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Legal Possibilities for the Termination of the Military Technical Agreement Concluded In Kumanovo (1999) and Consequences for Kosovo

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Abstract

This article examines the Kumanovo Agreement as a major obstacle to possible or potential Serbian military intervention in Kosovo and Metohija (hereinafter shortly: Kosovo) in case of uncontrolled Albanian invasion against the Serb population in Kosovo. The Military Technical Agreement, reached under coercion in Kumanovo (in 1999), between the International Security Force ('KFOR') and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, often known as simply as the Kumanovo Agreement, represents a legal limitation to any involvement of the Serbian military force(s). With respect to the Kumanovo Agreement, the consensual element required for such peacekeeping agreement appears to be missing. The absence of a consensual element undermines the legal basis and the legal validity of the treaty that was reached under an apparent coercion in Kumanovo (in 1999), as well as the legality of the authority of NATO over Kosovo. It appears that, in absence of proper consensual requirements, the Kumanovo Agreement may be interpreted as a dubious act under the Vienna Convention on the Law of Treaties (hereinafter VCLT), particularly Article 52 (related to the Coercion of a State by the threat or use of force). Therefore, the Kumanovo Agreement, as an Annex to the Security resolution 1244 (1999), can be considered as an invalid act according to the VLCT. As a consequence of its invalidity, in case of warlike situations and in case of massive human rights violations by provisional authorities in Kosovo against Serbian population, the Serbian government may resort to termination of the Kumanovo Agreement (under Article 52 and even under Article 53 (jus cogens) of the VLCT) in order to protect the Serbian population against ethnic cleansing, oppression and other human rights violations of International Law.

Keywords: Kosovo; Vienna Convention

Introduction

Historical Background of the Yugoslav Crisis and Justifiability of Nato Intervention 1999

SFRY was established in 1945 as successor of the Kingdom of Yugoslavia (after World War II under the name Federal People's Republic of Yugoslavia, which was changed to SFRY in 1963), constituted of six republics (Serbia, Croatia, Slovenia, Bosnia and Hercegovina, Macedonia and Montenegro) with different historical, cultural, religious backgrounds and ethnic compositions. Before the establishment of the Kingdom of Yugoslavia, Croatia, Slovenia and Bosnia and Hercegovina were under the rule of Austro-Hungary, while Serbia, Montenegro and Macedonia have for centuries been parts of Ottoman Empire (with Montenegro having almost always an independence status, the independence of Serbia being recognized in 1878 at the Berlin Congress and present Macedonia becoming part of Serbia after the Balkan wars, 1912-13). The ethnic structure of the population on the territory of SFRY at the time of its formation was predominantly Slavic, with some Albanian admixtures in the south of Serbia (the Kosovo and Metohija province) and in the north-west Macedonia. The religious affiliation of the inhabitants of Croatia and Slovenia was predominantly Roman Catholic; population of Serbia, Montenegro and Macedonia was predominantly Orthodox Christian, while the dominant religion in Bosnia and Hercegovina, Kosovo and Metohija, and north-western part of Macedonia was the Islam. Due to their geographical position and religious affiliation, the cultural

ties of Slovenia and Croatia with the neighbouring European countries, such as Italy, Austria and Hungary, were profound. On the other hand, due to the help of Russian Empire in their struggle for independence from the Ottoman Empire, as well as sharing the same religious beliefs, the cultural ties of Serbia, Montenegro and Macedonia with Russia were traditionally strong. While this ethnic, religious and cultural diversity can be perceived as an asset (cultural enrichment of the society, complementarity), coupled with the significant differences in their economic development (caused partially by differences in the national resources and production efficiency), it can be also a basis and potential for creation of conflicting relations between (and within) the constitutive federal units and groups of them. The conflict of geostrategic interests of the Western Powers (USA and West Europe) and the Soviet Union for dominance over Yugoslavia was wrapped in an ideological dress ("democracy" vs. power centralism, multi-party vs. one-party system, ideological pluralism vs. "communism"). The ideological form of western interests has found a resonance with the latent nationalist and separatist tendencies in some of the republics (Croatia and Slovenia) and in the autonomous province Kosovo and Metohija of Serbia (or for practical purposes hereinafter so-called "Kosovo"). At the student demonstrations in Pristina (capital of the province) on November 27, 1968, the requirement for granting a status of republic to Kosovo within SFRY was articulated for the first time, but was immediately suppressed. The nationalist tendencies in Slovenia and Croatia were to a significant extent stimulated by their higher level of economic development with respect to other parts of the federation and the perception that the jointly produced wealth is distributed among the republics disproportionately to their contribution to the common wealth. Publicly these tendencies were expressed through requirements for greater cultural autonomy, but were basically motivated by aspirations for more economic and political rights and for strengthening their national identity sentiment. The "Croatian Spring" mass-movement 1967-1971 for "cultural reforms" and "rights" in the federation provides a primary example of such aspirations. Furthermore, the requests for more profound political and liberal reforms were present in other Yugoslav republics; in Serbia the need for liberal reforms was articulated by the communist party leadership at the beginning of 1970s. As a result of the public demands for greater political, economic and cultural autonomy, in 1974, the Constitution of SFRY was amended, providing the republics with a greater degree of autonomy in the economic, political and cultural areas. The individual republics amended their own constitutions accordingly, whereby the autonomous provinces of Serbia, Kosovo and Metohija and Vojvodina, obtained a significantly greater autonomy, essentially equal to that of the republics. The autonomous provinces (including the Kosovo and Metohija and Vojvodina) didn't obtained the right to secession from the SFRY. The Federation maintained prerogatives only over the national defence and international relations. The federal units had a full autonomy over their economic and cultural relations with the external world. Within such a decentralized federal structure the nationalist and separatist tendencies could grow at will, the only controlling and cohesive political force being the League of communists of Yugoslavia and the Collective Presidency of the Federation, (constituted by representatives of the six republics and two autonomous provinces), with Tito acting as its permanent President until his death. After Tito's death in 1980, the nationalist and separatist tendencies within some of the federal units began to grow rapidly. These tendencies were strongly supported by foreign countries with which they had a common history or long cultural relations (e.g. Slovenia and Croatia with Austria, Germany, Italy and Hungary, Kosovo and Metohija with Albania). The visible form of this support in the case of Slovenia and Croatia was manifested in development of strong economic and trade relations with the European countries, reviving their cultural interactions and establishing cooperation in other fields. This resulted in a noticeable increase of already significant economic strength of these two republics within the federation relative to that of other republics. This is an example of how selective relations of the external environment with the units of a system can change the balance of power between the units. The historic cultural and religious connections of Croatia and Slovenia with the neighbouring catholic countries, fueling their cultural identification with the European community of states, have also played a significant role in the rise of nationalist and separatist sentiments in these republics. Apparently, the psychological affiliation of these two republics to the Yugoslav project, first as Kingdom of Serbs, Croats and Slovenes (1918-1929), then as Kingdom of Yugoslavia (1929-1941) (a parliamentary monarchy with a Serbian monarch), has never been strong due to the perception of dominance of the more numerous Serbian nation in the federation. Nationalist ideas started to grow also within the Muslim population in Bosnia and Hercegovina ("Bosniaks"), supported ideologically and financially by the Arabic countries (primarily Saudi Arabia and Turkey). In the federal units in Yugoslavia based on multiple ethnic structures, the growth of nationalist ideas stemmed from the ethnic identity, creating inter-ethnic tensions within the units. Such tensions intensified during 1980s: between Serbs and Croats in Croatia, Bosniaks and Croats and Bosniaks and Serbs in Bosnia and Hercegovina, Albanians and Serbs in Kosovo and Metohija and to a lesser extent between Serbs and Hungarian minority in Vojvodina. The strong nationalist sentiment of Albanians in Kosovo and Metohija was expressed in the March-April, 1981, massive student demonstrations in Pristina that spread out to other locations (towns Kosovska Mitrovica, Uroševac, Vučitrn). The primary demand of protesters was the demand for granting the province (Kosovo and Metohija) a status

of Republic within the Federation (SFRY). The protests were suppressed by the Presidency of Yugoslavia, declaring on April 2 a state of emergency in Pristina and the city of Kosovska Mitrovica. In the years that followed, the political aspirations of Kosovo Albanians for obtaining a status of Republic within the Federation were only increasing and found support by Croatia and Slovenia. For Serbia the administrative separation of Kosovo and Metohija from Serbia was unacceptable and, in order to prevent the possibility of such an undesirable event, the Serbian Parliament in 1989 amended its Constitution of 1974 to significantly reduce the autonomy of Kosovo and Metohija (the amendments were confirmed in the new Constitution of Serbia adopted in September 1990). The reaction of Kosovo Albanians to the abolishment of their autonomy was organization of mass protests, the general strike of town of Trepča miners in March 1989 (publicly supported by the Slovenian leadership), the referendum for independence from Serbia and SFRY (in September 1991) and the unilateral declaration by the Provincial Assembly of the "Republic of Kosovo" (which was one month later recognized by Albania). The self-proclaimed independence did not have any legal effect, but has enormously increased the inter-ethnic tensions within the province and between Central Serbia and the separatist province. These tensions started to obtain violent character and resulted in a massive expulsion of Serb population from the province and a significant presence of Serbian police in Kosovo and Metohija to protect the Serbs there. It should be mention that Slovenia and Croatia were actively supporting the separatist aspirations of Kosovo Albanians for independence from Serbia. The separatist aspirations of these two republics started openly to be expressed and openly supported by Germany and some other EU countries. Croatia was secretly planning a forceful separation from Yugoslavia and buying arms from Hungary and other countries. As a reaction to the separatist tendencies in Croatia and Kosovo and Metohija, the nationalist sentiment in Serbia also started to grow. It was motivated primarily by the concern for the destiny of Serbian population in these two federal units with strong inter-ethnic tensions (already violently manifested in Kosovo and Metohija and having historical roots in the World War II in Croatia). The growth of nationalist sentiment of the Bosniaks in Bosnia and Hercegovina, where the population of Serbs was also large, significantly increased the potential for severe inter-ethnic conflicts. The national rights of the Serbs in Bosnia and Hercegovina became an additional concern for Serbia. The divisions over the national and economic issues, threatening the stability and unity of Yugoslavia, were reflected further in the Yugoslav Presidency, as well as in the League of Communists of Yugoslavia. On January 20-22, 1990, the Extraordinary 14th Congress of the League of Communists of Yugoslavia was convened in Belgrade to deal with these issues. The Congress was dominated by clashes between the Serbian and Slovenian delegations, headed by Milošević and Kučan, respectively, over the power enshrined to the federal units and the decision making process in the League. Slovenian delegation suggested a confederative model for the League and the future State, empowering the constituent units. Serbian delegation advocated introduction of a "one man-one vote" policy for decision making in the League and a more centralized Yugoslavia. All proposals of Slovenia were rejected, while those of Serbia were accepted on a majority vote, helped by Vojvodina, Montenegro and Kosovo and Metohija (represented by a pro-Serbian politician). The Slovenian delegation at that point left the Congress. Milošević proposed to continue the work of the Congress without Slovenia, but Croatia considered that as unconstitutional and threatened to leave. When attempts were made to recommence the meeting, the Croatian delegation departed the meeting, followed by the delegations of Bosnia and Hercegovina and Macedonia. Subsequently, the League of Communists of Yugoslavia was dissolved, opening the door of creation of multi-party systems in the federal units. Thus, the last congress of the League of Communists of Yugoslavia played the key role in the disintegration of the Yugoslavian federation. The internal dissolution of Yugoslavia essentially started when the federal republics organized their first multi-party parliamentary elections in 1990, when (except in Serbia and Montenegro) the ex-communists failed to win the elections. Most of the elected governments were formed on nationalist platforms, promising better "protection" (or advancement) of national interests than the ex-communists. The success of the ex-communists in the elections in Serbia and Montenegro was due to their proven strong nationalist stands in the struggles for protecting the Serb interests in Croatia, Bosnia and Hercegovina and Kosovo and Metohija (KiM). Following the results of multi-party elections, Slovenia, Croatia and Macedonia proposed in autumn of 1990 to transform Yugoslavia into a loose federation of six republics. The Serbian leadership, however, rejected the proposal. The rationale was based on the premise that the large Serbian populations in Croatia and Bosnia and Hercegovina should also have rights to self-determination, similarly to Croats and Slovenians. In addition, the Serbian leadership was alarmed by the change of the status of Serbian population in the new Croatian Constitution, adopted on December 22, 1990, from a constitutive nation to a minority. Because of the major disagreements between the republics about the reorganization of the federation, and because of already openly expressed preferences of some Western countries (especially Germany) in this regard, on December 23, 1990, Slovenia held a referendum for independence from Yugoslavia. The turnout was 88.5% and 94.8% of the voters voted for independence. The independence was declared on June 25, 1991. The Croatian referendum for independence from Yugoslavia was held on May 2, 1991, with 93.24% of the voters voting in favour. A second referendum was held in Croatia on May 19, 1991, regarding the

question of whether the independent Croatia should form an alliance of sovereign states with the other Yugoslav republics (in accordance with the proposal of Slovenia, Croatia and Macedonia for solving the state crisis of SFRY). With the 83.6% turnout, since the Croatian Serbs boycotted the referendum, 94.2% voted in favor. On June 25, 1991, Croatia declared its independence from Yugoslavia. Macedonia held its referendum for independence on September 8, 1991, with 95.3% of voters voting in favour. The Macedonian independence from Yugoslavia was declared on September 25, 1991 (as Republic of Macedonia). The parliament of Bosnia and Hercegovina was ethnically divided on the question of independence from SFRY. Reacting to the Bosniaks majority stand for independence, Bosnian Serbs held an own referendum in November 1991, with an overwhelming vote to stay in a common state with Serbia and Montenegro. On January 9, 1882, they proclaimed a separate Republic of the Serbian people (as "Republika Srpska"), which included all regions within Bosnia and Hercegovina consisting of predominantly Serbian population. The Bosniaks dominated Bosnian government called for an independence referendum on February 29 and March 1, 1992, which was boycotted by the Serbs. The turnout was 63.4% of which 99.7% voted in favour. The independence of Bosnia and Hercegovina from Yugoslavia was declared on March 3, 1992. On April 6, 1992, the Bosnian Serbs declared their independence from Bosnia and Hercegovina. It should be noted that the processes leading to the establishment of Croatian independence from Yugoslavia were paralleled by similar processes of the Croat ethnic Serbs: on April 1, 1991, the leaders of the Serbian Autonomous Region ("Krajina" SAR (or republican Srpska Krajina)) declared that this region would separate from Croatia if it proclaims independence. And indeed, after Croatia declared its independence, the three Serbian regions of Krajina, Western Slavonia and Eastern Slavonia, Baranja and Western Srem declared the Republic of Serbian Krajina (RSK) on December 19, 1991. The next day after the simultaneous declaration of independence by Slovenia and Croatia on June 25, 1991, the federal Yugoslav People's Army (YPA), which was by the federal constitution the official guardian of the territorial integrity of the state (FRY), moved towards the northern border of Slovenia, where the Yugoslav border insignia, such as the flag and country name, were already replaced by the Slovenian ones. Local armed Slovenians (the paramilitary) prevented the move of YPA towards the border, and the threat of an armed conflict became a real possibility. The European Community (EC) exerted pressure on Slovenia and Croatia to place a three month moratorium on their independence and organized the Brioni Conference on July 7, 1991, involving an EC delegation, Slovenia, Croatia, and representatives of the Yugoslav Presidency and Government. The only results of this conference were the withdrawal of YPA from Slovenia, and the agreement by both Croatia and Slovenia to suspend their (armed) activities around/and their declared independence for three months. However, during its withdrawal from Slovenia through Croatia, fierce clashes between the YPA and Croatian armed forces took place (the most bloody being those in the city of Vukovar), marking the beginning of a full-fledged war. On September 7, 1991, the EC organized the Conference on Yugoslavia in Hague in an attempt to cease the battles in former Yugoslavia, find a political solution for the inter-republic conflicts and restore the Federation. Lord Peter Carrington chaired the Conference. In the framework of the Conference an Arbitration Commission was formed, led by Robert Badinter, the president of the Constitutional Council of France. The Commission included presidents of Constitutional Courts of Germany, Italy, Spain and Belgium as members. The mandate of the Commission was to provide the Conference with its opinions about major legal matters which have arisen from the declarations of independence of Slovenia, Croatia and Macedonia, and the potential for defragmentation of Croatia and Bosnia and Hercegovina by the ongoing armed conflicts. The opinions of the Commission were the following: 1) SFRY was in the process of dissolution, 2) the Serbian population in Croatia and Bosnia and Hercegovina is entitled to all rights of minorities and ethnic groups and the republics must afford to them all the human rights and fundamental freedoms recognized in the international law, 3) the boundaries between Serbia and Croatia and Serbia and Bosnia and Hercegovina and other adjacent states may not be altered, except by mutual agreements, 4) the independence of Croatia should not be recognized by the EC countries because of the inadequate protection of minorities in the new Croatian Constitution. (In reaction to this opinion Croatian president wrote a letter to Badinter giving assurances that this concern would be remedied.) Commission recommended recognition of Slovenia and Macedonia, but because of the Greek opposition EC was subsequently reluctant to recognize Macedonia. In arriving at the opinion 3), the Commission was guided by the legal principle uti possidetis (juris), i.e. recognized as inter-republican administrative borders as determined in the Federal Constitution of 1974, as future state borders. The Commission did not recommend recognition of Bosnia and Hercegovina, since at the time of delivery of its opinions (November 29, 1991, January 11, 1992) the referendum for independence in this republic had still not been held. The Commission expressed opinion that the succession of SFRY should be resolved by mutual agreement between the successor states with an equitable division of international assets and obligations of the former state. It also ruled that the membership of SFRY in international organizations could not be continued by the successor state, but each that emerged from the former SFRY should individually apply for membership anew. This principle would also be applicable for the applications of the states emerging from the SFRY dissolution for membership to the EC. What could

be relevant for Serbia was derivation that apparently succession from FRY (or Serbia) with respect to provinces (such as Kosovo and Metohija) may not take place in and arbitrary manner, since uti possidetis was applicable only to Republic borders. However, the leadership of Serbia and Montenegro was in strong opposition to the opinion 2) of the Commission, denying the right to self-determination of the Serbs in Croatia and Bosnia and Hercegovina. On the basis of the opinions of Badinter Commission, Slovenia and Croatia were recognized by the EC on January 15, 1992. Even before this date they were unilaterally recognized by Germany on December 27, 1991, (despite the opposition of France, UK and the Netherlands) and by Ukraine, Island, the Holly See and the Baltic countries. Their recognition by other countries rapidly grew thereafter. As mentioned above, the recognition of Macedonia by EC was not granted due to the Greek opposition, and ratio that seems to be legally groundless. Meanwhile, the armed conflicts in Croatia between the Croatian forces, on one side, and the YPA and the forces of Republic of Serbian Krajina (RSK), on the other, were intensifying. The United Nations Security Council on November 27, 1991, adopted the Resolution 721, which paved the way to the establishment of peacekeeping operations in Former Yugoslavia. The special envoy of the UN Secretary-General, Cyrus Vance, on November 23, 1991, met in Geneva with the presidents of Serbia and Croatia, and with the Yugoslav Minister of defence, where a ceasefire agreement was negotiated (the Geneva Accord). The ceasefire, however, did not last very long and the war conflicts spilled over into Bosnia and Hercegovina, involving all three ethnic groups (Bosniaks, Serbs and Croats). Within the Vance's efforts regarding the implementation of ceasefire and demilitarization of the parts of Croatia, under control of Croat Serbs and YPA, on January 2, 1992, another meeting was convened in Sarajevo, where an Implementation Agreement was signed by military representatives of Croatian Ministry of defence and YPA. The Agreement entailed deployment of 10,000-strong UN Protection Force (UNPROFOR) to the major conflict areas, with the task to create buffer zones between the fighting troops, to disarm the arm forces od RSK, to ensure the YPA withdrawal from the UN protected areas and the return of refugees to these areas. The RSK president refused to endorse the Agreement, but Serbian President Milošević persuaded the RSK parliament to replace him and accept the Agreement. The acceptance of the Agreement by Serbia was motivated by its primary purpose to create favorable conditions for negotiations of the permanent solution to the conflict. The Agreement produced a longer-lasting ceasefire, but failed to completely implement the other of its objectives. After September 1992, the EC took a proactive role in the UN peace efforts in Yugoslavia and its representative Lord Peter Owen joined Vance in the peace negotiations. After Vance resigned his post in April 1993, the Norwegian Foreign Minister Jens Stoltenberg was appointed as the main UN peace negotiator. At the initiatives of Lord Owen and Stoltenberg, the UNPROFOR's mandate was extended to include the territory of Bosnia and Hercegovina. The UNPROFOR mission was terminated in March 1995. In August of the same year the Croatian army undertook the military initiative "Operation Storm" against the RSK, resulting in massive destruction and a flux of 250,000 refugees into Serbia. With respect to this operation we could only derive the obvious conclusion that UN acted in a way that actually helped Western and Croatian policy planers aimed for creating conditions for forceful expulsion of these people from Croatian territory. In the period of November 1-21, 1995, the "General Framework Agreement for peace in Bosnia and Hercegovina" (Dayton Agreement) was negotiated in Dayton military base, Ohio, between the presidents of Serbia (Slobodan Milošević, representing the Bosnian Serb interests), Croatia (Franjo Tudjman) and Bosnia and Hercegovina (Alija Izetbegović), with the mediation of the US Secretary of State Warren Christopher, EU Special Representative Carl Bildt, First Deputy Foreign Minister of Russia Igor Ivanov and the US negotiator Richard Holbrooke. The Dayton Agreement was officially signed on December 14, 1995, in Paris, France, witnessed by the presidents of the US and France, as well as the prime minister of the UK. That treaty was reached under the some extent undignified pressure and coercive conditions (in lack of Bona fides) that could raise a question of legal validity of that act, since a treaty creation should be based on a free will, good faith and the necessary element of consent in contracting process, that is a basic prerequisite for valid conclusion on any treaty. The main purpose of the Dayton agreement was to bring an end to the inter-ethnic conflicts and prevent them from resuming, to delineate the inter-ethnic boundaries, and to endorse a regional balance of power. The territory of Yugoslav Republic Bosnia and Hercegovina was divided into two political entities: 1) Federation of Bosnia and Hercegovina, involving the Bosniaks and Bosnian Croats and occupying 51% of the territory, and 2) Republican Srpska on the remaining 49% of the territory with predominant Serb population. Each of these two entities would have its own governing institutions, but the government of the new state Bosnia and Hercegovina would consist of representatives of the three ethnic groups (empowered with a veto voting right in the decision making process). The implementation of the agreement was mandated to the NATO-led Implementation Force (IFOR) - responsible for keeping the peace, the Office of High Representative - responsible for civic and legal matters, and the Organization for Security and Co-operation in Europe (OSCE) - responsible for organizing the first free elections in 1996. The IFOR multilateral military force consisted of 63,000 soldiers and in November 1996 was replaced by the Stabilization Force (SFOR) under the US command (the latter renewed again in 1998). After Bosnia and Hercegovina declared its independence from Yugoslavia on March 3, 1992, the remaining two SFRY republics constituted the Federal Republic of

Yugoslavia (FRY) on April 27, 1992. Although on the federal level the governance of the new state was equitably shared between the constitutive entities, there was a sentiment in Montenegro that Serbia had the larger share in the state power (especially expressed in the common parliament, the composition of which reflected the population difference between the two constitutive entities). This sentiment of unequal share of the power resulted in a reconstitution of the state to a State Union of the "Serbia and Montenegro" on February 4, 2003. In the Montenegrin society there has historically been a divide regarding their ethnic affiliation. Approximately half of the Slavic population identifies itself as Serbs, while the other half perceives itself as a separate nation. Coupled with other political and economic discontents, this national divide led to the referendum for independence of Montenegro on June 3, 2006. Given that 55.5% of the 86.3% voter turnout voted for separation, Montenegro declared its independence. Serbia formally declared its statehood on June 5, 2006, and became a legal successor of the State Union ("Serbia and Montenegro"), while Montenegro had to apply for membership in all international organizations. This was the end of the dissolution of the ex-SFRY.

In addition, after dissolution of the ex-SFRY, provisional authorities in Kosovo and Metohija in an unconstitutional manner self-proclaimed an "independence of Kosovo" on 17. Feb. 2008 to break away from the Serbia. That unilateral (self-) declaration by Kosovo Albanians actually revealed the true intention of military engagement of NATO forces in 1999 as their ally in the process of illegal secession and apparently main goal of creation of the new state. For our study in present article related to UN Security Council Resolution 1244 (1999) and particularly its Annex II we should emphasize that the 1999 NATO invasion of the Federal Republic of Yugoslavia wouldn't end until agreement between FRY and NATO (the Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia) was signed on 9-th of June 1999 (a day later on 10-th of June to become an Annex to SC Resolution 1244). FRY and Serbia have never accepted justifiability and legitimacy of brutal NATO intervention and the outcome of war in 1999, including its contractual consequences. Many countries and prominent scholars and intellectuals rise their voice and condemned NATO incursion and intervention, particularly a bombing campaign of FRY and Serbia. For instance, Noam Chomsky argued that the main objective of the NATO intervention was to integrate FR Yugoslavia into the Western neo-liberal social and economic system, since it was the only country in the region which still defied the Western hegemony prior to 1999. War with NATO (or rather an aggressive invasion) actually started after refusal of Serbia/FRY to sign the Rambouillet Agreement under apparent extortion or blackmail, i.e. FRY and Serbia was threatened by NATO with armed attack if FRY/Serbia refused to conclude that treaty. Yugoslavia's rejection conclude that unacceptable and undignified accord was used by NATO and its member countries to justify the 1999 bombing, aggression and essentially destruction of Yugoslavia. Despite the explicit rejection of Rambouillet Agreement by FRY, this document was incorporated into Security Council Resolution 1244 that limits FRY army and police forces to return to the Kosovo, providing for an authority of KFOR to prevent and control withdrawal or presence of FRY armed forces. That part of SC resolution apparently defies basic norms of jus cogens related to the juridical equality of states and discrimination under International Law, particularly prohibition of discrimination of UN members provided by the UN Charter and the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character (1975). FRY was invaded, with no backing of UN decision, in violation of the norms of UN Charter in a similar way as Russia invaded the Ukraine (2022), with visible distinction that aggression against the FRY was never condemned by UN and the Western allies.

Issue Related To the Membership Status of the Fry in the UN

In order to comprehensively examine the legal aspects surrounding the UN Resolution 1244 (1999) it appeared to be important for our research to understand an unusual legal status of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the United Nations in 1992. Unlike Yugoslavia (or Serbia and Montenegro), after the recognition by EC of the independence of Slovenia and Croatia and the Declaration of Independence of Bosnia and Hercegovina on March 3, 1992, these three countries were admitted to UN membership on May 22, 1992, by the UN resolutions A/RES/46/237, A/RES/46/238 and A/RES/46/236, respectively. The Federal Republic of Yugoslavia (Serbia and Montenegro) claimed itself as a legal successor state of the SFRY. However, following the recommendations of UN Security Council resolutions SC/RES/757 (May 30, 1992) and SC/RES/777 (September 19, 1992), the UN General Assembly adopted the resolution A/RES/47/1 on September 22 of the same year, determining that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue the membership of the former Socialist Federal Republic of Yugoslavia" in the United Nations. Therefore, it was decided that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership to the United Nations and that it shall not participate in the work of General Assembly". The denial of automatic membership of FRY in the UN was in stark contrast to the previous decision of the General Assembly that the Russian Federation could automatically continue the UN membership of the Soviet Union after its dissolution in December 1991. Despite of the fact that a continuous UN membership of Russia is necessary for the smooth UN

operation (due to its permanent seat in the Security Council), the dissimilar treatment of the two legally identical cases is in contradiction with the UN Charter basic principle of "sovereign equality of its members" (Article 2(1)). It should be noted that the primary purpose of the previously mentioned Security Council Resolution 757, in which the successor status of Federal Republic of Yugoslavia was denied, was to impose international sanctions on the country given its role in the Yugoslav wars (as seen by the Security Council members). During that period Gorbachev's Russia was trying to demonstrate its acceptance of the "western values" and its "openness for co-operation". The negative image created by massive propaganda portraying FRY as an aggressor in Yugoslavia's dissolution process might have led to the biased legal reasoning in the Security Council and in the General Assembly. Irrespective of these considerations, the legal fact remains that through the continuation of the membership of the former Soviet Union (USSR) by the Russian Federation and the denial of continuation of former Yugoslavia (SFRY) by Federal Republic of Yugoslavia, an unequal treatment was applied, that violates Article 2(1) of the United Nations Charter. This example demonstrates how the positions of state entities in the world political system are determined by the relations between the states, especially by the relations between the most influential states, and how these relations may affect the legal actions of international institutions. The recommendation of the UN Security Council in its Resolution SC/RES/777, incorporated later in the General Assembly Resolution A/RES/47/1, that FRY "should not participate in the work of General Assembly", was a political compromise between the US and some western SC members, on one side, and the Russian Federation, People's Republic of China and some other non-allied SC members, on the other. The original draft of the SC Resolution 777, prepared by the United States, stated that the UN General Assembly should make the decision that the "Yugoslavia's membership in the United Nations be extinguished". This Draft SC Resolution was reformulated in order to obtain Russian support and the resolution remained open to different interpretations. Russian Federation and the Republic of China rejected the initial idea that the FRY be excluded from all UN organs, stating that its work in "the other organs should be unaffected". Meanwhile, India and Zimbabwe (traditional allies of Yugoslavia) observed and stated that SC Resolution 777 violates Article 5 of the United Nations Charter. Since the membership of the former SFRY to the UN had not yet been extinguished, the SFRY diplomatic mission to the United Nations continued its work in the other UN organs, while FRY continued to pay the due yearly membership contribution to the UN budget. This irregular membership status was acceptable to the FRY leadership, and only after Milošević was ousted from power on October 5, 2000, the Federal Republic of Yugoslavia applied for UN membership; it was admitted on November 1, 2000, by the General Assembly resolution A/RES/55/12. Let us briefly analyse the legal soundness of SC Resolution 777, regarding which India and Zimbabwe voiced their concerns. The suspension of the right of a UN member from participation in the work of the General Assembly, or the suspension of any membership right, is regulated by Article 5 of the UN Charter that reads: "A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council". It should be noted that the conditions under which the prior preventive or enforcement action had been taken by the Security Council, necessary for suspending a membership right by the Council or the General Assembly, are not explicitly specified in the resolution(s), and neither is their character. This ambiguity dilutes Article 5 as a legal norm and opens the door for political considerations in its interpretation. Although the legal basis for imposing the suspension of the right of SFRY/FRY to participate in the work of General Assembly could only be Article 5 of the Charter, no specific preventive or enforcement action(s) taken by the Security Council were explicitly mentioned in the SC/RES 777 and A/RES/47/1 to justify the imposed suspension. In the absence of an explicit delineation of the specific preventive or enforcement action measures taken by Security Council (and supporting rationale), the recommendation and decision in the above mentioned resolutions for suspension of the SFRY/FRY right to participate in the work of General Assembly are lacking the legal basis. As accurately observed by India's and Zimbabwe's SC members, these resolutions are in violation with Article 5 of the Charter. Thus, it can be concluded that the suspension of the right to participation in the work of the General Assembly by the above UN organs was imposed on the basis of political considerations alone, i.e. disregarding the UN Charter's legal framework. Therefore Resolutions SC/RES 777 and A/RES/47/1 derogating legal membership status of the FRY essentially demonstrate(s) an ultra vires act committed by the UN in its decision making against member state. It should also be noted that unusual membership status of the FRY in the UN limits obligations (and rights) of FRY Vis a Vis the UN, as UN consequently diminish its legal capacity to impose its decision on such member, still a sovereign state.

Illegality of the Annex Ii of the UN Resolution 1244

The alleged right of "humanitarian military intervention" as a pretext or reason for an assault in 1999 apparently did not provide the convincing justifications by NATO countries for their aggressive action, particularly taking into consideration that there were no any backing UN SC resolution for endorsement external military involvement, incursion or intervention against a sovereign state. Even if we put aside that aspect (measure not backed by Security Council resolution), and accept the "significance of the

Kosovo Agreement" with respect to "security provisions" for a region, it remains questionable in the Resolution 1244 (1999) legality of deployment of the UN civil administration in Kosovo and Metohija and KFOR's powers and its entitlements or jurisdiction in the Serbian province. As we noted that in the previous UNSC Resolutions 1160, 1198 and 1203 no explicit authorization was given in their wording for any such violations of national sovereignty. In Resolutions 1160, for instance the SC only recalled the possibility of taking further action, if the SC's requests were not met by the FRY. That formulation was legally dubious, as well since territorial sovereignty is a basic principle embedded in the UN Charter. As for SC Resolution 1244, Western authors (USA, UK, etc.) of that resolution have argued that this act did provide for an ex post facto endorsement of the NATO action. However, nowhere does the resolution afford for any endorsement of the coercive military invasion or UN civilian action or deployment replacing Constitutional organs of Serbia in its province. The incursion action of NATO was not backed by Security Council resolution, neither in the case of military intervention, nor in the process of a treaty-precondition for ending of the brutal intervention. Therefore, procurement of the "Military-Technical Agreement between the International Security Assistance Force ("KFOR") and the Government of the FRY" (or "Kosovo Agreement") appears to be in violation of principles of international law. It is apparently incorrect to argue that the existence of such reference as (or to the) "Kosovo Agreement" (hereinafter "KA") that a day later became Annex II can be seen as an implied endorsement for aggressive action, particularly taking into considerations general provisions of Resolution 1244 guarantying territorial integrity and sovereignty of existing state (FRY) and especially bearing in mind an Article 2(1) of the UN Charter, as a pillar of international law. Obviously, a reference to the agreement (placed in the Annex II of resolution) does not provide any clear evidence of such intention, particularly not consent by other party (Serbia/FRY) in KA, since no state aim at self-derogation of (own) sovereignty or could provide in good faith any endorsement of such self-inflicting damages with external or UN involvement actions in that (damaging) direction. In our view, a previous military intervention by NATO in Kosovo and Metohija couldn't legally be treated as a legitimate/legal or legally endorsed action bearing in mind that brutal bombing of FRY was provoked by refusal of FRY government to conclude another treaty in an attempt of obvious extortion (the Rambouillet Agreement). Act ending the war or rather illegal aggression on the FRY certainly do not represent an international occupation (occupatio bellica) act, because intervention and agreement between Belgrade and NATO was subject of the subsequent (i.e. conditional/potential) approval by the UN Security Council as occupational treaty, and FRY was apparently extorted to sign it. In addition, with respect to Kosovo as its region, Serbia (and FRY) was acting in self-defense against foreign invasion provoked by the rejection of the Rambouillet accords ultimatum. It should also be noted that the territory of Kosovo and Metohija (Serbian province) was placed under the sort of an illegal UN protection despite a fact that it was not and could not be under "protectorate status", since there was no any such treaty between UN and any state (or UN member) on such protective arrangement. Status of the "protectorate" (that is by definition regulated by agreement (and in the jurisdiction of the UN Trusteeship Council)) at the time of the adoption of the SC Resolution 1244 Kosovo and Metohija could not have obtained considering that Kosovo was not a state (or any such entity that meets the conditions to be a "protectorate"), and hence „protector"(state or Organization) couldn't exist in this case. It should be noted that the full name of the "Kosovo agreement" is a "Military-Technical Agreement between the International Security Assistance Force ("KFOR") and the Government of the Federal Republic of Yugoslavia and the Republic of Serbia", suggests its technical nature (or "assistance purpose"), not occupational intention (occupatio bellica) or occupational act (or treaty of surrender). This agreement delivered under the threat of armed attack and bombing (i.e. aggression) was concluded between Yugoslav Army Major General (i.e. divisional general) Svetozar Marjanović (a regional FRY commander in Kosovo), FRY Police Major General Obrad Stevanović on the Yugoslav side, and British Brigadier General Michael Jackson, on behalf of NATO, on the other side (commander on the ground, representing NATO party to the agreement).That was an act concluded under conditions of coercion by the threat of force and the abuse of force. This extorted circumstances speak themselves on the legal validity of the treaty (i.e. conclusion under coercion). It should also be noted that a relatively low military rank of these state officers negotiating already prepared agreement and signing it (below the level of lieutenant general or full general), in comparison to normal diplomatic officials with proper capacity for state contracting, indicates that treaty was in fact an imposed "ceasefire agreement" or as many described a "peace-keeping treaty", and not an act of surrender or occupation (agreement) as was interpreted for instance by Brig. General Michael Jackson, nor an act for the change in the political status of the state (FRY/Serbia) or loss of its territory. Furthermore, with respect to domestic Constitutional aspects, it should also be noted that military officials representing FRY and signing the KA (representing the Yugoslav Army and the police) apparently did not have any Constitutional power or jurisdiction necessary to place signature or conclude any valid document that would limit Serbian sovereignty over its province Kosovo and Metohija on behalf of the Serbian government. That fact was known to the NATO and UN officials at the moment of conclusion of KA. As pointed above, a day after the conclusion of the coercive KA, SC Resolution 124 was adopted and KA was annexed to it and endorsed in an attempt to legitimize that act. Nevertheless, this

Annex II could be interpreted as separable part of the Resolution 1244, since wording of the resolution suggests conditionally for creation of that agreement (in future/conditional tense). Remarkably, KFOR (leaded by NATO force) was not defined anywhere as occupying force (in accordance of UN mandate and UN nature or Charter), but rather as a "peacekeeping force", and therefore agreement annexed (KA) could not also be interpreted as occupational (surrendering) agreement placing state under foreign/external or military rule and occupation. Otherwise, the KA (as Annex to the UN resolution) would be entirely inconsistent with the purposes and principles of the UN Charter. Bearing in mind that KFOR under the international mandate of the United Nations (as non-supranational and deliberative organization) may not be an occupying (or classical coercive occupational) force under any circumstances, due to the peaceful goals of the UN that entail purposes and role of UN peacekeeping forces in accordance to the nature of the Charter, treaty concluded by the NATO on June of 9-th, could not meet any occupational criteria (i.e. standards for military take over the territory or surrender), but rather usual norms for treaty conclusion should be applicable. It is clear from the discussion preceding and following the adoption of the Resolution 1244 in 1999 that its aim with respect to UN presence was only "to restore the authority of the UNSC" starting from "the de facto situation" created by the NATO (assault) intervention, and not in any way to legalize and legitimize that military action. However, Members of the UNSC took as granted "legality" of the "Kosovo Agreement" and even tried to and legitimize its dubious effects despite the controversies related to sovereignty for FRY and territorial integrity guaranteed to FRY in the SC Resolution 1244 in accordance with the UN Charter. The bias arguments employed by NATO countries to justify their action, and other possible arguments such as "the ex post facto endorsement" and the "enforcement of a right of self-determination", reveal to us that NATO intervention was indeed in violation of the basic principles of international law and purposes of UN embedded in its Charter. Conducted NATO military action in FRY prior to Resolution 1244 could, for instances, be burdened by possible NATO atrocities (as was actually case to some degree with air campaign), that could not subsequently be legitimized or endorsed by the UN resolution(s) under any pretext or circumstances. In some of advisory opinions of the ICJ and for example in the very first case dealt with by the ICTY, we have observed very broadly defined the competence of the UNSC to act within the powers provided by Chapter VII. On some other situations, ICJ took different stand that power of the Security Council should be limited and in accordance with the UN Charter. Due to the lack of an institutionalized system of judicial review of the acts of the political organs of the UN, the SC in its business presumed an unlimited authority to decide its own competence practically on any matter by declaring that such „conflicting" or controversial "matter" allegedly represent a threat to international security (de facto „being judge in its own case"). Remarkably, UNSC also assumed an unlimited power to decide which kind of coercive or non-coercive measures to adopt, with no limitation embodied in UN Charter. As a consequence, a state addressed by such arbitrary SC measures could not seek a judicial review of the decision(s) per se. In previous chapter in our article here (above), in the case of illegal derogation of the legal membership status of FRY in the UN, it was clearly demonstrated that in spirit of international law and normative nature of the UN Charter (as contract) that UNSC shouldn't possess unlimited powers, and when presumed arbitrary and therefore wrongfully such actions constitute an ultra vires act(s), by its nature, since powers of any UN organ legally should always be limited. Another question is how to deal with such illegal acts or how to cure their illegal consequences or effects. Some possibilities were suggested in the jurisprudence of ICJ related to the advisory jurisdiction of the Court. Arbitrary behaviour of the UN Security Council (SC) with respect to Kosovo and Metohija (KiM) was demonstrated before the adoption of the SC Resolution 1244. In the UNSC Resolution 1203 for instance, the SC endorsed the agreements of October 15 and 16 (1998) between the FRY and OSCE, and the FRY and NATO respectively, which were concluded after the issuance of an activation order by the NATO Secretary General. Such „threat of the use of force" without proper UNSC authorization was clearly in defiance of international law and UN Charter. In the lack of reference to international law and legal grounds, the ad hoc solution provided (described as "uniqueness of the precedent") by SC hardly speak in favor of the development of "new" normative standards "relaxing the obligation" of the Security Council to abide by the UN Charter. It is also apparently not permissible Security Council decision to supersede the underlying agreement as a normative source. In UNSC Resolution 1203, it effected a "novation" of the (in) valid or dubious agreement between OSCE and FRY by creating a new so-called "legal basis" for the OSCE verification mission. In addition, such novation apparently did not occur with respect to the NATO "air verification" mission (in view of SC), who's normative content was still dependent on the Belgrade consent. The Kosovo Agreement (KA), which is supposed to "provide the legal basis" for NATO's authority over security matters in FRY, apparently does not appear to have been superseded by Resolution 1244, neither appears to legalize aggression subsequently. Likewise, without Kosovo Agreement, Security Council Resolution 1244 have essentially different character and limits; hence standalone (striped from annexes) it provides for territorial integrity of FRY and Serbia. It should be reiterated that Kosovo Agreement was subsequently added as an Annex to the Resolution 1244 subject to the consent of FRY (under abuse of force) and that in the case of potential termination of the treaty (KA), Resolution 1244 would still be in force with original legal effects (in absence of Annex provisions).

Even with demand enshrined in Resolution 1244 for the "complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo", that resolution determination of 1999 couldn't prevent possible present day action of Serbia for self-defence or defence of its population in Kim, as the peremptory right stemming from the norm of jus cogens. As to the compliance of UN (SC, UNGA and other organs) decisions or resolutions with mandatory norms of jus cogens that by peremptory nature limits powers of UN and/or UNSC decisions the conclusion related to such limitation of powers of the UN organ is self-evident. Given that the prohibition of the use of force outside the UN Charter framework has been considered by the ICJ and the International Law Commission (ILC) as the norm of jus cogens, it may well be asserted that general customary principles, such as norm in Article 52 of the Vienna Convention on the Law of Treaties of 1969 (VCLT) related to invalidity of treaties concluded under coercion also represents as supreme jus cogens norm (and should be respected as such). The Article 52 of the Vienna Convention on the Law of Treaties (VLCT) provides jus cogens limitation related to the Law of contracting treaties that reads:

"A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations". In our case with Kosovo Agreement, this dubious contractual act apparently represent an example of an invalid agreement under Article 52 of the VCLT in violation of a basic norm of jus cogens. That act is beyond the limits of UN legality and jus cogens prerequisites for contracting, since treaty was concluded in the absence of the essential element of the consent and a free will, with respect to Serbian and Yugoslavian party-contractor that was evidently coerced and extorted under threat of the use of force. The KA was not concluded under presumption of Good Faith (Bona Fides). One may argue whether Article 52 of the Vienna Convention on the Law of Treaties (1969) provides for a ground of "absolute" or alternatively "relative" invalidity in case of Kosovo Agreement (namely, posing a dilemma whether that treaty that ought to be considered as null and void ab initio, or whether it can still produce some legal effects and be „cured" by the (coerced) party's subsequent acceptance or acquiescence of that act). The wording and character of Article 52 within the Vienna Convention on the Law of Treaties clearly support the view that Article 52 describes a ground of absolute nullity of act(s) created under coercion (or threat or use of force). Also the ILC Commentary on Vienna Convention on the Law of Treaties leans on towards this original interpretation of Article 52 (as null and void ab initio). The prevailing ratio of this ILC findings is that the protection against the threat of use of force is of such "fundamental importance for the international community that any juridical act concluded against such principle ought to be fully invalidated". When discussing the loss of a right to invoke a ground of treaty invalidity by way of acquiescence (Article 45 of the VLCT), the ILC is unambiguous in stating that: „the effects and implications of coercion in international relations are of such gravity . . . that a consent so obtained must be treated as absolutely void in order to ensure that the victim of the coercion should afterwards be in a position freely to determine its future relations with the State which coerced it". For instance to change the original interpretation, a Swiss delegation to the 1969 Vienna Diplomatic Conference proposed an amendment to the draft article to the effect that the coerced state would be entitled to "waive the invalidity of the treaty". The proposal was defeated 63-12, thereby supporting the idea that only a subsequent agreement would be able to confirm the validity. We may now briefly remind us to the content of the basic provisions of this imposed "peace agreement", which was concluded outside the valid domestic constitutional requirements of Serbia/FRY (for contracting) and in absence of free will of contracting parties (i.e. Serbian free consent and Bona Fides). From the Article I of the KA we found harsh compulsory limitations contrary to the general provisions of the SC Resolution 1244 related to the sovereign status of the FRY:

1. The Parties to this Agreement reaffirm the document presented by President Ahtisaari to President Milosevic and approved by the Serb Parliament and the Federal Government on June 3, 1999, to include deployment in Kosovo under UN auspices of effective international civil and security presences. The Parties further note that the UN Security Council is prepared to adopt a resolution, which has been introduced, regarding these presences.
2. The State Governmental authorities of the Federal Republic of Yugoslavia and the Republic of Serbia understand and agree that the international security force ("KFOR") will deploy following the adoption of the UNSCR referred to in paragraph 1 and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission. They further agree to comply with all of the obligations of this Agreement and to facilitate the deployment and operation of this force.

As we may conclude from these apparently coercive provisions, the NATO party to the Kumanovo Agreement (that concluded this agreement with Serbia and the FRY), is "KFOR" (i.e. renamed and not occupational NATO) with the basic task for "maintaining a safe environment for all citizens of Kosovo and to carry out their mission in other ways." The tone and the wording of the provisions of this part of the Agreement are reminiscent to those of a treaty dictated by the party winning the war to the one that had lost the war. Nevertheless, this role of KFOR is by definition an UN peacekeeping mission that must take care and respect for human

rights for all peoples leaving in that area, and is supposed to abide to the purposes of UN Charter. Thus, in the absence or negligence of for the treaty obligation and/or non-compliance with those obligations by any party, consequence could be termination of the agreement, even by unilateral action under jus cogens violations. Since this agreed intervention was defined as peacekeeping mission, not an occupational one, peace agreement under the UN authority exclude interpretation of the capitulation that dictates conditions for surrender or change if the state's legal and political status. On the other hand, the paragraph 4 of Article I clearly suggests that the purpose of these obligations (for two parties) is unilateral compulsory imposition of mandatory non-reciprocal obligations that dictates behaviour of the armed forces of FRY and Serbia and even limitation to civil personnel of FRY/Serbia contrary to the UN norms of sovereign territorial integrity :

„a. To establish a durable cessation of hostilities, under no circumstances shall any Forces of the FRY and the Republic of Serbia enter into, re-enter, or remain within the territory of Kosovo or the Ground Safety Zone (GSZ) and the Air Safety Zone (ASZ) described in paragraph 3. Article I without the prior express consent of the international security force ("KFOR") commander. Local police will be allowed to remain in the GSZ. The above paragraph is without prejudice to the agreed return of FRY and Serbian personnel which will be the subject of a subsequent separate agreement as provided for in paragraph 6 of the document mentioned in paragraph 1 of this Article. b. To provide for the support and authorization of the international security force ("KFOR") and in particular to authorize the international security force ("KFOR") to take such actions as are required, including the use of necessary force, to ensure compliance with this Agreement and protection of the international security force ("KFOR"), and to contribute to a secure environment for the international civil implementation presence, and other international organizations, agencies, and non-governmental organizations (details in Appendix B)."

These cited provisions of KA clearly demonstrate extorted impositions of politically self-inflicting damaging obligations otherwise normally unacceptable in the absence of the imminent threat of war (i.e. abuse of power). That KA imposed obligations, as a sort of sanctions, apparently substantially undermine unacceptably derogate state sovereignty in the part of the territory of FR Yugoslavia and particularly territorial sovereignty of Serbia. It follows self-evidently that the KFOR - FRY/Serbia agreement (KA) was created under war-like threats and fundamental coercive pressure to surrender part of Serbian territory to assault victorious forces (NATO) where the formal FRY consent was extorted under condition of continuation of bombing aggression against Serbia and FRY. Therefore the only possible conclusion is that this unwanted agreement was not concluded in accordance with the general rules of contracting law, i.e. free will and bona fides. Under no circumstances, other than military coercion and extortion FRY (and self-evident abuse of power) would Serbia or FRY agree to surrender part of its territory to the foreign occupational forces that took side with Kosovo's Albanians. With respect to its legal validity or entering into force, subparagraph f provides that: "Entry into Force Day (EIF Day) is defined as the day this Agreement is signed."(i.e. "Entry into Force Day" hereinafter EIF Day), i.e. KA entered into force on 9 June 1999 where NATO designation was replaced with KFOR. It should be noted that in moment of signing of KA, UN still didn't instituted KFOR as its peacekeeping force. Next day, UN Security Council incorporated dubious agreement as its Annex II to the Resolution 1244 and endorsed KFOR as UN force (ex post facto). It should be emphasized with respect to general customary law, that contracts concluded under pressure (abuse of power), threat, fraud, deception, delusion/misperception, blackmail or violation of basic jus cogens norms, as well as the principles of bona fides (as emerging jus cogens), have no legal effect by definition (they are null and void). All enumerated reasons for termination of agreement or contract (under threat, pressure, fraud, delusion/ misperception, blackmail, extortion) constitute also jus cogens norms of peremptory customary law that may invalidate any agreement or a treaty. Obviously, act or statement to inflict damage or other hostile action, as in case of Serbia (party to the KA), constitute a threat that could invalidate a contract. Furthermore, in modern international law, some basic rules of Article 2 of the UN Charter that regulate interstate relations, in addition to mentioned customary norms, including genocide (or other blatant human rights violations), are also considered to be jus conges norms for state's behaviour. These basic peremptory norms include: 1. sovereign equality (paragraph 1 of Article 2) that enshrines a basic juridical equality, than as an extension to that norm principle of political independence and territorial integrity (paragraph 4 of Article 2) and particularly a basic principle-pillar of non-interference in the internal affairs (and hence internal jurisdiction) of other states (paragraph 7 of Article 2). These principles are basic paramount customary pillars of International public law. At this point we must derive a conclusion, that all these enumerated basic principles of law have been violated by the imposition of Kumanovo Agreement under the threat of armed attack that clearly as the consequence derogates national sovereignty and provides for the transfer of authority to UN, nullifying Serbian presence in Kosovo and Metohija. In paragraph 3 of Article I, subparagraphs d and e, impose apparent occupational restrictions that blatantly derogate Serbian statehood, punishing FRY and awarding Albanian insurgency, supported by NATO invasion forces (or as renamed by UN "KFOR"):

„d. The Air Safety Zone (ASZ) is defined as a 25-kilometre zone that extends beyond the Kosovo province border into the rest of FRY territory. It includes the airspace above that 25-kilometre zone.

e. The Ground Safety Zone (GSZ) is defined as a 5-kilometre zone that extends beyond the Kosovo province border into the rest of FRY territory. It includes the terrain within that 5-kilometre zone." Undeniably these stark "commanding style" restrictions that could by typical only for act of capitulation clearly represent a dictation of legally dubious obligations and coercive measures under the lack of any basic consent and free will in the process of treaty conclusion. Article II provides orders and commands aimed at complete and unconditional limitation of Serbian or FRY presence in Kosovo and assumption of the transfer of power under compulsory UN mandate demonstrating enforcing humiliating submission of FRY authority:

1. The FRY Forces shall immediately, upon entry into force (EIF) of this Agreement, refrain from committing any hostile or provocative acts of any type against any person in Kosovo and will order armed forces to cease all such activities. They shall not encourage, organize or support hostile or provocative demonstrations.
2. Phased Withdrawal of FRY Forces (ground): The FRY agrees to a phased withdrawal of all FRY Forces from Kosovo to locations in Serbia outside Kosovo. FRY Forces will mark and clear minefields, booby traps and obstacles. As they withdraw, FRY Forces will clear all lines of communication by removing all mines, demolitions, booby traps, obstacles and charges. They will also mark all sides of all minefields. International security forces' ("KFOR") entry and deployment into Kosovo will be synchronized. The phased withdrawal of FRY Forces from Kosovo will be in accordance with the sequence outlined below:

- By EIF + 1 day, FRY Forces located in Zone 3 will have vacated, via designated routes, that Zone to demonstrate compliance (depicted on the map at Appendix A to the Agreement). Once it is verified that FRY forces have complied with this subparagraph and with paragraph 1 of this Article, NATO air strikes will be suspended. The suspension will continue provided that the obligations of this agreement are fully complied with, and provided that the UNSC adopts a resolution concerning the deployment of the international security force ("KFOR") so rapidly that a security gap can be avoided.
- By EIF + 6 days, all FRY Forces in Kosovo will have vacated Zone 1 (depicted on the map at Appendix A to the Agreement). Establish liaison teams with the KFOR commander in Pristina.
- By EIF + 9 days, all FRY Forces in Kosovo will have vacated Zone 2 (depicted on the map at Appendix A to the Agreement).
- By EIF + 11 days, all FRY Forces in Kosovo will have vacated Zone 3 (depicted on the map at Appendix A to the Agreement).
- By EIF +11 days, all FRY Forces in Kosovo will have completed their withdrawal from Kosovo (depicted on map at Appendix A to the Agreement) to locations in Serbia outside Kosovo, and not within the 5 km GSZ. At the end of the sequence (EIF + 11), the senior FRY Forces commanders responsible for the withdrawing forces shall confirm in writing to the international security force ("KFOR") commander that the FRY Forces have complied and completed the phased withdrawal. The international security force ("KFOR") commander may approve specific requests for exceptions to the phased withdrawal. The bombing campaign will terminate on complete withdrawal of FRY Forces as provided under Article II. The international security force ("KFOR") shall retain, as necessary, authority to enforce compliance with this Agreement.
- The authorities of the FRY and the Republic of Serbia will co-operate fully with international security force ("KFOR") in its verification of the withdrawal of forces from Kosovo and beyond the ASZ/GSZ.
- FRY armed forces withdrawing in accordance with Appendix A, i.e. in designated assembly areas or withdrawing on designated routes, will not be subject to air attack.
- The international security force ("KFOR") will provide appropriate control of the borders of FRY in Kosovo with Albania and FYROM (1) until the arrival of the civilian mission of the UN."

In the light of these compulsory obligations, imposed under threat, that blatantly affect a dignity of the State (FRY and Serbia) and particularly a character of blackmails associated with this unjust agreement that are fundamental to the revision of the statehood of Serbia and FRY with respect to province of Kosovo, KA needs to be qualified as an illegal act. Bearing in mind that NATO incursion on FRY clearly constitute the crime of aggression, as many time repeated by FRY officials, including fact that NATO was pursuing Kosovo's Albanian agenda, its undeniably evident unwillingness to conclude Kosovo Agreement from the Serbians and FRY. It is blatantly clear that KA represent an example of contract unwillingly and forcefully imposed under severe pressure, threat by armed force and coercion (or against the free will and consent) of the signatory party-state to the agreement. This kind of act obviously do not abide to the imperative of Bona fides criteria, nor to the jus cogens norm of juridical equality. Undignified circumstances, from the Rambouillet Accords blackmail, followed by the crime of aggression and finally after-war the KA bring us to the self-evident conclusion that the aggressive attacks, including aerial bombardment on FR Yugoslavia would not have been ended

or stopped unless such an act of extortion has been signed. The condition for peace was signing of the KA. Therefore, a signing (and thereby concluding) the KA could not satisfied "good fate" (Bona Fides) requirement, imperative norm of sovereign (juridical) equality and territorial integrity, that was undeniably violated. As mentioned above, the bona fides principle is a key component of modern legal orders and it appears to be a general principle of international law for contracting or at least emerging jus cogens norm. That fundamental legal principle requires parties to deal honestly and fairly with each other and to refrain from taking unfair advantage. By misrepresenting of NATO forces that actually committed crimes of aggression as "peacekeepers" i.e. KFOR (replacing name of the invasion force) appears to be a deception and misconception. With respect to KA we may argue that this act contain Mala Fides, since one party apparently abuse the power without any good intention to achieve common aims. Therefore, starting from the indisputable and undeniable fact that the contract was coerce-fully imposed under the threat of advancing brutal aggression with disrespect of bona fides, it should be considered that this type of contract in absence of genuine element of consent was created under illegal pressure and involving abuse of power and Mala Fides ("Bad Faith"), and hence without necessary element of validity. In that light, if we take into consideration that the military intervention (as a crime of aggression) was not previously endorsed or approved by the UN Security Council and that the war ended with an imposed "peace treaty" with KFOR as essentially disguised NATO occupational forces, under harsh pressure on state to surrender and transfer the power, we may derive self-evident conclusion that such an agreement is null and void ab initio. In the judgment of validity of the KA we should also bearing in mind that FRY Constitutional provisions with respect to sovereignty and contracting of treaties prohibits creation and conclusion of such agreements or treaties revising statehood and in that light do not confer entitlement to any official person such contracting power. Furthermore, an absence of such constitutional authority was clearly known to other contracting party (UN and NATO/KFOR). In Article 46 of the VCLT it is provided as following:

"1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance. 2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith." Therefore, having in mind that territorial sovereignty was blatantly and visibly violated, against FRY Constitution (including obvious lack of competence for conclusion) and principle of bona fide acts as a guiding tool/requirement to the interpretation of the standard for conclusion of treaties, the Kumanovo Agreement (KA) violated Article 52 of the 1969 Convention on the Law of Treaties, with illegal coercion and abuse of power against territorial sovereignty and dignity of the other party, disrespecting its genuine consent i.e. under Mala Fides. Furthermore, with respect to described violations of pillars of statehood and principles on non-intervention in domestic affairs (matters that are stricto sensu in internal jurisdiction embedded in the UN Charter Article 2(7)), we may recall the UN Charter Article 2 (1) bearing in mind that it protects not only the right to "sovereign equality" of all states, but also based on the paramount fundamental norm enshrined in it the juridical equality for all states (persons under legal order and applicable even out of scope of the UN system). The norm of juridical equality is therefore another general jus cogens rule that as a basic principle originate even from the Roman law (a customary principle "subjects are equal under the law"). Having said that, we may consider Kumanovo Agreement (KA) as subject to a unilateral termination under Article 53 of the 1969 Vienna Convention on the Law of Treaties (1969). Article 53 of the VCLT provides:

"A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character."

From that angle with respect to peremptory norms that condemns and prohibits crimes of aggression and thereby protect territorial integrity (as sovereign territorial right) , limitations for Serbian self-defence (as just another jus cogens) are questionable in the Annex I of the SC Resolution 1244 that encompasses by Serbia (and FRY) rejected "Rambouillet Accords". The Annex I contains "general principles" copied from the "Rambouillet Accords"on Kosovo agreed at the G-8 Foreign Ministers meeting held on 6 May 1999 reads:

"- Immediate and verifiable end of violence and repression in Kosovo;

- Withdrawal from Kosovo of military, police and paramilitary forces;

- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;

- 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;

- The safe and free return 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 providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA; /... S/RES/1244 (1999);
- Comprehensive approach to the economic development and stabilization of the crisis region."

As we may derive from presented Annex I and subsequent SC endorsement of by Serbia rejected "Rambouillet Accords", in exact wording of the Annex I (copy-paste ultimatum) fundamentally contradicts basic provisions in the main part of the Resolution 1244 guaranteeing sovereignty and territorial integrity of Serbia and FRY. In addition, it appears that KFOR failed in its authorized task related to the impartial "safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations". Particularly, KFOR have failed in "demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups" as required by Resolution 1244. Kosovo authorities had a duty with KFOR related to "demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence…" Contrary to that explicit obligation, authorities in Kosovo actually created armed forces from the KLA with a view to become a regular army, and that happened under the watch of KFOR. Apparently, the KFOR's action have not been impartial, as was supposed to be. Furthermore, Security Council of the United Nations completely failed in its commitment to "ensure conditions for a peaceful and normal life for all inhabitants in Kosovo" and fundamentally ignored their obligations failing in "establishment of an interim administration for Kosovo" on independent and impartial way that could provide peaceful and normal life for all inhabitants, irrespective of ethnicity. As for mentioned jus cogens limitation (i.e. norm of sovereign equality of states) applicable to UN decisions, we me argue today that FRY obligation as "withdrawal from Kosovo of military, police and paramilitary forces" could be ignored by Serbia under blatant humanitarian conditions of Serb population in Kosovo and Metohija or any attempt by Kosovo Albanians to generate genocide-like conditions for exodus of Serbians. The jus cogens norms are therefore applicable to the legality of KFOR and UN presence or entitlement for „maintenance of peace "that appears presently to defy the basic norms of International Law (i.e. norm of sovereign equality of states and prohibition of exodus of people and crimes of aggression). Same conclusion goes for an Advisory opinion of the ICJ delivered in 2010 regarding Kosovo Declaration on Independence (2008) that was proclaimed not to be in contradiction with sources of International Law. Even if a document of Declaration on Independence didn't challenge any existing rule of International Law or FRY „Constitutional Framework", it appears that Kosovo Albanians didn't have legal power for secession from the existing sovereign state (having in mind territorial sovereignty and sovereign equality of states), at least not in absence of proper international authorization (i.e. UNSC resolution or at least an UNGA resolution). Without any doubt "Constitutional Framework" of both FRY and Serbia was harshly violated and International Court didn't understood that simple fact in their deliberation and conclusion that were delivered in its Advisory Opinion. In addition, International Court seems to fail to realize that secession per se constitute an illegal act in flagrant violation of jus cogens norm of sovereign equality of states that enshrines in itself sovereign (territorial) integrity. If we summarize generally situation with respect to Kosovo Agreement and Resolution 1244, it appears that legal grounds of the NATO security presence in Kosovo in the form of KFOR and UNMIK are at least shaky, making the territorial undefined status of "Kosovo" clearly unlawful and therefore subject to endless negotiation between Belgrade and Pristina, that seems to be futile. The legal limitation of NATO/KFOR presence and its role in Kosovo and Metohija is also entirely dubious and undefined despite the clear obligation of KFOR to protect human rights and dignity for all inhabitants of that region regardless of ethnicity and not to allow other armed forces on this territory to exist or emerge. It should be noted that KA and UN Security Council Resolution 1244 (1999) does not endorse or allow any (other) military forces on the territory of Kosovo and Metohija, while Kosovo and Metohija (in general provisions formally) continues to be part of the territory of Yugoslavia and Serbia. Nevertheless, Pristina created paramilitary forces and de facto declared existence of its national army and sovereignty, preventing any negotiation about it, with no reaction from the international community or KFOR. Western powers and leading UN members that are also members of the NATO strongly and visibly supported international recognition of Kosovo as a "state" in all international organization. These actions were in direct defiance of Resolution 1244 and KA. In addition, crucial contracting obligation of the NATO forces (or KFOR) for demilitarization as laid down in the Resolution 1244 and both Annexes were not honored and ignored. An attempt by international community to resolve the issue of the status and normalization by proposing Brussels agreement concluded by Belgrade and Pristina (2013) have failed due to noncompliance by Pristina (Kosovo). That peacekeeping effort and compromise accepted by Serbia (initiated by international community and EU) failed when Pristina, with an unofficial Western support, unilaterally decided not to honor its contractual obligation regarding creation of the Community of Serb (majority) Municipalities in Kosovo (CSM or "ZSO").By stark

noncompliance Kosovo's government de facto terminated Brussels agreement and even started with violent behavior against the Serb population and Serbian property in ZSO, with basically no reaction of international community, UN or KFOR. Recent attacks on Serb population in September 2021 (with respect to usage of registration license plates) by special police of Pristina ("ROSU police") as paramilitary heavily armed formation clearly demonstrated that KFOR in Kosovo and Metohija appears is not impartial peacemaker, but rather facilitator in line with creation of the statehood for so-called "Republic of Kosovo". As was firmly confirmed in the General Assembly Resolution 12407 delivered on 2 March 2022 any violation of the territorial integrity or territorial sovereignty constitute the flagrant and fundamental breach of International law and UN Charter (case of aggression against Ukraine) equal to the violation of peremptory norms of International Public Law. In that light, particularly if provisional government in Kosovo and Metohija firmly insist to become a NATO member in future, as was recently requested the President of the Kosovo (KiM), or to intimidate Serbs or generate an ethnic cleansing campaign against the Serb population, it is our opinion that Serbia needs to consider adequate response to the any possible such scenario, including own noncompliance with Annex II of the SC Resolution 1244 or even termination of the KA as an illegal act, generated after an aggression on the FRY similar in nature as 2022 invasion on Ukraine. UNGA on 2 March 2022 in its resolution strongly denounced Russian invasion over Ukraine.

Conclusion

On 10 June 1999, the UN Security Council (SC), by adopting its Resolution 1244 (1999) placed Kosovo and Metohija , a province within the Federal Republic of Yugoslavia (FRY) and Serbia, under joint administration of the NATO and UN KFOR (identical to NATO) as an UN "peacekeeping force". The resolution was passed one day after the end of NATO military intervention against the FRY and extorted conclusion of the "Kumanovo Agreement" (KA) on 9.June (1999). Military intervention started after FRY rejected Rambouillet accords (as attempt for extortion and blackmail) that was delivered in the form of ultimatum to avoid military aggression. That aspects raised considerable controversies over the legality of subsequent NATO aggression, including annexes to the Resolution 1244, as military intervention was crime of aggression, i.e. compliance with basic norms of jus ad bellum and jus cogens particularly with respect to sovereign equality of states (or juridical equality under legal order). NATO intervention was not endorsed by UN organs and signing of the Rambouillet agreement (accords) was precondition of NATO not to intervene against FRY/Serbia. After resolute refusal to accept and sign (conclude) Rambouillet accords, NATO started its incursion operation. At this point, with no authorization of UN SC aggression by NATO can be characterized only as an abuse of power and crime of aggression. Likewise, conclusion of Kumanovo Agreement was an ultimatum (or condition) delivered to FRY for ending the NATO intervention in 1999. Unless FRY and Serbia concluded the KA, bombing and intervention wouldn't ceased. In the process of conclusion the KA and in the Resolution 1244 (day later), the NATO forces was merely renamed by the UN as KFOR i.e. peacekeeping force. Therefore, conclusion of the Kumanovo Agreement was just another example of a treaty conditioned and extorted by the threat of armed attack, thus without legally valid consent by parties (e.g. from FRY/Serbia). Namely, NATO blatantly abuse the power to coerce Serbia and FRY to sign the treaty (Kumanovo Agreement) under imminent assault threat. UN Security Council acted under Chapter VII of the UN Charter endorsed KA as a legitimate treaty, disregarding imposed character of this act. The Council didn't took into consideration that external NATO military intervention (aerial bombardment) was not authorized by UN Security Council, neither the conditioning of the Kumanovo Agreement (KA) and blackmail circumstances with respect to Rambouillet accords/agreement i.e. pre-conditioning. It should be noted that Kumanovo Agreement signed on 9 June 1999 was understood by NATO officials (including M. Jackson, NATO general who placed its signature) as agreement for military capitulation of the FRY and Serbian armed forces. On the other side, UN implicitly defined KA as a peacekeeping treaty in the spirit of the UN Resolution 1244 and in accordance with the purposes of UN Charter. Many states at that time openly doubted legitimacy of such an SC Resolution that endorsed rejected Rambouillet accords disrespecting illegal conditioning of FRY and its provisions in harsh inconsistency with Art. 2(7) of the UN Charter (i.e. noninterference in domestic jurisdiction). For instance the abstention of China in the UNSC, organ by which the resolution was approved, was clearly provoked under strong presumption that legality for Resolution 1244 was questionable and dubious. Kumanovo Agreement was subsequently attached to the Resolution 1244 on 10 of June 1999, for endorsement ex post facto as its Annex II, with the view to legalize intervention and provide a legitimate control territory of Kosovo by NATO (essentially disguised as KFOR), despite contradicting general provisions in Resolution claiming guaranties for sovereignty and territorial integrity of FRY and Serbia. Wording of the Resolution 1244 conditionally provides for conclusion of the KA as its Annex, and it appears that in the moment of its conclusion KFOR as a party to the agreement even didn't formally exist. Only Security Council of the UN have authority to create or rename peacekeeping forces under UN mandate. Therefore, Annex II is basically separable attachment to the SC resolution. Thus in the case of an amendment or termination of the KA provisions, the SC Resolution 1244 would still remain in force. Conditionality of the creation of the treaty (KA) in wording of the Resolution 1244 suggests that Annex II (KA) was legally not inseparable part of the UNSC resolution.

Likewise, in the absence of SC resolution, Kumanovo Agreement would independently produce legal effects (rights and obligations) with respect to the parties. As for the legal quality of the treaty, Serbian's valid consent is still missing, and the signatures placed on KA were legally unconstitutional (according to the Serbian Constitution). In conclusion, Kosovo Agreement, per se, has demonstrated its unlawfulness as far as the KFOR security presence is concerned and to the extent of the abuse of power by NATO it is in violation of jus cogens norms of International law. The Resolution 1244 itself goes beyond the limits of UN legality, by endorsing and recalling the mandate provided by the dubious Kumanovo Agreement. From practical point of view, if the KA was potentially terminated, Serbia wouldn't be obliged not to intervene by its forces in Kosovo and Metohija. As for the jus cogens norms we pointed in our research that absence of the genuine consent and disrespect for bona fides (by the abuse of power) in treaty conclusion represent clear violation of peremptory customary principle. Neither "effectiveness of international action" nor general "legitimacy" under "humanitarian concerns" could justify and cure by themselves or the legality of Kosovo Agreement. That conclusion became self-evident after the adoption of UNGA Res. 12407/2022 condemning Russian invasion over Ukraine. Therefore in the case of Kumanovo Agreement application of Article 52 of the Vienna Convention on the Law of Treaties of 1969 (VLCT) is not only possible, but also recommendable in cases of humanitarian disaster. This Article of the VLCT provides that: "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations". Furthermore, in our research we found yet another source for nullification of that dubious treaty using applicability of Article 53 of the VLCT. Article of the VLCT provides jus cogens termination: "A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character." It goes without saying that measure of termination of the international treaty shouldn't apply easily or with no good reason. On the other hand in case of complete neglect and noncompliance for duties of presumed by Kosovo's government with respect to Brussel's agreement and their de facto termination of this agreement, it seems legitimate for Serbia, in cases of humanitarian crisis sparked by Kosovo's forces, to terminate the Kosovo Agreement (Annex II of the SC Resolution 1244) on the grounds provided by Articles 52 and 53 of the Vienna Convention on the Law of Treaties (1969). Different treatment of invasion of FRY (1999) and Ukraine in 2022 clearly demonstrate double standards of international situations with similar nature.

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