



Address before the United Nations Security Council

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

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Mr. President,

Thank you for convening this session of the Security Council, in accordance with resolution 1244 (1999).

Before turning to the issue that has brought us together, I would like to express my deepest condolences to the friendly Government and people of the Republic of Haiti—as well as to Secretary-General Ban Ki-moon and the UN Secretariat—in the wake of the tragic earthquake that claimed countless human lives and resulted in unimaginable destruction. Our thoughts and prayers are with the families of the victims.

As a contributor to the police component of the United Nations Stabilization Mission in Haiti, the Republic of Serbia will continue to work with the survivors and the international community. We will help in the effort to rebuild the country, through the material assistance our Government has pledged to provide, and by greatly increasing our presence in Haiti.

Mr. President,
Excellencies,

Once again we are gathered to discuss the situation in the Serbian province of Kosovo and Metohija. Almost two years ago, its ethnic Albanian authorities attempted to secede from my country through a unilateral declaration of independence, or UDI.

Our principled position regarding our province's future status is set in stone. Serbia will never, under any circumstances, implicitly or explicitly, recognize UDI. This is a constitutional imperative, as well as our moral, historical and—above all—democratic duty. On this fundamental point, our nation is united as one.

UDI has divided the world and the Balkans. It has brought into question the fundamental tenets of the contemporary international system, while setting back efforts to consolidate the region's democratic gains.

A substantial majority of UN member States—and of Security Council members—have not supported the attempt to impose the forcible partition of a UN member State. They have continued to respect the sovereignty and territorial integrity of my country. On behalf of the Republic of Serbia, I would like to reiterate our deep gratitude to the friendly governments and peoples of these countries, for their dedication to uphold international law, as we seek to

resolve Kosovo's future status through law and diplomacy. Their solidarity will never be forgotten.

Mr. President,

As the present report reminds us, the UN General Assembly tasked the ICJ—the International Court of Justice—to determine whether UDI conforms to international law. This has turned out to be a landmark case. It is the first time 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 peacetime—in defiance of its Constitution and against the will of the Security Council. It is also the first time all five Permanent Members of this Council participated in a proceeding before the Court.

During the reporting period, a crucial stage in the judicial process—oral hearings—came to an end. A record number of countries presented their views. This made it the largest case in the history of the Court, and it demonstrated that Kosovo's future status remains an open, unresolved question.

The ICJ will deliver its conclusions this year, with overarching consequences for the international legal order. It is therefore particularly important for all to respect the fact that the Court has begun its deliberations. The judges' work should be allowed to run its course, unhindered by political pressures, such as further recognitions of Kosovo's UDI.

Once the ICJ hands down its opinion, an opportunity will be created to find a way forward.

We believe dialogue is the most effective means to achieve the only sustainable outcome: a mutually-acceptable, viable solution—one that will not recklessly sacrifice geo-strategic priorities of all, on the altar of communal aspirations of a single party.

Serbia seeks to resolve all outstanding political differences through negotiations. We are fundamentally committed to making 2010 the year of peaceful solutions—as the next logical development following the ICJ's decision. And we are carefully examining all possibilities.

It will not be easy. The psychological barriers are high, and trust needs to be restored. A first step is to realize that the 1990s are gone for good. Contemporary Serbia is a democratic, forward-looking society that will join the European Union soon. We should all work together on achieving a common future at all deliberate speed. As I made clear during my remarks over Christmas from Kosovo in the monastery of Visoki Decani: “my message is one of peace, and one of reconciliation—between individuals, as well as peoples.”

Mr. President,

I would like to welcome the new term members of the Security Council, as well as Special Representative Lamberto Zannier. The United Nations remains an indispensable actor in Kosovo. It is therefore critical that this Council continues to support UNMIK's fully reconfigured presence as a crucial pillar of peace and stability.

The constructive approach adopted by the UN—and organizations that operate under its overall authority—have set the stage for responsible stakeholders to act together on improving

the lives of all residents in the province. This has been done by putting aside status considerations on a growing number of practical issues. My country has continued to embrace such an approach in line with the provisions of the November 2008 report. This has been recognized by the Secretary-General, who has written that “UNMIK’s engagement with Belgrade continued to create opportunities for good faith dialogue and for solutions to be developed on a range of issues.”

This has produced tangible results. For instance, the Protocol on Police Cooperation between the Serbian Ministry of the Interior and EULEX signed a few months ago has begun to be implemented. An Annex to the Protocol was signed in late November, a fact the report did not mention. This has produced a welcome increase in the exchange of information on organized crime and terrorist activities in the province—an area that continues to be the hub of a sinister international network of arms, drugs, and human traffickers.

On a number of other fronts, a shared dedication to status-neutrality by responsible stakeholders has ensured that the “overall security situation in Kosovo remains relatively calm but potentially fragile”—to quote the report.

One example is UNMIK’s external representation function. When it is honored by Pristina, their voice in regional fora continues to be heard, with our support and encouragement. This will remain the only legitimate way for the province to participate in multilateral meetings. Unfortunately, Kosovo’s ethnic Albanian authorities “refuse to participate with UNMIK in the Central European Free Trade Agreement,” and other regional organizations, as the report makes clear. Such a policy by Pristina can only lead to their self-isolation. We deeply regret Pristina’s unwillingness to abide by the provisions of the region’s free trade accord, and—more generally—the binding procedures on external representation. We call on the province’s authorities to reverse this counter-productive policy.

In sum, on the issue of external representation, Kosovo can and should participate in multilateral and regional fora in the presence of UNMIK officials, who speak first—and with either the “UNMIK-Kosovo” nameplate, or a personalized one. No other arrangements will work, despite all pressures to the contrary.

Mr. President,

Working within the framework of status-neutrality has also ensured that issues related to the supply of electricity for Serbian communities do not spiral out of control. As the report highlights, the Pristina-based Kosovo Energy Corporation—or KEK—unilaterally cut off the supply of power to North Kosovo. Thanks to the timely response by the EPS—the Electric Power Industry of Serbia—a humanitarian catastrophe affecting up to 100,000 residents was averted. We gratefully acknowledge the positive role played by UNMIK and the EU in preventing further unilateral action by the ethnic-Albanian authorities. Serbia looks forward to the successful completion of technical talks between KEK and EPS that ought to produce a satisfactory long-term solution—including a second provider.

I come to the matter of KFOR. Its unique ability to bridge existing communal divides and maintain peace and stability on the ground—thanks to its status-neutral approach—remains acknowledged by all.

The Republic of Serbia will continue to engage with all responsible stakeholders to ensure KFOR's role is not diminished, especially in the context of safeguarding Serbian patrimony. Since the March 2004 pogrom in which 35 holy sites were destroyed over a tragic three-day period, KFOR's direct responsibility for providing security to the Serbian Orthodox Church has been a success. We believe that proposals to hand over responsibility for guarding a number of these sites to local police units, as reported, would not contribute to improving the fragile security situation. This is especially important given the opposition to such plans clearly expressed by the monastic communities most affected.

Mr. President,

We would like to salute UNMIK's "efforts to find durable solutions for the protection of Serbian cultural heritage in Kosovo"—especially its engagement with the EU and the Reconstruction and Implementation Council, chaired by the Council of Europe. We concur with the assessment that considerable progress was achieved on this sensitive matter during the reporting period. At the same time, we share the Secretary-General's disappointment that an agreement has not yet been reached. In this context, we welcome his "read[iness] to support any constructive initiatives by the European Union [...], including the appointment of an envoy."

We believe that an EU facilitator will be able to take appropriate measures to strictly enforce compliance by the authorities in Pristina on all matters related to the protection, conservation, and restoration of our holy sites in the province.

Regretfully, the precarious state of Serbian patrimony remains a deeply troubling part of the reality on the ground in Kosovo.

The report brings to our attention a number of on-going problems that have not yet been justly resolved. This includes the repeated refusal of local officials to restore the Decani monastery's cadastral record—a UNESCO World Heritage Site in Danger. It also includes an incomplete list of the desecration of graveyards—hate crimes meant to compound physical destruction with the attempt to erase our every trace throughout Kosovo.

Unfortunately, the report passes over in silence the fact that ethnic Albanian authorities continue to defend the outrageous decision to pave-over with concrete the remains of the twice-destroyed Serbian church in the center of Djakovica.

This is the fourth time Serbia has raised the issue in this room. Is it possible that the international community is powerless to get this awful deed reversed? Does the will exist to undo this and other acts of cultural cleansing?

Once again, Excellencies, we ask for your help.

Mr. President,

Commitments made in this chamber must be honored in full. What is agreed in, and welcomed by, the Security Council must be implemented in its entirety—from resolution 1244 (1999), to the Secretary-General's Six Point Plan.

Unfortunately, real steps still have not been taken on the political implementation of the provisions related to, for example, Judiciary and Customs—despite the clear readiness we have expressed, time and again, to work out ways of putting into practice what has been mandated by this body.

I start with Judiciary. There have been some constructive preliminary discussions with UNMIK and EULEX. Yet, we have regretfully not been able to move forward on issues such as determining the territorial jurisdiction of the Court in Mitrovica, the appointments of judges and prosecutors designed to reflect the ethnic communities they would serve, and the applicability of UNMIK law. It is high time for talks to intensify. Consensual solutions must be found, in accordance with the provisions of the November 2008 report.

With respect to the delicate matter of Customs, technical cooperation between Belgrade and EULEX has proceeded smoothly. Information is exchanged regularly on topics of mutual concern, such as smuggling. Unfortunately, we have also not achieved progress on the much more fundamental issue of revenue collection, and how it will benefit relevant communities. We hope that, in the months ahead, we can come to workable arrangements with our UNMIK and EULEX partners, within the framework endorsed by this Council in November 2008.

Mr. President,

The Secretary-General's report discusses at length local elections held in South Kosovo called by the province's ethnic Albanian authorities. Much is made of the participation by a minority of Kosovo Serbs—as are the unverifiable claims about the elections made by an NGO called the European Network of Election Monitoring Organizations.

We are greatly disappointed that the report is entirely silent on the fact that the election was itself entirely illegitimate, since it was not held in accordance with resolution 1244 (1999). The facts speak for themselves: the SRSG did not call it, the OSCE did not monitor it, and the UN did not certify it.

Under such circumstances, it was simply impossible for Serbia to have supported the election, because it was clear that conditions did not exist for a vast majority of Kosovo Serbs to participate in it.

I also underline that the report paints an incomplete picture of a highly flawed exercise. It greatly underplays the level of fraud in Serbian areas, and fails to account for credible evidence pointing to intense ballot-stuffing, voter intimidation, and other grave violations of campaign and election-day procedures, such as disinformation tactics.

All this is highly regrettable. An opportunity was missed to de-politicize this vitally important issue. Instead of working with the international community, Pristina chose a unilateralist approach consistent with the so-called Ahtisaari Proposal—a document that the November 2008 report rightly asserted was “not endorsed by the Security Council.”

It is now imperative that we focus our energies on finding a way forward. As has always been the case, we remain in favor of establishing functional decentralization acceptable to all stakeholders. Pristina's election was a false-start that won't lead anywhere. We need to work in concert, through a status neutral organization—the OSCE, for example—to create a legitimate decentralization package designed to succeed.

Mr. President,

The report before us today is entirely silent on the critically important issue of facilitating the entry and transport of Serbian officials within the province.

Beginning with the coming into force of resolution 1244 (1999) up to the present day, Serbia has followed a well-established procedure designed to address the security concerns of senior officials moving about the province. We have often asked for escorts, due to the heightened degree of risk associated with traveling in this unstable portion of our country. Regretfully, the issue has become increasingly politicized for more than a year. The number of positive replies to our requests for escort has dramatically plummeted.

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.

Encouraged by claims made in previous reports that freedom of movement for Serbs was no longer a problem, Goran Bogdanovic, our Minister for Kosovo and Metohija, decided to travel to the Serbian enclave of Strpce without an escort.

He was detained at gunpoint in a village near Strpce by over 40 ethnic Albanian special operations police officers. This was a clear violation of resolution 1244 (1999). Heavily-armed men told him they were under instructions to escort him back to the Administrative Boundary Line. Minister Bogdanovic asked why he was being forcibly deported, and no answer was given. Later, we were told that Minister Bogdanovic's very presence in South Kosovo was somehow considered a threat to public order—despite the fact that he resides legally in the province.

This is an absurd and dangerous claim for anyone to make in the Europe of the 21st century. The status-neutral international institutions enabled by this Council to control the province's police structures have an obligation to prevent such abuses to the system for blatantly partisan, illegitimate purposes from taking place. Political disagreements on status should not result in provocative denials of basic human rights to anyone.

Such a climate of zealous intolerance cannot help but adversely affect what the report qualifies as an already "very low" number of IDPs that have gone back to the province. More than 200,000 Serb victims of ethnic cleansing continue to be denied the right of return. Regretfully, Kosovo's ethnic Albanian authorities seem to want to send a message that says: 'accepting UDI is a precondition to being beyond the arbitrary reach of the police.'

Despite such deplorable conduct, the Republic of Serbia remains dedicated to finding a way to overcome these and many other issues in status-neutral ways, consistent with resolution 1244 (1999) and the values and principles it presupposes.

Mr. President,

The Secretary-General's report draws particular attention to the situation in North Kosovo, which it characterizes as "fragile."

Serbia concurs with this assessment. We feel that harsh rhetoric emanating out of Pristina regarding legitimate Serbian institutions in North Kosovo do not contribute to the maintenance of stability in that part of Serbia. By referring to them as “parallel,” EULEX representatives, for instance, have not respected the explicitly status neutral terms of their own mandate. And they have violated resolution 1244 (1999)—the very basis of their legitimacy and presence in Kosovo under the overall authority of the United Nations. Such regrettable outbursts are unacceptable for the Republic of Serbia.

The truly parallel institutions that operate in Kosovo are those created on the basis of UDI. Their existence is a violation of resolution 1244 (1999). Should EULEX, or KFOR, or anyone else wish to condemn any authority in Kosovo, let them begin with those created unilaterally by the ethnic Albanian authorities in Pristina, without the approval of this Council, and in clear breach of the principles of the international order.

In addition, Mr. President, I must draw attention to alarming news reports that have circulated about what has been termed a “final solution” for North Kosovo. Sponsored by the so-called International Civilian Office, this plan outlines a number of coordinated policies and actions designed to impose acceptance of UDI on the Serbian majority in North Kosovo. These unilateral schemes, intended to forcibly implement the so-called Ahtisaari Proposal, blatantly violate resolution 1244 (1999). This strategy can only be advanced by the enforcement of a draconian, un-democratic set of measures on the Serbian community in North Kosovo. Those who announced it—they and they alone—should bear responsibility for the de-stabilizing atmosphere such conflict-inciting designs can only be meant to produce.

The Republic of Serbia harshly condemns Pristina’s unnecessary and hazardous provocations: this is not the way to constructively engage in overcoming challenges—especially given the enormous efforts, of Serbia and other responsible stakeholders, to maintain the fragile climate of stability throughout the province in the wake of UDI.

I want to underline that it is clear all parties have their constraints. It is all part of the reality on the ground. But these must not harm those who matter the most, the residents of the province. Pristina’s “final solution” for North Kosovo would do no good to those who live there. It could only satisfy the extremists who want everything that happens in Kosovo to be seen through the distorted lens of UDI.

Should a choice be made to act on this proposal, we would justifiably expect KFOR and EULEX to protect the Serbian community in North Kosovo from this aggressive intent. We sincerely hope it will not come to that.

Mr. President,

From the right of return to external representation, the Six Points to future status, our collective experience in the nearly two years since UDI, teaches us that denying the basic principles of European concord—such as compromise, concession, and consensus-building—serves the genuine interest of no responsible party.

There is no legitimate alternative to finding a way forward together. UDI was just another failed attempt to impose a one-sided outcome. Instead of bringing us closer to one another, it

has driven us further apart. That is why it is unsustainable, and why we must now find the courage to harness the forces of moderation, and rebuild bridges.

We will have to overcome our prejudices and tame our passions. This will necessitate reconciliation, and learning to live with difference.

Some will be tempted by the comfort and seductiveness of the old ways. Yet nothing is more certainly doomed to failure. For that time has passed, and it must never be allowed to return to the Balkans.

I believe 2010 can become the year of solutions. It can turn out to be the year we resolve the status issue in a way that contributes to advancing regional priorities—like membership in the European Union—within the framework set forth by international law. It can be the year of our success, our year of peacemaking.

It is up to us—to this generation of leaders—to find the necessary strength to do the right thing, for the extremists who will want to reject the opportunity we shall have this year, in truth will be rejecting the future we all must share.

Thank you, Mr. President.