

**Address by Prime Minister of Serbia Vojislav Koštunica to
the UN Security Council**

New York, 19 December 2007

Mr. President,
Honorable representatives of the Security Council member states,
Your Excellencies,
Ladies and gentlemen,

It is my privilege to pay, on behalf of Serbia, our high respects to the Security Council of the United Nations. I am particularly grateful for the opportunity to address you on the issue of the report of the negotiating Troika which, on the basis of Security Council Resolution 1244 had been mandated by the UN Secretary General to conduct negotiations on the future status of the Serbian Province of Kosovo.

Mr. President, UN Security Council on today's agenda has in fact my country's fate. This is the first time since the UN's inception that this body is debating whether the internationally recognized borders of the UN member states are truly guaranteed and whether the principle of respect for sovereignty and territorial integrity continues to have universal validity. My country's future directly depends on how you will reply to these questions. But if we bear in mind that the fundamental principles underpinning the international order are effectively being re-examined here today, then the Security Council's decision will inevitably be of far reaching importance for the entire world as well.

Hence the issue that you are facing today is indeed the question of all questions: will for the first time in the UN's history a decision be taken - contrary to the will of a democratic state and, what is more, of a UN founding member – to redraw its internationally recognized borders, to abolish its sovereignty and to amputate 15 percent of its territory?

Is it at all possible to take such a decision without irreparably violating the UN Charter? The UN Charter, Mr President, stands at this moment as the only bulwark against my country's violent dismemberment. In order for the policy of might to be able to break to pieces a UN member state, it must first break to pieces the UN Charter. This in turn will inevitably have as its consequence the erosion of the World Organization's authority, making its existence devoid of substance as the UN would no longer be able to protect either itself or its members. History is in this case, after all, particularly enlightening and bears witness to what happened to the world once the League of Nations was rendered meaningless and broken to pieces. Precisely this should be borne in mind when accepting the untenable claim that the case of Kosovo is a case *sui generis*: whoever says this is, in fact, saying that the UN Charter may be violated only once and only in the case of one country – Serbia. Can anyone believe after all that the UN Charter, precisely because it has been violated once, would subsequently be respected and formally adhered to more than before? The simple truth is that this dangerous precedent would irrevocably challenge the UN's credibility and put in permanent jeopardy peace and stability all over the world. That is why, in a sense, the way the issue of Kosovo is resolved might prove fateful for the World Organization just as much as for Serbia itself.

Honorable representatives of the Security Council member states,

Based on its centuries-old state experience, Serbia believes that the Security Council, as the most authoritative guarantor of international law, peace and stability in the world, cannot retract its own words and take a decision to have an independent, free and democratic state simply dismembered. We place our full trust in the Security Council member states that are standing up for the principle of defending the fundamental tenets of the UN Charter and remain firm in the belief that the Security Council must stand behind its own Resolution 1244 which explicitly guarantees my country's sovereignty and territorial integrity.

Allow me to recall the provisions that this body has adopted unanimously by voting in favor of Resolution 1244, and I quote: "*[The SC] reaffirms the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (Serbia today) and the other States of the region, as set out in the Helsinki Final Act and annex 2.*" Further down: "*[The SC] reaffirms the call in previous resolutions for substantial autonomy and meaningful self administration for Kosovo.*" Further down: "*[The SC] shall establish an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within Serbia, to be decided by the Security Council of the United Nations.* End of quote.

Mr. President, ladies and gentlemen, I believe that, respecting the UN Charter and its own Resolution 1244, the Security Council cannot in effect pass the decision to take away from Serbia 15 percent of its territory. This

because such a decision would practically mean that, at the cost of violating the entire body of international law and order, the Albanian national minority in the Serbian province of Kosovo is permitted to form another Albanian state in the Balkans, in addition to the one already existing. Proceeding from this belief, I must point out that we are all together facing yet another issue posing an open and direct challenge to the authority of the Security Council and that of the UN. I have in mind the announced illegal act of unilateral declaration of independence of the province of Kosovo.

It is well known that unilateral declaration of the Province's independence, as well as recognition of such independence, have been announced a number of times in recent months. Since you, as the Security Council, guarantee with your Resolution the sovereignty and territorial integrity to my country, who could arrogate for himself the right to violate the valid Resolution 1244 and who could dare embark upon the adventure of recognizing such unilateral independence holding that the SC resolution was not binding upon him? Who has the right to position himself over and above the Resolution 1244 and to openly violate it by recognizing unilateral independence? Does any state really think that it has that right and that it can, with the support of its allies, act contrary to the decisions and resolutions of the Security Council?

Serbia holds that whoever is able to say that he is above the Security Council and above international law, and that he is not obliged to abide by SC Resolution 1244, could as well openly declare right away that a new era has commenced in the history of international relations, an era in which might is above right and over and above the law.

As on all past occasions, Serbia at the Security Council today is once again advocating the view that the Kosovo issue is, in its essence, an issue of respect for the law. We all see that international law and Resolution 1244 have been most directly jeopardized by an open threat that there will be unilateral declaration of independence for the Province. It is particularly dangerous that the supporters of unilateral independence keep referring to Ahtisaari's rejected plan. Here, at the Security Council, that very same Ahtissari proposal had been put on the table and the Security Council did not accept it. The question that follows is: is it possible that a document already rejected by the Security Council can serve as a basis for violation of its valid resolution and even the UN Charter itself?

Another question imposes itself in the same context: how could the EU send its Mission to implement Ahtissari's scrapped plan when that would be an illegal decision, evidently contrary to Resolution 1244? Clearly, only once the Security Council approves the comprehensive solution reached by both sides through negotiations, and not before, could one raise the issue of the character of international mission empowered to put such solution into practice. In any other case, the Security Council and the entire world would witness a blatant violation of the fundamental norms of international law. This is precisely why it is the shared duty of Serbia and the Security Council to identify the right way of preventing unilateral independence of Kosovo, at the same time avoiding the announced violations of Resolution 1244 and the UN Charter.

This right way has already been identified by the Security Council in Resolution 1244 itself, when it opted for a political solution to the Kosovo

crisis, based on the principles laid down in that very document. It is more than clear that unilateral independence constitutes a total opposite of the political solution which would be in keeping with international law. The way toward a political solution ordered by the Security Council leads only through persistent and patient negotiations between the two sides until a compromise is reached meeting the crucial interests both of the state of Serbia and the Albanian national minority in the province of Kosovo. Consequently, it is impossible to avoid the conclusion that anyone who advocates respect for the law and peace in the region cannot at the same time advocate unilateral independence.

This is why, Mr. President, Serbia's proposal is that at this critical point the Security Council should call for the resumption of negotiations and demand that both sides commit themselves to identifying a political and compromised solution. The negotiations held to date have been overshadowed by the explicit promise to the Kosovo Albanians that they will get an independent Kosovo. This and nothing else, Mr. President, is the real reason for the failure of the negotiations so far. I am convinced that the outcome would have been different had it not been for such a promise. I am equally certain that if such promises are not made in the future, the new negotiations will bear fruit and lead in a fairly short while to a compromise.

This appears even more likely in the light of the fact that the Troika has indeed succeeded in significantly intensifying the direct negotiations, which enabled Serbia to come forward with the new ideas which could, in the course of continued negotiating process, bring us to a mutually acceptable solution. The decision on resumption of negotiations that we

are advocating would render impossible unilateral independence as the most drastic form of trampling upon a Security Council resolution and would at the same time pave the way to achieving a solution which would be in accordance with the UN Charter.

Let us ask ourselves what could be the reason for the negotiations not continuing. If the reason is that no agreement has been reached over the past two years of negotiations, would that mean that all the disputes the world over that are more than two years old should be immediately brought to an end by means of unilateral acts? The second argument against resumption of negotiations, which is much more threatening to peace and stability worldwide, is that compromise is not possible. In our view, the claim that a compromise is impossible to reach on an issue that the SC has taken over to resolve under its resolution deserves in itself the strongest condemnation.

What could be the meaning of the statement that the Security Council, under whose authority the Kosovo issue is to be resolved, is unable to find a compromised solution? Would that mean that the principles set by the Security Council in Resolution 1244 for resolving the status of the province of Kosovo no longer have the universal significance and, due to that, may not serve as the framework for settling this issue? Even more: would it mean, in terms of the final outcome, that the Security Council, based on the principles on which it was founded, no longer has the capacity to settle problems that are under its responsibility?

Ladies and gentlemen, I trust we are all fully aware of the consequences for peace and stability which would arise worldwide if the conclusion is

reached that the Security Council is unable to implement Resolution 1244 and to identify a compromised solution on the principles of the UN Charter. That would put into question not only the actual functioning of the Security Council, but also the future validity of the principles based on which United Nations, through its Security Council, make decisions and keep peace and stability worldwide.

We must find an answer to this question today. For, if no new negotiations are needed, and if a compromise is not possible, what should then be done? Where there is no compromise, unilateral solutions are resorted to, which is just another way of coming to terms with 'the policy of might'. My duty is to present to you my country's position which is that, as a free and sovereign state, Serbia cannot and will not accept any unilateral decision which ignores the Security Council and violates the valid Resolution 1244. Relying on the UN Charter and its own Constitution, Serbia will declare all unilateral acts of Albanian separatists null and void, and for Serbia the province of Kosovo will forever remain its integral and inalienable part.

In short, Mr. President, the assertion that a compromise is not possible implies the worst scenario, the one that simply must have unforeseeable consequences not only for Serbia and the region, but also for peace and stability in the world.

This is why, on behalf of Serbia, I call upon the Security Council to resolutely reject such a dangerous development of the situation and with its authority to strongly reaffirm its own Resolution 1244 calling for the resumption of negotiations without delay. Serbia firmly believes that the

Security Council is the last place in the world where one could expect to hear that compromise is not possible. So long as the principles of international law are valid and the UN Charter is in force, a compromise must be and is possible. If might is but once allowed to decide matters, rather than conflicts being resolved through negotiations and compromise, nobody should harbor the illusion that they could not find themselves under attack of such or similar might perhaps as early as tomorrow.

Your excellencies, ladies and gentlemen,

I hold that the Security Council realizes that Serbia unreservedly respects the international law, the UN Charter, Resolution 1244, the Helsinki Final Act and all other relevant international instruments in force, all of which attests to my country's full commitment to maintaining peace and stability and achieving a political and compromised solution to the future status of the province of Kosovo. I likewise believe that the Security Council recognizes the extremely constructive, flexible, active and creative involvement of Serbia so that the negotiating process would find a negotiated outcome. I am also convinced that you appreciate our proposal and our readiness to have the negotiations continue forthwith on the basis of Resolution 1244 until a mutually acceptable agreement is reached.

Once again, you can count on Serbia's full willingness to take part, constructively and responsibly, in the new negotiations so that a functional substantive autonomy could be secured in accordance with Resolution 1244, which would guarantee to the Kosovo Albanians in every respect the most favored national minority status existing in the world today. Substantive autonomy has, in various models applied worldwide, proved

to be a functional, sustainable and effective arrangement. What is most important is that substantive autonomy is an arrangement that is in tune with international law, which is precisely why it is today a universal pathway for reaching a compromise in all the disputes similar to the Kosovo dispute. If Italy had managed to resolve the issue of Southern Tyrolia this way, Denmark - the issue of Greenland, China – the issues of Hong Kong and Macao, Finland - the issue of Aaland Islands, there is no rational reason why Serbia could not resolve the issue of Kosovo in the same or similar manner.

Based on everything that has been said so far, I hold that Serbia has full justification and sufficient arguments on its side to strongly insist on resumption of negotiations. We believe that the Security Council must not allow Resolution 1244 to be undermined. On the contrary, for the sake of peace and maintenance of stability, it is necessary to reaffirm the full value of this Resolution and to open new negotiations which will secure that a compromised solution is found.

Mr. President,

Serbia has already made its choice and brought its decision. We shall never and at no price give up the rights laid down by the UN Charter, the rights that guarantee to us the inviolability of Serbia's internationally recognized borders. Serbia sincerely wishes and is ready to resume forthwith the negotiations on living together with the Kosovo Albanians within Serbia. If we were able to live together for close to 10 centuries, it is impossible to understand how today - when the entire world is advocating multi-ethnicity - some people can categorically claim the

opposite? On behalf of Serbia, I claim that it is possible for us to live together. The Constitution of Serbia sets forth and guarantees substantive autonomy to the Kosovo Albanians, which makes it possible for them to freely decide on their lives, overall progress and their future.

Once again, I appeal to the Security Council to respect and support Serbia's stance and decide on resumption of the negotiations within the framework of the Resolution 1244. We are not setting any conditions and are willing to start the negotiations on the future status of Kosovo right away and in the Province itself. Serbia will hence do everything within its power to take part, as a partner to the Security Council, in the quest for a negotiated solution. And if, instead of resumption of negotiations, unilateral acts take place directly violating the Resolution 1244, rest assured that Serbia will - not only for a year, not only for 10 years but forever - go on consistently respecting international law and that it will consider Kosovo to be an integral and inalienable part of its territory. I am also confident that not a small number of the UN member states committed to the Charter will stand alongside Serbia and will continue to recognize it within its present-day internationally recognized borders, thus respecting the rights and the honor of millions of Serbs and rejecting unilateral independence as an illegally created puppet entity.

Thank you for your attention.