



**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 749th MEETING OF THE OSCE PERMANENT COUNCIL**

5 February 2009

Madame Chair,

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 Werner Almhof, Head of the OSCE Mission in Kosovo/ Serbia. We thank him for his reports, both written and oral.

Madame Chair,

In a few months time the OSCE Mission in Kosovo will be entering the tenth year of its presence in the south Serbian province. In 1999, the Mission was established as a distinct component of the United Nations Interim Administration Mission in Kosovo, based on UNSC resolution 1244, and was intended to be a contribution of the OSCE to the implementation of this very resolution, in particular those parts that refer to the establishment of rule of law and good governance as well as the monitoring, protection and promotion of human rights.

After almost ten years of a very robust international presence in Kosovo, including the United Nations, the OSCE, the EU, KFOR as well as several hundred NGOs, and after the international community has poured an enormous amount of money through its presences into the province – according to some (non-Serbian) estimates more than 33 billion Euros in less than a decade – Kosovo still is in dire need of both: a robust international presence and considerable financial resources.

As far as Serbia is concerned, we fully support and welcome the continued efforts of the international community to advance the development of Kosovo into a stable democratic society, and we are more than ready to engage in talks that would produce the best solutions and preconditions for this – provided that international law is respected and the territorial integrity and sovereignty of Serbia is not violated. In the course of the last months Serbia has displayed a most responsible and constructive approach not only to the status issue by referring it to the International Court of Justice, but also to the reconfiguration of the international presence. In this regard we believe that the OSCE will

remain a central element of a reconfigured UNMIK through its mission in Kosovo, as is stated in the Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo of 24 November 2008, and will act fully in compliance with resolution 1244 and its mandate, by cooperating only with those institutions and organisations that respect this resolution and its relevant provisions.

However, Madame Chair, we also believe that there is much room for increasing the level of efficiency and also transparency of the Mission's activities, in particular when it comes to the non-Albanian communities as the most vulnerable parts of the population in Kosovo and their needs and problems. Their fundamental human rights are still being violated and the results of violence and ethnic cleansing are not being remedied. Severe discrimination of Serbs, but also of the Gorani population or the Roma, Ashkali and Egyptian or other ethnic communities persists, and their safety and security continue to be jeopardized in a way that is unique in today's Europe and beyond it. - We voice our concerns here and now also in the capacity of the current presidency of the Decade of Roma Inclusion 2005-2015.

As we have indicated many times before, Madame Chair, the re-establishment of an International Ombudsperson Institution would help the non-Albanian communities to recover confidence in the international community's efforts to protect their human rights and would facilitate a more focused approach in this field. If there are objections to restore an institution that has been abolished, then let us prove both our good will and our flexibility and let us create a new institution – let's say the institution of an international human rights advisor who would have the trust of the non-Albanians in Kosovo.

Madame Chair,

The catalogue of issues that need to be addressed urgently and properly with regard to the non-Albanian communities in Kosovo is as long as it is grim. The restitution of property, the return of more than 200.000 IDPs from central Serbia and tens of thousands of refugees from other countries, and the reconstruction and protection of the Serbian cultural heritage are three of the major issues. The transfer of competencies and responsibilities in these fields to the institutions in Pristina can only be advocated by those who do not want to have any progress in this regard. Why should the Serbian Orthodox Church, for example, trust the Ministry of Culture in Pristina, that eliminated any attribute of Serbian to the cultural heritage of the province, more than the Reconstruction Implementation Commission led by the Council of Europe and strongly supported by UNMIK and the European Commission? The reconstruction of Serbian Orthodox monasteries and churches, which is advancing slowly, anyway, without the consent of its owners, would amount to the continuation of cultural ethnic cleansing.

There is, Madame Chair, a broad space for the OSCE Mission in Kosovo to be much more active with regard to the non-Albanian communities, as I already stressed – the most vulnerable parts of the population. And it is the OSCE that could – through adequate monitoring and reporting – give us the true and full picture of a reality that

requires such a robust international presence as it is the case in Kosovo. Distorted pictures of the reality help only those who have something to hide.

Speaking of reality and Kosovo, Madame Chair, let me underline this, as well: The reality in Kosovo is that through the unilateral declaration of independence the Kosovo Albanians created parallel institutions that have not been recognised by the United Nations as they clearly fall outside the scope of resolution 1244 and the United Nations Charter. The reality is that 138 United Nations Member States have not recognised this unilateral act. The reality is that we lack an agreement on the final status of Kosovo and therefore a stable and sustainable solution. Those who worry that we are locked in a dead-end street I would like to advise to take a look at history that knows flexible solutions, as for example the phenomenon of de-recognition, very well – the probably most famous case being the de-recognition of Taiwan by the United States of America in 1979.

And one last remark, Madame Chair, concerning Kosovo and the OSCE: If not by Serbia, Kosovo can only be represented by UNMIK in OSCE meetings or conferences.

We would like to thank Ambassador Almhofer once more and wish him all the best for his endeavours.

Thank you, Madame Chair