



Statement by H.E. MR. Ivica Dacic, First Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Serbia, in the Security Council on the Report of the Secretary-General on the United Nations Interim Administration in Kosovo (UNMIK), New York, 19 November 2015:

Mr. President,
Distinguished Members of the Security Council,
Ladies and Gentlemen,

At the very beginning of my statement, I would like to condemn most strongly the recent terrorist attacks in Paris and Beirut and the downing of the Russian passenger plane over Sinai, as well as the killing of two soldiers of the Army of Bosnia and Herzegovina in Sarajevo. I take this opportunity to express my deepest condolences to the families of the victims of these heinous crimes which undermine the very essence of the civilizational values that unite us all. Terrorism and extremism mirrored in ISIS and other terrorist organizations are a threat that requires a global response.

Mr. President,

I express my gratitude, also on this occasion, for the continued attention accorded to the question of Kosovo and Metohija. This is evinced also by our regular quarterly meetings convened in accordance with UNSCR 1244 (1999) to discuss this topic of priority importance for the Republic of Serbia. I am sure that the messages that we send from this Chamber to all residents of Kosovo and Metohija are very powerful indeed. Of exceptional importance is also the contribution made by other international organizations, the missions of which, such as EULEX, KFOR and OMIK, carried out under the United Nations auspices, make part of international civil and security presences in the Province. Regardless of numerous challenges, the role of the United Nations Interim Administration Mission in Kosovo (UNMIK) in the process of coordinating the activities of the international presences and stabilizing the situation in Kosovo and Metohija is irreplaceable. I express my special thanks to its representatives for the efforts they make, day in and day out, in the quest for the ways to overcome the still deeply rooted mistrust among ethnic communities and in creating the basic preconditions for their peaceful co-existence and for the security and respect of the human and civil rights of all

residents of the Province. I express my expectations that UNMIK will continue to carry out its mandate under UNSCR 1244 (1999) in the coming period as well. Therefore, I take this opportunity to wish, in my own name and on behalf of the Government of the Republic of Serbia, much success to Mr. Zahir Tanin, the newly-appointed Head of UNMIK, who takes part in this meeting of the Security Council for the first time in this capacity.

UNMIK's presence and activities are of key importance for the Republic of Serbia since its United Nations framework, based on UNSCR 1244 (1999), is a guarantee of the status neutrality of the international presence in Kosovo and Metohija. In view of the overall political and security situation, as well as the continuation of the dialogue between Belgrade and Priština, we consider that UNMIK must remain actively engaged in the Province, undiminished in scope and unchanged in mandate.

Mr. President,

The Government of the Republic of Serbia has demonstrated in practice its full commitment to the dialogue conducted with the facilitation of the European Union. Let me recall that Belgrade was primarily motivated to conclude the Brussels Agreement by the lack of substantial progress in the realization of the basic human rights of the members of the Serbian and other non-Albanian communities in Kosovo and Metohija, as well as by the desire to contribute, through a constructive approach, to the solution of the outstanding issues in the interest of peace and stability in the region and its integration into the European Union. We look at the Agreement as a guarantee that a mechanism will be established that will make it possible for the Serbs of Kosovo and Metohija to lead a normal and dignified life. In the conditions in which they live in Kosovo and Metohija, the Serbian people of the Province see in what they have been given by the Brussels Agreement an EU pledge to their survival and development. The establishment of the Community of Serb majority municipalities would articulate the interests of the Serbian population and provide an institutional mechanism for a collective realization and protection of their basic rights and contribute to a further and faster normalization of relations.

Distinguished Members of the Security Council,

I cannot but note that, just as all previous Reports, the Report before us does recognize and underscore as crucial for the implementation of the Brussels Agreement the need for the establishment of the Community of Serb majority municipalities as soon as possible. The decision of the Constitutional Court of Kosovo to suspend the agreement on the establishment of the Community of Serb majority municipalities is a singular precedent of the flouting of agreements reached in the EU-facilitated dialogue. A complete and committed implementation of agreements that have been reached by all involved actors is of paramount importance for a further successful evolvement of the process of that dialogue. The weight of this decision of Priština, the political background of which is not in doubt, is even greater considering that its announcement was made immediately after the signing of the Stabilisation and Association Agreement (SAA) with the European Union. As it happened, the Agreement on the Establishment of the Community of Serb majority municipalities was sent to the Constitutional Court to assess its legality a day after the signing of the SAA, while the Court decided to suspend the Agreement a day after the European Commission published its Kosovo* Progress

Report. It is an irony that the Commission contends in its Report that Kosovo delivered on two major commitments by adopting constitutional amendments, meant to pave the way towards the establishment of the Specialist Chambers and demonstrating its commitment to the normalization of relations with Belgrade as it finalized agreements on energy, telecommunications and the establishment of the Community of Serb majority municipalities, as well as the Bridge in Kosovska Mitrovica.

In outright contravention of what is said in the Progress Report, Mr. President, Priština sent a clear and unequivocal message to all – the Serbian community, European Union and the United Nations: it does not respect agreements and obligations it assumes and does not intend to make the life of, and the enjoyment of the basic human rights by, the Serbs in the Province any better at all. The key issue, in the first place, is the response by the European Commission just as is a subsequent response by the EU Member States; equally important is the position that the United Nations Security Council will take in order to bring Priština to abide by the practice recognized and prevalent in international law with regard to the implementation of assumed obligations and to uphold civilizational values and standards with regard to the protection of the human and civil rights of all residents of Kosovo and Metohija and enabling them to lead a normal and dignified life.

Distinguished Members of the Security Council,

It is with regret that I have to note one more time that, notwithstanding the years-long presence of the international community, Kosovo and Metohija continues to be devoid of the basic conditions for an unhindered and sustainable return of internally displaced persons (IDPs). Regrettably, too, the Report before us does not accord the problem of IDPs the attention that it deserves.

I recall, Mr. President, that the Republic of Serbia continues to top the unenviable list of European countries according to the number of IDPs. During the conflict of 1999 and after the arrival of KFOR, more than 210 000 people were forced to leave their homes in Kosovo and Metohija, while additional 20 000 were displaced in the March pogrom of 2004. Currently, more than 18 000 people are displaced within the territory of Kosovo and Metohija, while more than 204 000 of them are in Central Serbia. According to a UNHCR study, 97 000 persons have been identified as still in need, i.e. in an aggravated socio-economic situation in need of assistance.

With respect to IDPs, the Republic of Serbia is strategically committed to rendering full support to each and every person either for sustainable return or local integration in the place of displacement in accordance with the intention expressed by each individual. Yet, every support that Serbia may render to potential returnees will be insufficient if not attended to by the proper engagement of the Provisional Institutions of Self-Government (PISG) in Priština, i.e. if the returnees are not accepted or at least tolerated by the host community and if the international community is not actively engaged.

To fully understand the obstacles encountered by IDPs in their quest to return home in Kosovo and Metohija, one should know that an average of 25 per cent of refugees and IDPs in the world

return home, the percentage varying between 12 minimum and over 50 maximum. In Kosovo and Metohija, it stands only at about 1.5. The grim reality is a reminder that this task has not been completed; it merits the attention of all forthcoming Reports of the Secretary-General.

The conditions needed for the return include, among others, proper security guarantees, freedom of movement, effective mechanism of the restitution of property and other appurtenant rights, protection against discrimination, access to system institutions, documents and justice and the support to economic independence of returnees. Prevention of the obstruction of returns is needed along with respect for the principle of accountability of international and local actors involved in the process.

I therefore call on the United Nations and other representatives of the international administration in Kosovo and Metohija to see to it that problems that impede IDP returns and aggravate their already difficult situation be overcome as the returnees continue to face repeated security incidents, including attacks against them and their property, which sends a strong message to other Serbs and potential returnees. The situation is not helped by the climate of impunity for crimes committed against Serbs, reflected in the fact that none of the perpetrators of the murders of more than 1 000 Serbs since 1999 has been pronounced a legally valid sentence.

Mr. President,

It is possible to gain a false impression from the practice of according by the Reports separate chapters to Northern Kosovo that the situation of the human rights of the members of the Serbian and other non-Albanian communities south of the Ibar River is satisfactory. For the purpose of acquiring a broader picture of the situation and because of the fact that much time has elapsed since we last had a review of the human rights situation in that part of Kosovo and Metohija, I submit that an extensive review of the situation in which the Serbs, Goranci and the members of other non-Albanian communities live south of the River be included in the next Report.

The property rights of the Serbs continue to be violated in the entire Province, especially by the sale of enterprises in Serbian communities. These sales snuff out the possibilities of the communities in which the Serbs live to exist economically, jeopardize conditions for return and undermine security. After all, in addition to the lack of security, the absence of an effective mechanism for the restitution of usurped property is one of the most important factors that aggravate and limit IDP returns. It is therefore only too appropriate to draw your attention to the additional institutional measures taken by Priština, such as the Draft Law on the Kosovo Property Comparison and Verification Agency; it runs counter to the 2011 Technical Agreement on Cadastre and its adoption would open the door to the legalization of the unlawfully confiscated property in Kosovo and Metohija and cause irreparable damage to the Serbian community. Mention should also be made that the Draft Law does not provide for the majority of minority community MPs required to pass a law of vital interest for their community.

Ladies and Gentlemen,

In addition to making a routine roll-call, as it were, of the attacks on monuments of Serbian religious and cultural heritage in the reporting period, Serbia calls on the international community to step up its engagement in their physical and legal protection, especially in view of the current political developments in the Province. These attacks against religious monuments and cultural heritage, let me point out, have never ceased. This is incontestable proof that the majority community has never accepted the Serbian cultural heritage as part of the common heritage and cultural values that we have been passed on to treasure in Kosovo and Metohija. Accordingly, the Albanian community does not have either legal, historical and moral or any other right to appropriate the monuments of the Serbian cultural and spiritual heritage that it has targeted for systematic destruction since 1999. The Albanian pupils and students in Kosovo and Metohija learn from their textbooks that the Serbian churches and monasteries from XII, XIII and XIV centuries are Albanian and that the Serbian Nemanjić dynasty from that time is in fact the Albanian dynasty Nimani. This is the falsification of history aimed at erasing the Serbian identity and presence in Kosovo and Metohija.

The talks on the property of the Serbian Orthodox Church and the status and protection of the Serbian cultural heritage in Kosovo and Metohija within the Brussels dialogue have yet to follow. I take this opportunity to reiterate my call on the international community to send a clear and unequivocal message to local authorities that it will monitor extensively their work on the prevention of criminal acts directed at objects of cultural and religious heritage, as well as their response to the perpetration of these acts.

In the end, let me underline once again that Serbia is firmly committed to dialogue with the representatives of Priština; conducted with the facilitation of the European Union, the dialogue is one of the rare successful examples of a pacific solution of conflicts in the present-day world. Within the dialogue, exceptionally important agreements have been reached on the improvement of daily living conditions of the entire population of Kosovo and Metohija. Our dedication to this process reflects our firm commitment to making an active contribution to the furtherance of the political and economic stability of the Western Balkans and the solution of all remaining open questions exclusively through political and diplomatic means. Exactly with this goal in mind, the Republic of Serbia has demonstrated in the dialogue our constructiveness and readiness to compromise. In this way, we have made a contribution to having many complex issues in various segments, including legislation, energy and telecommunications, resolved in a mutually acceptable manner in the interest, first and foremost, of reconciliation and a common future.

As I conclude with the assessment that the political, social and economic conditions in which the Serbian community in Kosovo and Metohija lives continue to be very complex, I emphasize that the Republic of Serbia expects the international community, the United Nations in particular, to continue to provide assistance on the road of confidence-building, which, we firmly believe, is the only solid basis for ensuring a normal life for all in Kosovo and Metohija. And a final thought of caution: unilateral attempts, such as the request for Kosovo's admission to UNESCO are not steps in the good direction and testify to the flouting of reached agreements, another example of which is the suspension of the agreement to establish the Community of Serb majority municipalities. Dialogue as a way of solving all outstanding issues has not, and must not have, an alternative.

Thank you, Mr. President.