



**Republic of Serbia**

**MINISTRY  
FOR KOSOVO AND METOHİJA**  
Belgrade  
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**Comments on the Report of the UN Secretary-General on the United  
Nations Interim Administration in Kosovo  
(1 September - 30 November 2007)**

1. **UN Secretary-General** submits his regular Report on the United Nations Interim Administration in Kosovo (UNMIK) in order to inform the UN Security Council on the results of the implementation of the mandate which this Mission was entrusted with pursuant to Resolution 1244. Since it was announced that there will be a “unilateral” or “coordinated” declaration of independence, which the Provisional Institutions of Self-government in Kosovo and Metohija intend to implement with the pledged support of some international factors, this Report might also be the last UNMIK administration’s report, and it asks for an analysis of its work and results.

2. **Negotiations** between Belgrade and Pristina on the future status of Kosovo and Metohija, under the auspices of the Troika, lasted only hundred twenty (120) days with only four sessions of direct talks between the **Serbian and Albanian side during only thirteen (13) hours - insufficient for any serious talks.**

The Serbian side proposed a model of functional substantial autonomy which complies with: 1) the request of Pristina that “Belgrade does not rule over Kosovo”; 2) the principles of the Contact Group on the future status of Kosovo and Metohija; 3) provisions of the international law – the UN Charter, the Helsinki Final Act, etc.; 4) the Constitution of the Republic of Serbia; and, 5) the UNMIK-FRY/Republic of Serbia Common Document, signed November 5, 2001, which in Article 5 “Reaffirms that the position on Kosovo’s future status remains as stated in UNSCR 1244, and that this cannot be changed by any action taken by the Provisional Institutions of Self-government”.

The Albanian side did not take into consideration the proposal of the Republic of Serbia relying on relevant promises given by the highest representatives of the U.S.A. and the EU as they supported “supervised independence”, namely the “Ahtisaari Plan”. The Troika did not reject the plan on secession offered by the Albanian side in form of an inter-state treaty on cooperation between Belgrade and Pristina, although it was obviously contrary to the UN Charter and the Resolution 1244.

Serbia's proposal for substantial autonomy is not only the solution for Kosovo's status, it is also a hand of reconciliation offered to the Albanian national minority in Kosovo and Metohija. The Republic of Serbia cannot accept any request for secession since the twenty seven national minorities make part of its citizens. Democratic Serbia should be a safe roof for all its citizens, since she is a recognized, respectable and reliable partner in international relations, evaluated by the EU as perfectly capable for higher forms of mutual partnership and integration.

3. **We point out** that the elections were held in Kosovo and Metohija while the negotiations on the future status were going on, and that they had negative effects upon the course and the result of negotiations, since the focus of the campaign was independence.

4. **We point out** that the elections were held on 17 November 2007, in Kosovo and Metohija, in spite of the fact that the necessary preconditions were not fulfilled:

- 1) **Members of the Serb and other ethnically discriminated communities in Kosovo and Metohija still do not enjoy basic human rights** – right to life, freedom of movement, property right and freedom of speech, and they are living in an atmosphere of constant endangerment and low intensity terror;
- 2) **The process of return of internally displaced persons (207.000) has hardly even begun** – 6,09% returned (UNHCR data), namely 1,45% (data of the Ministry for Kosovo and Metohija of the Government of the Republic of Serbia);
- 3) **Consequences of mass violence** in March 2004 against Serbs and other ethnically discriminated communities and against centuries-old holy sites which are precious for the entire Serb population **have not yet been removed;**
- 4) **The standards** established by UNMIK **have not yet been fulfilled** (stated also in reports of the Commission of the EU);
- 5) **UNMIK transferred the competences to PISG pursuant to the “Ahtisaari Plan”** as if this plan had been considered and adopted by the UN SC and as if the negotiations on the status of Kosovo and Metohija were not carrying on;
- 6) **Leaders of PISG**, advocates of the province's secession, **constantly repeated that on December 10<sup>th</sup> they would declare independence of Kosovo and Metohija, at the same time not being warned by UNMIK about consequences of these statements;**
- 7) **U.S.A. leaders**, including President George W. Bush, were frequently expressing their support for **independence as the only solution, although the negotiations on the status of Kosovo and Metohija were carrying on; the leading EU politicians** were doing the same by **supporting** the “Ahtisaari Plan” which envisages **“supervised independence”**, although it was not adopted in the UN SC; moreover the EU representative was moderating the ongoing negotiations on the status of Kosovo and Metohija;
- 8) **EU intensified preparations for its civil mission** in Kosovo and Metohija pursuant to the “Ahtisaari Plan”, as if the negotiations on the status of Kosovo and Metohija were brought to an end and as if this plan had already been adopted in the UN SC; they have even announced vacancies for local staff for the possible EU Mission in Kosovo and Metohija, despite negotiations on the status of Kosovo and Metohija which were carried out with the EU representative as moderator;
- 9) In these elections, **UNMIK allowed the candidatures of persons indicted** for crimes against the Serbs and other ethnically discriminated communities in

Kosovo and Metohija by **The Hague Tribunal for the former Yugoslavia**, as well as of **individuals who usurped the property** of Serbs and other ethnically discriminated communities. UNMIK did not react to related evidence submitted by the Government of Serbia.

For these reasons the **authorities of the Republic of Serbia** could not encourage the Serbian population in province to participate in these elections.

**It is a question for the UN SC to weigh whether UNMIK's decision to allow these elections contributed to the stability, security and reconciliation in Kosovo and Metohija.**

5. **We point out** that the UN SC was stressing in its regular reports on the situation in Kosovo that the transfer of competencies from UNMIK to PISG is carried out **pursuant to Resolution 1244, which assessment Serbia cannot support.**

**In fact**, the transfer of competencies from UNMIK to PIGS is implemented pursuant to the "Ahtisaari Plan", which was neither considered, nor adopted by the UN SC. This transfer is also carried out without any consultation with the authorities in Belgrade although this was an obligation pursuant to the UNMIK - FRY/Serbia Common Document signed in November 2001. Besides, legislative activity of the PISG is based on the "Ahtisaari Plan", whilst UNMIK, which has the mandate to implement the Resolution 1244, supports this process which represents a direct violation of this Resolution.

**We point out** that although pursuant to Resolution 1244 UNMIK has separate competences regarding return, it was announced on the UNMIK web-site (December 12, 2007) that the competences related to return were transferred to the Provisional Institutions of Self-government. This fact is **not presented in this Report. UNMIK has thus violated the provisions of UN SC Resolution 1244, and disposed of the responsibility for the respect of human rights in Kosovo and Metohija at a moment which is a political and security turning-point for the province, Serbia and for the whole region.**

**We point out** that there are 207.000 internally displaced persons in Serbia and that after eight years they have no prospects of returning to their homes in Kosovo and Metohija. We remind that in 1999, also under the UNMIK administration, some 600.000 ethnic Albanians were able to return to Kosovo and Metohija in only a few weeks.

6. **We point out** that the Report says that in the period under observation no incidents occurred and the security situation improved.

**We remind** that after UNMIK and KFOR came to Kosovo and Metohija in June 1999 until January 2007 there were **7,108 ethnically motivated assaults**, 581 Serbs and 104 other members of ethnically discriminated communities were **killed**, 861 Serb and 230 members of other nationalities were abducted and 960 persons were severely wounded; 17,736 houses were destroyed, 18.557 houses were looted, 27.000 apartments and houses were usurped. There were, also, vandalized 119 Orthodox churches and monasteries and 122 Serbian cemeteries and 24 cultural monuments. In March 2004, in only two days of organized violence, 3,870 persons were expelled,

eight Serbs were killed and 143 wounded, six towns and nine villages were ethnically cleansed, 935 houses and public objects were demolished, three cemeteries were destroyed and 35 churches and monasteries were burnt down (out of which 18 were registered as monuments of particular cultural value; including one that is on the UNESCO's list of world cultural heritage). The Report indicates that **only 30 persons were sentenced** for all these crimes committed under UNMIK administration.

7. **We point out** that the UN representatives, leaders of UNMIK, in their reports on Kosovo and Metohija speak of Serbs in the province as of a "national minority". We want to draw attention to the fact that Serbs are the majority people in the State of Serbia, and that using this terminology – apart from being inaccurate is also in favor of Kosovo and Metohija's independence.

8. **We point out** that the fundamental UN rules are violated in Kosovo and Metohija under the auspices of the **UN Interim Administration in Kosovo**.

9. **We point out** that the following facts deny the proclaimed multiethnic character of the province:

- 250.000 exiled persons, out of which 207.000 are internally displaced persons in Serbia, waiting to return to their homes,

- violation of human rights and restricted freedom of movement for members of ethnically discriminated communities,

- low intensity terror directed at members of ethnically discriminated communities, their property and cultural and religious heritage.