



# Security Council

Sixty-fifth year

## 6367<sup>th</sup> meeting

Tuesday, 3 August 2010, 3 p.m.

New York

*Provisional*

---

<i>President:</i>	Mr. Churkin . . . . .	(Russian Federation)
<i>Members:</i>	Austria . . . . .	Mr. Ebner
	Bosnia and Herzegovina . . . . .	Mr. Barbalčić
	Brazil . . . . .	Mrs. Dunlop
	China . . . . .	Mr. Li Baodong
	France . . . . .	Mr. De Rivièrè
	Gabon . . . . .	Mr. Isoze-Ngondet
	Japan . . . . .	Mr. Sumi
	Lebanon . . . . .	Ms. Tawk
	Mexico . . . . .	Mr. Heller
	Nigeria . . . . .	Mr. Onemola
	Turkey . . . . .	Mr. Apakan
	Uganda . . . . .	Mr. Kafeero
	United Kingdom of Great Britain and Northern Ireland . . . . .	Mr. Parham
	United States of America . . . . .	Ms. DiCarlo

## Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2010/401)

---

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.



*The meeting was called to order at 3.10 p.m.*

### **Expression of thanks to the retiring President**

**The President** (*spoke in Russian*): As this is the first meeting of the Security Council for the month of August, I should like to take this opportunity to pay tribute, on behalf of the Council, to Her Excellency Mrs. Joy Ogwu, Permanent Representative of Nigeria to the United Nations, for her service as President of the Security Council for the month of July 2010. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Ogwu for the great diplomatic skill with which she conducted the Council's business last month.

### **Adoption of the agenda**

*The agenda was adopted.*

**Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)**

### **Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2010/401)**

**The President** (*spoke in Russian*): I should like to inform the Council that I have received a letter from the representative of Serbia, in which he requests that the Minister for Foreign Affairs of Serbia be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite the Minister for Foreign Affairs of Serbia to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Jeremić (Serbia) took a seat at the Council table.*

**The President** (*spoke in Russian*): On behalf of the Council, I extend a warm welcome to His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lamberto Zannier, Special Representative of the

Secretary-General and head of the United Nations Interim Administration Mission in Kosovo.

It is so decided.

I invite Mr. Zannier to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Skender Hyseni.

It is so decided.

I invite Mr. Hyseni to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2010/401, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

At this meeting, the Security Council will hear a briefing by Mr. Lamberto Zannier, to whom I now give the floor.

**Mr. Zannier:** The report before the Council today (S/2010/401) covers the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) from 16 March 2010 to 15 July 2010. Overall, since the last Council meeting on UNMIK in mid-May (see S/PV.6314), the situation in Kosovo has been relatively stable, although, as we saw most recently in early July, the potential for instability, especially in northern Kosovo, remains. Insufficient progress towards reconciliation between the communities and the unresolved issues that hamper such reconciliation, coupled with slow economic development, continue to present the risk of social unrest. For its part, UNMIK continues to implement its mandate in a status-neutral manner, assisting Kosovo's communities, interacting with the institutions in Pristina and the other key stakeholders in Kosovo, with the Government in Belgrade and with other regional and international actors.

An important development since I last addressed the Council was the issuance of the much-awaited

International Court of Justice advisory opinion on 22 July. Until then, the anticipation surrounding the imminent delivery of the opinion hindered efforts to properly resolve the issues between Belgrade and Pristina which, if resolved, would have a positive impact in Kosovo and on the region. The issuance of the Court's opinion should therefore now open a new phase and allow Belgrade and Pristina to engage in a constructive dialogue with a view to the resolution of these issues. Reactions to the opinion on the ground, both in Belgrade and Pristina, as well as among Kosovo's communities, were predominantly measured.

This dialogue is very important for the stability and development of the region. The Secretary-General and the European Union (EU) High Representative for Foreign Affairs and Security Policy have exchanged letters noting the vital role of the EU in promoting the dialogue against the background of the European perspective for the region, and have agreed to coordinate efforts in this regard. The United Nations preliminary legal assessment is that the opinion does not affect the status of UNMIK or a status-neutral policy. Indeed, the judgment confirms the applicability of resolution 1244 (1999).

On the internal political front, the new Kosovo Serb majority municipalities established following the Pristina-sponsored elections of November 2009 are consolidating their administrative structures and have begun engaging with their parent municipality for the transfer of municipal records. Time will show how effective the new municipalities are in addressing the needs of the populations they serve.

The reporting period also saw municipal elections in Kosovo organized by the Kosovo authorities in the new predominantly Kosovo Serb-inhabited municipality of Partesh/Parteš, and by Belgrade in Novobërdë/Novo Brdo in northern Mitrovica. The voting proceeded without incident at all three locations despite Serbian opposition to the Pristina-organized election, which, however, did not discourage a large turnout by Serbian voters in Partesh/Parteš, and Pristina's objections to those organized by Belgrade. Nevertheless, on the day of the elections in northern Mitrovica, a large crowd of Kosovo Albanians gathered to protest the election and faced off across the Ibër/Ibar river with a significant crowd of Kosovo Serbs. While a confrontation was averted by prompt reaction by Kosovo police, the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force

(KFOR), the incident demonstrated how quickly a critical situation can develop in and around northern Kosovo.

In fact, as discussions in the Council on 6 July demonstrated (see S/PV.6353), the situation in the North remains of major concern, and steps are constantly required, through consultations and dialogue, to ensure security and stability. A number of explosions causing property damage in April and May and clashes between Kosovo Albanian and Kosovo Serb teenagers in June were followed by violence in northern Mitrovica prompted by the opening of a civil service centre by the Ministry of Interior of Kosovo in July.

In his report to the Council of 6 April (S/2010/169), the Secretary-General stated his concern over the risk of tensions should the implementation of policies and strategies for northern Kosovo not take place in conditions of transparency and dialogue with local communities and all relative stakeholders. Recent violence in northern Mitrovica reminds us of the need for all sides to commit to dialogue as a necessary precondition for addressing the challenges faced in northern Kosovo. Kosovo's communities are going to have to work together to rebuild the trust that has been destroyed. I therefore wish to reiterate the Secretary-General's call on all parties to exercise restraint and to adopt a constructive, cooperative and consultative approach to the resolution of issues in northern Kosovo.

Where we have a process of consultations, there is a chance for positive developments. I hope that continuing dialogue will finally result in progress in re-establishing multi-ethnic courts and fully fledged customs controls in northern Kosovo. Unfortunately, discussions of these issues have quickly become mired in sovereignty issues and political considerations, which have impeded progress.

Dialogue appears to be bearing fruit in the northern Mitrovica suburb of Kroi i Vitakut/Brđjani, where last summer the Kosovo Serb and Kosovo Albanian communities were coming into regular conflict over returns and reconstruction. This year, the building season has so far been without incident. As of 15 July, Kosovo Albanians had completed 20 houses in this area and 20 families had returned to their homes. At the same time, the construction of five new buildings by Kosovo Serbs is reaching completion.

UNMIK has been facilitating meetings at which representatives of the two communities have discussed practical issues of common interest, such as electricity, water and the like.

I am also pleased to report that there has been progress in the long-delayed process of relocation of the Roma, Ashkali and Egyptian community of internally displaced persons living in Česmin Lug and Osterode camps in northern Mitrovica. The construction of 50 houses for the most endangered families from the camps, funded by the United States Agency for International Development, is all but complete, and the families are scheduled to move in from 15 August.

However, overall progress on returns is still too slow, as highlighted in the Secretary-General's report, and there is a need for greater focus on reconciliation between the communities, as demonstrated most recently by the incidents following the spontaneous return of 23 Kosovo Serb families to the village of Zallq/Žac, in north-western Kosovo, where five people are still considered missing from the conflict.

In April, I reported on the disturbing display of active local resistance to these returns, including through repeated physical attacks against the returnees, which have been condemned by the Kosovo authorities and all key stakeholders in Kosovo, including KFOR Commander Lieutenant General Bentler, European Union Special Representative Feith and myself. As the reconstruction of houses for the returnees started on 9 July with funds provided by the Kosovo authorities, it is to be hoped that the welcoming messages from the Kosovo authorities will help quell the lingering hostility among some members of the receiving community. On another occasion, during the 28 June Vidodan celebrations at Gazimestan, the call for peace and justice sounded by Metropolitan Amfilohije of the Serbian Orthodox Church was marred by participants singing anti-Albanian songs containing hate speech.

In my last address to the Council (see S/PV.6314), I raised the issue of the disconnection of telecommunication service providers using Serbian dialing codes and operating in Kosovo without a license, which led to serious disruptions in the communication infrastructure in minority areas and provoked retaliatory action against licensed transmitters in northern Kosovo. Since then, the Kosovo authorities have taken steps to lessen the

impact of the disconnections on minority communities and Belgrade has partially restored the Serbian cellular network in Kosovo. While efforts to resolve the issue through dialogue have not yet met with success, the Kosovo Telecommunications Regulatory Authority's decision not to effect further disconnections during this time helped decrease tensions and deserves appreciation.

Another unresolved issue relates to the Kosovo Ministry of Justice's decision last year to deal with mutual legal assistance requests from non-recognizing States directly, rather than through UNMIK. In consequence, during this reporting period the Serbian Ministry of Justice returned some 1,500 such requests to EULEX, all of them unprocessed. This is another example of political considerations negatively affecting the right of citizens to Government services. It is in order to address such needs that UNMIK continues to provide document certification services for Kosovo residents relating to civil status, pension and education, and to facilitate the provision of international legal assistance when requested.

Similarly, UNMIK continues to provide its facilitation in the vitally important area of regional cooperation and, despite setbacks and difficulties due to status-related considerations, has in most cases been able to assist in facilitating the participation of the Kosovo institutions in regional and international forums and mechanisms. However, such facilitation continues to be ad hoc and subject to the prevailing political climate, and the Kosovo authorities have become more emphatic in their view that UNMIK facilitation may undermine their declared sovereign status. Facilitating the participation of the Kosovo authorities in one of the key mechanisms for regional economic development, the Central European Free Trade Agreement, has been particularly challenging. Nevertheless, I have continued to engage with both Belgrade and Pristina, as well as with regional leaders and with the European Commission, which sponsors many of the regional initiatives, in order to try to craft solutions that allow for maximal cooperation under current circumstances.

UNMIK has also continued to provide its good offices in order to learn the fate of the 1,862 individuals whom the International Committee of the Red Cross estimates remain missing from the conflict and its aftermath. While there has been encouraging cooperation between Serbia's war crimes prosecutor's

office, EULEX, and the Pristina-Belgrade Working Group on Missing Persons in the identification of possible mass grave sites in southern Serbia, again little progress has resulted from this. Finding and identifying the missing is a crucial part of the reconciling process, as families feel unable to resume normal life until they know the fate of their loved ones.

Under the direction of the Reconstruction Implementation Commission, work was completed on two of the Serbian Orthodox religious sites damaged or destroyed during the March 2004 violence, and cooperation within the Commission between Belgrade and Pristina has continued. However, the Commission's funding will run out at the end of this year, and there remains work to be done. I would therefore appeal to all interested parties to find the means that would allow the Commission to continue its important work.

Finally, I would like to inform the Council that, with the United Nations Kosovo team, we have completed our draft United Nations strategic framework for Kosovo as a plan for marshaling the resources of the United Nations family in Kosovo to meet our common goal of peace consolidation, which we are now submitting to Headquarters. We intend to focus through joint efforts on the protection of human rights, the fostering of good governance, encouraging returns, and addressing various aspects of the situation in the North.

In closing, on behalf of all UNMIK staff, I wish to thank the Council for its support. We are strongly committed to ensuring continued peace and stability in Kosovo and in the region, and we will remain engaged with all sides in order to encourage dialogue, help defuse tensions and maintain peace and stability on the ground, in close coordination with EULEX and KFOR.

**The President** (*spoke in Russian*): I thank Mr. Zannier for his briefing.

I now give the floor to Mr. Vuk Jeremić, Minister for Foreign Affairs for Serbia.

**Mr. Jeremić** (Serbia): I thank you, Sir, for convening this regular meeting of the Security Council on the United Nations Interim Administration Mission in Kosovo (UNMIK), pursuant to resolution 1244 (1999).

I welcome the presence of Special Representative Lamberto Zannier. The United Nations continues to be an indispensable actor in the province. We believe it critical for the Security Council to keep supporting UNMIK as a strong pillar of peace and stability.

The United Nations status neutrality, and that of all organizations that operate under its overall authority, such as the European Union Rule of Law Mission in Kosovo (EULEX) and the Organization for Security and Cooperation in Europe, remains the framework within which all of us can work together to improve the lives of ordinary people in Kosovo, irrespective of their ethnicity. Disagreements on broader issues notwithstanding, responsible stakeholders should rededicate themselves to acting in concert and in a status-neutral manner on practical issues, including those that fall under the Secretary-General's six-point plan welcomed by this Council.

Serbia highly appreciates the United Nations firm commitment to maintaining the external representation function of UNMIK. As the report under consideration today makes clear, "as long as resolution 1244 (1999) is in force, UNMIK will continue its facilitation" (*S/2010/401, para. 48*) in multilateral forums. We value UNMIK's role in enabling Pristina's dealings with INTERPOL and the Reconstruction Implementation Commission, for example. We also support UNMIK's continued engagement with the Council of Europe regarding various human rights monitoring mechanisms and conventions as they apply to Kosovo under resolution 1244 (1999), as well as its work in the important area of missing persons.

The report highlights the fact that the "overall numbers of returns [of internally displaced persons] remain disappointingly low" (*para. 51*): 268 Kosovo Serbs in four months, to be exact, out of a total of 205,835 expelled from the province since June 1999, according to the official figures of the Office of the United Nations High Commissioner for Refugees (UNHCR). The report also expresses the Secretary-General's deep concern about the continuing harassment of Kosovo Serbs who chose to return to their south Kosovo homes in enclaves such as Žac. We are troubled that, to quote the report, "Kosovo Albanians in the receiving community refused to accept Kosovo Serb returnees" (*para. 34*), and that this has resulted in "physical attacks and protests" (*Ibid.*) as well as the "firing of automatic weapons" (*para. 35*),

despite the deterring presence of the Kosovo Force (KFOR).

The precarious state of holy sites belonging to the Serbian Orthodox Church continues to be a part of the reality on the ground in south Kosovo. In addition to long-standing, unresolved issues, such as the restoration of the Dečani monastery's cadastral record and the paving over with concrete of the remains of the twice-destroyed Serbian church in the centre of Djakovica, new ones have unfortunately arisen. As the report points out, "During the reporting period, several Serbian cultural and religious sites were vandalized" (*para. 40*).

KFOR's unique ability to maintain peace and stability in the province remains acknowledged by all. The report mentions the North Atlantic Council's 18 March decision to confer responsibility for static security at the Gazimestan memorial to local police units, despite strong opposition from my Government and the Kosovo Serb community. Its more recent decision to unfix its presence around four additional Serbian holy sites—including the early fourteenth-century Gračanica monastery, a UNESCO World Heritage in Danger site, against the will of the Government of Serbia and the Serbian Orthodox Church, is deeply troubling. We hope that the implementation timetable of these potentially destabilizing developments will be revised in the light of the increasingly tenuous conditions on the ground.

The report draws attention to the fact that the situation in north Kosovo remains politically delicate. Tensions rapidly increased as a result of a unilateral attempt by Pristina to "establish their institutions" (*para. 16*), as the report puts it, in the Serbian town of north Mitrovica, by opening a so-called Kosovo government office without the consent of the local community, UNMIK or EULEX.

An emergency meeting of the Security Council was convened on 6 July to address the tragedy that took place there (see S/PV.6353). Our position on this issue was clearly stated by our President during that meeting and remains unaltered. Serbia welcomes paragraph 50 of the Secretary-General's latest report, which underlines the necessity of peaceful engagement and "continuing consultation and coordination between all relevant actors ... in order to avoid further escalations in northern Kosovo". Serbia concurs with the report's conclusion in the same paragraph that "any

other approach risks increasing instability and furthering the divide between communities".

The Secretary-General has called on all sides to commit to dialogue and transparency before any strategies or policies are announced or implemented in north Kosovo. The Republic of Serbia will continue to strongly oppose any unilateralism. We will remain committed to the inclusive approach suggested by the report, in order to address the outstanding challenges related to Kosovo. We expect all other stakeholders to do the same.

On 17 February 2008, the ethnic Albanian authorities of Serbia's breakaway province of Kosovo and Metohija unilaterally declared independence, against the will of the Security Council and in contravention of my country's Constitution. More than two years later, an agreement between the parties on the effects of the unilateral declaration of independence (UDI) has not been reached. From the very onset of this grave crisis, the Republic of Serbia responded to the UDI in a non-confrontational manner. We will continue to use all diplomatic resources at the disposal of a sovereign State to oppose this attempt to forcibly change our borders in peacetime. No peaceful and proud nation facing such a threat — be it African, European, Asian or American; be it small or large, rich or poor — would act differently.

Serbia will under no circumstances implicitly or explicitly recognize Kosovo's UDI. That is our constitutional imperative, as well as a political and moral duty conferred on us by the overwhelming democratic will of our citizens. A substantial majority of United Nations Member States — and of States seated on this Council — have continued to respect Serbia's sovereignty and territorial integrity. On behalf of my nation, I would like to reiterate our deep gratitude for their support and solidarity and urge them to maintain their principled position not to recognize Kosovo.

In October 2008, the General Assembly adopted resolution 63/3, seeking the advisory opinion of the International Court of Justice on the lawfulness of Pristina's UDI. The Court has now delivered its findings. The Court clearly reaffirmed that Kosovo remains subject to the interim administration of the United Nations, and that resolution 1244 (1999) and UNMIK's Constitutional Framework for Provisional Self-Government in Kosovo remain in force and

continue to apply. It is therefore evident that the province is still a territory subject to an international regime mandated by the Security Council. Moreover, the Court endorsed neither the view that Kosovo's UDI was a unique case nor Pristina's claim that Kosovo is a State. Lastly, the Court failed to approve the province's avowed right of secession from Serbia or any purported right to self-determination for Kosovo's ethnic Albanians. Nothing contained in the advisory opinion changes the fundamental parameters set forth in resolution 1244 (1999) by the Security Council, whose centrality and leading role in a final settlement of the Kosovo issue remains paramount in accordance with its primary responsibility to maintain international peace and security, as set forth in the United Nations Charter.

The Court opted to narrowly examine the language of the unilateral declaration of independence. Such a strictly technical approach enabled a conclusion that the declaration itself did not violate international law. This has unfortunately left room for a dangerous misinterpretation of the Court's view as having legalized the ethnic Albanians' attempt at unilateral secession.

This could produce extensive and deeply problematic consequences for the international community. It could become the decisive step in legitimizing unilateralism on the global stage, which this Council, and the entire United Nations system for that matter, were created to oppose. The safeguards written into the 1945 Charter against the arbitrary use of force would be downgraded in practice, producing a heightened sense of insecurity throughout the world. Nations would have fewer incentives to come together in setting and implementing a common agenda. Collective efforts to strengthen a rules-based, multilateral approach to the maintenance of peace and security would be significantly undermined, adversely affecting developing countries most of all.

Additionally, a misinterpretation of the Court's views could easily provide some ethnic minorities around the globe with an opportunity to write their own declarations of independence according to Kosovo's textual template. That would put them in a position to plausibly claim that such texts sufficiently legitimize their respective acts of secession for their proclaimed independence to be taken as not violating international law.

I believe we all share a duty to prevent the inherent dangers of such scenarios from becoming a reality. Otherwise, the borders of every multiethnic country would be permanently threatened by secessionism, producing lasting instability throughout the world. As Secretary-General Ban Ki-moon has stated in his report, the General Assembly "will determine how to proceed on this matter" (*para. 55*).

To that end, Serbia has submitted a draft resolution. The forthcoming debate will inevitably focus on the consequences and implications of Kosovo's UDI in the light of the Court's findings. Member States will have an opportunity to come together and make a critical contribution to global governance by uniting around a clear and resolute message. Otherwise, the stage would be set for the establishment of a universally applicable precedent that provides a ready-made model for unilateral secession.

The Republic of Serbia is committed to working with Pristina and the international community on finding a mutually acceptable solution to all outstanding issues through peaceful dialogue. I believe that we should engage as soon as possible. The sooner we do, the less there is a likelihood of producing an outcome that is surely not in anyone's interest, least of all Serbia's — the long-term freezing of Kosovo's limbo.

We do not seek a confrontation with anybody, but equally, there must be no doubt that we shall not give in and simply walk away. This is not about stubbornness, acrimony, revisionism or wanting to be a nuisance. It is about the fact that we have no choice but to persevere in a peaceful and dignified manner, for Kosovo directly relates to the very essence of our identity.

Moreover, it is also about the fact that zero-sum outcomes — where one side gets everything, while the other gets nothing — are intrinsically unstable. Attempts to impose unilateral solutions have never contributed to the stability of the Balkans or that of the rest of Europe. The historical record is unambiguous. A durable settlement has never been the product of compulsion; it has always necessitated consent.

It is therefore inconceivable that a UDI could become the basis for the normalization of relations between Serbs and Albanians. Lasting prosperity will be achieved only after everyone finally comes to

appreciate that the defeat of one is in truth a loss for all.

There is no perfect solution, but there must be an equitable one to which we can all agree — one that will enable us to move forward and ensure the consolidation of the gains the region has made in the past decade. We shall keep working incessantly until a compromise on Kosovo is found.

Time and again, this Government of Serbia has demonstrated its capacity to engage with our partners in overcoming lingering prejudices and points of disagreement. Even on the most challenging issues, we have found ways to work together. Our sustained efforts have made the Western Balkans more stable and secure, with key bilateral relationships in our part of the world showing visible signs of improvement. These achievements have taken place in the midst of a renewed impetus to complete the process of full reconciliation. Serbia's compelling track record of good will has helped to advance common strategic priorities and to building up the regional level of trust to an all-time high.

We remain deeply committed to European Union membership. This will continue to be our central strategic priority. Serbia believes that its achievement is the surest way to complete the democratic transformation of the Balkans. Undoubtedly, this will require leadership and imagination, as well as the courage to reach beyond the present divisions. There are those who still mistakenly insist that we be defined by our differences. Serbia is adamant in maintaining that we be defined by the shared destiny of all European nations and by the values we should all embrace.

Amongst the most basic of these is the renunciation of unilateralism as a means of resolving conflicts in Europe. The project to bind in peace and consent the States of the old continent has brought to an end centuries of war and destruction. On the way towards achieving this, many creative solutions have been found for bridging seemingly unbridgeable divides. What all those had in common was the fact that they were built on the basis of the consensus principle. The challenge before us cannot be resolved differently.

We should therefore brace ourselves to undertake a bold course of action, and so bear ourselves that, by working together in good faith, we make sure that

Kosovo is removed from the list of world's problems once and for all. If we succeed, we will have made a historic contribution to a stable Balkans, a united continent and a safer world.

**The President** (*spoke in Russian*): I thank Mr. Vuk Jeremić for his statement.

I now give the floor to Mr. Skender Hyseni.

**Mr. Hyseni:** Let me first thank you, Mr. President, and the members of the Council for this opportunity to share our views on the current situation in the Republic of Kosovo.

It is an honour to speak before the Council today, less than two weeks after the International Court of Justice rendered an advisory opinion on Kosovo's independence. In addition, I will speak about specific developments in my country during the reporting period.

I wish once again to extend Kosovo's profound appreciation to the United Nations and to the Security Council for the vital role they have played at all stages of Kosovo's post-war development. The time has come to replace resolution 1244 (1999) with a new resolution reflecting the realities created by the independence of Kosovo and the clear ruling of the International Court of Justice in its favour. Our request for the replacement of resolution 1244 (1999) is in line with Kosovo's ultimate objective of becoming a United Nations Member. Membership of the United Nations is a goal we eagerly look forward to achieving as soon as possible and a natural step after the Court's ruling.

I am very proud of the progress my country and my Government have made since the declaration of independence on 17 February 2008. In two and a half busy years, we have successfully established a democratic and multi-ethnic State at peace with all its neighbours and firmly established on its path of integration into the European Union and NATO. My country has been formally recognized by 69 nations around the world, and Kosovo has already entered into diplomatic and consular relations with over 30 countries. We have signed numerous treaties and agreements with many countries, and my country was granted membership in the International Monetary Fund and the World Bank in June 2009.

Our Constitution, which is based on the recommendations of the Nobel Peace Prize laureate and former Special Envoy of the Secretary-General for

Kosovo Martti Ahtisaari, has helped us build up state institutions in a relatively short period of time. These are now up and running and fully functional. Being an excellent example of a modern constitution, it provides far-reaching protections for ethnic minorities.

Our Government has been working around the clock to implement both the ideals and the objectives enshrined in our Constitution and in the Ahtisaari comprehensive settlement plan. The municipalities of Kosovo have been afforded a large degree of local governance under Kosovo's new legal framework. Both the existing and the newly created Serb-majority municipalities have been afforded an even larger degree of local governance. As part of the ongoing process of decentralization, local municipal elections have been organized in all Serb-majority municipalities. I am very pleased to inform the Council of the heavy turnout at polling stations by members of the Kosovo Serb community.

The setting up Serb-majority municipality administrative structures has been successfully accomplished. The handover of various records to the decentralized municipalities is well under way. Members of Kosovo's ethnic minorities, including the Serb community, regularly participate in the work of the Parliament, the Government and all the institutions of the Republic of Kosovo.

We note that the international community has continued to underscore the illegitimacy of parallel municipal structures and self-declared municipal officeholders. I emphasize that we strongly condemn the actions of the criminal Serb parallel structures in the North of my country, and the threatening and intimidation of members of the vast majority of the Serb community, which is willing to integrate and work with its Albanian and other neighbours to build a better future for all of Kosovo.

While the institutions of Kosovo seek to protect the rights and improve the lives of the members of the Serb community, the Government of Serbia has been exploiting and confusing them with calls to reject integration and cooperation with Kosovo's institutions. Obviously, Belgrade has been very successful in its support for the Serb criminal parallel structures in the North, but Belgrade has failed to offer any assistance or solution to the problems and concerns of the Serb community in Kosovo.

Little less than two years ago, upon a request of the Republic of Serbia, the General Assembly tasked the International Court of Justice with rendering an advisory opinion on the independence of Kosovo. At that time, I said that "it is regrettable that such a request was made". I said so not because I had any doubts about the lawfulness and rightfulness of Kosovo's independence. My concern was that the Court's proceedings would inevitably have a delaying impact on many processes related to Kosovo, as well as to Serbia. Ultimately, it would delay the start of normalization and reconciliation between our two countries. The Council will also recall my further statement on the proceedings of the International Court of Justice, which I wish to repeat:

"I wish to emphasize our commitment to justice and our trust in justice, and with that, our trust in ICJ justice. We are therefore confident that the ICJ's deliberations and ruling will be fair and impartial." (*S/PV.6144, p.9*)

On 22 July, the International Court of Justice issued its advisory opinion. We welcome the opinion. The Court found by a large majority that "the declaration of independence of 17 February 2008 did not violate international law". The opinion is explicit and clear and leaves no room for doubt. The International Court found in Kosovo's favour on all points. We now look forward to further recognition of Kosovo. I call upon States that have delayed recognizing the Republic of Kosovo pending the opinion of the Court to now move forward to recognition. Nothing in the opinion issued by the Court casts any doubt on the statehood of the Republic of Kosovo, which is an established fact.

It is clear the Kosovo's independence has not set any precedent. Kosovo is and has always been a special and sui generic case. Kosovo's independence is in the interests of the whole of the Western Balkans. The future of both Kosovo and Serbia lies within the European Union and NATO. For that, there must be good-neighbourly relations. That is what we seek. It is now for Serbia to live up to its responsibilities.

The time has come for Kosovo and Serbia to start a new chapter of cooperation on a State-to-State basis. Cooperation between our countries on any issues we may identify as ones of mutual concern and interest for our countries is vital to our common European future. I wish once again to clearly reaffirm the Republic of

Kosovo's willingness to cooperate with the Republic of Serbia. Cooperation with Serbia, on whatever fronts, must take place on an equal footing and must be conducted on a State-to-State basis only.

We have a call to make today. We once again call on Serbia to let us work and cooperate as neighbouring countries for the benefit of both our countries. This is the only path to pursue. Serbia should stop throwing up more diplomatic roadblocks along that path. This is what the world is seeking. This is what our common friends are asking of us. Let us live up to our responsibilities.

**The President** (*spoke in Russian*): I thank Mr. Hyseni for his statement.

I shall now give the floor to members of the Security Council.

**Mr. Kafeero** (Uganda): I wish to thank Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo (UNMIK) Lamberto Zannier for his briefing. I also welcome His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, to this debate and thank him for his statement. I also thank Mr. Skender Hyseni for his statement.

At the outset, Uganda would like to commend UNMIK for its continued efforts in promoting security and stability in Kosovo and in the region. We are encouraged that the overall security situation in Kosovo during the reporting period remained relatively calm. We are concerned, however, by the recent incidents of violence in northern Mitrovica, which increase instability and division between the communities. We urge all sides to exercise restraint in order to avoid a further escalation of tensions.

We commend UNMIK for its proactive engagement with all communities, as well as the authorities in Pristina and Belgrade and international actors for furthering peace and stability in Kosovo. We are convinced that UNMIK's work in supporting minority communities, encouraging reconciliation and facilitating dialogue and regional cooperation is critical.

My delegation welcomes the cooperation and coordination among UNMIK, the European Union Rule of Law Mission in Kosovo and the Kosovo Force on issues of mutual concern. That cooperation is vital and should be strengthened within the framework of

resolution 1244 (1999). We commend UNMIK for facilitating the activities of the United Nations Educational, Scientific and Cultural Organization, as well as for facilitating intercommunal meetings to resolve issues regarding power, the water supply, the construction of roads and other social services. Those activities are important because they build confidence and create better understanding among communities. We therefore urge UNMIK to continue its efforts to address critical social service needs in coordination and cooperation with local and relevant international actors.

We commend UNMIK's efforts in facilitating the work of the Reconstruction Implementation Commission regarding construction of Serbian patrimonial, cultural and religious heritage sites damaged during the 2004 violence. It is important for the Commission to be provided with the financial and logistical support necessary to complete its work and ensure the protection of Serbian cultural heritage.

We welcome the progress made so far regarding the returns process and the complementary role played by the Office of the United Nations High Commissioner for Refugees (UNHCR). In the spirit of peaceful reconciliation, we call on recent communities to desist from hate rhetoric and attacks against returnees so as to facilitate intercommunity reintegration. It is also important for both sides to devote more resources to the location of missing persons so as to promote the process of reconciliation.

Regional cooperation plays an important role in enhancing development. We therefore encourage the authorities in Pristina and Belgrade to work together in pursuit of this goal. We are convinced that UNMIK continues to play an important role in facilitating Kosovo's engagement in international and regional forums. We call on the international community to continue to support UNMIK's important work, consistent with resolution 1244 (1999).

With regard to the advisory opinion of the International Court of Justice mentioned in the Secretary-General's report, my delegation would like to say that long before the opinion was delivered, as far back as October 2008, Uganda was convinced that it was necessary for the people of Kosovo and Serbia, who have lived side by side for a long, long time, to resolve any outstanding issues through dialogue. Uganda's position remains the same. We encourage and

support the parties to remain engaged in a dialogue aimed at finding a solution which will promote common understanding and better relations. We are convinced that this approach will enhance durable peace and stability in the region.

Finally, we commend the Special Representative of the Secretary-General, Lamberto Zannier, and the staff of UNMIK for their important work in promoting peace and security in the region.

**Mr. Onemola** (Nigeria): I should like to congratulate you, Sir, on your assumption of the presidency of the Council for the month of August.

I thank His Excellency Mr. Vuk Jeremić, Foreign Minister of Serbia, and Mr. Skender Hyseni for their statements. I should also like to thank Mr. Zannier, Special Representative of the Secretary-General, for his update and for his efforts in promoting peace and stability in Kosovo and the region.

We welcome the report of the Secretary-General (S/2010/401) and note that the overall situation in Kosovo has remained relatively stable, although the potential for instability exists. We are encouraged by the gradual return to tranquillity in Mitrovica following last month's incident. We urge all parties to continue to guard against a relapse into violence.

We commend the efforts by United Nations Interim Administration Mission in Kosovo (UNMIK) to facilitate dialogue among all the parties as well as activities in the areas of the rule of law and human rights. We appreciate the collaboration between UNMIK and the European Union Rule of Law Mission in fostering cooperation and peace in Kosovo and the region in general within the status-neutral framework of the United Nations.

In spite of these positive developments, we share the Secretary-General's concern regarding the slow progress in addressing outstanding challenges related to Kosovo, in particular in advancing regional cooperation and finding solutions to issues of common concern to the communities and between the parties. These problems, if not addressed adequately, have the potential to exacerbate the security situation in the territory. There is a need for all actors to sustain efforts to build confidence among the communities.

We also urge that the same importance be accorded to efforts to locate missing persons from the conflict. In this regard, we call on UNMIK to continue

to foster cordial relations among the communities and the parties. The efforts to reconstruct Serbian Orthodox sites damaged or destroyed during the violence in March 2004 are an important step towards building trust among the communities. We therefore urge continued general support for these activities.

The relevant law enforcement authorities should also ensure that all perpetrators of crime and violence against minorities are brought to justice. This would go a long way towards promoting safe returns, as well as reconciliation and the long-term stability and development of Kosovo. It is important to promote voluntary returns and the viability of the conditions for returns, such as access to public services, housing and property rights and socio-economic activities. Additional efforts and enhanced collaboration by law enforcement authorities are needed to prevent harassment and attacks against returnees.

**Mr. De Rivièrè** (France) (*spoke in French*): I should like to thank Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia, and Mr. Skender Hyseni, Minister for Foreign Affairs of Kosovo, for their presence. We listened carefully to both of their statements.

As the Special Representative of the Secretary-General stated in his briefing, the overall political and security situation is stable and continues to improve despite undoubtedly disturbing but isolated incidents. In terms of political developments, democratic institutions are gradually gaining strength, the establishment of rule of law conforming to European standards for the good of all Kosovars, regardless of ethnic origin, is continuing with the support of the European Union Rule of Law Mission (EULEX), and the trend of decreasing tensions, which has been observed since the independence of the country, is continuing.

The international community has played and will continue to play an indispensable role in supporting these positive trends. In this regard, I should like once again to commend the efforts of the Lamberto Zannier, Special Representative of the Secretary-General, who leads the activities of UNMIK in Kosovo effectively and pragmatically, in close coordination with the European Union. Indeed, it is EULEX that, alongside the Kosovo authorities, is currently making an essential contribution to the stability of Kosovo, especially through its activities in the areas of justice, police and

customs. We are gratified by the fact that the EULEX head of mission, Yves de Kermabon, had the opportunity to speak before the Council last month (S/PV.6353). His statement indicated the professionalism of the European mission, which acts in support of the Kosovo authorities and aims to maintain ongoing dialogue with all of the stakeholders on the ground.

In response to a request by the General Assembly, on 22 July the International Court of Justice issued its advisory opinion on whether the declaration of independence of Kosovo is in accordance with international law. That opinion confirms that the declaration did not violate international law or resolution 1244 (1999). This is an important milestone, as it brings the legal debate on this subject to a definitive end, which will allow all of the parties to devote themselves from here on to the other outstanding issues. Now is no longer the time for quibbling or speculation. The opinion issued by the International Court of Justice has definitively closed these futile debates. What is needed now is to work together for the future of the peoples of the region. Kosovo and Serbia must now engage in political dialogue in order to overcome, in a pragmatic way, these concrete problems in the interests of all — and, first and foremost, of the Serb community of Kosovo. This dialogue must be forward-looking and must aim at establishing good-neighbourly relations, achieving progress towards European integration and improving the living conditions of the population. It will thus contribute to the stability of the region.

In this new phase which is just starting, the European Union has, through High Representative Catherine Ashton, stated its readiness to build such a dialogue. The two States, Serbia and Kosovo, have the prospect of becoming members of the European Union, which will require that they establish normal relations between themselves as member States, which will enable them to work together to build the European system. This is what we most wanted to hear in the statements of Mr. Jeremić and Mr. Hyseni: strong common affirmation of their desire to enshrine their countries' futures in the European framework. We seek an early launch of dialogue, which will create the conditions for a shared future within the European Union. They can count on French support when they start along this path.

**Mr. Barbalić** (Bosnia and Herzegovina): On behalf of the delegation of Bosnia and Herzegovina, I would like to express our appreciation to the Secretary-General for his comprehensive report (S/2010/401) on the United Nations Interim Administration Mission in Kosovo (UNMIK). We would also like to thank Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for his briefing and the staff of UNMIK for their efforts. We welcome the participation in today's meeting of Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, and Mr. Skender Hyseni.

We are pleased to note that the United Nations Interim Administration Mission in Kosovo, operating within the framework of Security Council resolution 1244 (1999), is successfully continuing its role of maintaining peace, security, stability and respect for human rights in Kosovo. Furthermore, we appreciate and commend UNMIK's efforts to encourage the process of reconciliation and to facilitate constructive dialogue and regional cooperation, as well as its focus on mediation between the communities and its support to minority communities.

The report of the Secretary-General indicates that the security situation in Kosovo has remained relatively calm, despite some incidents mainly in northern Kosovo, where the situation has continued to be sensitive and politically delicate. In particular, the end of the reporting period was marked by two incidents that increased tensions. In that regard, Bosnia and Herzegovina condemns the tragic incident that occurred on 2 July, in which one person was killed and several others were injured.

We also regret the tragic death of a member of the Assembly of Kosovo representing the Serb community — Petar Miletić — who was shot by unknown perpetrators in front of his house in northern Mitrovica. Once again, we reiterate our call for an investigation into these incidents and for those responsible to be brought to justice.

We are of the view that efforts to improve inter-community dialogue and confidence-building among the parties are of particular importance for returns. Although the number of voluntary minority returns remains low, we are encouraged by the fact that there has been an increase in comparison to previous years. Furthermore, in stressing the importance of providing conditions conducive to sustainable returns, we

welcome UNMIK's efforts to defuse tensions and draw attention to common needs. We encourage the continuation of the practice of "go-and-see" visits, which give displaced persons the opportunity to visit their properties and make first-hand assessments of the conditions in the receiving community.

With regard to the rule of law, we welcome the activities of UNMIK and the European Union Rule of Law Mission in Kosovo (EULEX), operating within the status-neutral framework of the United Nations. We also support the existing practice of cooperation and coordination among UNMIK, EULEX, the Organization for Security and Cooperation in Europe and NATO — the latter present through the troops of the Kosovo Force (KFOR) — and we hope that this practice will continue.

The Presidency of Bosnia and Herzegovina has not considered the question of whether to recognize Kosovo's independence. While Bosnia and Herzegovina has taken no position on this question, we take note of the advisory opinion of the International Court of Justice rendered on 22 July, in which the Court concluded that the declaration of independence of Kosovo, adopted on 17 February 2008, did not violate international law.

Finally, we would like to stress the importance of the European Union-sponsored High-Level Meeting on the Western Balkans held in Sarajevo on 2 June, which reaffirmed the European Union's commitment to the European perspective of the Western Balkan countries within the new framework of the Lisbon Treaty. European Union membership for all of the Western Balkans remains our shared objective.

**Ms. Tawk** (Lebanon) (*spoke in Arabic*): I thank Mr. Lamberto Zannier, Special Representative of the Secretary-General, for his comprehensive briefing. I also welcome Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia, and thank him for his statement. I also thank Mr. Skender Hyseni for his statement.

It is encouraging that the number of security incidents has decreased, compared to the period covered by the previous report (S/2010/169). Nevertheless, progress remains relative, particularly in northern Kosovo, where security incidents continue to create an atmosphere of tension. It is therefore important for security forces to remain vigilant and for the perpetrators of acts of violence to be prosecuted in order to reassure all citizens, including minorities.

We welcome the efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK) to maintain security and stability, facilitate dialogue and encourage reconciliation among the various communities. We appreciate its role in encouraging regional cooperation and facilitating Kosovo's participation in regional and international forums. We also commend the coordination and regular exchanges of information between UNMIK and the European Union Rule of Law Mission in Kosovo within the context of the status-neutral role called for in resolution 1244 (1999).

We support the Secretary-General's call in his report (S/2010/401) on the European Union to join efforts with the United Nations and to coordinate with the Organization in facilitating dialogue between Belgrade and Pristina aimed at peacefully resolving the outstanding issues.

We welcome the progress made on missing persons, as well as the protection of the religious and cultural heritage sites of the Serbian Orthodox church. We hope that this cooperation between Belgrade and Pristina will extend to all areas. There is no doubt that it remains necessary to ensure international support for the rapprochement between the two sides. However, the primary responsibility for finding a way out of the current impasse lies with the political leaders of both sides. We call on them to extend the hand of dialogue and to tackle controversial issues in a spirit of openness and flexibility in order to address the interests and achieve the aspirations of the peoples of the region to a brighter future.

On the other hand, efforts must focus on transparent and flexible dialogue towards reconciliation among all communities in Kosovo, pursuant to the calls made by this Council in the meeting held following the 2 July incidents (see S/PV.6353), at which most members stressed the need for dialogue. This was also noted by the Secretary-General in his report, in which he expresses concern about the potential for instability that could result from a lack of concrete progress on reconciliation among the various communities, combined the difficult conditions.

In this context, it is imperative to ensure complementarity between reconciliation efforts and the promotion of economic and development activities for various groups. This will have a positive impact not

only on security and stability, but also on the sustainable return of refugees and internally displaced persons, which remains scant.

Finally, we take note of the advisory opinion of the International Court of Justice issued on 22 July. We express the hope that the next stage will be propitious for a peaceful settlement of this issue and will lead to a climate of stability in the Western Balkans.

**Mr. Apakan** (Turkey): Allow me to welcome Mr. Jeremić, Minister for Foreign Affairs of Serbia, and Mr. Hyseni, Minister for Foreign Affairs of Kosovo, to the Council. We are pleased to see both of them. I would also like to welcome Mr. Zannier and to thank him for his briefing. We appreciate the work that he and the whole team in the United Nations Interim Administration Mission in Kosovo (UNMIK) are doing towards promoting stability and reconciliation.

We are pleased to see that the overall political and security situation in Kosovo is generally calm and that in this reporting period the number of security incidents has decreased, which reflects a positive trend over the past two reporting periods. We call on the Kosovo authorities, in particular local-level institutions and the Kosovo Police, to make sure that this becomes the norm and to continue to take all necessary measures to prevent violent incidents, with a special emphasis on those affecting minority communities.

Kosovo continues to take further steps in consolidating its democracy, strengthening its institutional capacity and opening up its democratic space through advances made in the decentralization process. We are pleased to see that administrative structures in the four new municipalities have been set up and that elections have taken place in the municipality of Partesh. This clearly indicates a commitment by the Kosovo Government to improve the lives of all communities, while the turnout rate for the elections in Partesh demonstrates that the local communities are gradually responding to these efforts.

We continue to believe that full implementation of the decentralization process will improve governance, enable all communities to have their voices heard, make the political process and administrative structures fully representative and, ultimately, contribute to overall integration and reconciliation. We recognize that there are still problems on the path towards full reconciliation. The problem posed by the issue of missing persons and the

challenges encountered in the returns process in that regard cannot be overlooked. Still, as the latest cooperative effort on missing persons demonstrates, the essential thing is to have the will to work towards closure for the people, who have suffered enough, without politicizing these issues. Then, the results attained will help start the healing process.

At the same time, we regret that on some other issues which require direct practical cooperation between Pristina and Belgrade there has not been much progress. It is our sincere hope that the coming months will see an improvement in that respect.

Improving governance and the rule of law in Kosovo is also essential, as is taking steps to fight corruption and impunity. We commend the efforts by the Government of Kosovo towards those ends. In order to make further progress and consolidate the gains made so far, it is important for the international community to remain engaged in Kosovo and to assist by sharing expertise and resources.

We also remain concerned by the volatile and sensitive political and security situation in northern Kosovo. The gradual integration of the north into the rest of Kosovo is to the clear benefit of all the communities in that region. The only viable way to achieve this is through dialogue.

Turkey was one of the first countries to recognize Kosovo as an independent and sovereign State. In that regard, we welcome the recent issuance of the advisory opinion of the International Court of Justice that Kosovo's declaration of independence is in accordance with international law. It is our sincere hope that that opinion will open a new phase in relations between Pristina and Belgrade; both of them are our close friends and partners. Consequently, we call on both sides to see that opinion as providing a new window of opportunity to engage constructively on practical issues for the benefit of all their peoples and of regional cooperation.

Lasting peace and stability in the Balkans remains our ultimate and overriding goal. We are convinced that the preservation of Kosovo's territorial integrity and its political and social structure built on democratic values is essential in attaining that goal. As an important player in the region, Serbia can do much for the consolidation of peace, democracy and prosperity in the Balkans and in the greater European space. We welcome and support the developing

relations between Serbia and the European Union. The future of Kosovo also lies in its integration into the European structures. Accordingly, we believe that this common European perspective provides a sound basis for cooperation and dialogue. We welcome the efforts of the European Union to assist the two countries on that path.

We agree with the Secretary-General that a coherent and cooperative approach by the international actors engaged in Kosovo is essential in exploring the existing window of opportunity. Therefore, we also look forward to the continuation of cooperation between the United Nations and the European Union and welcome the agreement reached to that effect. And while such efforts are under way — as the Secretary-General also emphasizes in his report (S/2010/401) — it is imperative that the parties avoid any steps that could be seen as provocative and derail the dialogue.

**Mr. Li Baodong** (China) (*spoke in Chinese*): I should like to thank the Secretary-General for his report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2010/401). I also thank Mr. Zannier, Special Representative of the Secretary-General, for his briefing. I welcome the presence of His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia. I listened attentively to the statement made by Mr. Hyseni.

The overall situation in Kosovo is calm at present. But the security situation remains complicated and fragile. In particular, there are many uncertainties in the north. Once again we condemn the terrorist violence in northern Mitrovica that took place in early July. That incident shows yet again that an early and appropriate settlement of the Kosovo issue would be conducive to peace and stability in the Balkan region and in Europe at large. We call upon all parties concerned, the United Nations and the other countries in the region to work together to ensure stability in Kosovo, safeguard the legitimate rights and interests of all ethnic groups in the region, in particular those of Serbs and other ethnic minorities, and make a genuine effort to facilitate the reintegration of ethnic minorities and preserve religious and cultural heritage.

We have noted the advisory opinion delivered by the International Court of Justice regarding Kosovo's unilateral declaration of independence. All along, China has maintained that respect for sovereignty and territorial integrity is a fundamental principle of the

contemporary system of international law and is the basis of the international legal order. We respect the sovereignty and territorial integrity of Serbia and support the efforts that the Government and the people of Serbia have made in that regard. We have always considered that the best way to resolve the Kosovo issue is for the two sides to engage in negotiations within the framework of the relevant Security Council resolutions and seek a mutually acceptable solution. In no way does unilateral action contribute to a settlement of the issue, but can only complicate the situation.

The advisory opinion of the International Court of Justice does not pose an obstacle to efforts by the two sides to resolve this issue through negotiations. China hopes that the relevant actors will continue to urge the two sides to resume dialogue and consultation and seek a mutually acceptable resolution.

Security Council resolution 1244 (1999) remains the legal foundation for the settlement of the Kosovo issue. We appreciate the positive role played by the Special Representative of the Secretary-General and UNMIK in maintaining stability in Kosovo and support the Mission in its ongoing efforts to fulfil its mandates pursuant to relevant Council resolutions and in vigorously promoting constructive dialogue among the parties concerned. We hope that the parties concerned will continue to respect the mandate of UNMIK and maintain their support for and cooperation with the Mission in a joint effort to find a proper settlement to the Kosovo issue.

**Mr. Parham** (United Kingdom): I would like to join my Security Council colleagues in welcoming the Special Representative of the Secretary-General, Mr. Lamberto Zannier; the Minister for Foreign Affairs of Serbia, Mr. Vuk Jeremić; and the Foreign Minister of Kosovo, Mr. Skander Hyseni. I would also like to thank the Secretary-General for his report on recent developments in Kosovo (S/2010/401) and to commend the important work of the United Nations Interim Administration Mission in Kosovo (UNMIK) in promoting stability and reconciliation in Kosovo. I would also like to thank Mr. Zannier for his continued leadership and hard work.

The United Kingdom's support for Kosovo's independence, sovereignty and territorial integrity remains as strong as ever. We welcome the recent advisory opinion of the International Court of Justice, which, in response to the question put to it by the

General Assembly, confirmed that Kosovo's declaration of independence was in accordance with international law. Our understanding of the opinion differs from Serbia's. In particular, the opinion does not create a precedent. Kosovo is a unique case. Its independence is contingent on its particular facts. It does not provide a template for secession elsewhere.

The legal process before the International Court of Justice has now come to an end, and that must also mean an end to debate about Kosovo's status. Kosovo has now been functioning as an independent State for over two and half years. It is increasingly recognized as such. Sixty-nine United Nations Member States have now recognized Kosovo. This progress is irreversible. The world's youngest country is a viable, independent State with a clear future in the European Union — a future recently reaffirmed by all 27 States members of the European Union. We believe that the opinion of the International Court of Justice will encourage States that have not yet done so to recognize Kosovo.

Looking ahead, it is critically important, as Mr. Zannier noted, that we enter a new phase in relations between Kosovo and Serbia. We welcome Kosovo's measured response to the Court's opinion calling for new dialogue with Serbia. The future of both countries lies in the European Union, but it is a future that can be achieved only through reconciliation and practical cooperation. Together, the two countries must forge a new path built on the values and standards of the European Union: democracy, the rule of law and the peaceful coexistence of States. There must be early and constructive dialogue between the two States, a process that the European Union, through Baroness Ashton, has offered to facilitate. This dialogue would promote cooperation, achieve progress on the path to European integration, and improve the lives of the people of both Kosovo and Serbia. The process of dialogue in itself would be a factor for peace, security and stability in the region.

But we must be equally clear about what is not possible. There can be no return to negotiations on either Kosovo's status or its existing borders. Any attempt to go down this path would lock Serbia into confrontation with those that have recognized Kosovo. Any attempt to encourage the partition of Kosovo or status talks would be against the long-term interests of the citizens of both Kosovo and Serbia. It could trigger wider instability in the region. The United Kingdom

will strongly resist any such attempt. Kosovo, as an independent State within the territory defined by its existing borders, is a positive force for stability in the Western Balkans.

We look to Serbia to take up the European Union's offer and proceed with a constructive period of dialogue. We are, however, concerned by recent Serbian statements and actions which imply that Serbia is not considering engagement with the European Union in this process. We very much regret that Serbia did not allow more time for consultations with the European Union before submitting its draft resolution in the General Assembly. Serbia's draft resolution is unacceptable because it will not promote the development of a constructive relationship between Serbia and Kosovo.

The last three months have seen further progress in Kosovo. The violence in Mitrovica in early July was regrettable, but we welcome the prompt response from the Kosovo Police and the European Union Rule of Law Mission in Kosovo (EULEX). As the report of the Secretary-General (S/2010/401) has highlighted, there has been an overall decrease in the number of security incidents. This reporting period has seen clear and decisive action against organized crime and corruption from EULEX in partnership with the Government of Kosovo.

Serious challenges remain ahead for the rule of law in Kosovo. Kosovo must remain committed to driving through the necessary reforms, but steps such as the recent inauguration of the anti-corruption task force are encouraging. Both EULEX and the Kosovo Force remain important for stability in Kosovo. We continue to fully support the essential work that they undertake. It is vital that both Serbia and Kosovo cooperate closely with both missions. Stability, security, the rule of law and governance are the fundamental rights of all of Kosovo's communities. With due regard to recent events, it is nevertheless crucial that an agreement be reached on the opening of the Mitrovica courthouse and customs arrangements in the North.

Kosovo's and Serbia's futures both lie in their independent statehood within the European Union. The United Kingdom remains committed to ensuring that this European Union perspective is used as a factor for stability, security and economic progress for the entire region.

**Mrs. Dunlop** (Brazil): I welcome His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, and thank him for his statement. I also thank Special Representative Lamberto Zannier for his briefing and Mr. Skender Hyseni for his remarks.

As the tragic incident of 2 July in Mitrovica clearly showed and as the Secretary-General recalls in his report (S/2010/401), the security situation in Kosovo is stable but fragile. The risk of further violence caused by ethnic tensions is palpable and continues to be a reason for concern, particularly in northern Kosovo. It is mainly the responsibility of both parties to ensure that Kosovo is a place where ethnic tolerance and multiculturalism allow for peaceful coexistence among communities. They must therefore refrain from all acts of provocation and any action that may further aggravate instability.

For its part, the international community must remain fully engaged in Kosovo. The Security Council and the Secretary-General, especially through his Special Representative, as well as individual Member States, must continue to follow the situation closely and maintain their efforts to promote stability, dialogue and reconciliation.

The United Nations Interim Administration Mission in Kosovo (UNMIK) has a special role to play in this regard under resolution 1244 (1999). The fact that the Mission is accepted by all parties on the ground makes it particularly well placed to spearhead efforts to assist them in overcoming their differences and to bring communities together on issues of mutual interest.

In this context, we reiterate our call on both Belgrade and Pristina to cooperate actively with UNMIK and the Special Representative of the Secretary-General, Mr. Zannier, especially in order to advance practical arrangements that may benefit the ordinary citizen. We are concerned by the Secretary-General's assessment that insufficient progress has been made in this regard. Also worrisome is the observation contained in his report that relations between the Mission and the Kosovo authorities are at arm's length. It must be recalled that UNMIK is the overall authority established by the Security Council in the territory.

We welcome the Secretary-General's initiative designed to seek ways to make the role of UNMIK as

effective as possible and to further promote cooperation between Belgrade and Pristina. One such area of possible cooperation would be the reconstruction of the Serbian Orthodox sites damaged or destroyed during the violence of March 2004. Providing the necessary funds for the Reconstruction Implementation Commission to complete the reconstruction of all the destroyed Serbian Orthodox sites would certainly contribute to rebuilding confidence between the communities, as the Secretary-General rightfully suggests. Restoring such confidence will be key to increasing the number of returnees, which continues to be low, according to the report before us. It is troubling to learn that harassment of Serbian returnees has not ceased and that Serbian sites of religious and cultural importance continue to be vandalized.

Brazil takes note of the advisory opinion delivered in The Hague by the International Court of Justice on 22 July concerning the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo. While the Brazilian Government is still examining the opinion with the diligence it deserves, we note that the Court has not questioned the fact that resolution 1244 (1999) remains in force. Brazil is therefore of the view that said resolution continues to be the key parameter guiding the presence of the United Nations in Kosovo and those who operate there under overall United Nations authority.

We also believe that resolution 1244 (1999) continues to offer conditions conducive for the dispute to be settled through negotiations with a view to reaching a legitimate solution under the auspices of the Security Council, consistent with its authority and primary responsibility in matters pertaining to international peace and security. We therefore reiterate our call on the parties to resume negotiations on all outstanding issues as soon as possible.

**Mr. Ebner** (Austria): I would like to welcome Mr. Vuk Jeremić, Foreign Minister of Serbia, and Mr. Skender Hyseni, Foreign Minister of Kosovo, and thank them for their statements. I also thank the Special Representative of the Secretary-General, Mr. Lamberto Zannier, for his presentation of the report before us (S/2010/401). Let me reiterate Austria's full support for the continued efforts of the United Nations Interim Administration Mission in

Kosovo (UNMIK) to facilitate dialogue between all parties.

Austria welcomes the fact that the security situation in Kosovo was largely calm during the reporting period. As set out in the Secretary-General's report, in total we have seen a decrease in security incidents. We appreciate the fact that the security forces — including the Kosovo Police, the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force (KFOR) — have been working effectively to prevent clashes in volatile situations. At the same time, we clearly condemn isolated acts of violence due to tensions between both sides. Austria fully supports the important work of KFOR and EULEX and will continue to keep up its commitment to both missions.

We welcome the progress made by EULEX in particular with regard to monitoring, mentoring and advising, trials and the processing of cases, the continued scanning of data on commercial traffic at gates 1 and 31, and in its cooperation with both sides. We welcome the European Union's accelerated efforts to enhance its visibility and presence in the North and hope that cooperation with both sides will lead to further progress, including in the establishment of mixed panels in the Mitrovica district court and the restoration of full customs control in northern Kosovo.

Austria would also like to highlight the valuable contributions made by the Organization for Security and Cooperation in Europe mission in Kosovo in monitoring, protecting and promoting human rights, including community rights. We also value its support to democratic institutions, in particular independent and higher education institutions that work to the benefit of non-majority communities.

We share the Secretary-General's assessment that the lack of progress in reconciliation between the communities, coupled with the prevailing economic difficulties, continues to present a challenge and to foster the risk of unrest. Austria therefore believes that we must not lose our focus on areas such as economic development, good governance, the rule of law, and the fight against corruption and organized crime, as well as with regard to the situation in northern Kosovo. We see a need for reports to the Council to cover all those areas.

Austria welcomes the advisory opinion of the International Court of Justice delivered on 22 July on

the question of whether the unilateral declaration of independence in respect of Kosovo is accordance with international law. We believe that the advisory opinion provides an opportunity for a positive turning point in the relations between Kosovo and Serbia, as well as with regard to the European aspirations of both States. This opportunity should not be missed.

The Court has made it absolutely clear that Kosovo's declaration of independence of February 2008 did not violate general international law, resolution 1244 (1999) or the constitutional framework. We hope that the opinion, which was issued in response to a request of the General Assembly and specifically addresses the situation of Kosovo, will enable Kosovo and Serbia to ultimately overcome their fundamental disagreement regarding basic legal and territorial questions.

First and foremost, however, the advisory opinion permits the authorities of Serbia and Kosovo to adopt a pragmatic approach and to start a process of dialogue on practical problems affecting the daily lives of people of both ethnic backgrounds living in Kosovo. Pragmatism must now also apply with regard to finding arrangements for the participation of Kosovo in regional and international forums, in consultation with the respective organizations.

The European Union — in reaction to the publication of the advisory opinion — has reached out to both Serbia and Kosovo. In her declaration of 22 July, delivered on behalf of all 27 States members of the European Union, High Representative Ashton made it clear that the future of both Serbia and Kosovo lies in the European Union. We therefore appeal to Serbia and Kosovo to work with the European Union in good faith and to redouble their efforts to turn European values of dialogue and cooperation into reality for the sake of the populations of Kosovo as well as Serbia, irrespective of their ethnic backgrounds. We fully support the approach of further enhancing coordination and cooperation between the United Nations and the European Union in order to promote dialogue aimed at addressing issues of common concern between Belgrade and Pristina.

**Mr. Sumi (Japan):** I thank Special Representative Lamberto Zannier for his comprehensive briefing. I should also like to extend a warm welcome to Foreign Minister Vuk Jeremić of Serbia and Foreign Minister Skender Hyseni of Kosovo.

Japan highly values the contributions of the United Nations Interim Administration Mission in Kosovo, the European Union Rule of Law Mission in Kosovo, the Kosovo Force and the Organization for Security and Cooperation in Europe on the ground to ensure the stability of Kosovo and the West Balkan region as a whole.

We commend the International Court of Justice for issuing the advisory opinion of 22 July after two years of intensive work. Since our recognition of the independence of Kosovo, Japan has supported the newly formed country's efforts to develop as a vibrant, democratic and multi-ethnic State. Our hope is that Kosovo will now continue to advance its own nation-building with the increasing support of the international community. The advisory opinion is also important to the reconciliation process between Kosovo and Serbia.

Japan encourages both sides constructively to address challenges that affect the lives of the population of all communities in Kosovo. In this context, Japan shares the belief of the Secretary-General that the reconstruction of the Serbian Orthodox sites can rebuild trust between communities. We expect that UNMIK and the European Union (EU) will play a mediating role between Pristina and Belgrade, and we support the Secretary-General's proposal to have joint United Nations/EU efforts to facilitate dialogue.

We welcome the increase in the return and settlement of internally displaced persons (IDPs) and refugees. At the same time, we share the Secretary-General's concern about occasional incidents targeting minorities, which continue to present both physical and psychological obstacles to sustainable returns.

Japan, as a proponent of human security, continues to support the efforts of the Office of the United Nations High Commissioner for Refugees to facilitate IDP returns, promote peaceful multi-ethnic coexistence and help the sustainable development of Kosovo through bilateral and multilateral frameworks. A human-centred approach is particularly relevant in the northern provinces, with due attention to reducing the level of vulnerability among the population. We intend to cooperate with Kosovo, Serbia and other regional and international actors towards the achievement of a new stage of stability and prosperity in the West Balkan region.

**Mrs. DiCarlo** (United States of America): I would like to welcome Foreign Minister Jeremić and Foreign Minister Hyseni back to the Council this afternoon. I would also like to thank Mr. Lamberto Zannier for his thorough briefing in his service as the Special Representative of the Secretary-General for Kosovo.

Let me begin by addressing briefly the advisory opinion of 22 July of the International Court of Justice. It has been the hope of the United States that the delivery of this opinion would be a springboard for Kosovo and Serbia to move beyond the debates of the past and pursue cooperation to support peace and stability in the Balkans. The advisory opinion decisively affirmed the view of the United States and many other countries that Kosovo's 2008 declaration of independence was in accordance with international law and did not violate resolution 1244 (1999). We believe that the Court's opinion will encourage those countries that have not done so to now recognize Kosovo.

Kosovo is a special case and is not a precedent for other conflicts. The Court's opinion recognized that the declaration of independence of Kosovo had to be considered within the factual context that led to its adoption, including, as the opinion described, the framework established by resolution 1244 (1999) to resolve the humanitarian crisis in Kosovo and the developments in the 2005-2007 final status process brokered by the United Nations, which, despite exhaustive efforts, was unable to yield a mutually agreeable outcome on Kosovo's status.

Kosovo is an independent, multi-ethnic democracy. Its independence is irreversible and its borders are inviolable. We call now on Kosovo and Serbia to work together on practical issues that will move both States forward on their respective paths to Euro-Atlantic integration.

Turning to the report of the Secretary-General (S/2010/401), let me make three additional points about the progress that Kosovo has made in recent months. First, the Secretary-General's report notes several areas in which Kosovo is consolidating its multi-ethnic democratic institutions, including by implementing the decentralization of power from central to municipal authorities that is envisioned in Kosovo's Constitution. The recent elections in the newest Kosovo Serb majority municipality of Partesh/Parteš demonstrate the progress Kosovo is

making toward ensuring the participation of all communities in its institutions.

Secondly, the Secretary-General points out the challenges posed by economic difficulties. Last month, Kosovo signed a standby agreement with the International Monetary Fund. In the run-up to the signing, Kosovo's institutions showed their maturity and responsibility by passing four major financial reforms into law in one month in order to meet the agreement's conditions.

Thirdly, the Secretary-General's report notes that the overall number of security incidents has decreased during the reporting period. The Kosovo Police, with the assistance of European Union Rule of Law Mission in Kosovo (EULEX), has demonstrated its growing capacity to protect all of Kosovo's communities. In late May, the Kosovo Police, along with EULEX and the Kosovo Force (KFOR), quickly responded to clashes among large groups of Kosovo Albanians and Kosovo Serbs over illegal, parallel elections and prevented the incident from escalating. In late June, the Kosovo Police provided security for a large demonstration in connection with Vidovdan celebrations.

The Kosovo Police is increasingly filling crucial roles once performed by the international community. Without incident, it has taken responsibility for security at a patrimonial site previously guarded by KFOR and alongside EULEX. It is currently investigating the July violence related to the opening of the civil service centre in Mitrovica and the shooting of a Kosovo Serb member of Parliament. In addition, there has been progress in returns and the reintegration of returnees supported by municipal authorities and the central Government with the protection of the Kosovo Police and KFOR.

But as the Secretary-General has pointed out, the absence of reconciliation continues to threaten unrest. For example, some returning ethnic Serb families have experienced harassment and attacks. My Government regrets the loss of life and injuries that accompanied the opening of the civil service centre in northern Mitrovica last month, and we urge that those responsible for these criminal acts be held accountable. The centre has remained open and it continues to provide necessary services to those most in need in the local community.

Efforts to promote stability have been hindered by threats of violence against those who seek to

participate in legitimate institutions of Kosovo's Government. We strongly condemn the death threats targeting judges appointed to the Mitrovica District Court and intimidation directed at Kosovo Serbs who work with Kosovo's institutions. We call on all parties to take firm steps to halt incitement to violence.

Let me reiterate our hope that Kosovo and Serbia will use the advisory opinion of the International Court of Justice as an opportunity to work together to resolve technical issues that can improve the daily lives of their citizens. Further, we welcome the European Union's efforts to assist both countries in realizing their European perspective.

**Mr. Isoze-Ngondet** (Gabon) (*spoke in French*): At the outset, I should like to congratulate you, Mr. President, on your assumption of the presidency of the Council for the month of August, and to thank Ambassador Joy Ogwu and the Nigerian delegation for their excellent work during the course of the last month. I would also like to take this opportunity to assure you of Gabon's support throughout your term.

I would also like to welcome His Excellency Mr. Vuk Jeremić, Foreign Minister of the Republic of Serbia, and thank him for his statement. Lastly, my delegation thanks the Special Representative of the Secretary-General, Mr. Lamberto Zannier, for his briefing on the report of the Secretary-General (S/2010/401) on the United Nations Interim Administration Mission in Kosovo (UNMIK).

The Council is debating the matter of Kosovo today, only weeks after the International Court of Justice issued its advisory opinion on the legality of its unilateral declaration of independence of 17 February 2008. This ruling has been commented upon extensively in the statements made this afternoon. Taking that into account and in light of the report of the Secretary-General, I would like to base my brief statement on two aspects of the matter before us, namely, the general situation in Kosovo on the political and security fronts and the important work of UNMIK, on the one hand, and the question of the status of Kosovo, on the other.

The development of the general situation in Kosovo, particularly during the period covered by the report, reveals numerous positive signs. Gabon is pleased that, in accordance with its mandate, UNMIK has been able to continue promoting security, stability and respect for human rights while maintaining the

ongoing involvement, certainly not without difficulties, of all the communities in Kosovo.

My delegation also welcomes the fact that the Secretary-General and the European Union — whose offer to facilitate the dialogue between Belgrade and Pristina we support — have decided to cooperate more effectively in seeking solutions to matters of mutual interest to both parties. We endorse this consensus-based approach and believe that it should be supported by the international community. However, we are aware that the implementation of resolution 1244 (1999) has encountered problems that must be resolved.

Energetic action must therefore be taken to find a solution to the matter of missing persons, particularly as it poses a major challenge to the reconciliation process between the various communities. Moreover, attention should be drawn to the level of returns of displaced persons and refugees, and an end must be put to inter-community tensions and conflicts and the recurrent acts of vandalism against religious and ethnic symbols.

In addition, the political situation in northern Kosovo remains fragile and no less cause for concern. Indeed, the events of early July, which were unanimously condemned by the members of the Council, have shown that the security situation in that part of Kosovo can deteriorate at any moment. We reiterate our confidence in the ability of UNMIK and the European Union Rule of Law Mission in Kosovo to control the situation and prevent any violence that might jeopardize further a resumption of dialogue between Belgrade and Pristina.

On the central matter of the status of Kosovo, the position of Gabon remains unchanged. The International Court of Justice, which itself has said that it has not ruled on the merits, has offered an opinion that recognizes, rather, the international legality of the unilateral declaration of independence of Kosovo.

We reiterate our appeal for respect for the sovereignty and territorial integrity of Serbia, which must be upheld through international law. I recall that our principled position prioritizes dialogue and cooperation in the peaceful settlement of crises and conflicts and rejects any unilateral declaration of independence. In this specific case, we support a settlement of the question of Kosovo on the basis of the implementation of resolution 1244 (1999).

My delegation would therefore like to reiterate the appeal recently made by the Secretary-General to all parties to support the implementation of a constructive dialogue and the settlement of all outstanding issues.

**Mr. Heller** (Mexico) (*spoke in Spanish*): Allow me to begin by congratulating you, Mr. President, on your assumption of the presidency of the Council for the month of August, and by thanking Ambassador Joy Ogwu and the Nigerian delegation for their work over the past month. I thank Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for his briefing and Mr. Jeremić, Minister for Foreign Affairs of Serbia, for his statement. We also thank Mr. Skender Hyseni for his statement and his presence here today.

Mexico has closely followed the process of adapting the mandate of the United Nations Interim Administration Mission in Kosovo (UNMIK) to the situation on the ground, and we welcome the fact that coordination with the European Union Rule of Law Mission in Kosovo (EULEX) has been strengthened, in keeping with resolution 1244 (1999). That resolution provides the international legal framework for achieving a settlement of the situation in Kosovo and contributing to stability in the Balkans.

The Mexican delegation reiterates that the presence of UNMIK is of crucial importance in supporting essential efforts to improve the situation in terms of security, the promotion of stability, respect for human rights, dialogue and reconciliation, and support for humanitarian and development assistance.

In this regard, we commend the work of UNMIK and emphasize the importance of its continued support to minority communities in Kosovo and contribution to reconciliation, dialogue and regional cooperation. We welcome efforts to develop a strategic integrated framework for the United Nations system for Kosovo in order to identify priorities and contribute to maximizing the impact of the work of the Organization in the region, in particular in terms of development and economic recovery.

The report of the Secretary-General (S/2020/401) notes that the general security situation remains calm, but that incidents of an inter-ethnic nature that have occurred in northern Kosovo, although isolated in nature, do not generate an atmosphere of stability. On the contrary, they encourage violence and inter-

community hatred. As mentioned during the debate of 6 July (see S/PV.6353), such incidents of violence are to be condemned, and it is important therefore to appeal once again to the parties to combat impunity and take measures to bring the perpetrators of such acts to justice.

My delegation believes it essential that, in designing and implementing programmes for the integration of minorities, the parties give priority to protecting human rights and maintain open and cooperative dialogue with UNMIK.

On the subject of displaced persons, we remain concerned by the low number of voluntary returns — 523 — which is lower than the number of forced returns — 756.

Measures to promote reconciliation, tolerance and respect for human rights are also crucial to efforts to reverse the trends towards discrimination against and harassment of displaced persons and refugees upon their return. In this regard, we encourage UNMIK to strengthen its coordination with the Office of the United Nations High Commissioner for Refugees, local institutions and other humanitarian organizations working on the ground.

In this context, we would like to reiterate that, pursuant to resolution 1244 (1999), particularly in terms of international humanitarian law, international human rights law and the rights of refugees, all parties must establish an environment conducive to the safe, voluntary and non-discriminatory return of all those who wish to do so. It is also crucial to redouble efforts to provide the basic health, housing, educational, protection and employment services that will contribute to development, security and the integration of populations upon their return to their places of origin.

The issue of missing persons is one of the major challenges to the process of reconciliation between the communities of Kosovo. The numbers are alarming. For instance, the International Committee of the Red Cross (ICRC) estimates that around 1,800 individuals are still missing. We therefore appeal to the parties to seek to clarify the whereabouts of the missing, with the support of UNMIK, EULEX and the ICRC.

Regarding the rule of law and human rights, we commend the cooperation between UNMIK and EULEX aimed at strengthening the justice institutions

of Kosovo in order to ensure that the civilian population, including the minority communities, have full access to justice and that the victims receive appropriate attention. We also recognize the importance of promoting the rule of law to combat impunity, ensure accountability, encourage the reconciliation process between the communities, and make amends for the human rights violations committed in the past.

My delegation recognizes the essential role played by UNMIK, alongside EULEX and the local authorities, in protecting the cultural and religious heritage of Kosovo. We also commend UNMIK's efforts to promote the reconstruction of Serb cultural and religious heritage sites, including the supplementary memorandum signed by UNESCO. These measures are positive steps towards restoring confidence between the communities.

In conclusion, I refer to the recent advisory opinion issued by the International Court of Justice regarding the accordance with international law of the unilateral declaration of independence in respect of Kosovo. Like other delegations, we have learned with interest of the results of the Court's work. Mexico is now analysing the implications of the advisory opinion with the attention that such an important issue deserves. Nevertheless, we believe it important to point out that the advisory opinion limits itself strictly to the formal aspects of the declaration of independence as an act of promulgation, without taking up underlying issues.

As we have noted today and reiterated on previous occasions, resolution 1244 (1999) is the international legal framework for resolving the situation in Kosovo. We believe it critically important for the parties involved to opt for peaceful means and dialogue to reach a political settlement on Kosovo's definitive status and achieve a mutually acceptable solution that promotes respect for the rights of all communities and the maintenance of peace and security in the Balkans.

**The President** (*spoke in Russian*): I shall now make a statement in my capacity as the representative of the Russian Federation.

I thank Mr. Zannier, Special Representative of the Secretary-General for Kosovo, for introducing the report of the Secretary-General (S/2010/401) on the United Nations Interim Administration Mission in

Kosovo (UNMIK), and for his efforts to implement UNMIK's very important mandate in accordance with resolution 1244 (1999).

We welcome the participation in today's meeting of the Security Council by Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia. We share his assessments.

We have listened to Mr. Hyseni's statement.

At the outset, I should like to reaffirm the Russian Federation's unchanged position with regard to our non-recognition of the unilateral declaration of independence of Kosovo. The Russian Federation continues to champion the territorial integrity and sovereignty of the Republic of Serbia.

We are also convinced of the need for strict compliance with resolution 1244 (1999), which remains fully applicable and binding upon all as the international legal basis for a Kosovo settlement and maintaining the security of the province. In that context, we fully support UNMIK's activities. As in the past, UNMIK continues to be the leading international civilian presence in the province. No one has the power to impede the powers entrusted to it, including with respect to upholding the rights and security of national minorities and fulfilling the international community's mandate of democratic standards in the province. The same applies to UNMIK's external representation functions in Pristina and regional international mechanisms. We note UNMIK's irreplaceable role in promoting inter-communal dialogue, first and foremost in the North of the province.

As far as the security situation in Kosovo is concerned, we continue to have serious concerns. The tragic events in northern Mitrovica in early July serve as direct confirmation of that. All of this speaks to the need to preserve the lead role of the Security Council in a Kosovo settlement; the Council should remain the guarantor of respect for international law, the Charter of the United Nations and its own decisions.

The situation of internally displaced persons and returnees in Kosovo remains unsatisfactory. We share the conclusions of the report of the Secretary-General with regard to the fact that the total number of returnees remains disappointingly low. There are many reasons for that, including the heightened level of inter-communal intolerance.

Also alarming is the situation with regard to preserving Serbian and Orthodox cultural heritage. Frequent instances of desecration and defilement of Serbian holy sites continue, while restoration efforts face a shortage of financial resources. Given this situation, the Government of the Russian Federation has decided to make a \$2-million contribution during the 2010 to 2011 period to the United Nations Educational, Scientific and Cultural Organization's voluntary trust fund in order to finance restoration efforts.

On 22 July, pursuant to a request by the General Assembly, the International Court of Justice issued an advisory opinion on the legality of Kosovo's unilateral declaration of independence. In that regard, it is crucial to note the following points.

The Court issued an opinion only with regard to the declaration of Kosovo's independence, specifically noting that it did not consider the broader issue of Kosovo's right to unilaterally secede from Serbia. In its conclusions, the Court also did not address the consequences of the adoption of that document, including the issues of whether or not Kosovo is a State and whether its recognition by a number of countries is lawful. With that in mind, we believe it important for interested parties to begin a dialogue to develop a lawful, fair and effective settlement for Kosovo.

In conclusion, I must note that we fail to understand a number of statements made today by colleagues in the Security Council. In response to Serbia's request for dialogue, we heard something that came close to being a threat of confrontation by countries that recognize Kosovo. We do not know whether one delegation was entrusted with speaking on behalf of all those countries. We hope that the majority of them will limit themselves to restrained approaches and not impede Pristina from adopting the sole correct solution — dialogue with Belgrade. Otherwise, Kosovars will not be able to untangle a very complex web of problems.

I now resume my functions as President of the Council.

Mr. Jeremić has asked to make a further statement, and I give him the floor.

**Mr. Jeremić (Serbia):** I would just like very briefly to make a clarification about the Court's ruling.

A few members of the Council have said today that the advisory opinion of the Court stated that the unilateral declaration of independence was in accordance with international law. That was not actually the case. If one reads the Court's findings, they very clearly say that the declaration of independence did not violate international law. In legal terms, that is very different from being in accordance.

But with regard to remarks by some Member States that Kosovo is a unique, *sui generis* case, I would like to draw the attention of the Council to the fact that the Court elaborated in its conclusions on the position that Kosovo is a *sui generis* case, which was put forth by some States in the oral proceedings before the Court. In its conclusions, the Court did not find any support for that. Kosovo is therefore not a unique case.

Of course, Serbia deeply respects the International Court of Justice and embraces everything that it says. The Court said that the text of the declaration of independence itself did not violate international law — which Serbia accepts — and so, according to the Kosovo template, neither would anybody else's declaration of independence that may be made in the future. The question is whether that gets one recognition and statehood. That is a question that I think needs to be addressed by Member States.

I would like to remind the Council that never in the history of the United Nations has a territory achieved statehood by seceding from a parent State that did not give its consent at the end of the process. It is up to us to decide whether the time has come for that to happen for the first time in history. Serbia believes that is not the case.

I want to underline once again that we are totally committed to peace, dialogue and resolving all outstanding issues — from small ones to big ones — through peaceful dialogue. We believe in the European future of the entire Western Balkans. We welcome the appeal by European Union member States to the parties to look to the future. Serbia is ready to look to the future. Serbia wants to work with the international community so that this issue is resolved through peaceful dialogue. I just wanted to point out certain facts with regard to the International Court of Justice opinion.

**The President** (*spoke in Russian*): Mr. Hyseni has asked for the floor to make a further statement. I now give him the floor.

**Mr. Hyseni:** I should like to make a few points on the advisory opinion of the International Court of Justice and in reaction to some of the stipulations that we have heard today. The question put to the Court was drafted by the Republic of Serbia, the sole sponsor of General Assembly resolution 63/3. And the Court was very clear in its deliberations and its response.

We have heard much repetition here today of the mantra that the independence of Kosovo is “a universally applicable precedent that provides a ready-made model for unilateral secession”. Nothing could be farther from the truth; any reader of the Court's opinion can see that. The opinion is very clear and speaks for itself.

Kosovo, the Court has said, is a unique and special case. I should like very briefly to say why it is a unique case. Kosovo is a former constituent unit of a federation that, unfortunately, no longer exists. It disintegrated and has ceased to exist, and that was not because of Kosovo; it was because of the efforts of the Republic of Serbia to bring all constituent units of the former Yugoslavia under its rule and domination. That federation fell apart in a non-consensual manner. If it were up to Kosovo, that federation would still exist.

Secondly, the Court found very clearly that Kosovo's declaration of independence was effectively in full compliance with international law. Furthermore, the Court found that Kosovo's declaration of independence was in full compliance with resolution 1244 (1999). Furthermore, the Court found that the declaration of Kosovo's independence was in compliance with the interim constitutional framework of Kosovo adopted by the Special Representative of the Secretary-General.

I should like to make a small correct interpretation. The correct interpretation of the Court's opinion is the following. In part, the declaration of Kosovo's independence was effectively the accomplishment — that is, the implementation — of resolution 1244 (1999). This is the correct interpretation of the Court's opinion. I am afraid, and I do agree, that misinterpretations of the Court's opinion are very dangerous for future relations between our countries. That is why I appeal once again to the Republic of Serbia to cease throwing up diplomatic roadblocks on the path to reconciliation and a European future and to working together with Kosovo for a common European future.

With regard to the much talked-of draft resolution presented by the Republic of Serbia, yet again in full contradiction of the Court's findings, I must say that the language used in that draft resolution is, in the best case, I am afraid, disastrous. That is why it is high time for Serbia to live up to its responsibilities, to respect the Court, to respect an opinion that Serbia itself requested, and to work with us for a better future for all.

**The President** (*spoke in Russian*): I believe that it is wrong to offer a selective reading of history, just as it is wrong to quote selectively from the opinion of the International Court of Justice.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 5.25 p.m.*