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**STATEMENT BY AMBASSADOR MIROSLAVA BEHAM,
PERMANENT REPRESENTATIVE OF SERBIA,
IN RESPONSE TO THE ADDRESSES OF AMBASSADOR LAMBERTO
ZANNIER, SPECIAL REPRESENTATIVE OF THE
SECRETARY-GENERAL OF THE UNITED NATIONS AND HEAD OF
THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN
KOSOVO/ SERBIA,
AND AMBASSADOR TIM GULDIMANN, HEAD OF THE OSCE
MISSION IN KOSOVO/ SERBIA,
AT THE 730th MEETING OF THE OSCE PERMANENT COUNCIL**

4 September 2008

Mr. Chairman,

On behalf of the delegation of the Republic of Serbia, I am pleased to extend a warm welcome at this meeting of the Permanent Council to Ambassador Lamberto Zannier, the UN Secretary General's Special Representative in Kosovo, and Ambassador Tim Guldumann, Head of the OSCE Mission in Kosovo. We thank both for their addresses, to which we have listened with great interest.

Mr. Chairman,

For some time now it is being claimed that we have a "new reality" in the South Serbian Province of Kosovo and that Serbia has to accept that. First, I would like to underline that it was not Serbia who created that so-called "new reality"; second, let me remind you that this "new reality" was created unilaterally, by a decision of the Pristina authorities and some countries supporting them, in contravention to international law – the United Nations Charter, the Helsinki Final Act and UNSCR 1244 –, without the consent of Serbia and the approval of the Security Council. And, third, let me stress, that by creating this so-called "new reality" the actors did not solve any of the existing problems, but created new, additional ones.

Let's be honest to ourselves – an integral part of this so-called new reality is the creation of parallel institutions by the Kosovo Albanians that have not been recognized by the United Nations as they clearly fall outside the scope of resolution 1244. As we all know, they intend to implement the so-called Ahtisaari Proposal, a document that was explicitly rejected by the Republic of Serbia and not endorsed by the Security Council and therefore carries no legal weight whatsoever. This usurpation by the authorities in Pristina of the mandate given to UNMIK by the Security Council is deeply troubling. It is without any

doubt the task and responsibility of UNMIK to call on the Kosovo institutions to return under the authority of resolution 1244.

In this regard, we believe that Ambassador Zannier's OSCE experience as the Director of the Conflict Prevention Center - in conflict resolution and the functioning of field missions - is of considerable value. As the OSCE field missions in the implementation of their mandates have to make sure they comply with the principles, values and documents of the OSCE, notably the Helsinki Final Act, UNMIK has to be guided by the legal foundations of the United Nations, in particular the United Nations Charter and resolution 1244 - and only by them.

Mr. Chairman,

Serbia is very much interested in strengthening UNMIK and not degrading it. We plead for establishing a relationship of full trust and confidence between our authorities and UNMIK in order to ensure stability in Kosovo. However, the Government of Serbia is ready to engage in finding a suitable framework and a legal basis for a *new* model of an international civilian presence through the mechanisms of the United Nations Security Council. Serbia does not object a reconfiguration of UNMIK, with a European law and order mission as a component of it, provided that such a reconfiguration is accepted by Belgrade and endorsed by the Security Council. I believe nobody denies this would finally create a new reality all stakeholders – and in particular the people in Kosovo - can only benefit from. It is only if we cooperate in a reasonable, expedient, coordinated and consensual way that we can be proud of being creators of new realities.

In this sense let me stress that the Government of Serbia and the Kosovo Serbs stand united in their conviction that an agreement on the six issues the Secretary General outlined in his letter to President Tadic can be reached. For example – with regard to the police and justice, the Serbs in the Serbian majority municipalities in Kosovo are prepared to work in the framework of UNMIK and under the understanding that the institutions for which they work fall under the parameters set forth in resolution 1244. We remain optimistic that our dialogue with you, Ambassador Zannier, will come to a mutually acceptable conclusion in the very near future. We understand the pressure you must be under by the representatives of the parallel institutions and their supporters. But we remain confident in the successful fulfilment of your mandate and look forward to further cooperation with you.

Mr. Chairman,

We have always advocated the presence of the OSCE Mission in Kosovo under the given mandate, based on resolution 1244, and as a distinct component of UNMIK. We believe that the activities of the OSCE Mission are in a reasonable and efficient way complementary to the activities of UNMIK. Monitoring and reporting are two of the priority areas of OMiK's work in the field. To monitor and to report means to communicate to the outside world a true and authentic picture of the situation on the ground – to be “the eyes and ears” of the international community, as Ambassador

Guldimann said today. We would like to note at this point that our experiences with OMiK's monitoring and reporting range from incomprehension to approval. On the one hand we do not see the human rights situation of the Serbs in Kosovo, who live under extremely difficult conditions in all aspects of life, properly reflected, in particular in the regular reports, especially those concerning the experiences of the most vulnerable communities in the enclaves. On the other hand we get valuable thematic and background reports, as for example the "Follow up of March 2004 Riots Cases before the Criminal Justice System" of July this year. The report notes, among other things, that "the low number of prosecutions fails to adequately fight impunity and send a clear message that ethnic violence such as that of March 2004 will not be tolerated. It also erodes public confidence and weakens the rule of law when those who commit crimes do not face justice."

Mr. Chairman,

One major issue remains to discuss: the plight of Serbian cultural heritage in our Southern Province of Kosovo and Metohija. I would like to underline the importance my government places on this crucial matter. Let me say it plainly: Our churches and monasteries have been the subject of an orchestrated campaign of cultural cleansing that continues until the present day. As recently as July the remains of a Serbian church in downtown Djakovica, burned down during March 2004 pogrom, were whipped from the face of the earth. In broad daylight, and in plain sight of the local Albanian population. Not a word of protest was spoken. How can this have occurred under the noses of so many international representatives, of so many supporters of the unilateral declaration of independence, who were well aware that these things would happen? I understand that one such individual even went so far as to say: "Why do the Serbs need a church in the middle of Djakovica"? Forgetting perhaps that ethnic cleansing was the cause of the lack of a Serbian population in this town. The abject failure of all initiatives to return all the non-Albanian IDPs to our southern province – a gross violation of the human rights standards all of us here present are committed to uphold – is indicative of the failed policy of appeasement. In conclusion, Mr. Chairman, the issue of Cultural heritage must remain under the clear jurisdiction of the SRSG.

At the end, I add the sincere appreciation of the Republic of Serbia for the good will, earnest intention, and dedicated efforts of Ambassador Guldimann to fulfil his mandate as Head of Mission in Kosovo and wish him all the best for his future. We are sorry to see you go, Ambassador Guldimann. But we look forward to the appointment of the new Head of Mission after the appropriate level of further consultations have taken place. As the host country of two OSCE missions the Republic of Serbia will continue its efforts to arrive at an agreeable solution.

Thank you, Mr. Chairman