

Serbia is dedicated to solving all differences at the negotiating table

Пише: Vuk Jeremic
среда, 23 фебруар 2011 12:06

United Nations Security Council, New York, 16 February 2011



Mr. President, thank you for convening this session of the Security Council on Kosovo, pursuant to resolution 1244 (1999).

I welcome the presence of Special Representative Lamberto Zannier. The United Nations remains a crucial actor in the province. We believe it is critical for all responsible stakeholders on the ground, together with the Security Council, to reaffirm support for UNMIK as an indispensable pillar of peace and stability.

At the onset of my remarks, I would like to reaffirm my Government's position on the unilateral declaration of independence, or UDI, by the ethnic Albanian authorities of our southern province of Kosovo and Metohija: for us, it is null and void.

We do not and we shall not recognize Priština's UDI, explicitly or implicitly. This is mandated by the democratic will of the people of Serbia and enshrined in our Constitution.

A substantial majority of UN member States—and of those seated on the Security Council—continue to respect Serbia's sovereignty and territorial integrity, in accordance with the basic principles of the UN Charter and the Helsinki Final Act.

On behalf of my nation, I would like to reiterate our deep gratitude for their support and solidarity. We urge them to maintain their principled position, thus ensuring that unilateral attempts to impose outcomes to ethnic and territorial disputes are not legitimized—and thereby preventing Kosovo's UDI from becoming a dangerous and destabilizing precedent. It will also help to maintain a healthy international environment within which the long-awaited dialogue

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среда, 23 фебруар 2011 12:06

between Belgrade and Priština—that the world supported by acclamation last September—can take place.

Mr. President,

I want to emphasize that Serbia remains strongly committed to those talks, despite delays in getting them off the ground. We share the Secretary-General's assessment, contained in today's Report, that the dialogue is a "valuable opportunity to [...] resolve long-standing issues which would contribute significantly to the consolidation of peace, stability and reconciliation in Kosovo and throughout the region."

Last autumn, the Republic of Serbia announced that it was ready to start the dialogue. We are still waiting for Priština, and we hope that they too will be ready soon.

There will be many issues to discuss, and some of them will be complicated. As we move forward, we should strive to build trust and understanding. Results will surely come, if the parties demonstrate good faith, working hard to achieve constructive arrangements that would benefit all the residents of the territory.

This could pave the way for what the dialogue should ultimately produce: a transformative peace between Serbs and Albanians throughout our region.

Mr. President,

My country is dedicated to solving all differences at the negotiating table. We welcome the opportunity presented by the dialogue, and we intend to make the most of it, just as we reasonably expect other parties to do the same.

It is therefore critically important that no one tries to alter realities on the ground while discussions get underway.

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Пише: Vuk Jeremic
среда, 23 фебруар 2011 12:06

Numerous Reports by the Secretary-General have warned us of this danger, including the one before us today. The province's ethnic-Albanian authorities continue to encourage illegal construction of new or the expansion of existing housing settlements—a direct challenge to the authority of the UNMIK Administration Mitrovica, or UAM. They also seem to be intent on extending the reach of the Priština-based institutions to North Kosovo against the will of the local population. Serbia remains deeply concerned by these and other provocative actions, which cannot contribute to peace and stability in North Kosovo—and which could dramatically—perhaps fatally—undermine the dialogue.

This is one of the many reasons why the UN's reporting function remains indispensable. Serbia welcomes the Secretary-General's commitment—as stated in today's Report—to “keep the Security Council informed” of all developments in the dialogue. This chamber's leading role in determining, and providing legitimacy to a comprehensive settlement, remains indispensable—in accordance with resolution 1244 (1999), and the Council's primary responsibility to maintain international peace and security assigned to it by the UN Charter.

Mr. President,

The UN's status neutrality—and that of all organizations that operate under its overall authority, such as KFOR, EULEX and OMIK—remains the only acceptable framework within which all of us can work together to improve the lives of ordinary people in Kosovo—irrespective of their ethnicity.

UNMIK's principled commitment to the external representation function for Kosovo—its obligation under resolution 1244 (1999)—is highly appreciated. We are deeply concerned, however, at the “lack of enthusiasm” by the province's ethnic-Albanian authorities on this issue. Today's Report reconfirms that Priština refuses to “attend a number of [regional and] international meetings for which UNMIK's facilitation [is] required.” This includes sessions of the Regional Cooperation Council, as well as CEFTA, which UNMIK—as the signatory to this free trade agreement on behalf of Kosovo—is slated to chair throughout 2011.

We hope Priština will come to embrace the constructive approach offered by UNMIK. As the Report underlines, their current stance “will directly affect Kosovo's economic and social development.” It will also affect how seriously rules are taken by the region's democracies. The

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среда, 23 фебруар 2011 12:06

question of UNMIK's facilitation cannot be separated from the necessity for all to adhere to the terms of treaties and legally-binding agreements. No one in the Western Balkans—or, for that matter, in the wider world—should be permitted simply to ignore established procedures or attempt to unilaterally impose new ones. For change to be legitimate, agreement is required. Until one is established, the consistent adherence to existing working arrangements is the only way to ensure that regional cooperation continues to improve, and stability is strengthened.

Mr. President,

The Report before us draws attention to the small number of IDP returns by non-ethnic Albanians. For this reporting period, the number of Kosovo Serbs exercising their right of return is estimated to be around 120—out of a total of 205,835 expelled since June 1999, according to the UNHCR's figures.

The consistently low numbers of returning IPDs accords with a September 2010 Amnesty International report which states that they, “the UNHCR and other international organizations, do not consider that conditions for the sustainable return for Serbs currently exist in Kosovo.” The same document concludes that “the situation at present and for the longer-term is both unstable and uncertain.”

This represents a failure of monumental proportions. I would like to remind this Council that the Republic of Serbia has repeatedly urged stakeholders to focus on the central humanitarian issue of internally displaced persons. I hope that a way can be found to empower Kosovo Serb IDPs to exercise their right of return—immediately and unconditionally.

Mr. President,

The Secretary-General's Report underscores recent developments in Serbian cultural and religious heritage issues in the province.

We appreciate UNMIK's critical role in facilitating both UNESCO's activities in Kosovo, as well as that of the Council of Europe-led Reconstruction and Implementation Commission. RIC was

Serbia is dedicated to solving all differences at the negotiating table

Пише: Vuk Jeremic

среда, 23 фебруар 2011 12:06

established in the wake of the March 2004 pogrom, resulting in the destruction of 35 Serbian Orthodox Church holy sites over a three-day period. Despite a number of successful projects, RIC has still not completed its work in the province. We urge all potential donor countries to contribute to a next round of RIC funding, so that its valuable contribution to the reconstruction of destroyed Serbian churches and monasteries may be completed.

The Report refers both to the December 26th enthronement of His Grace Teodosije as Bishop of Raška and Prizren and all of Kosovo and Metohija, and to the fact that the Orthodox Christmas Day liturgy took place in the same church less than a fortnight later. On each of these occasions, held in the ancient Serbian capital of Prizren, representatives of other religious communities in Kosovo were in attendance.

We welcome these and other inter-faith contacts, and appreciate UNMIK's continuing encouragements of them. We also appreciate KFOR's commitment to maintain a static presence at some of our most important holy sites, including the Devič monastery, as well as the Visoki Dečani monastery and the Patriarchate of Peć—both of which remain on the UNESCO List of World Heritage in Danger.

In noting the desecration of a number of Serbian holy sites, the Report once more draws our attention to what can happen as KFOR downsizes. Unfortunately, the Report provides no details of these hate crimes, nor does it indicate the arrest of any perpetrators. The culture of impunity for attacks on places that represent the core of Serbian national identity continues unabated. We call on all relevant authorities to prioritize investigating these distressing incidents.

Mr. President,

The roots of democracy have not taken hold in Kosovo.

Today's Report presents the findings of the UNDP's 2010 Democratization Index for Kosovo, which concludes that "democratic processes in Kosovo do not fulfill democratic standards." This is consistent with the results of the 2011 Map of Freedom put out by Freedom House, which fails to classify Kosovo as an "electoral democracy."

It is in this context that the controversial results of the recently-held elections by the ethnic-Albanian authorities in Priština should be examined. As the Report makes clear, the SRSG “did not call the elections, which were not organized within the framework of resolution 1244 (1999), and will not certify the results.”

By all accounts, the election was deeply flawed, despite the presence of an average of 14 observers at each polling station, according to the Report. Several re-votes and re-counts were required. The European parliament’s election monitoring delegation to Kosovo stated, according to today’s Report that “serious shortcomings underscored insufficient political will, including at the grass root level, to conduct a genuine election in line with international standards and good electoral practice.” The Report also references the overall conclusion of the European Network of Election Monitoring Organizations: “a high number of irregularities during the Kosovo Assembly elections have severely affected the trust in the democratic process in Kosovo.”

This is all the more regrettable given the higher standard of achievement in previous election cycles—that is to say, when they were conducted with the full support of all stakeholders, and in line with resolution 1244 (1999).

Mr. President,

The Report expresses concern that the security situation in Kosovo is “potentially volatile. The number of murders, cases of unauthorized possession of weapons, and shooting incidents remains significant. Organized crime continue to be of concern throughout Kosovo, mainly involving smuggling and narcotics trafficking.”

The Report does not provide details, however. It also does not focus on contemporary cases related to the smuggling of human organs. Only Annex 1 of the Report mentions the multiple indictments handed down in the Medicus case—an alleged organized criminal conspiracy to source human organs for illicit transplant.

Some of those who are suspected of involvement in this affair are also mentioned in a deeply disturbing report approved by the Council of Europe Parliamentary Assembly on January 25th,

entitled “Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo.”

The report is based on a number of testimonial accounts, as well as what are characterized as the “compelling findings” of a number of European intelligence and law enforcement agencies, together with analysis produced for NATO. It is particularly disturbing that as far back as 1999, to quote from the report, “the international actors chose to turn a blind eye to the war crimes of the KLA, placing a premium instead on achieving some degree of short-term stability”—concluding that “certain crimes committed by members of the KLA, including some top KLA leaders, were effectively concealed and have remained unpunished.”

The report states that the so-called ‘Kosovo Liberation Army Drenica Group’ engaged in money laundering, smuggling of drugs, cigarettes and weapons, as well as human trafficking, and that it bears primary responsibility for the fate of many hundreds of kidnapped civilians.

It goes on to state that the abductees were sent from Kosovo to secret detention camps in the Republic of Albania, where many of them were singled out for forced surgery before being murdered. Their internal organs were extracted and sold on the international black market. The report indicates these events took place before, during, and after the 1999 armed conflict in Kosovo.

The report explicitly identifies Hashim Thaci, Kosovo’s sitting prime minister, as the group’s leader, and lists a number of prominent personalities, including Xhavit Haliti, Azem Syla and Fatmir Limaj, as having “played vital roles as co-conspirators in various categories of criminal activity.” It also identifies one of Hashim Thaqi’s current advisors, Shaip Muja, as an apparently “leading co-conspirator” in the trafficking of human organs.

Mr. President,

For justice to be done, a full and independent criminal investigation of the reported allegations is essential.

Such an investigation must be internationally mandated as well as internationally accountable. It

Serbia is dedicated to solving all differences at the negotiating table

Пише: Vuk Jeremic
среда, 23 фебруар 2011 12:06

must also be able to provide an effective witness protection and relocation program to guarantee credible testimony by all. This is an acute problem in Kosovo, for as the report highlights, “[we have observed] fear, often to the point of genuine terror, [...] in some of our informants as soon as the subject of our inquiry was broached.”

No existing institution on its own has the mandate—or the temporal and territorial jurisdiction—to carry out a serious investigation that would be comprehensive in scope.

This includes EULEX. I want to be clear on the following point: its contribution to uncovering what took place inside Kosovo itself will be crucial. That alone will not be sufficient, however, because EULEX cannot operate outside Kosovo—while the relevant allegations appear to encompass not only that territory, but various UN member States in Europe, Asia and Africa.

A single authority must ultimately coordinate the investigation process, manage the jurisdictional issues, and ensure the proper administration of justice.

It is the position of the Republic of Serbia that the solution lies in establishing an ad hoc investigating mechanism created by—and accountable to—the Security Council. This has been the case in all previous instances involving war crimes in the Balkans, whichever side the perpetrators belonged to and irrespective of their political role.

It is only through the action of the Security Council that we can prevent the onset of a perception of double standards in the administration of international justice. Maintaining a coherent approach on the issue of war crimes is an essential component in the common effort to consolidate peace and stability in the Balkans.

Mr. President,

The final words of the Council of Europe Parliamentary Assembly’s report state that “our sole aim today,” it says, “[is to act on behalf of] those men and women [...] who, regardless of their ethnic or religious backgrounds, simply aspire to the truth and to an end to scandalous impunity, with no greater wish than to be able to live in peace.”

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Пише: Vuk Jeremic
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That statement serves to frame what Serbia asks of the Security Council—to ascertain the veracity of the allegations outlined in the report—and, should the evidence warrant it, bring all the culprits to justice.

We do not expect the discussion in this chamber to be concluded this afternoon. In our view, today is the start of a shared effort to reach a consensus on how to decisively address the heinous contentions. Serbia intends to participate actively in this process.

I want to make it clear that for us, the question of human organs trafficking is an ethical and human rights issue of the first order. We have to make sure it is not portrayed as an attempt to assign communal blame. There is no such thing as the guilt or innocence of an entire nation. Guilt, like innocence, is not collective, but personal.

We believe that the imperative to conduct a proper investigation must neither be politicized, nor linked to diplomatic disagreements over Kosovo. It must be ultimately put in the service of truth and reconciliation. Its successful completion is a prerequisite for lasting peace, and will represent the final repudiation of the policies that promoted extra-judicial killing, ethnic cleansing, and the criminalization of society.

Thank you, Mr. President.