



**STATEMENT BY AMBASSADOR MIROSLAVA BEHAM,
PERMANENT REPRESENTATIVE OF SERBIA,
IN RESPONSE TO THE ADDRESS OF
AMBASSADOR WERNER ALMHOFER,
HEAD OF THE OSCE MISSION IN KOSOVO/ SERBIA,
AT THE 827th MEETING OF THE OSCE PERMANENT COUNCIL**

2 September 2010

Mr. Chairman,

The delegation of the Republic of Serbia warmly welcomes Ambassador Almhofer, Head of the OSCE Mission in Kosovo/ Serbia, back to the Permanent Council and thanks him for his comprehensive reports, both written and oral.

Mr. Chairman,

The issue of Kosovo is one of the major unresolved issues in the OSCE region. Those who have thoroughly read the Advisory Opinion of the International Court of Justice of 22 July 2010, which is a rich and comprehensive document, will understand this very well. They will understand that the findings in this opinion neither endorse Pristina's claim that the province of Kosovo is a state, nor the view that Kosovo's UDI is a unique case. They will understand that the Court did not affirm the Province of Kosovo's right to secession from the Republic of Serbia. Furthermore, those who have studied the ICJ's document carefully will know that the Court pointed out that its advisory opinion does not deal with the legal consequences of the unilateral declaration of independence and that it does not address the validity of the legal effects of the recognition of Kosovo by third states, as stated in para 51 of the Court's opinion. Moreover, those who have read the ICJ's opinion closely will understand that the Court reaffirmed that both UNSCR 1244 and the Constitutional Framework of Kosovo, promulgated by the Special Representative of the United Nations Secretary General, are in force and continue to apply.

Having all this in mind, as well as the fact that the OSCE participating States are divided over the Kosovo issue, the OSCE Mission in Kosovo has to continue to perform its activities in a strictly status neutral manner. On this basis Serbia continues to support the Mission's activities and believes that the Mission is and remains, as it was stated in its written report, "a leading international civilian actor with a comprehensive field presence throughout Kosovo" – a leading international civilian actor that can make a difference.

In this regard we believe that the monitoring and reporting activities of OMIK remain a valuable source of information, provided that they are carried out in an unbiased and objective way. We encourage the Mission in this respect to focus its reporting more on the situation of the non-Albanian communities, the most vulnerable parts of the population in Kosovo, who continue to face discrimination, intimidation, intolerance and a series of other human rights violations. These issues – and many others in particular in the fields of the rule of law,

housing and property rights, organized crime, safety and security, social needs, education etc. – have to be closely followed in order for all the stakeholders to be able to properly identify the whole range of deficiencies existing in Kosovo and to remedy them. We believe that the Mission's two thematic reports, released this year, on Kosovo's War Crimes Trials and on displaced persons in the collective centers in Štrpce municipality are in this sense very useful tools.

Of all the burning issues in Kosovo let me single out two, which, as it is known, Serbia attaches particular importance to: the return of IDPs and refugees and the protection of the Serbian cultural and religious heritage.

There are still more than 200.000 IDPs from Kosovo in central Serbia and tens of thousands of refugees in other countries. According to the latest Report of the United Nations Secretary General on Kosovo, 523 displaced persons voluntarily returned to Kosovo in the first half of this year, 268 of whom were Kosovo Serbs. This is a better result than last year, but it clearly shows that – apart from outright intimidation and attacks on returnees – the overall conditions for return are more than poor. We commend the Mission's enhanced activities to contribute to the improvement of this situation, but we call on it to embrace a more systematic and better structured approach, in close cooperation with the UNHCR. The appointment of a focal point and liaison officer for return and reintegration at headquarters would provide for better coordination with other stakeholders and would enhance the relevant outreach activities of the Mission.

With respect to the protection of the Serbian religious and cultural heritage in Kosovo, we call on the Mission, as well, to enhance its activities. The handover of the security responsibilities for cultural heritage from KFOR to the Kosovo police in and around Serbian Orthodox monasteries is particularly worrying, not only for Serbia. It prompted UNESCO to inscribe the monastery of Gračanica on the list of World Heritage in Danger.

Mr. Chairman,

Let me take this opportunity to express Serbia's deep gratitude to all countries who are actively engaged in the reconstruction and protection of the Serbian Orthodox heritage in Kosovo – notably to the Russian Federation for its generous donation, but also to the Holy See for its support expressed repeatedly.

Let me also underline that – apart from being concerned – Serbia deeply regrets that the new security measures for the Serbian monasteries were neither coordinated with the Serbian Orthodox Church nor with Belgrade. We hold it indispensable that all stakeholders in Kosovo, in searching for solutions to open issues, not only listen to the Serbian side, but take its positions seriously into account and try to find agreed answers, which is the only way to provide for sustainability.

Mr. Chairman,

Unilateral actions will bring us nowhere. This axiom applies to the protection of the Serbian Orthodox monasteries or to the so-called strategy for the North of Kosovo or to the status issue. It should be best understood in this organization, which, as Serbian Foreign Minister Vuk Jeremić emphasized at the informal Ministerial Meeting in Almaty, was designed to serve as *the* custodian of a comprehensive, indivisible approach to consensus-based security in the region from Vancouver to Vladivostok.

And let me quote Minister Jeremić's conclusion: "A comprehensive agreement on Kosovo would produce a historic, sustainable breakthrough that would – without doubt – benefit *all* responsible stakeholders. Relations between two vibrant and proud nations – Serbs and Albanians – would be normalized. The security architecture of the Western Balkans would be greatly enhanced. And one of this Organization's most noticeable source of division would be eliminated, once and for all.

This would represent one of the most important, tangible contributions to restoring the indivisible approach to security and cooperation in Europe."

Thank you, Mr. Chairman