Turkey). EULEX Kosovo. *Misja Unii Europejskiej w zakresie praworządności w Kosowie – EULEX Kosowo*, [Internet] [http://info.policja.pl/porta/inf/871/55336/EULEX\\_Kosowo.html](http://info.policja.pl/porta/inf/871/55336/EULEX_Kosowo.html), (accessed: 11.04.2014).

<sup>52</sup> On January 25, 2011, the Council of Europe, on the basis of Marty's report, adopted a resolution in which it accused the Prime Minister for participation in an international criminal group.

difficulty, could bring tangible positive effects for the region, however, it was rejected by the authorities of Belgrade. Therefore, it is worth noting only that the arrangement made on the forum of the Contact Group was used in the resolutions passed by the UN Security Council. Arrangements agreed on by the Council were based on a compromise between the United States, France and Great Britain, Russia and China. For this reason, Western countries could not use all the means for operation under the auspices of the UN Security Council, including military action. The conflict in Kosovo also revealed some problems faced by the United Nations Organization.

Article 24 of the Charter of the United Nations imposes primary responsibility for the maintenance of international peace and security in the world on the UN Security Council. Thus, NATO countries, from the start of military operation, broke the United Nations Charter. As we know, without the intervention of a lack of authorization from the Security Council or the General Assembly, in the light of international law, could not be regarded as legitimate. Members of the North Atlantic Treaty Organization, which then consisted of 17 European countries, the United States and Canada, showing a consensus on the final settlement of the conflict in Kosovo still recognize that this decision meant choosing the lesser evil. The North Atlantic Alliance had two choices: either to solve the conflict in Kosovo without UN approval – thus violating international law - or to exploit its military potential helping to cease the notorious violations of human rights in Kosovo.

One must acknowledge the significance of the fact that became apparent at the moment of the outbreak of the conflict in Kosovo. As stated by Dunja Duić, the NATO operation showed the weakness of the European Union as a leader in Europe. Once again, the help of the United States was necessary, which became actively involved in the issues of the Old Continent. During the conflict, European Union leaders realized that the Union did not have the operational capacity. For this reason, in 10-11 December 1999 in Helsinki, the European Council officially announced the establishment of the European Security and Defence Policy<sup>53</sup>. The crisis in Kosovo, therefore, became an indirect causative factor of the necessity to deepen European integration.

## References

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<sup>53</sup> See Common Security and Defence Policy, [Internet] [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/lisbon\\_treaty/ai0026\\_pl.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/lisbon_treaty/ai0026_pl.htm), (access: 12.04.2014)

Advisory Opinion – International Court of Justice, [internet:] <http://www.icj-cij.org/docket/files/141/15987.pdf>, (accessed: 11.04.2014).

Again the Visible Hand, Slobodan Milosevic's Manipulation of the Kosovo Dispute, International Crisis Group, Yugoslavia, Report No. 2, 6 May 1998, [Internet] <http://www.crisisgroup.org/~media/Files/europe/Kosovo%202.pdf>, (accessed: 06.04.2014).

D.T. Buckwalter, Madeleine's War: Operation Allied Force, [Internet], <http://www.au.af.mil/au/awc/awcgate/navy/pmi/oaf.pdf>, (accessed: 05.04.2014).

J. Ch. Cady, Etablir l'état de droit au Kosovo. Succès et échecs des Nations Unies., Focus strategique n° 34, Paris, Bruxelles 2011.

Charter of the United Nations, [Internet] <https://www.un.org/en/documents/charter/chapter7.shtml>, (accessed: 08.04.2014).

Contact Group Statement on Kosovo – Bonn, 25 March 1998, [Internet] [http://www.ohr.int/other-doc/contact-g/default.asp?content\\_id=3552](http://www.ohr.int/other-doc/contact-g/default.asp?content_id=3552), (accessed: 06.04.2014).

D. Duić, Analysis of the international community influence on Kosovo independence with emphasis on the EU role, Faculty of Law in Osijek, J.J. Strossmayer University of Osijek, Review paper, UDK: 321.011(497.115):061.1EU 341.21.

Encyklopedia popularna PWN, Warszawa 1998, T. 9.

EULEX Kosovo. Misja Unii Europejskiej w zakresie praworządności w Kosowie – EULEX Kosovo, [Internet] [http://info.policja.pl/porta/inf/871/55336/EULEX\\_Kosowo.html](http://info.policja.pl/porta/inf/871/55336/EULEX_Kosowo.html), (accessed: 11.04.2014).

D.Gibas-Krzak, Serbsko-albański konflikt o Kosovo w XX wieku. Uwarunkowanie, przebieg, konsekwencje, Toruń 2008.

B. Koszel, Konflikt na Bałkanach (1991-1999) a bezpieczeństwo europejskie, Nr 16/2000, Poznań 2000.

London Contact Group Meeting, Statement on Kosovo, 9 March 1998 , [Internet] [http://1997-2001.state.gov/www/travels/980309\\_kosovo.html](http://1997-2001.state.gov/www/travels/980309_kosovo.html), (accessed: 06.04.2014).

M. Marcinko, Wyzwoleńcza Armia Kosowa: analiza struktury i ocena działalności (in:) P. Czubik (Ed.) Bałkany u progu zjednoczonej Europy, Kraków 2008.

North Atlantic Treaty Organization, [Internet] [http://www.nato.int/cps/en/natolive/topics\\_52044.htm](http://www.nato.int/cps/en/natolive/topics_52044.htm), (accessed:10.04.2014)

Operation Allied Force: Lessons for Future Coalition Operations, [internet] [http://www.rand.org/pubs/research\\_briefs/RB72/index1.html](http://www.rand.org/pubs/research_briefs/RB72/index1.html) (accessed: 10.04.2014).

Organization for Security and Co-operation in Europe Permanent Council, PC.DEC/218, 18 March 1998, 156th Plenary Meeting, PC Journal No.156, Agenda item 3, <http://www.osce.org/pc/20518>, (accessed: 05.04.2014).

K. Pawłowski, Kosowo konflikt i interwencja, Lublin 2008.

E. Pietras, Unia Europejska wobec niepodległości Kosowa, Biuletyn Polskiego Instytutu Spraw Międzynarodowych 11 (425), 1 March 2007.

L. Powirska, Kosowo – architektura niepodległości, Biuletyn Międzynarodowy Instytutu Nauk Politycznych i Stosunków Międzynarodowych UJ, nr 6(6), luty 2008, [Internet:] <http://www.inp.uj.edu.pl/www/biuletyn/06.pdf>, (accessed: 11.04.2014).

A. Przyborowska – Klimczak, “Prawo międzynarodowe publiczne, wybór dokumentów”, Lublin 1998.

Resolution 855 (1993), 9 August 1993,  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/855\(1993\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/855(1993)), (accessed:  
05.04.2014).

Resolution 1160 (1998), S/RES/1160, 31 March 1998, [Internet]  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1160%20\(1998\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1160%20(1998)), (accessed:  
08.04.2014).

Resolution 1199 (1998), R/RES/1199, 23 September 1998, [Internet]  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1199%20\(1998\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1199%20(1998)), (accessed:  
09.04.2014).

Resolution S/RES/1203 (1998), 24 October 1998, [Internet]  
<http://www.un.org/peace/kosovo/98sc1203.htm>, (accessed: 10.04.2014).

Resolution 1239 (1999), S/RES/1239, 14 May 1999, [Internet]  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1239%20\(1999\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1239%20(1999)), (accessed:  
10.04.2014)

Resolution 1244 (1999) , S/RES/1244, 10 June 1999, [Internet]  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1244%20\(1999\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1244%20(1999)), (accessed:  
10.04.2014).

Resolution A/RES/63/3,[Internet], <http://www.undemocracy.com/A-RES-63-3.pdf>, (accessed:  
11.04.2014).

Resolution A/RES/64/298, [Internet] <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/479/71/PDF/N0947971.pdf?OpenElement>, (accessed:  
11.04.2014).

J. Rydzkowski, Słownik Organizacji Narodów Zjednoczonych, Warszawa 2003.

Ch. Schwegmann, The Contact Group and its impact on the European Institutional Structure, Institute for Security Studies – Western European Union, Paris, June 2000.

Serbia – Kosowo, Stosunki Międzynarodowe,[Internet:]  
<http://www.stosunkimiedzynarodowe.info/kraj,Serbia,problemy,Kosowo>, (accessed:  
11.04.2014).

Security Council, S/PV.3868, 31 March 1998, [Internet]  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3868](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3868), (accessed: 07.04.2014).

Resolution 1199 (23), R/RES/1199, 23 September 1998, [Internet]  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3930](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3930), (accessed:

Security Council, S/PV. 3937, 24 October 1998, [internet]  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3937](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3937), (accessed: 09.04.2014).

D. Skrpec, European and American Reactions to Kosovo: The Policy Divide Revisited in the Iraq War, Sais Review, A Journal of International Affairs, Summer – Fall 2003, Vol. XXIII, 2.

S. Sobociński, Konflikt serbsko-albański o Kosowo (do rozmów pokojowych w Rambouillet)- na podstawie polskiej prasy, Gniezno 30.03.2009,  
[http://histroia.terramail.pl/opracowania/wspolczesna/konflikt\\_serbsko\\_albanski\\_o\\_kosowo.html](http://histroia.terramail.pl/opracowania/wspolczesna/konflikt_serbsko_albanski_o_kosowo.html), (accessed: 08.04.2014).

Statement on Kosovo adopted by the members of the Contact Group, [Internet]  
<http://www.monde-diplomatique.fr/cahier/kosovo/contact-290498-en>, (accessed 06.04.2014).

Vienna European Council, 11 and 12 December 1998, Presidency Conclusions, [Internet]  
[http://www.europarl.europa.eu/summits/wiel\\_en.htm](http://www.europarl.europa.eu/summits/wiel_en.htm), (accessed: 10.04.2014).

Who recognized Kosova as an independent state?, [internet]  
<http://www.kosovothanksyou.com/>, (accessed: 11.04.2014).

Wspólna Polityka Bezpieczeństwa i Obrony, [Internet]  
[http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/lisbon\\_treaty/ai0026\\_pl.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/lisbon_treaty/ai0026_pl.htm), (accessed: 12.04.2014)