



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

"Mr. President,

Distinguished Members of the Security Council,

Ladies and Gentlemen,

Thank you for the attention you accord the question of Kosovo and Metohija by the regular exchanges of views at Security Council meetings convened to discuss this topic under UNSCR 1244 (1999). The status-neutral role of the United Nations Interim Administration Mission in Kosovo (UNMIK) is paramount in the process of coordination of the international presence and the stabilization of the situation in the southern Serbian Province. I would like to point out also on this occasion that UNMIK's strengthened presence and role are of particular importance for the Republic of Serbia and, especially, for the Serbs and other non-Albanians living in Kosovo and Metohija, all the more so in view of the confidence and trust that they have in the Mission. Serbia expects that UNMIK will continue to carry out its mandate under UNSCR 1244 (1999) also in the forthcoming period. In view of the overall political and security situation in Kosovo and Metohija and the continuation of dialogue between Belgrade and Priština, we consider that UNMIK must continue to carry out its mandate in respect of all the issues relevant for a consistent implementation of the Resolution. Of exceptional importance are also the contributions made by other international organizations that carry out their own mandates under UNSCR 1244 (1999) that include strengthening security, the rule of law and respect for human rights in Kosovo and Metohija, especially of the Serbs and other non-Albanians who, seventeen years after the arrival of the international presence, continue to face numerous obstacles in the realization of their basic rights and fundamental freedoms.

The continued presence in Serbia of over 200 000 internally displaced persons, forced by persecution and threats, to flee Kosovo and Metohija, speaks loud and clear, Mr. President, against the reduction of UNMIK's financial and human resources and the Security Council meetings at which the situation in the Province is considered, along with many security and other challenges faced by its non-Albanian population. Only 1.9 per cent of them achieved sustainable returns. I therefore call on the Special Representative of the Secretary-General again, as I did in my last Statement in this Council, to explain why this information is not

presented in his Reports and whether the self-defeating 1.9 per cent should be accepted as an established fact and reconciled with. The Special Representative would be well advised to present the information repeatedly in his Reports for one of UNMIK's key goals and objectives, under UNSCR 1244 (1999), is precisely to facilitate returns.

Mr. President,

Security incidents affecting negatively the inter-ethnic confidence and trust continue to present a serious challenge. Violence against non-Albanian communities, especially the returnees, impacts, inevitably, the feeling of the security of, and creates added anxiety among, potential returnees. Sadly, those in charge of law and order have failed to act in almost all the cases, while the number of the legally valid sentences passed against the perpetrators continues to be minimal. The Community Rights Assessment Report of the OSCE Mission in Kosovo of November 2015 reveals that "[i]nter-community tensions surrounding the return of displaced persons [...] remain a recurrent issue." It goes on to say that "[m]onitoring undertaken by the OSCE identifies in most cases only limited municipal efforts to address these tensions and build confidence and trust" and that "[d]uring the reporting period, the OSCE recorded a total of 479 incidents in Kosovo which had the potential to negatively affect the security perceptions of communities in a numerical minority at the municipal level. [...] More than half of these recorded incidents (310) affected the Kosovo Serb community, including returnees [...] and the Serbian Orthodox Church." They "varied from theft, verbal assault, and severe damage and illegal occupation of property (including cultural heritage sites and cemeteries) to incidents inciting hate and aggressive nationalism and [...] physical assaults or intimidation."

The assaults on the cultural and religious heritage of non-majority communities are particularly damaging for inter-ethnic relations. The case in point is the break-in into the Orthodox Church in the village of Pejčići, Municipality of Prizren, and the demonstrators' uncivilized desecration of the Church of Christ the Saviour in Priština after the demonstrations of the opposition in downtown Priština, last January. This holy site has been, since 1999, a frequent target of Albanians' attacks and their years-long use of it as a dumpsite, a subject of persistent attempts by the Priština authorities to change its locality purpose even though it is registered in the cadastre books as property of the Serbian Orthodox Church. The scribbling of the graffiti on the walls of the St. Nicholas Church in Priština, glorifying ISIL, the terrorist creation in the fighting of which the entire international community has united, is another case in point. The message of the desecrators of the religious site in the heart of Europe is "ISIL is coming." The assaults on the Serbian cultural and religious heritage and identity are painful evidence that laws intended to protect and promote the community rights in Kosovo and Metohija are, by and large, dead letters. Only a serious intent of all relevant actors to address all outstanding issues in a professional manner, in good faith and conscientiously, aimed at promoting normalization and creating conditions for genuine respect of human rights and freedoms of all, may guarantee reconciliation, life together and respect for differences.

Distinguished Members of the Security Council,

It is said in the current Report that compared to January and February 2015, the number of recorded incidents against minority communities was reduced in the same period this year.

Nevertheless, the fact that inter-community incidents continue in Kosovo and Metohija on a daily basis sends a strong negative message to the members of the Serbian and other non-Albanian communities. In view of the Report's almost complete failure to mention ethnically-based incidents, let me point out just some of the incidents that did occur in the reporting period: assaults on the returning Serbs and their property in the villages of Berkovo and Pasjane, stoning of the returnees' houses at Klina and Prizren and the burning of, and the planting of explosive devices in, Serbian houses at Orahovac and Gnjilane.

Let me point out, ladies and gentlemen, that measures to achieve durable solutions for IDPs in Kosovo and Metohija, including the solution and execution of their property and legal claims, need to continue to be taken. Let me also point out that, in respect of internally displaced persons, Serbia is strategically committed to fully supporting each and every person in his/her quest either for sustainable return or for local integration in the place of displacement as the case may be. Yet, my country's support to potential returnees will be insufficient short of proper engagement by the Provisional Institutions of Self-Government (PISG) in Priština and the acceptance or at least toleration of the returnees by the receiving community and an active role of the international community. The crafters of all future Reports should well bear in mind that the goals of this assignment have not been fulfilled yet.

I call again on the United Nations and other segments of the international administration in Kosovo and Metohija to help overcome the problems that hinder the return of IDPs and aggravate their position, including continued personal threats and usurpation of their property. I would like to point out that the ultimate and the most dangerous consequence of the systematic, ethnically motivated attacks is the gradual massive inurement including of the international community to the culture of impunity for the criminal offences committed against the Serbs and other non-Albanians. It is said in the Freedom House Report "Freedom in the World 2015" that "ethnic Albanian officials rarely prosecute cases involving [...] attacks on non-Albanians" and that "returnees face hostility and bleak economic prospects, and property reclamation by displaced persons remains problematic." Similarly, in the Kosovo 2015 Human Rights Report of the Department of State, it is outlined that "[t]he return process remained chronically plagued by security incidents and by reluctance of the receiving communities [...] to accept minority returnees. The lack of security and marginalization of returnees often discourage returns." In its Kosovo* 2015 Report, the European Commission says that "authorities at local and central level did not do enough to facilitate return and reintegration of refugees and internally displaced persons", while the OSCE Mission in Kosovo concludes in its Report that "full and effective institutional action on returns-related programmes at local and central levels continues to be hindered by a lack of strategic support from the range of Kosovo institutions involved..." and that "relatively little has been done by municipal and central institutions to discourage such incidents, which inevitably have an impact on the sustainability of return and future interest in return."

The non-Albanians in Kosovo and Metohija face serious and manifold institutional, legal, administrative and political obstacles regarding the protection of their property rights. The obstacles run counter to the provisions and standards of relevant Universal and European Conventions, while the property rights of the Serbs are violated all over Kosovo and Metohija even today, in particular by the sale of companies in Serbian communities. By and large, the

economic situation of the Serbs and the members of other minority communities in the Province is characterized by legal and physical insecurity and by numerous cases of usurped property that cannot be restored. Substantial part of the property of displaced Serbs has been sold in transactions in which forged sales agreements or false personal IDs of alleged owners have been used; the Serbian community and the displaced Serbs, in particular, have therefore been much more vulnerable to economic vagaries and poverty.

Inevitably, an effective resolution of the cases of illegal occupation of property is essentially important for security and the rule of law in Kosovo and Metohija; the serious shortcomings in addressing these cases threaten unimpeded enjoyment of property rights. I cannot but observe that, apart from the thematic Report of the OSCE Mission in Kosovo on fraudulent property transactions in the Peć region, no other Mission, including EULEX, charged with monitoring the rule of law, addressed this problem. It is exactly this problem, it is said in a Report of the Parliamentary Assembly of the Council of Europe, that the Kosovo authorities and the international community should seek to resolve without delay. The results of the work of the Privatization Agency of Kosovo in Serbian communities are evidenced most patently in the municipality of Štrpce: since the second half of 2014, the Agency usurped and liquidated the most important economic entities that accounted for most of the jobs and provided the livelihood to most of the people in the community. They include the Lola plant, Mladost department store, an agricultural combine, a veterinary clinic, hotel Junior and the Šarplanina national park. The said entities are now closed and people are unemployed. The deterioration of the economic situation brought about by institutional violence may lead to the deterioration of the security situation and serious consequences for the local population wherefore greater attention and engagement by the international presence in the Province, especially in northern Kosovo and Metohija, are called for.

It is exactly in the field of the rule of law that various international governmental and non-governmental organizations often report that independence of the judiciary and the rule of law in Kosovo and Metohija continue to be the weakest links. According to the last Community Rights Assessment Report of the OSCE Mission in Kosovo, 67 per cent of non-Albanian respondents of a public survey stated that the lack of trust in Kosovo and Metohija judicial institutions was a serious obstacle in realizing their rights. As outlined in Human Rights Watch's World Report 2015, "the justice system in Kosovo remains weak"; this assessment is upheld also in "USAID Kosovo: 2014-2018 Country Development Cooperation Strategy" stating that "the independence of judiciary and the rule of law remain weak". Also worrisome, Mr. President, are the media reports of the indictment by the Basic Court in Peć of 14 Kosovo and Metohija Serbs from the Municipality of Klinë for war crimes allegedly committed during 1999. According to the information that we are in possession of the indictees are members of the families that submitted official applications for return.

Distinguished Members of the Security Council,

I take this opportunity to point out that the Republic of Serbia is committed to conducting constructive dialogue with Priština at all levels and to implementing agreements reached thus far, which reflects its firm resolve to continue to actively contribute to the promotion of stability in the region of the Western Balkans and the quest for solutions to all outstanding issues

exclusively by political and diplomatic means. Unfortunately, Priština has not yet taken the necessary steps to fully implement the agreements reached within the Brussels dialogue. I recall also on this occasion that, absent the proper mechanisms for a systematic, institutional and effective protection of the interests of the Serbian community in Kosovo and Metohija, the signing of the Brussels Agreement was motivated by the desire to find possibilities for such protection. Under the Agreement, the protection is to be carried out by the Community of Serb-Majority Municipalities. Due to the lack of political will and the crisis of institutions in Priština, the key provisions of the Brussels Agreement related to the establishment and functioning of the Community have, I regret to say, not yet been complied with.

Mr. President,

Radicalization of political circumstances and the deterioration of the security situation due to political fermentations and the rise of extremism threaten all the residents of Kosovo and Metohija and the returnees to ethnically mixed communities are, as a rule, threatened the most. The political crisis in Priština is fraught with serious danger of having the voters' dissatisfaction in majority communities spilled over and trained on the minority communities, the Serbian community, in particular. Surely, the incendiary nationalistic rhetoric of politicians in Priština will not help allay the tension and bring reconciliation.

The fragile security situation in Kosovo and Metohija is additionally aggravated by rising extremism and radicalism. According to the January 2016 data, about 300 Albanian men and 36 Albanian women from Kosovo and Metohija joined ISIL in Syria; percentage-wise, this makes for the highest presence of foreign terrorist fighters in the ISIL ranks compared to the population of territory of origin. Foreign partner security services, however, have informed us on a number of occasions that the unofficial number of the extremists from the territory of Kosovo and Metohija fighting on foreign battlefields is in huge discrepancy with the official data and that the actual number is close to 900.

Distinguished Members of the Security Council,

The political, social and economic conditions of the Serbian community in Kosovo and Metohija continue to be very complex. Serbia therefore expects that the international community, primarily the United Nations, will provide continued assistance to help build confidence and trust which we believe to be the only firm foundation for a normal life of all in Kosovo and Metohija. We consider that the commitment to European integrations is the driving force for the normalization of relations between Belgrade and Priština and that the European Union will continue to facilitate the dialogue. Particularly important is the continued engagement of UNMIK and the international presence in Kosovo and Metohija as a whole in an undiminished scope for, as concluded rightly by the Secretary-General in his Report, much work remains to be done in Kosovo and Metohija to promote greater tolerance and reconciliation among its communities, to ensure the protection of minority communities, to facilitate the return of the displaced, to uphold their property rights and safeguard religious traditions without impediment or stigma.

Thank you for your attention."