

# Interim Administrative Mission to the United Nations in Kosovo-UNMIK

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## Abstract

From this work we can understand many things about international temporary UNMIK mission, which mission was deployed to Kosovo mission administrative aid local bodies. 1244 was the legal basis of the mission, based on the international resolutions as a document or as compatible for "all" leads UNMIK is therefore based on the resolutions, UNMIK has extended his SCOPE. Scope of UNMIK has been extremely spacious compared to its functional Capacities; I think there have been refinements of the "irregularity" of the mission. Fields in the facilities as this mission has had major deficiencies would say that there were areas of the Police failed and Justice. Precisely in these two areas is shown not professionally, negligence and disregard of procedures, I would say that this mission has itself violated its own regulations and authorizations respectfully mandate established by resolutions of 1244. We are witnessing what the mess caused system justice under the leadership of UNMIK and the consequences that has left this mission, with their hand to activities arbitrary, this mission has made a flagrant violation of human rights. This also has been criticized by international non-governmental organizations such as Amnesty International. In general I think that one of these very unprofessional Mission has brought more damage to statehood creation as good. It was created thought that their mission was against his objectives for the facilities as they were loaded realized under RESOLUTION 1244 as result temporary solution until the final status.

**Keywords:** UNMIK; military; paramilitary; resolution; violence; KLA (Kosovo Liberation Army); Interim; genocide.

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## **1. Interim Administrative Mission to the United Nations in Kosovo-UNMIK**

In 1990 the former Yugoslav state which numbered eight units Federal six republics and two autonomous provinces, equal and constitutive Federation, began to disintegrate. In 1991 the first former Yugoslavia (Serbia used all military capacity, paramilitary, police, etc.) and undertook military action in Slovenia since it in no case did not agree with the policies of Belgrade. But the R. of Slovenia mobilized with its own territorial protection, police, popular and not allow Belgrade to take unilateral military action in this Republic, and immediately took measures of segregation - the succession of former Yugoslavia. Here was a short war without casualties and great damage. Slovenians have noticed while Serb nationalism and chauvinism of its intention to do so but not allowed. After the Yugoslav army withdrew from the Slovenian territory and settled in the Republic of Croatia, Bosnia and Herzegovina, Montenegro, Kosovo always on standby. The same scenario also commence R. Croatia but there was a strong long war casualties and damage. If the same scenario of the so-called Yugoslavia with military, paramilitary, police force, etc. R. of commence war with Bosnia and Herzegovina in 1992 which lasted three years. Here the former Yugoslavia cause many casualties (made genocide against the population "Srebrenica massacre") destroy many objects economic, religious and infrastructure until such time as the Security Council of the United Nations organized a meeting of Dayton and the took part Re Croatia (representative Franjo Tudjman), Bosnia and Herzegovina (Alija Izetbegovic representative) and Belgrade "Successor of Yugoslavia" (representative later declared criminal by the international Court in the Hague, Slobodan Milosevic). Dayton was decided that the Security Council of the United Nations peacekeeping mission in R.e send Bosnia and Herzegovina that will safeguard peace and devise damages caused by the war. Dayton at meetings is not included here, although Kosovo was very tense situation of the revocation of Kosovo's autonomy in 1989. The situation in Kosovo was not good at all, ever suffered from Apartheid population that was Serb state police forces against the Albanian population . Using brutal violence against innocent people, diverting Albanian workers from work; bodies, organizations, institutions, closed schools, the university, the tools and the information RTP, newspapers, began to put troops and police to larger, started the colonization of Kosovo with Serbs from Srpska Kraina and other parts of Serbia, interchange - employ workers Serbian in places where Albanians had previously been employed by the prosecution, trials, imprisonment and executions politically motivated violation of all human rights based on international conventions to which the former Yugoslavia itself a signatory of those Conventions. Such a situation was not tolerable, the volatile and Albanian people not being able to withstand all the wrong that they did Serbia with all its political forces, police, military, etc. collaborationist. Albanian people expressed dissatisfaction through protests, demonstrations, and to the establishment and organization of a military force KLA. (Kosovo Liberation Army). KLA initially act illegally and November 28. 1997 funeral teacher Halit Geci from Skenderaj- Llaushë who was killed by Serb forces went public barbaric. Later KLA IMF has increased the number of members, was organized in the area and begin its actions to protect its people from Serbian barbarity. Seeing that the KLA was developing IMF, Serbia despite numerous force in Kosovo that has just brought the greatest military forces, police and paramilitary formations with military technique most perfect of those terrestrial aerial to those taken attacks against the Albanian population offensive and positions of the Kosovo Liberation Army, causing innocent victims and considerable material damage but causing loss themselves in people and military vehicles. Even before the outbreak of war in Kosovo set an OSCE mission to observe the situation closely named KEJDOM unsuccessfully to stop the

outbreak of war in Kosovo.

Even after contact-meetings missionaries EU and UN representatives of Belgrade and Pristina was never reached an agreement on the prevention of violence against Albanians by Serbian forces. Large impact on world opinion took the massacre occurred in Prekaz, Racak, Izbica, Velika Hoca, Velika Minor and other places throughout Kosovo, which reported the envoy Johny Vocker who report to the United Nations on reality What is happening in Kosovo. In March 1997 the war started in several villages in Drenica when Serb forces undertook military offensives and then being spread in other parts of Kosovo in Dukagjin, Babbie, Shalë, Pashtrik, bifurcation, Karadak, Albanian-Koshare-border Albanian etc. Serb forces in all military means vexed to destroy the whole what was Albanian by using the most barbaric that can use an enemy ranging from killing, rape, looting, all the most serious crimes of war to sweep ethnic Albanians and the expulsion of ethnic territories. International community by observing all these events in Kosovo ever tried to democratic means to missionary diplomatic conversations with agreement diplomatic humanitarian issue to prevent genocide in Kosovo, the Serbian side not done, the Security Council decided by NATO North Atlantic forces-os to stop the war and humanitarian crisis with the use of military air forces to strategic and military positions of Serbia 24.03.1999 which lasted 78 days. NATO intervened question is why and what are the causes that brought NATO into Kosovo. According to the expert Prof.Dr.sc Eqrem Zenelaj, German Expert European and International Law, provided the newspaper with News 04. November 2007 NATO intervention in Kosovo was made for reasons which are considered serious violations of the provisions of Serbia international law in the case of Kosovo, as ex. violation of the Geneva Convention for the prevention and prevention of genocide, violation of additional protocols I and II of the Geneva Conventions of 1977, causing a humanitarian crisis, endangering peace and security world etc. Which are reprehensible and intolerable and global community, which are sanctioned under Chapter VII of the UN Charter [1].

Security Council at its 4011th meeting held on 10 June 1999, based on the principles of the Charter of the United Nations, recalling also its resolutions 1160 (1998), 1199 (1998), 1203 (1998), and 1239 ( 1999) approve Resolution 1244 which authorizes the United Nations to send a mission of civilian Interim Administration in Kosovo (UNMIK).

### ***1.1. Establishing Interim Administration Mission civil-UNMIK in Kosovo***

After intervention of the NATO air forces on Serbian targets of 78 days with the aim of building peace, democracy, the stability and self-government, in June 1999 under the authority of the UN Security Council, the United Nations pursuant to Resolution 1244 establish presence and decided Mission Interim Civil Administration in Kosovo in a term undefined, inclusive, to ensure a functioning administration, to establish and oversee the development of local democratic governance institutions to ensure conditions for a peaceful and normal for all inhabitants of Kosovo, regardless of ethnicity (ethnic, religious).

UNMIK placement was conducted in five regions and 30 municipalities in charge of regional-municipal administrators, appointed by the Special Representative, SERGIO VIEIRA de MELLO (Brazil). UNMIK personnel is made and set in all social facilities that have been pre-1989 social property, the objects of

municipal, government, police, courts, organizations and institutions of Kosovo. The main command of UNMIK staff moved into the building of the former Ministry of Defense general (and exploited by former Yugoslav Army following the revocation of Kosovo authorities in 1989). Staffing was held in facilities under the organization, duties and responsibilities of the works UNMIK (police in police facilities, Judges - prosecutors in relevant facilities, etc.) [2].

The purpose of establishing the UN Mission in Kosovo by UNMIK Resolution 1244 is to [3];

- I support the basic functioning administrative
- raise substantial autonomy and self-government in Kosovo
- enable and facilitate the process of establishing the status of Kosovo
- Coordinate the work of international organizations and humanitarian emergency
- Assist renovation of key infrastructure
- Maintain order and security of the law
- raise human rights
- Caring for the return of all persons to their homes in Kosovo.

### ***1.2. Resolution 1244 of the Security Council for Kosovo***

Resolution 1244 was adopted on 10 June 1999, after agreement on the withdrawal of Serbian troops from Kosovo. This resolution determines the political status of Kosovo as a UN protectorate and gives the administration of Kosovo is the international organization. According to the UN resolutions has responsibility for civil administration and NATO for security in Kosovo. Although the resolution makes Kosovo a protectorate of UN resolutions that mentioned several times that Kosovo is part of Yugoslavia no longer exists. The Security Council, Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of peace and international security, recalling resolutions 1160 (1998) dated March 31, 1998, 1199 (1998 ) dated September 23, 1998, 1203 (1998) dated October 24, 1998 and 1239 (1999) dated 14 May 1999, regretting that the requirements of these resolutions are fully implemented, determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to ensure the return of the free and safe for all refugees and displaced persons to their homes, Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party, Recalling the statement of the Secretary-General on 9 April 1999, expressing concern the humanitarian tragedy taking place in Kosovo, Reaffirming the right of all refugees and displaced persons to return to their homes in safety, Recalling the jurisdiction and mandate of the International Tribunal for the former Yugoslavia, welcoming principles general for a political solution to the Kosovo crisis adopted on 6 May 1999 (S / 1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S / 1999/649, annex 2 to this resolution), and the consent of the FRY to that paper, Reaffirming the commitment of all Member States to the sovereignty and territorial integrity FRY and other States of the region, as set out in the Helsinki Final Act and annex. Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo, Determining that the situation in the region continues to constitute a threat to

international peace and security, Determined to ensure the safety of international personnel and the implementation by all parties included - of their responsibilities under this resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations, 1. Decides that a political solution to the Kosovo crisis based on the general principles in annex 1 and as further elaborated in the principles and other required elements in

Annex; Welcomes the acceptance by the FRY of the principles and other elements referred to in paragraph 1 above, and demands the full cooperation of the FRY to implement their fast;

Demands in particular that the FRY put an end immediately and verifiably violence and repression in Kosovo, and begin withdrawal and complete verifiable phased military, police and paramilitary forces according to a timetable with which to synchronize the deployment of the international security presence in Kosovo; Confirms that after the withdrawal will be permitted to return a number of military and police personnel Yugoslav and Serb Kosovo to perform the functions in accordance with Annex. Decides on the deployment in Kosovo, under UN supervision, the international civil presence and security, with appropriate equipment and personnel as required, and welcomes the agreement of the FRY for such a presence; Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international presence security in order to ensure that both parties will operating for the same goals and support each other mutually; Authorizes Member States and relevant international organizations to establish a international security presence in Kosovo as set out in paragraph 4 of Part 2, with all necessary means to fulfill its responsibilities set out in paragraph 9 below; Affirms the need for the early deployment of a rapid and effective international civil and security presences in Kosovo, and demands that the parties cooperate fully in their deployment; Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include: a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of military, police and paramilitary forces of the Federation and the Republic, except as provided in paragraph 6 Annex 2; b) Demilitarization of the Kosovo Liberation Army (KLA) and other armed groups of Kosovo Albanians as required in paragraph 15 below; c) Establishing a secure environment in which refugees and displaced persons can return safely to their homes, can operate the international civil presence can be established a transitional administration, and can be delivered humanitarian aid; d) Ensuring public safety and order until the international civil presence can take responsibility for this task; e) Supervising demining until the international civil presence can take responsibility for this task; f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence; g) Conducting border monitoring duties as required; h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations; Authorizes the Secretary-General, with the assistance of other relevant organizations international, to establish an international civil presence in Kosovo in order to establish an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a normal life and peaceful life for all inhabitants of Kosovo;

Decides that the main responsibilities of the international civil presence will include: a) Promoting the establishment of substantial autonomy and self-government in Kosovo pending a final settlement, taking full account of annex 2 and of the Rambouillet accords (S / 1999/648) [4]; b) Performing basic civilian administrative functions where appropriate and as long as required; c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections; d) transfer of its administrative responsibilities are established institutions, overseeing and supporting the consolidation of local provisional institutions of Kosovo and other activities to build peace; e) Facilitating a political process aimed at determining Kosovo's future status, taking into account the Rambouillet accords (S / 1999/648); f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement; g) Supporting the reconstruction of key infrastructure and other economic reconstruction; h) Supporting, in coordination with international humanitarian organizations, humanitarian aid and assistance in times of recovery from a disaster; i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo; j) Protecting and promoting human rights; k) Guarantee of returning safe and unimpeded all refugees and displaced persons to their homes in Kosovo;

Stresses the need for coordinated operations of humanitarian aid, and that RFJja allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

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

Demands full cooperation by all parties, including the international security presence, with the International Tribunal for the Former Yugoslavia;

Demands that the KLA and other armed groups of Kosovo Albanians to stop immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative Secretary-General; Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related equipment used by the international civil and security presences;

Welcomes the work of the European Union and other international organizations develop a comprehensive approach to economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for Europe Southeast with broad international participation in order to further develop democracy, economic prosperity, stability and regional cooperation; Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution; Decides that the international civil and security, which was established for an initial period of 12 months, to continue thereafter unless the period The Security Council decides otherwise; Requests the Secretary-General to report to the Council at regular

intervals for the implementation of this resolution, including reports from the leaderships of the international civil and security, and the first reports to be submitted within 30 days after adoption of this resolution; Decides to remain actively seized of the matter. Annex Statement by the President on the outcome of the meeting of ministers of the G-8 held at the Petersberg Centre on 6 May 1999 the Ministers of Foreign Affairs of the G-8 Foreign Ministers adopted the following general principles for a political solution to crisis Kosovo:

- Immediate and verifiable end of violence and repression in Kosovo;
  - The withdrawal of the military, police and paramilitary forces from Kosovo;
  - Deployment in Kosovo of an effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of common goals;
  - Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
  - Return safe and free of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
  - A political process towards the establishment of an interim political framework agreement which allows for a self-content for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the FRY and other countries in the region, as and the demilitarization of the KLA;
  - Comprehensive approach to the economic development and stabilization of the crisis region. Annex 2 Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:
1. Immediate and verifiable end of violence and repression in Kosovo.
  2. Verifiable withdrawal of all military, police and paramilitary forces from Kosovo according to a rapid timetable.
  3. Deployment in Kosovo of effective international civil and security under the auspices of the United Nations, which will act under Chapter VII of the UN Charter, capable of guaranteeing the achievement of common goals.
  4. The international security presence which will have significant participation of NATO forces should be placed under a single command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the return secure all refugees and displaced persons to their homes.
  5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the FRY, will be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.
  6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return [6].

Kosovo to perform the following functions:

- Liaison with the international civil mission and the international security presence;

- Marking / clearing minefields;
- Maintaining a presence at Serb patrimonial sites;
- Maintaining a presence at key border crossings.

7. Return of the free and safe for all refugees and displaced persons under supervision of the Office of the High Commissioner for Refugees, the United Nations (UNHCR) and unimpeded access to Kosovo by humanitarian aid organizations.

- Procedures for withdrawals, including a detailed schedule and phases, and the definition of a buffer area in Serbia beyond which forces will be withdrawn; Personnel will return
- Equipment associated with staff will return;
- General conditions of their functional responsibilities;
- Timetable for their return;
- Determination of geographical areas of operation thereof;- Rules governing their relationship to the international security presence and the international civil mission.

### ***1.3. Notes other required elements:***

- A rapid and precise timetable for withdrawals, meaning eg 7 days to complete withdrawal, and 48 hours for the withdrawal of air defense weapons in an area of mutual security of 25 km;
- Return of personnel for the four functions specified above will be under the supervision of the international security presence and their number will be limited (Hundreds, not thousands);
- Suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

### ***1.4. Failure of UNMIK in Kosovo***

World Organization for Human Rights, Amnesty International published a report has warned of failures in the justice system in Kosovo and the lack of implementation of laws for the protection of human rights. In the report, Amnesty International warns that UNMIK failed to implement measures to provide compensation to victims, whose rights are violated by members of the international community. In this context, the organization has paid special attention to the protest of 'Vetevendosje' on February 10 last year, during which two protesters were killed, Mon Balaj and Arben Xheladini, and injured dozens of others. Considering killing them as illegal, the organization reminds the Department of Justice investigation of international administration, which concluded that the killings were caused by members of the Romanian units of Special Forces during a peaceful protest. "In March, the Romanian authorities withdrew from Kosovo 11 members the police, who are believed to have crucial information about the investigation," said the report which broadcasts Radio Free Europe. Amnesty International has raised its concerns even on fairness in the judicial process that was developed against the leader of 'Vetevendosje', Albin Kurti, saying that the prosecution was politicized and that the proceedings are conducted before a panel of international judges lacked judicial independence. in the category of rights of



national minorities, the organization initially highlights the exclusion of members of minority communities in the talks status of Kosovo and the lack of enforcement of the law against discrimination. In addition, this organization has warned of the rare cases of inter-ethnic attacks that brought to justice. As part concerns the functioning of the justice system, the organization raised the issue of violence against women, saying that the victims of trafficking and prostitution obligation is continuing and that the authorities have failed to implement the laws in force for the help and support of trafficked persons [4].

## **2. Conclusion**

The cause of this paper was to define or better to say that NATO intervention in Kosovo has been based on a legal basis and in conformity with the norms and laws of the UN Charter. The intervention of the North Atlantic Alliance in Kosovo, namely in the Serbian territory, was direct interference with the aim of protecting human rights, where the Serbian state was conducting genocide and serious war crimes, violent aggression and many-wide-scale maltreatment in the massacres. Where the latter made the International Community (Europe) even more convinced of the crimes committed in Kosovo against the innocent Albanian population. These terrible actions broadcast by the mission of observers in the European chancellery and that some of these chancellors had reservations for Albanians and were undercut by the Serbian liturgy to Albanians, so far as they could not "forget" the old friendship with the Slavic state. Many did not want to spoil the smoke "to the east" which was increasingly sinking from corruption and misuse within itself.

But the gates of these "mythical" chancellery were finally opened to Albanians and their thinking was changing. It was precisely the American insistence that made Europe think about the centuries-old people in the center of the Balkans. And finally came the fighting intervention at Yugoslavia's targets and the wider European support by violating the sovereignty of a state that was "dribbling" with the Albanian population. We can conclude that NATO intervention in Kosovo was indispensable when we consider that this intervention has saved and stopped the Serbian murder machine to eradicate an entire people and at the same time was the main goal of the Serbian aggressor - "the incarnation of every Albanian thing". Then should we discuss whether or not NATO intervention was legitimate in Kosovo.

## **3. Recommendation**

1. When it comes to human rights violations, no matter where in the world aid is needed by state-allies under the UN charter.
2. Never delay in providing assistance or intervention.
3. The sooner the intervention is, the consequences will be smaller.
4. The intervention is quick and efficient in accordance with UN rules.
5. Some states that are reluctant to take action in preventing genocide and destruction.
6. Taking action interventions to be the least likely to affect people and infrastructure.
7. That humanity towards the innocent should be the first priority in the democratic time.
8. Increasingly added to the salvation of the lives of people.

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