

**The Minnesota Plan:  
Recommendations for Preventing  
Gross Human Rights Violations in Kosovo**

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**THE MINNESOTA PLAN:  
RECOMMENDATIONS FOR PREVENTING  
GROSS HUMAN RIGHTS VIOLATIONS IN KOSOVO**

*A Discussion Paper*

by

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**I. INTRODUCTION**

The international community has been shocked and horrified at the violence and complexity of the conflict throughout the former Yugoslavia. While conditions in Croatia and Bosnia-Herzegovina have deservedly received extensive media and public attention, there has been less focus on the volatile situation in Kosovo where the repression of ethnic Albanians in Kosovo is severe and the potential for widespread conflict is great. Any armed conflict in Kosovo could quickly escalate into international violence, potentially involving Albania, Bulgaria, Greece, Turkey and other nations. It is critical that the international community move beyond a defensive and reactive posture and begin to act affirmatively not only to end the current conflict in Bosnia-Herzegovina, but also to prevent further conflict and grave violations of human rights in Kosovo.

Both the causes and the potential solutions of the conflicts in Kosovo and in Bosnia-Herzegovina are fundamentally interconnected. The Serbian program for a "Greater Serbia" underlies both conflicts. This policy is manifest in the "ethnic cleansing" in Bosnia-Herzegovina and in the escalating persecution of ethnic Albanian Kosovars. The response of the international community to the conflict in Bosnia-Herzegovina will directly affect the situation in Kosovo. Thus far, the world's response has failed to deter Serbian aggression. Should this continue to be the case, ethnic cleansing will succeed horribly not only in Bosnia-Herzegovina but in Kosovo as well. If, however, the world community stiffens its resolve to confront the aggression in Bosnia-Herzegovina, then it may well spare Kosovo a similar fate.

Using the authority of the federal government, the Serbs have suspended local government, imposed a military state and flagrantly violate basic human rights with impunity in Kosovo. Kosovo, an "autonomous" province of Serbia from 1974 until the 1989 revocation of that status, has long been the site of ethnic conflict between the 90% ethnic Albanian majority and the minority Serbs. Serbs consider Kosovo to contain the "soul" of Serbia and Serbian President Slobodan Milosevic began his climb to power by arousing Serbian sentiment against the Albanian Kosovars. Milosevic provoked mass demonstrations by ethnic Albanians when he revoked Kosovo's autonomous status after he came to power. Serbian authorities responded with violent crackdowns and a pattern of increasing discrimination and violence against the Albanian Kosovars.

Ethnic Albanian leaders have been illegally detained, beaten, tortured and killed; the ethnic Albanian population is regularly subjected to police harassment, discrimination and abuse. Serbian officials have effectively denied education to the ethnic Albanian population by closing Albanian language primary and secondary schools and firing professors and other professionals at Pristina University. Over 100,000 ethnic Albanians in government, business, the media, education and medicine have been summarily dismissed from their positions and replaced with Serbs. A "shadow" society -- including an elected government and basic medical and educational services -- has emerged as the result of the Serbs' deliberate campaign to marginalize the ethnic Albanian population. Tensions are high and widespread violence has thus far been avoided largely due to the ethnic Albanian leadership's insistence on non-violence.

Minnesota Advocates for Human Rights is working to call public attention to the situation in Kosovo and to provide policymakers with information, analysis and recommendations on preventive strategies at this critical time. In addition to addressing the situation in Bosnia-Herzegovina, there are specific actions that can be taken now relative to Kosovo. Minnesota Advocates recommends that the international community, particularly the United Nations, implement a progression of steps to prevent an escalation of the conflict in Kosovo. While efforts should be made to obtain Serbia's cooperation and compliance with the actions recommended, all indications suggest that Serbia is unlikely to comply voluntarily with recommendations from the international community. Thus, the international community must be prepared to act decisively with or without Serbia's compliance.

Minnesota Advocates for Human Rights recommends that the international community take the following steps to address the situation in Kosovo. First, there should be increased monitoring of the human rights situation and immediate attention should be given to achieving a peaceful resolution of the ethnic violence in Kosovo. Minnesota Advocates recommends convening an All-Party Conference specifically to address the situation in Kosovo. Next, the international community, through the United Nations Security Council, should work for the return of Kosovo's status as an autonomous province. If the Serbian government will not restore Kosovo's autonomy, the Security Council should request that Serbia voluntarily place Kosovo under the United Nations trusteeship system. If Serbia refuses take either of these actions, the Security Council should declare Kosovo a safe haven and protect the Kosovars by all necessary measures. In any case, the ethnic Albanian leadership must agree to guarantee minority rights for non-Albanians in Kosovo. Finally, the international community should work to deter further Serbian aggression through the disruption of internal Serbian propaganda, increased public attention on the situation in Kosovo and the aggressive prosecution of war crimes committed elsewhere in the former Yugoslavia.

## II. RECOMMENDATIONS FOR DISCUSSION

### *Human Rights Monitoring*

1. The United Nations Commission on Human Rights should bring increased attention and resources to the situation in Kosovo. The Commission should appoint a Special Rapporteur for Kosovo or, alternatively, the current Special Rapporteur on former Yugoslavia should be directed to focus greater attention on Kosovo. The Commission should ensure that in Kosovo there are adequate numbers of human rights fact-finders with the qualifications and resources necessary to document and report on human rights abuses and to act as a deterrent to further violations. The Commission should coordinate these efforts with the monitors from the Conference on Security and Cooperation in Europe (CSCE) who are stationed in Kosovo. Local credible human rights monitors should be supported.

### *All-Party Conference*

2. An All-Party Conference should be convened as soon as possible to discuss a peaceful resolution of the ethnic violence and massive human rights violations taking place in Kosovo. The Conference could be convened by the European Community, the CSCE, the United Nations, or any combination of member states of those organizations. Suggested participants at the conference include representatives of the governments of Albania, Greece, Macedonia, Serbia, Turkey, representatives of the Democratic League of Kosovo (LDK) and institutional representatives of the EC, the CSCE and the U.N. In the alternative, an All-Party Conference could be convened to address violence in the former Yugoslavia more generally. In that case, the suggested participants would also include the other former republics of Yugoslavia.

**Comments:** This Conference should be held irrespective of the progress of the peace process in Bosnia-Herzegovina. There is precedent in Cambodia for such a conference although the efforts there did not wholly succeed. The attempt to draw the parties into direct negotiation in a neutral forum is critical to clarifying the parties' diplomatic positions regarding Kosovo.

It may also be advisable to include as parties to the Conference the United States and Russia, in particular the Russian military because of its historic and current relationship with Serbia.

### *Restore Kosovo's Status as an Autonomous Province*

3. The United Nations Security Council should declare its intent to refuse to recognize the Serbian Government as the successor to Yugoslavia in the United Nations and should urge Member States to withhold recognition of the Serbian Government until the province of Kosovo is restored to its previous status as an autonomous province of Yugoslavia. Restoration of autonomy requires the Serbian government to: (1) stop human rights violations, including arbitrary detention, torture, inhuman treatment and arbitrary killings; (2) remove all Serbian and Yugoslav military forces, including paramilitary forces, from Kosovo; (3) restore Albanian Kosovars to their former professional and public positions and remove from those positions the Serbians who replaced them; (4) stop resettling Serbs into Kosovo; and (5) reopen all educational opportunities for Albanian Kosovars.

As a condition of autonomy, the Kosovo provincial government must agree to: (1) abide by international norms regarding minority rights, including provision of proportional representation for ethnic Serbs in the Kosovo municipal government; and (2) hold free and fair elections within one year of the withdrawal of Serbian and Yugoslav National forces from Kosovo.

The United Nations should provide peacekeepers to police Kosovo until elections are held. There should be no arming of Kosovars during this interim period.

**Comments:** Additional conditions may be added as part of the negotiation process. For example, economic incentives might be offered to Serbia or the Kosovo provincial government could agree to forego prosecution of members of the Yugoslav National Army (excluding paramilitary or terrorist groups) for violations of derogable rights in Kosovo which occur prior to the Security Council's declaration on recognition of the Serbian government as the successor to Yugoslavia in the United Nations. However, at a minimum, the conditions listed above should be agreed to by the parties.

### *Trusteeship*

4. If the Serbian government does not agree to return Kosovo by June 1993 to the status of an autonomous province as described above, or in the event of an escalating pattern of gross violations of human rights and fundamental freedoms, the United Nations Security Council should call for the Serbian government to voluntarily place Kosovo under the Trusteeship system governed by Articles 75-91 of the United Nations Charter. Under the trust agreement, Kosovo would



**function as an autonomous province until negotiations concerning self-determination of the region were concluded.**

**Comments:** Alternatively, a trusteeship agreement could be the outcome of the All-Party Conference recommended above. In either case, the recommendations envision a new use of the trusteeship system. The trusteeship system, established first as the League of Nations mandate system and later modified and embodied in Articles 75-91 of the United Nations Charter, gives temporary control of territory to the trustee for the benefit of the people in the territory. The objectives of the system as described in the Charter are to further international peace and security, to promote progressive development toward self-government or independence, to encourage respect for human rights and fundamental freedoms, and to ensure equal treatment in social, economic, and commercial matters for U.N. member states and their nationals. The system has been used only for colonies and territories which as a consequence of World War I had ceased to be under the sovereignty of the States that formerly governed them and which were not yet prepared for self-government. Only one territory, Palau, remains under trusteeship.

Under the system recommended above, the trusteeship system of the United Nations would be used in a new, but not inconsistent, manner. The trust territory of Kosovo would be administered by the United Nations acting through the Trusteeship Council in a manner agreed to by the concerned parties. In addition, Kosovo could be designated a "strategic area" under the trusteeship agreement which would place the region under the direct jurisdiction of the Security Council. Kosovo's status at the termination of the trusteeship would be the focus of negotiations and planning under the oversight of the Security Council and the Trusteeship Council. Designation of Kosovo as a trust territory would not predetermine a particular legal status for the region in the future.

**5. The Security Council should further resolve that if the Serbian government refuses to place Kosovo under Trusteeship after failing to restore its autonomous status and/or escalating the pattern of gross human rights violations, the situation in Kosovo will be deemed a "threat to international peace and security." In this event, the Security Council should declare Kosovo a safe haven and provide protection for residents of the province by all necessary measures.**

**Comments:** Chapter VII of the UN Charter authorizes the Security Council.

to determine the existence of a threat to international peace and security. The Security Council may then decide what measures the UN and its member governments should take to prevent aggravation of the situation. Actions may include, for example, diplomatic measures, economic sanctions, and the use of force.

The Security Council has begun to acknowledge that massive human rights abuses and the displacement of large numbers of people may constitute threats to international peace and security. In the post-Cold War period, the Security Council has begun to use its powers under Chapter VII in regard to Iraqi attacks on the Kurds in northern Iraq, the refusal of the Khmer Rouge to cooperate with the peace settlement in Cambodia, and the difficult situations in Somalia and Bosnia-Herzegovina. Actions have included economic sanctions, military embargoes, protective zones, and the sending of military forces.

The use of force should be a last resort after other measures fail or clearly would fail. The track record of Slobodan Milosevic and the Serbian government suggests that measures other than a credible threat of force are likely to fail. Any use of force should be through the collective decision-making process of the Security Council and should be necessary, proportionate and limited to the humanitarian purposes of protecting the vulnerable population. Any forcible and nonforcible enforcement measures undertaken should be regularly assessed by the Security Council for continued appropriateness.

### *Minority Rights*

6. Any recognition of Kosovo as an autonomous province, or in any other independent status, must be conditioned upon guarantees of minority rights for non-Albanians in the province as set forth by the United Nations, CSCE and the Council of Europe. Each minority must be allowed effective participation in government and equal access to public services as guaranteed in Article 21 of the Universal Declaration of Human Rights.

### *Intervention through Communications Systems*

7. The United Nations should seek to disrupt internal Serbian communication of propaganda in order to undermine Serbian public support for the policy of repression and aggression in Kosovo. The international community should use radio, television and written communications to provide accurate information to the Serbian population.

**Comments:** It appears that Serbian popular support for the policy of aggression and ethnic cleansing generally and the specific forms of repression in Kosovo is based in large part on Serbian propaganda, which broadcasts repeated and detailed claims of atrocities against Serbs but fails to document atrocities committed by Serbs. Because the Serbian war effort requires at least some measure of Serbian public support, it is important that the general Serbian public be informed of atrocities committed by Serbs against other ethnic groups. Article 20 of the International Covenant on Civil and Political Rights prohibits any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Special Rapporteur for the former Yugoslavia has urged the establishment of an independent information agency "to counteract the dissemination of hatred among the population . . . disseminate objective information and . . . encourage the creation of mutual confidence between national and religious communities."

The disruption of Serbian propaganda and the substitution of truthful reporting concerning human rights abuses could serve as an aggressive but non-violent way to begin to turn the tide of public opinion and resolve the conflict in the former Yugoslavia. Chapter 7 of the U.N. Charter, which authorizes the Security Council to direct members of the U.N. to apply nonforcible measures including interruption of telegraph and radio communications, may support such action.

**8. Every effort must be made to increase world attention to the situation in Kosovo and to maximize the opportunity for Kosovars to communicate with the outside world. The international community should support and consult locally based fact-finders and fact-finding organizations.**

#### *War Crimes*

**9. The United Nations should aggressively pursue the investigation and prosecution of war crimes, crimes against humanity and crimes against the peace in all regions of former Yugoslavia and the compensation for victims of those crimes. Such prosecution can serve as a deterrent to the commission of similar atrocities in Kosovo.**

**Comments:** The investigation and prosecution of war crimes in all regions of the former Yugoslavia, particularly in Bosnia-Herzegovina, should have a deterrent effect on the perpetration of war crimes

in Kosovo. It should be noted, however, that the threat of prosecution of war crimes could impede the current negotiation process regarding Bosnia-Herzegovina.

## BACKGROUND

An "autonomous" province of Serbia from 1974 until the revocation of that status in 1989, Kosovo has long been the site of ethnic conflict between the 90% ethnic Albanian majority and the minority Serbs who, along with the majority Serbs throughout the rest of Serbia, consider Kosovo to contain the "soul" of Serbia. Serbs and Albanians hotly dispute who occupied the Balkan peninsula first. Albanians claim their descent from the ancient Illyrians and argue that they occupied the territory of present Kosovo long before the Slavic tribes migrated south from the northern territories that are now Russia and the Ukraine. However, Kosovo was the heartland of the medieval Serbian kingdom -- where Serbian kings were crowned and where many of the greatest monuments of the Serbian Orthodox Church were built and still stand. In 1389, the medieval Serbian kingdom lost its independence when it fell to the Turkish Ottoman Empire in the legendary Battle of Kosovo Polje. This disastrous battle, after which the province takes its name, resulted in the migration north of Serbs, and eventually of the Christian religion. Over the centuries, they were replaced by Albanians who largely converted to Islam under the Ottoman rule. The Battle of Kosovo is a seminal event in Serbian national consciousness -- it marks the beginning of literary and oral tradition for the Serbian people.

After the defeat of the Serbs in 1389, the Turkish Ottoman Empire ruled the region for five centuries until they were ultimately forced to retreat to Constantinople after severe losses in the Balkan Wars in 1912-13. The power vacuum after the Ottoman defeat led to a renewed struggle over claims to the region. Between 1878, when the Serbs gained independence, and 1913 the Serbs almost doubled their territory and made known their desire both to retake the region of Bosnia and Herzegovina as part of Serbia and to gain access to the Adriatic through attachment of the region of present day Albania. Austria-Hungary had annexed Bosnia-Herzegovina in 1908 and was not pleased with Serbia's intentions to expand into that province. Russia sought to contain Serbian expansion but, as Serbia's Slavic ally, insisted that Serbia have access to the Adriatic. Meanwhile, the Albanians, jolted into action by the receding protection of the Ottoman Empire, created the League of Prizren, a nationalist movement seeking to unify the four Turkish vilayets which were the European part of the Ottoman Empire into an autonomous Albanian state. One of the vilayets was Kosovo. These competing claims in the Balkans led to a now famous assassination of the Hapsburg heir, Archduke Franz Ferdinand, by a young Bosnian Serb in Sarajevo in 1914.

The Great Powers intervened in the region in 1912 after the Serbian army overran the province of Kosovo, which at that time was primarily Albanian. At an international conference in London, the Great Powers "solved" the Adriatic problem by creating an independent Albania and compensating Serbia with territory in the interior. As result, the ethnic Albanian population was divided -- a million or so in Albania and about a

million remaining in Yugoslavia, most of whom were in Kosovo.

Between World War I and World War II, the new Yugoslav state attempted to recolonize Kosovo with Serb settlers. Despite fierce ethnic Albanian opposition, over 40,000 Orthodox slav peasants moved into Kosovo and half a million ethnic Albanians were forced to emigrate, mainly to Albania, Macedonia and Turkey. The new settlers received good land and benefits. The result was reminiscent of the West Bank and Gaza -- a small relatively prosperous Serb and Montenegrin settler community and a mass of poorer Albanians.

During World War II, the Albanian Kosovars supported the Italians who occupied the Kingdom of Albania. Enver Hoxha's partisans in Albania fought with Tito's Yugoslav forces to drive out the Italians, but most of the Albanian Kosovars fought with the Italians, preferring Italian rule to Serb rule. These territories once again reverted to Yugoslavia after the War.

Under Tito's rule after World War II there were major improvements in the status of ethnic Albanians in Yugoslavia: Albanians were recognized as a distinct national group; the Albanian language was recognized as one of Yugoslavia's official languages; and Albanians gained the right to education in their own language. A period of great growth in Albanian national pride and intelligentsia ensued, including the establishment of the first Albanian University in Pristina in 1968. Also in 1968, a constitutional amendment granted some autonomy to Kosovo. Full autonomous status was conferred in the 1974 constitution which granted Kosovo and Vojvodina almost all of the rights of sovereign republics with the exception of the right to secede from the federation.

Nonetheless, economic disparities and ethnic conflicts continued to exist in the region. The high birth rate of the ethnic Albanians and the emigration of 30,000 Serbs and other non-Albanians led to a continuing imbalance in demographics throughout the 1970s. In addition, Serbs and Montenegrins made constant claims of "discrimination" and human rights abuses by the majority Albanians against the minority Serbs and Montenegrins. The complaints and emigration continued throughout the 1980s and in 1987, 60,000 Serbs living in Kosovo signed a petition alleging genocide. Serbian leader Slobodan Milosevic began his climb to power arousing Serbian sentiment against the Albanian Kosovars and kept his promises by revoking Kosovo's autonomous status two years after he came to power. The 1989 revocation resulted in mass demonstrations by ethnic Albanians and violent crackdowns by Serbian police.

In July 1990, the primarily ethnic Albanian Kosovo Assembly issued a proclamation declaring Kosovo an independent republic within the Yugoslav federation. The Serbian Assembly responded by suspending the Kosovo Assembly and other organs of provincial government. The Kosovo Assembly met secretly and adopted a new constitution for Kosovo as a sovereign republic. A year later a secret referendum on

independent statehood was held over a four-day period. The support was almost unanimous.

In June 1991, war broke out pitting the Serbs against the Slovenes and the Croats. In response to the unraveling of Yugoslavia, the Albanian Kosovars held elections in May 1992 for their clandestine government. Dr. Ibrahim Rugova, the leader of the Democratic League of Kosovo, the strongest Albanian political party, was elected President of the Republic of Kosovo. In the last year, there have been increasing reports of discrimination against ethnic Albanians in employment, social services and education. There have also been an escalation of violence against ethnic Albanians and increased arming of Serbs along with confiscation of weapons from Albanians. Many speculate that Kosovo will become the next front for "ethnic cleansing."





## APPENDIX I

### **YUGOSLAVIA TIMETABLE**

**[Work in Progress]**

#### 395 A.D

Death of Theodosa the First divides the Roman Empire into East and West. Byzantium gains northern Albania, Montenegro and Serbia; Rome controls Dalmatia, Slovenia, Croatia and the larger part of Bosnia.

#### 1054

Formal split between Catholics of Rome and the Orthodox of Byzantium.

#### 1389

The Battle of Kosovo is won at the Champ de Merles by the Sultan Murad I, defeating Serbia's Prince Lazare. Serbia does not regain its independence for five centuries, but asserts that Kosovo is the heart of Serbia.

#### 1878

Serbia gains its independence.

1912-13 Turkish Ottoman Empire is finally forced to retreat back to Constantinople after severe losses in the Balkan Wars. Power vacuum leads to renewed struggle for claims to the region. The Serbs had almost doubled their territory between 1878, when they gained their independence, and 1913. They made known their desire to retake the region of Bosnia and Herzegovina as part of Serbia, as well as gaining access to the Adriatic through attachment of the region of present Albania.

Austria-Hungary had annexed Bosnia-Herzegovina in 1908 and was not pleased with Serbia's intentions. While it sought to contain Serbian expansion, Russia, Serbia's Slavic ally, insisted that Serbia have access to the Adriatic. The Great Powers intervened in the region in 1912 after the Serbian army overran the province of Kosovo, which at that time was primarily ethnic Albanian. At an international conference in London, the Great Powers solved the Adriatic problem by creating an independent Albania and compensating Serbia with territory in the interior. The result was a cutting up of the ethnic Albanian population: 3 million were residents of tiny Albania and almost 2 million remained in Yugoslavia, most of whom were in Kosovo.

#### 1914

The competing claims in the Balkans led to a now famous assassination of the Hapsburg heir, Archduke Franz Ferdinand, by a young Bosnian Serb in Sarajevo.

#### 1918-41

Following World War I, the "Southern Slavs" are joined as the "Kingdom of the

Serbs, the Croats, and the Slovenians." The territory has three linguistic groups (Slovenian, Serbo-Croatian, and Bulgaro-Macedonian) and three main religions (Catholic, Orthodox Christian, and Islam). The new Yugoslav state attempted to recolonize Kosovo with Serb settlers. Despite fierce ethnic Albanian opposition, over 40,000 Orthodox slav peasants moved into Kosovo and half a million ethnic Albanians were forced to emigrate. The new settlers received good land and benefits resulting in a small, relatively prosperous Serb/Montenegrin settler community and a mass of poorer Albanians.

#### 1941-45

After Yugoslavia's disintegration in World War II the ethnic Albanians in Kosovo supported the Italian puppet-government of the Kingdom of Albania. These territories once again reverted to Yugoslavia after the War.

#### 31 January 1946

Tito becomes President of the Popular Federal Republic of Yugoslavia. Tito maintains a policy of non-alignment, rejecting Moscow but also the Capitalist West. Yugoslavia is held together as a federal system as Tito keeps Serbia weak. Within Serbia, the territories of Vojvodina and Kosovo were granted a degree of autonomy, allowing both provinces to send representatives to a chamber of the federal legislature. However, internal matters, such as the education system and the specific rights and degree of autonomy, were to be defined by the Republic of Serbia, rather than the federal government.

#### 1946-1963

In the 1950's, Yugoslav secret police increased persecution of the Albanian population in Kosovo. Serbs began to leave Kosovo for economic reasons and because of alleged Albanian persecution and harassment. In 1963 new Yugoslav and Serbian constitutions were adopted, resulting in increased control over the provinces by Serbia. Representatives from the provinces were now part of the Serbian delegation, rather than separate provincial delegations.

#### 1968-1974

Demonstrations demanding that Kosovo be recognized as a separate republic in 1968 resulted in the establishment of the first Albanian University at Pristina. Period of great growth in Albanian national pride and intelligentsia.

#### 1974

Constitution was adopted which granted Kosovo and Vojvodina almost all of the rights of sovereign republics, with the exception of the right to secede from the federation. They were also given seats on the federal parliament and the federal constitutional court.

1980

Death of Tito.

1981

Eleven people are killed and several hundred wounded in violent clashes with federal security forces at student and other demonstrations in Kosovo. State of Emergency declared, 2,000 arrests and hundreds convicted of "crimes endangering territorial integrity of Yugoslavia." The local Serbian population begins to complain of increased attacks and intimidation by the ethnic Albanians. Emigration of Serbs from Kosovo commences.

1984

Over 72 Albanian nationalist organizations uncovered by Yugoslav authorities. The nature of the groups varied between those seeking republic status for Kosovo within the Yugoslav federation to those seeking an independent state of Kosovo, to those seeking to rejoin Albania. All of these options were seen as unacceptable and treasonous for Yugoslavia, particularly by Serbian authorities. Even minor crimes such as writing slogans were punished by six years or more in prison.

1986

Sixty thousand Serbs living in Kosovo sign a petition alleging genocide of the Serbs by the Albanian majority. These allegations, combined with the historical significance of Kosovo to the Serbians, lead to a great concern among Serbians about the future status of Kosovo within their republic. Rising Serbian nationalist leader Slobodan Milosevic led a protest rally of 15,000 Serbs to Kosovo Polje, the site of the Ottoman defeat of the Serbs in 1389.

1987

Milosevic is elected President of Serbia.

1988

Milosevic rallies support for changes to the Serbian Constitution to revoke the autonomous status of Kosovo.

1989

Croatia and Slovenia break away to form their own country; Serbia and Montenegro follow suit. Hostilities commence. One million Serbs make a national pilgrimage to Pristina to commemorate the 600th anniversary of the Battle of Kosovo Polje.

Yugoslavia's collective presidency imposes "special measures" in Kosovo and assigns responsibility for public security to the federal government. Federal militia sent to Kosovo.

1990

Milosevic becomes head of the Serbian Socialist Party.

Federal authorities lift "special measures" and remove federal police, leaving matters to the Serbian government. The Serbian legislature extends the emergency period and mandates Belgrade's direct control over Kosovo. The Kosovo Assembly responds by declaring Kosovo an independent republic within the Yugoslav federation.

5 July 1990

The Serbian legislature suspends the Kosovo Assembly and provincial government. The administration in Kosovo is taken over by the Serbian government.

26 July 1990

The Serbian parliament passes a law called "Special Circumstance" on labor relations in Kosovo, allowing recruitment of Serbs for Kosovar posts and dismissal of Albanians.

3 September 1990

Albanians participate in a 24-hour general strike. Serbian authorities respond by dismissing thousands of participants from their jobs and by fining shopkeepers who honored the strike.

7 September 1990

Delegates to the recently dissolved Kosovo Assembly meet secretly in the town of Kacanik and adopt a new constitution for Kosovo, stressing its status as a sovereign republic within Yugoslavia. A clandestine government and legislature are elected. Many Albanians continue to abide by the decisions of this underground government rather than Belgrade's rule. Over 100 delegates of the assembly are later charged with "counter-revolutionary activity."

25 September 1991

UN Security Council passes Resolution 713 (1991) which, "noting the Declaration of 3 September 1991 of the States participating in the Conference on Security and Cooperation in Europe, that no territorial gains or changes within Yugoslavia brought about by violence are acceptable" calls for "a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia...."

November/December 1991

UN drafts the document "Concept for a United Nations Peacekeeping Operation in Yugoslavia."

15 December 1991

Security Council adopts Resolution 724 (1991), stressing their "determin[ation] to

ensure that the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia [...] is effectively applied" but endorsing the views of Secretary General Javier Perez de Cuellar that "the conditions for establishing a peace-keeping operation in Yugoslavia still do not exist." Resolution 724 (1991) further endorses "[the Secretary General's] offer to send to Yugoslavia a small group of personnel, including military personnel, as part of the continuing mission of his Personal Envoy [Mr. Cyrus Vance], to carry forward preparations for possible deployment of a peace-keeping operation." The resolution also establishes a committee of the Security Council consisting of all its members to continue deliberating upon the situation in Yugoslavia.

#### 2 January 1992

The Implementing Accord to the "Concept for a United Nations Peacekeeping Operation in Yugoslavia" is signed in Sarajevo by A. Raseta (Colonel-General, JNA), G. Susak (Defense Minister, Republic of Croatia), and witnessed by Cyrus R. Vance, personal envoy of the Secretary General.

#### 7 January 1992

UN Security Council issues a press release quoting Sir David Hannay's condemnation of the "tragic incident" where "helicopters of the European Community Monitoring Mission [...] were shot down by a Yugoslav aircraft, killing four Italian members and one French member of that Mission." The Security Council responds that the act "would not go unpunished."

#### 9 January 1992

UN Security Council passes Resolution 727 (1992) which "[e]ndorses the Secretary General's intention [...] to send immediately to Yugoslavia a group of up to 50 military liaison officers to promote maintenance of the cease-fire [...]"

#### 31 January 1992

Secretary General Boutros Boutros-Ghali reports to the Summit Meeting of the Security Council with his "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping."

#### 7 February 1992

Resolution 740 (1992) is adopted by the Security Council, "approv[ing] the Secretary General's proposal to increase the authorized strength of the military liaison mission to a total of 75 officers" and requesting that the Secretary General "expedite his preparation for a United Nations peace-keeping operation" so as to be prepared for immediate deployment.

#### 24 February 1992

UN Security Council passes Resolution 743 (1992) establishing UNPROFOR noting "...that the Secretary General considers that the conditions permitting the early

deployment of a United Nations Protection Force (UNPROFOR) are met..." and deciding to establish, under its own authority, a United Nations Protection Force "for an initial period of 12 months...to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis...."

7 April 1992

UN Security Council passes Resolution 749 (1992) authorizing the full deployment of UNPROFOR.

10 April 1992

UN Security Council asks Secretary General to send Cyrus Vance to the region.

4 May 1992

A "tragic incident" causes the death of a member of the European Community Monitor Mission. Security Council is "[d]eeply concerned about the safety of United Nations personnel in Bosnia-Herzegovina." (Resolution 752 (1992))

15 May 1992

UN Security Council passes Resolution 752 (1992) asking the Secretary General to keep the possibility of deploying a UN peace-keeping mission under review.

18 May 1992

International Red Cross member is killed while on mission in Bosnia and Herzegovina. UNPROFOR personnel in Sarajevo continue to be subjected to "deliberate mortar and small-arms fire"; United Nations Military Observers deployed in the Mostar region are withdrawn. (Resolution 757 (1992)) Security Council adopts resolutions 753 and 754 (1992) recommending that the republics of Croatia and Slovenia, respectively, be admitted to membership in the United Nations.

20 May 1992

Security Council recommends that the Republic of Bosnia and Herzegovina be admitted to membership in the United Nations (Resolution 755 (1992))

24 May 1992

Albanians hold elections for new members to their clandestine government. Ibrahim Rugova, the leader of the Democratic League of Kosovo--the strongest political party representing Albanians in Kosovo--is elected president of an independent Kosovo. Delegates to the 130-member legislature are also elected.

30 May 1992

UN Security Council passes Resolution 757 (1992) initiating a trade and air embargo on Yugoslavia in condemnation for violating Resolution 752 (1992).

8 June 1992

UN Security Council passes Resolution 758 (1992) increasing the mandate and strength of UNPROFOR to create necessary conditions for unimpeded delivery of humanitarian supplies in Bosnia.

18 June 1992

UN Security Council passes Resolution 760 (1992) authorizing, in the context of the sanctions, the passage of goods and products for humanitarian needs.

19 June 1992

UN Security Council appeals for information on violations of sanctions.

29 June 1992

UN Security Council passes Resolution 761 (1992) authorizing the deployment of additional elements of UNPROFOR to ensure the security and functioning of Sarajevo airport following its reopening.

30 June 1992

UN Security Council passes Resolution 762 (1992) strengthening UNPROFOR in order to oversee the restoration of authority in Croatia.

17 July 1992

UN Security Council decides in principle to respond positively to the request for UNPROFOR to supervise heavy weapons in Bosnia, in accordance with the agreement signed at the London Conference.

5 August 1992

UN Security Council demands that the International Committee of the Red Cross (ICRC) and other organizations be granted access to civilian detention areas.

7 August 1992

Security Council approves an enlargement of UNPROFOR's mandate and strength. (Resolution 769 (1992))

13 August 1992

UN Security Council passes Resolution 770 (1992) calling upon States to take all necessary measures to facilitate, in coordination with the UN, the delivery of humanitarian assistance in Bosnia. Security Council also passes Resolution 771 (1992) demanding that the ICRC and other humanitarian organizations be granted "immediate, unimpeded and continued access" to all places of detention.

13-15 August 1992

First Extraordinary Session of the Commission on Human Rights convenes to condemn human rights violations in the territory of the former Yugoslavia and to

appoint a Special Rapporteur. Mr. Tadeusz Mazowiecki is appointed (Resolution 1992/S-1/1 of 14 August 1992).

21-26 August 1992

Special Rapporteur visits former Yugoslavia, in particular Bosnia and Herzegovina. He speaks to representatives from Kosovo but does not visit.

28 August 1992

Special Rapporteur, Mr. Tadeusz Mazowiecki, gives first report to the Commission on Human Rights. He notes that "In Kosovo, where the population of Albanian origin has complained of discrimination and oppression for many years, non-governmental organizations presented evidence of an increasing number of torture and killings." Recommends "the immediate creation of an international mechanism to monitor the human rights situation on those territories" suggesting that "[i]t would be highly advisable to secure the cooperation of the Conference on Security and Cooperation in Europe in this respect." (E/CN.4/1992/S-1/9)

14 September 1992

UN Security Council decides to further enlarge UNPROFOR's mandate and strength in Bosnia and Herzegovina, as per the Secretary General's recommendations. (Resolution 776 (1992))

19 September 1992

UN Security Council recommends that the General Assembly revoke the Federal Republic of Yugoslavia's membership. (Resolution 777 (1992))

6 October 1992

UN Security Council passes Resolution 780 (1992) which "requests the Secretary General to establish [...] an impartial Commission of Experts [...] with a view to providing the Secretary General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia...."

9 October 1992

Security Council adopts Resolution 781 (1992), "decid[ing] to establish a ban on military flights in the airspace of Bosnia and Hercegovina..." No mechanisms authorized to enforce it. Serbs continue to violate the ban.

12-13 October 1992

Mass demonstrations occur in Kosovo protesting the closure of schools.

12-22 October 1992

Special Rapporteur, Mr. Tadeusz Mazowiecki, carries out his second mission to the former Yugoslavia. He includes Kosovo in itinerary.



27 October 1992

Second Report submitted to the Commission on Human Rights by Special Rapporteur, Mr. Tadeusz Mazowiecki. (Document E/CN.4/1992/S-1/10) Finds the current situation in Kosovo to be "dangerous."

16 November 1992

UN Security Council passes Resolution 787 (1992) which "decides [...] to prohibit the transshipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tires, vehicles, aircraft and motors of all types...."

17 November 1992

Secretary General reports to the General Assembly on the situation of human rights in the territory of the former Yugoslavia, noting that "[s]ince the inception of his mandate, the Special Rapporteur has received alarming reports from various sources inside and outside the country describing the tense situation in Kosovo, in particular as regards the different forms of discrimination suffered by the Albanian population, which constitutes the majority." (Document A/47/666-S/24809)

30 November 1992

Commission on Human Rights passes Resolution E/CN.4/1992/S-2/L.2 in their second special session "affirm[ing] that States are to be held accountable for violations of human rights which their agents commit upon the territory of another State...."

1 December 1992

Draft report of the Commission on Human Rights on its Second Special Session is submitted (E/CN.4/1992/S-2/L.1). The report endorses and adopts Resolution 1992/S-2/1 (The situation of human rights in the territory of the former Yugoslavia).

16 December 1992

A meeting of the Conference on Security and Cooperation in Europe (CSCE) fails to suggest a resolution, but urged the Security Council to "urgently consider" shooting down Serbian warplanes violating the "no-fly zone" over Bosnia.

U.S. names Milosevic and others as war criminals and calls for their prosecution.

20 December 1992

President Bush and Prime Minister John Major announce that they will seek UN authority to send air patrols over Bosnia and Herzegovina to stop Serbian military aircraft from flying.

Elections in Serbia. Milosevic re-elected.

### 27 December 1992

U.S. issues warning to Milosevic that in the event of conflict in Kosovo caused by Serbian action, the U.S. will be prepared to employ military force against the Serbs in Kosovo and in Serbia proper.

### December 1992

An advance party of UN troops arrives in Macedonia in an effort to prevent the civil war in former Yugoslavia from spilling over into the southern republic. Thirty-three men arrive in Skopje on approximately December 29. Eight hundred UN troops are expected in Macedonia by early 1993 to be deployed along Macedonia's northern border with Serbia's Kosovo province.

### January 1993

Bosnian President Izetbegovic, Bosnian Serb leader Karadzic and Croatian President Tudjman meet with U.N.-E.C. mediators Vance and Owen.

The "Vance-Owen Plan," which divides Bosnia into 10 provinces under different ethnic control, is formulated.

### February 1993

Bosnian Muslim leaders in Sarajevo declare that they will no longer allow their people to accept UN food supplies until there is progress towards a cease-fire and settlement.

The UN official responsible for supplying food to Sarajevo ends shipments until the food embargo is lifted. UN Secretary General Boutros-Ghali overrules this and orders a recommencement of supplies.

### February 11, 1993

U.S. President Clinton endorses building on the Vance-Owen plan as well as trying to bring Russia, Serbia's main ally, into the peace process.

### February 22, 1993

The UN votes to conduct trials for war criminals in the former Yugoslavia.

### February 23, 1993

President Clinton agrees to the airdrop of supplies to Bosnian refugees trapped in Eastern Bosnia-Herzegovina although he has still ruled out commitment of ground forces.

## APPENDIX II

### INSTITUTIONS WITH A CRITICAL ROLE IN KOSOVO CRISIS

#### 1. UNITED NATIONS

- a. **SECURITY COUNCIL** — a fifteen-member body with power under Chapter 7 of the UN Charter to decide on a wide range of measures for encouraging respect for human rights and to call on all UN countries to apply these measures. These measures may include "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." (Article 41). If the Security Council determines that the above measures are inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. (Article 42). Permanent members of the Security Council include the Republic of China, France, Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The General Assembly elects ten other members of the United Nations to be non-permanent members of the Security Council. The current non-permanent members of the Security Council are Brazil, Djibouti, Pakistan, New Zealand, Spain, Cape Verde, Hungary, Japan, Morocco, and Venezuela.
- b. **GENERAL ASSEMBLY** — The General Assembly is the main representative body of the United Nations. It is made up of member states, numbering 179 including Yugoslavia which cannot vote. Each other state has one vote. Its regular session begins each year on the third Tuesday of September and continues usually until mid-December.
- c. **ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY BODIES** — Under Article 2 of the United Nations Charter, the Economic and Social Council (known as "ECOSOC") may "make recommendations for the purpose of promoting respect for and observance of human rights and fundamental freedoms for all." The Council, which is composed of 54 members, normally holds an organizational session and two regular sessions each year. In addition, it occasionally holds special sessions. To assist it in dealing with items relating to human rights, the Council has established the Commission on Human Rights and the Commission on the Status of Women. The Commission on Human Rights has established the Sub-Commission on Prevention of Discrimination and Protection of Minorities. ECOSOC must approve all measures recommended by the Human Rights and Women's Commissions involving the expenditure of funds or requiring the attention of the General Assembly. In almost all cases, ECOSOC approves recommendations from the Commissions.

- d. **COMMISSION ON HUMAN RIGHTS** — The Commission on Human Rights was established by ECOSOC in 1946 and has met annually since that time. It is the main body dealing with human rights issues as it may deal with any matter relating to human rights. The Commission, originally made up of eighteen members seized particularly with the task of drafting the International Bill of Rights, is now composed of 53 member states elected for three-year terms. It meets each year for a period of six weeks in February and the first half of March. Only members of the Commission or their alternates have the right to vote. The Commission may, however, invite any state to participate in its deliberations on any matter of particular concern to the state and may invite any national liberation movement recognized by and in accordance with resolutions of the General Assembly to participate in its deliberations on any matter of particular concern to that movement.

In August, 1992, the Commission on Human Rights held its first special session in its history to condemn the massive and systematic violations of human rights in Bosnia and Herzegovina and to appoint a special rapporteur on the territory of the former Yugoslavia. The special rapporteur has made three reports to the Commission on Human Rights on the conditions of former Yugoslavia.

The Commission held its second special session in Geneva on November 30 and December 1, 1992 on the situation of human rights in the former Yugoslavia. The Commission condemned in the strongest terms all violations of human rights in the former Yugoslavia, including killings, torture, beatings, rape, disappearances, destruction of houses and other acts or threats of violence. It recognized that the Serbian leadership in Bosnia-Herzegovina and the Yugoslav army and the political leadership of the Republic of Serbia bore primary responsibility for the human rights violations. (E/CN.4/1992/S-2/L.2)

- e. **SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES** — At its first session in 1947 the Commission on Human Rights established the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake studies and to make recommendations to the Commission concerning the prevention of discrimination relating to human rights and fundamental freedoms and the protection of racial, religious and linguistic minorities. The Sub-Commission is composed of 26 experts elected by the Commission on Human Rights to serve for a four-year period. Although nominated by governments, these experts act in their personal capacities, not as the representatives of states. The Sub-Commission meets each year for a period of four weeks, usually during August.
- f. **SECRETARIAT** — The Secretariat serves the other organs of the United Nations and administers the programs and policies laid down by them. At its head is the Secretary-General who is appointed by the General Assembly on the

recommendation of the Security Council. The present Secretary-General is Boutros Boutros Ghali of Egypt who took office in 1992. The previous Secretaries-General included Javier Perez de Cueller of Peru (1982 to 1991), Kurt Waldheim of Austria (1972-1981), U Thant of Burma (1962 to 1971), Dag Hammarskjold of Sweden (1953 until his death in a plane crash in Africa in 1961) and Trygve Lie of Norway (1945 to 1953).

As one of his many functions, the Secretary-General may bring to the attention of the Security Council any matter which in his opinion threatens international peace and security and may use his good offices to resolve international disputes.

The Secretariat, and an international staff of more than 25,000 men and women from over 150 countries, carries out the day-to-day work of the United Nations both at the headquarters in New York and offices around the world. These international civil servants take an oath not to seek or receive instructions from any government or outside authority.

g. **HIGH COMMISSIONER FOR REFUGEES** — The UN High Commission for Refugees (UNHCR) was established by the General Assembly in 1951 and is entrusted with providing international protection under UN auspices to refugees falling within its competence by means which include:

- promoting, through special agreements with governments, the execution of measures to improve the situation of refugees and to reduce the number requiring protection;
- promoting the admission of refugees to the territories of states;
- obtaining from governments information concerning the number and conditions of refugees and their territories and the laws and regulations concerning them;
- establish contact with private organizations dealing with refugee questions; and
- facilitating the coordination of efforts of private organizations concerning the welfare of refugees.

The UNHCR may engage in repatriation and resettlement activities at the request of the General Assembly and perform certain functions to assist stateless persons under the Convention on the Reduction of Statelessness.

h. **UNITED NATIONS PROTECTION FORCE** - Pursuant to its broad authority under the Charter to maintain international peace and security, the Security Council established the United Nations Protection Force ("UNPROFOR") in February 1992 to be deployed in the former Yugoslavia. UNPROFOR is "an interim arrangement to create the conditions of peace and security

required for the negotiation of an overall settlement of the Yugoslav crisis."

- i. **WAR CRIMES COMMISSION** - In October 1992, the Security Council established a Commission of Experts to collect evidence of "violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia" and decide who should be prosecuted. The Security Council did not establish a tribunal or court to try those who might be indicted on the basis of evidence gathered by the Commission.
2. **INTERNATIONAL LABOR ORGANIZATION** — Since its establishment in 1919 as an autonomous institution associated with the League of Nations, the ILO's main concern has been the formulation of international standards and their effective implementation. The International Labor Conference which meets annually has gradually built a body of international labor conventions and recommendations, many of which deal with human rights problems, such as the prohibition of forced labor and the protection of freedom of association.
3. **CONFERENCE ON SECURITY AND COOPERATION IN EUROPE ("CSCE")** — The CSCE was officially formed when member states of NATO, the Warsaw Pact and the neutral and non-aligned countries agreed upon an agenda and submitted it to their governments for a conference on mutual issues of security and cooperation in Europe. The Helsinki Final Act was signed on August 1, 1975 by the leaders of 35 nations at a summit in Helsinki. The Final Act is not a treaty but a statement of principles of behavior for states toward their own citizens as well as other states. The CSCE has functioned through a series of meetings involving government and non-governmental officials from the various member states to address cooperation in the fields of economics and technology, humanitarian and cultural issues and interstate behavior including sovereign equality, respect for human rights and refraining from threat or use of force.

After the breakup of the Warsaw Pact, the CSCE admitted additional member states. The current membership includes 53 states including Georgia, Croatia, and Slovenia and Bosnia-Herzegovina. Greece, under the cover of the European community, blocked Macedonia's membership in the CSCE unless Macedonia agrees to change its name.

The Committee of Senior Officials operates as the executive committee of the CSCE. This fall, it authorized investigative missions to Serbia and Kosovo. The Committee of Senior Officials suspended Yugoslavia from participating in decisions relating to the crisis and barred representatives of Yugoslavia from attending CSCE meetings. The CSCE has sent delegations of observers to Kosovo and Macedonia.

4. **NATO** — The North Atlantic Treaty Organization established in 1949 is a military and political alliance under Article 51 of the UN Charter which affirms the right of self-

defense. There are sixteen NATO countries: Canada, Denmark, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States of America. Several former Eastern European states, including Poland and Albania, have applied for acceptance into NATO. The headquarters is in Brussels.

5. **WESTERN EUROPEAN UNION** — The Western European Union has seven members — Belgium, France, Federal Republic of Germany, Italy, Luxembourg, Netherlands and the United Kingdom. It was established in 1955 and helps coordinate the political and security affairs of the members. The WEU has become somewhat more active after 1984 but, in general, plays a relatively minor role in European affairs.
6. **EUROPEAN COMMUNITY** — The European Community has twelve members — Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and the United Kingdom. It was established in 1967 as a combination of the European Economic Community and other alliances dating back as early as 1951. The center of the European Community is in Brussels.

The European Community has issued directives and developed policies relative to human rights particularly concerning employment discrimination and other equality issues, migrant workers, freedom of association, education, fair application of the law and other concerns. The European Community is in the process of preparing a European charter of fundamental social rights which is expected to have considerable promise in developing community policies.

6. **NONGOVERNMENTAL ORGANIZATIONS** — Nongovernmental organizations play an important role in submitting written, reliable information to the United Nations and other regional and national institutions. There are countless local, national, regional and international NGOs concerned with various aspects of human rights. Many, but not all, have obtained consultative status with the United Nations or other inter-governmental organizations. NGOs contribute by providing information about specific cases, country situations, and particular kinds of violations and help draft international standards. NGOs also undertake direct efforts to protect human rights by pursuing diplomatic initiatives, publishing reports, issuing public statements, mounting campaigns to mobilize public opinion and assisting human rights victims. Many NGOs also attempt to influence the foreign policy of specific countries in their relations to states which are regularly responsible for human rights violations.
7. **MINNESOTA ADVOCATES FOR HUMAN RIGHTS** — Minnesota Advocates for Human Rights is an international nongovernmental organization committed to the promotion and protection of human rights worldwide. Minnesota Advocates for Human Rights has four principal objectives that govern its work:
  - To advocate against individual human rights abuses;

- To research and investigate human rights conditions around the world;
- To strengthen institutions and laws that protect human rights; and
- To educate public, professional groups and policymakers of human rights issues.

The Minnesota Advocates for Human Rights, formerly Minnesota Lawyers International Human Rights Committee, has published reports on the human rights situation in more than fifteen countries.

8. **INTERNATIONAL COMMITTEE OF THE RED CROSS** — The International Committee of the Red Cross ("ICRC"), comprised solely of Swiss nationals, is responsible for carrying out humanitarian work regarding victims of armed conflict. Article 41 of the ICRC statute provides that its role is to work for the faithful application of the Geneva Conventions, to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife, to see that the military and civilian victims of such conflicts receive protection and assistance and to serve in humanitarian matters as an intermediary between parties. The ICRC may also take any humanitarian initiative which comes within its role as a specific neutral and independent institution.



## APPENDIX III

### ISSUES

#### Self Determination

The principle of self-determination is recognized in the U.N. Charter, General Assembly resolutions and international agreements. However, its meaning and enforceability as a right has varied over time. International law during the Cold War period supported a narrow application of the principle of self-determination except toward claims of a clearly anti-colonial character. The term "self-determination" came to be associated with two different concepts -- "external self-determination" or the right of people to choose their own sovereign, to be free from external coercion or alien domination, and "internal self-determination" or the right of people to meaningful participation in the political process, to choose their own social order and form of government. Throughout the Cold War, the United States and the world community generally exhibited great skepticism toward self-determination claims except those that were viewed as demands for independence from colonial rule. However, the end of the Cold War and recent events in Iraq, the former Soviet Union and the former Yugoslavia have compelled the world community to respond to self-determination claims outside that context. The response so far has been largely ad hoc. The main weaknesses in the current approach have been in the delayed timing of the response, evaluation of the self-determination claim by eurocentric standards, inconsistent application of the standards, and a lack of enforcement of the standards. However, a major innovation in the recent response to self-determination claims has been a focus on the linkage between the government and its people.

#### Minority rights

International law is evolving to provide greater protection for minority rights, partially in response to recent events and in keeping with an expanded interpretation of the right of self-determination. A minority is generally described as a national, ethnic, religious or linguistic group different from other groups inside a sovereign state. The group must be numerically smaller than the rest of the population which constitutes the majority, in a non-dominant position, and have stable ethnic, religious or linguistic traits which are not those of the majority. Under international human rights law, members of minority groups are protected as individuals. This protection most frequently occurs as protection against discrimination. The U.N. Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other specialized international agreements and declarations all provide some protection against discrimination for members of minority groups. However, only relatively recently has there emerged a trend toward protection of minorities as groups. This protection takes the form of special rights and preferential treatment for minority groups designed to place them on an equal footing with the majority population. Neither the U.N. Charter nor the Universal Declaration of Human Rights specifically

provides such protection. However, the International Covenant on Civil and Political Rights and other international agreements, including a draft Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, approved by the U.N. Commission on Human Rights, address this issue.

### **Refugees and Internally Displaced Persons**

Nearly 3,000,000 people have been driven from their homes in former Yugoslavia. Forcible displacement has been not only a result, but a goal of "ethnic cleansing" in Bosnia. Those who cross state boundaries to flee persecution are considered "refugees," others are "internally displaced" within Bosnia. Germany has taken 250,000 refugees from former Yugoslavia. Croatia has over 350,000 displaced Croatians and 340,000 Bosnian refugees but has adopted policies and practices that now make asylum in Croatia impossible for Bosnians currently attempting to flee. Other European States have also raised obstacles to resettlement. Refugees in Croatia and Macedonia lack adequate financial support. According to the UN High Commissioner for refugees, 400,000 individuals are at risk of freezing and starvation in Bosnia this winter. While international law prohibits a state from returning refugees to a country where they face persecution, it does not require countries to accept refugees for resettlement. Over 300,000 Albanians have left Kosovo in the last 3 years.

### **Economic Sanctions, Arms Embargo**

Chapter VII of the UN Charter authorizes the Security Council to take steps to maintain or restore international peace and security when it determines that there is a threat to the peace, breach of the peace or act of aggression. The Security Council may call upon the parties to halt the aggression, and then may direct Members of the United Nations to apply non-forcible measures including interruption of economic and diplomatic relations and interruption of rail, sea, air, postal, telegraphic and radio communications. On May 30, 1992 the Security Council imposed economic, communications and diplomatic sanctions on Serbia and Montenegro. The original sanctions did not restrict the shipment of goods (except arms) to Serbian-controlled areas of Croatia or Bosnia and Herzegovina nor did they prohibit transshipment of goods through Serbia and Montenegro, thus goods regularly found their way into Serbian hands. Enforcement also has been problematic on the numerous truck routes and the Danube River due to lack of communications equipment for the monitors. A November 16, 1992 Resolution partially reduced the transit traffic through Serbia and Montenegro to curtail sanctions violations.

An arms embargo of (former) Yugoslavia was established in September 1991 by Security Council Resolution 713 before Bosnia became an independent state. The arms embargo is still applied to Bosnia even though Bosnia is now a sovereign state and Member of the United Nations, entitled to UN Charter protections and the right of self defense when subject to a war of aggression. The war in Bosnia, however, has also been characterized as a civil

war because local Serbian forces attacked from within Bosnia prior to Bosnia's international recognition. The U.S. Congress authorized \$50 million in military aid to Bosnia, but the arms embargo prevented delivery.

### **Intervention by Force in Humanitarian or Military Operations**

If non-forcible measures including economic sanctions, disruption of communications and severance of diplomatic relations prove inadequate to restore peace and security, Chapter VII of the UN Charter authorizes the Security Council to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." The Security Council has determined that there is a threat to international peace and security in Bosnia, and Resolution 770 authorizes the use of "all measures necessary" to deliver humanitarian relief in Bosnia.

### **Peacekeeping**

The UN Charter does not explicitly authorize peacekeeping operations. During the Cold War, Security Council members were unable to reach agreement on the use of the Charter's collective security provisions, therefore consensual peacekeeping operations evolved pursuant to the Charter's broad mandate that the Security Council has authority to maintain or restore international peace and security. Peacekeeping operations are generally set up with the consent of the parties to the conflict. The peacekeepers have no rights of enforcement and their use of force is limited to self-defense. The military personnel who serve in peacekeeping operations are provided by Member States on a voluntary basis. Peacekeeping operations can include observer missions, peacekeeping forces or both. The peacekeeping force in the former Yugoslavia, UNPROFOR, was created in February 1992.

### **War Crimes**

International humanitarian law, particularly the Geneva Conventions of 1929 and 1949, establishes guidelines for conduct during war. Violations of the laws of war are subject to punishment by individual states or the international community. The U.N. Security Council has established a five-member Commission of Experts to collect evidence of atrocities throughout the former Yugoslavia and to decide who should be prosecuted. The Security Council has not set up a tribunal or court to try those who are selected for prosecution. The United States has named ten candidates for prosecution, including Serbian President Slobodan Milosevic. The Commission of Experts is the first such commission since the Allied War Crimes Commission which was established in 1943 to collect evidence which was later used at the Nuremberg trials.

Three sets of crimes may be relevant. "War crimes" include mistreatment of civilians or prisoners of war; "crimes against the peace" include planning or waging a war of aggression or a war in violation of international agreements; "crimes against humanity" include murder, extermination, enslavement, deportation or other inhuman acts done against any civilian population. The crimes are of "universal jurisdiction" meaning any country may prosecute offenders found within its borders. There is no statute of limitations. Open questions include whether a tribunal will be set up and whether it should be national or international, temporary or permanent. If the accused are not apprehended, should they be tried in absentia?

### **Trusteeship**

Articles 75-91 of the United Nations Charter establish the trusteeship system. The common core of the concept which underlies the system of trusteeship under the U.N. Charter and the preceding systems of mandates under the League of Nations is the vesting of power of control in the mandatory and the trustee for the benefit of the people in the territory under mandate or trusteeship. The objectives of the system as described in the Charter are to further international peace and security, to promote progressive development toward self-government or independence, to encourage respect for human rights and fundamental freedoms, and to ensure equal treatment in social, economic, and commercial matters for U.N. member states and their nationals. The system has been used only for colonies and territories which as a consequence of World War I had ceased to be under the sovereignty of the States which formerly governed them and which were not yet prepared for self-government.