



Statement by First Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Serbia Ivica Dacic on the work of UNMIK, at the UN Security Council meeting

"Mr. President,

Distinguished Members of the Security Council,

Ladies and Gentlemen,

Thank you for the attention that you accord to the question of Kosovo and Metohija through regular exchange of views on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK) at Security Council meetings convened every three months. The message that we send from this place to all sides involved in the developments in Kosovo and Metohija is exceptionally important. The strength of that message is understood by all political actors and, even more importantly, by all communities in Kosovo and Metohija. Notwithstanding many challenges, UNMIK's role in the process of coordination of the activities of all segments of the international presence, as well as in the stabilization of the situation in the Province, is indispensable. UNMIK's engagement is of paramount importance for the Republic of Serbia; the Serbian population trusts UNMIK the most, whereas, for its part, UNMIK is the guarantor of the status neutrality of the international presence in the Province as provided for in UNSCR 1244 (1999). Very important is also the contribution of other international organizations whose missions, such as EULEX, KFOR and OMIK, carried out under the auspices of the United Nations, are constituent parts of international civil and security presences in Kosovo and Metohija.

Serbia commends UNMIK's consistency and commitment to the realization of the priorities mandated by its mission. In view of its task of promoting security, stability and respect for human rights, I would like to emphasize that UNMIK's engagement in its present scope and with undiminished budget capacities is essential for the creation of conditions conducive to reaching a durable and sustainable solution for the question of Kosovo and Metohija. At the same time, it sends a message to Kosovo-Metohija Serbs and other non-Albanians, who see in UNMIK a guarantor of their survival, that they are not forgotten. In that sense, it is also important that we maintain the present Security Council reporting dynamic on the work of UNMIK. I expect UNMIK

to continue to carry out its mandate in a status-neutral way in accordance with UNSCR 1244 (1999), especially in areas relevant for the survival and normal and dignified life of the Serbs and other non-Albanian communities in Kosovo and Metohija.

Mr. President,

Taking up the Report before us, I would like to reiterate that, in order to be presented a broader picture of the situation in which the Serbian and other non-Albanian populations live in the Province today, we must have the periodic reports reflect the life of these communities south of the Ibar River as well. Disregard for the human rights and problems encountered by minority communities all over Kosovo and Metohija make their feelings of isolation, neglect and hopelessness ever more intense. I therefore propose that the next report include a thorough review of the situation of the members of these communities south of the Ibar.

As I did on previous occasions, I would like to point to the importance that the Republic of Serbia attaches to the quest for solutions for internally displaced persons from Kosovo and Metohija. The strategy of my country in this regard is to fully support the persons displaced from Kosovo and Metohija, whether they opt for a sustainable return or for local integration in the place of displacement. Yet, each and every support that Serbia may provide to potential returnees will be insufficient short of adequate engagement by the Provisional Institutions of Self-Government (PISG) in Priština and their acceptance or at least toleration by local communities, coupled with an active participation of the international community.

The answer to the question why an ever smaller number of people opt to return home to Kosovo and Metohija is complex: they become frustrated by administrative, security, institutional and legal barriers and decide to integrate locally not as an act of a conscious, personal choice, but rather as a consequence of a lack of genuine possibilities to return. The OMIK Report on Kosovo and Metohija of last November is very indicative in this regard: out of 479 incidents in Kosovo and Metohija, 310 were directed at Kosovo and Metohija Serbs, 22 per cent of them returnees. According to the UNHCR data, only 12,145 displaced Serbs and other non-Albanians did return, while only 4,000 sustainable returns were achieved. The quarterly Reports of the Secretary-General are also indicative of the worrisome trend of declining returns, wherefore much more attention should be devoted to this problem, as well as to measures to overcome it. The alarming statistical data should initiate and encourage intensive work on removing the obstacles that prevent and make it more difficult for internally displaced persons to achieve sustainable returns in larger numbers in which, under UNSCR 1244 (1999), UNMIK also should play an exceptionally important role. Promises alone are not enough. Effective measures and concrete results are needed.

I have already lost the count of how many times I have very clearly drawn the attention of members of the Council which represents the most important body of the international community that, year after year, we keep repeating the data that over 220 000 Serbs were expelled from their ancestral homes in Kosovo and Metohija and that only 1.9 per cent of them achieved sustainable return. Does it mean that the international community has given up on the return of 220 000 Serbs and will it legitimize the ethnic cleansing of Serbs from Kosovo and Metohija? How many years are still to go by before the Serbs are to return? Or are they fair

game indeed?

Piecemeal data on attacks on the life and property of Serbs and other non-Albanians create a somewhat fuzzy picture of a civilizationally unacceptable phenomenon, the persecution of people only because they do not belong to a majority community. Unfortunately, examples are many. Last October, a group of Albanian youths beat four Serbian boys less than 15 years old in the village of Donje Kusce near Gnjilane. Two of them sustained serious injuries: one was stabbed with a knife, the other hit with a metal bar. At the beginning of December, a number of Serbian houses were shot at in repeated gun bursts, a car was set on fire and the memorial to the victims of the NATO bombing and the monument to boyskilled by the Bistrica River in 2003, whose killers were never found, were vandalized at Goraždevac, municipality of Klina.

It would be welcome indeed to have the records of such incidents contain the presentation of the response of institutions, including police investigation, prosecution and the sentencing of perpetrators. You will agree that the statistics reflecting in percentages the solving of crimes and the providing of compensation for criminal offences, including murders committed against Serbs, would make an illustrative read. Let me remind that the number of killers of over 1,000 Serbs since 1999, tried and pronounced legally effective sentences to-date, continues to be zero. These things, however, are the litmus test of the achievements of a society in the field of democracy and the rule of law. One question is very pertinent in this regard: Is the murder of Serbs a criminal offence or can it, too, go unpunished? How then can the Serbs believe in the rule of law?

Distinguished Members of the Security Council,

In view of the above, I call again on UN and other representatives of the international administration in Kosovo and Metohija to help overcome the problems that make the return home of internally displaced persons more difficult. All along, we should bear in mind that, in addition to the lack of security, the non-existence of effective mechanisms for the restitution of usurped property is one of the most important factors that aggravate or limit returns. Let me recall that in paragraph 34 of the Report of the Secretary-General of April 2015 it is said that unresolved property issues continue to be the key factors that stand in the way of achieving progress in the field of individual returns and in relations among communities.

To that end, attention is drawn to the institutional measures taken by Priština, such as the Draft Law on the Kosovo Agency for Comparison and Verification of Property, which is in contravention of the 2011 Technical Agreement on Cadastre. Its adoption would make it possible to legalize the unlawfully seized property and cause irreparable damage to the Serbian community in Kosovo and Metohija. There is no doubt that property rights and their realization and protection are the achievements of democratic societies of primary importance and represent vital interests of a community, as evinced also by the OSCE Report entitled An Assessment of the Voluntary Returns Process in Kosovo, of 4 December 2014. It is therefore of paramount importance to draft a new Law in which representatives of displaced persons and the Serbian Orthodox Church would also participate.

Ladies and Gentlemen,

The fragility of the situation in Kosovo and Metohija in various segments is noted also in the Kosovo\* 2015 Report of the European Commission. The Report assesses, inter alia, that "Kosovo's judicial system is at an early stage of developing a well-functioning justice system [...] still prone to political interference." The attitude of the Priština authorities and judiciary towards Mr. Oliver Ivanović, the leader of the Civic Initiative, of whom I spoke before this venerable body on a number of occasions, and the political verdict brought recently in his case are a convincing illustration of my observations. The verdict, unfounded in justice and in law, is a far cry from being contributive to the continuation of the process of stabilization in the Province and to the trust in the institutions and the rule of law in Kosovo and Metohija.

The absence of the rule of law, opposed interests of the governing and opposition political structures, as well as the lack of the genuine will to fulfil the conditions put before the government in Kosovo and Metohija by the international community will present a destabilizing factor over a long period of time. A negative climate towards the Serbs is being created because of alleged concessions made by the Priština side during the Brussels dialogue. There is therefore a danger that, in addition to Priština, violence could spill over to the Serbian enclaves in the other parts of Kosovo and Metohija.

The level of religious extremism in Kosovo and Metohija is the highest in the region. Radical Islamist structures, supported by a large number of Islamic clerics (Imams) of the official Islamic community of Kosovo and Metohija and some international and local Islamist organizations and associations, and their link with foreign terrorist fighters in Syria and Iraq who, compared to the overall Muslim population in the Balkan region, have left for these countries in terms of percentages in largest numbers, is indicative of a high level of the threat of terrorism.

Political radicalization and the worsening of the security situation because of the escalation of political and religious extremism threaten all the residents of Kosovo and Metohija and the returnees in ethnically mixed communities are, as a rule, threatened the most. This calls for additional measures to improve the security of the Serbs and the members of non-majority communities who are, as stated also in this Report, regular targets and victims of ethnically motivated attacks. The presence of terrorist elements and the activities of radicalized extremists in Kosovo, including returnees from war-torn areas in the Middle East, give rise to particular concern. The Report itself speaks of arrests and indictments of a considerable number of Kosovo and Metohija Albanians on suspicion of being connected with terrorist organizations, while, in the reporting period, graffiti with the name of ISIS were scribbled on Serbian houses, the walls of the buildings of the Serbian Orthodox Church and on road signs. I recall that four armed Islamists were arrested in late January in front of the gates of the Dečani Monastery, the gem of the Serbian, European and world spiritual and cultural heritage included in the UNESCO List of World Heritage in Danger.

Mr. President,

Members of the Security Council,

The Republic of Serbia is fully committed to the dialogue conducted between Belgrade and Priština with the facilitation of the European Union and to the implementation of agreements

reached. In the circumstances in which they live, the Serbian people of Kosovo and Metohija see in the 'covenants' entered into by the European Union under the Brussels Agreement, the guarantee of their survival and development. It is the Community of Serb majority Municipalities, meant to articulate the interests of the Serbian population and provide an institutional mechanism for a collective realization and protection of its basic rights and contribute to a continued and faster normalization of relations.

In all reports of the Secretary-General, a speedy establishment of the Community of Serb majority Municipalities has been ascertained as crucial for the implementation of the Brussels Agreement. Yet, so far, the Community has not been established. Instead of positive steps in that direction, a new element has been introduced contrary to the Brussels Agreement: inclusion of the so-called Constitutional Court of Kosovo in the review, a de facto revision, of the Agreement. If the Constitutional Court of Kosovo is accepted tacitly as an institution allowed to alter a political agreement reached at the highest level and with the facilitation of the European Union, the purpose of the dialogue and the guarantee that every agreement will be implemented in the form in which it has been achieved are thrust very much in question. It sends a negative message to the Serbian community, as well as to the European Union as a facilitator and to the United Nations. I recall that, in addition to my country's commitment to contributing to the stabilization of the situation in the region, the main reason for the signing of the Brussels Agreement was to establish, in the absence of substantive progress in the field of the realization of basic human rights by Serbs and the members of other non-Albanian communities in Kosovo and Metohija, a separate mechanism that will make it possible for them to lead a normal life. In that sense, the idea to establish the Community of Serb majority Municipalities draws intrinsically on the spirit of UNSCR 1244 (1999) as a mechanism, the primary function of which is to protect human rights and ensure safe and sustainable return to all refugees and displaced persons, as well as a normal life worthy of the twenty-first century.

In conclusion, let me point out once again that the national priority of the Republic of Serbia is to achieve a political solution for the question of Kosovo and Metohija. In the efforts to reach such a solution, it is necessary to have a reconciliation process as well. Therefore, Serbia is strongly committed to the dialogue with the representatives of Priština, conducted with the facilitation of the European Union, within which very important agreements have been reached. My country's commitment to the process reflects its firm determination to make an active contribution to the promotion of stability in the Western Balkans and the solution of all outstanding issues by political and diplomatic means. It is exactly with this goal in mind, and despite many challenges, that we have demonstrated in the dialogue constructiveness and readiness to compromise, often not easy at all. We have made it possible in that way that mutually acceptable solutions be achieved for many complex issues, from legislation to energy and telecommunications, in the interest, most of all, of reconciliation and a common future.

We expect the European Union to continue to facilitate our dialogue with Priština and, for its part, the Government of the Republic of Serbia will, there is no doubt about it, continue to be actively engaged in implementing the Brussels agreements in the interest of the peace, stability and economic prosperity of the region.

Thank you for your attention."