

**Decision of 21 November 2007
(5782nd meeting): resolution 1785 (2007)**

At its 5782nd meeting, on 21 November 2007,⁵⁹ the Council included in its agenda a letter dated 5 November 2007 from the Secretary-General addressed to the President of the Council, transmitting the thirty-second report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.⁶⁰ In his report, the High Representative observed that there had been almost no progress in addressing the reform agenda and that Bosnia and Herzegovina had moved no closer to initialling a Stabilization and Association Agreement with the European Union. He also noted a deterioration of the political situation. The High Representative also drew the attention of the Council to a Declaration of the Steering Board of the Peace Implementation Council, in which the Steering Board noted that certain political leaders had challenged the legitimacy and authority of the High Representative and the Peace Implementation Council and reiterated that any Bosnia and Herzegovina political leader or institution to do so would be subject to appropriate measures. On the issue of legal challenges to the police certification process conducted by the International Police Task Force, he reported that a solution had been found when the President of the Security Council had sent a letter to the representative of Bosnia and Herzegovina on 30 April 2007, informing him that the Security Council had lifted a lifetime ban on employment in police agencies by persons who had been denied certification by the Task Force, following which Bosnia and Herzegovina had annulled its earlier decision to establish a review commission for those cases, which had been contrary to provisions of Council resolutions.

The Council invited the representative of Bosnia and Herzegovina to participate in the meeting. At the outset, the President (Indonesia) drew the attention of the Council to a letter dated 25 October 2007 from the

⁵⁹ At its 5780th meeting, held in private on 15 November 2007, the Security Council heard a briefing by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina and a statement by the Acting Chairman of the Council of Ministers of Bosnia and Herzegovina. Members of the Council, the High Representative, the Acting Chairman and the representatives of Portugal and Serbia had an exchange of views.

⁶⁰ S/2007/651.

Secretary-General, transmitting the eleventh report on the activities of the European Union military operation in Bosnia and Herzegovina.⁶¹ A draft resolution⁶² was then put to the vote and adopted unanimously and without debate as resolution 1785 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized the Member States acting through or in cooperation with the European Union to establish for a further period of 12 months a multinational stabilization force as a legal successor to SFOR under unified command and control, which would fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognized that EUFOR would have the main peace stabilization role under the military aspects of the Peace Agreement;

Authorized the Member States to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement; authorized Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of EUFOR or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognized the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

Authorized the Member States to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.

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

**Deliberations of 6 February 2004
(4910th meeting)**

At its 4910th meeting, on 6 February 2004, at which all members of the Security Council and the representatives of Albania, Ireland (on behalf of the European Union)⁶³ and Serbia and Montenegro made statements, the Council heard a briefing by the Special

⁶¹ S/2007/632.

⁶² S/2007/673.

⁶³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

Representative of the Secretary-General and Head of the United Nations Administrative Mission in Kosovo (UNMIK). At that meeting, the Council included in its agenda the report of the Secretary-General on UNMIK dated 26 January 2004.⁶⁴

In his report, the Secretary-General observed, *inter alia*, that the establishment of a mechanism, under the authority of the Council, to measure the progress made by the Provisional Institutions of Self-Government of Kosovo⁶⁵ in meeting the benchmarks in the “standards before status” policy⁶⁶ was a most welcome development, and noted his intention to provide the Council with assessments on the progress of the Provisional Institutions on a quarterly basis. Pending the progress made towards reaching the standards, a comprehensive review of progress should occur in mid-2005. Initiation of the political process to determine the future status of Kosovo would depend on the outcome of that review. The “standards for Kosovo” document and the development of the implementation workplan would provide a clear framework within which the Provisional Institutions needed to act in accordance with resolution 1244 (1999), the Constitutional Framework and the law applicable in Kosovo. The Secretary-General emphasized that the implementation of the standards did not prejudice the decision to be made by the Council on the initiation of the future status process, or on the future status of Kosovo.

Noting that multi-ethnicity, tolerance and equal rights for all communities must be upheld by all local leaders and institutions, the Secretary-General said that the United Nations stood firmly behind the principle of multi-ethnic representation and meaningful participation of all communities in the Provisional Institutions of

Kosovo. In that context, the importance of engagement of all communities in the Provisional Institutions was underlined, as lack of participation and disengagement from the political process only hampered real progress. The Secretary-General stated that acts of intimidation and violence, particularly against minorities, were detrimental to achieving progress in any area and had to stop. In addition, all of the leaders of Kosovo were urged to ensure that the rule of law was upheld. Although progress had been achieved in such areas as the preparation and adoption of legislation at both the central and local levels of self-government, in other areas, such as meaningful participation of all communities in the Provisional Institutions and the creation of an apolitical civil service, much had remained to be done. The Secretary-General expressed concern that the Kosovo Assembly had once again been refusing to take into account legitimate minority concerns in the legislative process and had overstepped its competencies, which posed a direct challenge to resolution 1244 (1999), the Constitutional Framework and the law applicable in Kosovo.

The Secretary-General expressed appreciation that the transfer of non-reserved responsibilities listed in chapter V of the Constitutional Framework had been largely completed and had to be fully and fairly implemented by the Provisional Institutions, which would be held accountable and assessed accordingly for the review process. The transfer of competencies had had no effect on the overall authority of UNMIK and the Kosovo Force (KFOR) under resolution 1244 (1999) or the reserved responsibilities of his Special Representative under chapter VIII of the Constitutional Framework. The Secretary-General reported that UNMIK had continued to monitor the situation closely and intervene as necessary, to ensure the compliance of the Provisional Institutions at both the central and municipal levels with resolution 1244 (1999), the Constitutional Framework and other applicable law in Kosovo. He noted that the robust support of the Council and key Member States would be essential for the full implementation of resolution 1244 (1999) and the “standards before status” policy. Thus the challenge ahead was for both the Provisional Institutions and UNMIK to manage the period until mid-2005 when a comprehensive review had been scheduled.

In his briefing to the Council, the Special Representative elaborated on the “standards for Kosovo” document, which had been endorsed by the

⁶⁴ S/2004/71, submitted pursuant to resolution 1244 (1999).

⁶⁵ In this Supplement, the term “Kosovo” is used as the short form for “Kosovo, State Union of Serbia and Montenegro” and “Kosovo, Republic of Serbia”, without prejudice to issues of status. On 3 June 2006, following the declaration of independence adopted by the National Assembly of Montenegro, the State Union of Serbia and Montenegro ceased to exist. As from that date, the membership of Serbia and Montenegro in the United Nations was continued by the Republic of Serbia. On 29 June 2006, the Republic of Montenegro was admitted to membership in the United Nations.

⁶⁶ See S/2003/113, annex, for an overview of the benchmarks.

Council in a presidential statement on 12 December 2003.⁶⁷ He noted that the most important task was to produce an implementation workplan that clearly set out the actions necessary to reach the standards. Towards that end, while five working groups were working intensively to produce the plan, there had continued to be no Kosovo Serb representation in that process. The Special Representative stressed that the principal concern of the Kosovo Serbs — that the standards process was undermining resolution 1244 (1999) — was wholly unfounded. Concerning the process of direct dialogue between Pristina and Belgrade, he underlined that it was the responsibility of the Provisional Institutions of Self-Government, in cooperation with UNMIK, to engage actively and seriously, without further delay, in direct dialogue. The Special Representative noted that the undetermined status of Kosovo helped no one in Kosovo, and needed to be resolved sooner rather than later.⁶⁸

Most speakers concurred that the adoption of the “standards for Kosovo” had to be followed by concrete implementation and expressed concern over the lack of Kosovo Serb representation in the working groups drawing up the workplan. A few speakers observed that Belgrade had appeared to be actively discouraging Kosovo Serbs from participating, and in that regard encouraged Belgrade to take a more positive stance.⁶⁹ The representative of Serbia and Montenegro asserted that the non-Albanian communities had been denied any meaningful participation in political life by the Provisional Institutions to the extent that not even basic access to documentation in their mother tongues had been ensured.⁷⁰

Many speakers noted that, if Kosovo made the necessary progress on the standards, then a process would begin to determine the final status in accordance with resolution 1244 (1999). However, if it did not pass the review on that date, then another review would have to be done at a later date. The representative of the Russian Federation agreed with the view of the Secretary-General that movement forward in the Kosovo settlement was not possible without achieving progress on the standards implementation. He also stressed that a positive outcome to the comprehensive review of the

implementation of standards should not automatically trigger the political process to determine the final status of Kosovo, and that the decision to commence such a process should be taken by the Council.⁷¹

**Decision of 18 March 2004 (4928th meeting):
statement by the President**

By a letter dated 17 March 2004 addressed to the President of the Security Council, the representative of Serbia and Montenegro requested an urgent meeting of the Council to consider “the latest outbreak of violence in Kosovo and Metohija”.⁷²

At its 4928th meeting, on 18 March 2004, held in response to the request outlined in the above-mentioned letter, which the Council included in its agenda, the Council was briefed by the Secretary-General on the violent events that had unfolded in Kosovo on 17 March 2004. All members of the Council and the representatives of Albania, Ireland (on behalf of the European Union),⁷³ Japan, Jordan, Serbia and Montenegro and the former Yugoslav Republic of Macedonia made statements.

In his briefing, the Secretary-General observed that the overall security situation throughout Kosovo had remained highly unstable. He expressed his deep disappointment and sadness at the resurgence of ethnically motivated violence, which had claimed 31 deaths and left hundreds injured. He stated that the violence, as well as the deliberate attacks on representatives of the international community, in particular UNMIK and KFOR, had to be condemned in the strongest terms. The Secretary-General further stressed that there was a need to carefully study the implications of those events for the future of Kosovo. However, the first priority was to restore safety and security to the province. He called on the leaders of the communities and the representatives of the Provisional Institutions of Kosovo to work with the international community, with each other and with the people of Kosovo to restore calm. He also reminded the leaders of the Kosovo Albanian community that as the largest ethnic group they had the responsibility to protect and

⁶⁷ S/PRST/2003/26.

⁶⁸ S/PV.4910, pp. 2-5.

⁶⁹ *Ibid.*, p. 8 (United Kingdom); and p. 14 (Germany).

⁷⁰ *Ibid.*, p. 23.

⁷¹ *Ibid.*, pp. 9-11.

⁷² S/2004/220.

⁷³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

promote the rights of all people within Kosovo, particularly its minorities. The Secretary-General expressed trust that the Security Council would give the situation the urgent and serious attention that it required.⁷⁴

All speakers strongly occurred the acts of violence that had taken place between the communities of Kosovo over the past days. Some speakers voiced concern that the outbreak of violence had compromised the political process and the progress that had to date been achieved.⁷⁵ Several speakers expressed the view that the violence had demonstrated the fragility and instability of the peace in Kosovo.⁷⁶

The representative of the Russian Federation maintained that the acts of violence were “targeted actions to squeeze the non-Albanian population out of the region”, and held that the process of building a multi-ethnic society in Kosovo in conformity with resolution 1244 (1999) had not merely been “bogged down” but was in fact “back to square one”.⁷⁷

At the end of the meeting, the President (France) made a statement on behalf of the Council,⁷⁸ by which the Council, *inter alia*:

Strongly condemned the large-scale inter-ethnic violence in Kosovo (Serbia and Montenegro) in which many people have been killed and hundreds injured;

Also strongly condemned the attacks on the troops of KFOR and the personnel and sites of UNMIK;

Called on all communities in Kosovo to stop all acts of violence, to avoid further escalation and restore calm;

Urged the parties to refrain from irresponsible and inflammatory statements and accusations;

Deplored the reported deaths and injuries among the population of Kosovo as well as casualties among the Kosovo Police Service, UNMIK international civilian police, and KFOR troops;

Reiterated the urgent need for the authorities in Kosovo to take effective steps to enforce the rule of law, ensure proper security for all ethnic communities and bring to justice all the perpetrators of criminal acts.

⁷⁴ S/PV.4928, pp. 2-3.

⁷⁵ *Ibid.*, p. 5 (Chile); p. 6 (Romania); p. 7 (Angola); and p. 12 (Algeria).

⁷⁶ *Ibid.*, p. 13 (Russian Federation); and p. 6 (China).

⁷⁷ *Ibid.*, pp. 12-13.

⁷⁸ S/PRST/2004/5.

Decision of 30 April 2004 (4960th meeting): statement by the President

At its 4942nd meeting, on 13 April 2004, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations on the widespread violence that had erupted in Kosovo in March 2004, the responses to that violence and the implications of those events. In addition to all members of the Council, the representatives of Albania, Ireland (on behalf of the European Union),⁷⁹ Japan and Serbia and Montenegro made statements.

In his briefing, the Under-Secretary-General reported that the “onslaught led by Kosovo Albanian extremists against Kosovo Serbs, Roma and Ashkali communities” had been an organized, widespread and targeted campaign. The attacks on Kosovo Serbs had occurred throughout Kosovo, including where groups of displaced Kosovo Serbs had recently returned and had planned to rebuild their lives in Kosovo. Properties had been demolished and public facilities such as schools and health clinics destroyed; mobs had looted, burned and damaged or destroyed 36 Serbian Orthodox churches; communities had been surrounded and threatened and residents forced to leave their homes. Inhabitants of entire villages had to be evacuated and, following their departure, their homes were burned to the ground. The Under-Secretary-General said that the “brutality and breadth” of those events had indicated that Kosovo still had a long way to go on the path of multi-ethnicity and that the violence represented a huge setback for the stabilization and normalization of the security and political environment of Kosovo. He underlined the importance of getting the standards implementation process back on track and noted that the Special Representative had gone ahead with the launch of the Kosovo Standards Implementation Plan in order to move the process forward and not lose momentum. The Plan contained key priority actions in the areas of return and freedom of movement in response to the violent events of March. The Under-Secretary-General observed that further review and revision of the Plan, with additional emphasis on security and the rule of law, minority rights and

⁷⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

protection and returns, and on decentralization, could be needed in the wake of the violence.⁸⁰

Most speakers reiterated their continued support for the Kosovo Standards Implementation Plan.

The representative of the United Kingdom proposed that there ought to be a presidential statement to the effect that the Implementation Plan was a step forward, and calling on all parties to actively implement the standards.⁸¹

The representative of the Russian Federation said that in the light of the violent events of March all talk about a timetable for the final status of Kosovo was highly inappropriate. In contrast to the representative of France, who maintained that the Council should not change the approach to the Implementation Plan,⁸² the representative of the Russian Federation said that the Plan required thoroughgoing revision to reinforce its provisions in the areas of providing equal security, freedom of movement and the rights and freedoms of ethnic minorities.⁸³

The representative of Serbia and Montenegro opined that the Implementation Plan failed to provide sufficient guarantees for the survival of the Serb population in the province, let alone for returns. He stressed that the Government of Serbia and Montenegro and the Government of Serbia opposed any changes of borders in the Balkans and added that both Governments looked to a future marked by a process of integration rather than of disintegration.⁸⁴

At its 4960th meeting, on 30 April 2004, at which the representative of Serbia and Montenegro was invited to participate,⁸⁵ the President (Germany) made a statement on behalf of the Council, by which the Council,⁸⁶ inter alia:

Noted that the presentation of the Kosovo Standards Implementation Plan on 31 March 2004 in Pristina in Kosovo, Serbia and Montenegro, was a step forward in the standards process;

Reaffirmed its full support for the “standards before status” policy that was devised for Kosovo and endorsed by the Council in application of its resolution 1244 (1999);

Stressed that it was essential to review and revise in a timely manner two key sections of the document, namely “sustainable returns and the rights of communities and their members” and “freedom of movement”;

Emphasized that no party could be allowed to profit or to advance a political agenda through violent measures;

Called upon the Provisional Institutions of Self-Government and all political leaders to take responsibility in the current situation and to ensure that such acts and threats of violence were not repeated.

Deliberations of 11 May 2004 to 27 May 2005 (4967th, 5017th, 5089th, 5130th and 5188th meetings)

At its 4967th, 5017th, 5089th, 5130th and 5188th meetings,⁸⁷ the Council included in its agenda reports of the Secretary-General on UNMIK.⁸⁸ In his reports, the Secretary-General observed, inter alia, that the ethnically motivated violence of March 2004 had been a serious setback for the efforts to build a democratic, multi-ethnic and stable Kosovo. The process of normalization and reconciliation had been seriously damaged, calling into question the timetable for a successful implementation of the standards that the international community had set for Kosovo, and threatening to destabilize the region.

The Secretary-General reported that during the period from 30 April 2004 to 23 May 2005 UNMIK had continued to operate within the framework provided by the “standards before status” policy, which offered a road map for the interim stage. He observed that the continued lack of freedom of movement, precarious security conditions and lack of access to public services for the minority groups of Kosovo had resulted in only minimal returns of those who had fled during the violence of March 2004. He noted that the elections for the Kosovo Assembly on 23 October 2004, judged to be free and fair, had been an important further step in the consolidation of the Provisional Institutions of Self-Government and the process of stabilization and normalization. In that regard, the

⁸⁰ S/PV.4942, pp. 2-5.

⁸¹ Ibid., p. 7.

⁸² Ibid., p. 14.

⁸³ Ibid., p. 13.

⁸⁴ Ibid., pp. 19-20.

⁸⁵ The Secretary-General also participated in the meeting.

⁸⁶ S/PRST/2004/13.

⁸⁷ Held on 11 May 2004, 5 August 2004, 29 November 2004, 24 February 2005 and 27 May 2005.

⁸⁸ Dated 30 April 2004 (S/2004/348), 30 July 2004 (S/2004/613), 17 November 2004 (S/2004/907), 14 February 2005 (S/2005/88) and 23 May 2005 (S/2005/335 and Corr.1).

Secretary-General expressed disappointment over the non-participation of the Kosovo Serb community.⁸⁹

In his report of 30 July 2004, the Secretary-General noted that he had requested that a comprehensive review of the policies and practices of all actors in Kosovo be conducted and that options and recommendations be provided as a basis for further thinking on the way forward. To that end, Ambassador Kai Eide had completed and submitted an assessment for the consideration of the Secretary-General.⁹⁰

In his report of 14 February 2005, the Secretary-General observed that while progress had been made concerning the implementation of standards, further sustained effort was required in areas of importance to minority communities, notwithstanding the lack of engagement in the Provisional Institutions at the central level by the majority of Kosovo Serb political entities and leaders.⁹¹ In mid-2005, while observing that the Provisional Institutions had intensified their efforts to implement the standards, the Secretary-General reported that the overall number of returns had remained low and the process remained fragile. Having taken careful consideration, he expressed the view that a comprehensive review should be initiated in the summer of 2005, which would be carried out in accordance with resolution 1244 (1999) and the relevant presidential statements of the Council, and noted his intent to appoint a Special Envoy to conduct that review. He underlined that the outcome of the comprehensive review would not be a foregone conclusion with regard to the final status of Kosovo.⁹²

Over the course of the deliberations, in addition to all members of the Council, statements were made by the representatives of Albania, Iceland, Japan, Norway, Serbia and Montenegro, Switzerland, Ukraine and, on behalf of the European Union, Ireland,⁹³ Luxembourg⁹⁴ and the Netherlands.⁹⁵ At its 5188th

meeting, the President (Denmark) drew the attention of the Council to a letter dated 18 May 2005 from the representative of Serbia and Montenegro.⁹⁶

At those meetings, the Council was briefed on the basis of the above-mentioned reports of the Secretary-General by the Assistant Secretary-General for Peacekeeping Operations⁹⁷ and the Special Representative.⁹⁸

In response to the reports of the Secretary-General and the briefings on UNMIK, most speakers expressed their continued support for the process of peace and reconciliation as foreseen by resolution 1244 (1999) and the “standards before status” policy for Kosovo, and urged the Provisional Institutions to demonstrate their responsibility for, and commitment to, achieving concrete progress on the implementation of the standards. Although welcoming the free and fair Kosovo Assembly elections held on 23 October 2004, many speakers expressed regret over the low turn-out of the Kosovo Serb community. The representative of the Russian Federation stated that the low turn-out was an indicator of the “utterly unsatisfactory” state of affairs in the sphere of ensuring the human rights and security of ethnic minorities.⁹⁹

Most speakers concurred with the recommendation of the Secretary-General in his report of May 2005 to launch a comprehensive evaluation of the situation and to appoint a Special Envoy for that purpose.

The representative of Pakistan noted that the entire process of seeking to promote standards without addressing the status issue had been flawed at its conception and inappropriate to prepare Kosovo for the

⁸⁹ S/2004/907

⁹⁰ S/2004/613.

⁹¹ S/2005/88.

⁹² S/2005/335.

⁹³ At the 4967th meeting, Bulgaria, Iceland, Liechtenstein, Norway and Romania aligned themselves with the statement.

⁹⁴ At the 5130th meeting, Bulgaria, Croatia, Iceland, Romania and Turkey aligned themselves with the statement. At the 5188th meeting, Bulgaria, Croatia, Iceland, Norway, Romania and Turkey aligned themselves with the statement.

⁹⁵ At the 5017th meeting, Bulgaria, Croatia, Liechtenstein, Norway, Romania and Turkey aligned themselves with the statement. At the 5089th meeting, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁹⁶ S/2005/329, transmitting a letter from the Minister for Human and Minority Rights of Serbia and Montenegro and the President of the Coordination Centre of Serbia and Montenegro and the Republic of Serbia for Kosovo and Metohija, addressed to the Secretary-General, concerning the situation of human rights in Kosovo, especially the rights of the non-Albanian national communities.

⁹⁷ At the 5017th meeting.

⁹⁸ At the 4967th, 5089th, 5130th and 5188th meetings.

⁹⁹ S/PV.5089, pp. 12-13.

transition from war to peace, from socialism to a market economy, and from international political limbo to political and legal clarity. Within that context, he proposed that the Council should promote a “status with standards” approach.¹⁰⁰

The representative of the Russian Federation stressed that the premise of the Secretary-General, that the peace process in Kosovo must be built on the solid legal basis of resolution 1244 (1999), was of fundamental importance and that strategically important steps in that sphere needed to be implemented with the Council playing a lead role.¹⁰¹

The representative of China noted that a comprehensive and satisfactory resolution of the Kosovo issue had to be predicated on the full implementation of resolution 1244 (1999).¹⁰²

The representative of Serbia and Montenegro noted that the optimal solution, with regard to the future status of Kosovo, would not be one that gave everything to one ethnic community and deprived another of everything else.¹⁰³ He noted that the situation of the non-Albanian communities in Kosovo had remained unacceptably poor. He argued that suggestions that “standards before status” be reformulated into a “both standards and status” policy actually implied the search for a quick exit strategy and the failure on the part of the international community to create a truly multi-ethnic and democratic society in Kosovo.¹⁰⁴

The representative of Luxembourg, speaking on behalf of the European Union, asserted that Kosovo would not return to a pre-1999 situation and that the European Union was unwavering in its commitment to help a democratic and multi-ethnic Kosovo, characterized by the protection the European Union provided to its minority communities, on its way to full integration in Europe, regardless of its future status.¹⁰⁵

The representative of Serbia and Montenegro voiced concern over the recommendation in the report of the Secretary-General of 23 May 2005 that a comprehensive review of the standards should be

initiated in the summer of 2005. He stated that, in order to move ahead with that process, concrete and not imaginary progress was needed, and as such it would be counterproductive to open the status discussion before the standards — the basic provisions of resolution 1244 (1999) — had been substantively implemented.¹⁰⁶

**Decision of 24 October 2005 (5290th meeting):
statement by the President**

At its 5289th meeting, on 24 October 2005, the Council included in its agenda a letter dated 7 October 2005 from the Secretary-General to the President of the Council,¹⁰⁷ in which the Secretary-General noted that he accepted the conclusion of his Special Envoy to undertake a comprehensive review of the situation in Kosovo, Ambassador Kai Eide, with regard to the commencement of the final status process of Kosovo and noted that he intended to initiate preparations for the possible appointment of a new special envoy to lead that process.

At that meeting, the Council heard briefings by the Special Envoy and the Special Representative of the Secretary-General and Head of UNMIK, and heard a statement by the Prime Minister of Serbia and Montenegro.

In his briefing, the Special Envoy said that, although there would never be a good moment for addressing the future status of Kosovo, the time had come to start the future status process. Arguing that it would be unlikely that postponing the future status process would lead to significant progress in the implementation of standards, he held that progress would be achieved only if the sense of a political perspective was maintained and if the international community was ready to mobilize greater political energy and pressure. The Special Envoy acknowledged that the determination of the future status of Kosovo was and would remain a highly sensitive political issue with serious regional and wider international implications.¹⁰⁸

¹⁰⁰ S/PV.4967, pp. 20-21.

¹⁰¹ S/PV.5089, p. 13.

¹⁰² *Ibid.*, p. 18.

¹⁰³ *Ibid.*, p. 28.

¹⁰⁴ S/PV.5130, p. 7.

¹⁰⁵ *Ibid.*, p. 23.

¹⁰⁶ S/PV.5188, pp. 7-9.

¹⁰⁷ S/2005/635; letter referring to the report of the Secretary-General of 23 May 2005 on UNMIK (S/2005/335 and Corr.1) and submitting a comprehensive review of the situation in Kosovo prepared by the Special Envoy of the Secretary-General.

¹⁰⁸ S/PV.5289, pp. 2-4.

In his briefing, the Special Representative observed that although the Security Council had been noting the positive developments in Kosovo, including improvements in security and in the fields of standards implementation, the Council had also underlined the need for further progress. The Special Representative held that the start of the status process would be a galvanizing moment in Kosovo and expressed confidence that the resolution of the final status would have a positive effect on the wider region, including Serbia, in terms of political stabilization, reconciliation and economic growth.

Guided by the report of the Special Envoy, UNMIK had identified six priority areas on which it intended to concentrate over the coming months, namely, to continue with the implementation of standards; to support the Provisional Institutions in pursuing a comprehensive reform of local government; to transfer competences from UNMIK to the Provisional Institutions within the security sector; to strengthen the capacity-building of the Provisional Institutions; and to continue to develop a phased and well-managed transition to eventual future arrangements, following, but without prejudice to, the outcome of status talks; and continue efforts to ensure the maintenance of a safe and secure environment for all communities in Kosovo. The Special Representative expressed the belief that the status process presented a chance for Belgrade and, importantly, for Kosovo Serbs to engage. Acknowledging that the Security Council had played a key role thus far, he noted that he could count on the continued support and active engagement of the members of the Council in the ongoing and next decisive phase of the implementation of resolution 1244 (1999).

In his statement to the Council, the Prime Minister of Serbia asserted that any solution to the final status of Kosovo must respect the sovereignty and territorial integrity of Serbia and Montenegro as an internationally recognized State, a member of the United Nations and other international organizations. He emphasized that the principle was supported by the basic sources of international law, including the Charter of the United Nations and the Helsinki Final Act, and in the particular case at hand was confirmed by resolution 1244 (1999), where the sovereignty and territorial integrity of Serbia and Montenegro were recognized *expressis verbis*.¹⁰⁹

¹⁰⁹ Ibid., p. 9.

At the 5290th meeting, on 24 October 2005,¹¹⁰ in which the Council again included in its agenda a letter dated 7 October 2005 from the Secretary-General to the President of the Council,¹¹¹ the President (Romania) made a statement on behalf of the Council¹¹² by which the Council, *inter alia*:

Welcomed the report prepared by the envoy of the Secretary-General, Mr. Kai Eide, on the comprehensive review of the implementation of standards, as well as of the overall situation in and relating to Kosovo, Serbia and Montenegro, forwarded by the Secretary-General on 7 October 2005;

Agreed with Mr. Eide's overall assessment that, notwithstanding the challenges still facing Kosovo and the wider region, the time had come to move to the next phase of the political process;

Supported the intention of the Secretary-General to start a political process to determine the future status of Kosovo, as foreseen in Council resolution 1244 (1999);

Requested that the Secretary-General provide regular updates on progress in determining the future status of Kosovo, as defined by Council resolution 1244 (1999), and would remain actively seized of the matter.

Deliberations of 14 February to 13 December 2006 (5373rd, 5470th, 5522nd and 5588th meetings)

At its 5373rd, 5470th, 5522nd and 5588th meetings,¹¹³ the Security Council included in its agenda the reports of the Secretary-General on UNMIK.¹¹⁴ In his reports, the Secretary-General noted, *inter alia*, that on 10 November 2005 the Council had endorsed the appointment of Marti Ahtisaari as his Special Envoy for the future status process of Kosovo¹¹⁵ and the Kosovo Albanian political and institutional leaders had welcomed the guiding principles of the Contact Group for a settlement of Kosovo.¹¹⁶ He observed that during the launching and proceeding of the political process to determine the future status of Kosovo, little common

¹¹⁰ The Prime Minister of Serbia and Montenegro, the Special Representative and the Special Envoy of the Secretary-General were invited to attend the meeting.

¹¹¹ S/2005/635.

¹¹² S/PRST/2005/51.

¹¹³ Held on 14 February 2006, 20 June 2006, 13 September 2006 and 13 December 2006. At its 5485th and 5531st meetings, held in private on 13 July 2006 and 22 September 2006, the Council heard statements by the Prime Minister and the President of Serbia, respectively.

¹¹⁴ S/2006/45, S/2006/361, S/2006/707 and S/2006/906.

¹¹⁵ S/2005/709.

¹¹⁶ S/2005/709, annex.

ground had to date been identified between the positions of the Serbian and Kosovo delegations, which had remained committed to “substantial autonomy” and “full independence” respectively, with minimal space for negotiation. The Secretary-General expressed concern over the continued incidents of violence targeting civilians and religious sites and, in September 2006, over the cessation of relations by the northern Kosovo Serb majority municipalities with the Provisional Institutions.¹¹⁷ The Secretary-General welcomed the activities of the European Union on the ground, which together with the efforts of other partner organizations would assist in a coherent transition following an eventual determination of the future status of Kosovo.

At the meetings, in addition to all members of the Council, statements were made by the representatives of Albania, Serbia and Montenegro, Turkey and Ukraine and, on behalf of the European Union, Austria¹¹⁸ and Finland.¹¹⁹ The Council heard briefings by the Special Representative on the above-mentioned reports of the Secretary-General.

Most speakers extended their continued support for the negotiation process under the auspices of the Special Envoy of the Secretary-General.

The representative of the Russian Federation expressed the view that during the direct negotiation talks, the parties had to reach an agreement on the future status of Kosovo, without any decisions being imposed on them. He additionally noted that such an agreement needed to be backed up by a new Security Council resolution.¹²⁰

The President of the Republic of Serbia¹²¹ warned that to view Kosovo as an exception and a unique case

was dangerous and politically unwise, however numerous the supporters of that idea might be.¹²²

The representative of the United States stressed the need to be realistic about the possible status outcomes, one possibility of which was independence. He further noted that any status outcome must be acceptable to the people of Kosovo. He expressed the need to keep in mind that the violent disintegration of Yugoslavia, the ethnic cleansing and humanitarian crises of 1999 and the extended period of international administration under resolution 1244 (1999) had made Kosovo a very special case.¹²³

The representative of Albania welcomed the guiding principles of the Contact Group for a settlement of the status of Kosovo,¹²⁴ which outlined that Kosovo should not return to the pre-March 1999 situation; that there be no changes in the current territory of Kosovo; no partition of Kosovo and no union with any other country or with part of any other country.¹²⁵

The representative of Finland, speaking on behalf of the European Union, noted that, depending on the future status settlement, the engagement of the European Union in Kosovo was to have three main components: the contribution to a possible future international civilian presence, a possible European Security and Defence Policy operation in the broader field of the rule of law, and a presence related to the European perspective on Kosovo. She further noted that preparations were well under way in all of those areas and that a planning team of the European Union had already been established and deployed in Kosovo to make preparations for those possibilities.¹²⁶

The representative of Ukraine stressed that the political process of determining the future status of Kosovo should be handled with the maximum level of responsibility by all the parties involved. Any imposed decision or hasty actions leading to a unilateral change of the borders of an internationally recognized democratic state in the Balkan region would destabilize the situation and set a dangerous precedent in Europe and the entire world. He therefore thought that it was particularly important to ensure that the eventual decision of the Council on the final status of Kosovo

¹¹⁷ S/2006/707.

¹¹⁸ At the 5373rd meeting, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Romania, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

¹¹⁹ At the 5522nd meeting, Bulgaria, Croatia, Iceland, Norway, the Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement. At the 5588th meeting, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, the Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

¹²⁰ S/PV.5373, p. 5.

¹²¹ On behalf of the State Union of Serbia and Montenegro.

¹²² S/PV.5373, p. 7.

¹²³ *Ibid.*, p. 20.

¹²⁴ S/2005/709, annex.

¹²⁵ S/PV.5373, p. 25.

¹²⁶ S/PV.5522, p. 23.

did not impose a solution, but was taken only with the clearly expressed consent of both parties concerned.¹²⁷

The representative of the United Kingdom said that it should be recognized that the growing consensus on the part of many observers was that any settlement was likely to be based on some form of independence for Kosovo, supervised by a robust international civilian and military presence and with cast-iron guarantees protecting the rights and security of the minority communities of Kosovo. She noted that such an outcome would be consistent with the guiding principles and ministerial statements of the Contact Group, echoed by many in the Council, regarding a settlement that would be acceptable to the majority of people in Kosovo.¹²⁸

The representative of China held that both the international community and the Council should be impartial on the question of the future status of Kosovo and encourage both sides to seek a mutually acceptable plan through constructive negotiations on the basis of the relevant resolutions of the Council.¹²⁹

In contrast to the representative of Serbia, who stressed that the issue of Kosovo was by its very essence a matter of precedent,¹³⁰ the representative of Finland, on behalf of the European Union, said that the European Union viewed the question of the status of Kosovo as *sui generis*. She stressed that the outcome of the status process would not set a precedent for other regions because its status was exceptional, having been based on resolution 1244 (1999).¹³¹

Deliberations of 19 March 2007 and 3 April 2007 (5640th and 5654th meetings)

At its 5640th meeting, held in private on 19 March 2007, the Council included in its agenda the report of the Secretary-General dated 9 March 2007.¹³² In his

¹²⁷ Ibid., pp. 24-25.

¹²⁸ S/PV.5588, p. 19.

¹²⁹ Ibid., p. 18.

¹³⁰ Ibid., p. 25.

¹³¹ Ibid., p. 22.

¹³² S/2007/134.

report, the Secretary-General noted that his Special Envoy on the future status of Kosovo had submitted a draft comprehensive proposal for the Kosovo status settlement to the parties on 2 February 2007 and had invited the parties to engage in a consultative process on the proposal.

At that meeting, the Council had an exchange of views with the President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija.

At its 5654th meeting, held in private on 3 April 2007, the Council included in its agenda a letter dated 26 March 2007 from the Secretary-General,¹³³ transmitting the report of his Special Envoy on the future status of Kosovo and the comprehensive proposal for the Kosovo status settlement. In his report, the Special Envoy had concluded that the only viable option for Kosovo was independence, to be supervised for an initial period by the international community. As part of his comprehensive proposal, the Special Envoy had set forth those international supervisory structures which would provide the foundation for a viable, sustainable and stable future independent Kosovo, in which all communities and their members could live a peaceful and dignified existence. In his letter to the Council, the Secretary-General offered his full support for the recommendations put forward by his Special Envoy.

At that meeting, the Council heard a briefing by the Special Envoy of the Secretary-General, a statement by the Prime Minister of Serbia and a statement by the Special Representative, speaking in part on behalf of the President of Kosovo.

Deliberations of 19 December 2007 (5811th meeting)

At its 5811th meeting, held in private on 19 December 2007, the Council had an exchange of views with the Prime Minister of Serbia and Mr. Sejdiu.

¹³³ S/2007/168 and Add.1.