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SRSG Harri Holkeri's Presentation to the United Nations Security Council, 30 October 2003

Mr. President,

I arrived in Kosovo to begin my mission as Special Representative of the Secretary General 11 weeks ago. I had hardly been on the ground for half an hour when someone fired off several rounds of bullets at a group of children swimming in a stream.

Two Kosovo Serb boys were killed and two were seriously injured that day in Gorazdevac.

That incident may well have been intended to be a message for me. There have been previous cases when violent acts were timed to coincide with international high level visits or heightened international focus on Kosovo. However, it only strengthened my resolve to start my mission.

Last week, I visited the military hospital in Belgrade, where one of the seriously wounded, Bogdan Bukumiric, is recovering. He asked me how the investigation is progressing.

I told him that it is our responsibility to do the utmost to bring to justice those responsible for this crime. But echoing the message I have delivered to so many in Kosovo, I told him that we need the help and cooperation of ordinary people to ensure that justice is done.

Unfortunately, as in many other societies, investigators run up against a wall of silence, due to fear and intimidation.

My young friend, Bogdan, and his generation need a future where there is no threat of violence. I am convinced that the overwhelming majority of the people of Kosovo, regardless of their ethnic background, are against the use of violence.

In addition to the shooting at Gorazdevac, several other senseless, violent incidents shook Kosovo in the following weeks.

I have made it clear to Kosovo's leaders that issuing statements of sorrow is not enough. I have urged them to get out of their offices and explain to their constituents in towns, villages, workplaces, schools and families that violence must stop. It harms Kosovo.

Far too many people silently tolerate ethnically-based violence. This must be opposed.

The attacks can resume at any time. Extremists from one side or the other may again try to influence the international perception of Kosovo to discredit the peace-building activities of UNMIK and KFOR.

Or they can resort to violent acts to dissuade IDPs and refugees from returning.

Mr. President,

The overall security situation has vastly improved across most of Kosovo, but the dramatic advances enjoyed by the majority community have not been felt by all. The rule of law is being openly flouted in many places around Kosovo.

Combating these phenomena will require upholding intensive cooperation between UNMIK's Police and Justice Pillar, with the full engagement of the Kosovo Police Services (KPS), and the NATO-led peacekeeping force. KFOR continues to do excellent work in ensuring a safe and secure environment throughout Kosovo. We count on their continued, robust support.

The Kosovo Police Service, now numbering nearly 6,000 servicemen and women, is increasingly qualified to handle more advanced police activities. As a result, UNMIK police have begun gradually reducing their presence.

Similarly, the judiciary is also increasingly being staffed and run by local residents. The exclusive use of international judges on trial panels is rapidly diminishing as members of the local judiciary demonstrate the ability to take on difficult cases.

Still, much remains to be done to improve the security situation in Kosovo. Security and the rule of law remain my highest priority as both are indispensable for progress on so many other key issues, including returns and economic development.

The violent incidents of this past summer have had a serious effect on perceptions of security in minority communities.

Clearly, if internally Displaced Persons fear for their safety they will not return to their homes.

Inter-ethnic violence should not be allowed to hamper the positive trend in returns which was supported by the open letter signed at the beginning of July by the PISG to IDPs urging them to return. This commendable commitment was further backed up by the PISG's allocation of seven million euros to funding returns projects from the Kosovo Consolidated Budget. This is a most welcome and constructive development.

Overall, freedom of movement has continued to improve in most parts of Kosovo as UNMIK has provided or facilitated transport services for minority communities.

The challenge remains to ensure that all municipalities and particularly those that are to receive returning IDPs show a clear commitment to a tolerant, multi-ethnic society.

Let me take this opportunity to remind you, that returns require timely planning and sufficient financing to be successful. Donor funds for 2004 should be released early enough, in time to allow the projects to be duly prepared.

Another fundamental objective is the Direct Dialogue between Pristina and Belgrade. Much of my time, has been occupied preparing the launch of this important process.

My aim has been to translate the political commitment of Thessaloniki's EU/Western Balkans Summit, where both Belgrade and Pristina accepted the dialogue process, into a concrete and effective framework for communication between the parties.

This has proved to be a challenging and strenuous effort.

PM Rexhepi has consistently conditioned the Government's participation in the Dialogue on the consensual approval of the main coalition parties or a consensus of the Assembly.

In my view, and this view is largely shared by the International Community, the Government must promptly decide to engage in the technical talks. The Prime Minister and his respective ministries should determine without further delay how best the Government can contribute to the process.

Furthermore, some Kosovo-Albanian political leaders have made their participation in any talks conditional on changes in the Governmental responsibilities and structures as well as the establishment of new ministries, including in reserved areas.

There cannot be any linkage between the Dialogue process and enhancement of PISG responsibilities and structures. Such bargaining is not acceptable. Dialogue is one of the standards approved by the Security Council. As to transfer of further competencies beyond Chapter 5 of the Constitutional Framework, the Security Council, I am sure, will provide the necessary guidance.

Failure of the Government and the coalition parties to accept responsibility for contributing to the achievement of this particular benchmark resulted in the launching of the talks in Vienna on 14 October with the participation of only two out of three

institutional leaders – Mr. Rugova, President of Kosovo, and Mr. Daci, President of the Assembly of Kosovo. I commend their political courage and responsible action. It is regrettable that the Government's absence prevented a multi-ethnic representation from Pristina at the Vienna meeting. I appreciate that despite this fact PM Zivkovic and DPM Covic decided to come.

The Belgrade and Pristina delegations sat on either side of me in the historic Congress Hall of the Austrian Federal Chancellery. An impressive array of representatives of the international community at the highest level was present.

It is known, that the Belgrade and Pristina delegation members did not interact.

But, at this first encounter, they did listen carefully to what the other side had to say and in certain areas, their comments provided encouraging signals that progress could be made.

The International Community's representatives offered words of encouragement to the participants to proceed with the dialogue -- emphasizing this as one of the eight benchmarks that should be fulfilled before talks on final status can begin.

Now our task is to maintain the momentum and to move forward. The four Working Groups with multi-ethnic representation on the Kosovo side must be promptly be established and begin technical talks in Belgrade and Pristina at the expert level. This too is likely to be an uphill struggle.

I appeal to this Council and the International Community as a whole to provide continued support to the Dialogue process. Speaking with one voice as you did in Vienna is of utmost importance.

While these efforts are ongoing, the PISG and UNMIK are now intensely focused on a joint plan for implementing the eight benchmarks. We are closely coordinating with the Office of the Prime Minister to develop achievable goals within agreed time frames to enable the PISG to meet standards. The Joint Plan should offer clarity both to the people of Kosovo and the International Community on implementation of the standards and the evaluation of progress.

Mr. President,

I have focused primarily on security, returns, dialogue and standards but there are serious challenges in other areas as well.

Kosovo's economy is showing progress. Tax revenues and customs duties exceed expectations. Necessary management changes for Kosovo's most intractable problem in the economic sphere – the unstable and inadequate electricity supply - have been agreed with the government.

Unemployment remains at about 57 percent overall, and is even higher for women and young people. Privatization is essential and certainly the only hope in addressing this challenge.

However, the Kosovo Trust Agency is expressing concerns related to immunity of its personnel and the legal platform provided by the current KTA legislation. This is adversely affecting the privatization process. Further discussions on these issues are necessary in order to facilitate effective implementation of the privatization process, which is vital for the economic development of Kosovo.

UNMIK is nearing completion of the agreed transfer of competencies in non-reserved areas to the Provisional Institutions of Self-Government based on the Constitutional Framework. We must ensure not only that non-reserved competencies are effectively transferred, but also that the PISG are in a position to absorb the new responsibilities and carry them out with the necessary technical competence and political fairness.

Kosovo's leaders are increasingly demanding that UNMIK also transfer competencies in reserved areas.

I have told them that PISG advance into reserved areas under the Constitutional Framework is beyond my mandate and will require action by the Security Council. At the same time, I have expressed my commitment to work with the Government to enhance its effectiveness in a true spirit of partnership. I have indicated my readiness to give favourable consideration to establishment of new structures that may be needed for this purpose, always in conformity with Resolution 1244 and the Constitutional Framework.

Meanwhile, Kosovo's democratic institutions both at the central and municipal level continue to develop and are gradually improving their administrative skills and effectiveness.

UNMIK will soon be receiving the Council of Europe Mission's recommendations on decentralization in Kosovo, due on 14 November. These should form a good basis for bringing democratic local government closer to the people and increasing its efficiency.

The process of decentralization is likely to be complex and lengthy and will depend on the ability of local representatives to take on additional responsibilities. However, even now much more needs to be done to provide functioning services to all citizens and to ensure respect of minority rights at all levels of governance.

It is of very serious concern that the Belgrade authorities continue to strengthen parallel structures in Kosovo, as evidenced by the recent unilateral appointment by the Coordination Center for Kosovo of so-called regional and municipal coordinators. Belgrade must work with Kosovo structures and replace this unacceptable policy with a commitment to truly multi-ethnic organs of government in Kosovo. Failure to change course will impede development of genuine multi-ethnicity in Kosovo.

Parallel courts continue to function in the northern municipalities and even outside of Kosovo. This is really unacceptable. These parallel courts pretend to exercise jurisdiction in Kosovo. International arrest warrants which have no validity have been issued through these unauthorized structures against Kosovo residents. This has already caused serious difficulties and cannot be tolerated. Under Resolution 1244, it is UNMIK that has jurisdiction and authority over Kosovo.

Mr. President, the short-to-medium term outlook for Kosovo is uncertain, but the strong desire of Kosovo's people to live in a peaceful, stable, lawful society is crystal clear. Infighting and jockeying for position among politicians in advance of elections in Kosovo and Serbia will continue to hamper our attempts to fulfill the tasks vital for implementation of UNMIK's mandate.

The public is growing increasingly frustrated with the government's apparent inability to tackle matters that affect their well-being. Continued high levels of unemployment are of special concern. The PISG on its part is constantly blaming all deficiencies on what it perceives as an absence of authority to deal with these matters.

These tensions; Belgrade's continued support of parallel structures; the possibility of a renewal of ethnically-motivated violent attacks; and the resulting fears that continue to keep many IDPs from returning to Kosovo are all challenges that require us to maintain firm commitment to the principles and objectives embodied in Resolution 1244.

UNMIK, KFOR and the International Community still have much to do together in Kosovo to ensure the fulfillment of standards. This will enable you, the Security Council, to determine Kosovo's future status.

Mr. President, we look forward to the continued support of the Security Council and the International Community in meeting the ongoing challenges.