

Address before the United Nations Security Council

**by H.E. Mr. Vuk Jeremić
Foreign Minister of the Republic of Serbia**

New York, 17 June 2009

Mr. President, thank you for convening this session of the Security Council.

Excellencies, once again we are gathered to discuss the dangerous consequences of the February 17th, 2008 unilateral declaration of independence, or UDI, by the ethnic-Albanian authorities of Serbia's southern province of Kosovo and Metohija.

I welcome the presence of Special Representative Lamberto Zannier, and I wish to underline the Secretary-General's observation, contained in his latest report, that the cooperation, constructive engagement and "continuing support of the Security Council and of the broader international community for a reconfigured UNMIK is of crucial importance."

Reconfiguration has been brought to its end-state, as the report indicates. Therefore, no further reduction in UNMIK's resources should be undertaken.

The United Nations remains the overall authority in Kosovo, as mandated by this Council in resolution 1244 (1999). It must continue to play a vital role in coordinating all the international organizations that operate under its umbrella. UNMIK's capacity to cooperate effectively with EULEX in particular, must not be constrained. Our amendments to the UNMIK budget for the next fiscal year have sought to reinforce this essential element of its mandate.

Mr. President,

At the very beginning of my remarks, I would like to express my country's deep gratitude to the substantial majority of UN member States that respect Serbia's sovereignty and territorial integrity.

The solidarity we have received from all over the globe encourages us to persevere in our efforts to resolve the future status of Kosovo in a way that is acceptable to all responsible stakeholders.

It is my sincere hope that we will continue to work together in defense of the basic principles of international law, thus strengthening the universal case for the consensual resolution of disputes in the world.

At the same time, we note with deep regret the dismissal of resolution 1244 (1999) by Pristina. As the Secretary-General's report makes plain, the ethnic-Albanian authorities in Kosovo assert that—here I quote—“they have no legal obligation to abide by it.”

Mr. President,

No one should be permitted to ignore the decisions of the Security Council.

We therefore urge the Council to insist that all parties uphold commitments that arise from resolution 1244 (1999). It was passed under Chapter VII of the UN Charter, which binds all to respect its provisions in full. This is our common legal imperative, and our moral obligation.

Serbia will never, under any circumstances, implicitly or explicitly, recognize the unilateral declaration of independence of the ethnic-Albanian authorities of our southern province.

On this issue, we shall not yield—come what may. We will continue to vigorously defend our

integrity in a non-confrontational manner—using all peaceful means at our disposal.

As a result of our measured response to UDI, the unstable equilibrium on the ground has largely been kept in check. We have sought to contain flash-points despite numerous provocations—such as targeted power cuts, pressure to sign loyalty oaths, and the construction of new, unauthorized housing settlements.

Mr. President,

Kosovo should not stand beyond the rules of the international system. It is no exception, no unique case, no *sui generis*. As a result of UDI, this has become a test case of global significance. Should it be allowed to stand, a door would open for challenging the territorial integrity of any UN member State.

On October 8th, 2008, the General Assembly approved—by an overwhelming margin—a resolution to refer the UDI issue to the International Court of Justice.

The judicial proceeding has begun. It marks the first time ever that the ICJ has been asked to consider the legality of a unilateral attempt by an ethnic minority to secede from a UN member State, in defiance of its democratic Constitution and the will of the Security Council.

This case has attracted attention across the globe—as the active participation before the Court of countries from all continents in the UDI hearings make clear.

The ICJ's conclusions will have far-reaching consequences for the international system as a whole. It is therefore vitally important that the legal process be allowed to run its course, free of political interference.

We should all respect the fact that the Court is deliberating on the issue. Therefore, new UDI recognitions should not be encouraged. And multilateral bodies should refrain from extending

membership to the secessionist authorities in Pristina.

Once the ICJ hands down its opinion, we will have cause to look again into the issue, informed by the findings of the Court.

In the meantime, Mr. President, we should find strength to put our differences on status to one side, for the sake of peace and stability, and the residents of the province.

This is a time for leadership and working together—armed with prudence, and strategic vision.

Let us not increase the divide. Some countries have recognized UDI, others have not. We all have our constraints, and they should be respected. Let the Court do its work, while we focus on improving the lives of citizens, instead of making them victims of our disagreements.

Let us engage to rebuild holy sites, alleviate poverty, create jobs, provide healthcare and education, reduce crime, and improve public security. Working at cross-purposes should stop. Let us create new opportunities for achieving practical results, by engaging with one another on a whole host of questions.

Mr. President,

I propose that we begin with the central humanitarian issue of internally displaced persons. According to the UNHCR, more than 200,000 Kosovo Serb IDPs have not returned to the province. Last year, only around five-hundred did—during the latest reporting period, no more than thirty. This is a failure of monumental proportions.

Kosovo Serb IDPs want to exercise their right of return, and we must do everything to bring them back home. That means improving conditions on the ground for them to feel safe. Few destroyed houses have been rebuilt, and most remain empty. This is not, however, where the

biggest problem lies. More than 40,000 claims have been filed by Kosovo Serb IDPs for the return of illegally-seized private property. And they have not heard back.

The first step, therefore, is making sure these are delivered. Right now, that's impossible. Sadly, the UNMIK-administered Kosovo Property Agency has ceased to exist.

We urge the international community to embrace the SRSG's initiative with the United Nations High Commissioner for Refugees to enable the UNHCR to take over the functions previously performed by the KPA. Through its Office in Belgrade and others in Serbia, this UN agency can serve as a focal point of our engagement.

Mr. President,

On April 6th, the European Union announced that EULEX has reached full operational capacity, following the visit to Belgrade by the Head of EULEX, Mr. Yves de Kermabon.

While the United Nations has not transferred all rule of law functions to the European Law and Order Mission in Kosovo, it has adhered to the assumption of EULEX's operational responsibility within the parameters set out in the Secretary-General's November 24th, 2008, report. That report affirms that "EULEX will fully respect resolution 1244 (1999) and operate under the overall authority and within the status-neutral framework of the United Nations."

Since that time, the Republic of Serbia has engaged with EULEX and UNMIK on a whole host of practical issues of common concern, within the parameters welcomed by the Security Council. The Secretary-General's Six Points Agreement must be applied in full. Some progress in that direction has been achieved, although "comprehensive or long-term solutions have not yet been agreed"—to quote the language of the report.

We deeply regret that more has not been accomplished to date. This is due in part to the reluctance of Pristina to accept that the infamous "Ahtisaari Plan" was not endorsed by the Security Council—thanks in large part to the principled position of the Russian Federation.

Mr. President,

I turn to a brief discussion of the Six Points and related practical issues.

Regarding Police, the question of senior positions for qualified Kosovo Serbs has not yet been resolved. This has left hundreds of ethnic-Serb KPS officers in the province feeling that they would return to a hostile work environment. At the same time, EULEX Police and Serbia's Ministry of the Interior have begun to work together in addressing a number of technical matters related to cross-administrative line cooperation. These include organized crime and smuggling, and build upon the best practices of our long-standing cooperation with UNMIK Police on these matters.

On Judiciary, some progress has occurred. Unfortunately, some of the broader issues have not yet been resolved, including the appointment of local judges and prosecutors in accordance with procedures consistent with resolution 1244 (1999). The question of the territorial jurisdiction of the North Mitrovica Courthouse remains unanswered, as does the applicability of UNMIK law only. On the other hand, partial progress has been achieved: urgent cases are being processed, some trials have been concluded, and cooperation between EULEX Prosecutors and Serbia's Office of the War Crimes Prosecutor has been established.

On Customs, preliminary meetings have taken place resulting in certain technical progress on this delicate matter. Resolving it will require enhanced coordination, and a renewed dedication to work together on achieving acceptable operating modalities—such as co-location and the distribution of revenues.

This brings me to the Central European Free-Trade Agreement, or CEFTA. The success of this important regional trade agreement depends on the consistent application of unanimously-agreed rules. UNMIK is a signatory to CEFTA, as the report states plainly. The introduction of new customs stamps by the so-called "Kosovo Customs Director-General" has regrettably politicized this commercial issue.

We hope that in the months ahead, we will be able to arrive at a set of practical arrangements

acceptable to responsible stakeholders. It is clear that a more active role by EULEX, consistent with its mandate, will be required—as will closer coordination with UNMIK.

Mr. President,

I would like to draw the attention of the Security Council to a critically important issue—namely, facilitating the entry of Serbian officials into the province. This question has unfortunately been accumulating ill-will for several months, and threatens to derail constructive efforts on all other fronts.

It is difficult to imagine how we can positively contribute to developments on the ground, if our ability to work closely with the Kosovo Serb community throughout the province is hindered.

Serbian officials must be able to visit churches and monasteries, assist in the return of IDPs to reconstructed homes, provide food and medical aid, help maintain educational standards, and engage on a whole host of other, similar activities.

Operational responsibility to EULEX was welcomed on the presupposition that it would make use of its executive functions when required. Now is such a time. We demand that all necessary measures are taken to swiftly resolve this issue of paramount importance.

Mr. President,

Before coming to the end of my remarks, I would like to acknowledge the useful role played by KFOR in Kosovo. It has the responsibility to protect our enclaves and holy sites—including those placed on UNESCO's List of World Heritage in Danger—from potential threats, incursions and attacks.

KFOR's status-neutral presence in the province is still required in order to satisfy the legitimate security needs of the local population, irrespective of ethnicity. We believe that under the

present circumstances, a troop reduction would be counter-productive.

We will continue to be a reliable partner of KFOR, in accordance with resolution 1244 (1999) and the Kumanovo Military-Technical Agreement.

The so-called "Kosovo Security Force" is an illegal paramilitary organization. Its existence and activities, present and future, constitute a direct danger to the consolidation of peace and stability in the Western Balkans. It must be disbanded immediately.

Mr. President,

Serbia's democracy is secure, our society has grown strong, and our values are safely entrenched in law.

We strongly believe in the shared destiny of all European nations.

We have demonstrated time and again, through concrete deeds and under difficult circumstances, our determination to become a member of the European Union.

This remains our central strategic priority.

We therefore welcome the June 15th conclusions reached by the EU Foreign Ministers. The decision to commit to placing the Western Balkans states on the White Schengen List rescinds at last the final vestiges of the 1990s.

Mr. President, Excellencies,

The Security Council must continue to play a key role in the Kosovo dispute.

We believe it would be beneficial for the Council to visit Serbia—Belgrade, Pristina, North Kosovo, and the enclaves—in order to see firsthand how much work still needs to be done on the ground, within the framework of resolution 1244 (1999).

The only conclusion I believe could be drawn is that coming to an agreement is the way forward. Regrettably, this has not yet been attempted.

“All of us share this world for but a brief moment in time,” a world leader said. “The question is whether we spend that time focused on what pushes us apart, or whether we commit ourselves to an effort—a sustained effort—to find common ground, to focus on the future we seek for our children, and to choose the right path, not just the easy path.”

Taking the right path will not be easy. Unfortunately, there are those who are not yet ready to begin the journey towards compromise. But we must not be discouraged. We must cease pushing each other apart. We must find that common ground.

Mr. President, the Republic of Serbia has taken the first step. The next one, we cannot take alone. We await with patience for a partner to join us in turning away from the painful past towards a hopeful future.

Thank you.