



SERBIA

GENERAL ASSEMBLY
SIXTY-THIRD SESSION

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STATEMENT

by

H.E. MR. BORIS TADIĆ
PRESIDENT OF THE REPUBLIC OF SERBIA

New York, 23 September 2008

Mr. President,
Excellencies,
Ladies and Gentlemen,

In 1945, on the heels of the most destructive conflict the world had ever seen, facing an uncertain future characterized by the threat of nuclear annihilation, the United Nations was established by men and women of strategic vision. At San Francisco my country proudly sat amongst the Founders.

Our courageous political ancestors created this Organization in the belief that international law, based on the doctrine of sovereign equality of states, must supplant the use of force to settle differences between nations.

This core, abiding conviction of the Founders must be repeatedly reconfirmed. Their sense of purpose must be reaffirmed. And the exercise of the obligation they handed down to us must continue to be carried out, with a solemn sense of responsibility by all.

However much the world has changed since 1945, the United Nations remains the *only* universal, intergovernmental institution that unites us as a global community of sovereign states.

And at the very heart of this indispensable Organization stands the General Assembly—the ultimate bestower of legitimacy on the international system. The unique world forum that is the GA brings us together as sovereign equals—each acting on behalf of a country, with one vote, as guaranteed by the UN Charter.

The sacrosanct character of the foundational doctrine of sovereign equality, and its accompanying binding obligation to respect each other's sovereignty and territorial integrity, constitutes the very nature of the enduring legitimacy of the United Nations.

This has not changed, and I believe it must not change—unless we seek to overthrow the Charter and overturn the global legal order upon which it is built.

Ladies and Gentlemen,

I come before you as the president of a country that has become caught at the heart of one of the most dangerous challenges to the nature of the international system since the founding of the United Nations.

I speak of the unilateral, illegal and illegitimate declaration of independence by the ethnic Albanian authorities of our southern province of Kosovo and Metohija—a territory that, for the Serbian people, stands at the crucible of our identity. It is the essential link between our proud national past and our proud European future. It is what ties the living tradition of Serbia to itself today.

The attempt at secession took place on February 17th 2008, in direct violation of the United Nations Charter, the Helsinki Final Act, and Security Council resolution 1244 (1999).

Kosovo's ethnic Albanian leaders chose to take this unilateral step after walking away from the negotiating table.

They believed that if they walked away, the path to securing independence would open up before them. They believed it, because that's what they were told. And they believed it because an artificial deadline on the talks was affirmed from the outside after which, if no compromise solution was reached, Kosovo's independence would be imposed.

Under such circumstances, a negotiated solution was never a realistic option. With a fixed deadline and a default position that fulfilled their maximalist demands, what incentive did Kosovo's ethnic Albanians have to negotiate with Serbia in good faith? All they had to do was to pretend to engage in a process pre-determined to fail, and wait out the clock.

The incentives for compromise were far outweighed by the incentives for maximalism. The result was the rejection of Serbia's reasonable offer of almost unrestricted self-government—the broadest possible autonomy one can imagine.

Ladies and Gentlemen,

Kosovo's unilateral declaration of independence—or UDI—amounts to an attempt at partitioning a member State of the United Nations against its will, and with disregard for the firm opposition of the Security Council, in order to appease a volatile and threatening ethnic minority.

As a result, the very nature of the international system has been called into question.

We all know that there are dozens of Kosovo-s throughout the world, just waiting for secession to be legitimized, to be rendered an acceptable norm. Many existing conflicts could escalate, frozen conflicts could reignite, and new ones could be instigated.

Ladies and Gentlemen,

We have heard the argument that Kosovo is *sui generis*—that it is a unique case.

But the truth is, this comes down to saying that Kosovo is an exception to international law—that Kosovo should stand beyond the rules that govern the behavior of the international community.

The Republic of Serbia rejects this claim, believing that no one should permit himself the right to declare such exceptions, especially in defiance of the Security Council's position.

We face a defining moment. We must stand together, in steadfastness and determination, against a fundamental violation of international law.

Ladies and Gentlemen,

Serbia responded to Kosovo's UDI with utmost responsibility and restraint. Despite political turmoil, our country continued to work hard to contribute to maintaining regional stability.

From the very onset of this grave crisis, Serbia has ruled out the use of force. And we have not exercised other unilateral options, such as the imposition of economic sanctions, against our breakaway province.

Instead, we have opted for a peaceful and diplomatic approach—the result of which is that a vast majority of UN member States have refrained from recognizing Kosovo's UDI. They have continued to abide by their UN Charter obligations to respect the sovereignty and territorial integrity of my country.

On behalf of the Republic of Serbia, allow me once again to sincerely thank these countries for their adherence to the principles of international law.

Ladies and Gentlemen,

Serbia proposes a non-confrontational way to respond to the threat posed to its territorial integrity. We have chosen to use the law.

While rejecting violence and unilateralism categorically, we are equally emphatic in demanding that justice be delivered through the proper legal means at the disposal of any member State of the United Nations.

To that end, the Republic of Serbia has submitted a resolution to be considered before this Session of the General Assembly.

Let me make it clear that the text of this resolution refrains from taking political positions on Kosovo's UDI. Instead, in simple and direct language, it asks of the principal judicial organ of the United Nations—the International Court of Justice—to render an advisory opinion on the following question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

We believe that sending the Kosovo question to the ICJ would prevent this crisis from serving as a deeply problematic precedent in any part of the globe where secessionist ambitions are harbored.

We also believe that an ICJ advisory opinion would provide politically neutral, yet judicially authoritative guidance, to many countries still deliberating on how to approach Kosovo's UDI in line with international law.

Ladies and Gentlemen,

Your vote in support of this resolution would serve to reaffirm another key international principle at stake: the right of any member State of the United Nations to pose a simple, elementary question—on a matter it considers vitally important—to the competent court.

To vote against is in effect to vote to deny the right of any country—now or in the future—to seek judicial recourse through the UN system.

To vote against means to accept that nothing could be done when secessionists in whichever part of the world proclaim the uniqueness of their cause, and claim exception to the universal scope of international law.

Such an attitude could lead to the end of the United Nations system as we know it.

Allow me therefore to formally ask for the support of each and every member State for Serbia's proposal before the General Assembly.

Ladies and Gentlemen,

While the ICJ deliberates on the legality of UDI, Serbia will remain a good-faith partner in the interim administration of our southern province.

The functionality of a reconfigured international civilian presence under the overall authority of the United Nations, as defined by resolution 1244, is of great importance to my country. It must remain status-neutral, and therefore cannot be based on the so-called Ahtisaari Proposal, which was rejected by Serbia and not approved by the Security Council.

It is well-known that the European Union has committed itself to building the much-needed institutional and societal fabric of our southern province. Let there be no doubt: my country supports the deepening of Europe's engagement in any part of Serbia, including Kosovo.

In order for Europe's presence in Kosovo to be fully anchored within an acceptable, legitimate framework, it is *vital* that its mandate be approved by the Security Council.

We will work with the member States and the Secretariat to ensure that we achieve consensus in the near future on the international civil presence in our southern province.

Ladies and Gentlemen,

In conclusion, I want to emphasize to you that the central strategic priority of the Republic of Serbia is rapid accession to the European Union.

Serbia will join the EU, not only for reasons of geography, heritage, and economic prosperity, but also because of the values we hold in common. They constitute the intangible greatness of 21st-century Europe, and they form the foundation of our democracy, our society, and our beliefs in what we can accomplish.

Our common values also point to the significance of reconciliation—an important reason why Serbia is fully cooperating with the International Criminal Tribunal for the former Yugoslavia.

We have demonstrated our unequivocal commitment time and again. We will continue to do so because it is our duty—our legal, political and moral duty—to the victims, to ourselves, and most of all, to the generations to come.

Europe has become *the* unifying force of the region: My country's absolute dedication to join the EU is shared by all the countries of the Western Balkans.

By choosing—as democracies—to belong to something that is greater than the sum of its parts, the Balkanization of the Balkans can be reversed.

Serbia's European vision is complemented by our strong desire to continue restoring and deepening the many close friendships that Yugoslavia made across the globe during the post-World War Two period. It will be one of our key priorities in the years to come.

As a country that is the largest successor to a co-founder of the Non-Aligned Movement, Serbia will work hard to contribute to a more equitable global community devoted to advance the democratization of international relations, economic and social development, and human rights.

I close by saying that my country remains ready to further promote a nobler form of intergovernmental cooperation—one that truly addresses challenges, alleviates divisions, and reduces tensions.

Such a vision can only be built on the firm foundation of the universal principles of sovereign equality, solidarity and international law within the framework of the United Nations.

Thank you very much.