21. Items relating to the situation in the former Yugoslavia


Overview

During the period under review, the Security Council held eight meetings in connection with the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. At these meetings, the Council discussed the political developments in Kosovo, focusing on the need for Belgrade and Pristina to resume the European Union-facilitated bilateral dialogue, as well as implementation of the first agreement on principles governing the normalization of relations between Pristina and Belgrade. The Council also focused on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK), ¹ as well as the role of the European Union Rule of Law Mission in Kosovo (EULEX), the Kosovo Force (KFOR), and the Organization for Security and Cooperation in Europe (OSCE).

The table at the end of the section lists the meetings at which this item was considered, and gives information on, inter alia, invitees and speakers.

¹ For more information, see part X, sect. I, with regard to the mandate of UNMIK.

Part I – Overview of Security Council Activities in the Maintenance of International Peace and Security

Briefing on the situation in Kosovo and activities of UNMIK

On 8 February 2012, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, who noted that while the situation in Kosovo had calmed down, it was still fragile. In that context, he urged the Council to renew its attention in order to resolve long-standing differences between the parties and to consolidate long-term peace and stability in the region. Turning to Northern Kosovo, he referred to the efforts of UNMIK, EULEX and KFOR to stabilize the situation. He also reported on considerable progress in the European Union-facilitated dialogue between Pristina and Belgrade. Furthermore, he urged both sides to maintain their commitment to engaging in a constructive dialogue.2

The Foreign Minister of the Republic of Serbia appealed to the new members of the Council to continue to refrain from recognizing any solution to the “Kosovo problem” that was not the product of an agreement between the parties. Commenting on the Secretary-General’s report,3 he concurred with the call to support the role of UNMIK, especially in facilitating engagement between all stakeholders. He further expressed the view that pursuing outcomes outside the framework of negotiations, including through seeking new recognitions of the Unilateral Declaration of Independence, as well as attempts to “force one’s way into international organizations”, were both futile and counterproductive.4

On the other hand, the representative of Kosovo, Mr. Enver Hoxhaj, while highlighting the progress achieved, as well as current challenges in Kosovo, stated that full recognition of Kosovo’s independence remained an important goal for his government. He expressed the view that Serbia should implement its obligations under the agreements with Kosovo, stating that “agreements are not worth anything if they were not implemented in practice”. Furthermore, he maintained that the implementation of the

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2 S/PV.6713, pp. 2-4.
3 S/2012/72.
4 Ibid., pp. 4-6.
Ahtisaari plan was the best framework for political and democratic participation of all Kosovo Serbs.\(^5\)

In their comments, Council members stressed the need for both sides to remain committed to the European Union-facilitated dialogue in order to reach a lasting peace and stability in the region. Many speakers expressed appreciation to the efforts of UNMIK in collaborating with EULEX and KFOR to calm tensions in the north of Kosovo, as well as in facilitating stability in the region.\(^6\) A number of speakers supported the work of the EULEX Special Investigative Task Force mandated to investigate all allegations of human organ trafficking,\(^7\) while others expressed the view that such an investigation should proceed under the auspices of the Security Council and United Nations.\(^8\)

**Discussions following the Serbian general and presidential elections**

On 14 May 2012, the Special Representative of the Secretary-General and Head of UNMIK reported that voting in the Serbian general and presidential elections was facilitated safely and calmly in Kosovo on 6 May 2012. He stated that a highly professional facilitation operation was organized and carried out by OSCE, assisted by the contributions of KFOR, EULEX and the Kosovo authorities, in line with the provisions of resolution 1244 (1999). He, however, informed that two municipalities in northern Kosovo had proceeded with plans to conduct their own local elections outside the framework of resolution 1244 (1999) and noted that both Belgrade and the international community had taken unambiguous positions on the legitimacy of that matter. In addition, he reported that ties between the Western Balkans and the European Union had taken significant steps forward with the decision to grant candidate status to Serbia and also to launch a feasibility study in Kosovo. He further expressed concern that

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5 Ibid., pp. 6-11.
6 Ibid., p. 4 (Serbia); p. 12 (Russian Federation); p. 13 (China); p. 14 (Germany); p. 16 (Azerbaijan); and p. 21 (Pakistan).
7 Ibid., p. 7 (Mr. Hoxhaj); p. 15 (Germany); p. 17 (India); p. 18 (United Kingdom); p. 19 (France); pp. 20-21 (Portugal); p. 23 (Colombia) and p.25 (United States).
8 Ibid., p. 6 (Serbia); p. 12 (Russian Federation); p. 13 (China); and p. 16 (Azerbaijan).
the absence of unity of purpose among key international actors sometimes undermined the power of the European perspective for the region. In that regard he requested Council members to assume a proactive approach to the continuing challenges in Kosovo and urged them to use their authority and influence with the parties to encourage them to engage in good faith in order to reach substantial and sustainable solutions.\(^9\)

The Foreign Minister of the Republic of Serbia maintained that his country’s long-standing position on the European Union’s engagement in Kosovo remained unchanged and urged the European Union to sustain its status-neutral efforts in order to build the missing institutional environment and improve the “dismal” societal conditions in the province. He also expressed the view that Pristina continued to engage in a campaign of intimidation against Serbs in Kosovo. Acknowledging the efforts of UNMIK and OSCE, among others in facilitating the elections, he underlined that Serbia remained fully committed to the dialogue process.\(^10\)

The representative of Kosovo recounted efforts relating to Kosovo’s consolidation of statehood, the integration of the Serb community at the central and local levels of governance in the north, the technical dialogue between Kosovo and Serbia, as well as on Kosovo-European Union relations. Referring to the Serbian presidential and parliamentary elections, he noted that Serbs living in Kosovo had been able to vote during the elections. In that context, he referred to the fact that Serbia had not organized local elections in the three municipalities in the north of Kosovo which showed that Serbia had begun to accept the “reality of an independent Kosovo”.\(^11\)

Council members welcomed the calm and peaceful holding of the Serbian general elections and commented on the challenges encountered, as well as other positive developments, including the role of UNMIK, OSCE, EULEX and KFOR in facilitating the elections. They welcomed the progress made so far in the European integration and urged both parties to continue engagement and remain committed to the European Union - facilitated dialogue. Most speakers indicated that conditions should be created for safe

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\(^9\) S/PV.6769, pp. 2-4.
\(^10\) Ibid., pp. 4-8.
\(^11\) Ibid., pp. 8-11.
voluntary return of displaced persons, as well as the preservation of cultural and religious sites. A number of speakers expressed concern regarding the protection of minority communities. Some speakers underlined that all international organizations operating in Kosovo should maintain a status-neutral position in the execution of their mandates.

On 21 August 2012, in his briefing to the Council, the Special Representative of the Secretary-General said that according to his assessment, a more active and deliberate political international engagement with the parties was urgently needed. He reported that sessions of the European Union-led Belgrade-Pristina dialogue had remained suspended owing to the May general elections in Serbia and the political process leading to the formation of a new Government on 27 July 2012, and expressed hope that the European Union-facilitated dialogue would soon resume. Furthermore, he reported that coordination between UNMIK and the internationally mandated presences in Kosovo was aimed at supporting a much-needed progress in human rights protection, the return of internally displaced persons and refugees, and determining the fate of missing persons.

The Prime Minister of the Republic of Serbia emphasized that resolving the final status of Kosovo and Metohija through a process of negotiations and dialogue that took into account the legitimate interests of ethnic Albanians, Serbs and all others living in Kosovo was among the most important priorities of his newly elected Government, while underscoring his country’s position not to recognize Kosovo’s unilateral declaration of independence. Referring to the reforms by the authorities in Pristina expected to remove the executive authority of international organizations in Kosovo as described in the Secretary-General’s report, he expressed the view that the Security Council was the only legitimate institution that had the authority to make such changes. He also expressed concern over the security threats faced by the Serbian community in both north and south

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12 Ibid., p. 16 (United Kingdom); p. 18 (India); and p. 23 (Guatemala).
13 Ibid., p. 4 (Serbia); p. 12 (Russian Federation); p. 13 (Pakistan); p. 14 (South Africa); and p. 19 (India).
14 S/PV.6822, pp. 2-3.
Kosovo which in his view were all part of an orchestrated campaign of intimidation directed at Kosovo Serbs.\textsuperscript{15}

In his statement, the representative of Kosovo outlined developments regarding the end of the internationally supervised independence, the situation in the northern municipalities, and Kosovo’s prospects for European integration. With regards to the recent Serbian elections, he informed that the Government of Kosovo had reached an agreement with OSCE which enabled Kosovo Serbs with dual citizenship to vote. Concerning the technical dialogue between Kosovo and Serbia, he noted that true progress in the dialogue could only be achieved if the agreements were fully implemented and therefore called on Serbia to deliver on what was agreed during the dialogue process. He further reiterated that normalization of relations with Serbia was a priority for Kosovo.\textsuperscript{16}

Council members welcomed the newly formed Government in Serbia and stressed the importance of resuming the European Union-facilitated dialogue, as well as implementation of technical agreements previously reached in that dialogue in cooperation with UNMIK, EULEX and KFOR. Some members welcomed Kosovo’s creation of an administrative office in northern Mitrovica aimed at providing services to citizens of that part of Kosovo,\textsuperscript{17} while others expressed concern that funds intended for UNMIK would be diverted to finance that office.\textsuperscript{18}

**Discussions following resumption of the EU-facilitated dialogue between Belgrade and Pristina**

On 27 November 2012, the Special Representative detailed key events and activities in Kosovo and reported on the significant progress made during new sessions of the European Union-facilitated high-level dialogue on 19 October and 7 November 2012.

\textsuperscript{15} Ibid., pp. 4-7.  
\textsuperscript{16} Ibid., pp. 7-11.  
\textsuperscript{17} Ibid., p.12 (United Kingdom); p. 15 (Germany); and p.19 (United States).  
\textsuperscript{18} Ibid., p.15 (Russian Federation); and p. 22 (Guatemala).
He informed that the two leaders, Prime Ministers Dačić and Thaçi, had assumed direct leadership within this process, met on these occasions for the first time as leaders of their respective delegations and were able to agree on concrete steps to move forward in the dialogue in a more profound and far-reaching manner. He commended both on demonstrating the political will and courage to embark on the process of working together to recast relations between Belgrade and Pristina. He hoped that Council members would not simply commend the initiative of the two leaders to tackle the issues in a higher-level dialogue, but also provide appropriate resources and political backing to encourage and endorse sustainable agreements. However, given the complexity of the issues that had continued to inhibit progress on both sides, he noted that it would be unreasonable to expect solutions to emerge easily or quickly. The situation in the north of Kosovo remained fragile. Regarding the coordination of the international presence, he was pleased to inform that UNMIK was fulfilling its mandate as part of a genuine team that encompassed KFOR, EULEX, OSCE and EU Special Representative in Kosovo.19

The Minister for Foreign Affairs of the Republic of Serbia, while opposing unilateral actions by any party, stated that Serbia continued to promote and pursue a policy of finding peaceful solutions in a constructive dialogue with Pristina. He expressed the belief that UNMIK should continue to have an important role to complement the dialogue, so that an effective exchange of information and reporting to the Security Council could be ensured. He further stressed that the executive role of EULEX, must not be changed since it was also crucial for the implementation of the agreements reached.20

The representative of Kosovo commented on the establishment of contractual relations with the European Union and the new phase of bilateral relations between Kosovo and Serbia. Referring to the decision of the International Steering Group to end the supervised independence of Kosovo, he underlined that it was the result of exercising the full extent of their sovereignty. However, he pledged that Kosovo would remain

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19 S/PV. 6872, pp. 2-4.
20 Ibid., pp. 4-6.
committed to working closely with international technical missions to further enhance the progress made in the country.  

Council members noted the relatively calm security situation in Kosovo as indicated in the report of the Secretary-General. However, they expressed concern regarding the fragile situation in the north of Kosovo. In addition, they supported the activities of UNMIK and welcomed the resumption of the European Union-facilitated high level dialogue between the two parties. Some members supported efforts towards the integration of Kosovo into the international community, while others reiterated their support for the sovereignty and territorial integrity of Serbia. A number of speakers expressed the belief that UNMIK should maintain its key role in coordinating all international efforts in Kosovo under its status-neutral framework as envisaged in resolution 1244 (1999).

On 22 March 2013, the Special Representative informed the Council that the direct Belgrade-Pristina engagement in the high level political dialogue facilitated by the European Union had yielded some important positive developments. Reporting that both leaders had met for a total of seven rounds of dialogue in Brussels, he indicated that these meetings had marked an essential and historic new chapter in the collective effort to overcome the legacy of the past conflict. However, significant challenges on the ground remained, including adverse security incidents and frequent instances of inflammatory rhetoric and posturing from various quarters. In addition, there had been episodes of increased tension in northern Kosovo, such as a series of incidents involving the use of explosive devices, and a wave of vandalism against several Serbian Orthodox cemeteries, including the destruction of a Second World War monument. He was gratified that appropriate actions had been taken by the Kosovo authorities, including the allocation of

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21 Ibid., pp. 6-9.
22 S/2012/818.
23 S/PV. 6872, p. 10 (Germany); p. 13 (France); p. 17 (Togo); p. 18 (United Kingdom); and p. 22 (United States).
24 Ibid., p. 11 (Russia Federation); p. 16 (Azerbaijan); and p. 19 (China).
25 Ibid., p. 5 (Serbia); p. 11 (Pakistan); p. 12 (Russia Federation); p. 13 (France); p. 16 (Azerbaijan); p. 19 (China); p. 20 (South Africa); p. 21 (Guatemala); and p. 23 (India).
public funds for the repair and reconstruction of the graves and monuments. He further underlined that the ending of budget allocations to the UNMIK administrative office in Mitrovica had undermined the most functional channel available to address problems in the north through consensus.\textsuperscript{26}

The Prime Minister of the Republic of Serbia reiterated his government’s principled position on the unilaterally declared independence of Kosovo, but at the same time confirmed its commitment to the success of the political dialogue facilitated by the European Union.\textsuperscript{27}

In his statement, the representative of Kosovo detailed the progress made in Kosovo and underlined that its commitment to the dialogue with Serbia was in accordance with General Assembly resolution 64/298, as well as the relevant resolution of the Assembly of Kosovo, and in full compliance with the Constitution and laws of Kosovo, and that there could be no negotiation on the sovereignty, political status or territorial integrity of Kosovo.\textsuperscript{28}

Members of the Council welcomed the progress made in several rounds of the high level European Union-facilitated political dialogue and commended the ongoing efforts of the two parties towards normalization of their relations. They expressed concern regarding the fragile security situation especially in the north, including the recent attacks against Orthodox religious and cultural sites. Furthermore, they commented on the EULEX Special Investigative Task Force and the important role of UNMIK and its contribution in stabilizing the region, as well as its collaboration with the other international presence and local authorities in Kosovo.

\textsuperscript{26} S/PV.6939, pp. 2-4.
\textsuperscript{27} Ibid., pp. 4-8.
\textsuperscript{28} Ibid., pp. 8-15.
Discussions following the first agreement on principles governing the normalization of relations between Belgrade and Pristina

On 14 June 2013, the Special Representative reported that on 19 April 2013, following difficult political negotiations facilitated by the High Representative for Foreign Affairs and Security Policy of the European Union, a historic first agreement on principles governing the normalization of relations was initialled between Belgrade and Pristina. He noted that the agreement consisted of 15 points which provided for the establishment of an association/community of Serb municipalities that would encompass a range of competences related to the people’s day-to-day life, and envisaged holding local elections in 2013 in northern Kosovo municipalities with the facilitation of OSCE. In addition, both parties had undertaken not to block the other side’s progress in their respective EU integration paths. He reported that on 22 May 2013, as a sign of their commitment, the parties had agreed on an implementation plan for the provisions contained in the 19 April agreement. Nonetheless he underlined that the threat of instability remained present in sensitive areas, both in the north and south of the Ibar River. While expressing the view that the 19 April agreement was a major achievement and a decisive step forward for both Belgrade and Pristina, he underscored that the implementation of the agreements reached would require hard work by the parties and the active support of the international community, and underlined that UNMIK was making efforts in this regard. 29

The Prime Minister of the Republic of Serbia stated that his country had invested considerable efforts and demonstrated great flexibility during the dialogue, and noted that in furthering the process, Serbia would continue to be guided by the firm belief that the negotiations may lead to a solution acceptable to all. Referring to the six-month political dialogue which had resulted in the “First agreement on principles governing normalization of relations”, he noted that Serbia was determined to implement the agreement. At the same time, he expressed concern over the fragile security situation and underlined that the role of UNMIK in stabilizing the situation in the region was

29 S/PV.6979, pp. 2-4.
irreplaceable. Furthermore, he expected the international community to give an impetus to the implementation of the agreement and the building of regional stability.  

The representative of Kosovo, while highlighting the various aspects of the agreement, commended the efforts of the Prime Minister of Serbia in reaching the agreement on principles. He pledged Kosovo’s commitment to engage in political dialogue with Serbia, as well as to ensure the timely and constructive implementation of all aspects of the agreement. He said that the agreement represented an opportunity for the Council to consider adopting a new resolution to end the mandate of UNMIK. Furthermore he requested the Council to provide support for the European Union in monitoring the implementation of the agreement. 

Council members welcomed the historic European Union-facilitated agreement and congratulated both sides for achieving this significant milestone, while encouraging them to continue to compromise towards a timely and full implementation of the agreement in close coordination with UNMIK, EULEX and KFOR. Many speakers expressed concern over the security situation especially in northern Kosovo and supported the continued efforts of UNMIK to implement its mandate. Some speakers underlined that UNMIK had a role to play in the implementation of the 19 April agreement. Other speakers underlined that resolution 1244 (1999) was the legal basis for resolving the question of Kosovo and that efforts to resolve the issue should be carried out within the framework of that resolution. 

On 29 August 2013, the Special Representative reported on the progress made towards the implementation of the agreement reached between Belgrade and Pristina on 19 April. He noted the commitment of the leaders to work towards the implementation of the agreement in a timely and constructive manner, notwithstanding some complications in the process. Referring to the preparations for holding local elections in Kosovo on 3

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30 Ibid., pp. 4-8.
31 Ibid., pp. 8-11.
32 Ibid., p. 6 (Serbia); p. 17 (Pakistan) and p. 18 (Russia).
33 Ibid., p. 12 (China); p. 14 (Azerbaijan); and p. 18 (Russia).
November 2013, he brought attention to the swift response of OSCE in facilitating voting in the northern territories, as well as by eligible internally displaced persons, and stated that the registration of political entities in the short time window for the elections was a challenge. He underscored the importance of full participation by voters, particularly in the northern municipalities, and called on both sides to show steadfastness and flexibility, particularly to address the concerns of the local population effectively and overcome the uncertainty prevailing in the north. He finally reaffirmed the commitment of UNMIK to actively adapt its activities in the field to most effectively support the political process and related work on the ground.34

The Minister for Foreign Affairs of the Republic of Serbia reaffirmed his country’s commitment to the political dialogue facilitated by the European Union. He, however, noted with regret that only little had been achieved in terms of concrete results in solving people’s problems, particularly those besetting minority ethnic groups. He therefore noted that the continued presence of the United Nations in Kosovo and Metohija was of paramount importance for future developments, and emphasized that the implementation of the agreements may not be possible without the active participation of the United Nations.35

In his statement, the representative of Kosovo, while informing the Council that Kosovo had engaged proactively in implementing its obligations arising from the normalization agreement between Kosovo and Serbia, noted the progress made by Kosovo towards the European Union integration, as well as its stability and achievements on a number of domestic issues. He further expressed the view that the Council should consider removing Kosovo from its agenda and requested that a new resolution should be adopted recognizing the progress that had been made on the ground by Kosovo. In addition, he held the view that the Council should consider transforming UNMIK into a

34 S/PV.7026, pp. 2-4.
35 Ibid., pp. 4-8.
United Nations political office for coordinating all United Nations agencies, funds and programmes.\textsuperscript{36}

Council members welcomed progress made so far and the efforts of both sides to implement the dialogue agreement in cooperation with the international presence in Kosovo, while urging them to work together to overcome obstacles to the implementation process. Some Council members took note of the further agreement reached on 22 May 2013 on an implementation plan of the agreement of 19 April.\textsuperscript{37} Most Council members commended the relative calm and at the same time reiterated concern about the fragile security situation in Kosovo.

**Meeting on the situation in Kosovo following municipal elections**

On 19 November 2013, the Special Representative stated that the successful conduct of Kosovo-wide municipal elections on 3 November was an important milestone in the implementation of the 19 April agreement between Pristina and Belgrade. He reported on the problems that had occurred in northern Mitrovica on election day and informed that a repeat vote at the three affected polling stations was subsequently ordered by the Central Election Commission which proceeded peacefully without significant incidents. He noted that UNMIK continued to focus its efforts and resources in support of the European Union-led political process and towards the fulfilment of its mandate. He emphasized that the period ahead would be essential in consolidating the positive outcomes of the Kosovo elections and important progress achieved in the Belgrade-Pristina dialogue.\textsuperscript{38}

The Prime Minister of Serbia commented and expressed several concerns regarding conduct of the elections, as well as implementation of the European Union-facilitated agreement. He said that Priština had not yet taken the necessary steps in key areas of this agreement.\textsuperscript{39}

\textsuperscript{36} Ibid., pp. 8-11.
\textsuperscript{37} Ibid., p. 13 (Morocco); p. 16 (Togo); and p. 19 (Azerbaijan).
\textsuperscript{38} S/PV.7064, pp. 2-4.
\textsuperscript{39} Ibid., pp. 4-8.
The representative of Kosovo, Mr. Hashim Thaci, briefed the Council on the progress made in Kosovo, particularly the holding of the local elections and the process of the European Union integration, as well as the dialogue on the normalization of relations between Kosovo and Serbia. He said that in most of Kosovo, the elections proceeded peacefully and calmly, and that only at three polling stations in northern Mitrovica were there isolated incidents involving Serb extremist groups. He called those incidents orchestrated and organized attacks on the fundamental right of citizens. He underscored Kosovo’s commitment to continue the dialogue with Serbia including talks on new issues that were important to good-neighbourly relations and the quality of life of their citizens.  

Many Council members commented on the elections facilitated by OSCE, as well as commended the Governments of the Republic of Serbia and Kosovo for encouraging their citizens to take part in the elections, while noting the increased participation of the Kosovo Serbian population. They condemned the violent incidents that had occurred in a number of polling stations in northern Mitrovica during the 3 November 2013 elections and welcomed the peaceful conduct of the rerun elections on 17 November 2013.

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40 Ibid., pp. 8-12.

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<td>Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK) <em>(S/2012/72)</em></td>
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Part I – Overview of Security Council Activities in the Maintenance of International Peace and Security

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