

Special Conference 2 Confirming the Sovereignty of Former Soviet States



NOTRE-DAME DU
GRANDCHAMP

Table of Contents

- I. Introduction**
- II. Key Terms**
- III. General Overview**
 - i. The question of Ukraine**
 - ii. Nagorno-Karabakh Conflict**
 - iii. The question of Kosovo**
 - iv. The question of secession under international law**
- IV. Major Parties Involved**
- V. Timeline of Key Events**
- VI. UN involvement, relevant resolutions, treaties and events**
- VII. Previous attempts to solve the issue**
- VIII. Possible Solutions**
- IX. Bibliography**



Forum:

Special Conference 2

Issue:

Confirming the sovereignty of former soviet states

By:

Marine Pallain and Layla Zemmouri

Position:

Co-Secretary Generals

Introduction

The dissolution of the Soviet Union (USSR) took place over a period of three years, commencing November 1988. In its' wake came the Russian Federation and 15 sovereign states: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Each of these countries is now self-governed and internationally recognised as a sovereign nation. However recently, events have transpired that potentially threaten peace in the region, and the right to autonomy of former Soviet republics. One such example is of course Russia's invasion of Ukraine. There are two main possible explanations of the causes of this war. One possibility is NATO's expansion which Russia perceives as a threat. This view is spearheaded by John Mearsheimer, who described NATO, and more precisely American policy within in the organisation, as the main aggressor in this conflict. Mearsheimer states 'if NATO had never expanded into its close territory, Russia would've never felt threatened in the first place. With NATO's presence growing in the West, a spot in the official seats in NATO is something that is highly sought after by nations close to volatile states such as Russia. Nations like Romania and North Macedonia, who both joined NATO in the past two decades, prove NATO's eastern expansion is a very real thing, with the Russian Federation feeling threatened by Ukraine's eagerness to join. On September 30, 2022, Ukraine formally applied to join NATO, following Russia's annexation of southern and eastern Ukraine into separatist regions. This was seen as a threat to Russia's power and sovereignty, because Russia wanted to keep NATO as far away from its borders as possible, and the strategic position of Ukraine placed it in a dangerous position. The distancing of NATO from Russia's border is seen as the main motive for the Russian invasion from this perspective. The second perspective is that Russia simply wanted to reclaim the land that it had, and expel people from the areas with a 'majority' Russian population like Donetsk, and Luhansk, which are at the moment controlled by Russian-backed separatist movements. Russia claims they are saving the Russian speaking Ukrainian population from a Nazi genocide, and have invaded to prevent this, by the "de Nazification" of Ukraine. Ukraine alleges that the act of war was unprovoked and is an attempt to seize power in the region to intimidate NATO member states that were previously in the USSR, such as Estonia and Lithuania. The invasion has almost guaranteed that Ukraine will not be able to join NATO in the foreseeable future. Going even further into the reflection concerning this conflict, it is a self-evident truth that Vladimir Putin has long been bothered by Ukraine's wish to move towards a more democratic system of governance. The control he wishes to maintain at all costs over the ex-Soviet states is put in peril by Ukraine through its' estrangement from his ideology and form of government.



KEY TERMS

Sovereign(ty)

Sovereignty is the independent governance of a country, without the infringement of foreign nations. A sovereign state is one that has full autonomy.

(Former) Soviet State

One of the states that formerly made up the Union of Soviet Socialist republics (USSR), governed or occupied by the Soviet Union.

Soviet Union / USSR

Official name **Union of Soviet Socialist Republics**. A former federal, highly centralized union that grew to sustain constituent republics, spanning 11 time zones across Eurasia and comprising the larger part of the former Russian Empire: formed in 1922 and dissolved in 1991. Communist.

NATO

The North Atlantic Treaty Organisation (NATO) is a military alliance (made up of 28 European countries as well as the US and Canada) formed after the Second World War to counter the threat posed by the Soviet Union. It is commonly acknowledged that the USA control most of what NATO does, both before the fall of the Berlin Wall in 1989 as well as today. Before the war in Ukraine, the NATO was looking for a new purpose, given the fact that they no longer had a communist bloc to face. Now, NATO is actively deploying soldiers from countries all over the coalition within Ukraine or at its borders to ensure the conflict doesn't spread to sovereign nations who are in NATO. NATO's Secretary General is Jens Stoltenberg, a Norwegian who has been in office since 2014.

OSCE

Originally the Commission for Security and Cooperation in Europe, this was established by the US government in order to spread their influence and defend their interests in the West, primarily on security-related issues. Their range of action stretches from conflict prevention, control over armament in Europe, the sustainable use and trade of resources, to protection of human rights. There are 57 participants from Europe, Central Asia and North America. More precisely, their activities are :



- Police
- Environment
- Governance
- Cybersecurity
- National minorities' rights
- Education
- Gender equality
- Elections
- Law and order
- Border security
- Youth
- Freedom of media
- Fight against human trafficking

Satellite State

A satellite state is a nation technically with autonomy but is essentially a puppet for another state to use as a proxy to further their international interests.

Oblast

Soviet-era province, with a degree of self-governance. These zones emerged under the ex-Russian Empire in 1844. They are basically political subdivisions within Russia or outside of it. They still exist in Ukraine, in the East. They are known to bring complications to independence and sovereignty talks.

Secession

Secession, in this context, is defined as the act of becoming independent and no longer a part of a country. Kosovo declaring its independence from Serbia is one of the most recent examples of secession in modern history. Scotland seeking to separate from the UK is another example.

International Law

International law is the set of rules that were established through a series of treaties, resolutions, and acts that most countries obey when dealing with other countries.



Autonomy

Autonomy is defined as the quality or state of being self-governing.

Decentralization

Decentralization refers to delegation of power, authority from a central authority to regional and local authorities.

Supervised Independence

Supervised independence refers to a political state in which the state in question is supervised by a group of other administrations which could include governments as well as international organizations, while being able to decide and implement its decisions in all areas of governance.

Unrecognized states

Unrecognized states are state-like structures that have attained de facto independence but have not succeeded in winning broad international recognition and don't exist in international politics.

De facto state

Uncontacted groups of people who either don't have clear political status as states or live in communities that don't fit the definition. There are certain subnational entities and areas that operate as de facto sovereign states with little to no central government jurisdiction over their territory.

Demographic crisis

Demographic crisis refers to shifts in migration, birth rates, and death rates that affect population size and structure. Today's Western industrialized nations are undergoing a demographic transition characterized by declining birth rates below population replacement levels and increasing life expectancy.

Frozen conflict

Regions of the nations that are not permanently under the control of the central government are defined as frozen conflicts. Such areas continue to be governed by separatists who engage in peace talks with state representatives in an effort to strengthen their own administrations. Conflicts are destined to continue without being resolved because there aren't any nonviolent answers to the issue.

Central government

A central government can be defined as a “level of government whose political authority extends over the entire territory of the country, such as the federal government.”



Ceasefire

The term ceasefire refers to “an agreement, usually between two armies, to stop fighting in order to allow discussions about peace.”

14th Guards Army

The tenth Guards ‘Budapest’ Rifle Corps, which was once a member of the "Odessa Military District" and had its headquarters in Chişinău, was transformed into the 14th Guards Army as a Soviet Army formation around 1956. The Soviet 14th Guards Army played a significant role in the War of Transnistria, which resulted in the "Pridnestrovian Moldavian Republic" gaining unofficial independence from Moldova.

Timeline of Key events

July 7th, 1923

Nagorno-Karabakh Autonomous Oblast created under Soviet rule

February 21st, 1974

The 1974 Constitution takes effect, recognizing the autonomous rights of the region of Kosovo that was then located within the borders of the Socialist Federal Republic of Yugoslavia.

February, 1988

War between Armenia (and Nagorno-Karabakh local forces) & Azerbaijan

March 23rd, 1989

Under the leadership of the ethnic Serbian President of Yugoslavia, Slobodan Milosevic, the autonomous rights of the region of Kosovo are revoked.



| | |
|---------------------------------|--|
| July 1990 | Under the leadership of ethnic Albanian officials, Kosovo declared its independence from the SR Serbia, although the government was quickly dissolved. |
| 1991 | Croatia, Bosnia, and Slovenia break away from Yugoslavia, declaring their independence. |
| December | |
| 31st 1991 | Dissolution of the Soviet Union |
| 1993-1997 | Armed clashes between the Albanian and Serbian sides escalate as guerilla resistance from ethnic Albanian side increases, causing civilians' security to be compromised. |
| 28 February 1998 - 11 June 1999 | Armed conflict between militants reaches a climax, civilians are displaced from their homes. |
| 10 June 1999 | Through the adoption of the Security Council Resolution 1244, UNMIK and the military/civil presence of the UN in Kosovo is authorized and established. |
| 12 June 1999 | As a response to the atrocities committed against ethnic Albanian civilians, NATO deploys the Kosovo Force (KFOR) responding with 78 days of air strikes. |
| 2006 - 2008 | Reconciliation efforts are present through international facilitation of negotiations between Serbia and Kosovo; efforts are concentrated on bringing both sides to a consensus, but do not grow into a fruitful endeavor. |



| | |
|----------------------------------|---|
| 17 February 2008 | Kosovo unilaterally declares its independence from Serbia. |
| 22 July 2014 | The ICJ ruled that Kosovo's declaration of independence did not compromise international law. |
| February 20 th , 2014 | Russian invasion of Crimea, beginning of Russo-Ukrainian war |
| February 22 nd , 2014 | Maidan revolution, revolt against Russian puppet leader |
| January 2022 | Build-up of Russian forces on Ukrainian border, denial by Russian government |
| February 24 th , 2022 | Russian invasion of Ukraine |

General Overview

The question of Ukraine

The recent Russian invasion of Ukraine is the culmination of political turmoil, present for years. Since the 2014 Russian annexation of Crimea, and the rejection of puppet-leaders imposed by Moscow by the Ukrainian people, who did not want to live under Russian influence anymore, there has been growing tension between the two countries. The sovereignty of Ukraine is unquestionable, it is internationally recognised as an independent nation by the international community and the UN, with its own constitution and government. However, Russia invaded Ukraine on the 24th of February 2022, radically escalating the already simmering conflict. The motives for the invasion are disputed, although the Russian stance is that there is a growing threat to the Russian-speakers of the Donbas region, due to militias and the presence of Nazis. It is worth noting that according to the results of the previous elections, only 2% of voters supported the Ukrainian far-right party in 2019, with the current Jewish president Volodymyr Zelenskyy receiving 73% of the votes. The invasion has also made it very difficult for Ukraine to join NATO, due to the political instability and hostility that the war has created between Russia and the West, including military aid and massive economic sanctions. With Ukraine not in NATO, there is very little possibility of there being direct NATO support of Ukraine in the war, as this would be to declare war on Russia, something that NATO does not want, as it could escalate into nuclear war. However, the international community does value and support the right to sovereignty that Ukraine has. They have shown this with



enormous donations of military equipment, as well as refugee aid and relocation of displaced families. The invasion has been deemed by many as an intimidation tactic for an increasingly imperialist Russia, that is grossly stepping on the feet of rightful Ukrainian independence. This has neither been confirmed nor denied by the current states of affairs in the UN: nations who have a seat in the Security Council are on the fence about condemning Russia, and in any case, both Russia and China systematically veto any resolution that could potentially hurt them. The UN is clear, and has condemned the invasion, as well as subsequent Russian actions. There is also evidence of massive atrocities committed against Ukrainian civilians by Russian soldiers, and alleged mistreatment of prisoners of war (POW's) on both sides, such as unlawful killings. The objective of Russia appears to be to secure the Donbas region, as they were unable to take Kyiv, which is legally and geographically a part of Ukraine. Essentially the overall remains the illegal occupation of a sovereign state, which under all standards is an unacceptable crime.

Nagorno-Karabakh Conflict

The Armenian-majority Nagorno Karabakh province in Azerbaijan (a former Soviet Union satellite state) is a highly unstable region in a state of frozen war since 1994. The region has since newly proclaimed itself the autonomous Republic of Artsakh, although it has not been internationally recognised as an independent state. There is an ongoing conflict between the region's Armenian



majority forces and Azeri soldiers, amplified by historical context with mistreatment of Armenian people (assistance in genocide). Additionally, when it was under Soviet rule, the province had been made an autonomous region of Azerbaijan, which ended with the subsequent dissolution of the USSR. The consequent rise in tensions between Armenia and Azerbaijan resulted in a full-blown conflict between the nations.

The rights to the Nagorno-Karabakh region are heavily contested and the situation is very complicated. Historically it was an autonomously governed Armenian-majority oblast, however it is legally and geographically a part of Azerbaijan. Hostility and fighting in the region have displaced thousands of civilians, which caused concern within



the UN for the humanitarian aspects of this conflict. Additionally, as stated in UN resolution 822, the UN recognises that the threat to peace and stability in the region is caused by local Armenian forces inside Nagorno-Karabakh, not necessarily the Armenian military. It is also important to note that Nagorno-Karabakh is internationally recognised as a part of Azerbaijan, and that in addition to the Armenian occupation of Nagorno Karabakh, 7 other Azeri provinces have been partially or wholly taken illegally by Armenia.

The question of Kosovo

Kosovo, situated in the center of the Balkan region, is a partially recognized state, having unilaterally declared its independence from Serbia on February 17, 2008, and gained diplomatic recognition by 117 member states of the United Nations. As a state that has endured an armed conflict that was followed by political and social crises, Kosovo is home to various ethnic groups, mainly Albanians, Serbs, and Bosniaks. Importantly, Albanians are the largest ethnic group in Kosovo, as 90% of Kosovo's population consists of ethnic Albanians. Moreover, 70% of Albanians who live outside of Albania reside in Kosovo. While it is globally known that the region of Kosovo was a heavily contested territory throughout the history of the Balkans, the conflict that is under the scope of this report concerns the series of events that emerged following the breakup of the Socialist Federal Republic of Yugoslavia, which was a former socialist federated country (a sovereign republic that is constitutionally dedicated to the pillars of socialism), that included Balkan states that are now independent such as Serbia, Montenegro, Bosnia and Herzegovina, Croatia, North Macedonia, and Slovenia. Notably, Kosovo is not recognized by the state of Serbia, and Serbs still view Kosovo as a part of their homeland.

Until the Serbian government put an end to its autonomy in 1989, Kosovo was an autonomous province within the borders of the Socialist Federal Republic of Yugoslavia (SFRY) that was predominantly inhabited by ethnic Albanians. Following the worldwide collapse of socialist regimes, in 1992, the Socialist Federal Republic of Yugoslavia became the Federal Republic of Yugoslavia (FRY). Thus, following the collapse of Yugoslavia, Kosovo also demanded the right to self-determination alongside the six other nations that were formerly a part of Yugoslavia. However, this request was harshly denied by the Serbian government, and a guerilla campaign soon emerged aiming to acquire independence for Kosovo. Consecutively, in 1998, the Kosovo War officially started, though it ended in 1999 after NATO intervened with a two month military campaign following a series of atrocities



committed against Albanian civilians. Talks regarding Kosovo's status had not been in place until early 2006, and it was quickly apparent that both Serbia and Kosovo were determined not to compromise. Still, on February 17, 2008, Kosovo declared its independence and was promptly supported by Western countries such as the United States, France, Germany, and the United Kingdom.

In the meantime, it is crucial to note that Kosovo's declaration of independence is one of the most high-profile cases of secession in modern politics. Before the case of Kosovo, the right to self-determination of independence was applied only to cases of colonization and external occupation; it didn't apply to minorities within a state unless permission was granted by the "parent" state. Thus, Kosovo's case has challenged this idea, as it does not fall under either of the categories of colonization or foreign military occupation. Countries like the United States, the United Kingdom, France, and many other Western countries have recognized Kosovo, while Eastern Bloc countries such as Russia, China, and many others have refused to do so. This is primarily due to political and ideological differences in countries' policies, Western countries often deem the declaration of independence as a rightful act of a community that had been suppressed for a long time while Eastern Bloc countries deemed this as an act that would also later cause them trouble in terms of their territorial sovereignty. In light of the controversy surrounding the secession of Kosovo, Serbia has referred the question of the declaration of independence to the International Court of Justice (ICJ), asking whether it was in accordance with international law. The ICJ thus declared its opinion on the case, stating that Kosovo's declaration of its independence did not violate international law. Yet, the court specifically avoided commenting on the statehood of Kosovo and made it explicitly clear that its decision only concerned the declaration of independence and not its implications. Yet, to this day, the status of Kosovo remains ambiguous under international law, which in turn undermines stability in the region.

The statehood of Kosovo, as aforementioned, still remains ambiguous to this day, as it is merely a partially recognized state that unilaterally declared its independence from Serbia. Hence, the ICJ decision was not enough to be decisive in terms of ruling in favor of or against one nation, and the question of Kosovo still remains open for further discussion. Being a historically excluded community in terms of their political and social voice, the tension that was built between ethnic Albanians and Serbs living in the region was not something that appeared right after the disintegration of Yugoslavia. Under the rule of Slobodan Milosevic, the



autonomous rights of Kosovo were removed, which were previously protected by the 1974 Constitution of Yugoslavia. Consecutively, in 1990, ethnic Albanian leaders of Kosovo declared their independence from Yugoslavia, and the armed conflict continued to escalate between two sides. During the years of 1990-1998, before the Kosovo War, the Kosovo Liberation Army (KLA), a militia organization that was primarily seeking liberation from Yugoslavia and the Serbian crackdown, was also seen to be active both in frontal battle and in acts against Serbian troops who were often uncontrolled and had a heavily overpowered military presence. These Serbian troops were accused of harassing ethnic Albanians living in the region with riots, mass killings and sexual assaults.

Notably, the KLA, recognized as a terrorist organization by Yugoslavia, came into attention in 1996 as the militants started attacking government buildings and police stations, similar to the events of the Kosovo Insurgency that took place in 1995. Yet, by 1997, the KLA started to be more involved in frontal battles as Serbian retaliation and crackdowns had significantly intensified which resulted in armed clashes between two parties. The Serbian crackdown on ethnic Albanians has resulted in mass population displacements, hence deliberately undermining the well-being of civilians inhabiting the region. This further intensified as armed conflict quickly turned into bloodshed that was shadowed by atrocities committed against ethnic Albanians in the region, as well as them being forcibly moved out of their regions under undesirable weather and without basic need supplies. Yet, while NATO had issued an ultimatum to Slobodan Milosevic in September 1998 to halt the armed crackdown directed at ethnic Albanians, it was not taken into account by the government of the Federal Republic of Yugoslavia. Thus, the period of conflict started on February 28, 1998, and ended on July 11, 1999, is now known as the Kosovo War.

The Kosovo War was fought between the Federal Republic of Yugoslavia (consisting of Montenegro and Serbia) and the KLA. However, seeing that the power balance of the two sides was off by miles, as one was formed as a guerilla movement first and the other was in the form of a proper national army, NATO saw the necessity to intervene on behalf of the KLA, launching a series of airstrikes that lasted 78 days, until Yugoslavia agreed to end military operations over ethnic Albanian resistance. Thanks to NATO's intervention and the Kumanovo Treaty that followed, Yugoslavian troops retreated from Kosovo. Until 2008, when Kosovo unilaterally declared its independence, the region of Kosovo remained under the control of the UN, while atrocities between Kosovan and



Serbian sides continued to emerge. As a side note, it is important to recognize the fact that Kosovo first declared its independence unilaterally from the Socialist Republic of Serbia in 1990 as it was an autonomous region under its territory, though the newly-formed Kosovan government was promptly dissolved by Serbs. Then, until 2008, Kosovo stayed, on legal terms, as a part of Serbia. To this day, the state persists as a partially recognized state, even though the interim government that was administered by the UN under Security Council Resolution 1244 is not in place anymore.

The status of Kosovo as a state and the question of Kosovo, entails the political considerations of Kosovo's legitimacy, and its' harmony with surrounding nations. In this case, the most important point in Kosovo's case is the question of people's right to self-determination. There has rarely been a case in which an ethnic group that has been living on the territory of a parent nation (that consists of at least one other ethnic group) has been able to successfully seek secession as secession is only valid under cases of pre-existing colonization and/or foreign military occupation. Kosovo's secession is a case that challenges this idea. Still, in the past, these fierce clashes over the desire for self-determination and independence have almost always resulted in victory for the central state. On this note, the international community struggled to explain why the disintegration of the USSR and the Yugoslav Federation did not result in a broadening of the circumstances under which the right of peoples to self-determination was applied at the expense of parental states' right territorial unity. When four of the Federal Republic of Yugoslavia's six component republics declared independence in 1991, the EU assumed that the Federation as a whole was dissolving, and those cases were not seen as secessions.

Nevertheless, Serbia managed to disinherit Kosovo, an area that appeared to be clearly within its territorial jurisdiction according to the internationally accepted doctrine of territorial unity. This case was of special sensitivity, in terms of encouraging or discouraging legitimate secession due to people's right to self-determination. It especially bears importance as Kosovo's declaration and its subsequent recognition by influential states would set a "long-awaited" example that would affect other separatists disputes, affirming the assertions of separatists.

Besides the legitimacy of Kosovo as a state under international law, it is crucial to acknowledge the political stages that Kosovo has been a part of. First an autonomous territory within the Socialist Republic of Serbia, Kosovo was then stripped off of its autonomous status that was set by the visionary 1974 Constitution. Slobodan Milosevic, an ethnic Serb, was an important factor perpetuating the decision and was the president



of the FRY at the time. After the turbulent time period between 1989 and 1999, in which Serbian and ethnic Albanian parties were in a prolonged armed conflict, the United Nations passed United Nations Security Council Resolution (UNSCR) 1244, under which the administration of the region was handed over to an interim UN administration. This mission is commonly known as the "United Nations Interim Administration Mission in Kosovo" (UNMIK) and is still preserved, though its functions are virtually non-existent as Kosovo has already declared its independence and adopted its own constitution. Still, the presence of the mission bears distinct importance as it is a guarantee of stability in the region. Additionally, the resolution also highlighted that the territorial integrity of Serbia over Kosovo was still defended but Kosovo needed steady autonomy and self governance so that final negotiations before settling could be fruitfully conducted. Yet, it is vital to note that international supervision that consisted of 23 European Union countries in compliance with the UN, over Kosovo's decision-making mechanism ended in 2012, and since then, Kosovo has taken full responsibility for its actions.

Even though the two sides have long drawn their own conclusions from the conflict, there was a phase of UN-sponsored negotiations for settling on a final consensus between the ethnic Albanian and Serbian parties. Still, even though Serbia had seemed to have the right to defend its territorial unity under international law as the case was not seen as a legitimate secession, Kosovo did not compromise from its independence request. A special proposal foresaw a system of supervised independence for Kosovo. But still, both sides were unable to agree on a solution. While UNSCR 1244 reinstated Serbia's territorial unity over Kosovo, the ICJ ruled that Kosovo's declaration of independence did not violate international law.

The question of secession under international law

Before discussing secession, it is important to point out crucial details of political recognition. An act of recognition serves solely to convey acceptance of a given claim to statehood based on a neutral assessment of whether or not a particular entity fits the requirements for that title. It does not have the ability to form a state. To put it another way, an act of recognition does not construct a state; rather, it is declaratory in nature and function and does not have the power to change the reality of statehood. Moreover, Although the act of recognition is supposed to be based on objective standards of statehood, in practice it frequently involves a variety of political factors. In fact, it is realistic to suppose that third parties will intervene somehow.



The integration of ethnic Albanians and Serbians

Regardless of the reasons for conflict between ethnic Albanians and Serbians, it is clear that the tension between the two ethnic groups is not diminishing, especially due to the religious tensions between them which are of utter importance: Kosovo is 90% muslim - Sunni. whereas Serbia is Eastern Orthodox. To this day, political decisions concerning the region are always shaped and then executed in a manner to further divide ethnic Albanian and Serbian communities living in Kosovo. While it would not be true to say that both nations could be integrated early on, it must be pointed out that following the post-Kosovo-War era, there were virtually no attempts towards reconciling these two groups. As a result, Kosovo is now divided into parcels that are either settled by Serbian or Albanian people, and it is one of the most ethnically divided states over the whole of Europe comparable to other Balkan countries such as Bosnia and Herzegovina.

One approach that was taken on by the governing bodies in Kosovo since 1999 was called "decentralization." While beneficial in order to deliver government-sponsored services such as healthcare, education and other basic necessities more efficiently to people, decentralization also implies decentralized local governing bodies, which could further perpetuate the idea of ethnic division in the region. Subsequently, decentralized systems actually prevent people from being able to interact with each other, as it aims to minimize conflict by dividing society into its small pieces. Decentralization also implies a segregated education system and health system. This creates double standards and may actually exacerbate social division. For instance, one case in which Kosovo has a segregated system is the healthcare sector. It is seen as socially acceptable that a Albanian hospital refuses to treat a Serbian patient, and vice versa. This both implies a socially inured and thus hardened concept of ethnic division, and a system that does not oversee the well-being of its citizens, as ethnicity plays a role in access to government amenities.

In such a conflicted state, reversing the process of complete ethnic-division should be one of the concerns of the international community, as the situation was mainly promoted by international policymakers in the first place. Western countries who were highly supportive of Kosovo while taking a strict stance against Serbia in the first place, and Eastern countries who did the same for Kosovo, choosing the side of Serbia, should thus bear a responsibility in the breaking of ethnic barriers that were once established, as their actions caused division from early on. Also, in order for a country to prosper, especially Kosovo, one must be able to freely live their culture, identity, religion and common values. This also means that people must be able to work together, so that productivity and economic output increases. Such listings can only be done in an environment in which



discrimination is non-existent. On paper, Kosovo has the legal framework explaining and categorizing behavior under discrimination. Accordingly, it affirms that segregation is discrimination, however, in practice even though there are signs of indirect segregation in the country, nothing is done to resolve it. Although Kosovo has the legal framework for punishing discrimination, there is a social bias that prevents putting in practice the law. In order to be able to rebuild a country, ethnic separation problems must be attacked from all angles.

Overall, the focus of the debate for this sub-topic should be the question of reconciliation of Albanians and Serbians living in Kosovo, whilst considering social, political, and economic implications. It is important to highlight that the issue, even though it originated from a political conflict, affects the well-being and prosperity of the nation in all aspects.

Major parties involved

Russian Federation

Russia, was the central Soviet State in the USSR, and it remains the most powerful; after the dissolution of the Soviet Union in 1991 the Russian Federation came into being. It is the largest country in the world with 6.6 million sq miles. It has maintained a large global presence in terms of both military size and global trade. It also has many influential relations with many of the former USSR states. Belligerent in the Russo-Ukrainian war.

Ukraine

Ukraine is a former USSR state bordering Russia, that has had a troubled past with them and many disputes regarding sovereignty, particularly concerning the regions near the eastern border. These include the insertion of a Russian puppet leader, poisoning of a Ukrainian president, alleged interference in elections, and invasion. They are currently a former Soviet state having their sovereignty threatened. Moreover, Ukraine is known to be the *motherland* of the Russian people, which dates back to the creation of the Russian Empire and is therefore a key element in restoring Russian glory.



Lithuania, Estonia, Latvia

The Baltic states are involved in issues of sovereignty in a more subtle way than Ukraine and Russia are. This being said, these three sovereign nations, all sharing borders with Russia, are speculating as to what Vladimir Putin might attempt next: will the Russian Federation invade the Baltics states in order to reconstruct some kind of a Soviet Union ? The Estonian Chief of Armed Forces General Martin Herem was very vocal about this : “I am convinced that if the opportunity arises, the Russian armed forces will cross our border within the next two or three years”.

North Atlantic Treaty Organisation

Military alliance, focuses on greater international security and is a key part of the Russo-Ukrainian war. Supports Ukraine against Russia, without technical allegiance, and provides major military aid. As a military superpower it is the counterweight to Russia.

Armenia

Armenia is a former Soviet state that borders Azerbaijan. The country has had a long history of negative relations with Azerbaijan, and has taken military action against them, intervening with the Armenian-majority Nagorno-Karabakh province within Azerbaijan.

Azerbaijan

Azerbaijan is a former Soviet state, and within its borders lies Nagorno-Karabakh, the Armenian-majority province. There is a lot of hostility towards Azeris from the Armenians within Nagorno-Karabakh, and regional forces cause instability and violence when skirmishing with Azeri forces. The question of recognition is very complicated here as the geographical and legal status of Nagorno-Karabakh is within Azerbaijan, however this sovereignty is contested by Armenia and the local Nagorno-Karabakh population.

Organization for Security and Cooperation in Europe

The Organisation for Security and Cooperation in Europe (OSCE) (then Commission for Security and Cooperation in Europe (CSCE), has attempted to solve the conflict over Nagorno Karabakh with the Minsk



Group process. They regularly observe the conflict zone and document violations of international law and the 1994 ceasefire.

Kosovo

The state in question, Kosovo, is perhaps a controversial state with its secession story from Serbia. Enduring Serbian oppression under the authoritarian regime of Slobodan Milosevic's FRY, Kosovo has demanded its independence since the disintegration of Yugoslavia in the late 20th century. Yet, it was constantly vetoed by the last two remaining republics of the FRY: Serbia and Montenegro. As the conflict evolved into a armed one, guerilla movement among ethnic Albanians had come into play, mainly through the Kosovo Liberation Army (KLA), which clashed with Serbian troops. During the Kosovo War, ethnic Albanian civilians living in the region were compromised, many being displaced from their homes if not injured or killed. As the NATO mission and UNSCR 1244 interfered with the war, an interim, independent, UN government had taken the responsibility as a governing body in Kosovo, citing reasons for required stability and autonomy in order that peaceful negotiations could be conducted. Nonetheless, in 2008 Kosovo declared its independence from Serbia, establishing its own governmental institutions. As of now, Kosovo is governed by its independent government, yet the UN mission UNMIK is still not discontinued (although its duties are reduced significantly by the UN as the Kosovan government is able to properly function). The people of Kosovo see their case of secession as a truly rightful one.

Serbia

Geographically surrounding Kosovo from the north and east, Serbia sees itself as the true heir of Kosovo after the dissolution of Yugoslavia. It does not legally recognize the state of Kosovo and sees it as part of its homeland. Through the argument of territorial unity, Serbia has also claimed that Kosovo was its territory under international law, however, as it is mentioned earlier, the status of international law regarding secession has also been altered during the last couple of decades. Thus, it is important to note that the ICJ has also not commented on the legitimacy of Kosovo as a state, and that to this day there is no consensus regarding the secession of the state. It cannot be said that Serbia has no right to claim Kosovo as its own territory as the secession of Kosovo does not involve foreign military intervention or colonization. Still, it should not be forgotten that Serbia has committed several war crimes against ethnic Albanian civilians during the escalated times of armed military conflict between two parties for which evidence was solidified through the findings of Human Rights Watch (HRW), such that Kosovo can thus make an argument.



Albania

Located to the southwest of Kosovo, Albania is a crucial actor in the Kosovo conflict as approximately 90% of the population of Kosovo deems itself as ethnic Albanian. Historically and currently, Albania is the closest ally of Kosovo in terms of dealing with the conflict. Hence, Albania is home to many ethnic Albanians who were originally living in Kosovo but had to be displaced. Noticeably, it should be mentioned that during the times of the FRY, there was always political competition Muslim and Christian republics, in terms of being able to politically control the confederation, and that Christian nations, especially Serbia, had almost always the upper hand in terms of being politically and socially more influential. On the other hand, Muslims, and Albanian and Bosnian people in general were often discriminated against in positions of political power, and that even though they made up a good deal of Yugoslavia's population, they were almost never politically powerful. Thus, tensions between Albanians and Serbians were constant if of varying intensity.

UN involvement, relevant resolutions, treaties and events

- UN Security Council Resolution 822, 30 April 1993
- UN Security Council Resolution 853, 29 July 1993
- UN Security Council Resolution 874, 14 October 1993
- UN Security Council Resolution 884, 12 November 1993
- UN General Assembly, Territorial Integrity of Ukraine, 27 March 2014, (A/RES/68/262)
- UN General Assembly Resolution ES-11/1, 2 March 2022
- UN General Assembly Resolution ES-11/2, 24 March 2022
- United Nations Security Council Resolution (UNSCR) 1244, 10 June 1999 (1244)
- ICJ ruling of "Accordance with international law of the unilateral declaration of independence in respect of Kosovo," 22 July 2010



- Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law , 8 October 2008, (A/RES/63/L.2)

Previous attempts to solve the issue

In the case of Nagorno-Karabakh, the Minsk Group process has been the primary way that the international community has attempted to resolve the conflict. They proposed several solutions that Armenia and Azerbaijan were dissatisfied with. These solutions initially attempted to end hostilities and provide a political solution to the problem. The second was essentially a more elaborated version of the first in which strategic steps were proposed to end the armed conflict. In 1998, after a ceasefire was achieved 4 years prior, the Minsk Group proposed that the Nagorno Karabakh region become a “state-territorial formation,” that was inside the jurisdiction of Azerbaijan. This would give the Nagorno-Karabakh province its own currency, police, and passport, with the barring of Azeri forces without approval of Nagorno-Karabakh. However, the population would still participate in Azeri elections. In 2009 the Madrid Principles were laid out, re-establishing Azeri control over the occupied provinces surrounding Nagorno-Karabakh, guaranteeing the security of the population, a corridor to Armenia, a referendum of the final legal status of the province, the relocation of displaced individuals, and the deployment of peacekeepers. However, the main problem with this is that there is no longer a properly defined province of Nagorno-Karabakh, as the original oblast created by the Soviet Union is no longer the same, as Azeri forces have taken back several key points including the city of Shusha. Additionally, despite referenda being a proposed solution, there is no Nagorno-Karabakh administrative region within Azeri borders that exists, thus a referendum cannot determine the legal status of the province if it does not legally exist. The UN stands by the Azeri stance that there is an occupation of Azeri land by Armenia, as stipulated in multiple 1993 resolutions.

In the case of Ukraine, due to the sensitivity of major nuclear powers, the United States and Russia, the two largest nuclear superpowers with conflicting military interests, there are very limited direct steps that have been taken to attempt to solve what has been a crisis since 2014. The primary way that the international community has responded have been heavy economic sanctions against Russia, which have had limited success in was crippling their internal economy, decimating the value of the Rubel, and creating discontent amongst the Russian population – although we have been seeing a start to a turnover in the effects that these sanctions have had : many countries need natural gas for energy purposes and are not ready to sanction their biggest provider. As well as these sanctions of course, there has been a huge amount of aid provided, both militarily and humanitarian, by NATO member states among others, and surrounding countries among others respectively.



The first solid attempt aimed towards at least stabilizing the political status of Kosovo was the UNSCR 1244, through which the UN established a military and civil presence in the region. Following the assertions of Resolution 1244, the United Nations Interim Administration Mission in Kosovo was established. Although the interim administration proved to be an efficient mechanism for holding stability in the region, it gradually transferred its functions to the government of Kosovo, as such governmental bodies were formed under the supervision of the administration. However, such a measure would not be applicable with today's standards, as Kosovo now has its own independent government. Other than the UNMIK, NATO launched an air offensive against Serbian troops, which was a key move for providing relief to ethnic Albanian civilians facing widespread persecution and ensuring that the armed conflict was brought to a halt as diplomatic ties between the UN and Serbia were promptly established. Still, a military intervention would not be considerable by today's standards as there is no ongoing major armed conflict in the region.

A series of attempts for bringing a solution to this conflict involved UN-facilitated talks, were first established in 2006; it became rapidly apparent that there was no easy solution. Kosovo insisted on full sovereignty over the region, while Serbia claimed their right to territorial unity, and according to internationally accepted factors of secession, the land of Kosovo was theirs. Through a UN Special Envoy, a "supervised independence" system was proposed, but disliked by both sides, as it was felt to compromise their independence. The potential solution would have enabled Kosovo to become almost independent, while eliminating the restrictive Serbian factor from the equation. Kosovo declared its independence from Serbia on February 17, 2008 without reaching a lasting agreement.

Although not an example of a strictly outlined solution, a decisive factor for the Kosovo conflict was the ICJ ruling on the matter, following Serbia's referral to the ICJ on the question of the compliance of Kosovo's declaration of independence with international law. The vitality of the ICJ ruling was, in short, the fact that it specifically refrained from commenting on the legitimacy of Kosovo as a state. While the ruling of ICJ was seen as a victory for ethnic Albanians living in the region as it was thought as being a form of a recognition in the international scene, there couldn't be any argument stating that the decision hurt the territorial claims of Serbia, as it did not touch upon that issue. Yet, it was still monumental as it proved to become the most recent case of a secession that violated conventional opinion on the legitimate bases that would lead to a secession.



Possible solutions, however unlikely, to the Nagorno-Karabakh conflict could include the following: the complete withdrawal of Armenia from Azeri borders, the establishment of an autonomous Armenian territory within Azeri borders, or the establishment of a special administrative region of Nagorno-Karabakh within Azeri borders. This being said, implementing the last solution seems easier than going for the two others, as has been shown in other parts of the world.

Possible solutions to the Russo-Ukrainian war, would initially include a full ceasefire, and likely complete withdrawal of Russian forces from Donbas. A treaty would have to be signed in which there would have to be a guarantee that Russia will not invade again, and a confirmation that any further acts of aggression would have far more severe consequences. Additionally, the Crimea situation would have to be addressed and properly resolved, in a manner that respects international law, and the wishes of the local population. There also have been serious talks about Vladimir Putin pushing for negotiations between Russia and Ukraine in order to wage a new tracing of the frontiers between Russia and Ukraine. President Zelenskyy has, however, vouched for this not to happen as he argues it would totally infringe on Ukraine's sovereignty, and the UN's view on this is the same. Let us remind all delegates that even though Ukraine isn't a nuclear power, Putin is going against a few nations from NATO who have the possibility of unleashing thousands of warheads, meaning the solutions to this conflict are a complicated matter, but mostly revolve around trying to stop the conflict as peacefully as humanly possible, without taking too much land off of Ukraine and without completely humiliating Russia, which would lead to even worse consequences.

On the question of the political status of Kosovo, one can consider requesting an opinion from the ICJ. This implies a potential ruling on the question of the legitimacy of Kosovo as a state, as one of the most contested problems is being able to categorize it under secession. This would be helpful in finding a solution to the issue as it would clearly lay out the legitimacy of the statehood of Kosovo even though it wouldn't have binding power. This would – on the whole – benefit the resolution of the conflict as it would not be binding for any member state while being able to get advisory opinion from the top panel in the world. Additionally, for the question of secession under international law, one might suggest the creation of a universal standard, in which common points of secession will be outlined so that a common scope could be defined, that could be used by political sides. This can be achieved at a convention, conference, or whatever the medium desired. Making such a meeting possible will be at the proposer's discretion, however, it would be insightful to include both political representatives as well as experts on law. This would lead to the standardization of the idea of secession, so that all sides could better judge and manage their positions on the issue. Standardization of the idea of secession, or at least the reasons for secession, pose importance globally as Kosovo's legitimacy as a state may either provide an anchor point for other ethnic minorities' claim for independence from their respective parent states. Last but not least, in order to integrate the various ethnic groups present in the region, one can attempt to facilitate cooperation between two groups, through international dialogue and the use of mediation mechanisms.



While coming up with different solution proposals, one should keep in mind that both parties are highly persistent in their assertions. Serbia asserts that it is rightful for them to require full sovereignty over the region of Kosovo, while Kosovo asserts that it is rightful for them to be an internationally recognized state, citing remedial secession. Designing a system that would not undermine both the security of Kosovans and legal claims of Serbians is thus essential.



Bibliography

- <https://commonslibrary.parliament.uk/the-un-general-assembly-condemns-russia-but-what-can-it-actually-do/>
- https://www.eeas.europa.eu/eeas/un-general-assembly-demands-russian-federation-withdraw-all-military-forces-territory-ukraine_en - Official website of the EU on a UN General Assembly resolution condemning Russia's annexation of Ukraine
- United Nations High Commissioner for Refugees. "Kosovo Crisis Update." *UNHCR*, UNHCR, The UN Refugee Agency, 4 Aug. 1999, <https://www.unhcr.org/3ae6b80f2c.html>.
- "UN Mission in Kosovo: Home." *UN Mission in Kosovo* | Home, <https://web.archive.org/web/20160309015738/http://www.unmikonline.org/Pages/default.aspx>.
- "Yugoslavia." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/place/Yugoslavia-former-federated-nation-1929-2003>
- "Latest Developments: Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo: International Court of Justice." *Latest Developments | Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* | International Court of Justice, <https://www.icj-cij.org/en/case/141>.
- Abel, Mia. "Is There a Right to Secession in International Law?" *E*, 18 May 2020, <https://www.e-ir.info/2020/05/18/is-there-a-right-to-secession-in-international-law/#:~:text=%5B18%5D%20It%20is%20well%20accepted,has%20been%20able%20to%20develop>.
- Weller, Marc. "December 2008 N°114 - Negotiating the Final State of Kosovo." *Chaillot Paper*, Dec. 2008, https://ciaotest.cc.columbia.edu/wps/weu/0016016/f_0016016_13892.pdf.
- Vidmar, Jure. "Remedial Secession in International Law: Theory and (Lack of) Practice." *St Antony's International Review*, vol. 6, no. 1, 2010, pp. 37–56. *JSTOR*, <http://www.jstor.org/stable/26227069>
- "Nagorno-Karabakh Conflict." *Global Conflict Tracker*, 2022, www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict.
- Cutler, Robert M. "The Minsk Group Is Meaningless." *Foreign Policy*, 23 July 2021, foreignpolicy.com/2021/07/23/armenia-azerbaijan-nagorno-karabakh-osce-minskgroup-meaningless/.



- “Former Soviet Union (USSR) Countries.” *WorldAtlas*, 24 May 2017, www.worldatlas.com/articles/what-countries-made-up-the-former-soviet-union-ussr.html
- “The Nagorno-Karabakh Conflict: A Visual Explainer.” *Crisis Group*, 2 Dec. 2019, www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer.
- Jan de Graaf, Wouter. “What UN Security Council Resolutions Say about Nagorno-Karabakh, and What They Don’t Say.” *Providence*, 4 Nov. 2020, providencemag.com/2020/11/united-nations-security-council-resolutions-nagorno-karabakh-armenia-azerbaijan-artsakh/
- “Collapse of the Soviet Union.” *Encyclopædia Britannica*, 11 Aug. 2018, www.britannica.com/event/the-collapse-of-the-Soviet-Union.
- Bershidsky, Leonid. “Is Breaking up Russia the Only Way to End Its Imperialism?” *Bloomberg.com*, 1 June 2022, www.bloomberg.com/opinion/articles/2022-06-01/is-breaking-up-russia-the-only-way-to-end-its-imperialism

