



THE REPUBLIC OF SERBIA

SECURITY COUNCIL MEETING
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Report of the Secretary-General
on the United Nations Interim Administration Mission in Kosovo
(S/2015/74)

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STATEMENT

by

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FIRST DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS
OF THE REPUBLIC OF SERBIA

New York, 6 February 2015

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

Allow me to express my satisfaction with the opportunity to address the Security Council on the occasion of the consideration of the most recent Report of the Secretary-General on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK). I would like to thank all the members of this distinguished body for the attention they accord the question of Kosovo and Metohija on the continued basis. Drawing upon the constructive cooperation achieved over the fifteen years since the establishment of the interim administration in Kosovo and Metohija, I am convinced that, through consistent efforts and joint endeavours based on UNSCR 1244 (1999), we shall arrive at the goal that we all aspire to: the political solution of the question of Kosovo and Metohija.

I would like to reiterate what I said on a number of occasions before this distinguished body: the presence of the United Nations mission is of paramount importance for stability in the Serbian southern Province and for the creation of conditions that should lead to a lasting and sustainable solution of the question of Kosovo and Metohija. Serbia appreciates very much UNMIK's engagement in creating conditions for a peaceful life together of the residents of Kosovo and Metohija, security of all local communities and the respect of their human rights. We also appreciate the contribution of other international organizations which, through their missions under the auspices of the United Nations, make part of international civil and security presences in the Province, such as KFOR, EULEX and the OSCE Mission in Kosovo, as well as specialized agencies of the United Nations.

In particular, we appreciate the efforts invested by Mr. Farid Zarif, Special Representative of the Secretary-General of the United Nations, in monitoring the implementation of the UNMIK mandate and coordinating international civil and security presences.

Mr. President,

Following the formation of the government in Priština, pointed out in the Report before us as one of the key political events, Serbia expects that the political vacuum will be overcome, which should contribute to the continuation of the implementation of the agreements reached in the Brussels dialogue. We also expect that the continuation of the dialogue at the high level in Brussels on 9 February this year will provide additional impetus to the process of normalization begun between Belgrade and Priština.

Mr. President,

The Government of the Republic of Serbia is fully committed to the dialogue with the Provisional Institutions of Self-Government (PISG) in Priština. The essence of the process of normalization of relations is the finding of right answers to the questions that burden the life of the residents of Kosovo and Metohija and prevent them from realizing their basic rights. This can be achieved only through dialogue, based on a genuine understanding of the needs and interests of the other party, and readiness to compromise. I am pleased to note that, in that context, special mention has been made in the Report of the visit of Serbian Prime Minister Aleksandar Vučić to

Kosovo and Metohija on the occasion of the celebration of the Orthodox New Year and of his message of the need for life together and the building of a stable future for the Serbian community with its Albanian neighbours. However, the shadow over this visit has been cast by an incident involving a group of Albanians who assaulted the motorcade of the highest Government representatives of the Republic of Serbia, which the Report before us makes no mention of.

Serbia approached the dialogue with Priština openly, desirous of finding practical solutions that will make it possible for all residents of Kosovo and Metohija to lead a normal life within a broader process of European integrations. The participation of the Serbs in the political life of Kosovo and Metohija should be contributive in this regard. In that context, I would like to point to the participation of the representatives of the *Serbian List* in the work of the Priština Government in ministerial and other positions in its institutions.

Distinguished Members of the Security Council,

The Government of the Republic of Serbia has fulfilled conscientiously, consistently and timely all its obligations from the agreements reached within the First Agreement of principles governing the normalization of relations, signed in Brussels on 19 April 2013.

I express my satisfaction that the importance of the establishment of the Community of Serbian Municipalities has been noted in the current Report and defined as the key question in the direct continuation of the implementation of the Brussels Agreement.

Let me point out that the return of internally displaced persons (IDPs), the position of the Serbian Orthodox Church and property issues remain the key questions for the Republic of Serbia in the further dialogue with Priština.

I take this opportunity to point out that the Government of the Republic of Serbia abides by the other agreement reached earlier on regional representation and cooperation, too. The agreement provides for the scope and manner of participation of Priština representatives in regional activities, initiatives and fora. Recently, however, attempts have been made to include the representatives of Priština in the work of international organizations outside the context of the said agreement. These attempts are unacceptable for Serbia. These questions should be addressed within our dialogue with Priština.

Mr. President,

Serbia welcomes the work of UNMIK in the field of monitoring the status of non-majority communities in Kosovo and Metohija in cooperation with the OSCE and other missions present in the Province.

The Government of the Republic of Serbia attaches great importance to finding a proper solution for IDPs from Kosovo and Metohija. The creation of real conditions for their return is one of the key factors in the process of reconciliation. Unfortunately, even fifteen years after the end of the conflict, there exist no conditions for a sustainable IDP return to Kosovo and Metohija, primarily because of the lack of proper interest in this question by the provisional institutions in Priština. This

sad fact is noted also in the regular Reports of the Secretary-General of the United Nations on the work of UNMIK and in the UNHCR reports.

Let me remind you that Serbia tops the list of the countries of Europe with the largest number of IDPs. From Kosovo and Metohija, they number almost 230 000. According to UNHCR data, noted also in the Report before us, 17 000 of them, mostly Serbs, are in the Province itself.

The return to Kosovo and Metohija has been realized by less than 5 per cent of IDPs. According to UNHCR data, 12 145 persons returned to Kosovo and Metohija from the rest of Serbia. Only 1.9 per cent (about 4 000 persons) have realized a sustainable return. 70 per cent of the returnees are not ethnic Serbs.

The latest UNHCR data, cited in the current UNMIK Report, confirm the continuity of the descending trend and register that only 149 persons returned from central Serbia to Kosovo and Metohija in the last trimester.

I would like to point out that the experience gained so far from the work of the Kosovo Privatization Agency shows that the decisions on the right to property restitution are ineffective, i.e. in words rather than in deeds, as Albanians continue to use Serbian property or re-occupy it upon eviction without consequences, while Serbs are still unable to repossess it.

Physical insecurity evinced by the continued attacks on Serbs and their property and helped by the atmosphere of impunity for crimes committed against Serbs is surely accountable for the long delay in IDP returns. Illustrative examples in this regard are numerous security incidents that took place as Serbs from Đakovica, 12 000 in number prior to 1999, attempted to visit their homes and the town cemetery. One of the incidents was the stoning of a bus with about 40 displaced Serbs from Đakovica on 6 January. The only Minister in the Kosovo Government who condemned this incident was Aleksandar Jablanović, which resulted in his dismissal. The violence against the returnees, the dismissal of Minister Jablanović and violent demonstrations in Priština create an atmosphere of hatred towards the Serbian people in Kosovo and Metohija, as well as a feeling of distrust and insecurity. Instead of using the constructive approach of Serbia and its call on the Serbian people to take part in the elections and participate in the Government, Priština has whipped up a climate of political instability and anti-Serbian campaign, which is contrary to the goals of the Brussels dialogue.

This is borne out also by the OSCE data, available in the Report before us, on over 230 security incidents that took place in returnee localities from August 2012 to 2014.

The presence of KFOR is therefore necessary in the as yet unstable situation and the number of its troops must not be reduced further. I expect KFOR to continue its engagement in accordance with its current mandate and within its competencies provided for both by the Military-Technical Agreement and UNSCR 1244 (1999).

In this context, I would like to draw your attention also to legal insecurity evinced by a systematic obstruction of the property rights of Serbs, especially displaced Serbs, and the political obstruction of the process of integration of the judiciary organs in northern Kosovo and Metohija, as provided for by the Brussels Agreement.

Distinguished Members of the Security Council,

Serbia considers it its obligation to seek a solution so that conditions could be created for a normal life of all people who did not leave their home of their own will. Concerned over a slow progress in voluntary returns to Kosovo and Metohija and desirous of intensifying the efforts in this area, the Government of the Republic of Serbia has initiated the establishment of a new consultative body, incorporating the United Nations and other international and regional organizations, as well as the Kosovo Minister for Communities and Return.

The creation of conditions for the Serbian and other non-Albanian populations to enjoy the basic human rights and the rights belonging to them as non-majority populations in Kosovo and Metohija would certainly help improve the general atmosphere for IDP returns.

Mr. President,

We condemn each and every desecration of religious sites of whichever faith. In that sense, I would like to point out that the messages related to ISIL, 'future Caliphate', KLA and the Albanian National Army of the graffiti scribbled on the walls of Visoki Dečani, the Serbian Orthodox monastery founded in the fourteenth century and included in the UNESCO World Heritage List, continue to be disconcerting. The reason for our deep concern in this regard is not the mere desecration of this cultural heritage site of world renown, but also the fact that it is being desecrated by scribbling messages which glorify terrorists at the time when the international community is making enormous efforts in combating this evil and the biggest threat to international peace and security.

It is with concern that I bring to your attention the continued desecration of Serbian monasteries: in the night between 4 and 5 December 2014, the 'UÇK' and 'Kosovo' graffiti were scribbled on the walls in the churchyard of the Saint Kosma and Damian Church notwithstanding the security provided by the Kosovo Police forces.

These acts, let me point out, are not only a threat and an insult addressed to the Serbian Orthodox Church and its clergy, but also a way to intimidate the remaining Orthodox population in Kosovo and Metohija, most of it Serbs. I take this opportunity to point to the need to introduce additional measures to protect the Serbian cultural and religious heritage in Kosovo and Metohija. The attacks on these sites are at the same time attacks on the identity of the Serbs and influence directly their feeling of security and acceptance. The scribbling, all over again, of the graffiti on a cultural site from the UNESCO List of World Heritage 'in danger' brings into question the commitment of the relevant authorities in the Province to protecting and preserving the Serbian cultural and religious heritage. At the same time, we have been witness to the unfolding of a parallel process of changing historical facts, aimed at marginalizing and eliminating the presence of the Serbs and Serbia from the history of Kosovo and Metohija.

Mr. President,

Let me point out that the need for increased security has of late assumed an additional dimension related to the fight against terrorist threats provénient from the rise of violent extremism

worldwide. A co-sponsor of UNSCR 2178 (2014), the Republic of Serbia has taken all necessary measures to suppress the financing and organizing of terrorism and the increasing phenomenon of recruitment of foreign terrorist fighters who join armed terrorist organizations in the Middle East, such as ISIL.

Serbia will continue to act resolutely on the suppression of terrorism in all its forms and manifestations. We expect the international missions in Kosovo and Metohija and the PISG to make their own contributions, within their capacities, to this common fight of ours which is of global significance.

Mr. President,

In the context of the priority importance that the Government of the Republic of Serbia attaches to the solution of property issues in Kosovo and Metohija, I would like to draw your attention to privatization processes carried out by the Kosovo Privatization Agency which are contrary to international and European human rights conventions. At one time, UNMIK, too, assessed that the process was contrary to UNSCR 1244 (1999) since the Kosovo Privatization Agency was not established under the laws in force in Kosovo and Metohija in accordance with the Resolution.

Particularly evident is the tendency to privatize public and socially-owned companies in the Serbian majority communities. These companies are being sold to persons of Albanian nationalities. I would like to point out that the nationality of the persons who come into possession of the companies is not in dispute; what is the fact that the actions involved are unlawful and motivated by the destruction of the economic resources in the Serbian communities.

I take this opportunity to raise the ongoing property issue of the *Trepča* combine: any other solution of this question that would be different from the one achieved within the Brussels Agreement would be unacceptable for the Republic of Serbia. Of particular concern is the attempt of the Priština Government to adopt, without consultations with the representatives of the Serbian community in Kosovo and Metohija, the Law on the Amendments of the Law on Public Enterprises. In doing so, it is in breach of Article 2 of the Coalition Agreement on the basis of which the current Government was formed in Priština, which Article provides for halting further privatization in the Serbian communities and the agreement that property issues be discussed in Brussels with the mediation of the European Chamber and the European Commission.

I am convinced that we are all aware of the importance of the respect of ownership rights regardless of whether private or public property is involved. In that sense, it is necessary to ensure that all activities in Kosovo and Metohija related to privatization be returned into the legally valid framework. Particularly so since the activities in this area in Serbian southern have necessarily an ethnic connotation, which is inadmissible in the democratic world.

Distinguished Members of the Security Council,

I cannot emphasize enough the importance of a continued monitoring and assessment of the work of the judiciary and other PISG organs in Kosovo and Metohija, as well as the appraisal of

~~their readiness to take over the executive competencies that EULEX now has, as provided by the decision on the extension of the mandate and reconfiguration of EULEX taken in June 2014.~~

On a number of occasions, Serbia has pointed to the need for a continued monitoring and defining of proper criteria for the appraisal of the work of the institutions by the relevant missions present in Kosovo and Metohija under the auspices of the United Nations.

It is with regret that we notice that the current situation in Kosovo and Metohija reflects in part the lack of adequate professional capacities of the PISG. In its 2014 Kosovo* Progress Report, the European Commission expressed 'serious concerns regarding the independence, accountability [and] impartiality' of the justice system in Kosovo and Metohija. The same Report points to the need for more concrete results in the fight against organized crime, corruption, money laundering and terrorist financing. In reporting on the work of the first instance courts in its *Justice Monitor* for the first half of 2014, the OSCE points to the shortcomings such as poor or no translation provided in cases involving members of non-majority communities, as well as to the fact that more than one half of the decisions have not been fully reasoned. The chaotic situation in the justice system of Kosovo and Metohija is borne out also by the trial of the former members of the Kosovo Liberation Army, charged with the commission of war crimes in the detention centre in the locality of Klečka. Additional suspicion in the impartiality of the Kosovo and Metohija justice system is raised by the case of Oliver Ivanović, a political leader of the Serbs, remanded in custody for a year before his trial began.

Mr. President,

The current situation in Kosovo and Metohija bears out our assessment that conditions have not yet been fulfilled, under UNSCR 1244 (1999), for a full transfer of competencies on the PISG. The fact that these functions have been entrusted to EULEX does not diminish the powers and responsibility of the Special Representative of the Secretary-General of the United Nations.

I expect that, within its mandate, EULEX will continue to carry out its executive competencies in the field of the rule of law, in view of the real assessment of the situation in Kosovo and Metohija in this field.

I take this opportunity to commend the efforts invested in the investigation of the allegations from the Report of Senator Dick Marty on the inhuman treatment of people in the illicit trafficking in human organs in Kosovo and Metohija. I welcome the reflection from the Report before us on the need to urgently establish the 'specialist court' to try cases arising from the finding of the European Union Special Investigative Task Force.

Distinguished Members of the Security Council,

Serbia is committed to the process of reconciliation. We consider that it is an important way to confront our own past and, in that context, to establish the fate of the missing persons. This is important, first and foremost, because of the families of these persons and as a contribution to the process of inter-ethnic reconciliation in the Province. To this end, our expert teams cooperate with UNMIK and EULEX, as well as with the competent organs in Kosovo and Metohija.

The process of inter-ethnic reconciliation is incomplete without the trial of the former members of the Kosovo Liberation Army responsible for the persecution of Serbs, Roma and other non-Albanians, as well as their political opponents among Kosovo and Metohija Albanians. We expect that necessary conditions will be created to try the KLA former members, suspected of war crimes and crimes against humanity.

Mr. President,
Distinguished Members of the Security Council,

In conclusion, let me point out once again that the quest for a lasting and sustainable peace in Kosovo and Metohija is the national priority of Serbia. We can arrive at the solution only through negotiations and dialogue with PISG in Priština, fully respecting the legitimate interests of the Albanian, Serbian and other populations in Kosovo and Metohija on the basis of UNSCR 1244 (1999).

The solution of the question of Kosovo and Metohija must be in the interest of our citizens who should be enabled to live in normal conditions, while a safe life together of all communities should be made possible. *En route* to the solution, we must achieve the process of mutual reconciliation. It will certainly be helped by the adoption of European standards and values as the entire region moves towards the European Union. We consider that the commitment to European integrations is the principal driving force behind the normalization of relations between Belgrade and Priština. We expect the European Union to continue its active engagement in, and facilitate, our dialogue with Priština.

I would like to address a call from this rostrum to the political leaders in the Province to invest efforts, now that conditions have been created by the ending of the stalemate of the political process in Priština, to continue the dialogue, primarily in the interest of the population of Kosovo and Metohija.

The Government of the Republic of Serbia will surely continue its active engagement in the field of the implementation of the Brussels Agreement in the interest of peace, economic progress and reconciliation.

Thank you for your attention.