



AS DELIVERED

SRSB address to the OSCE Permanent Council
Thursday, 4 September

Mr. Chairman, dear Colleagues

May I first of all thank you for your kind invitation to join you today here in the OSCE Permanent Council for a discussion of recent developments in Kosovo, and in particular the role of UNMIK and of the OSCE Mission as its Pillar.

Nearly a decade after UN SC Resolution 1244 put an end to hostilities and UNMIK/KFOR were first deployed throughout Kosovo, we are going through a dynamic phase of change and transition, which is presenting complex challenges both politically and operationally for all those operating on the ground.

As I reported to the Security Council in July, the ability of UNMIK to perform the vast majority of its tasks as an interim administration has been fundamentally challenged owing to actions taken by the authorities in Pristina and the Kosovo Serbs throughout the year.

Following the declaration of independence, the "Constitution of the Republic of Kosovo" came into force on 15 June. Since then, the Kosovo authorities continue to seek to assume powers and responsibilities of a sovereign state. Following the establishment of a Kosovo Ministry of Foreign Affairs, the Government has recently announced the opening of Embassies and the appointment of ambassadors to a number of countries. The Assembly of Kosovo continues to pass legislation, which is now promulgated by the President of Kosovo without reference to my powers under UNSCR 1244 or the Constitutional Framework.

Kosovo Serbs have, on the other hand, continued to resist cooperation with the Pristina authorities, stressing that they will cooperate only with UNMIK. This has had significant implications, in particular, for the “rule-of-law” area (police, customs and judiciary) where UNMIK continues to play a prominent role. However, the Mitrovica Court is still closed, large numbers of Kosovo-Serb police officers, who refuse to work within the Kosovo Police Service, continue to be suspended and UNMIK Customs has no presence at the two Northern gates – Gates 1 and 31, with the resulting loss of revenues. I am trying to resolve these and other issues through facilitation of an open dialogue between Belgrade and Pristina.

Moreover, as a result of local municipal elections on 11 May, which were declared invalid by UNMIK (my predecessor), new parallel municipal authorities are now operating in all Serb-majority municipalities in Kosovo and the Serbian Minister for Kosovo has noted publicly his expectation that UNMIK will eventually recognise them.

As a consequence of this stark divergence of paths taken by Kosovo's Serbian and Albanian communities, the space in which UNMIK can operate has changed. Exercising my legal powers under UNSCR 1244 and in a status-neutral mode has become increasingly difficult in practice. As I pointed out in the UNSC, attempts to impose my legal authority are simply not heeded by the Kosovo Albanian majority, who now see the Constitution of Kosovo as the fundamental document from which legal authority derives. While I am still formally vested of executive authority under Resolution 1244, I have no tools to enforce it; in fact, these powers can only be exercised if and when they are accepted by all parties. Therefore, very few Executive Decisions have been issued after 15 June.

While UNMIK continues to retain international responsibilities for rule of law functions throughout Kosovo for the time being, the European Union's Rule of Law Mission - EULEX – continues to plan its deployment to assume its own responsibilities. We expect EULEX to be deployed in the months to come and to operate under UN authority and in accordance with SC Resolution 1244.

As a consequence of all these factors, the Secretary-General has informed the Security Council of his intention to reconfigure UNMIK, based on these changing circumstances. We have already announced that we expect to cut large numbers of our staff as a result, and reorient our principle activities towards a more political role, while not losing sight of the need to ensure continued protection to the communities.

Coming to the OSCE Mission – a pillar of UNMIK and a vital part of the reconfigured UN Mission - I believe that it will continue to have a very important role to play. In fact, as a result of UNMIK's reconfiguration, the role of the OSCE will become more critical, particularly at the field level, not only to help fill possible gaps but, more importantly, to ensure that the achievements we have accomplished together so far are not dispersed.

With UNMIK's new role, I see a great opportunity for the OSCE in Kosovo to have even more concrete impact. For instance, the overall UNMIK representation in the municipalities will be scaled down, even though we will continue to retain presences in Peja/Pec, Strpce, Gjilane and of course Mitrovica. With a more efficient cooperation with the OSCE – and in the perspective of an integrated UN strategy which we are developing with the other UN agencies and organisations operating in Kosovo - we can make sure that the minority communities in these regions can continue to rely on a strong international presence to assist in the protection of their cultural heritage, in the safe passage of returns to their homes, and proper access of their community to the full range of local government and social services.

Let me point to specific opportunities for a larger OSCE role. Since 2003, UNMIK's Division of Civil Administration undertook executive interventions in exceptional cases to resolve local level disputes and governance problems. The new situation on the ground is forcing us to reduce substantially this area of activity. However, since some of UNMIK's most effective work in civil administration has been through "soft intervention", a role I would describe as a combination of advisory, mentoring, mediation and providing "good offices", this is a field where the OSCE could well develop its role by ensuring strong personal ties at the local level.

I can think of a couple of recent examples of this kind of intervention. First, UNMIK mediated extensively in Gjakove/Djakovica when the site of the destroyed Orthodox church was transformed by local authorities into a public park. I used my good offices to bring this to the attention of the Prime Minister in order to seek corrective action to protect this site. A second example concerns the situation in the Serb majority Shterpce/Strpce Municipality, where the so-called parallel Serb structures have forcibly assumed powers from the Kosovo Government appointed Municipal authorities. This has resulted in a partial paralysis of the functioning of the Municipality. Our mediating efforts on the ground have so far prevented potential conflict and escalation of tensions. While we will not abandon this kind of interventions in future, I would personally welcome a more proactive role of the OSCE in similar instances in close cooperation with us.

UNMIK also has had a very specific mandate to monitor returns of families and individuals to their homes and their communities throughout Kosovo. This is an area of real and ongoing concern. We have been providing continuous advice to the Kosovo Ministry of Communities and Returns about the appropriate conditions for sustainable returns. However, results are mixed and statistics are not so encouraging: for this reason, as we streamline our operation, stronger joint action with the OSCE will be of essence.

This interaction will be crucial for the promotion of democratic values, observance of basic human rights within Kosovo and the protection of all community interests.

In my experience, the OSCE has distinct comparative advantages at the regional or “country” level: its neutrality, its “rights-based” approach, and its decentralized network of regional offices and sub-offices. Your organization has already left an important legacy in terms of its contribution to peace and security and to the fulfilment of UNSCR 1244. OSCE has overseen successive elections throughout Kosovo, promoting the observance of international standards. Through its presence in all Kosovo municipalities, it monitors the functioning of the courts and police stations. It has been a

strong advocate for the rights of minority communities, whether it is through ensuring access to schools and higher education or fully functioning public transport.

In conclusion, I would say that the changes affecting UNMIK present the OSCE with both opportunity and challenge: an opportunity because it will be in the “front line” in terms of monitoring, mentoring, advising and “sounding the alarm bell” if necessary; a challenge because none of us will have the robust rule-making authority once undisputedly in UNMIK’s hands. Stronger cooperation will be required, and the desirability for more active role of the OSCE in the field may provide you, in this phase of transition, with a good opportunity to reassess the operation in the light of the new realities emerging on the ground.