

D. Items relating to Kosovo¹⁵⁶

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

Deliberations of 11 May to 16 November 2000 (4138th, 4153rd, 4171st, 4190th, 4200th and 4225th meetings)

At its 4138th meeting,¹⁵⁷ on 11 May 2000, the Security Council included in its agenda the report of the Security Council mission on the implementation of resolution 1244 (1999),¹⁵⁸ which was dispatched to Kosovo from 27 to 29 April 2000. In the report, the mission observed, *inter alia*, that while progress had been made with regard to the implementation of resolution 1244 (1999), inadequate physical, social and economic security had remained a major concern. Furthermore, it was stressed that lack of freedom of movement, access to education, health care, social services and employment hampered the return of the internally displaced, primarily Kosovo Serbs and Kosovo Roma.

At the meeting, following the presentation of the report by the head of the mission (Bangladesh),¹⁵⁹ all members of the Council concurred with the findings of the report.

The representative of China recalled that resolution 1244 (1999) reaffirmed the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. He added that the presence of the United Nations in Kosovo was by no means for the purpose of helping the local people gain independence.¹⁶⁰

The representative of the Russian Federation expressed concern over the implementation of the

provisions of resolution 1244 (1999) that were connected with the respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, and in that regard noted that all activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) had to correspond to that provision of the resolution to ensure the functioning of Kosovo with substantial autonomy within the Federal Republic of Yugoslavia. The representative also made reference to the problem of the return of agreed contingents of the Yugoslav military and police to Kosovo as stipulated in paragraph 4 of resolution 1244 (1999), which had not yet been resolved.¹⁶¹

At its 4153rd meeting, on 9 June 2000, the Council included in its agenda the report of the Secretary-General on UNMIK dated 6 June 2000.¹⁶² In his report, the Secretary-General observed, *inter alia*, that UNMIK, working closely with the Kosovo Force (KFOR), had consolidated the central and municipal structures through which the people of Kosovo participated in the interim administration of the province. With the participation of both ethnic Albanian and non-Albanian communities in Kosovo, the composition of those structures had become more reflective of the population in the province, while the overall security situation, despite some improvements, remained fragile. The Secretary-General pointed out that the harassment and intimidation of non-Albanian communities continued at unacceptable levels, and made reference to the tremendous complexity faced in building coexistence and tolerance.

At the meeting, in which the representative of Albania, Portugal and Spain were invited to participate, the President (France) drew the attention of the Council to several documents.¹⁶³ The Council was then

¹⁵⁶ In this Supplement, the term "Kosovo" is used as the short form for "Kosovo, Federal Republic of Yugoslavia" and "Kosovo, State Union of Serbia and Montenegro", without prejudice to issues of status.

¹⁵⁷ At its 4102nd and 4108th meetings, held in private on 16 February and 6 March 2000, the Council heard a briefing by the Assistant Secretary-General, the Special Representative of the Secretary-General and the head of the international security presence in Kosovo.

¹⁵⁸ S/2000/363.

¹⁵⁹ S/PV.4138, pp. 2-5.

¹⁶⁰ *Ibid.*, p. 23.

¹⁶¹ *Ibid.*, p. 8.

¹⁶² S/2000/538, submitted pursuant to resolution 1244 (1999).

¹⁶³ Letters from the representative of the Federal Republic of Yugoslavia, calling for the full implementation of resolution 1244 (1999) notably with regard to the security situation of the non-Albanian community (S/2000/491, S/2000/497, S/2000/508, S/2000/525, S/2000/526, S/2000/527, S/2000/553 and S/2000/547); letter dated 8 June 2000 from the representative of the former Yugoslav Republic of Macedonia, concerning two incidents which occurred at the border of the former

briefed by the Special Representative of the Secretary-General and Head of UNMIK, marking one year after the adoption of resolution 1244 (1999). In his briefing, the Special Representative noted that although progress had been made since the inception of UNMIK in June 1999 with regard to, *inter alia*, the return of Kosovo Albanian refugees, demilitarization and the establishment of an interim administration, a great deal remained to be done in the fields of rule of law and protection of minority rights. He stressed that the ambiguities in resolution 1244 (1999), concerning the interim status of Kosovo, demanded explanation with regard to the wording of “substantial autonomy”.¹⁶⁴

Most speakers expressed concern over the continued fragile security situation described in the report of the Secretary-General and called upon relevant actors to ensure the implementation of resolution 1244 (1999). Some speakers also argued that UNMIK and KFOR should ensure that their actions be in full conformity with resolution 1244 (1999).¹⁶⁵

The representative of China asserted that despite the clear provisions of resolution 1244 (1999) with regard to the status of Kosovo, some of the administrative measures adopted in Kosovo impaired the sovereignty of the Federal Republic of Yugoslavia, which created a false impression that Kosovo was moving towards independence. Furthermore, he emphasized that any attempt to lead Kosovo to independence was dangerous and illegal.¹⁶⁶

The representative of Ukraine opined that the only foreseeable way to settle the issue of the future status of Kosovo would be by agreement reached between the Federal Republic of Yugoslavia and the Kosovo Albanians through talks under international auspices. The representative noted that other scenarios might undermine the fragile atmosphere of peace in the whole region, as well as the role of the Council itself.¹⁶⁷

At its 4171st and 4190th meetings, held on 13 July and 24 August 2000, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations on the status of implementation of

resolution 1244 (1999). Those briefings included, *inter alia*, security updates of the situation on the ground and the status of preparations for the upcoming municipal elections, the first to be held since the inception of UNMIK in 1999.¹⁶⁸ At both meetings, statements were made by almost all members of the Council.¹⁶⁹

Most speakers welcomed the holding of the upcoming elections, although the representative of the Russian Federation cautioned that such elections might provoke a new crisis that would constitute a threat to regional stability and security. In that regard, the representative reiterated that in violating resolution 1244 (1999), the Special Representative had “*de facto* arrogated to himself the exclusive rights to run Kosovo” without consulting the Security Council and without any cooperation from the authorities of the Federal Republic of Yugoslavia.¹⁷⁰

At its 4200th meeting, on 27 September 2000, the Council had before it the report of the Secretary-General on UNMIK dated 18 September 2000.¹⁷¹ In his report, the Secretary-General observed, *inter alia*, that UNMIK had continued its preparations for the scheduled municipal elections on 28 October 2000. Regarding the situation of the minority communities in Kosovo, UNMIK remained deeply concerned at the violence against non-Albanian ethnic groups, in particular Kosovo Serbs and Kosovo Roma. However, the Mission welcomed recent signs that members of the minority communities of Kosovo had begun to return to the province, and expressed its continued efforts to encourage the return process.

At the meeting, the Council heard a briefing by the Special Representative of the Secretary-General, following which all members of the Council made statements. In his briefing, the Special Representative reported on progress achieved by the Mission since its inception in June 1999, which included the establishment of the Joint Administrative Structure in December 1999, the Kosovo Transitional Council, with the representation of all communities, and the Interim Administrative Council. With regard to the work of the Mission’s four pillars: the UNHCR pillar had

Yugoslav Republic of Macedonia with Kosovo, on 2 April and 5 June 2000 (S/2000/552).

¹⁶⁴ S/PV.4153, pp. 2-9.

¹⁶⁵ *Ibid.*, p. 16 (Russian Federation); and p. 25 (Ukraine).

¹⁶⁶ *Ibid.*, p. 12.

¹⁶⁷ *Ibid.*, p. 25.

¹⁶⁸ S/PV.4171, pp. 2-7; and S/PV.4190, pp. 2-5.

¹⁶⁹ The representative of Mali did not make a statement at the 4171st meeting.

¹⁷⁰ S/PV.4190, p. 8.

¹⁷¹ S/2000/878, submitted pursuant to resolution 1244 (1999).

facilitated the return of one million refugees to Kosovo; the United Nations pillar had established a functioning civil administration in all areas of public life in Kosovo; the OSCE pillar had been instrumental in developing the media sector and commencing the establishment of a Kosovo police service; and the European Union pillar had helped to lay the foundation for a functioning market economy. The preparations for the elections to be held on 28 October 2000 had been ongoing over the past 14 months, and the Special Representative noted that all the elements were in place for the elections to be held in a successful manner. Noting that the Kosovo Serb community had decided not to participate in the elections, the Special Representative stressed that the Mission remained determined to foster coexistence and thus lay the foundations for eventual reconciliation. He stated that the first democratic elections were a very important step towards that process.¹⁷²

At the meeting, although most speakers expressed their support and encouragement to the electoral process, the representatives of the Russian Federation and China both asserted that the requisite conditions for holding municipal elections were lacking, as such elections needed thorough preparation and to be conducted in a climate of freedom and peace.¹⁷³

At its 4225th meeting, on 16 November 2000, the Council heard a briefing by the Special Representative of the Secretary-General. In addition to most members of the Council,¹⁷⁴ the representatives of Albania, Austria¹⁷⁵ and the Federal Republic of Yugoslavia made statements. In his briefing, the Special Representative described the municipal elections held on 28 October 2000 as a technical success. With regard to the tasks in the aftermath of the elections, he emphasized the urgent need to (1) define “substantial autonomy”; (2) develop institutions of self-government as laid down by resolution 1244 (1999); and (3) organize general elections throughout Kosovo.¹⁷⁶

Most speakers expressed their support and welcomed the achievements of the municipal elections held on 28 October 2000. At the same time, most

speakers expressed regret regarding the non-participation in the elections of the Kosovo Serb community and concurred with the steps taken by the Special Representative to ensure that representatives of that community and other minorities would be able to participate in the local municipal administration. Many speakers stressed that the next challenge was to implement the results of the municipal elections and urged the leaders and people of Kosovo to continue to cooperate with UNMIK in that regard.

Regarding the elections, the representative of the United States pointed out that contrary to the predictions of many, including some in the Council, the elections had not been plagued by violence.¹⁷⁷ The representative of the Russian Federation did not share the positive assessment of the Special Representative with regard to the elections, highlighting that the Kosovo Albanian political leaders who had participated had conducted the campaign around the question of the independence of Kosovo. He also noted that controlling and halting the tendencies towards the secession of Kosovo should be a priority of UNMIK. He stressed that the future status of Kosovo needed to be resolved by the launching of a dialogue between the authorities of the Federal Republic of Yugoslavia and Kosovo leaders and not by violating resolution 1244 (1999).¹⁷⁸ The representative of China commented that his delegation took note of the fact that the Government of the Federal Republic of Yugoslavia had deemed the election result null and void. Noting that the non-Albanian communities in Kosovo did not have effective participation in the elections due to the lack of security guarantees as members of ethnic groups, his delegation expected UNMIK to implement measures to ensure their representation. Furthermore, echoing the view of the Russian Federation that the elections had been regarded locally as a symbol of Kosovo moving towards independence, the representative of China stressed that, if the tendency towards the independence of Kosovo continued to grow, it would be in contravention of resolution 1244 (1999). He noted that the Council should pay attention to such a tendency towards the independence of Kosovo and to the consequences it could have on the situation in the Balkans.¹⁷⁹

¹⁷² S/PV.4200, pp. 2-5.

¹⁷³ *Ibid.*, p. 10 (Russian Federation); and p. 12 (China).

¹⁷⁴ The representative of the Netherlands did not make a statement.

¹⁷⁵ In the capacity of Chairman-in-Office of OSCE.

¹⁷⁶ S/PV.4225, pp. 2-8.

¹⁷⁷ *Ibid.*, p. 8.

¹⁷⁸ *Ibid.*, p. 12.

¹⁷⁹ *Ibid.*, pp. 14-15.

The representative of the Federal Republic of Yugoslavia reaffirmed that the new Government of his country fully subscribed to resolution 1244 (1999), considering it “the main and only basis for a just and lasting solution” and stressed the importance of proceeding urgently towards its full implementation, while ensuring the active participation of his Government in that process. He listed a number of priorities in that regard, including the conclusion of an agreement on the status of the international presences in Kosovo and Metohija and the return of a limited contingent of the army of Yugoslavia and police to those provinces. While it was premature to address the issue of political negotiations on the final status of Kosovo and Metohija, he stated that his Government was willing, bearing in mind the importance it placed on its sovereignty and territorial integrity, to work towards achieving substantial autonomy for Kosovo and Metohija, within the context of resolution 1244 (1999).¹⁸⁰

At the same meeting, drawing attention to another matter, the representative of the Russian Federation stated that in view of new circumstances the lifting of the arms embargo imposed on the Federal Republic of Yugoslavia by resolution 1160 (1998) was a long overdue step since the demands of that resolution had already been met.¹⁸¹

**Decision of 22 November 2000
(4232nd meeting): statement by the President**

At the 4232nd meeting, on 22 November 2000, in which the representative of the Federal Republic of Yugoslavia was invited to participate, the President (Netherlands) made a statement on behalf of the Council,¹⁸² by which the Council, *inter alia*:

Expressed its shock at, and strongly condemned, the attack perpetrated on the home of the head of the liaison committee of the Federal Republic of Yugoslavia in Pristina on 22 November 2000, as well as on Serbian policemen in the south of Serbia on 21 November 2000;

Called for an immediate and full investigation to bring the perpetrators to justice;

Called on KFOR and UNMIK to continue to make all necessary efforts to prevent further attacks;

¹⁸⁰ *Ibid.*, pp. 23-24.

¹⁸¹ *Ibid.*, pp. 12-13.

¹⁸² S/PRST/2000/35.

Demanded that all those concerned refrain from acts of violence and cooperate with KFOR and UNMIK.

**Decision of 19 December 2000 (4250th meeting):
statement by the President**

At its 4249th meeting, on 19 December 2000, the Council included in its agenda the report of the Secretary-General on UNMIK dated 15 December 2000.¹⁸³ In his report, the Secretary-General observed, *inter alia*, that significant progress had been made with regard to successful municipal elections on 28 October 2000, despite the non-participation of the Kosovo Serb community, and the establishment of provisional municipal assemblies. UNMIK had continued its efforts to consolidate and further strengthen the existing joint interim administrative structures. The Secretary-General reported that recent changes in the Government of the Federal Republic of Yugoslavia had provided not only renewed hope for the people of the Republic, but also a new opportunity for UNMIK to improve its consultations with Federal authorities, and to engage in a constructive dialogue on issues of mutual concern. With regard to the interim administration, UNMIK had expressed the belief that the international community must actively pursue the process of defining substantial autonomy with the population of Kosovo sharing more and more responsibility in the administration of the province. In that regard, it was noted that UNMIK would work closely with Member States and representatives of the local population to formulate such a framework in accordance with resolution 1244 (1999). The Secretary-General denoted concern over the lack of returns of Kosovo Serbs and cooperation between the Kosovo Serbs and the Mission. The continuing conflict in the Presevo Valley in southern Serbia proper had served to destabilize the region and undermine relations between Kosovo and the Federal authorities, and had posed a serious threat to both the local population and to community relations inside Kosovo.

At that meeting, at which all members of the Council and the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia made statements, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations in line with the above-mentioned report of the Secretary-General.

¹⁸³ S/2000/1196, submitted pursuant to resolution 1244 (1999).

Most speakers expressed grave concern over the recent events in the Presevo Valley and maintained that the events posed a serious threat to regional stabilization. Noting the measures taken by UNMIK and KFOR to curb the violence, speakers urged the relevant Kosovo Albanians to engage in political dialogue.

The representative of the Russian Federation stressed that the Security Council and the Secretary-General needed to ensure tighter control over the activities of UNMIK as resolution 1244 (1999) was being implemented partially and unsatisfactorily. He noted the imperative need to immediately establish constructive cooperation among UNMIK, KFOR and the authorities of the Federal Republic of Yugoslavia on all matters connected with the implementation of resolution 1244 (1999), including ensuring conditions for the return of the internally displaced and refugees and preparing for a timetable and conditions for the return to Kosovo of the Federal Republic of Yugoslavia military and Serbian police personnel.¹⁸⁴

At its 4250th meeting, on 19 December 2000, the Council had before it the report of the Secretary-General on UNMIK.¹⁸⁵ The President (Russian Federation) made a statement on behalf of the Council,¹⁸⁶ by which the Council, *inter alia*:

Called for the dissolution of Albanian extremist groups; and called for the withdrawal from the area, in particular from the ground safety zone, of non-residents engaged in violent activities;

Welcomed the commitment of Yugoslav authorities to work towards a peaceful settlement;

Welcomed specific measures taken by KFOR to address the problem, including increased surveillance of the border, confiscation of weapons and the disruption of identified and illegal activity within Kosovo in the vicinity of the eastern administrative boundary;

Welcomed the dialogue between KFOR and the Yugoslav and Serbian authorities.

Deliberations of 18 January and 13 February 2001 (4258th and 4277th meetings)

At its 4258th meeting, on 18 January 2001, the Council heard a briefing on developments in the

¹⁸⁴ S/PV.4249, p. 18.

¹⁸⁵ S/2000/1196, submitted pursuant to resolution 1244 (1999).

¹⁸⁶ S/PRST/2000/40.

implementation of resolution 1244 (1999) by the Under-Secretary-General for Peacekeeping Operations. In addition to all members of the Council, statements were made by the representatives of the Federal Republic of Yugoslavia and Sweden (on behalf of the European Union¹⁸⁷).

In his briefing, the Under-Secretary-General noted that with regard to minority communities in Kosovo, Kosovo Serbs and their property had continued to be the targets of violent incidents, including arson and grenade attacks. With regard to the situation in southern Serbia, he observed that the security environment in the Presevo Valley had remained tense although the risks of major conflict appeared to have diminished. The Under-Secretary-General also elaborated on developments within the political and administrative structures of Kosovo and progress achieved in civil matters.¹⁸⁸ Most speakers expressed concern with regard to security in and around Kosovo, including the Presevo Valley, and focused their remarks on the subjects of elections, the need for reconciliation among the Kosovo ethnic communities, the judiciary, political prisoners, refugee return, missing persons and detainees and economic recovery.

The representative of Norway called on UNMIK and KFOR to make every possible effort to prevent activities which could destabilize the situation in the region and adversely affect developments inside Kosovo.¹⁸⁹

In his statement, the representative of the Federal Republic of Yugoslavia highlighted the major security problems in the ground safety zone, stemming from the incursions of “terrorists,” and, recalling the presidential statement of 19 December 2000,¹⁹⁰ called on the Council, UNMIK and KFOR to take even more active and robust measures to overcome the situation.¹⁹¹

On the subject of Kosovo-wide elections, the representative of the Russian Federation noted that his

¹⁸⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁸⁸ S/PV.4258, pp. 2-6.

¹⁸⁹ *Ibid.*, p. 17.

¹⁹⁰ S/PRST/2000/40.

¹⁹¹ S/PV.4258, p. 25.

delegation believed that the timing of such elections should be determined by assessing how they would help to achieve a comprehensive settlement in Kosovo.¹⁹² A few speakers shared the view of the Special Representative that the legal framework for elections should be settled before the elections were held.¹⁹³ The representative of China warned that such elections could have serious negative effects and stressed that resolution 1244 (1999) was very clear on the final status of Kosovo.¹⁹⁴

At the same meeting, the representative of the United States argued that Kosovo would never be peaceful and stable until its status was resolved. He underlined that resolution 1244 (1999) clearly stated that all options remained on the table, and set forth a process without dictating a solution. Within that context, he stressed that the terms of any eventual settlement must be mutually acceptable to both sides, and backed by the international community, as no other approach would result in a stable, long-term solution.¹⁹⁵

At its 4277th meeting, on 13 February 2001, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations. In addition to most members of the Council,¹⁹⁶ statements were made by the representatives of the Federal Republic of Yugoslavia and Sweden (on behalf of the European Union¹⁹⁷).

In his briefing, the Under-Secretary-General noted that, while the situation in the Presevo Valley, where training activities had been observed, remained worrying, UNMIK and KFOR had continued to play a key role in monitoring the Kosovo side of the administrative boundary.¹⁹⁸

Most speakers condemned the ongoing violence in southern Serbia and other areas within Kosovo, and recalled the presidential statement of 19 December 2000.¹⁹⁹ Echoed by other members, the representative

of Norway held that the tense situation in southern Serbia threatened to become the next focal point of conflict in the Balkans and urged that the crisis be addressed immediately.²⁰⁰

The representative of the Federal Republic of Yugoslavia stated that the situation in Kosovo and Metohija was unsatisfactory and that not enough had been done to implement the key provisions of resolution 1244 (1999). He maintained that attempts at solving it hastily and inadequately through the holding of “so-called Kosovo-wide elections” would only exacerbate the situation, and underlined the need for elections to be prepared in cooperation with the authorities of the Federal Republic of Yugoslavia.²⁰¹

The representative of the United States expressed the hope that Kosovo-wide elections would be held as soon as possible in 2001.²⁰²

At the meeting, several speakers stressed that, prior to the proposed Kosovo-wide elections, the following steps needed to be taken: clearly define the nature and functions of the provisional institutions of self-government; fully implement the results of the municipal elections held in 2000; and complete voter registration so that all ethnic groups would be properly represented in the next elections.²⁰³ The representative of Norway cautioned that premature or ill-prepared elections risked undermining the stability the Council sought to bolster.²⁰⁴ Underlining the need for Belgrade to participate fully in preparations for the elections, the representative of the Russian Federation questioned the appropriateness of attempts to speed up the date for holding elections without first providing the necessary conditions for the return of approximately 200,000 refugees and displaced persons. Echoed by the representative of Ukraine,²⁰⁵ he held that there should be greater clarity in defining the concept of autonomy for Kosovo within the Federal Republic of Yugoslavia and consolidation of the legal framework for provisional self-government prior to elections.²⁰⁶

¹⁹² *Ibid.*, p. 11.

¹⁹³ *Ibid.*, p. 12 (Jamaica); and p. 15 (Ukraine).

¹⁹⁴ *Ibid.*, p. 20.

¹⁹⁵ *Ibid.*, pp. 8-9.

¹⁹⁶ The representative of Mali did not make a statement.

¹⁹⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁹⁸ S/PV.4277, p. 4.

¹⁹⁹ S/PRST/2000/40.

²⁰⁰ S/PV.4277, p. 16.

²⁰¹ *Ibid.*, p. 21.

²⁰² *Ibid.*, p. 11.

²⁰³ *Ibid.*, p. 5 (France); pp. 13-14 (China); p. 14 (Ireland); p. 16 (Norway); and p. 19 (Sweden).

²⁰⁴ *Ibid.*, p. 16.

²⁰⁵ *Ibid.*, p. 12.

²⁰⁶ *Ibid.*, pp. 6-7.

Decision of 16 March 2001 (4298th meeting): statement by the President

At its 4296th and 4298th meetings,²⁰⁷ on 16 March 2001, the Council included in its agenda the report of the Secretary-General on UNMIK dated 13 March 2001.²⁰⁸ In his report, the Secretary-General observed, *inter alia*, that despite the political, security and economic challenges facing the Mission, there had been considerable progress in the implementation of the mandate of UNMIK. As the emergency phase was largely over, emphasis was focused on capacity-building in which the groundwork for elaborating a legal framework for provisional institutions of self-government had been laid and consultations had begun with representatives from the communities within Kosovo. The Secretary-General noted that the reluctance of many of the leaders of Kosovo to espouse fully the principles upon which self-autonomy was predicated had undermined the progress made by the international community. In that context, he underlined that the political leadership in Kosovo had to finally decide, and demonstrate that it was ready to take on the responsibility of self-government for a tolerant and all-inclusive democratic society and a well-regulated market economy.

At the 4296th meeting, in addition to all members of the Council, statements were made by the representatives of Albania, Bulgaria, the Federal Republic of Yugoslavia, Sweden (on behalf of the European Union²⁰⁹), the former Yugoslav Republic of Macedonia and Turkey.

The Special Representative briefed the Council on the status of UNMIK and the challenges ahead regarding the implementation of resolution 1244 (1999). He recalled that on assuming office he had outlined the following road map for the work of UNMIK: drawing up a legal framework for substantial autonomy that would lead to Kosovo-wide elections; strengthening the law enforcement and criminal justice system of Kosovo; creating the preconditions for self-

sustained economic growth; and engaging the authorities of the Federal Republic of Yugoslavia in cooperation on issues of common concern. On regional security issues, the Special Representative noted that the developments in the Presevo Valley, while not falling under his remit, had a direct impact on the internal stability and on the political process in Kosovo. He underlined that UNMIK strongly supported the international community's intervention and backing for a negotiated political solution that would make it possible to abolish the ground safety zone. He also noted that extremist actions in the former Yugoslav Republic of Macedonia had been destabilizing the situation in the region. While noting that it was an internal problem, he underlined the importance of KFOR and UNMIK supporting the Government of the former Yugoslav Republic of Macedonia in solving the immediate problems including sealing off the border. In conclusion, the Special Representative noted that a precondition for an improved security environment was the creation of a meaningful provisional self-government through the elaboration of a legal framework, followed in due course by Kosovo-wide elections, and "not the other way round".²¹⁰

Regarding the elections, the representative of the Russian Federation cautioned that "rushing through to elections" before the return of refugees and proper security of all peoples would strengthen the mono-ethnic nature of Kosovo and heighten a nationalist mood in the area. He underlined the importance of UNMIK making it absolutely clear on what "autonomy" within the Federal Republic of Yugoslavia actually meant in accordance with resolution 1244 (1999), and stressed the need for the direct involvement of the Federal Republic of Yugoslavia, not just informing it.²¹¹ The representative of France opined that the elections could be held once the conditions were met and that setting a date *a priori* would be risky.²¹² The representative of the Federal Republic of Yugoslavia held the view that prior to holding Kosovo-wide elections certain conditions had to be met, such as the return of all displaced persons, as well as the establishment of a legal framework with

²⁰⁷ At its 4286th meeting, held in private on 6 March 2001, the Council had a constructive discussion with the Prime Minister of the Federal Republic of Yugoslavia.

²⁰⁸ S/2001/218, submitted pursuant to resolution 1244 (1999).

²⁰⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.

²¹⁰ S/PV.4296, pp. 3-5.

²¹¹ *Ibid.*, p. 6.

²¹² *Ibid.*, p. 9.

a clear delineation of competencies of the elected bodies.²¹³

At the 4298th meeting, the President (Ukraine), on the basis of the report of the Secretary-General,²¹⁴ made a statement on behalf of the Council,²¹⁵ by which the Council, *inter alia*:

Welcomed the establishment of a working group under the authority of the Special Representative of the Secretary-General aimed at developing a legal framework for provisional institutions for democratic and autonomous self-government in Kosovo, and stressed the need for all ethnic groups to be represented in the work of that group;

Called on all parties to support the efforts of UNMIK to build a stable multi-ethnic democratic society in Kosovo and to ensure suitable conditions for Kosovo-wide elections;

Welcomed close contact between the Government of the Federal Republic of Yugoslavia and UNMIK and KFOR;

Called for an end to all acts of violence in Kosovo, in particular those which were ethnically motivated, and urged all political leaders in Kosovo to condemn those acts and to increase their efforts to create inter-ethnic tolerance;

Remained concerned about the security situation in certain municipalities in southern Serbia as a result of the violent actions of ethnic Albanian armed groups;

Welcomed the ceasefire agreements signed on 12 March 2001 and called for strict compliance with their provisions;

Welcomed the decision taken by NATO to authorize the commander of KFOR to allow the controlled return of forces of the Federal Republic of Yugoslavia to the ground safety zone.

Deliberations of 9 April, 19 June and 22 June 2001 (4309th, 4331st and 4335th meetings)

At its 4309th meeting, on 9 April 2001, the Council was briefed on developments in the implementation of resolution 1244 (1999) by the Under-Secretary-General for Peacekeeping Operations. In addition to all members of the Council, statements were made by the representatives of the Federal Republic of Yugoslavia and Sweden (on behalf of the European Union²¹⁶).

²¹³ *Ibid.*, pp. 31-32.

²¹⁴ S/2001/218.

²¹⁵ S/PRST/2001/8.

²¹⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

In his briefing, the Under-Secretary-General noted that intensive work by the Joint Working Group had continued on the development of a legal framework. He noted that during a meeting of the Special Representative with the President of Serbia, Vojislav Koštunica, the President had confirmed his support for Kosovo Serb participation in the Working Group, if it was backed up by expert support. The Under-Secretary-General observed that, based on the progress that had been made, elections would be possible before the end of the year, and said that every effort was being made to ensure full participation of Kosovo Serb and other ethnic minorities. Noting that progress had been made at the local level with the establishment of democratically functioning municipal assemblies, the Under-Secretary-General noted that concern remained with regard to the apparent politicization of municipal civil administration. He informed the Council that, in an effort to prioritize law and order, work continued on realigning the police and judicial institutions into a single new UNMIK pillar. On relations with the Government of the Federal Republic of Yugoslavia, he pointed to several positive developments in relations between UNMIK and Belgrade, including the opening of the UNMIK Belgrade office.²¹⁷

Most speakers reiterated their support for the four priority areas identified by the Special Representative, and welcomed the progress that had been achieved. Most speakers also highlighted the need for the drafting of the legal framework and the electoral process to be conducted with the full participation of all communities, and in that regard, welcomed the support that the President of Serbia had pledged. Many speakers appealed to UNMIK and KFOR to step up their efforts to curb violence and extremism in Kosovo.

A few speakers stressed that the necessary security conditions should be in place to ensure the participation of all ethnic communities in Kosovo.²¹⁸ Regarding the arms embargo to Kosovo, several speakers called for stricter implementation of resolution 1160 (1998).²¹⁹

The representative of Tunisia opined that the Council should give prompt thought to the exit strategy

²¹⁷ S/PV.4309, pp. 2-5.

²¹⁸ *Ibid.*, p. 7 (Russian Federation); and p. 16 (Norway).

²¹⁹ *Ibid.*, p. 8 (Russian Federation); p. 14 (Jamaica); p. 16 (Colombia); and p. 20 (Mali).

of UNMIK given the complexity of the situation in the region as a whole.²²⁰ In the light of that statement, the representative of Singapore expressed uncertainty as to whether, in terms of the end goal of getting Kosovo off the agenda of Council, the Council was moving forward or backwards.²²¹

At its 4331st meeting, on 19 June 2001, at which no statements were made, the Council included in its agenda the report of the Security Council mission to Kosovo, conducted from 16 to 18 June 2001.²²² The representative of the Federal Republic of Yugoslavia was invited to participate in the meeting. In his capacity as head of the mission of the Council, the President (Bangladesh) presented the report. The findings of the mission included the recognition that the status quo in Kosovo was unacceptable and that a political process had to be taken forward in accordance with resolution 1244 (1999).

At its 4335th meeting, on 22 June 2001, the Council included in its agenda the above-mentioned report of the Security Council mission and the report of the Secretary-General on UNMIK dated 7 June 2001.²²³ In his report, the Secretary-General observed, *inter alia*, that UNMIK had continued to make steady progress in the implementation of its mandate notably through the elaboration of the Constitutional Framework for provisional self-government, which would form the basis of Kosovo-wide elections on 17 November 2001. The Secretary-General underlined that the Constitutional Framework represented a balanced elaboration of the concept of “substantial autonomy” envisaged in resolution 1244 (1999). However, he noted that the success of the Provisional Government depended on the participation of all communities. The tense security situation punctuated by outbursts of violence against Kosovo minority communities had remained the single most important threat to the attainment of the international community’s goals.

At that meeting, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations. In addition to all members of the Council, statements were made by the representatives of Albania, the

Federal Republic of Yugoslavia and Sweden (on behalf of the European Union²²⁴).

In his briefing, the Under-Secretary-General focused on the main interrelated challenges that faced Kosovo, including issues related to security, return of refugees and internally displaced persons, confidence-building measures and the holding of Kosovo-wide elections later that year. He noted that UNMIK would focus on the creation of confidence-building measures Kosovo wide. On returns of the internally displaced and refugees, he stated that the process should be conducted in secure and sustainable conditions. He looked to the Government of the Federal Republic of Yugoslavia to support UNMIK in its endeavours, through, *inter alia*, encouraging the Kosovo Serb community to participate in elections and take their rightful place in the provisional government. The Under-Secretary-General noted that in its report the Council mission concurred with the views expressed by the report of the Secretary-General.²²⁵

Most speakers noted the need for substantial progress in the security situation to ensure the return of refugees and internally displaced persons and the participation in the political process of Kosovo Serbs, strongly condemned violence and extremism and repeated their willingness to support all those who favoured moderation. Commending the initiatives of UNMIK in the area of law and order, including the establishment of a new pillar and the recent promulgation of three pertinent regulations, speakers endorsed the intention of UNMIK to create the new post of Deputy Special Representative of the Secretary-General to lead the pillar, as well as the need to recruit additional international judges and prosecutors. Warmly welcoming improved relations between UNMIK and Belgrade and urging that they continue to develop, most speakers commended the invitation of Belgrade to Kosovo Serbs to register for the forthcoming elections, and encouraged further cooperation with the Government of the Federal Republic of Yugoslavia on all issues concerning the implementation of resolution 1244 (1999).

²²⁰ *Ibid.*, p. 10.

²²¹ *Ibid.*, p. 14.

²²² S/2001/600.

²²³ S/2001/565, submitted pursuant to resolution 1244 (1999).

²²⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²²⁵ S/PV.4335, pp. 2-5.

Although most speakers endorsed the political strategy of UNMIK regarding the promulgation of the Constitutional Framework and the forthcoming elections, the representative of the Russian Federation was critical of the fact that the Constitutional Framework contained no reference to the need for full compliance with resolution 1244 (1999), including its basic provision of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.²²⁶ The representative of Singapore noted that the political status of Kosovo was clear in resolution 1244 (1999), which should not be allowed to create further divisions in Kosovo, with all their adverse regional implications.²²⁷

At its 4350th and 4359th meetings, held on 26 July and 28 August 2001, the Council heard briefings on developments in the implementation of resolution 1244 (1999) from the Under-Secretary-General for Peacekeeping Operations. In addition to almost all members of the Council,²²⁸ statements were made by the representatives of Belgium (on behalf of the European Union²²⁹), the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia.

In his briefings, the Under-Secretary-General elaborated on, *inter alia*, developments *vis-à-vis* preparations for Kosovo-wide elections and the handover to the provisional institutions of self-government, and efforts to engage the minority communities, improve the situation of law and order and implement confidence-building measures. He cautioned that the Kosovo Serb community had not yet participated in voter registration in any great numbers, and expressed hope that clear persistent signals from Belgrade for Kosovo Serbs to register would help to reverse that trend.²³⁰

Most speakers expressed disappointment at the low level of registration among the non-Albanian Kosovo population for the scheduled elections and reiterated the need for the total participation of all

communities. They welcomed the support of the Serb authorities in encouraging Kosovo Serbs to register, and called for their unequivocal and sustained support in the run-up to the elections.

Concerning the arms embargo in the Federal Republic of Yugoslavia, the representative of the United States noted the full support of his Government for its lifting as discussed with the Government of the Federal Republic of Yugoslavia during the visit of the Council in June.²³¹ In support of the statement by the United States, the representative of the Russian Federation, echoed by the representative of the former Yugoslav Republic of Macedonia, reaffirmed their position in favour of lifting the arms embargo.²³²

Security Council resolution 1160 (1998) of 31 March 1998

Decision of 10 September 2001 (4366th meeting): resolution 1367 (2001)

At the 4366th meeting, on 10 September 2001, in which the representative of the Federal Republic of Yugoslavia was invited to participate, the President (France) drew the attention of the Council to a letter dated 6 September 2001 from the Secretary-General.²³³ The President then drew the attention of the Council to a draft resolution;²³⁴ it was put to vote and adopted unanimously and without debate as resolution 1367 (2001), by which the Council, *inter alia*:

Decided to terminate the prohibitions established by paragraph 8 of resolution 1160 (1998);

Decided further to dissolve the Committee established by paragraph 9 of resolution 1160 (1998).

²³¹ S/PV.4359, p. 6.

²³² *Ibid.*, p. 8 (Russian Federation); and p. 23 (the former Yugoslav Republic of Macedonia).

²³³ S/2001/849, in which he stated that the new authorities of the Federal Republic of Yugoslavia were cooperating constructively with the international community in efforts to bring peace and stability to the region, expressed the belief that the Federal Republic of Yugoslavia had complied with the provisions of resolution 1160 (1998) and suggested that the Security Council reconsider the prohibitions imposed by paragraph 8 of that resolution.

²³⁴ S/2001/854.

²²⁶ *Ibid.*, p. 6.

²²⁷ *Ibid.*, p. 7.

²²⁸ The representative of Tunisia did not make a statement at the 4350th meeting.

²²⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²³⁰ S/PV.4350, pp. 2-5; and S/PV.4359, pp. 2-5.

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

Decision of 5 October 2001 (4388th meeting): statement by the President

At its 4387th meeting,^{235,236} on 5 October 2001, the Council included in its agenda the report of the Secretary-General on UNMIK.²³⁷ In his report, the Secretary-General observed, *inter alia*, that UNMIK had continued to work intensively on preparations for the Kosovo-wide elections to be held on 17 November 2001, on implementation of the Constitutional Framework for Provisional Self-Government and on building public administration capacities in order to prepare for the transfer of authority that would bring substantial autonomy to the people of Kosovo as laid down in resolution 1244 (1999). Despite some difficulties, the Mission had made significant strides in strengthening security and law and order through the establishment of the police and justice pillar. However, continued inter-ethnic and criminal activity had remained a major concern.

At that meeting, the Council was briefed by the Special Representative of the Secretary-General on the basis of the above-mentioned report. In addition to all members of the Council, statements were made by the representatives of Albania, Belgium (on behalf of the European Union²³⁸) and the Federal Republic of Yugoslavia.

At its 4388th meeting, on 5 October 2001, the Council included in its agenda the above-mentioned report of the Secretary-General.²³⁷ The representative of the Federal Republic of Yugoslavia was invited to attend the meeting. The President (Ireland), then made a statement on behalf of the Council,²³⁹ by which the Council, *inter alia*:

Welcomed the elections to be held on 17 November 2001 as a basis for the establishment of democratic self-governing institutions as specified in the Constitutional Framework for Provisional Self-Government, under which the people of Kosovo would enjoy substantial autonomy in accordance with resolution 1244 (1999);

Emphasized the responsibility of the elected leaders of Kosovo to respect fully the final status provisions of resolution 1244 (1999);

Supported the continuing efforts by UNMIK and KFOR to improve public security;

Called on Kosovo Albanian leaders to actively support these efforts to promote security and return, and to combat extremism, including terrorist activities;

Stressed the need for proper organization and adequate security for the elections on 17 November, and welcomed continuing steps taken in that regard;

Called on all women and men of Kosovo to vote in the elections of 17 November;

Commended the authorities of the Federal Republic of Yugoslavia for their encouragement to the Kosovo Serb community to register, which confirmed the multi-ethnic character of Kosovo, and called on them to also actively encourage the fullest possible participation in the vote;

Underlined the importance, for the Kosovo Serb community, to integrate into the structures set up by UNMIK;

Encouraged the further development of a constructive dialogue between UNMIK and the authorities of the Federal Republic of Yugoslavia.

Decision of 9 November 2001 (4409th meeting): statement by the President

At the 4409th meeting, on 9 November 2001, in which the representative of the Federal Republic of Yugoslavia was invited to participate, the President (Jamaica) drew the attention of the Council to a letter dated 6 November 2001 from the representative of the Federal Republic of Yugoslavia to the Secretary-

²³⁵ For more information on the discussion at this meeting, see chap. I, part V, case 6, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedure.

²³⁶ At its 4373rd meeting, held in private on 17 September 2001, the Council considered the item entitled "Briefing by His Excellency Nebojša Čović, Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia". At that meeting, the Council had a constructive interactive discussion with the Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia, and the Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo.

²³⁷ S/2001/926 and Add.1, submitted pursuant to resolution 1244 (1999).

²³⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²³⁹ S/PRST/2001/27.

General.²⁴⁰ She then made a statement on behalf of the Council,²⁴¹ by which the Council, *inter alia*:

Called upon all women and men of Kosovo to vote;

Welcomed the signing on 5 November 2001 of the UNMIK-Federal Republic of Yugoslavia Common Document by the Special Representative of the Secretary-General and the Special Representative of the President of the Federal Republic of Yugoslavia and the Government of the Federal Republic of Yugoslavia and the Government of the Republic of Serbia;

Emphasized the responsibility of the provisional institutions of self-government and all concerned to respect fully the final status provisions of resolution 1244 (1999).

**Decision of 13 February 2002 (4473rd meeting):
statement by the President**

At its 4430th and 4454th meetings, on 27 November 2001 and 21 January 2002, the Council heard briefings on developments in the implementation of resolution 1244 (1999) by the Assistant Secretary-General and the Under-Secretary-General for Peacekeeping Operations, respectively. In addition to all members of the Council, statements were also made by the representatives of Belgium (on behalf of the European Union), the Federal Republic of Yugoslavia, Spain and Ukraine.²⁴² At its 4454th meeting, the Council included in its agenda the report of the Secretary-General on UNMIK dated 15 January 2002.²⁴³ In his report, the Secretary-General observed that the election of the Kosovo Assembly, held on 17 November 2001, was generally considered a great success. Once the provisional institutions of self-government were established, UNMIK would commence with the transfer of competencies, while retaining those reserved to the Special Representative.²⁴⁴ The Secretary-General noted that on 5 November 2002 his Special Representative and the

Deputy Prime Minister of Serbia had signed a Common Document which, first, provided the authorities of Belgrade with a list of measures that UNMIK had already taken, or was taking, to assist the Kosovo Serb community, so as to make it easier to encourage Kosovo Serb participation in the election; and, secondly, provided a solid basis for a cooperative relationship with the authorities of the Federal Republic of Yugoslavia. The Common Document reiterated the basic principles of resolution 1244 (1999) and outlined in detail a number of areas of mutual interest and common concern such as: swift progress on returns; integration of Kosovo Serbs into the provisional institutions; establishment of a multi-ethnic and unbiased justice system. One of the key provisions of the Common Document was the establishment of a high-ranking working group as the official forum for dialogue and cooperation between UNMIK and the provisional institutions on the one hand, and the Belgrade authorities on the other. The Secretary-General stated that whatever the final determination of the status of Kosovo would be, the relationship between Pristina and Belgrade would be crucial for the future well-being of the region.

In their briefings, the Assistant Secretary-General and the Under-Secretary-General for Peacekeeping Operations updated the Council on the results of the general elections held on 17 November 2001, and discussed the establishment of a provisional government which would involve, *inter alia*, setting up ministries, establishing a functioning local civil service and providing services for the incoming Assembly, including security for certain Assembly members.²⁴⁵

Most speakers expressed satisfaction with the relatively orderly and peaceful conduct of the elections, along with the widely representative turnout of voters. However, the representative of Singapore drew attention to the relatively low participation by the Serbian community (46 per cent), stressing that more attention needed to be placed on providing security to that part of the community.²⁴⁶

Furthermore, the representative of Singapore expressed the need to start addressing the issue of defining an exit strategy, in line with the note by the President on this subject.²⁴⁷ He cited the Council's

²⁴⁰ S/2001/1051, transmitting a letter from the President of the Former Republic of Yugoslavia on the common document signed by the Federal Republic of Yugoslavia and UNMIK regarding the implementation of resolution 1244 (1999) and the elections to be held in Kosovo on 17 November 2001.

²⁴¹ S/PRST/2001/34.

²⁴² The representative of Belgium made a statement only at the 4430th meeting, and the representatives of Spain and Ukraine made statements at the 4454th meeting.

²⁴³ S/2002/62, submitted pursuant to resolution 1244 (1999).

²⁴⁴ See S/2002/62, para. 15, for an overview of the reserved competencies.

²⁴⁵ S/PV.4430, pp. 2-4; and S/PV.4454, pp. 2-3.

²⁴⁶ S/PV.4430, p. 7.

²⁴⁷ S/2001/905.

decision, in resolution 1244 (1999), that UNMIK should facilitate the “political process designed to determine Kosovo’s future status, taking into account the Rambouillet accords” and asked when the international meeting called for in those accords might be convened.²⁴⁸

The representative of the Russian Federation expressed support with the widely held view among countries involved in the settlement process that the process of defining the final status of Kosovo should be frozen for some time to come.²⁴⁹

The representative of the Federal Republic of Yugoslavia asserted that resolution 1244 (1999), which guaranteed the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, “continued to be the sole basis for the consideration of the future status of Kosovo and Metohija”.²⁵⁰

At the 4473rd meeting,²⁵¹ on 13 February 2002, the President (Mexico) made a statement on behalf of the Council,²⁵² by which the Council, *inter alia*:

Noted the progress made in the implementation of resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government, including the inauguration of the Kosovo Assembly following the elections on 17 November 2001 in Kosovo;

Called upon the elected representatives of Kosovo to resolve the deadlock over the formation of executive structures of the provisional self-governing institutions and to allow the functioning of those institutions, in accordance with the Constitutional Framework and the outcome of the elections, which expressed the will of the voters;

Supported the development of cooperation between UNMIK, the elected representatives of Kosovo and the authorities in the Federal Republic of Yugoslavia, and stated that such cooperation was vital in implementing resolution 1244 (1999);

Reaffirmed the fundamental importance of the rule of law in the political development of Kosovo and condemned any attempt to undermine it;

Supported all efforts of UNMIK, together with KFOR and the Kosovo Police Service, to combat all kinds of crime, violence and extremism.

²⁴⁸ S/PV.4430, pp. 7-8.

²⁴⁹ S/PV.4454, p. 16.

²⁵⁰ S/PV.4430, p. 19.

²⁵¹ The representative of the Federal Republic of Yugoslavia was invited to participate but did not make a statement.

²⁵² S/PRST/2002/4.

Decision of 24 April 2002 (4519th meeting): statement by the President

At its 4498th meeting,²⁵³ on 27 March 2002, the Council heard a briefing on recent developments in Kosovo by the Assistant Secretary-General for Peacekeeping Operations, following which all members of the Council, the representative of Spain (on behalf of the European Union²⁵⁴) and the Deputy Prime Minister of the Federal Republic of Yugoslavia made statements.

In his briefing, the Assistant Secretary-General noted that efforts by UNMIK to engage the Kosovo Serbs in the Government had continued. On the issue of returns, he reported that UNMIK had been planning returns to 25 different locations throughout Kosovo, with confidence-building measures aimed at promoting reconciliation and a climate conducive to returns already under way. Despite the continuation of attacks on minority communities, the overall security situation had improved in Kosovo.²⁵⁵

The Deputy Prime Minister of the Federal Republic of Yugoslavia stressed the urgency of creating a truly multi-ethnic society. Pointing to the positive steps taken by the Government of the Federal Republic of Yugoslavia to that end, he urged the Council and the wider international community to assist in the effort and warned of the consequences should extremist groups prevail.²⁵⁶

On the issue of the final status of Kosovo, the representative of the Russian Federation maintained that until multi-ethnic coexistence had been established in the province, it would be counter-productive and politically dangerous to begin considering that issue. Noting that many matters were in need of urgent resolution, he proposed, with the support of several speakers, that the Council should undertake a

²⁵³ At the 4475th meeting, held in private on 25 February 2002, the Council, the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia, the representatives of the Federal Republic of Yugoslavia, Spain (on behalf of the European Union and associated States) and the Assistant Secretary-General for Peacekeeping Operations had a constructive discussion.

²⁵⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Turkey aligned themselves with the statement.

²⁵⁵ S/PV.4498, pp. 2-6.

²⁵⁶ *Ibid.*, pp. 6-8.

comprehensive survey on the implementation of resolution 1244 (1999), with the participation of the Special Representative.²⁵⁷

Pointing out that the issue of Kosovo had been discussed by the Council more regularly than any other issue, the representative of Singapore suggested the need for a more focused approach with regard to the achievements and failures of the Council's work in Kosovo in order to avoid assessments by other parties. He emphasized that, as UNMIK had an unusual mandate in perpetuity when every other peacekeeping operation had very specific time frames, the regular review of the activities of UNMIK was of necessity to the Council. Within that context, the representative expressed the hope that the Council would also address the final resolution of the future status of Kosovo in accordance with resolution 1244 (1999), in which it called on UNMIK to facilitate "a political process designed to determine the future status of Kosovo, taking into account the Rambouillet accords". Drawing attention to the fact that the Rambouillet accords called for a formulated mechanism for a final settlement for Kosovo three years after its signature on 18 March 1999, he proposed that the Security Council address the issue of that time frame which had expired on 18 March 2002.²⁵⁸

At its 4518th meeting, on 24 April 2002, the Council included in its agenda the report of the Secretary-General dated 22 April 2002.²⁵⁹ In his report, the Secretary-General observed, *inter alia*, that the formation of the Government was an important step forward in the implementation of one of the core tasks of resolution 1244 (1999). He encouraged the Kosovo Serb political entity to participate in the Government and work for the improvement of the Kosovo Serb community from within. The Secretary-General, highlighting the need for a political roadmap for both UNMIK and the provisional institutions of self-government, reported that he had requested his Special Representative to develop benchmarks against which progress could be measured in the critical areas of the rule of law, functioning democratic institutions, the economy, freedom of movement, the return of

internally displaced persons and refugees and contributions to regional stability.

At that meeting, the Council was briefed by the Special Representative of the Secretary-General. In addition to all members of the Council, statements were made by the representatives of Albania, the Federal Republic of Yugoslavia, Spain (on behalf of the European Union²⁶⁰) and Ukraine.

In his briefing, the Special Representative observed that UNMIK had been entering into a new phase. He underlined the need to transfer authority within Kosovo to the provisional government, and to convince Kosovans to look beyond Kosovo to Belgrade and the region. To accomplish those goals, the Special Representative outlined a set of priorities, stressing the need to: consolidate reliable and multi-ethnic institutions; boost the economy through job creation and privatization; further strengthen the rule of law; and focus on an integrated effort to facilitate return. On the transfer of responsibilities from UNMIK to the provisional institutions, he observed that the following benchmarks should be achieved before launching a discussion on the issue of status: existence of effective, representative and functioning institutions; enforcement of the rule of law; freedom of movement; respect for the right of all Kosovans to remain and return; development of a sound basis for a market economy; clarity of property titles; normalized dialogue with Belgrade; and reduction and transformation of the Kosovo Protection Corps in line with its mandate.²⁶¹

Most speakers offered their support for the Special Representative's mission priorities and commended his efforts to develop the benchmarks requested by the Secretary-General.²⁶²

While cautioning against an early withdrawal of UNMIK, the representative of Singapore opined that the failure of the Council to address the final status question contributed to the unstable situation in Kosovo and hindered efforts at reconciliation.²⁶³

²⁵⁷ *Ibid.*, p. 12 (Russian Federation); p. 15 (Singapore); p. 16 (Cameroon); p. 16 (Syrian Arab Republic); p. 19 (Colombia); and p. 21 (Mexico).

²⁵⁸ *Ibid.*, pp. 14-15.

²⁵⁹ S/2002/436.

²⁶⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey also aligned themselves with the statement.

²⁶¹ S/PV.4518, pp. 2-4.

²⁶² S/2002/436, para. 54.

²⁶³ S/PV.4518, p. 14.

The representative of the Russian Federation warned that the necessary conditions for the beginning of the political process were not currently in place. Thus any kind of hasty action could only destabilize the situation in Kosovo and in the region.²⁶⁴ The representative of Albania declared that any old ideas of creating a greater Serbia, a greater Croatia or a greater Albania belonged to history and that no one should reactivate them.²⁶⁵

At its 4519th meeting, on 24 April 2002, the Council included in its agenda the above-mentioned report of the Secretary-General.²⁶⁶ The President (Russian Federation) made a statement on behalf of the Council,²⁶⁷ by which the Council, *inter alia*:

Welcomed progress made in the formation of the executive bodies of the provisional institutions of self-government in Kosovo, to include representatives of all communities;

Called upon the leaders of the provisional institutions of self-government actively to demonstrate their commitment and Support efforts to promote security, returns, human rights, economic development, and a multi-ethnic and fair society with peaceful coexistence and freedom of movement for all the population of Kosovo;

Welcomed the decision of the Government of the Federal Republic of Yugoslavia to transfer Kosovo Albanian prisoners into the custody of UNMIK.

**Decision of 24 May 2002 (4543rd meeting):
statement by the President**

At its 4533rd meeting, on 16 May 2002, in which the representative of the Federal Republic of Yugoslavia was invited to participate, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations on developments in Kosovo. No statements were made at the meeting.

In his briefing, the Under-Secretary-General drew the attention of the Council to the draft programme of the Kosovo Government which envisaged the following priorities: consolidation of democratic structures; improvement of education and health care; promotion of economic development; protection of the rights and interests of communities; and regional integration, including meaningful dialogue with the

²⁶⁴ *Ibid.*, p. 24.

²⁶⁵ *Ibid.*, p. 28.

²⁶⁶ S/2002/436.

²⁶⁷ S/PRST/2002/11.

authorities. He expressed regret that the Kosovo Serbs were not putting forward candidates for the three allotted government posts, which meant that the Kosovo Serbs were still not part of the decision-making process and had not participated in the talks on the government programme.²⁶⁸

At the 4543rd meeting,²⁶⁹ on 24 May 2002, the President (Singapore) made a statement on behalf of the Council,²⁷⁰ by which the Council, *inter alia*:

Reaffirmed its previous relevant resolutions and statements regarding Kosovo, in particular the statements of its President of 7 March 2001²⁷¹ and 9 November 2001;²⁷²

Called upon the elected leaders of Kosovo to focus their attention on the urgent matters for which they have responsibility, in accordance with resolution 1244 (1999) and the Constitutional Framework;

Reiterated its full support for the Special Representative of the Secretary-General;

Urged Kosovo's leaders to work in close cooperation with UNMIK and KFOR, with a view to promoting a better future for Kosovo and stability in the region.

**Deliberations of 26 June, 30 July and
5 September 2002 (4559th, 4592nd and
4605th meetings)**

At its 4559th meeting, on 26 June 2002, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations on recent developments in Kosovo. In addition to all members of the Council, statements were made by the representatives of the Federal Republic of Yugoslavia and Spain (on behalf of the European Union²⁷³).

In his briefing, the Under-Secretary-General reported on the much welcomed development of the

²⁶⁸ S/PV.4533, pp. 2-4.

²⁶⁹ The representatives of the Federal Republic of Yugoslavia, Germany, Italy and the former Yugoslav Republic of Macedonia were invited to attend but made no statements.

²⁷⁰ S/PRST/2002/16.

²⁷¹ S/PRST/2001/7; see section 30.c above.

²⁷² S/PRST/2001/34.

²⁷³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

completion of the Kosovo Government in which two Kosovo Serb representatives had assumed positions.²⁷⁴

Most speakers reiterated their support for the Special Representative's establishment of benchmarks against which progress could be measured in the critical areas of the democratic provisional government of Kosovo.

The representative of the Russian Federation, however, reaffirmed the position of his delegation, and the understanding previously reached with the Special Representative that the benchmarks could in no way be regarded as any sort of road map to independence for Kosovo.²⁷⁵

At its 4592nd meeting, on 30 July 2002, the Council included in its agenda the report of the Secretary-General on UNMIK dated 17 July 2002.²⁷⁶ In his report, the Secretary-General observed, *inter alia*, that the formation of the Government with the participation of the Kosovo Serbs was an important step forward for the provisional institutions of self-government. The scheduled municipal elections would provide an important opportunity to consolidate elected democratic structures. Strengthening the rule of law throughout Kosovo remained a high priority. UNMIK remained committed to achieving sustainable returns in the course of the year and improve living conditions for minority communities.

In addition to all members of the Council, statements were made by the representatives of Albania, Denmark (on behalf of the European Union²⁷⁷), the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Ukraine.

At that meeting, the Council was briefed by the Special Representative of the Secretary-General, who reported on the progress *vis-à-vis* the benchmarks outlined during his last briefing. He informed the Council that the message of UNMIK was "standards before status", towards which progress had been made. He furthermore noted that the benchmarks allowed for measurement of progress and to eventually decide, when the time was right, to commence the process to

determine the future status of Kosovo, in line with paragraph 11 (e) of resolution 1244 (1999). The Special Representative noted that although he could not say what the future status of Kosovo would be, he could say what it would not be: there would be no partition, no cantonization, and no return to the status *quo ante* of 1999.²⁷⁸ He proposed to the Council to visit Kosovo in the context of the municipal elections scheduled for 26 October 2002 for a first-hand assessment of the progress made and where work had yet to be achieved.²⁷⁹

Most speakers welcomed the positive developments outlined in the Secretary-General's report, and expressed their appreciation and support for the efforts of the Special Representative towards that end. Many speakers expressed concern at the slow pace of internally displaced persons and refugee return, but nevertheless were encouraged by the more favourable climate and by the commitment of UNMIK to achieving sustainable returns in the course of that year.

Regarding the future status of Kosovo, the Deputy Prime Minister of the Federal Republic of Yugoslavia supported the statement of the Special Representative that final status should not be discussed until certain standards were achieved, and noted that politicians should take into account the stability of the region and should reach the decision on the final status only after a truly multi-ethnic society had been established in Kosovo.²⁸⁰

At its 4605th meeting, on 5 September 2002, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations on recent developments in Kosovo. In addition to all members of the Council, statements were made by the representatives of Denmark (on behalf of the European Union²⁸¹), the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Ukraine.

In his briefing, the Assistant Secretary-General elaborated on developments in the priority areas of UNMIK, including the building of functioning democratic institutions and preparing for the municipal

²⁷⁴ S/PV.4559, pp. 2-5.

²⁷⁵ *Ibid.*, p. 6.

²⁷⁶ S/2002/779.

²⁷⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁷⁸ S/PV.4592, pp. 2-5.

²⁷⁹ *Ibid.*, p. 29.

²⁸⁰ *Ibid.*, p. 7.

²⁸¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Turkey aligned themselves with the statement.

elections. Regarding the return of internally displaced persons, he noted the considerable increase in spontaneous returns, which, in some cases, had led to violence. He stressed that there could not be artificial mass returns and pointed out that the policy of UNMIK was based on the right of individual return in an organized and sustainable manner.²⁸²

Most speakers noted with satisfaction the positive steps taken by UNMIK in the process of establishing democratic institutions in Kosovo. On the other hand, the representative of the Russian Federation stressed that the local authorities had a long way to go before the Council could seriously speak about the consolidation of the day-to-day workings of the institutions of self-government of Kosovo and about the principle of multi-ethnicity.²⁸³

The representative of the Russian Federation, echoed by the representatives of the Syrian Arab Republic and Bulgaria,²⁸⁴ suggested that a visit of the Council to Kosovo and Belgrade after the holding of municipal elections on 26 October 2002 would be timely in order to assess progress made and get to know the situation on the ground as proposed by the Special Representative.²⁸⁵

Decision of 24 October 2002 (4633rd meeting): statement by the President

At the 4633rd meeting, on 24 October 2002, in which the representative of the Federal Republic of Yugoslavia was invited to participate, the President (Cameroon) made a statement on behalf of the Council,²⁸⁶ by which the Council, inter alia:

Reaffirmed its continued commitment to the full and effective implementation of Council resolution 1244 (1999) in Kosovo, commended the Special Representative of the Secretary-General and the Commander of KFOR for the ongoing efforts to that end, and called upon the provisional institutions of self-government, local leaders and all others concerned to cooperate fully with them;

Welcomed the progress made in preparing the municipal elections on 26 October 2002, and called upon all eligible voters, including those from minority communities, to seize the

chance to have their interests properly represented by taking part in the elections;

Expressed its firm belief that wide participation in the voting was essential to provide the best opportunity for future progress towards the building of a multi-ethnic and tolerant society.

Deliberations of 6 November and 19 December 2002 (4643rd and 4676th meetings)

At its 4643rd meeting, on 6 November 2002, the Council included in its agenda the report of the Secretary-General on UNMIK dated 9 October 2002.²⁸⁷ In his report, the Secretary-General observed, inter alia, that although the scheduled elections on 26 October 2002 would be an important step forward in the democratic process, of equal significance was the meaningful participation in the elected bodies at the central and local levels by all communities in Kosovo in order to ensure successful governance. The Secretary-General also emphasized the importance of the rule of law and noted positive development with regard to the Kosovo Police Service.

At that meeting, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations. In addition to all members of the Council, statements were made by the representatives of Denmark (on behalf of the European Union²⁸⁸), the Federal Republic of Yugoslavia, Japan and Ukraine.

In his briefing, the Under-Secretary-General observed that the municipal elections held on 26 October were confirmed by the Council of Europe Election Observation Mission as “in line with Council of Europe principles and international standards for democratic elections”. He also noted the low participation of the Kosovo Serb community.²⁸⁹

Most speakers concurred with the report of the Secretary-General. The representative of the Russian Federation, echoed by most speakers, underlined the key importance of strengthening constructive cooperation between the UNMIK leadership and Belgrade in order to resolve many ongoing problems in implementing the provisions of resolution 1244

²⁸² S/PV.4605, pp. 2-6.

²⁸³ Ibid., p. 7.

²⁸⁴ Ibid., p. 8 (Russian Federation); p. 12 (Syrian Arab Republic); and p. 17 (Bulgaria).

²⁸⁵ Ibid., p. 8.

²⁸⁶ S/PRST/2002/29.

²⁸⁷ S/2002/1126.

²⁸⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Turkey aligned themselves with the statement.

²⁸⁹ S/PV.4643, pp. 2-5.

(1999).²⁹⁰ The representative of Denmark, speaking on behalf of the European Union, asserted that the final status of Kosovo needed to be addressed in due course in line with resolution 1244 (1999).²⁹¹

The representative of Japan raised the issue of Security Council missions, observing that the Council had decided to send a third mission to Kosovo. Although recognizing the importance of such missions, the representative noted that their cost and the criteria for deciding when and where to dispatch them, as well as their composition, be discussed in a transparent manner.²⁹²

At the 4676th meeting, on 19 December 2002, in which the representative of the Federal Republic of Yugoslavia was invited to participate, no statements were made. The Council included in its agenda the report of the Security Council mission to Kosovo and Belgrade, conducted from 14 to 17 December 2002.²⁹³ Overall, the mission noted the positive developments with regard to the implementation of resolution 1244 (1999), while assessing that the situation in Kosovo remained fragile and much more work was needed to achieve implementation of resolution 1244 (1999). At that meeting, the Council was briefed, on the basis of the above-mentioned report, by the head of the Security Council mission (Norway).²⁹⁴

**Decision of 6 February 2003 (4703rd meeting):
statement by the President**

At its 4702nd meeting, on 6 February 2003, the Council included in its agenda the report of the Secretary-General dated 29 January 2003.²⁹⁵ In his report, the Secretary-General observed, *inter alia*, that significant achievements were made towards the end of 2002, including the second municipal elections in Kosovo and the beginning of the handover to local control of the electoral process. However, he noted that Kosovo still had considerable length from reaching the individual benchmarks under the principle of “standards before status”. The Secretary-General expressed concern over the violence among the Kosovo

Albanian community as well as the persistent violence against the Kosovo Serb community.

At that meeting, following a briefing by the Special Representative of the Secretary-General, all members of the Council, and the representatives of Greece (on behalf of the European Union²⁹⁶), Norway and Serbia and Montenegro made statements.

In his briefing, the Special Representative remarked, *inter alia*, that 2003 would not be the year for finally resolving the status of Kosovo, but that it was time to lay the groundwork for the political process which, in the end, would determine its status.²⁹⁷

Most speakers expressed concern about the unilateral statements made and initiatives taken by some in Kosovo and in the region concerning the status of Kosovo in contravention of resolution 1244 (1999). In view of such worrisome developments, most speakers stressed that meeting the standards laid out in the benchmarks was a prerequisite for the question of the final status to be addressed validly, pursuant to resolution 1244 (1999).

The representative of Pakistan expressed the hope that, when the time came for the political process, it would be based on consultations with all concerned, particularly the people of Kosovo, and that it would ensure their fundamental rights, consistent with the Charter of the United Nations.²⁹⁸

The representative of Serbia and Montenegro emphasized that international obligations and laws relevant to the Federal Republic of Yugoslavia, including resolution 1244 (1999), continued to apply, under the adoption of the new Constitutional Charter, to Serbia and Montenegro.²⁹⁹ The representative called for the full implementation of resolution 1244 (1999), including paragraph 9, which outlined the responsibilities of the international security presence to be deployed and acting in Kosovo.³⁰⁰

²⁹⁰ *Ibid.*, p. 7.

²⁹¹ *Ibid.*, p. 20.

²⁹² *Ibid.*, p. 22.

²⁹³ S/2002/1376.

²⁹⁴ S/PV.4676, pp. 2-5.

²⁹⁵ S/2003/113.

²⁹⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁹⁷ S/PV.4702, p. 5.

²⁹⁸ *Ibid.*, p. 12.

²⁹⁹ *Ibid.*, p. 19.

³⁰⁰ *Ibid.*, p. 20.

At its 4703rd meeting, on 6 February 2003, the Council again included in its agenda the report of the Secretary-General dated 29 January 2003.³⁰¹ The President (Germany) made a statement on behalf of the Council,³⁰² by which the Council, *inter alia*:

Reaffirmed its continued commitment to the full and effective implementation of resolution 1244 (1999);

Further reaffirmed its commitment to the objective of a multi-ethnic and democratic Kosovo, and called upon all communities to work towards that goal and actively participate in the public institutions as well as the decision-making process, and integrate into society;

Encouraged the establishment of direct dialogue between Pristina and Belgrade on issues of practical importance to both sides;

Condemned the violence within the Kosovo Albanian community, as well as the violence against the Kosovo Serb community;

Urged local institutions and leaders to exert influence on the climate for the rule of law by condemning all violence and actively supporting the efforts of the police and the judiciary;

Welcomed the report of the Secretary-General on the activities of UNMIK and recent developments in Kosovo³⁰¹ and the briefing of the Special Representative of the Secretary-General on the status of implementation of the benchmarks for Kosovo;

Strongly rejected unilateral initiatives which might jeopardize stability and the normalization process not only in Kosovo but also in the entire region;

Supported the continued efforts of the Special Representative of the Secretary-General, including in such priority areas as revitalizing the economy through investment, combating crime and illegal trafficking, and building a multi-ethnic society, while ensuring conditions for the sustainable return of refugees and internally displaced persons.

Deliberations of 23 April to 30 October 2003 (4742nd, 4770th, 4782nd, 4809th, 4823rd and 4853rd meetings)

At its 4742nd meeting,³⁰³ on 23 April 2003, the Council included in its agenda the report of the Secretary-General on UNMIK dated 14 April 2003.³⁰⁴ In his report, the Secretary-General observed, *inter*

alia, that the tendency of local Kosovo Albanian leaders and the provisional institutions of self-government to focus on symbols and image and to publicly promote positions contrary to resolution 1244 (1999) was a cause of concern. He welcomed the continuing and accelerating transfer of responsibilities to the provisional institutions and underlined that the transfer process would not affect the authority of UNMIK and KFOR under resolution 1244 (1999) or the powers and responsibilities reserved to the Special Representative. The Secretary-General called for all local leaders to strictly adhere to resolution 1244 (1999) and the Constitutional Framework. Observing that acts of intimidation, threats and violence directed against minorities continued to occur, he called for the leaders and people in Kosovo to put an end to such acts, and work actively on inter-ethnic dialogue and reconciliation. The Secretary-General commended the initiative by his Special Representative to start dialogue on practical matters of mutual concern between Belgrade and Pristina.

At the meeting, at which all members of the Council and the representatives of Albania, Greece (on behalf of the European Union³⁰⁵) and Serbia and Montenegro made statements, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, based on the above-mentioned report of the Secretary-General.

Most speakers welcomed the progress made on the transfer of further powers to the provisional institutions for self-government of Kosovo.

The representative of the Russian Federation stressed that the process of handing over authority should in no way subvert the decision of principle regarding the status of the province as that decision should be taken at a later stage, in "strict compliance" with resolution 1244 (1999).³⁰⁶

Regarding the final status question, the representative of Pakistan expressed the belief that the resolution of the status question should be the primary

³⁰¹ S/2003/113.

³⁰² S/PRST/2003/1.

³⁰³ For more information on the discussion at this meeting, see chap. XII, part I, sect. A, case 2, with regard to Article 1 (2) of the Charter.

³⁰⁴ S/2003/421.

³⁰⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³⁰⁶ S/PV.4742, p. 11.

focus of the Council's work in all but the most exceptional of cases.³⁰⁷

Several speakers argued that solving the status issue, one way or another, in a rushed manner would not solve the underlying problems of Kosovo and the region as a whole as much more needed to be achieved with regards to implementing the standards outlined by the Special Representative.³⁰⁸

At its 4770th meeting, on 10 June 2003, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations. In addition to all members of the Council, statements were made by the representatives of Greece (on behalf of the European Union³⁰⁹) and Serbia and Montenegro.

In his briefing, the Assistant Secretary-General noted that UNMIK and the provisional institutions had continued their joint efforts to transfer to the provisional institutions the non-reserved responsibilities. At the same time, he observed that much remained to be done in developing provisional democratic self-governing institutions and ensuring conditions for a peaceful and normal life for all the inhabitants of Kosovo. He further noted that political pressure on UNMIK had significantly increased with attempts to challenge its role under resolution 1244 (1999) and the Constitutional Framework.³¹⁰

The representative of France stated that no progress could be achieved in Kosovo on the basis of unilateral action contrary to resolution 1244 (1999) or by flouting the authority of UNMIK and KFOR.³¹¹

The representative of Bulgaria opined that the final word on the status of Kosovo should be given to the United Nations, in compliance with resolution 1244 (1999).³¹²

The representative of Spain viewed with great concern the attitude of the Kosovo Albanian leaders,

who publicly promoted, on an ongoing basis, positions that ran counter to resolution 1244 (1999).³¹³

The representative of Pakistan expressed the hope that progress on the final status issue could begin at an early stage, adding that there could be no exception or special exemptions to the application of the principle of self-determination.³¹⁴

The representative of Germany stated that the question of status would be addressed at the appropriate time and through the appropriate process. He underlined that only the Council had the power to assess the implementation of resolution 1244 (1999), and had the final word in settling the status issue. No unilateral move or arrangements intended to predetermine the status of Kosovo — either for the whole or for parts of Kosovo — could be accepted.³¹⁵

The representative of the Russian Federation advised that the process of the transfer of competencies could in no way be a substitute for a fundamental decision in principle on the status of the region, which must be taken at a later stage and exclusively on the basis of resolution 1244 (1999).³¹⁶

At its 4782nd meeting, on 3 July 2003, the Council included in its agenda the report of the Secretary-General on UNMIK dated 26 June 2003.³¹⁷ In his report, the Secretary-General observed, *inter alia*, that although Kosovo had made significant progress in achieving substantial autonomy and self-government, as required under resolution 1244 (1999), major challenges remained. In that regard, the “standards before status” policy remained the guiding principle of UNMIK activities. Concerning the transfer of competencies to the provisional institutions of Kosovo, the Kosovo Assembly continued to show a tendency to go beyond its prescribed institutional role as a legislative body which was clearly beyond the scope of its competencies under the Constitutional Framework. The Secretary-General noted that much work remained to be done on the issue of returns and reintegration. As UNMIK implemented its mandate and steered the political process in accordance with resolution 1244 (1999), it faced increasing and competing political pressures, and unilateral calls from Kosovo Albanians, Kosovo Serbs and Belgrade for

³⁰⁷ *Ibid.*, p. 7.

³⁰⁸ *Ibid.*, p. 8 (Germany); and p. 10 (Bulgaria).

³⁰⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³¹⁰ S/PV.4770, pp. 2-5.

³¹¹ *Ibid.*, p. 5.

³¹² *Ibid.*, p. 8.

³¹³ *Ibid.*, p. 11.

³¹⁴ *Ibid.*, p. 13.

³¹⁵ *Ibid.*, pp. 13-14.

³¹⁶ *Ibid.*, p. 16.

³¹⁷ S/2003/675.

mutually exclusive approaches to the future of Kosovo had continued.

At the meeting, at which, in addition to all members of the Council, statements were made by the representatives of Albania, Italy (on behalf of the European Union³¹⁸), Japan and Serbia and Montenegro, the Council heard a briefing by the Special Representative.

In his briefing, the Special Representative outlined the progress of the provisional government of Kosovo towards implementation of the standards. While recognizing that some progress had been achieved, he noted that the political rhetoric on both the Kosovo Albanian and Serbian sides had become more adversarial as both sides were pre-positioning themselves on the future status of Kosovo. In that regard, the Special Representative underlined the need for both sides to foster confidence.³¹⁹

Most speakers expressed their support for the gradual transfer of non-reserved competencies in accordance with resolution 1244 (1999) and recognized that much work remained with regard to the implementation of the benchmarks in conformity with the “standards before status” principle.

By a letter dated 14 August 2003 to the President,³²⁰ the representative of Serbia and Montenegro requested that an urgent meeting of the Council be convened to consider the latest developments in Kosovo and Metohija, especially the alleged terrorist attack in the village of Gorazdevac in the Pec region, which had resulted in the death of two Serb children and injuries to others on 13 August 2003.

At its 4809th meeting, held on 18 August 2003 in response to the request contained in the above-mentioned letter, which was included in the agenda, the Council heard a statement by the Deputy Prime Minister of Serbia and President of the Coordination Centre for Kosovo and Metohija, followed by statements by members of the Council.

The Deputy Prime Minister briefed the Council on the Gorazdevac attack as described in the above-

mentioned letter. He blamed the attack on Albanian “extremists and terrorists”, who sought to drive all Serbs out from Kosovo and Metohija and to discourage the refugees and internally displaced persons from returning. He stated that UNMIK and KFOR had become “hostage” to a determined Albanian minority and urged the international community to take “vigorous and decisive measures” in order to ensure that resolution 1244 (1999) was implemented equitably to all parties and ethnic groups; international law enforcement officials investigated ethnically motivated crimes and brought perpetrators to justice; a thorough disarmament was carried out; a thorough investigation of the crimes committed by individual members of the Kosovo Protection Corps was conducted leading to the abolishment of the Corps; and perpetrators of war crimes were indicted by the International Tribunal for the Former Yugoslavia and extradited to The Hague.³²¹

All speakers condemned the Gorazdevac attack and expressed the hope that UNMIK, under the leadership of the new Special Representative, would spare no efforts to arrest the perpetrators and bring them to justice. Speakers reiterated their commitment to a multi-ethnic Kosovo and maintained that ethnically motivated violence could not be allowed to obstruct the reconciliation process, the return of refugees and the upcoming dialogue between Belgrade and Pristina. In that regard, speakers expressed their continued support for the principle of “standards before status”.

Regarding the future status of Kosovo, the representative of Germany noted that all parties must understand that no unilateral act could change the status of Kosovo as laid down in resolution 1244 (1999) and that there could be no debate of the status issue before the benchmarks were met.³²²

At its 4823rd meeting, on 12 September 2003, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, following which, in addition to all members of the Council, statements were made by the representatives of Albania, Italy (on behalf of the European Union³²³) and Serbia and Montenegro.

³¹⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³¹⁹ S/PV.4782, pp. 3-5.

³²⁰ S/2003/815.

³²¹ S/PV.4809, pp. 2-5.

³²² *Ibid.*, p. 6.

³²³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

In his briefing, the Assistant Secretary-General noted, *inter alia*, that the previous reporting period had been characterized by a number of violent attacks and shootings which had occurred throughout Kosovo and primarily targeted the Kosovo Serb community as well as UNMIK law enforcement authorities. The former incidents had raised further feelings of insecurity among Kosovo Serbs and signs of an increase in inter-ethnic tension had been evident. With regard to the “standards before status” policy framework, the Special Representative reconfirmed the commitment of UNMIK towards that end and its focus on progress towards achieving the benchmarks for implementation of that policy.³²⁴

The representative of the United States emphasized that unilateral comments or declarations by neighbouring Governments or parties inside Kosovo about the future of Kosovo were premature and unhelpful. In that context, the representative added that attempts to prejudge final status would only distract from the important work at hand of implementing the standards and beginning the direct dialogue on practical matters where the focus should be.³²⁵

Several speakers reiterated their support with the policy promoted by UNMIK in conformity with the “standards before status” principle.

At the 4853rd meeting, on 30 October 2003, statements were made by all members of the Council and the representatives of Albania, Italy (on behalf of the European Union³²⁶), Japan, Serbia and Montenegro and Ukraine. The Council included in its agenda the report of the Secretary-General on UNMIK dated 15 October 2003.³²⁷ In his report, the Secretary-General observed, *inter alia*, that UNMIK had continued to make progress in establishing substantial autonomy and self-government, as required under resolution 1244 (1999). In implementing the Mission’s mandate, the Special Representative had continued to operate within the framework provided by the “standards before status” policy. While there had been noticeable improvements in the internal coordination and effectiveness of the policymaking and legislative

processes within the provisional institutions of self-government, more had remained to be done to ensure adequate levels of minority representation and employment at both the central and local levels of government. The security situation had remained a cause of concern due to a number of serious incidents involving minorities. The Secretary-General noted that his Special Representative had made the establishment of direct dialogue — one of the eight outlined standards — on practical matters of mutual concern between Pristina and Belgrade one of his central priorities, and had called on both sides to make their best efforts to ensure that the talks, which had been launched on 14 October 2003 in Vienna, would result in concrete actions leading to a measurable improvement in the daily lives of residents.

At that meeting, the Council received a briefing by the Special Representative of the Secretary-General, who acknowledged that, despite vast improvements in the overall security situation across most of Kosovo, the inter-ethnic violence over the summer had had a serious effect on the perception of security within the minority communities. Stressing that those incidents should not be allowed to hamper the positive trends in returns, he welcomed the open letter signed by the provisional institutions urging internally displaced persons to return, and the allocation of significant budget resources by the provisional institutions to fund return projects. The Special Representative noted that security and the rule of law had remained the highest priority. He informed the Council that the launch of direct dialogue between Pristina and Belgrade in Vienna on 14 October 2003 had provided encouraging signals that progress could be made. With regard to implementation of all eight standards, the Special Representative noted that UNMIK and the provisional government had been intensely involved in elaborating a joint plan of implementation that would allow the provisional institutions to meet the standards within agreed timeframes. On a related matter, he noted that the agreed transfer of competencies in non-reserved areas to the provisional institutions was nearing completion. At the same time, he referred to the increasing demands by the leaders of Kosovo that UNMIK also transfer competencies in reserved areas.³²⁸

Most speakers reiterated their support for the priorities outlined by UNMIK, namely, improving the rule of law and the security situation, in particular for

³²⁴ S/PV.4823, pp. 2-5.

³²⁵ *Ibid.*, p. 7.

³²⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³²⁷ S/2003/996.

³²⁸ S/PV.4853, pp. 2-5.

minority communities; furthering returns and minority rights; and strengthening economic development. Most speakers welcomed the continued transfer of non-reserved competencies, as listed in chapter 5 of the Constitutional Framework, to the provisional institutions and the launch of the direct dialogue on practical matters between Pristina and Belgrade on 14 October 2003.

Decision of 12 December 2003 (4880th meeting): statement by the President

At the 4880th meeting, on 12 December 2003, in which the representative of Serbia and Montenegro was invited to participate, no statements were made. The President (Bulgaria) made a statement on behalf of the Council,³²⁹ by which the Council, *inter alia*:

Welcomed the launching of a review mechanism giving new momentum to the implementation of the “standards before status” policy that was designed for Kosovo;

Urged the provisional institutions of self-government to participate fully and demonstrate their commitment to the process;

Supported the “standards for Kosovo” document and reaffirmed its intention to continue to consider the regular reports of the Secretary-General as to the progress of the provisional institutions of self-government towards meeting the standards;

Supported the prospect of a comprehensive review of the progress of the provisional institutions of self-government in meeting the standards;

Stressed that further advancement towards a process to determine the future status of Kosovo in accordance with resolution 1244 (1999) would depend on the positive outcome of the comprehensive review;

Reaffirmed its full support to the Special Representative of the Secretary-General and called on the provisional institutions of self-government of Kosovo and all concerned to cooperate fully with him.

Deliberations of 17 December 2003 (4886th meeting)

At its 4886th meeting, on 17 December 2003, the Council received a briefing by the Under-Secretary-General for Peacekeeping Operations. In addition to all members of the Council, statements were made by the

representatives of Albania, Italy (on behalf of the European Union³³⁰) and Serbia and Montenegro.

The Under-Secretary-General for Peacekeeping Operations noted, *inter alia*, that, depending on progress made towards reaching the standards, as assessed during the reporting period, a general review of the progress of the provisional institutions would be undertaken around mid-2005. He explained that if the provisional institutions had not fulfilled the standards by that time, it had been proposed that they be given a further period to work on meeting the standards. The Under-Secretary-General made clear that no deadline was set for the standards implementation and the future status process would not start automatically on the general review date.³³¹

All speakers reiterated their support of the launching of a review mechanism for the implementation of the “standards before status” policy. Although most speakers recognized notable progress in Kosovo, it was generally agreed that work remained to be done with regard to the implementation of the standards.

The representative of Pakistan said that the “standards before status” policy, devised only for Kosovo, should not set a precedent for other similar situations, either past, present or future. He also stated that the standards should not become an excuse to avoid addressing the status question, which was the underlying problem in Kosovo. He expressed that the solution to the status issue should be based on the wishes of the people of Kosovo, in accordance with the principle of self-determination enshrined in the Charter of the United Nations, and at the same time respond to the interests and welfare of all the people of Kosovo.³³²

The representative of Serbia and Montenegro stressed that such a review mechanism for the implementation of standards must provide for regular and active involvement by Serbia and Montenegro, whose sovereignty over Kosovo and its territorial integrity were basic elements of resolution 1244 (1999).³³³

³²⁹ S/PRST/2003/26.

³³⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³³¹ S/PV.4886, pp. 2-7.

³³² *Ibid.*, pp. 13-14.

³³³ *Ibid.*, p. 21.