

We will never recognize UDI

Пише: Vuk Jeremić
уторак, 18 мај 2010 18:50



Mr. President,

Excellencies,

Ladies and Gentlemen,

In 1947, the then-President of the General Assembly, Oswaldo Aranha of Brazil, eloquently defined what he termed “the principal mission” of the United Nations: “to unveil the truth and to face reality in all its complexity; [enabling] our actions [to] be properly guided in the maintenance of peace and security of peoples.”

As we gather here for another session of the Security Council, in accordance with resolution 1244 (1999), we should remind ourselves of his words.

With all due respect to differing points of view, when it comes to Serbia’s province of Kosovo and Metohija, a manifest truth is that its status remains bitterly disputed—more than two years after its ethnic Albanian authorities attempted secession through a unilateral declaration of independence, or UDI.

Mr. President,

Pristina’s UDI has clearly divided the world and brought into question the fundamental tenets of the contemporary international system. It has neither contributed to Balkan stability, nor enhanced regional cooperation

A substantial majority of UN member States—and of those seated on the Security Council—have stood firm against efforts to impose the forcible partition of my country. They

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have continued to respect our sovereignty and territorial integrity.

On behalf of my nation, I would like to reiterate our deep gratitude for their support, as we strive to resolve Kosovo's future status through patient diplomacy.

Mr. President,

Before turning to the Secretary General's report, I want to emphasize that the principled position of Serbia's democracy remains set in stone: we will never recognize UDI. We will continue to vigorously defend our position in a non-confrontational manner, using all diplomatic means at the disposal of a peaceful sovereign state.

I would like to welcome Special Representative Lamberto Zannier. The United Nations stays an indispensable actor in Kosovo. It is therefore critical that the Council keeps supporting UNMIK as a crucial pillar of peace and stability.

We deeply appreciate the constructive approach by the UN and organizations that operate under its overall authority, such as EULEX. They have set the stage for responsible stakeholders to work together on improving the lives of ordinary people—irrespective of their ethnicity. Disagreements on status must not impede our ability to act in concert on resolving practical issues.

As a result of this approach, the unstable equilibrium on the ground has largely been kept in check. This has ensured that the "overall security situation in Kosovo remains relatively calm, but fragile"—to quote the report.

Mr. President,

Kosovo's ethnic Albanian authorities have on numerous occasions failed to embrace pragmatic, status neutral engagement, notably in the rule of law area.

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For instance, the March 2nd visit by the Head of EULEX, Yves de Kermabon, to Belgrade resulted in an agreement on how to move forward rapidly on the Judiciary issue, in particular as it affects the North Mitrovica courthouse. Despite having been duly apprised of its contents beforehand, Pristina publicly rejected the terms after they were embraced by Belgrade.

The international community's executive authority has yet to be used to put into effect this breakthrough, and thereby pave the way for a constructive dialogue on the matter of Customs. Instead, these two areas of shared interest—integral parts of the Secretary General's Six Points Plan welcomed by this Council—remain open, to the detriment of the Kosovo Serb population in particular.

Mr. President,

Regretfully, the Secretary General's report downplays a number of growing challenges in Kosovo, from organized crime and corruption, to police misconduct and judicial dysfunctionality. The European Commission's most recent progress report, on the other hand, paints a more realistic picture.

It states that organized crime and corruption continue to be issues of "serious concern," and affirms that the judicial system is "weak, vulnerable to political interference, and inefficient."

More recently, EULEX Acting Chief Prosecutor, Johannes van Vreeswijk, stated that Pristina's 'Minister of Transport and Communication,' Fatmir Limaj, together with a tight-knit group of associates, has been under investigation since May 2009 for "money laundering, organized crime, misappropriations of office, fraud in office, and soliciting bribes." It appears that one aspect of the case involves the misuse and disappearance of about 80 million euros from public coffers.

The EULEX Chief Prosecutor has also suggested that the 'Prime Minister' of Kosovo, Hashim Thaci, along with other Pristina-based figures, have strongly discouraged him from moving forward.

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In another high-profile case, the KLA War Veterans Association made threats against EULEX after the recent arrest of former KLA commander Sabit Geci. He was charged for crimes related to organ harvesting committed on ethnic Serb civilians in the well-known “Yellow House” in neighboring Albania.

Mr. President,

Several Serbian officials—including Minister Goran Bogdanovic and his deputy—were illegitimately expelled by Pristina under armed escort, despite being legal residents of the province.

At around the same time, unilateral force was used by a Kosovo special police unit on Serbian mobile and fixed telephony, disrupting the ability of Kosovo Serbs to communicate beyond their enclaves—a serious breach of contemporary humanitarian norms.

No warning was given. It was quick and violent—apparently catching many international actors in Kosovo off-guard.

Thankfully, the situation on the ground is improving, and the technical damage is being repaired. We must make sure this sort of unilateralism does not happen again.

In this context, I would like to welcome the statements by UNMIK and EULEX that disassociated themselves from the controversial “Strategy for Northern Kosovo.” This unilateral scheme was sponsored by the so-called International Civilian Office. Its intent was to forcibly implement the de-legitimized Ahtisaari Proposal—in violation of resolution 1244 (1999).

The precarious state of Serbian patrimony also remains a deeply troubling part of the reality on the ground in Kosovo. The report highlights a number of disturbing incidents, including church vandalism, graveyard desecration, looting of icons and other relics, and the denial of property rights. Inexplicably, it continues to remain silent on the lack of progress in reversing the

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outrageous decision to pave-over with concrete the remains of the twice-destroyed Serbian church in the center of Djakovica.

Serbia today raises for the fifth time in this Council the fact that nothing has been done about this awful act of cultural cleansing.

Mr. President,

These illustrative examples are not isolated incidents. They cause, result and reinforce each other—all at the same time. They are an integral part of the post UDI-reality on the ground that directly affects the return of the 205,835 expelled Kosovo Serbs registered by the UNHCR.

Especially in South Kosovo, the police seem unable to prevent acts of intimidation and violence against Serbs exercising their right of return. For instance, the reconstructed village of Žač was repeatedly attacked over several months: homes were vandalized, power lines were cut, car tires were slashed, and children were stoned. As a result, most of its inhabitants decided to leave Kosovo. And just three days ago, one of the returnees who chose to remain was shot at while he sat in the tent in which he lives by an unknown assailant.

Senior UNHCR official Eduardo Arboleda has stated that “the return of displaced persons [has] literally stopped.” This has been echoed by the OSCE, which has written that local authorities in Kosovo “have done little to encourage displaced persons to return.” The well-respected Minority Rights Group International has gone further, saying in a recent report that since UDI, the situation for Kosovo Serbs and other non Albanians has “worsened,” and that this is forcing them to leave Kosovo “because they face exclusion and many instances of discrimination.”

Notwithstanding numerous statements by the province’s ethnic Albanian authorities that have claimed the return of IDPs to be a priority, the reality on the ground is that in the last year, only a few hundred Kosovo Serbs have come back to their homes. This amounts to less than one half of one percent, a staggering figure. It is a failure of monumental proportions that must urgently be addressed.

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The Republic of Serbia nevertheless continues to be dedicated to finding a way to overcome these and many other concrete challenges in status-neutral ways, consistent with resolution 1244 (1999).

In this context, I should like to underline that an understanding was recently reached with the UNHCR to establish three specialized offices in Central Serbia that will enable IDPs to receive Kosovo Property Agency decisions. We hope this will pave the way for more than 40,000 claims by Serbs to be finalized, leading to the recovery of illegally seized property without further delay, after more than a decade of prevarication.

Mr. President,

The Republic of Serbia has continued to work with the international community in a number of other important areas of mutual concern.

We greatly appreciate UNMIK's concerted efforts to—in the words of the report—“decrease tensions and focus on common needs” in North Kosovo. Its irreplaceable role in resolving practical problems is very welcome, as is the offer to chair a number of multiethnic taskforces composed of representatives of North Kosovo institutions, and local ethnic Albanian authorities.

We also support the European Union's enhanced status neutral presence in North Kosovo, and look forward to the EU House beginning to function at full capacity in the near future.

I am pleased to underline that day-to-day cooperation between Serbia and EULEX on Police, Justice and Customs has also continued apace. Information is exchanged on a regular basis, and technical discussions in a number of important areas of competence have proven to be useful to both sides. Close working relationships have developed, leading to increased understanding for the needs and priorities of everyone concerned.

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I would like to salute the international community's indispensable role in protecting Serbian cultural and religious heritage in Kosovo.

A positive development that took place during the reporting period was the status neutral appointment by the European Union of the Head of Greece's Liaison Office in Pristina, ambassador Dimitris Moschopoulos, to the position of Facilitator for the protection of Serbian heritage in the province. We have already begun to work with him in accordance with this Council's resolution 1244 (1999) and the Secretary General's Six Points Plan.

Serbia is encouraged by early signs of accomplishment. For example, he has been able to convince the local ethnic Albanian authorities in the municipality of Vučitrn to redress a terrible wrong. For a decade, the church of St. John the Baptist in the village of Samodreža had been used as a garbage dump by the nearby elementary school. This shrine is particularly important for the Serbian people, as it was built on the foundations of the church in which the martyrs of the Battle of Kosovo took communion in 1389.

Mr. President,

I would like to express cautious optimism that issues related to the supply of electricity for Serbian communities throughout the province will be resolved in the near future. Thanks to the constructive role played by UNMIK and especially the EU, it appears that a status neutral solution is being worked out.

I come to the matter of KFOR. Its unique ability to bridge existing communal divides and maintain peace and stability on the ground remains acknowledged by all.

The Republic of Serbia will continue to work with our partners to ensure KFOR's role is not diminished, especially in the context of safeguarding Serbian patrimony. We believe that proposals to hand over operational jurisdiction for guarding a number of these sites to local police units would not contribute to improving the fragile security situation. This is especially important given the opposition to such plans clearly expressed by the affected monastic communities.

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Mr. President,

Despite recent setbacks on the ground, I believe we are approaching a new, more promising moment on Kosovo. In the time ahead, we should concentrate our efforts in coming together to find a solution through dialogue.

In October 2008, the General Assembly tasked the ICJ—the International Court of Justice—to determine whether UDI conforms to international law.

Late last year, a crucial stage in the judicial process—oral hearings—came to an end, with a record number of countries presenting their views, including all five Permanent Members of this Council. This made it the largest case in the history of the Court.

The ICJ is close to completing its deliberations. This is a fact we all have an obligation to take very seriously. The judges' work should be allowed to run its course, unhindered by political pressures, such as further recognitions of Kosovo's UDI. It is deeply regrettable that, in recent months, a few states have chosen to do so anyway—reportedly under foreign pressure—which amounts to their disregard for the principal judicial organ of the United Nations.

Mr. President,

Once the ICJ reports to the General Assembly, an unprecedented opportunity will be created to build momentum for achieving the ultimate goal: a strategic compromise between Serbs and Albanians.

There is no doubt that the roots of many of the problems we face in Kosovo are buried deep in history. They are made even more difficult by the consequences of unilateral action.

Yet I strongly believe that we have the ability to look beyond the divisions of the past, and create a new environment that will make future solutions possible.

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We must summon the will and courage to do what this moment in history demands. This can only be achieved through peaceful dialogue—peaceful dialogue which results in a mutually acceptable outcome that provides for a lasting stability of the region, and the wider world.

Mr. President,

A solution through dialogue—and not unilateralism—is our goal. We ask for the support of all UN member States in solving this problem, once and for all.

This year can be the year of our shared success.

I want to assure this Council that Serbia stands ready to flexibly engage in all sincerity, for our intent is neither to freeze the conflict, nor to triumph or to subjugate.

Kosovo cannot be solved by forcing submissive conditions on a party which would be compelled by circumstance to accept—for this would be done in humiliation, under duress, and at an intolerable cost to democracy. It would inevitably leave a deep stain of resentment, a bitter memory upon which the terms of a one-sided outcome would rest—and not even permanently, but only as upon quicksand.

On the other hand, a solution that leaves no one defeated can unite the world and contribute to advancing our common priorities, within the framework set forth by international law.

Only such a solution—built with the free consent of all responsible stakeholders—can last.

Only such a solution can erase the divide amongst UN member States caused by UDI.

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Mr. President,

Only such a solution merits the support of the world. Not UDI.

Serbia will pursue a compromise with Pristina constructively and in good faith, as if they had never attempted UDI. But make no mistake, Ladies and Gentlemen, we are equally prepared to resist UDI incessantly, as if no compromise were on the horizon.

Mr. President,

I trust the limits of the achievable can be extended, because of the commitment by all to the same cause—and that cause is European integration.

Dialogue between Serbs and Albanians that produces a fair and balanced agreement will provide a critical boost to securing a peaceful European future for the Western Balkans.

Membership in the EU is Serbia's central strategic priority. We strongly believe in the shared destiny of all European nations. And we remain dedicated to embrace Robert Schuman's dream of an "organized and living Europe indispensable to the maintenance of peaceful relations amongst states."

These stand at the foundation of our democracy and our genuine desire for reconciliation. They remind us of the importance of cooperation, compromise and consensus-building, while prompting us to move beyond all of our differences and disagreements to achieve common prosperity.

Even though there have been many hardships along the way, and even though much sorrow has resulted, we believe the moment has come to put aside the fear that stands at the foundation of unilateralism. And we believe that we can together transform the plot of land that is Kosovo and Metohija—dear to both peoples—from one of contention to one of harmony.

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Let us therefore gather our strength and start preparing for the end of the historic journey. “All endeavor calls for the ability to tramp the last mile, shape the last plan, endure the last hours of toil,” Henry David Thoreau said, adding, “this is the virtue we must possess if we are to face the future as finishers.”

This is the task at hand: to create momentum—and then sustain it—until we achieve peace and security for all through dialogue.

Mr. President,

Waiting around for an indeterminate period in the vague hope that one side will eventually give-in is a recipe for freezing Kosovo’s limbo. This is most certainly not what any responsible stakeholder wants.

The only way forward is to bring about a just compromise that balances the desires and interests of our two peoples. This is the goal of Serbia, and we will pursue it until it is achieved—for no stopping point short of agreement will ever be justified.

Thank you very much for your attention.

(by H.E. Mr. Vuk Jeremić, Minister of Foreign Affairs of the Republic of Serbia, New York, 17 May 2010)