



Repertoire of the Practice of the Security Council

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Department of Political Affairs - Security Council Affairs Division
Security Council Practices and Charter Research Branch

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

Overview

During the period under review, the Security Council held eleven meetings, including one closed meeting, in connection with the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. At these meetings, the Council discussed the developments relating to [resolution 1244 \(1999\)](#) including an outbreak of ethnic violence in the northern region of Mitrovica and the ruling of the International Court of Justice on the legality of Kosovo’s unilateral declaration of independence in 2008. Further discussions also focused on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK), as well as the role of the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force (KFOR),¹ among other topics.

A table lists the meetings held in consideration of this agenda item, as well as related information, including invitees and speakers.

January to May 2010: briefings by the Special Representative of the Secretary-General

On 22 January and 17 May 2010, the Council was briefed by the Special Representative of the Secretary-General and head of UNMIK. In his briefings, the Special Representative outlined developments in the region and noted that the overall

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

situation in Kosovo was currently stable. At the same time he drew attention to the potential for volatility and instability, especially in northern Kosovo. He stated that among other activities, UNMIK continued to offer its good offices for the resolution of practical inter-ethnic issues and was engaged with all interested parties on issues relating to cultural and religious heritage. He noted that while there had been some encouraging movement in the cultural and religious heritage sphere, progress in other areas was still heavily conditioned by the prepositioning of the sides in relation to the upcoming advisory opinion of the International Court of Justice on the legality of Kosovo's unilateral declaration of independence. The problem of missing persons remained a major challenge to the process of reconciliation between the communities. The issue of returns to the villages continued to be a source of tension in other parts of Kosovo due to the humanitarian and economic challenges, as well as security and property issues. He regretted that efforts made by EULEX to re-establish a fully functioning multi-ethnic court in the northern part of Mitrovica had produced mixed results and the establishment of full-fledged customs facilities proved difficult. He further highlighted the progress made with regards to the integrated mission planning process mandated by the Secretary-General, and stated that UNMIK and the United Nations Kosovo team were in the process of developing a United Nations strategic framework to enhance the implementation of ensuring lasting security and stability in Kosovo.²

During their statements both the President and the Foreign Minister of the Republic of Serbia reiterated their consistent rejection of the unilateral declaration of independence and stated that the principled position of Serbia's democracy remained "set in stone". They commended the role of UNMIK and EULEX in setting the stage for responsible stakeholders to work together on improving the lives of ordinary people irrespective of their ethnicity. They however expressed regret that Kosovo's ethnic Albanians had failed to embrace pragmatic status-neutral engagement, notably in the rule of law area.³

On the other hand, Mr. Skender Hyseni maintained that the independence of Kosovo was irreversible and expressed the view that it had contributed to sustainable

² [S/PV.6264](#), pp. 2- 4 and [S/PV.6314](#), pp. 2-5.

³ [S/PV.6264](#), pp. 5-9 and [S/PV.6314](#), pp. 5-9.

regional peace and security. He highlighted the positive developments and stressed that the continued destabilizing interferences of Serbia in Kosovo were unacceptable.⁴

In their comments, several members appreciated the cooperation between UNMIK and EULEX and commended their continued efforts in the promotion of security and stability in Kosovo and the region. Many representatives commended the Kosovo electoral authorities for the successful organization of municipal and mayoral elections. Delegates also shared the Secretary-General's concern regarding the protection of religious and cultural heritage and at the same time called on both parties to cooperate with each other and UNMIK. Most speakers expressed concern about the facilitation of return of all refugees and displaced persons. In particular, the representative of the Russian Federation reiterated its willingness to pursue political efforts that the issue of Kosovo is addressed in accordance with [resolution 1244 \(1999\)](#).⁵ In addition the representative of Gabon expressed the belief respect for international rules should be adhered to in any process leading to self-determination.⁶

6 July 2010: discussion on the incident of an explosion in Mitrovica, northern Kosovo

On 6 July 2012, an urgent Council debate was held at the request of the Republic of Serbia to discuss the incident of an explosion in northern Kosovo. The explosion resulted in the loss of one life and threatened to provoke further violence. The President of the Republic of Serbia narrated the incident which happened on 2 July 2010, and urged the international community to prevent any future occurrence. He expressed the view that implementation of the Secretary-General's six point plan was the only way to establish stability in Kosovo.⁷

⁴ [S/PV.6264](#), pp. 9-12 and [S/PV.6314](#), pp. 9-11.

⁵ [S/PV.6264](#), p. 22; and [S/PV.6314](#), p. 21.

⁶ [S/PV.6264](#), p. 15.

⁷ [S/PV.6353](#), pp. 2-5.

At the meeting, the Special Representative affirmed that the United Nations would remain engaged with all sides, and reiterated the Secretary-General's call for the parties to commit to dialogue on the matter of northern Kosovo.⁸

The head of EULEX condemned the act of violence and emphasized that there was no risk of a general deterioration in the security situation. He added that EULEX had acted in strict compliance with its mandate at all times.⁹

The representative of Kosovo informed of the ongoing investigation of the incident to bring the perpetrators to justice.¹⁰

Members of the Council condemned the incident and called on all sides to refrain from provocative statements and actions. They also called for an investigation into the matter with a view to bringing the perpetrators to justice. Council members further urged all parties to seek a peaceful resolution of the issue through constructive dialogue. Many members reaffirmed their support for the role played by UNMIK in that regard.¹¹

August 2010: discussions relating to the advisory opinion of the International Court of Justice on Kosovo's unilateral declaration of independence

On 3 August 2010, the Council held a debate following the advisory opinion of the International Court of Justice on 22 July 2010 regarding Kosovo's unilateral declaration of independence. The Special Representative of the Secretary-General briefed the Council on the situation on the ground and stated that it was relatively stable. He noted that slow progress towards reconciliation between the communities and the unresolved issues that hampered such reconciliation, coupled with slow economic development, continued to present the risk of social unrest. Touching upon the advisory opinion of the Court, the Special Representative stressed that the United Nations preliminary legal assessment was that the opinion did not affect the status of UNMIK or

⁸ Ibid., pp. 5-6.

⁹ Ibid., p. 7.

¹⁰ [S/PV.6353](#), pp. 7-9.

¹¹ Ibid.

its status neutral policy. He also added that the judgment confirmed the applicability of [resolution 1244 \(1999\)](#).¹²

The Minister for Foreign Affairs of the Republic of Serbia commented that the Court's technical approach in narrowly examining the language of the unilateral declaration of independence could lead to the conclusion that the declaration itself did not violate international law. Regrettably the Court's view could therefore be misinterpreted and eventually become a decisive step in legitimizing unilateralism on the global stage.¹³

Welcoming the advisory opinion of the International Court of Justice, the representative of Kosovo expressed the view that [resolution 1244 \(1999\)](#) should be replaced with a new resolution reflecting the realities created by the independence of Kosovo and the ruling of the Court. In his opinion, it would enable Kosovo to ultimately become a United Nations Member.¹⁴

Most members took note of the advisory opinion of the International Court of Justice rendered on 22 July 2010 and stressed the importance for a peaceful settlement of the issue. Some members, however, pointed out the limitations of the advisory opinion and maintained that [resolution 1244 \(1999\)](#) was the legal framework for resolving the situation in Kosovo.¹⁵

On 12 November 2010, the Special Representative of the Secretary-General for Kosovo briefed the Security Council on implementation of [resolution 1244 \(1999\)](#). He noted that since the issuance of the advisory opinion of the International Court of Justice, a “growing unease” had developed in the cooperation between the Kosovo authorities and UNMIK on facilitating regional cooperation and the administration of northern Mitrovica. An early election had been announced for 12 December 2010 and the Special Representative hoped that they would be free and fair. He welcomed General Assembly [resolution 64/298](#) adopted in September, and hoped that the European Union-facilitated dialogue between Pristina and Belgrade would soon start.¹⁶

¹² [S/PV.6367](#), pp. 2-5.

¹³ *Ibid.*, pp. 5-8.

¹⁴ *Ibid.*, pp. 8-10.

¹⁵ *Ibid.*, p. 21 (Gabon); p. 22 (Mexico); and p. 23 (Russian Federation).

¹⁶ [S/PV.6422](#), pp. 2-4.

The Minister for Foreign Affairs of the Republic of Serbia and the representative of Kosovo reiterated their principled positions, but at the same time signalled their readiness to engage in dialogue facilitated by the European Union.¹⁷

Council members welcomed the continued role of UNMIK and reiterated the importance of its cooperation with EULEX. Many representatives welcomed the unanimous adoption of General Assembly [resolution 64/298](#) on 9 September, which pointed to a new era of pragmatic, neighbourly relations between the Republic of Serbia and Kosovo.

February 2011: discussions following the Kosovo Assembly elections and the allegation of illegal human organ trafficking

On 16 February 2011 the Special Representative briefed the Council on the Secretary-General's report and brought attention to the first Assembly elections organized by the Kosovo authorities.¹⁸ He stated that UNMIK did not play any role since they were not held within the framework of resolution 1244 (1999). There were reports of widespread irregularities and manipulation of votes, which was later addressed by the Kosovo Supreme Court. Referring to the publication of a report by the Council of Europe's Parliamentary Assembly Special Rapporteur, Dick Marty, he noted that unresolved issues concerning allegations of organized criminal activities, including illegal human organ trafficking involving members of the Kosovo Liberation Army continued to be a key challenge facing Kosovo's long-term stability.¹⁹

The Foreign Minister of Serbia called for a full and independent criminal investigation of the reported allegations, stating that the investigating mechanism should be created by, and accountable to, the Security Council.²⁰

The representative of Kosovo replied that his authorities had firmly rejected the allegations as stipulated in Mr. Marty's report, but in the light of the severity of the

¹⁷ *Ibid.*, pp. 4-6 (Republic of Serbia); and pp. 6-8 (Representative of Kosovo).

¹⁸ [S/2011/43](#).

¹⁹ [S/PV.6483](#), pp. 2-4.

²⁰ *Ibid.*, p. 7.

allegations, they had supported a prompt launch of a thorough investigation by EULEX prosecutors on the ground.²¹

Many Council members commented on the irregularities that occurred during the Kosovo elections, as well as the increased participation of the Kosovo Serbian population. At the same time they expressed concern regarding the allegations of human organ trafficking. They also welcomed the decision of EULEX to open preliminary investigations into the allegations and the public commitment by Albania and the Kosovo authorities to cooperate fully with the investigation. Reaffirming its position on the status of Kosovo, the representative of Russian Federation, disputed the legitimacy of the Kosovo Assembly elections.²²

On 12 May 2011, the Council held a debate during which the Special Representative presented the report of Secretary-General on UNMIK.²³ In his briefing the Special Representative stated that the election by the Kosovo Assembly was gradually leading Kosovo towards a period of increased political stability. He informed the Council that there had been “three face-to-face” meetings between the Serbian and the Kosovo representatives. He however, expressed concern that a stagnant economy was an obstacle to the return process. He finally supported a call by the Council of Europe’s Parliamentary Assembly for an independent investigation into the organ trafficking allegations.²⁴

Referring to the dialogue between Serbia and Kosovo, the Serbian Minister for Foreign Affairs expressed the belief that the United Nations should be present during the meetings of the dialogued between Pristina and Belgrade. Regarding the alleged organ trafficking, he disputed the capability of EULEX to conduct the investigation and maintained that it should be done by a mechanism created by the Security Council.²⁵

²¹ Ibid., p. 9.

²² Ibid., p. 20.

²³ [S/2011/281](#).

²⁴ [S/PV.6534](#), pp. 2-4.

²⁵ Ibid., pp. 4-8.

On the contrary, the representative of Kosovo, Mr. Enver Hoxhaj, expressed support to EULEX and stated that it had the capacity to make a difference in Kosovo, as well as to investigate allegations of war crimes that took place during the conflict.²⁶

Council members welcomed the pragmatic approach taken by both Belgrade and Pristina during their first three meetings of the dialogue and hoped that this would pave the way for peace, security and stability in the region. The representatives of the United Kingdom, United States and Portugal commended Kosovo on the election of a new President and formation of a new Government.²⁷

August 2011: discussions on the situation in Kosovo following the postponement of the Pristina-Belgrade dialogue

On 30 August 2011, the Acting Special Representative and Head of UNMIK reported that in July violence erupted at the boundary crossing points in northern Kosovo, after Pristina had effectively placed Serbian goods under embargo and attempted unilaterally to deploy a special police unit.²⁸ He informed that the situation had soured following the postponement of the Pristina-Belgrade dialogue due to disagreements over boundary-related issues. He added that strengthened dialogue between Pristina and Belgrade was imperative to reducing chances for further destabilization. He further reported on the selection of the EULEX task force to investigate organ trafficking allegations.²⁹

Reaffirming its position, the Foreign Minister of Serbia condemned the incident and the actions of the Kosovo authorities and emphasized that the status quo ante must be reinstated. Nevertheless, he assured the Council of Serbia's commitment to the dialogue.³⁰

The representative of Kosovo brought attention to the economic hardship caused by the Serbian blockade against Kosovo's exports and in explaining the rationale behind

²⁶ Ibid., pp. 8-11.

²⁷ Ibid., p. 12 (United Kingdom); p. 15 (United States); and p. 20 (Portugal).

²⁸ [S/2011/514](#).

²⁹ [S/PV.6604](#), pp. 2-4.

³⁰ Ibid., pp. 4-9.

Kosovo's actions stated that Kosovo was forced to take measures of "reciprocity against Serbian goods". He also called on the Council to support both sides to engage in dialogue.³¹

Regarding the incident in July, many Council members expressed concern about the deteriorating situation in northern Kosovo and therefore called on all sides to exercise restraint and prevent any future occurrence. Some delegates welcomed the progress made by EULEX and noted the creation of the EULEX Task Force.³² The representatives of Colombia and the Russian Federation expressed regret that the Council was unable to agree on a draft resolution proposed by the Russian delegation concerning the situation in Kosovo.³³

15 September 2011: urgent meeting in response to requests by the representatives of Serbia and the Russian Federation

On 15 September 2011, the Council convened an urgent meeting in response to requests made by the representatives of Serbia and the Russian Federation, regarding the intention of the Kosovo authorities to unilaterally impose, on 16 September 2011, customs and border police control over the administrative boundary crossings (known as Gates 1 and 31) between North Kosovo and Serbia, with facilitation by the Kosovo Force (KFOR) and EULEX.³⁴

The Assistant Secretary-General for Peacekeeping Operations briefed the Council on the persisting tensions in Northern Kosovo and highlighted initiatives of UNMIK and its international partners to contain the current situation and discourage unilateral action or the use of force and violence. He expressed concern that the implementation of the announced plan by the Kosovo authorities could threaten stability and cause another outbreak of violence. He therefore appealed to both sides to take responsibility in preventing the recurrence of violence in northern Kosovo.³⁵

³¹ Ibid., pp. 9-12.

³² Ibid., p. 15 (Germany); p. 19 (Portugal); p. 23 (United States); and p. 25 (South Africa).

³³ Ibid., p. 13 (Colombia); and p. 18 (Russian Federation).

³⁴ [S/2011/574](#) and [S/2011/575](#).

³⁵ [S/PV.6616](#), pp. 2-4.

Following the briefing by the Assistant Secretary- General, Council member had further discussions on the situation in Kosovo in a private meeting.³⁶

November 2011: discussions on the formation of the EULEX Special Investigative Task Force

On 29 November 2011, the new Special Representative reported that incidents involving roadblocks mounted by northern Kosovo residents to keep boundary crossings into Serbia closed had deteriorated into violent confrontations with the Kosovo Force (KFOR). He maintained that the precarious situation in the north of Kosovo warranted the attention and leadership of the Council and at the same time welcomed the resumption of the European Union (EU)-facilitated dialogue between Pristina and Belgrade. He updated on the EULEX investigation, stating that the lead prosecutor of the Special Investigative Task Force had met with leaders from Kosovo, Albania and Serbia. He also pointed out Belgrade's position that an independent body established by the Security Council should lead the investigation.³⁷

The Foreign Minister of Serbia welcomed the appointment of the lead prosecutor for the EULEX Special Investigative Task Force despite Belgrade's position that the mandate of EULEX was not adequate to carry out a comprehensive investigation. He then opined that EULEX's investigation should be empowered and accountable to the Security Council. He regretted that Serbia's repeated warning of the adverse effect of unilateral forceful action had been ignored by some "key actors". Turning to the overall situation in Kosovo, he pointed out that in addition to the precarious situation in the North, the Southern province had also witnessed a number of violent incidents affecting the Serb population. He therefore called on the Security Council to be actively engaged in resolving all the outstanding issues.³⁸

The representative of Kosovo, Mr. Enver Hoxhaj, noted the progress that had been made in the areas of Kosovo's recognition, consolidation of its statehood and the

³⁶ [S/PV.6617](#).

³⁷ [S/PV.6670](#), pp. 2-5.

³⁸ *Ibid.*, pp. 5-8.

process of European integration. With regards to the situation in the north of Kosovo, he cautioned that it was a serious threat to regional peace and stability. He further complained that the implementation of resolution 1244 (1999) and the Ahtisaari Plan aimed at ensuring the best mechanisms and rights for the Kosovo Serbs in the north had been interfered by the Serbian Government.³⁹

Council members welcomed the resumption of the EU-facilitated dialogue and the progress made so far, while noting that other critical issues remained unresolved. Many delegations shared the Secretary-General's concern over the deterioration of the security situation in the north of Kosovo and condemned the violence perpetrated against KFOR. A number of speakers welcomed the appointment of the lead prosecutor for the Special Investigative Task Force,⁴⁰ while others expressed the view that such an investigation should proceed under the auspices of the United Nations and report to the Security Council.⁴¹ The representatives of the Russian Federation and South Africa called for the implementation of an independent witness- and victim-protection system.⁴²

³⁹ Ibid., pp. 8-12.

⁴⁰ Ibid., p. 14 (United States); p. 15 (United Kingdom); p. 18 (France); and p. 20 (Germany).

⁴¹ Ibid., p. 14 (India); and p. 19 (Russian Federation).

⁴² Ibid., p. 19 (Russian Federation); and p. 22 (South Africa).

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

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>
6264 22 January 2010	Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2010/5)	Republic of Serbia (President)	Special Representative of the Secretary-General and head of UNMIK, Mr. Hyseni	All Council members and invitees
6314 17 May 2010	Report of the Secretary-General on UNMIK (S/2010/169)	Republic of Serbia (Minister for Foreign Affairs)	Special Representative of the Secretary-General, Mr. Hyseni	All Council members and invitees
6353 6 July 2010	Letter dated 2 July 2010 from Serbia to the President of the Security Council (S/2010/355)	Republic of Serbia (President)	Special Representative of the Secretary-General, representative of the European Union, Mr. Skender Hyseni	All Council members and invitees
6367 3 August 2010	Report of the Secretary-General on UNMIK (S/2010/401)	Republic of Serbia (Minister for Foreign Affairs)	Special Representative of the Secretary-General, Mr. Skender Hyseni	All Council members and invitees
6422 12 November 2010	Report of the Secretary-General on UNMIK (S/2010/562)	Republic of Serbia (Minister for Foreign Affairs)	Special Representative of the Secretary-General, Mrs. Vlora Çitaku	All Council members and invitees
6483 16 February 2011	Report of the Secretary-General on UNMIK (S/2011/43)	Republic of Serbia (Minister for Foreign Affairs)	Special Representative of the Secretary-General, Mrs. Vlora Çitaku	All Council members and invitees
6534 12 May 2011	Report of the Secretary-General on UNMIK (S/2011/281)	Republic of Serbia (Minister for Foreign Affairs)	Special Representative of the Secretary-General, Mr. Enver Hoxhaj	14 Council members ^a and invitees
6604 30 August 2011	Report of the Secretary-General on UNMIK (S/2011/514)	Republic of Serbia (Minister for Foreign Affairs)	Acting Special Representative of the Secretary-General, Mr. Enver Hoxhaj	All Council members and invitees
6616 15 September 2011	Letter dated 13 September 2011 from the Permanent Representative of Serbia to the President of the Security Council (S/2011/574) Letter dated 14 September 2011 from the Permanent Representative of the Russian Federation to the President of the Security Council (S/2011/575)	Republic of Serbia (Minister for Foreign Affairs)	Assistant Secretary-General for Peacekeeping Operations, Mr. Enver Hoxhaj	Assistant Secretary-General for Peacekeeping Operations
6617 (closed) 15 September 2011		Republic of Serbia (Minister for Foreign Affairs), 25 Member	Assistant Secretary-General for Peacekeeping Operations, Mr. Enver	

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>
6670 29 November 2011	Report of the Secretary-General on UNMIK (S/2011/675)	States ^b Republic of Serbia (Minister for Foreign Affairs)	Hoxhaj Special Representative of the Secretary-General, Mr. Enver Hoxhaj	All Council members and invitees

^a The representative of Bosnia and Herzegovina did not make a statement.

^b Albania, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, Greece, Hungary, Ireland, Italy, Montenegro, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Netherlands.