



KOSOVO

COMPROMISE 2007

Your daily-updated analyses, charts and solution plug-ins for the Kosovo crisis.

April 17, 2008

Dear Special Representative,

By Slobodan Samardzic

Your letter, dated 10 April 2008, unfortunately did not contribute to solving the issue of our common interest – organising and conducting local elections in Kosovo and Metohia. I hope, however, that a chance for us to complete this task in co-operation and mutual understanding—for the benefit of Kosovo Serbs and other communities who do not recognise illegal and unilateral declaration of independence—still exists.

We obviously agree that Kosovo Serbs should get their democratically elected local authorities. We also agree that the elections can be called for only by UNMIK, in accordance to the UNSC Resolution 1244 (1999), which I confirmed in my letter of 4 April.

In your response three issues were especially emphasised: first, your exclusive executive mandate to hold elections in Kosovo; second, your proposal to hold elections in only five Serbian-majority municipalities; and third, that this happens after 11 May 2008.

(1) On 29 August 2007 you changed the electoral regulation by referring to the ‘Ahtisaari Plan’ in all three of your Regulations (2007/25, 2007/26 and 2007/27) – regardless of the fact that such plan has never been adopted by the UN and that it does not represent a valid international document. By making the Regulations on the basis of this document, which stipulates the independence of Kosovo, you have already committed the breach of Resolution 1244. (All three Regulations contain the same text that refers to this unofficial document: “Taking into account the provisions regarding elections set out in the Comprehensive Proposal for the Kosovo Status Settlement.”) By these Regulations—entirely in accordance with the illegal ‘Ahtisaari Plan’—you have transferred the competences for conduct of elections to PISG. As you know, this has not been accepted by Kosovo Serbs who boycotted both the parliamentary and municipal elections of 11 November 2007.

In this regard, a possible participation of UNMIK in conducting the local elections for Kosovo Serbs would require an adequate change of electoral regulation – so that UNMIK regains exclusive competence for organising and conducting of elections, which would simultaneously mean re-harmonisation of the electoral regulation with Resolution 1244. Apart from that, after the illegal PISG declaration of 17 February, it is extremely difficult to imagine that Kosovo Serbs would accept to participate in elections organised and conducted by the same institutions.

(2) It was not clear from your letter why would local elections be conducted in only five Serbian-majority municipalities. It is clear that all Serbs in the Province have the



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right to local self-government and therefore they need to take part in elections in all municipalities. Besides, the most of IDPs in Serbia do not originate from the five said municipalities of the Province. Not to provide them with the possibility to vote for the local authorities of municipalities from which they have been expelled, would represent a permanent denial of their return. This certainly is not your intention.

(3) Your position that you could organise the elections (in five said municipalities) only after 11 May 2008 stems from the difficulties I elaborated in points (1) and (2). Therefore in this moment only Serbia and Serbian local authorities in the Province can successfully organise and conduct the elections on 11 May. In this purpose, Serbia promulgated the whole set of required regulation and in accordance with it prepares the electoral process. You as the SRSG would only need to call for the elections. In this way, Serbia respects the mandate of UNMIK and of you personally.

Dear Special Representative,

The worst breach of Resolution 1244 happened on 17 February this year. In an environment in which the political leadership of Kosovo Albanians entirely violates this binding UN document, and you fail to find neither the strength nor the means to stop this violation, it is only through co-operation with Serbia that you can preserve the dignity of UNMIK, and thus uphold the peace and hope for Serbs in the Province. In this context, the upcoming elections can play a key positive role, just as their postponing or cancellation may have grave negative consequences. Therefore, these elections have a great significance for the Province's Serbs and are the issue of utmost political importance.

Let me remind you that—in regard of illegal proclamation of independence and subsequent events—you took, as you phrased it on several occasions, “a neutral political position”. It would have been of great usefulness if you would have also chosen to take such a stance of political neutrality regarding the elections for the Serbian local authorities in the Province. This would need to be the case, especially because of your almost unsolvable legal and political difficulties to organise these elections.

In expectance of your positive response to my request from the letter of 4 April 2008,

Yours sincerely,

Slobodan Samardžić
Minister