



THE REPUBLIC OF SERBIA

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Report of the Secretary-General
on the United Nations Interim Administration Mission in Kosovo
(S/2014/305)

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STATEMENT

by

H.E. MR. TOMISLAV NIKOLIĆ
PRESIDENT OF THE REPUBLIC OF SERBIA

New York, 27 May 2014

Thank you, Mr. President,

Your Excellencies,
Ladies and gentlemen,
Mr. President,

First of all, I would like to greet you and thank the President of the Council for convening this session of the Security Council devoted to the work of the United Nations Interim Administration Mission in Kosovo (UNMIK), covering the period from 21 January through 15 April 2014, in accordance with Security Council resolution 1244 (1999). Serbia has full confidence in the United Nations and appreciates very much the contribution made by the United Nations to the solution of numerous open issues in Kosovo and Metohija, to which the quarterly meetings of the Council, like this one, devoted to the work of UNMIK that are being convened under Security Council resolution 1244, the sole valid legal framework of the international presence in this part of the territory of the Republic of Serbia, make a contribution of their own.

Since I am taking the floor in the Security Council for the first time, let me make an overview in more detail of the events underlying the problems under consideration today, in order to note in conclusion what problems can be worked out together.

I take much pleasure in addressing you in my capacity as Head of the State which reaffirmed, through its concrete actions, and reasonable and patient policy, as well as engaging in pain-staking dialogue with the Provisional Institutions in Pristina in the previous period. At the same time sincerely and devotedly accepted compromise solutions for the peaceful co-existence of inhabitants of Kosovo and Metohija. The efforts invested by the state leadership have been far greater, because the negotiations were conducted in very unfavourable circumstances of intensive promotion of Kosovo's independence which represents a unilateral act of secession to Belgrade. You will agree that there can be no greater challenge to a country than violation of its sovereignty and territorial integrity, facing a small country like Serbia.

The dialogue with Pristina took place in an atmosphere inherited from the sponsorship of Kosovo's independence which is unfortunately advocated by some influential States. However, the dialogue with representatives of the Provisional Institutions of Self-Government in Pristina, under the auspices of the European Union, has yielded remarkable results. I would like to take this opportunity to thank, in particular, Baroness Catherine Ashton who wisely and most patiently mediated, on behalf of the European Union, the dialogue between Belgrade and Pristina.

The month of April 2014 marked a year since the reaching of the Brussels Agreement as a "true watershed" and a new chapter in relations with Belgrade and Pristina. This progress was welcomed by the entire world. Serbia has unequivocally demonstrated that it is a constructive partner and that it stands ready to make compromises in order to stabilize the situation and take the whole region forward.

I am sure that the continued 15-year long and status-neutral presence of UNMIK under SCR 1244 (1999), which is equally binding even today, constitutes the last bulwark against the policy of the promotion of the unilaterally declared independence of Kosovo. As we have previously warned on a number of occasions, setting a precedent by Kosovo's independence has resulted in porous state borders and given rise to potential new focal points of crisis, which has not spared the Continent of Europe either. All this testifies to the fundamental principles on which the United Nations was founded, and to the respect and defence of which many UN Member States together with Serbia are committed.

International law is based upon its sources derived from international conventions, customary law and generally accepted rules. Any decision, just or unjust, must follow a certain rule or regulation, and the very existence of international law is a guarantee of legal certainty, and it abolishes voluntarism and arbitrariness as well as ensures legality. Otherwise, the present civilization will not be any different from the medieval one, and in that event we would have not learnt anything from the past.

International relations, however, depend also on the precedents imposed by some countries even by force. Such a precedent was created also by the unilateral secession of Kosovo and Metohija from Serbia. In this particular case there was a paradox and a precedent was made that was claimed not to be a precedent. Then, there came Crimea, where the people and the authorities of that peninsula, in declaring their independence, referred to the "the famous Kosovo precedent which Western countries helped create themselves". Western officials immediately said that the Kosovo precedent was *sui generis* which *de facto* and *de iure* denied the essence of a precedent - decision that make a new rule that will apply to any similar or analogous cases in the future.

In a nutshell, it is necessary to make a new coinage to define a precedent that is not a precedent. Such a phenomenon, I would say, is contrary to the logic, it negates scientific achievements, respect for international law and the equality of all countries of the world, big or small.

Serbia's territorial integrity has been defined in its Constitution, stipulating that the territory of the Republic of Serbia is integral and indivisible, and that its borders are inviolable (Article 8), and that the Province of Kosovo and Metohija, as substantial autonomy, is an integral part of the territory of the sovereign state of Serbia. This would have remained so, had it not been for the creation of the Kosovo precedent that meant a beginning of the era of consistence in the inconsistent application of international law. Great many countries recognized the unilaterally declared independence of Kosovo, which separated a part of a sovereign territory that had no right to secede, whereas the identical decisions of other nations, in identical situations, have been declared null and void. Is it justice and equity, or the right of the might?

We who represent small nations seek justice.

Serbia has always respected and respects, without exception, the territorial integrity of the United Nations Member States.

Might, with no right, is reprehensible. Therefore, might should go hand in hand with justice; or in other words, what is mighty should be just, and what is just should be powerful. Serbia expects that, in its case, justice and equity should be equally applied, no more and no less as to other countries.

Distinguished Council members,

Serbia does not recognize the unilaterally declared independence of Kosovo and Metohija, but it is engaged in negotiations with it and will continue to do so, with a view to ensuring peace and prosperity for all inhabitants of Kosovo and Metohija. This is an invariable of the current Government and of any future ones.

Let me clarify my point, Serbia will not be forced to recognize the unilaterally declared independence of Kosovo and Metohija by a method of attrition. No one will win an election in Serbia if he or she makes such a commitment. This does not mean, I assure you, as claimed by some, facing a *fait accompli*. Such an attitude is not rigid; it is more the result of an aspiration to survive. No one should expect us to willingly and quietly submit to our own destruction.

Serbia is resolutely against the promotion of Kosovo's independence; if not, I am afraid, the survival of Kosovo Serbs, would be at the mercy "of the altered situation on the ground". No one would be spared of assimilation or final exodus, thus wiping out any trace of their existence.

The wealth and strength of Serbia lie in its unity in diversity, in the respect and understanding of others. More than twenty-seven nations, cultures, and languages, make it at the same time unique and diverse. Under the Constitution of Serbia minorities have even more rights than the citizens of Serbian nationality. This wealth has been the result of Serbia's geography at a crossroads between the East and the West, which is forever the scene of conflict of interests outside it. Whether orchestrated or real, there were incidents during the conflicts that were the causes for war, suffering and loss of life.

In the recent past, the circumstances have been so complicated, and there had been the pogrom of Serbian people, or ethnic cleansing or destruction of their holy places and cultural heritage inscribed on the UNESCO World Heritage List. At the same time, we have been identified as the sole responsible ones. Does the greatest responsibility lie with the defence of the people, even the Albanian community members who were not ready to commit crimes and hate others, and with the protection of territories? Can the misconduct of foreign policy and misunderstanding of international relations and geo-strategic interests be referred to as responsibility?

Serbian forces withdrew from their own territory of Kosovo and Metohija under SCR 1244 (1999) after seventy-eight days of the NATO bombing campaign, without the authorization of the UN Security Council. During the airstrikes, 2300 missiles were dropped, with the use of prohibited DU munitions, cluster bombs and electro-magnetic fibre weapons, against thermal power plants and other power transmission systems. The bombing of oil refineries provoked black and acid rain, while oil and oil derivatives and toxic chemicals contaminated the water supply system in the Federal Republic of Yugoslavia and other Balkan countries. More than 5 million people lived without electricity and water.

Some 200 industrial plants, 8 power stations, and infrastructure facilities, including 82 bridges, 7 railway stations, 6 airports, a multitude of roads, were destroyed or seriously damaged. More than 40 000 buildings, 422 educational institutions (schools, universities, and dormitories), 48 medical centres (hospitals, clinics), the building housing National Television, 74 TV relays were demolished. Also destroyed or demolished were around 90 cultural, historical and architectural places of interest, including 16 Christian Orthodox and Roman Catholic monasteries.

During the bombing, nearly 2000 civilians were killed, 7000 wounded, 30% of them were children. More than 750 000 inhabitants of the FR of Yugoslavia left their homes in search of a normal life beyond the borders of their own country. One in every four inhabitants was deprived of his/her livelihood. The final figures of the damage done are still not known; according to various estimates, the damage amounts to dozens of billions of US dollars.

I am not complaining today about the pain and suffering inflicted upon us. I do not deny individual responsibility for the crimes committed against the Albanian population and I insist that those responsible must be held accountable.

But I disagree that in a conflict between the state and the separatists, there could only be one party responsible, i.e. the sovereign state. I do not complain, and I am not asking for the payment of war reparation in the classical sense, but as long as I am President of Serbia, I will remind you of your obligation to compensate us for an enormous and irreparable damage caused to our civilian facilities and the economy as a whole. The international community can only redress the historical wrong if it helps Serbia to alleviate the consequences of bombing, and repair and reconstruct the damaged infrastructure, economy and public and cultural institutions and establishments. Every day an ever greater number of officials of the countries that took part in the bombing of Serbia also demand justice for Serbia. The damage caused it is too high to be remedied only by Serbia.

By raising the negotiations with Pristina to the highest level, and through responsibility and patience, as well as the signing of the Brussels Agreement, we have made a reality for the first time after the bombing, life together between Serbs and Albanians and other nations in Kosovo and Metohija. Now it is more important than ever to have both parties truly committed to dialogue; or else the idea of a tranquil life together will become a dead letter.

I am sure that the European Union will provide valuable assistance to us in building confidence, in particular in the further course of Brussels negotiations, as well as in the framework of European integration. The start of the accession talks with the EU is also seen by us as an impetus to further work on improving living conditions for Serbs in Kosovo and Metohija, convinced at present that the constructive approach to fostering European values will be duly appreciated in Serbian society. The fact that the accession negotiations were opened on 21 January 2014 and that the screening for Chapter 35 was held, indicates that Serbia has fulfilled its obligations stemming from the Brussels Agreement on time, and that it has approached the very dialogue in a constructive spirit.

However, the Report says that Kosovo is conducting its negotiations on the Stabilization and Association Agreement with the EU. Serbia has no mechanisms to prevent it, but it may ask questions: Is the European Union a Union of states, or a Union of states with a para-state? Will it mean once again a precedent without a precedent? According to that precedent provinces of all Member States will be eligible to become Member States as well. Serbia considers that, in accordance with UNSCR 1244, only UNMIK may, on behalf of PISG, conduct negotiations on stabilization and association.

The European Union must see to it that international law is respected, and observe the rules on the basis of which it came into existence; otherwise, its very foundations will be at stake. If a decision is brought to the effect that Kosovo and Metohija negotiate with the European Union independently, it would lead the European family to lawlessness, chaos, and general voluntarism.

In order to be able to ensure the best possible results in the implementation of the Brussels Agreement we must establish much clearer rules and build much greater confidence. In parallel with negotiations, the Albanian side has worked to additionally strengthen their independent state, through the so-called low-intensity terror against the Serb population, which is totally unacceptable to Serbia.

"Low intensity" ethnic crimes may suffice to result in serious restrictions on freedom of movement of Serbs and other non-Albanians whose life is defined by a complex number of minor restrictions (avoiding to travel alone or by night, choice of time and place to do errands, restrictive use of Serbian language in public, safe attendance of schools, etc.). Public condemnation of ethnically motivated incidents could definitely contribute to inter-ethnic dialogue and tolerance, including the raising of awareness that the future lies with multi-ethnicity and acceptance of returnees from other ethnic groups.

Introduction of procedures and administrative obstacles has prevented the return of Serbs. Since 1999, less than 5 per cent of the expelled Serbs have returned to Kosovo and Metohija. The demographic picture is far from the much vaunted "multi-ethnicity" of our southern province, as best illustrated by the information that there have only been 50 voluntary returns to the province. This is way below any minimum! The international community has not discharged one of the main tasks entrusted to it under SCR 1244, such as free and unimpeded sustainable return of all refugees and displaced persons to their homes in Kosovo and Metohija.

Serbs and other minority communities in the region of Kosovo and Metohija still face problems: their freedom of movement continues to be restricted and prevented; their security and free use of own language violated including their access to institutions and the right to participate in the elections and their right to vote; there are no appropriate mechanisms for the restitution of dispossessed property, as well as mechanisms for preventing property from being repossessed following eviction of occupants; entry into possession is also prevented; there is no possibility of free choice of place of return nor are there conditions for the sustainable return of IDPs. Even if they somehow decide to return, local communities go out of their way to make them feel unaccepted and unacceptable.

Eighteen incidents and attacks on the temples and property of the Serbian Orthodox Church have been recorded, including the latest wave of threats against Orthodox places of worship ranging from the graffiti scribbled on the monastery of Visoki Decani to the announcement that the Church of Christ the Saviour in Pristina will be pulled down.

At the same time, we welcome resolute response by UNMIK to declare null and void the decision of the municipal authorities of Pristina to deny the Serbian Orthodox Church the right of using land on which the Church of Christ the Saviour had been built in the centre of the city. Lastly, constant attempts at renaming and obliterating the existence of Serbian cultural and religious heritage, coupled with unlawful sales of the property owned by the Republic of Serbia, continue unabated.

The present treatment of minority communities does not enable their normal life and is discriminatory with regard to their access to and enjoyment of any of the rights regulated in the legal acts and regulations in force in Kosovo and Metohija. The non-discrimination Law proclaimed by the UN Secretary-General's Special Representative himself provides for special protection of minority communities, prohibiting any forms of discrimination and

protecting individuals not only from discriminatory acts of public authorities, but also from discriminatory acts of bodies and individuals.

Unfortunately, the high-quality of the legal text has not been accompanied by concrete and appropriate measures taken by UNMIK and Pristina institutions in its implementation, so much so that there is a gross violation of laws and everyday drastic instances of discrimination.

We appreciate very much the constructive approach adopted by the United Nations and the Secretary-General's Special Representative, Mr. Farid Zarif, as well as by the organizations active under the UN umbrella, like EULEX. They have created conditions for all parties to work together on improving living conditions for all inhabitants of Kosovo and Metohija, and the respect for their human rights regardless of their ethnicity. I believe that you will agree with me that disagreement over the status issue for Kosovo and Metohija should not stand in the way of efforts aimed at working together towards finding practical solutions to issues that Pristina has been sweeping under the carpet for many years.

Therefore, I believe that a decision to downsize UNMIK and the reduction of the number of international personnel would have an outright negative effect on the Serbs in Kosovo and Metohija and affect the quality of the performance of the activities entrusted to the Mission.

Consequently, I call here under the roof of the United Nations on the United Nations to resist the attempts at marginalizing the UN Mission in Kosovo and Metohija and attaching relative importance to its role within overall international and security presences in the Province. Make yourselves both more visible and more effective in the discharge of your mission as you work together with other international players such as EULEX, KFOR and OMIK which are also active under UN auspices. In the light of the intended modification of the mandates of these missions under the pretext of a changed actual situation on the ground, allegedly as a result of the reaching of the Brussels Agreement, I draw attention to the argument that this cannot alter the binding nature of SCR 1244.

In this context, I am opposed to the initiative to use an excuse such as "being overburdened" and attention to other more urgent matters instead of convening Security Council sessions devoted to consideration of the situation in Kosovo and Metohija more frequently. Great expectations along with growing requests to Belgrade and Pristina in the implementation of agreed arrangements made in Brussels require that Council sessions be held with undiminished dynamics so as to ensure that Security Council members are regularly provided an insight into the situation on the ground. The coming period will be crucial for the implementation of arrangements made and for the further normalization of relations between Belgrade and Pristina. Therefore, this process must take place in full sight of the UN Mission in Kosovo and Metohija and the Security Council of the United Nations.

We support the initiative to set up a Special Tribunal and an Office of the Prosecutor based outside the territory of Kosovo and Metohija to try all cases resulting from the investigations carried out by the Special Investigation Task Force. Serbia will lend its full support to the efforts to bring all responsible to justice, as it has done in the past.

However, stability is not promoted by arresting a candidate running for Mayor, Oliver Ivanovic. We expect one of the problems to which we have been drawing attention for years, i.e. sealed indictments, to be solved. Alleged witnesses begin to give evidence in an orchestrated manner 15 years after the crimes committed with sole evidence - witness accounts. Mr. Ivanovic, who is in detention in Kosovo Mitrovica, was arrested on the basis of such accounts. Furthermore, the Appellate Court has not explained why the legal deadline for deciding on his appeal against being remanded in custody has been exceeded.

The Republic of Serbia protests once again, in the strongest of terms, against the arrest of Oliver Ivanovic and demands his release from prison along with the explanation as to why he was arrested in the run-up to elections for Mayor of North Mitrovica, where he stood as one of the candidates.

Although the overall situation, as indicated in the Report for the period from January-April 2014, has been described as relatively stable, I believe that this limited period of time does not reflect the general situation in Kosovo and Metohija. The circumstances are characterized by the substantial gap between the professed benchmarks and the respect for human rights and the actual situation. In considering the generally made

assessments presented as statistics for a limited period of time, it seems to me that we forget that it only takes a spark like the one in the pogrom of March 2004 to escalate dormant tensions.

Despite continued international presence, impunity, relative importance and depersonalization of the crimes committed from 1999 onwards send a bad message, the message of fear to the Serbs and other peoples in Kosovo and Metohija. This means that crimes are not punished, while further attacks are encouraged because they remain outside the reach of justice. We observe that the Pristina institutions and the international community have done next to nothing to protect Kosovo Serbs and other non-Albanians, particularly the most vulnerable people like internally displaced persons.

Serbia has encouraged its compatriots in Kosovo and Metohija to go to the polls in the local elections. It encouraged them to do so in order to strengthen their legitimacy, under the roof of the Community of Serbian Municipalities, the establishment of which is envisaged in the Brussels Agreement, thus securing their survival and realization of their rights and interests. They are still ready for reconciliation, despite all these years of life in fear and uncertainty, having faith that their co-existence with the Albanians is possible after all.

However, the provisional institutions in Pristina, preparing themselves for the elections, have done all they could to challenge the voting right of Serbs. Calling the internally displaced persons to vote on the forms with symbols of an independent state that has gained independence by driving them out of their ancestral homes, a quarter of a million of them, is an example of highest hypocrisy and provocation!

By manipulating with voter registers, Pristina attempted to put in place a new, forcibly changed ethnic structure and thus directly influence the result of the vote. For all the pledges made and emphasizing the commitment to multi-ethnicity as democratic values and human rights, Pristina in practice consistently applied measures discouraging and dissuading Kosovo Serbs to participate in the public life of Kosovo and Metohija.

Unacceptable are unilateral actions by Pristina announcing the revision of electoral rules at the expense of Serbs and displaced persons, thereby making meaningless the legitimacy of the forthcoming general election scheduled for 8 June. This time, Belgrade will, after careful consideration, decide whether to call on Kosovo Serbs to go to the polls or not. We demand that Pristina fulfils the basic precondition: to enable equal right to vote without discrimination to Kosovo Serbs and other minorities in Kosovo and Metohija, as also indicated in the Report on the work of UNMIK that is under consideration today!

These actions of Pristina, as observed also by OMIK, is in direct contravention of its declared readiness and openness to increase mutual trust among all communities in Kosovo and Metohija, which is the purpose of the ongoing dialogue in which Serbia has invested a lot.

Therefore, we call on our partners and friends at the United Nations to support wholeheartedly and use their influence and authority to create conditions conducive to equitable representation of numerous minority communities in all institutions without being overruled by the majority, as required also in the UN Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, where "promotion and protection of the rights of persons belonging to national, ethnic, religious or linguistic minorities, contribute to the political and social stability of states where they live".

The property rights of Serbs have also been at stake. Cases involving forged sales agreements have remained unsolved. Serb claims for compensation for the damage caused to their property have been refused on a massive scale. All this is indicative of discriminate application of regulations and rules.

The issue of minority rights, of course, also implies the restitution of property belonging to non-Albanian communities in Kosovo and Metohija, among whom Serbs constitute a majority. Moreover, there remains also an open issue of the property owned by the state of Serbia and the Serbian Orthodox Church.

The legal mechanisms established by UNMIK and EULEX for the purpose of addressing property matters, assistance to courts in reducing the backlog of cases and adequate protection of individuals in cases involving violation of human rights, have to our great regret, not produced results: this type of litigations accounts for 40%

of all unsolved court cases in Kosovo and Metohija. Furthermore, the problem of a large number of forged documents concerning ownership also prevents the exercise of property rights. The Kosovo Property Agency has initiated around 40 000 proceedings for the restitution of usurped land, while almost 700 000 plots of land have been occupied according to unofficial information. One of the problems related to the possibility of re-entry into possession of land holdings is the lack of appropriate protection against eviction due to unlawful repossession.

Also of interest is the observation made concerning the expropriation of Serb property in Kosovo and Metohija (expropriation based on the decision of the so-called Kosovo authorities for the purpose of construction of a highway). In the Municipality of Gracanica, for instance, out of 213 expropriations, 170 involved property owned by Serbs.

Distinguished Council members,

We have recently received information on the intention of the Provisional Institutions of Self-Government to change the legal status of Trepca industrial complex, whose controlling rights are held by the Republic of Serbia, and which employs many Serbs living in Kosovo and Metohija.

The adoption of a new law to change the ownership structure and legal status of Trepca would unequivocally represent another unilateral action of Pristina directly resulting in the changed rights and status of Trepca employees belonging to Serb and other non-Albanian communities in Kosovo and Metohija. This is yet another attempt at illegal disposition of the property owned by the Republic of Serbia and a violation of the fundamental property principles.

Amendments to legal regulations would wave off the rights of creditors and it is unclear at this time how their claims would be dealt with, bearing in mind that only the creditors who have made their claims against Trepca company via the Management Team in charge of the establishment of the Community of Serbian Municipalities, have claimed more than EUR 268 million.

Furthermore, we also note that amendments have also been proposed in areas which are yet to be discussed in the dialogue with Pristina. Such actions of Pristina show their inconsistency and disregard of the reached agreements. This is not the only area where laws are being amended before they have even been negotiated in Brussels. On the other hand, in areas where agreement has been reached on amendments to the legal framework to help go ahead with the establishment of the Community of Serbian Municipalities, which is binding on Pristina, no political will has been demonstrated to date to embark upon this process as an initial step towards implementing the reached agreements.

Mr. President,

Distinguished Council Members,

With the excuse to preserve peace, the Pristina side is sabre-rattling. I am referring here to the announced establishment of the so-called Armed Forces of Kosovo. This is not only in violation of the dialogue in which we have patiently invested, but also gross violation of the provisions of SCR 1244 (1999). This resolution foresees that the international forces bear the responsibility for maintaining a secure environment for all inhabitants of the Province, and therefore the possibility of creating the so-called armed forces is ruled out. Such an announcement poses a threat not only to stability in Serbia and the region, but also seriously undermines the authority and role of the United Nations in safeguarding international peace and security. In this context, UN Secretary-General Ban Ki-moon pointed out that Security Council resolution 1244 (1999) remains the sole legal framework for continued international security presence in Kosovo and Metohija, the mandate of which is clearly defined.

I recall that the Kosovo Security Force has been based on the Kosovo Liberation Army, a para-military formation which spearheaded in the war in Kosovo and Metohija terrorist actions and took part in organized crime. Even though the international community intended to calm the situation on the ground, de-militarize KLA and transform it into security structures, it made a breach: instead of punishing, it supported separatism and spurred continued political violence and ethnic hatred.

I put it to you whether the security forces whose members belong to criminal structures and international terrorists could be reliance in regional and collective security frameworks? Will the international community give the green light to this act, taking particularly into account the announced establishment of the Special Criminal Tribunal to hear cases involving crimes committed precisely by KLA in organ trafficking, as reported by the Special Rapporteur of the Council of Europe, Mr. Dick Marty.

Support of the Parliamentary Assembly of the Council of Europe to the Marty Report, behind which there is a vast majority of votes of the Member States, is already a warning strong enough to the international community and all institutions that the inhabitants of Kosovo and Metohija cannot see their protection in such structures, but only as a threat and a source of insecurity. There is no legal basis for the creation and operation of Kosovo's armed forces. On the other hand, I recall that in SCR 1244, the international community agreed to the return of our forces to Kosovo and Metohija.

In the light of the intended reconfiguration of EULEX, I would like to remind you that under SCR 1244 (1999), UNMIK is vested with the sole executive and legislative powers in Kosovo and Metohija, and consequently the consent of the United Nations was needed in order to engage EULEX. EULEX received legitimacy in accordance with the Statement of the President of the UN Security Council, dated 26 November 2008, providing it acted in pursuance of SCR 1244 (1999), within the status-neutral framework of the United Nations. Although the powers and responsibilities of UNMIK relating to police, customs, and the judiciary have almost entirely been transferred thereby to EULEX, it cannot be said that UNMIK has been replaced by the EULEX Rule of Law Mission.

Therefore, EULEX reconfiguration must be carried out in cooperation with UNMIK and the United Nations and upon their approval and consent. Regarding the transfer of powers onto the provisional institutions in Pristina, I am confident that all those present here will agree that the powers reserved for the Special Representative of the UN Secretary General can be transferred over to the provisional institutions only with his authorization. The fact that these powers were entrusted to EULEX, in no way, diminishes the powers and responsibilities of the UN Secretary General's Special Representative. The transfer of EULEX powers onto the provisional institutions in Pristina is harmful and unfair since it is not reasonable that Serbia has no say in it, on the one hand, and, on the other, that it is considered responsible for the implementation of the Brussels Agreement.

Mr. President,

We must not lose sight of the fact that behind all our speeches, behind all reports and statements made, there are people whose sole wish is to have normal living conditions for their families, who wish to work, to educate their children and ensure their safe future and a happy childhood, who want to enjoy all the rights available to them. Therefore, the reports on the situation in Kosovo and Metohija should not become mere statistics. People are not mere numbers. Whenever we review the situation in the Province, we should ask ourselves how much we have helped the local population to live better. I am not certain that the conditions are ripe for the Council to remain less actively seized of the matter. Although significant progress has been made, the final goal is still eluding us.

While appreciating the legitimate interests of the Albanian, Serb and other population of Kosovo and Metohija, and fully respecting the mandate of the United Nations, Serbia will resume the dialogue pending a mutually agreed and sustainable solution. I expect UNMIK and all international players to continue to work within an undiminished scope and with the same intensity, and I urge the Secretary-General's Special Representative to adopt a more engaging approach. This is the only way to contribute to the creation of conditions for lasting reconciliation and finding a final solution for the issue of Kosovo and Metohija.

Mr. President,

According to the Report of the Council of Europe entitled "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo", hundreds of Serbs were kidnapped in Kosovo before, during and immediately after the 1999 conflict, and they were all sent to clandestine camps in the Republic of Albania. Many of them were forcibly operated on to harvest their organs, oftentimes *in vivo*, and later killed. Their organs were then sold on

the international black market. The Chief Investigator into the allegations made in the Report of Dick Marty, International Prosecutor Clint Williamson is in possession of a voluminous dossier on the crimes committed by former KLA members and he is expected to hand it over to the judges of the Special Tribunal to look into the findings made by the Swiss Senator. The US Prosecutor's dossier contains the names of 120 KLA commanders expected to be charged with enforced disappearance of 320 Serbs in the regions of Orahovac, Drenica and Metohija.

Given that Serbia has done all it could to elucidate and prosecute all those who committed crimes against the Albanian population in Kosovo, we rightfully expect that full truth will be known and that all those responsible for these heinous war crimes against Serbs in Kosovo and Metohija will be punished.

The families of Serb victims have equal rights to see that justice is done like other victims of crimes committed in the territory of the former Yugoslavia in the 1990s.

For historical reconciliation of the two nations and a comprehensive solution for the problem of Kosovo, it is necessary that both sides make compromises. We have done our bit and will continue the dialogue with the same intensity and maximum constructiveness. However, Pristina must be made aware that there can be no durable and comprehensive solution without an agreement with Serbia and the decision of the UN Security Council. Fifteen years have elapsed since the armed conflict in Kosovo and Metohija. Instead of living in the past and making mutual recriminations, it is time to reach a sustainable solution for the future of the two nations. Our hand is reached out to touch the other side. Our hand is extended for the sake of our and their children.

Distinguished Council members,

Last week, Serbia was hit by catastrophic floods, one of the largest that affected Europe in the last 100 years. The elementary disaster claimed tens of human lives, flooded towns and villages, destroyed arable lands, economy and caused inestimable damage. To diminish the magnitude of the catastrophe, the citizens heeded the call of their Government and expressed a high level of solidarity, fighting courageously and calmly to save what was possible to save. Unfortunately, notwithstanding enormous will and desire, we cannot rebuild alone what has been destroyed. We need assistance to make it possible to the citizens to restore what they have lost, re-do agricultural work where it is possible and where it is not to be helped to weather the year and begin the next in normal conditions. You have received DVDs featuring part of the tragedy that hit Serbia; I would appreciate if you took a look at it. Man does not demean himself if he asks for help, but is great only if he proffers help.

I express my gratitude to all countries and peoples that helped or will help Serbia in the coming period to overcome the tragedy and destruction brought about in catastrophic floods. We do not ask from others what they do not have, but only part of what they have in excess of their needs. The little more is much for us and is necessary. For what the meaning of life is other than showing empathy and will to help others.

Thank you, Mr. President.