

UCIMUN 2026 Specials



Background Guide

International Court of Justice

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MODEL UNITED NATIONS AT THE UNIVERSITY OF CALIFORNIA, IRVINE
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Dear Delegates,

From the ruins of war to the chambers of law, the pursuit of justice continues for all. Welcome to the International Court of Justice (ICJ) at UCIMUN's 34th Annual High School Conference. My name is Jherica Paulino, and I am exhilarated to be the Director of the United Nations International Court of Justice! This committee wouldn't be possible without our vibrant Assistant Directors: first-year Elena Perez and third-year Nina Xu. We are so honored to grow alongside you this weekend, debating through thoughtful discourse and making irreplaceable MUN memories through our specialized spin on the ICJ.

As a rising second-year at UC Irvine, I am majoring in Political Science and International Studies on a pre-law track. This aspiration had been cultivated long-time through Model UN in high school, entering the world of diplomacy freakishly reluctant to unmute through a Zoom conference. 18 staff, secretariat, and Secretary-General experiences later, I am bound to the shackles of MUN forever, now staffing and competing internationally at the collegiate level as a delegate for UCIMUN's Travel Team. Outside of MUN, I hold office in multiple pre-law organizations, am a UCI Campus Representative, and live for spontaneous foodie adventures.

With this conference likely being many of your final hurrahs of your MUN career, look around! International policy and relations shape our rapidly changing world, working clause by clause to change it not for power, but for principle. The International Court of Justice is the only international court authorized to resolve general legal disputes between nations, and is widely recognized as the authoritative source on nearly all international law. As one of the six principal organs of the United Nations, nearly every single nation is privy to the ICJ since its founding in 1946. Since then, the court has deliberated over 200 cases, each foundational to reinforcing claims to sovereignty and conflict prevention.

The former communist Federal Republic of Yugoslavia (FRY) has had a long history of jurisprudence battles within the ICJ, with 12 contentious cases surrounding Genocide Convention cases and ten Legality of Use of Force cases with nations involved with the NATO bombing campaign. During UCIMUN 2026, we will be focusing on two key cases surrounding Yugoslavia, its legal successor states, and its retaliatory powers (including but not limited to NATO): [Serbia and Montenegro v. Belgium] and [Bosnia and Herzegovina v. Yugoslavia].

In the end, there's a reason why Yugoslavia isn't on our world maps anymore. However, it is our responsibility at this UCIMUN to identify holes in the case. Like ICJ judges, we must render each case as impartial constituents to settle in the most humanitarian way. To effectively treat these cases under its accurate historical depiction, **we ask that you neither look up the case nor the outcome** and its immediate geopolitical consequences. Aside from this topic synopsis, we encourage you to look up the key international arguments surrounding the case while **refraining to read any judgement of any of the Legality of Force cases or Genocide Convention cases** to preserve the sanctity of the committee.

Watch out - our crisis staffers have some creative twists to change the status quo of how we remember history. For this, encourage you to think maximally, debate tenaciously, and just maybe, give me a candy bar when we meet for the conference. Zot! Zot! Zot!

Jherica Paulino (she/her)
Director | International Court of Justice



International Court of Justice | Rules of Procedure

AUTHORITY AND APPLICABILITY:

These Rules of Procedure govern the proceedings of the International Court of Justice (ICJ) Committee at UCIMUN, designed to simulate the jurisdiction, authority, and judicial practice of the International Court of Justice. With a unique specialized twist, we also will be incorporating a crisis-style backroom that effectively addresses the real-world applicable consequences of the provisions made in court (throughout debate). The crisis staffers will be trained to offer feedback on compliance threats from citizens and external NGOs/UN organizations, outline state defiance as a consequence of written provisions, and will escalate the situation in the most engaging way!

Each delegate will represent judges that stand in the ICJ who are inducted by the UN from their diversity in background and sworn impartiality. Although traditionally, there are 15 judges of the ICJ, we may add more/add Ad Hoc judges or country representatives according to the developments of the conference addendum. Regardless, in the event of a tiebreaker for any unanimity cases in the trial, President Shi will be responsible for governing on those grounds. In proper trial proceedings, we will have ICJ-exclusive specialized rules of procedure, statements from each judge, and will collaboratively need to create a memorandum of pleadings per speaking cycle. Fundamentally, each new clause is affected by the court's (judges) deliberation of evidence and any external factors (backroom activity) that may impede on the case in real time.

PRE CONFERENCE POSITION PAPERS:



Traditionally, within the ICJ, Judges will come prepared to court with a written opinion, and interested states that may or may not be involved in the Contentious Case (State v. State) will submit written statements. For the purposes of UCIMUN ICJ, everyone is to submit a **Written Proceeding Memorial** including the following elements:

1. Statement of Facts
2. Jurisdictional Arguments
3. Legal Grounds
4. Requested Remedies

****Note:** Although you will not get reprimanded for using general position paper guidelines, it is highly smiled upon to utilize the framework of elements as listed above to more effectively translate your requested remedies into the later mentioned Legal Briefs and Dissents. These will later be translated into the Final Judgement

If you are a judge, you were elected to these positions to be non-partisan. If you represent a country or Agent, you may submit a Counter-Memorial (preliminary dissent for/against a state or party). For all delegates, we highly recommend you to create an **opening statement** outlining your stance and potential for leading international remedies to this case.

JURISDICTION OF THE COURT:

The Court may exercise:

- ❖ Contentious Jurisdiction over disputes between states that have consented to ICJ jurisdiction (UN member states, no observers. This will be very influential in your decision making!)



- ❖ **Advisory Jurisdiction** over legal questions submitted by the dais, UN bodies, or other intragovernmental agencies

According to dais discretion, jurisdiction and admissibility are subject to challenge as new evidence and crisis developments arise. Please simply call on a simple “Point of Order” to address such disparities.

STRUCTURE OF PROCEEDINGS

- I. **Roll Call:** At the beginning of each committee session OR at the beginning of a new Seisin of the Court (a.k.a. Switching from Topic A to Topic B)
- II. **Motion to Open Debate:** This procedure will primarily be led by the dais, outlining the structure of debate, reiterating the Rules of Procedure, and answering any additional questions relevant to reinforcing the flow of debate.
 - A. Each “Member of the Court” will declare under Article 20 of the Statute: “I solemnly declare that I will perform my duties as a judge honorably, impartially, and conscientiously, and that I will faithfully observe all provisions of the Statute and of the Rules of the Court”.
- III. **Opening of the Court and Seisin:** The nature of the case will be discussed, describing the legal questions presented, and the parties or requesting bodies involved.
 - A. Within this section of debate, Judges/individuals will be able to inquire about jurisdictional posture or procedural concerns
- IV. **Perpetual Moderated Caucus:** This will be the primary debate format throughout all committee sessions, operating as such for the majority of proceedings.



- A. Judges will be able to speak on a rolling basis without the need for formal motions
- B. Speeches should focus on jurisdiction, admissibility, interpretation of international law (and applications from the relevant active statutes), evaluation of factual circumstances (including the nature of crisis updates), and the legal implications of crisis updates.
- C. At **any point** in the perpetual moderated caucus, any delegate may break the cycle, raise their placards, and request for any of the following points or orders:
 - 1. Raise your placard and say “Judge ____ Motions to enter a <Moderated Caucus/ Unmoderated Caucus / Voting Procedure>, <Reasoning/time if applicable>.”

V. Memorandum of Pleadings:

- A. This is an Iterative Judicial Drafting that is consistently constructed throughout debate. Each speaking cycle may result in the proposal may result in the proposal, amendment, or removal of clauses addressing facts, jurisdictional determinations, legal standards and precedents, provisional conclusions or remedies
- B. The Dais will be updating a word document as each clause is voted on. Please see the subsection “Voting Procedures” for voting technicalities

VI. Unmoderated Caucus: Judges will consult informally, reconcile legal approaches, or draft clauses collaboratively. This may also commence in response to a crisis update or debriefing a Memorandum of Pleadings.

- A. “Motion for a ____ Minute Unmoderated Caucus” may be smiled upon at any point of the Perpetual Moderated Caucus



VII. Judicial Directives: Judges and Agents may articulate any provisional legal views during debate, or submit written directives, opinion briefs, or calls out to other organizations to the crisis backroom.

- A. This aspect of the debate encourages creativity. While maintaining your posture as a Judge or Agent, you can dictate means to mediate resolution in ways that may not be as smiled upon by the delegate's front room (in terms of negotiation).
- B. Judicial Directives must have some sort of decorum. Yes, they can be funny, but they must be realistic. The Yugoslav Wars of Independence was a real event, and its real-life implications/casualties were also intense.

VIII. Motion to Introduce Judgement or Advisory Opinion: When sufficient deliberation has been made, and multiple cycles of presenting a “Memorandum of Pleadings” have been made, the President (or in case of their absence, a 75% majority of delegates) may make this motion.

- A. Judges may refine operative language through debate or informal drafting.
- B. Consensus is encouraged, but not required. This step finalizes the Judgement or Advisory Opinion.

IX. Final Deliberation and Adoption of Judgement

- A. “Motion for the Adoption of Judgement”: This step finalizes the Judgement or Advisory Opinion.
- B. Separate and dissenting opinions may be authored, voting for or against (with or without rights, if applicable).
 - 1. If we are “Voting With Rights”, there will be two rounds of voting.
 - a) Round 1 voting options: Yes, No, Yes with Rights, No with Rights.



(1) Voting “With Rights” offers you the option to plead to the court why your perspective prevails, subject to happening via dais discretion given the timing.

(2) Voting “With Rights” also enables 2 for 2 against among the people that voted with/without rights.

b) Round 2 voting options: Yes, No.

(1) The result of this opinion will be the standing jurisdiction that rests the case.

C. Adoption occurs by majority vote, with the President exercising a casting vote in the event of a tie.

VOTING PROCEDURES

Structurally, each Judge and Agent will create blocs that are similar to the same dissenting opinion or resolution, effectively using unmoderated caucuses to send provisions to the backroom. After each speaking cycle (or committee session; substantiation of debate is up to dais discretion), each bloc will present their opinions led by 1 or 2 presiding sponsors.

When front room directives (a.k.a. Memorandum of Pleadings) are fully deliberated between blocs, delegates may vote to enter voting procedure.

- ❖ To do this, delegates must say “**Motion to Enter Voting Procedures**”.
- ❖ Furthermore, they can specify presentation order and Q&A procedure after entering the voting bloc.
 - Eg. “Motion to Reorder the Memorandum of Pleadings in the order it was received, with a 3 minute Q&A session”



- Due to dais discretion, we will not be offering for/against speeches.

Upon presenting their draft Memorandum of Pleadings, delegates are able to motion for a Q&A session. When all dissenting points and authorities are listed, then we will vote one-by-one on each Memorandum of Pleadings by **Voting by Dividing the Question**.

- ❖ Voting by Dividing the Question means that each clause in a Memorandum of Pleadings is read out and voted on one-by-one.
- ❖ After Voting by Dividing the Question for one set of a Memorandum of Pleadings (bloc), then we will transition to the next Memorandum as specified by motion to enter the voting procedure.

Throughout all committee sessions, us, dais, will be creating a living document of all of the passed clauses throughout all committee sessions (this will not be editable until final dissenting opinions are made). We as the dais will consistently update the committee with timed updates to effectively create space for the two topics. General rule of thumb: please expect to reserve Topic 1 to wrap up around 75% of the committee day on Day 1, and for Topic 2 to begin during the last committee session on Day 1. Of course, this is up to dais discretion according to the proper flow of debate.

CRISIS (BACKROOM) INTEGRATION

Crisis Staffers shall operate as a backroom simulating international, political, legal, and factual developments external to the Court. Crisis Staffers will come into the committee at any time, able to introduce some of the following (please do consider potential remedies to this list below as it will engage debate more effectively):

- ❖ Treaty withdrawals or ratifications



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- ❖ New UN resolutions
- ❖ State compliance or defiance
- ❖ Armed conflict escalation or de-escalation
- ❖ Economic sanctions or humanitarian crises
- ❖ Legal revelations impacting jurisdiction or evidence

AUTHORITY OF THE DAIS

The Dais retains absolute authority over the interpretation of these rules, admissibility of evidence, timing and structure of proceedings, and the integration of crisis developments.

All decisions of the Dais are final and binding.



Topic A: Serbia and Montenegro v. Belgium

Introduction

In the case concerning Serbia and Montenegro v. Belgium, The Republic of Serbia and Montenegro charges Belgium on multiple breaches of international law from its use of force, intervention of its internal affairs, violation of sovereignty, and the destruction of cultural heritage sites. Alongside Belgium, NATO members have engaged in the support of the Kosovo Liberation Army (KLA) giving funding, resources, and training, whilst targeting Serbia and Montenegro via bomb to attack government buildings and infrastructure.

In the case Republic of Serbia and Montenegro v. Belgium, it calls into question the sanctity of a 'humanitarian war'. The petitioners (who are the former Federal Republic of Yugoslavia) render NATO's bombing campaigns illegal, campaigns that were done to protect the goodwill of ethnic inhabitants of Kosovo liberation movement and Vojvodina's autonomy, gridlocked into the communist republic for good. Belgium and nine other members of the North Atlantic Treaty Organization (NATO) engaged in military action on the former Yugoslavian state to prevent potential genocide on the dominantly ethnically homogeneous Albanians, already holding autonomy. Considering how the state is outnumbered, Serbia and Montenegro had applied the same allegations and requests for the indication of provisional measures to those 10 NATO states.

The court justices must deliberate whether Belgium and the other NATO members were within its peacekeeping, humanitarian rights to defend a repressed minority from potential genocide, as did Serbia and Montenegro to other autonomous ethnic groups in the Balkans. Alternatively, Serbia and Montenegro hold that Belgium acted rashly under a neo-imperialist



agenda by supporting the Kosovar independence movement. In other words, the ethnic cleansing of Kosovo from Yugoslavia alludes to the next topic, addressing the internal turmoil that eventually dissolved the FRY.

The International Court of Justice must discuss the degree of jurisdiction they possess over the case relative to the ICJ Statute and the UN status of both Serbia and Montenegro and Belgium. In this topic synopsis, we will lay out the evidence apparent to this case, including a discussion of the facts of the case, legal cases surrounding its jurisprudence, and the petitions from both sides.

Facts of the Case

On April 29th, 1999, Serbia and Montenegro filed an Application instituting proceedings against Belgium for “violation of the obligation not to use force”, accusing Belgium of bombing Yugoslav territory together alongside other members of NATO: Canada, France, Germany, Italy, Netherlands, Portugal, Spain, the United Kingdom, and the United States. On the same day, it submitted a request for the indication of provisional measures, asking the Court to order Belgium to “cease immediately its acts of use of force” and to “refrain from any act of threat or use of force” against Serbia and Montenegro. Serbia and Montenegro then invoked Article 36, Section 2 of the ICJ’s Statute, which cements the jurisdiction of the Court with regards to legal disputes, question of international law, or a breach of an international obligation.

In a supplement to its Application submitted to the Court on May 12th, 1999, Serbia and Montenegro invoked, as an additional ground of jurisdiction, Article 4 of the Convention of Conciliation, Judicial Settlement and Arbitration between Belgium and the Kingdom of Serbia and Montenegro, signed at Belgrade on March 25th, 1930.



Issue

Using Serbia and Montenegro's supplements to their application: Article 36(2) of the International Court of Justice (ICJ), Article IX of the 1940 Convention, and Article IX of the 'Genocide Convention', it is unclear to what extent the ICJ can do to support this case, considering the transition of Serbia and Montenegro from a socialist republic to a general republic.

The aftermath of the breakup of Yugoslavia has left Serbia and Montenegro fragmented (as had elsewhere in the Balkans) and lacks complete recognition as a sovereign UN state through its transition into autonomy. This resulted in the need to turn to the UN Security Council (UNSC) according to Article 35(2) of the ICJ Statute. The UNSC issued resolution 777, which advises against participation in the UN General Assembly until their membership to the United Nations gets recognized, effectively questioning Serbia and Montenegro's adherence to their jurisdiction in accordance with ICJ and other forums of international law. Considering this, Belgium denies this argument, considering the jurisdiction of the court does not account for Serbia and Montenegro, arguing that their recognition is invalid without membership to the UN.

Belgium conveys that theirs and NATO's influence in Serbia and Montenegro was to prevent a "humanitarian catastrophe" with UNSC resolution 1244's right to commence military action on the state for their well-being. The UNSC also expressed their concern for the Serbia and Montenegro genocides to the Kosovar people from the KLA formation with resolutions 1160 and 1199, yet the state proceeded with genocide and acts of ethnic cleansing.

Serbia and Montenegro counter this through Belgium and the other members of NATO breaking international law, and challenging their sovereignty by breaching the state's individual



affairs with the Albanian ethnic group. Using Article 36(2) of the ICJ Statute and Article 9 of the ‘Genocide Convention’, they argue Belgium’s intervention was intrusive on their sovereignty.

These arguments call into question the jurisdiction of the UN to act upon Serbia and Montenegro as a non-UN state, suggesting their application and indications for provisional measures. Additionally, the International Court of Justice calls to set the extent of power or aid Belgium can give to the Kosovo Liberation Army, challenging Serbia and Montenegro’s internal affairs. To supplement this humanitarian and political issue, the ICJ must consider these essential topics to bring light and awareness to these states.

Rule

To first understand the degree to which the ICJ must assist the dispute with Serbia and Montenegro v. Belgium, the ICJ must collaboratively recognize the legal setbacks the former Yugoslavian state faces: being unrecognizable as a UN member state and inability to proceed with the Court considering how the UNSC, as outlined in Article 35(2) of the ICJ Statute, has made a ruling to not participate in the UN General Assembly until the state obtains formal membership.

In accordance with their teetering membership status to the UN, the jurisdiction of the Court and to Serbia and Montenegro is questioned, requiring immediate clarifications. First, the ICJ must understand the legal stance of the state under the Genocide Convention. To make formal rulings on this case, judges should consider the following questions:

1. Do previous contracts of the formal Federation of Yugoslavia and Soviet States of Serbia and Montenegro still stand, or, through their breakup, withstand their reserved powers under Article 9 of this convention as a contracting party?



2. Does Article V of the Genocide Convention support or further fragment Serbia and Montenegro in terms of their new Constitutional rights?
3. Does Article V of the Genocide Convention apply to Article 36(2) of the ICJ statute throughout the transitional period of Serbia and Montenegro despite not being a member state of the UN?

Given these guiding questions, the Court should additionally question the jurisdiction of Article IX of the 1930 Convention to clarify whether this ruling stands from the proceedings of the convention, or if the material clears the jurisdiction of Serbia and Montenegro and the ICJ considering the lack of information regarding UN membership. Additionally, the ICJ should consider the personal inflections of both Serbia and Montenegro and Belgium, specified under the extent of power taken from another state's internal affairs and punishment or understanding of the genocide imposed on the Kosovar people of Serbia and Montenegro. As contemporary genocides are apparent our politics in 2026, considering ethic principles applied to all genocides should be considered when researching this topic:

1. Does Belgium have the right to sustain the damage caused by their force inflicted on Serbia and Montenegro, or should they be punished for their destruction of property and people?
2. What are the consequences (on each geospatial level) of Belgium and NATO to justify their bombing campaigns as 'stopping a humanitarian catastrophe', when the petitioners allegedly committed genocide on its people?
3. Does the historical reservation of Article IX of the Genocide Convention cover up the inflicted genocide on Kosovo enough to surpass the UN punishment for genocide under the convention?



The ICJ should look upon the potential liberation of sovereignty for the autonomous Kosovar people, still inhabitants unrecognized by Serbia and Montenegro. They should look to leave the homogeneous Albanian community, protected under their provision of laws and culture without external forces, as is Serbia and Montenegro with Belgium and other NATO states. Consider: would the ICJ be violating its jurisdiction to resolve only international disputes by breaking Serbia and Montenegro, or through the Kosovo Liberation Army having the power to make peace by separating the ethnically homogenous autonomous state?

As these foundational documents provide the basis for the development of your Judicial Briefings, by no means should this be the sole baseline for your rulings. Please research the external context of the case deliberately, particularly regarding humanitarianism and legality of these acts in Yugoslav territory. Ultimately, the role of the judge is to evaluate all facts of the case in an impartial way. **Reminder again: please do not look up the resolution of this case -** you'll be spoiling the plot, and that's no fun for anyone! If you need any guidance to lead your research, please do not hesitate to contact me at jmpaulin@uci.edu.

Article 36, Section 2 of the ICJ Statute

<https://www.icj-cij.org/statute>

This section of the ICJ Statute is the basis for the applications registered by Yugoslavia against Belgium, Canada, the Netherlands, Portugal, Spain, and the United Kingdom (ICJ Verbatim Record, 16).



“The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation.” (ICJ Statute Article 36, Section 2)

Article 38, Paragraph 5 of the Rules of Court (International Court of Justice)

<https://www.icj-cij.org/rules>

“When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court’s jurisdiction for the purposes of the case.” (ICJ Rules of Court, Article 38, Paragraph 5).

Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide:

The Genocide Convention of December 9th, 1948

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf



“Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.” (Bilateral Convention for Judicial Settlement, Arbitration, and Conciliation, Article IX).

Article III, for your reference:

“The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide” (Bilateral Convention for Judicial Settlement, Arbitration, and Conciliation, Article III).

UN Security Council: Resolution 777

<https://digitallibrary.un.org/record/150175?ln=en&v=pdf>

“The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Considering that the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist,

Recalling in particular resolution 757 (1992) which notes that "the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of



the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted",

1. Considers that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; and therefore recommends to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly;
2. Decides to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly.” (UNSC, Resolution 777).

UN Security Council: Resolution 1244

Only the preambulatory clauses of this resolution are included in this topic synopsis, for your reference. The operative/actionable clauses may be found in the Works Cited section of this topic, or attached here:

https://unmik.unmissions.org/sites/default/files/old_dnn/Res1244ENG.pdf

“The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,



Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,



Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,” (UNSC, Resolution 1244).

UN Security Council: Resolution 1160

As iterated above, only the preambulatory clauses will be pasted to demonstrate the intent of drafting such a resolution within the UN Security Council. Please utilize the operative clauses as context for how to approach debate, as your negotiations in the ICJ will have real-world implementation throughout the span of UCIMUN. For your reference, here is a link to the resolution as a whole: <https://digitallibrary.un.org/record/252117?ln=en&v=pdf>

“The Security Council,

Noting with appreciation the statements of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 9 and 25 March 1998 (S/1998/223 and S/1998/272), including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision of the Special Session of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) of 11 March 1998 (S/1998/246),

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation



Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Noting the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija (S/1998/250),

Noting also the clear commitment of senior representatives of the Kosovar Albanian community to non-violence,

Noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,” (UNSC, Resolution 1160).

UN Security Council: Resolution 1199

Attached are the preambulatory clauses, please reference this link for further information or actionable operatives designed to tackle the issue of Serbia and Montenegro v. Belgium at hand: <https://digitallibrary.un.org/record/260416?ln=en>

“The Security Council,

Recalling its resolution 1160 (1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to that resolution, and in particular his report of 4 September 1998 (S/1998/834 and Add.1),

Noting with appreciation the statement of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the



United States of America (the Contact Group) of 12 June 1998 at the conclusion of the Contact Group's meeting with the Foreign Ministers of Canada and Japan (S/1998/567, annex), and the further statement of the Contact Group made in Bonn on 8 July 1998 (S/1998/657),

Noting also with appreciation the joint statement by the Presidents of the Russian Federation and the Federal Republic of Yugoslavia of 16 June 1998 (S/1998/526),

Noting further the communication by the Prosecutor of the International Tribunal for the Former Yugoslavia to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army which have resulted in numerous civilian casualties and, according to the estimate of the Secretary-General, the displacement of over 230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia and Herzegovina and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the 98-27996 (E) /... S/RES/1199 (1998) Page 2 United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including



the supply of arms and training for terrorist activities in Kosovo and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned by the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary-General, and emphasizing the need to prevent this from happening,

Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region, Acting under Chapter VII of the Charter of the United Nations,” (UNSC, Resolution 1199).



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Topic B: Bosnia and Herzegovina v. Yugoslavia (and Preliminary objections by Yugoslavia v. Bosnia and Herzegovina)

Introduction

The case of Bosnia and Herzegovina v. Yugoslavia (and Preliminary objections by Yugoslavia v. Bosnia and Herzegovina) considers one primary document of contention: alleged breaches of the Convention on the Prevention and Punishment of the Crime of Genocide. Bosnia and Herzegovina charges Serbia and Montenegro with responsibility for genocidal acts committed during the Bosnian War, including ethnic cleansing campaigns, mass killings, forced displacement, and the massacre at Srebrenica. Furthermore, bombings were made to Kosovar people who are regarded in Serbia as subjects under their law. Serbia and Montenegro are being charged with genocides with the ICJ and the International Criminal Tribunal for the former Yugoslavia (ICTY).

Throughout the course of history, the Balkans had always been a location of conflict, starting with the formation and downfall of the Ottoman Empire, establishment and disintegration of Yugoslavia. These disputes reveal ethnic tensions throughout the area, calling in the legality, permissibility, or identification of genocide within the Yugoslav contiguous area. This case calls into the question the scope of state responsibility for genocide, particularly where acts are committed by non-state or proxy actors operating within another sovereign territory. However, conflicts like systematic assimilation on ethnic minorities, ethnocentrism through territorial disputes and the ideologies of a perfect nation state, and compromises made through diplomatic parties through international intervention had situated the current state of the Balkans.



Bosnia and Herzegovina alleges that Yugoslavia directly committed, aided and abetted, conspired to commit, or failed to prevent genocide against Bosnian Muslims and other non-Serb populations. Yugoslavia, in turn, denies these claims and raises preliminary objections contesting the Court's jurisdiction, Bosnia and Herzegovina's standing, and the attribution of alleged genocidal acts to the Yugoslav state. The debate and diplomacy surrounding the Yugoslav Wars were impacted by ethnic assimilation and ethnocentrism and alleviated by the support of supranational groups and councils which came to establish modern global alliances.

Between the conflicts of World War I and the Cold War, the Yugoslav Wars (a.k.a. The Balkan Wars of Independence) had empowered many to strive for sovereignty from the greater state of Yugoslavia. Stemming from this, the seven constituent republics fought through bloodshed, genocides against themselves, and thus striving to establish a more representative state. As a result, the International Court of Justice must address not only whether genocide occurred, but whether Yugoslavia can be held legally responsible under international law for those acts.

As motivating factors to ignite World War I, the international acknowledgement of the Balkans' conflict was seen through the assassination of Austro-Hungarian Archduke Franz Ferdinand and highlighted the Yugoslavian authoritative, totalitarian, communist regime led by Serbians as its military group had killed him. Additionally, various countries on the Balkan Peninsula had weakened and conquered the Ottoman Empire's European territory after the empire's downfall, embarking on the first Balkan War. From that point in history, a desire for more conquest and sovereignty was heightened as the major ethnic peoples from all seven former republics pushed for independence as totalitarian, oppressive, communist Yugoslav leaders like Josip Tito had motivated disintegration from Yugoslavia.



Judges, your role today is to identify which entity shall prevail as a constituent of the Republic of Yugoslavia, or should all inhabitants be subjected to the wrath of its larger oppressive republics? To what extent are the bombings in Yugoslavia at the fault of the state? Ultimately, what will be the final fate of Yugoslavia - will you keep the strings attached to the war-torn republic or reorganize into sovereign territories?

Facts of the Case

Following the dissolution of the Socialist Federal Republic of Yugoslavia (FRY) in the early 1990s, Bosnia and Herzegovina declared independence in March 1992. Almost immediately, armed conflict erupted within Bosnian territory between Bosnian forces and Bosnian Serb forces. Bosnia and Herzegovina asserts that these Bosnian Serb forces acted with the substantial political, military, and financial support of the Federal Republic of Yugoslavia (Serbia and Montenegro)

Bosnia and Herzegovina filed an application instituting proceedings before the ICJ in 1993, alleging violations of the Genocide Convention. The application claims that Yugoslavia was responsible for genocide, conspiracy to commit genocide, incitement to genocide, and failure to prevent and punish genocide. The atrocities cited include systematic killings, detention camps, sexual violence, destruction of religious and cultural sites, and the mass execution of Bosniak men and boys in Srebrenica in July 1995.

In response, Yugoslavia raised preliminary objections against Bosnia and Herzegovina, arguing that the court lacked jurisdiction under Article IX of the Genocide Convention. This clause enables states to bring claims of genocide before the United Nations to resolve disputes regarding the interpretation of the jurisdiction of international and more localized law, varying in



regionalization.

Next, the following preliminary objection surrounded how Yugoslavia was not legally bound by the Convention at the relevant time, due to questions surrounding state succession and UN membership. At the time of Yugoslavia's application to the United Nations, they were subjected to backlash and pushback from the UN given the concurrency of their bombing campaigns against those of Bosnians, Kosovar people, and Srebrenica inhabitants. The acts in question were not attributable to the Yugoslav state, but rather to independent Bosnian Serb forces. These objections seek to prevent the Court from proceeding to the merits of the case.

Issue

The case presents two overarching legal questions for the International Court of Justice: who was responsible for the genocide (the state? Private actors?) and what jurisdiction does the United Nations have to act on such a case?

State responsibility for Genocide can be interpreted under the overarching theme: Can acts committed by Bosnian Serb forces be attributed to Yugoslavia under international law? Did Yugoslavia violate its obligations under the Genocide Convention by committing genocide, aiding or abetting genocide, or failing to prevent and punish genocidal acts.

Furthermore, in terms of jurisdiction and admissibility, the Court must consider Article IX of the Genocide Convention: does this Article grant the International Court of Justice over this dispute? Was Yugoslavia bound by the Genocide Convention during the Bosnian War despite its contested international status following the breakup of Yugoslavia? Do Yugoslavia's preliminary objections preclude the Court from hearing the case on the merits?



These issues require the Court to clarify the limits of treaty obligations, state succession, and attribution in cases involving mass atrocity crimes.

Rule

To properly evaluate this dispute, the International Court of Justice must interpret and apply Articles I, II, III, and Article IX of the Genocide Convention, and Article 36 of the ICJ Statute. The Genocide Convention is the most critical jurisdictional document, obligating states to prevent and punish genocide. The definition of genocide in the realms of the Genocide Convention considers “acts committed with the intent to destroy, whole or in part, a national, ethnical, racial, or religious group” (UN Genocide Convention). This additionally enumerates punishable acts related to genocide, granting the jurisdiction to the ICJ over disputes concerning the Convention.

Otherwise, Article 36 of the ICJ Statute concerns jurisdiction, developing customary international law principles on state responsibility, attribution, and effective control. Given Yugoslavia’s preliminary objections, the Court must also confront legal uncertainties arising from the dissolution of the states, including whether treaty obligations persist through state succession and whether UN membership is determinative of jurisdiction under the Genocide Convention.

Application and Analysis

In evaluating jurisdiction, the ICJ must determine whether Article IX of the Genocide Convention independently confers jurisdiction regardless of Yugoslavia’s UN membership status. Unlike disputes grounded solely in the ICJ Statute, jurisdiction under the Genocide Convention



arises from treaty obligations voluntarily undertaken by states. Bosnia and Herzegovina argues that Yugoslavia, as the successor to the former Yugoslavia, remained bound by the Convention and subject to its dispute resolution mechanism.

On attribution, the Court must assess whether the actions of Bosnian Serb forces can be legally attributed to Yugoslavia. This requires examination of the degree of control exercised by Yugoslavia over these forces, including military coordination, funding, and political direction. While Yugoslavia denies effective control, Bosnia and Herzegovina contends that Yugoslavia's influence was substantial enough to establish responsibility, at minimum, for aiding and abetting genocide.

As delegates deliberate this case, they should consider:

- ❖ Does the Genocide Convention impose obligations that survive state dissolution and political transition?
- ❖ What standard of control is necessary to attribute genocidal acts to a state?
- ❖ Can failure to prevent genocide constitute an independent basis for state responsibility.
- ❖ How should the ICJ reconcile its role with that of the ICTY, particularly where individual criminal responsibility has already been adjudicated?

Importantly, the obligation to prevent genocide exists independently of direct participation. If Yugoslavia possessed the capacity to influence events and failed to take reasonable measures to prevent genocidal acts, it may still incur responsibility under Article I of the Convention.

This case therefore forces the Court to confront whether international law can meaningfully hold states accountable for genocide committed through proxy actors, and how high the evidentiary threshold should be in proving such responsibility.



This case represents one of the most consequential genocide cases ever brought before the International Court of Justice. Its resolution will shape the future of international accountability for mass atrocities and define the scope of state responsibility under the Genocide Convention.

Article I of the Convention on the Prevention and Punishment of the Crime of Genocide:

The Genocide Convention of December 9th, 1948

“The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish. (ICJ, Article I).

Article II of the Convention on the Prevention and Punishment of the Crime of Genocide:

The Genocide Convention of December 9th, 1948

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.” (ICJ, Article II).

Article III of the Convention on the Prevention and Punishment of the Crime of Genocide:

The Genocide Convention of December 9th, 1948

“The following acts shall be punishable:

- a. Genocide;



- b. Conspiracy to commit genocide;
- c. Direct and public incitement to commit genocide;
- d. Attempt to commit genocide;
- e. Complicity in genocide.” (ICJ, Article III).

Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide:

The Genocide Convention of December 9th, 1948

“Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.” (Bilateral Convention for Judicial Settlement, Arbitration, and Conciliation, Article IX).

Article III, for your reference:

“The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide” (Bilateral Convention for Judicial Settlement, Arbitration, and Conciliation, Article III).

Article 36 of the International Court of Justice Statute

“The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:



1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation.” (ICJ Statute Article 36, Section 2)

UNSC Resolution 713 (1991)

Only the preambulatory clauses of this resolution are included in this topic synopsis, for your reference. The operative/actionable clauses may be found in the Works Cited section of this topic, or attached here:

<https://digitallibrary.un.org/record/126827?ln=en&v=pdf>

The Security Council,

Conscious of the fact that Yugoslavia has welcomed, through a letter from the Permanent Representative of Yugoslavia to the United Nations addressed to the President of the Security Council, the decision to convene a meeting of the Security Council,

Having heard the statement by the Minister for Foreign Affairs of Yugoslavia,

Deeply concerned by the fighting in Yugoslavia, which is causing a heavy loss of human life and material damage, and by the consequences for the countries of the region, in particular in the border areas of neighbouring countries,

Concerned that the continuation of this situation constitutes a threat to international peace and security,



Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter,

Commending the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, to restore peace and dialogue in Yugoslavia, through, inter alia, the implementation of a cease-fire including the sending of observers, the convening of a conference on Yugoslavia, including the mechanisms set forth within it, and the suspension of the delivery of all weapons and military equipment to Yugoslavia,

Recalling the relevant principles enshrined in the Charter. and in this context taking note of the declaration of 3 September 1991 of the States participating in the Conference on Security and Cooperation in Europe that no territorial games or changes within Yugoslavia brought about by violence are acceptable,

Taking note of the agreement for a cease-fire concluded on 17 September 1991 in Igalo, and also that signed on 22 September 1991,

Alarmed by the violations of the cease-fire and the continuation of the fighting, Taking note of the letter dated 19 September 1991 from the Permanent Representative of Austria to the United Nations addressed to the President of the Security Council,

Taking note also of the letters dated 19 and 20 September 1991 from, respectively, the Permanent Representative of Canada and the Permanent Representative of Hungary to the United Nations addressed to the President of the Security Council,

Taking note further of the letters addressed to the Secretary-General dated 5 and 22 July, 6 and 21 August and 20 September 1991 from the Permanent Representative of the Netherlands,



the letter dated 12 July 1991 from the Permanent Representative of Czechoslovakia, the letter dated 7 August 1991 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland,¹⁹⁰ and the letter dated 19 September 1991 from the Permanent Representative of Australia,¹⁹¹ as well as the letter addressed to the President of the Security Council dated 7 August 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Austria, and the letters dated 29 August and 4 and 20 September 1991 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland to the United Nations,” (UNSC, Resolution 713).

UNSC Resolution 757 (1992)

<https://digitallibrary.un.org/record/142881?ln=en&v=pdf>

“The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992 and 752 (1992) of 15 May 1992,

Noting that in the very complex context of events in the former Socialist Federal Republic of Yugoslavia all parties bear some responsibility for the situation,

Reaffirming its support for the Conference on Yugoslavia, including the efforts undertaken by the European Community in the framework of the discussions on constitutional arrangements for Bosnia and Herzegovina, and recalling that no territorial gains or changes brought about by violence are acceptable and that the borders of Bosnia and Herzegovina are inviolable.



Deploing the fact that the demands in resolution 752 (1992) have not been complied with, including its demands that:

- Ail parties and others concerned in Bosnia and Herzegovina stop the fighting immediately,
- All forms of interference from outside Bosnia and Herzegovina cease immediately,
- Bosnia and Herzegovina's neighbours take swift action to end all interference and respect the territorial integrity of Bosnia and Herzegovina,
- Action be taken as regards units of the Yugoslav People's Army in Bosnia and Herzegovina, including the disbanding and disarming with weapons placed under effective international monitoring of any units that are neither withdrawn nor placed under the authority of the Government of Bosnia and Herzegovina,
- All irregular forces in Bosnia and Herzegovina be disbanded and disarmed,

Deploing also that its cati for the immediate cessation of forcible expulsions and attempts to change the ethnue composition of the population has not been heeded, and reaffirming in this context the need for the effective protection of human rights and fundamental freedoms, including those of ethnic minorities,

Dismayed that conditions have not yet been established for the effective and unhindered delivery of humanitarian assistance, including safe and secure access to and from Sarajevo and other airports in Bosnia and Herzegovina,

Deeply concerned that those United Nations Protection Force personnel remaining in Sarajevo have been subjected to deliberate mortar and small-arms fire, and that the United Nations Military Observers deployed in the Mostar region have had to be withdrawn,



Deeply concerned also at developments in Croatia, including persistent cease-fire violations and the continued expulsion of non-Serb civilians, and at the obstruction of and lack of cooperation with the Force in other parts of Croatia,

Deploing the tragic incident on 18 May 1992 which caused the death of a member of the International Committee of the Red Cross team in Bosnia and Herzegovina,

Noting that the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted,

Expressing its appreciation for the report of the Secretary General of 26 May 1992 submitted pursuant to Security Council resolution 752 (1992),

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter, and the continuing role that the European Community is playing in working for a peaceful solution in Bosnia and Herzegovina, as well as in other republics of the former Socialist Federal Republic of Yugoslavia,

Recalling further its decision in resolution 752 (1992) to consider further steps to achieve a peaceful solution in conformity with its relevant resolutions, and affirming its determination to take measures against any party or parties which fail to fulfil the requirements of resolution 752 (1992) and its other relevant resolutions,

Determined in this context to adopt certain measures with the sole objective of achieving a peaceful solution and encouraging the efforts undertaken by the European Community and its member States,



Recalling the right of States, under Article 50 of the Charter, to consult the Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures,

Determining that the situation in Bosnia and Herzegovina and in other parts of the former Socialist Federal Republic of Yugoslavia constitutes a threat to international peace and security,” (UNSC, Resolution 757).

UNSC Resolution 819 (1993)

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all its subsequent relevant resolutions,

Taking note that the International Court of Justice in its Order of 8 April 1993 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) unanimously indicated as a provisional measure that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent the commission of the crime of genocide,

Reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

Reaffirming its call on the parties and others concerned to observe immediately the cease-fire throughout the Republic of Bosnia and Herzegovina,

Reaffirming its condemnation of all violations of international humanitarian law, including, in particular, the practice of "ethnic cleansing",



Concerned by the pattern of hostilities by Bosnian Serb paramilitary units against towns and villages in eastern Bosnia and in this regard reaffirming that any taking or acquisition of territory by the threat or use of force, including through the practice of "ethnic cleansing", is unlawful and unacceptable,

Deeply alarmed at the information provided by the Secretary-General to the Security Council on 16 April 1993 on the rapid deterioration of the situation in Srebrenica and its surrounding areas, as a result of the continued deliberate armed attacks and shelling of the innocent civilian population by Bosnian Serb paramilitary units,

Strongly condemning the deliberate interdiction by Bosnian Serb paramilitary units of humanitarian assistance convoys,

Also strongly condemning the actions taken by Bosnian Serb paramilitary units against UNPROFOR, in particular, their refusal to guarantee the safety and freedom of movement of UNPROFOR personnel,

Aware that a tragic humanitarian emergency has already developed in Srebrenica and its surrounding areas as a direct consequence of the brutal actions of Bosnian Serb paramilitary units, forcing the large-scale displacement of civilians, in particular women, children and the elderly,

Recalling the provisions of resolution 815 (1993) on the mandate of UNPROFOR and in that context acting under Chapter VII of the Charter of the United Nations, (UNSC, Resolution 819).

UNSC Resolution 820 (1993)

<https://digitallibrary.un.org/record/165323?ln=en&v=pdf>

The Security Council,



Reaffirming all its earlier relevant resolutions,

Having considered the reports of the Secretary-General on the peace talks held by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (S/25221, S/25248, S/25403 and S/25479),

Reaffirming the need for a lasting peace settlement to be signed by all of the Bosnian parties,

Reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

Reaffirming once again that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and totally unacceptable, and insisting that all displaced persons be enabled to return in peace to their former homes,

Reaffirming in this regard its resolution 808 (1993) in which it decided that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and requested the Secretary-General to submit a report at the earliest possible date,

Deeply alarmed and concerned about the magnitude of the plight of innocent victims of the conflict in the Republic of Bosnia and Herzegovina,

Expressing its condemnation of all the activities carried out in violation of resolutions 757 (1992) and 787 (1992) between the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serb-controlled areas in the Republic of Croatia and the Republic of Bosnia and Herzegovina,

Deeply concerned by the position of the Bosnian Serb party as reported in paragraphs 17, 18 and 19 of the report of the Secretary-General of 26 March 1993 (S/25479),



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Recalling the provisions of Chapter VIII of the Charter of the United Nations,” (UNSC, Resolution 820).

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