



**STATEMENT BY AMBASSADOR MIROSLAVA BEHAM,
PERMANENT REPRESENTATIVE OF SERBIA,
ON THE EU-STATEMENT ON THE WESTERN BALKANS,
AT THE 718th MEETING OF
THE OSCE PERMANENT COUNCIL**

26 June 2008

Mr. Chairman,

We would like to thank Slovenia on behalf of the European Union for the statement on the „European perspective“ of the Western Balkans. We fully share the vision of our region's future in Europe and believe that we do not need to repeat our arguments in this respect now.

As for the status of Kosovo and the international presence in the province, as well as the United Nations Secretary General's report on its reconfiguration, we would like to refer to the speech of President Boris Tadic at the session of the Security Council last Friday, which we will circulate later today.

Mr. Chairman,

Let me take this opportunity to thank the Slovenian delegation for its forthcoming cooperation with our delegation in times that are not so easy for Serbia. We are looking forward to an equally fruitful cooperation with the next Presidency of the EU, the delegation of France.

Thank you, Mr. Chairman



Address before the Security Council of the United Nations

by H.E. Mr. Boris Tadić
President of the Republic of Serbia

New York, 20 June 2008

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

Excellencies, once again we are gathered to discuss troubling developments in Serbia's southern province of Kosovo and Metohija that have been caused by the unilateral declaration of independence by its Provisional Institutions of Self-Government, which took place on February 17th of this year.

It is the position of the Republic of Serbia that UDI directly contravenes the Charter of the United Nations, the Helsinki Final Act, and other cornerstone documents upon which the international system has been built. Equally important is the fact that Security Council Resolution 1244 (1999) clearly places a *binding*, Chapter VII obligation on all member-states to respect the sovereignty and territorial integrity of my country.

A great majority of the world organization's 192 Member-States have continued to abide by these principles and obligations. On behalf of the Republic of Serbia, allow me to express my profound appreciation to them for their commitment to the rule of international law, and state clearly my country's continued dedication to those same principles.

There is a minority that has, unfortunately, chosen to support the attempt at secession by the Kosovo Albanians. This has put at risk the consolidation of peace and stability in the Western Balkans, and set back more than a decade of hard work by this very Council.

It has also created an environment in which the international system as a whole is becoming more unstable, more insecure, and more unpredictable. The potential damage to the founding principles of this Organization is becoming more apparent, as is the awareness that the legacy the UN will pass on to the future generations would be tarnished.

The Republic of Serbia, for its part, has taken a position entirely consistent with the fact that we were a co-founder of this Organization in 1945—one that takes seriously international law and its aim of promoting peaceful, just and consensual resolutions of disputes.

That is why our National Assembly has declared UDI—and all subsequent decisions stemming from it—to be null and void. And that is why we have ruled out the use of force,

while affirming our right to employ all diplomatic and political means to ensure that Kosovo does not join the world community of sovereign states.

Mr. President, I want to be very clear. Serbia will never recognize the independence of Kosovo.

We will continue to work towards finding a legal way forward that seeks to bridge differences, not widen them; reconciles opposing points of view, not entrenches them; and fosters cooperation, not discourages it.

It is in this context that I turn to a consideration of the Report of the Secretary-General on UNMIK submitted to this Council, and the letter that I received from him dated June 12th, 2008.

Excellencies,

The Report refers to the emergence of a “new reality” in Kosovo as a result of UDI. It also refers to the recent passage, by the Provisional Assembly of our province of Kosovo, of a so-called “constitution” intended to implement the Ahtisaari Proposal that has not received the endorsement of this Council, and therefore carries no legal weight whatsoever.

The Report says—I quote—“this constitution is designed in such a way that it seeks to effectively remove from UNMIK its current powers as an interim civil administration.”

This usurpation by the authorities in Pristina of the mandate this Council gave to UNMIK is deeply troubling. Equally worrisome is the fact that the Report gives an impression of acquiescing to an unjustifiable violation of Resolution 1244.

I am led to conclude that the Report is an acknowledgment that an influential and determined minority can set aside considerations of international law, in the name of appeasing an ethnic group that has been threatening violence if its maximalist demands are not met.

That must not be the way forward. International peace and security can only be consolidated through dialogue, not imposition; through agreement, not compulsion; and through law, not threats.

Excellencies,

Since UDI, the human rights record in our southern province has not improved. IDPs have not returned. Jobs have not been created. Destroyed homes belonging to Serbs have not been rebuilt. Serbian private property has not been returned. Organized crime has not been reduced. And our cultural heritage has not become more secure.

In fact, since UDI, things have gotten worse. The uncomfortable, yet incontrovertible truth, is that the “new reality” to which the Report refers has caused a further deterioration in the already unstable situation on the ground.

I give you one example. SRSJ Joachim Rucker finally agreed a few weeks ago to issue an Executive Decision restoring illegally seized land to its rightful owner, the 13th-century Serbian Orthodox monastery of Visoki Decani—a UNESCO World Heritage Site.

The unfortunate result has been the refusal of the municipal authorities of the town of Decani to restore the cadastral record as required by the Executive Order, issued under the authority of Resolution 1244. UN officials in Decani have been assaulted after having been declared to be *personae non gratae*.

This illustration of the callous disregard for the rule of law and the standards of the United Nations that we face throughout the province is implicitly taken up in the Report by an assessment that—quote—“UNMIK will no longer be able to perform effectively the vast majority of its tasks as an interim administration.”—end quote.

This can only lead us to the conclusion that the UN’s mission has not been accomplished. In other words, its mandate has not been fulfilled and its task has not been completed.

Under such circumstances, the United Nations cannot—and must not—walk away.

Excellencies,

It is therefore the position of the Republic of Serbia that the course of action submitted in the Report cannot give rise to a process that leads to a compromise solution—consistent with Resolution 1244—to the future status of our southern province.

That is why the Republic of Serbia cannot endorse the Secretary-General’s Report. Until the process envisaged in Resolution 1244 to determine Kosovo’s future status is complete, the international community, led by the United Nations, has to retain its central role in the maintenance of peace and stability in Kosovo.

“Reconfiguration”—to which both the Report and the Secretary-General’s letter to me refer—must be *decided* by the Security Council. It is the only institution endowed with the power to legitimate changes in the composition of the international presence in Kosovo, as paragraphs 5 and 19 of Resolution 1244 make abundantly clear.

In addition, we agree that the six topics mentioned in both documents—police, judiciary, customs, transportation and infrastructure, boundaries, and patrimony—require pressing attention. For every day that goes by without working towards some sort of agreement on these and other issues raises the likelihood of bringing up unsustainable hopes and dangerous, uncoordinated outcomes on the ground.

Therefore, my country is prepared to continue engaging in a dialogue with the United Nations in order to arrive at a satisfactory agreement.

Finally, I am concerned that an implicit shift in position by NATO took place in Brussels a few days ago, during its most recent Ministerial Meeting. While reaffirming its status neutrality and adherence to Resolution 1244, it also announced that KFOR will undertake what it called “new tasks.”

I refer most specifically to NATO's intent to supervise the standing down of the Kosovo Protection Corps, and supervise and support the establishment and training of the so-called Kosovo Security Force—a new institution whose establishment has not been approved by this Council. This places it clearly beyond the scope of Resolution 1244.

Accordingly, I must express my country's apprehension at the possibility that parts of the international community presence in Kosovo has chosen to participate in the formation and training of a quasi-military force. Such a step would call into question the trust KFOR has worked hard to attain amongst all the communities of our southern province, especially the Kosovo Serbs.

Before I come to the end of my remarks, Mr. President, I would like to raise another issue with this Council.

It concerns what was perhaps the final negligent act by the former SRSG, Mr. Joachim Rucker. Just a few days ago, he issued an Executive Decision that initiated a process by which funds totaling more than 426 million euros could be illegitimately transferred to the authorities in Pristina.

I want to make it abundantly clear that these funds—held in escrow by the United Nations to offset future claims by laid-off, mostly Kosovo Serb, workers and Serbian companies as a result of the questionable privatization process undertaken by the Kosovo Trust Agency—are not the property of the authorities in Pristina. The United Nations must immediately take all appropriate measures to ensure that these funds remain in its possession, and guarantee they continue to be available for their intended purpose.

We must work together to produce a solution to this serious issue in the very near future.

Excellencies,

In conclusion, I draw your attention to the fact that the Republic of Serbia held parliamentary elections on May 11th.

I have a constitutional duty to guide the process of the formation of the Government, which is at present in a decisive stage. Once confirmed by our National Assembly, this Government will continue implementing our state policy to defend the sovereignty and territorial integrity of Serbia. And it will have a historic task to implement the clear commitment of the citizens of Serbia to move decisively forward to full membership in the European Union.

It will also have a duty to complete the process of full cooperation with the International Criminal Tribunal for the former Yugoslavia. This new Government will, I am confident, share in my firm conviction that a stable and secure future for the *entire* Western Balkans lies in the European Union.

It will therefore work closely with Brussels in overcoming the obstacles to the fulfillment of the region's common goal. This holds particularly true when problems related to Kosovo are under consideration, for they are amongst the most difficult ones that the Western Balkans are facing.

Serbia is a key guarantor of regional stability. Our geo-strategic position—and our European accession aspirations—are assets to us all. The time has passed when we were a part of the Balkan problem. We intend to be a crucial part of the European solution.

I would like to stress the importance of finding a legal way forward on Kosovo, acceptable to all stakeholders and approved by the Security Council. Only such an approach can produce a sustainable outcome that will enable us fully to construct and integrate, and so to grasp the infinite opportunities that the Europe of the 21st century offers to all visionary crafters of a more prosperous tomorrow.

Excellencies,

The time has come to truly work in concert, by taking bold steps toward the fulfillment of the entire region's European future—one that is rooted in the facts that our heritage, our cultures, our beliefs, and our histories are profoundly European.

Over the course of decades, the EU has grown into a political form firmly joined by democratic values that created stability and security in our historically divided continent. It brought people together, expanded markets, and inspired attempts at resolving differences in line with the higher aspirations of our nations.

The EU achieved all this through a process of negotiations—serious, good-faith negotiations that continue until all parties feel satisfied. That's how Europe has been transformed from a place of strife to a place of concord.

And that is why, Mr. President, I see Europe as the key to Serbia's future success. I draw strength for this fundamental conviction from the solemn words of the preamble of the Treaty of Rome: "pooling their resources to preserve and strengthen peace and liberty."

That is the kind of Europe to which we are committed, and to which we—and all the Western Balkans—will belong very soon.

Let that be the new reality to which we re-dedicate ourselves today. Let that be our common destiny—the future status of *all* the Western Balkans.

No more divisions, no more discord, no more conflict.

The time to strengthen peace is now.

Thank you, Mr. President, for having given me the opportunity to address this Council at a time of great consequence for us all. I look forward continue working with the United Nations on resolving the challenges we still must overcome together in Serbia's southern province of Kosovo and Metohija.