

## **The Robust Resolution**

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Long a diplomatic fudge factory, the UN resolution on Kosovo firmly reflects the terms dictated by NATO.

Largely neglected by diplomats during the course of the NATO bombing campaign, the pressure for a UN Security Council Resolution authorising the international deployment in Kosovo reaffirms the role of the United Nations. Wars can be started without the organisation, but they need the Security Council to finish them.

With the passing Thursday of the resolution hammered out by the great powers a few days earlier, the Kosovo war moved decisively towards an end. Yet if the UN's role has been somewhat recovered, the terms are still firmly dictated by NATO.

The approval of the "G8" resolution was a demonstration of "robust" diplomacy. On Monday, the UN resolution on Kosovo was stuck in a diplomatic log jam. The Russians and Chinese were determined to hold it up until the bombing stopped. NATO refused to stop until the Serbs began to withdraw. And the Serbs refused to withdraw until there was a UN resolution.

In the end NATO obduracy won. The weakest link, the Serbs, caved in, signed the agreement and began to withdraw. NATO's suspension of bombing was followed within hours by the Security Council resolution, which, whatever Yugoslav President Slobodan Milosevic says, amounts to a surrender.

Indeed, Milosevic and his allies - who through the week suddenly demonstrated a new-found attachment to the legalities of the UN Charter - will find scant comfort in the text itself.

In a remarkable contrast the fudged diplomacy of the last nine years, the resolution has made only cosmetic gestures to the Russians and Chinese. The substance of it legitimises a NATO military occupation of Kosovo, assisted by a UN civilian operation of unprecedented proportions.

As the resolution head towards a vote, the nearest thing to a concession won by the Chinese was a sentence in the preamble reaffirming the UN Charter and the role of the Security Council. The resolution passed 14-0, with China abstaining.

The cosmetic layer is very thin. The body of the resolution does not refer to NATO directly. But it does invoke principles proclaimed by the G7 industrial powers and Russia, as well as those contained in the agreement between Milosevic, Finnish President Martti Ahtisaari and Russian envoy Viktor Chernomyrdin the week before, which are incorporated as annexes.

A "security" presence "in Kosovo with substantial NATO participation" will report along with the UN Special Representative to Secretary General Kofi Annan, who will in turn report to the UN Security Council. The UN Special Representative is ordered to coordinate with the military commander, who seems to have no reciprocal responsibilities. In other words, NATO rules.

Although the Russians will participate, by the time terms of their participation are agreed and they arrive, NATO will have staked out its position. British diplomats in particular have foreseen and foresworn any attempt by the Serbs to use a Russian presence to establish a de facto partition.

Despite Chinese opposition, the resolution is under Chapter VII of the UN Charter, thereby authorising the use of force because of a threat to international peace and security. The annexes and the agreements also make it plain that the commander of the "security presence" has the right to use force to implement the agreement.

Chinese Ambassador to the UN Shen Guofang argued that, under the text, any further use of force would need a return to the Security Council, But it is unlikely that the troops on the ground will pay much attention to his interpretation.

The Chinese were reportedly also unhappy about the inclusion of a demand that all parties, including the military presence, cooperate with the International Criminal Tribunal in The Hague, which is a UN body. Under heavy pressure from human rights groups and Prosecutor Louise Arbour, the allies made it plain that this point was non-negotiable. The Chinese also tried to set a time limit on the deployment, again without success.

Since the military side is not a UN peacekeeping force as such - either a franchise operation like the Stabilisation Force (SFOR) in Bosnia and Herzegovina or Desert Storm in Iraq - the UN does not have to pay for the troops. This means that the White House does not have to go to a recalcitrant Congress to get a UN appropriation. It also means that the Russians will have to pay their own way, which some unkind diplomats suggest may well diminish their enthusiasm for large-scale involvement.

Of course relations with the Kosovo Albanians and the Kosovo Liberation Army (KLA) are extremely important. Interestingly, the resolution talks about the "demilitarisation" of the KLA, not its disarmament. This implies that as long as they doff their uniforms and eschew parades and drills, the Albanians may be able to exercise their Second Amendment right to bear arms - or at least to possess them.

More importantly, and equally ambiguously, the resolution talks of the UN's role in developing "substantial autonomy and self government... pending a final settlement," and refers to the Rambouillet accords. This could be a double-edged sword.

On the one hand the Rambouillet text implies in its own diplomatically fudged way that the Kosovo Albanians would be consulted about the status of the province after three years. It also does not explicitly exclude independence. Yet like the Dayton agreement for Bosnia, it also trails some extremely and essentially unworkable government structures that would lead to a bureaucratic standstill--especially if the wrong sort of UN civilian chief took up the top post.

The search is on for a UN civil representative, and the name on most people's lips is that of Ahtisaari, who was a UN official before returning to campaign for the Finnish presidency. The Americans seem to have forgiven him for his public expressions of sympathy for the plight of the Iraqis under sanctions, while US Secretary of State Madeleine Albright still seems not to have forgiven Carl Bildt - currently UN Balkans envoy - for his forbearance with the Serbs in Bosnia.

The UN is considering the idea of having an interim administrator, which would give Ahtisaari time to get his Finnish affairs in order before stepping down from his current presidential post.

Faced with establishing a protectorate over a devastated country, UN Deputy Secretary General Louise Frechette has been working on contingency planning for the mammoth project. This will include "subcontracting" to different departments and agencies.

So far the plan envisages the Organisation for Security and Cooperation in Europe (OSCE) looking after elections, the UN's own Department of Peacekeeping Operations bringing in an international police presence and setting up a new indigenous force, the UN High Commissioner for Refugees (UNHCR) and

nongovernmental organisations (NGOs) being responsible for the return of refugees, while the EU would get the expensive task of reconstruction.

Yugoslav Ambassador to the UN Vladislav Jovanovic, whose dubious status still does not entitle him to a vote, denounced the Security Council for having "legitimised the rule of force over the rule of law." He proclaimed victory for Belgrade's defence against NATO aggression and for successfully keeping Kosovo part of Yugoslavia. He also raged that the resolution's open-ended mandate was an unacceptable violation of Yugoslavia's sovereignty.

He was right of course, at least about the final point. Unless the NATO military and diplomats forget the lessons they have learnt recently about dealing with Milosevic, it is difficult to see how Kosovo will ever again be ruled from Belgrade.

NATO could not fight for Kosovo's independence without violating international law. But it is unlikely to fight against it, or let Belgrade interfere if the Kosovars vote that way in a few years' time.

Ian Williams, UN correspondent for The Nation magazine and author of the book United Nations for Beginners, was for many years US editor of the IWPR magazine WarReport.

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