

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
				<b>Rule 39</b> High Representative for Bosnia and Herzegovina	

<sup>a</sup> Belgium, Croatia, France, Germany, Italy, Russian Federation, United Kingdom and United States.

<sup>b</sup> The representative of France made a statement on behalf of the European Union.

<sup>c</sup> Austria, Croatia, France, Germany, Italy, Russian Federation, Turkey, United Kingdom and United States.

<sup>d</sup> Austria, Croatia, France, Germany, Italy, Russian Federation, Turkey, United Kingdom and United States.

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

### **Overview**

During the period 2008-2009 the Security Council held 12 meetings, including 3 closed meetings,<sup>404</sup> and issued one presidential statement on the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. At the meetings the Council discussed the situation in Kosovo,<sup>405</sup> the unilateral declaration of independence by the Kosovo Assembly, and the work of the United Nations Interim Administration Mission in Kosovo (UNMIK)<sup>406</sup> and Kosovo Force (KFOR), among other topics.

### **16 January to 11 March 2008: unilateral declaration of independence by Kosovo**

On 16 January 2008, the Council heard a statement by the President of Serbia who presented the position of his country on the need to resolve the future status of Kosovo and Metohija through compromise. He pointed out that over the past two years Serbia had taken part in the negotiations on the future status of its southern province in a constructive way and had put together a number of proposals that favoured the greatest possible autonomy, which it had measured

against the manner in which China had resolved the question of Hong Kong and Macau and Finland had resolved the status of the Åland Islands. Unfortunately, the negotiations conducted under the auspices of the international mediating troika<sup>407</sup> had failed to yield results. He noted that the “only argument” that the other side had put forward was that “Slobodan Milosević and his regime were the party guilty for the situation in Kosovo” and that it had alleged that because of the mistakes of the former regime, Kosovo deserved independence. He stated that Serbia and its people had also experienced hardship due to the mistakes of the past regime, but that no one had the right to destabilize Serbia through unilateral decisions, which could also have consequences for other regions with problems related to ethnic separatism. He therefore believed that additional efforts were needed in order to arrive at a mutually acceptable solution for substantial self-government that would guarantee all rights to the Kosovo Albanians. He maintained that to deprive a legitimate democracy of an integral part of its territory against its will would constitute a violation of the Charter of the United Nations, and he called on the Council to prevent adoption of a unilateral measure on the independence of Kosovo. In conclusion, he stressed that Serbia would never recognize the independence of Kosovo and would preserve its territorial integrity and sovereignty through all democratic means, legal arguments and diplomacy, but would not resort to violence or war.<sup>408</sup>

<sup>404</sup> 5822nd meeting, held on 16 January 2008; 5835th meeting, held on 14 February 2008; and 5871st meeting, held on 21 April 2008.

<sup>405</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

<sup>406</sup> For more information, see part X, sect. I, in regard to the mandate of UNMIK.

<sup>407</sup> The troika consisted of representatives from the Russian Federation, the United States and the European Union.

<sup>408</sup> S/PV.5821, pp. 2-4.

Immediately following the statement by the President of Serbia, the Council held a private meeting at which he and Mr. Hashim Thaçi, who spoke on behalf of the authorities in Kosovo, had an exchange of views.<sup>409</sup>

On 18 February 2008, the Council met in response to letters from the representatives of Serbia and the Russian Federation<sup>410</sup> requesting an emergency meeting to consider the unilateral declaration of the independence of the Serbian province of Kosovo and Metohija by the Provisional Institutions of Self-Government of Kosovo in violation of resolution 1244 (1999).

The Council also had before it the conclusions of the Council of the European Union on Kosovo,<sup>411</sup> which took note of the declaration of independence by the Kosovo Assembly. The Council of the European Union also welcomed the continued presence of the international community based on resolution 1244 (1999). It noted that its members would decide, in accordance with national practice and international law, on their relations with Kosovo. It reiterated the European Union's adherence to the principles of the Charter of the United Nations and the Helsinki Final Act, *inter alia*, the principles of sovereignty and territorial integrity and all Security Council resolutions. However, it underlined its conviction that, in view of the conflict of the 1990s and the extended period of international administration under resolution 1244 (1999), Kosovo constituted a *sui generis* case which did not call into question those principles and resolutions.

In a separate letter,<sup>412</sup> the European Union indicated its intention to send a rule-of-law mission to Kosovo within the framework of Security Council resolution 1244 (1999), and informed the Council of its decision to appoint a European Union Special Representative in Kosovo.

At the meeting, the Secretary-General informed the Council that the Assembly of the Provisional Institutions of Self-Government of Kosovo had adopted a declaration of independence on 17 February 2008. With the 10 Kosovo Serb deputies not in attendance, all of the 109 deputies present had voted in favour. The

declaration stated that Kosovo fully accepted the obligations contained in the Comprehensive Proposal for the Kosovo Status Settlement,<sup>413</sup> which had been prepared by the Special Envoy of the Secretary-General for the future status process for Kosovo. The declaration pledged continued adherence to resolution 1244 (1999) and committed Kosovo to continue to work constructively with the United Nations. The Secretary-General stated that the situation had remained generally calm throughout Kosovo, except for a few grenade attacks reported in the north. He held that the recent developments were likely to have significant operational implications for UNMIK. Pending guidance from the Council, UNMIK would continue to consider resolution 1244 (1999) as the legal framework for its mandate and continue to implement its mandate in the light of the evolving circumstances. He urged all parties to reaffirm and act upon their commitment to refrain from any actions or statements that could endanger peace, incite violence or jeopardize security in Kosovo and the region.<sup>414</sup>

The representative of Serbia stated that it would be a historic injustice if a "small, peace-loving and democratic country in Europe" could be deprived of its territory illegally and against its will. He noted that the Serbian State had been born in Kosovo, which represented the central part of its identity. He rejected the argument that it was because of Slobodan Milosević's mistakes that Kosovo was declaring independence, as the Albanians had demanded independence even before Slobodan Milosević. Finally, he stressed that the unilateral declaration of independence represented a precedent which would cause irreparable damage to the international order in view of the existence of other "Kosovos" in the world. He reiterated that while Serbia threatened violence to no one, his Government would never recognize an independent Kosovo.<sup>415</sup>

In addition, the representative of Serbia, strongly supported by the representative of the Russian Federation, requested that the Council take effective measures to ensure that all the provisions of the Charter and of resolution 1244 (1999) were fully respected. He also requested the Secretary-General to issue a clear and unequivocal instruction to his Special Representative for Kosovo to use his powers and

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<sup>409</sup> 5822nd meeting.

<sup>410</sup> S/2008/103 and S/2008/104, respectively.

<sup>411</sup> S/2008/105.

<sup>412</sup> S/2008/106.

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<sup>413</sup> S/2007/168/Add.1.

<sup>414</sup> S/PV.5839, pp. 2-3.

<sup>415</sup> *Ibid.*, pp. 4-6.

declare the unilateral and illegal act of the secession of Kosovo null and void and to dissolve the Kosovo Assembly, because it had declared independence contrary to resolution 1244 (1999). He also underlined that the international security presence in Kosovo, KFOR, had to remain status-neutral as it was responsible for the protection of the lives and property of the Serbs and of all other non-Albanian communities in the province.<sup>416</sup>

Furthermore, the representative of the Russian Federation stated that his country would continue to recognize Serbia within its internationally recognized borders. He agreed that the unilateral declaration was a violation of the Charter, resolution 1244 (1999) and the Helsinki Final Act. He also maintained that the European Union Rule of Law Mission in Kosovo (EULEX) had been launched without the necessary decision of the Council and the mandate given to it did not agree with the provisions of resolution 1244 (1999). He maintained that EULEX could not be considered part of the international civil presence as defined in that resolution, since, according to paragraph 1 of the Secretary-General's report,<sup>417</sup> UNMIK covered all of the space allocated by the resolution to the international civil presence. Finally, he warned that the decision set a dangerous precedent and hoped that a mutually agreed solution could be found.<sup>418</sup>

Several representatives expressed regret that the negotiations had broken down, but stated that now that Kosovo's independence was a fact, their Governments would recognize Kosovo as a new State under international supervision. They recalled that the comprehensive proposal for the Kosovo Status Settlement had recommended independence, supervised by the international community, and that this had been supported by a very wide range of the members of the international community, including the Secretary-General and the European Union.<sup>419</sup> Similarly, the representative of Croatia noted that the recognition of independence was a sovereign decision of each individual State and his Government would initiate the procedure, following a thorough analysis of all relevant

facts and of the implications of Kosovo's declaration of independence.<sup>420</sup>

The representative of Panama underlined that as the time for thinking about secession was past, the emphasis was now on finding options involving multi-ethnic and regional integration. He therefore appealed to the European Union, and particularly to the countries that had supported the declaration of independence of Kosovo, to make sure that today's political secession was resolved through the prompt incorporation of both Serbia and Kosovo within that regional organization.<sup>421</sup> The representative of Burkina Faso simply took note of the situation and called on all parties to avoid violence.<sup>422</sup>

Other speakers, however, maintained that more time should have been allotted to the negotiation process and that the declaration of independence was premature. They particularly emphasized the importance of respect for the sovereignty and territorial integrity of States in the Charter and stressed that all steps needed to be taken in conformity with resolution 1244 (1999). They suggested that the Council and the international community should encourage Serbia and Kosovo to continue their pursuit of a mutually acceptable solution through political and diplomatic means.<sup>423</sup>

A few speakers worried about the dangerous precedent that the declaration would set.<sup>424</sup> The representative of the Libyan Arab Jamahiriya stated that the Council had to state its complete abidance with respect for the territorial integrity of States, and that what had taken place could not constitute a precedent to be used as a term of reference or as an excuse.<sup>425</sup> Conversely, several representatives noted that Kosovo's independence was a unique situation that could be considered only within the context of the disintegration of Yugoslavia, which had led to the creation of new independent States, as well as the international administration of Kosovo, and thus could

<sup>416</sup> *Ibid.*, pp. 4-6 (Serbia); and pp. 6-7 (Russian Federation).

<sup>417</sup> S/1999/672.

<sup>418</sup> *Ibid.*, pp. 6-7.

<sup>419</sup> *Ibid.*, pp. 8-9 (Belgium); pp. 9-11 (Italy); pp. 12-13 (United Kingdom); pp. 17-18 (Costa Rica); pp. 18-19 (United States); and pp. 19-20 (France).

<sup>420</sup> *Ibid.*, p. 16.

<sup>421</sup> *Ibid.*, p. 21.

<sup>422</sup> *Ibid.*, p. 15.

<sup>423</sup> *Ibid.*, pp. 7-8 (China); pp. 11-12 (Indonesia); p. 14 (Viet Nam); and p. 16 (South Africa).

<sup>424</sup> *Ibid.*, p. 14 (Viet Nam); and p. 15 (Libyan Arab Jamahiriya).

<sup>425</sup> *Ibid.*, p. 15.

not be considered a precedent for any other situation.<sup>426</sup>

On the question of the mandate of EULEX, the representative of the United Kingdom rejected the idea that it could deploy only with the express agreement of the Council. He noted that the European Union had been part of the international civilian presence in Kosovo from the outset and that UNMIK had evolved and developed over the past nine years, adapting to changing circumstances within its original broad mandate without requiring any new decisions from the Council.<sup>427</sup> In that regard, the Secretary-General noted that an enhanced role for the European Union would be assessed in the context of the overall concept of UNMIK operations, the objectives of the United Nations in Kosovo and the objectives of protecting the United Nations legacy in Kosovo and the Balkans.<sup>428</sup>

The representative of Panama stated that however much they attempted to gloss over the fact, the mandate of resolution 1244 (1999) had been overtaken by the realities. He pointed out that the fact that no deadline had been set for the expiration of the Mission explained why Council members had not been able to agree on how to adjust the mandate as circumstances required. He suggested that in the future all Council resolutions should have a clear deadline, so that they could be modified and readjusted to bring them into consistency with the realities they were trying to affect.<sup>429</sup>

On 11 March 2008, the Council met in response to a request from the representative of Serbia to consider the recognition of the illegal unilateral declaration of independence by some States.<sup>430</sup> The Council heard a statement by the Minister for Foreign Affairs of Serbia, who reiterated his objections to the independence of Kosovo and stressed that the recognition of Kosovo's independence by 20 or so Member States had contributed to making the international system more unstable, more insecure and more unpredictable and had provided any ethnic or religious group with a grievance against its capital with a playbook on how to achieve its ends. He stated that

the declaration had been a direct assault on the innate operating logic of the international system, for resolution 1244 (1999) placed a binding Chapter VII obligation on all Member States to respect the sovereignty and territorial integrity of Serbia. While he welcomed the involvement of the European Union in Serbia, he maintained that the establishment of EULEX and the affiliated International Steering Group of countries went well outside the parameters of resolution 1244 (1999), and that their activities were strongly inconsistent with the principles of the Charter and the Helsinki Final Act. Both EULEX and the International Steering Group had set the goal of assisting in the implementation of the Comprehensive Proposal for the Kosovo Status Settlement, which had never been endorsed by the Council.<sup>431</sup>

#### **20 June to 26 November 2008: reconfiguration of UNMIK**

On 20 June 2008, the Secretary-General presented his assessment of the situation in Kosovo and a way forward for UNMIK as the international civil presence in Kosovo within a landscape of enormous complexity and sensitivity. All of the recent developments, such as the violence at the customs posts and in Mitrovica, the elections organized by the Serbs and the promulgation in Pristina of a new constitution, had profoundly changed the environment in which UNMIK was operating. Mindful of the divisions in the international community, he stressed that the United Nations had taken a position of strict neutrality on the question of the status of Kosovo. Nonetheless, UNMIK was no longer able to effectively perform its tasks as an interim administration. The Secretary-General therefore proposed to adjust operational aspects of the international civil presence in Kosovo and reconfigure the profile and structure of UNMIK, which would continue to carry out functions related to police, courts, customs, transport and infrastructure, boundaries and Serbian patrimony among others. He also welcomed the creation of EULEX, stating that it would be in the best interests of the United Nations for the European Union to take on an enhanced role.<sup>432</sup>

The President of Serbia expressed concern at the fact that the new constitution effectively removed from

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<sup>426</sup> Ibid., p. 9 (Belgium); p. 14 (United Kingdom); pp. 18-19 (United States); and p. 20 (France).

<sup>427</sup> Ibid., p. 13.

<sup>428</sup> Ibid., p. 23.

<sup>429</sup> Ibid., p. 21.

<sup>430</sup> S/2008/162.

<sup>431</sup> S/PV.5850, pp. 2-5.

<sup>432</sup> S/PV.5917, pp. 2-4.

UNMIK its current powers as an interim civil administration and at the fact that the report of the Secretary-General gave an impression of acquiescing to an unjustifiable violation of resolution 1244 (1999). He stated that until the process envisaged in resolution 1244 (1999) to determine Kosovo's future status was complete, the international community, led by the United Nations, had to retain its central role in the maintenance of peace and stability in Kosovo. Any "reconfiguration" of the Mission had to be decided by the Council. He also expressed concern at the "new tasks" that KFOR intended to take up, including supervision of the standing down of the Kosovo Protection Corps and supervision and support of the establishment and training of the so-called Kosovo Security Force, a new institution whose establishment had not been approved by the Council.<sup>433</sup>

Mr. Fatmir Sejdiu, speaking as the President of Kosovo, stated that the transition to the new status had gone well. With the Comprehensive Proposal for the Kosovo Status Settlement serving as the guiding framework, they had adopted a new constitution and other legislation and, except for a few violent incidents, most of Kosovo remained calm and orderly. In respect of UNMIK, he noted that over the past years it had already been progressively handing over responsibilities to Kosovo's new institutions and had scaled down its physical presence and personnel as the situation had improved. He therefore welcomed the Secretary-General's plan for a modified role for UNMIK. He recognized that addressing the situation of their minority communities was the most essential element in preserving peace. He was therefore concerned that Serbia had been promoting a policy that its leaders called "functional separation of ethnic Serbs from ethnic Albanians in Kosovo". He stressed that the politics of division undermined the multi-ethnic governance that the United Nations had promoted in Kosovo since 1999.<sup>434</sup>

A number of representatives supported the proposals advanced by the Secretary-General, in particular the reconfiguration of UNMIK and greater European Union involvement. Several speakers also argued that in the absence of a Council decision on the matter, the Secretary-General had the authority under resolution 1244 (1999) to change the configuration of

the international civilian presence in Kosovo, as had already been done several times.<sup>435</sup> The representative of the United Kingdom regretted, however, that the proposal did not go as far as his country believed it should, while the representative of the United States thought that it went too far in seemingly proposing a role for the United Nations that was more robust and long-term than necessary and that the Secretary-General should have acknowledged more explicitly that the United Nations could no longer play such a major role in Kosovo.<sup>436</sup>

The representative of China considered that the Secretary-General should continue to maintain close communications with the parties concerned in order that the reconfiguration plan would be more reliable, feasible and focused on a proper solution to the question of Kosovo.<sup>437</sup>

The representatives of the Russian Federation and Viet Nam insisted that resolution 1244 (1999) remained fully in force and a reconfiguration of UNMIK could not be done without explicit approval by the Council.<sup>438</sup> The representative of the Russian Federation further called the deployment of EULEX and establishment of the International Steering Group illegal without a Council mandate. He said that any transfer of functions or property from UNMIK to the European Union mission or international civilian representative was unacceptable, as were any attempts to reorganize the international civilian presence in Kosovo while deliberately concealing information from Council members, as had been the case with the activities of the former Special Representative of the Secretary-General.<sup>439</sup>

On 25 July and 26 November 2008, the Council heard briefings by the Special Representative of the Secretary-General for Kosovo and the head of the United Nations Interim Administration Mission in Kosovo. In his briefings, the Special Representative stated that the overall security situation had remained

<sup>433</sup> Ibid., pp. 4-6.

<sup>434</sup> Ibid., pp. 6-8.

<sup>435</sup> Ibid., pp. 8-9 (Italy); pp. 9-10 (Panama); pp. 10-11 (France); p. 14 (Belgium); p. 15 (Burkina Faso); p. 16 (Croatia); p. 17 (United Kingdom); p. 18 (Costa Rica); and pp. 18-20 (United States).

<sup>436</sup> Ibid., pp. 16-17 (United Kingdom); and pp. 18-20 (United States).

<sup>437</sup> Ibid., p. 18.

<sup>438</sup> Ibid., pp. 11-12 (Russian Federation); and p. 13 (Viet Nam).

<sup>439</sup> Ibid., p. 12 (Russian Federation).

calm and stable. However, the political situation and the institutional landscape remained complex. With only 52 Member States recognizing Kosovo so far, the slower than predicted process was hampering Kosovo's ability to forge ties with external actors, obtain membership in international organizations and reinforce the institutions of self-government. Assisted by many of the Member States that had recognized Kosovo, the Government, the presidency and the Assembly had continued to consolidate their control and authority over Kosovo's institutions. He observed that the Mission's role was becoming much more political, providing, for example, an interface for the process of dialogue between Belgrade and Pristina. As it was no longer practical for UNMIK to function as an administrator, he explained that the Mission was re-orienting its field presence to concentrate on areas occupied by non-Albanian communities, with a mandate to monitor the interests of those communities and retain a supporting and mediation role. He also noted that once EULEX had deployed throughout Kosovo, UNMIK would review its own presence accordingly.<sup>440</sup>

The Minister for Foreign Affairs of Serbia reiterated his Government's position rejecting the independence of Kosovo. He also cited a number of instances of attacks or discrimination against Serbs within Kosovo. However, at the meeting on 26 November 2008, he announced that an understanding with the Secretary-General had been reached in which a dialogue between Serbia and the United Nations would concentrate on six topics of mutual concern: police, judiciary, customs, transportation and infrastructure, administrative boundaries and Serbian patrimony (six points proposal).<sup>441</sup> He also expressed his pleasure that Serbia's "reasonable conditions" for EULEX, namely that it be status-neutral and guarantee that no part of its mandate be devoted to the implementation of the Comprehensive Proposal for the Kosovo Status Settlement, had been met. He also noted that on 8 October 2008 the General Assembly had adopted a resolution<sup>442</sup> to refer the question of status to the International Court of Justice.<sup>443</sup>

Mr. Skender Hyseni, speaking as Minister for Foreign Affairs of Kosovo, provided an update on the

efforts to implement both the ideals and the objectives enshrined in the Constitution and the Comprehensive Proposal. He noted that there had been practical moves even on the part of countries that had not yet recognized Kosovo's independence formally, to accept passports and find ways to accommodate the reality of an independent Kosovo. He expressed confidence that the opinion of the International Court of Justice would be fair and impartial and that their position would be reaffirmed.<sup>444</sup>

During the ensuing discussions, most speakers welcomed the Secretary-General's recommendations on the reconfiguration of UNMIK, which allowed for the deployment of EULEX, and the agreement between Serbia and the United Nations on the six points proposal. A number of speakers stressed that resolution 1244 (1999) still remained fully in force and that any adjustments to UNMIK were purely technical in nature. In respect of the referral by the General Assembly to the International Court of Justice, the representative of South Africa welcomed the decision by the General Assembly and expressed the view that the judgment would help to clarify the situation,<sup>445</sup> while the representative of the United Kingdom noted that the General Assembly merely agreed that the Court should be asked to opine on the question which Serbia had asked and, that in adopting the resolution, the General Assembly had not approved Serbia's position on Kosovo's status.<sup>446</sup>

On 26 November 2008, the President made a statement,<sup>447</sup> in which the Council welcomed the Secretary-General's report on UNMIK<sup>448</sup> and, taking into account the positions of Belgrade and Pristina on the report, welcomed their intentions to cooperate with the international community. It also welcomed the cooperation between the United Nations and other international actors within the framework of its resolution 1244 (1999), and the continuing efforts of the European Union to advance the European perspective of the whole of the Western Balkans, thereby making a decisive contribution to regional stability and prosperity.

<sup>440</sup> S/PV.5944, pp. 2-5; and S/PV.6025, pp. 2-4.

<sup>441</sup> S/2008/354, annex.

<sup>442</sup> Resolution 63/3.

<sup>443</sup> S/PV.5944, pp. 5-7; and S/PV.6025, pp. 4-7.

<sup>444</sup> S/PV.5944, pp. 7-9; and S/PV.6025, pp. 7-9.

<sup>445</sup> S/PV.6025, p. 12 (South Africa).

<sup>446</sup> *Ibid.*, p. 20 (United Kingdom).

<sup>447</sup> S/PRST/2008/44.

<sup>448</sup> S/2008/692.

**23 March to 15 October 2009: briefings by the Special Representative of the Secretary-General**

On 23 March, 17 June and 15 October 2009, the Council heard briefings by the Special Representative of the Secretary-General for Kosovo.

In his briefings, the Special Representative outlined developments in the region and the evolving activities of UNMIK. Overall, he noted that although conditions remained generally stable during the period, the situation in northern Kosovo remained an issue of concern, with the potential to destabilize other parts of Kosovo if not kept in check. He stated that the Mission had concentrated its efforts on crucial tasks: addressing the concerns of minority communities to foster confidence; promoting dialogue and reconciliation; and addressing external relations issues with non-recognizing States, including facilitating Kosovo's participation in regional and international processes. He noted that EULEX had assumed full operational responsibility in the rule-of-law area on 9 December 2008, within the framework of resolution 1244 (1999) and under the overall authority and within the status-neutral framework of the United Nations. In terms of relations between Belgrade and Pristina, he noted a number of areas where there was insufficient cooperation, particularly police cooperation, cultural heritage issues and missing persons. Finally, he noted that both Serbian and Kosovo authorities were increasingly concerned as to how their actions might influence the advisory opinion of the International Court of Justice on the legality of Kosovo's declaration of independence. As a result, the Mission's role in promoting pragmatic solutions had become more difficult: the authorities in Belgrade expected a robust UNMIK role, while the authorities in Pristina believed that the Mission's job was finished. Nonetheless, he had detected some acknowledgement that there were areas in which the Government of Kosovo and UNMIK could usefully work together.<sup>449</sup>

In their statements, the President of Serbia and the Minister for Foreign Affairs reiterated their consistent position on Kosovo and restated their rejection of the declaration of independence. They welcomed the reconfigured role of UNMIK, expressed support for EULEX and underlined the continuing need for the presence of KFOR. In respect of the case before the Court, they emphasized that the process should be

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<sup>449</sup> S/PV.6097 pp. 2-4; S/PV.6144, pp. 2-5; and S/PV.6202.

allowed to run its course without political interference. The Minister for Foreign Affairs noted in particular the signing of the Protocol on Police Cooperation between the Serbian Ministry of the Interior and EULEX, which was based on the best practices of long-standing cooperation with UNMIK police forces on those matters. He also noted improved cooperation with EULEX in other areas, such as intensified collaboration between special EULEX and Serbian war crimes prosecutors on serious cases, including organ harvesting committed by the Kosovo Liberation Army. On other issues, he noted that the authorities in Pristina continued to be uncooperative. Finally, he also rejected the upcoming local elections as the legitimacy of the entire electoral process had been compromised by the failure to hold them within a status-neutral framework.<sup>450</sup>

Mr. Hyseni, speaking as the Minister for Foreign Affairs of Kosovo, noted that significant progress had been made in the areas of State institution-building, more countries had recognized Kosovo and the Government had signed the articles of agreement of membership with the International Monetary Fund and the World Bank. He complained about interference by Serbia in their efforts to improve the living conditions of the Serb citizens of Kosovo, by supporting parallel structures in the north, discouraging members of the Serb community from integrating and calling for a boycott of the municipal elections. He also blamed Serbia for blocking Kosovo's participation in regional and other international bodies.<sup>451</sup>

In their comments, many members of the Council welcomed the completion of the Mission's reconfiguration, as well its ongoing facilitation of cooperation between Pristina and Belgrade. Several speakers remained concerned about the continued ethnic tension and the lack of cooperation on key issues. Other speakers continued to emphasize that resolution 1244 (1999) was still legally binding and stressed that the Mission's role was still vital. In particular, the representative of the Russian Federation expressed the view that any attempt to question the competence and authority of UNMIK or to replace it

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<sup>450</sup> S/PV.6097, pp. 4-7 (President of Serbia); S/PV.6144, pp. 5-8 (Minister for Foreign Affairs of Serbia); and S/PV.6202, pp. 4-8 (Minister for Foreign Affairs of Serbia).

<sup>451</sup> S/PV.6097, pp. 7-9; S/PV.6144, pp. 8-10; and S/PV.6202, pp. 8-9.

with other international structures in the province was unacceptable, as it would run counter to the Council's approach package for the reconfiguration of UNMIK, adopted in November 2008. He stressed that representatives of UNMIK should participate in all Belgrade-EULEX meetings and stated that any further downsizing of the Mission's operational personnel was

unacceptable, as it would limit its ability to discharge its mandate. He also drew the Council's attention to the unacceptability of the arbitrary participation of Kosovo representatives in international forums, including the United Nations and its specialized agencies.<sup>452</sup>

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<sup>452</sup> S/PV.6202, pp. 17-18.

**Meetings: Security Council resolutions [1160 \(1998\)](#), [1199 \(1998\)](#), [1203 \(1998\)](#), [1239 \(1999\)](#) and [1244 \(1999\)](#)**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5821st 16 January 2008	Report of the Secretary-General on UNMIK ( <a href="#">S/2007/768</a> )	Comments of the Government of Serbia on the report of the Secretary-General on UNMIK ( <a href="#">S/2008/7</a> , annex)	<b>Rule 37</b> Serbia (President)  <b>Rule 39</b> Special Representative of the Secretary-General for Kosovo and Head of UNMIK	Serbia	
5839th 18 February 2008	Letter dated 17 February 2008 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council ( <a href="#">S/2008/103</a> ) <sup>a</sup>  Letter dated 17 February 2008 from the Permanent Representative of the Russian Federation addressed to the President of the Security Council ( <a href="#">S/2008/104</a> ) <sup>b</sup>	Conclusions of the Council of the European Union on Kosovo and on the Western Balkans ( <a href="#">S/2008/105</a> , annex)  Letter from the European Union concerning its decision to deploy a rule-of-law mission to Kosovo ( <a href="#">S/2008/106</a> , annex)	<b>Rule 37</b> Serbia (President)	Secretary-General, all Council members, Serbia	



Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5850th 11 March 2008	Letter dated 6 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia to the United Nations addressed to the President of the Security Council ( <a href="#">S/2008/162</a> ) <sup>c</sup>		<b>Rule 37</b> Serbia (Minister for Foreign Affairs)	Serbia	
5917th 20 June 2008	Report of the Secretary-General on UNMIK ( <a href="#">S/2008/354</a> )	Letter from the representative of Serbia requesting a meeting of the Council ( <a href="#">S/2008/401</a> )	<b>Rule 37</b> Serbia (President)  <b>Rule 39</b> Mr. Fatmir Sejdiu	Secretary- General, 13 Council members, <sup>d</sup> invitees	
5944th 25 July 2008	Report of the Secretary-General on UNMIK ( <a href="#">S/2008/458</a> )		<b>Rule 37</b> Serbia (Minister for Foreign Affairs)  <b>Rule 39</b> Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees	
6025th 26 November 2008	Report of the Secretary-General on UNMIK ( <a href="#">S/2008/692</a> )		<b>Rule 37</b> Albania, Germany, Serbia (Minister for Foreign Affairs)  <b>Rule 39</b> Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	14 Council members, <sup>e</sup> rule 39 invitees	<a href="#">S/PRST/2008/44</a>

**Part I. Consideration of questions under the responsibility of  
the Security Council for the maintenance of  
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6097th 23 March 2009	Report of the Secretary-General on UNMIK ( <a href="#">S/2009/149</a> )		<b>Rule 37</b> Serbia (President)  <b>Rule 39</b> Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees	
6144th 17 June 2009	Report of the Secretary-General on UNMIK ( <a href="#">S/2009/300</a> )		<b>Rule 37</b> Serbia (Minister for Foreign Affairs)  <b>Rule 39</b> Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees	
6202nd 15 October 2009	Report of the Secretary-General on UNMIK ( <a href="#">S/2009/497</a> )		<b>Rule 37</b> Serbia (Minister for Foreign Affairs)  <b>Rule 39</b> Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees <sup>f</sup>	

<sup>a</sup> Requesting an urgent meeting of the Council.

<sup>b</sup> Supporting the request for a meeting made by the representative of Serbia.

<sup>c</sup> Requesting an urgent meeting of the Council.

<sup>d</sup> The Libyan Arab Jamahiriya and South Africa did not make statements.

<sup>e</sup> Costa Rica did not make a statement.

<sup>f</sup> Austria was represented by its Vice Federal Minister for European and International Affairs.