



Security Council

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Letter dated 12 December 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

I have the honour to forward, enclosed herewith, a letter from Boris Tadić, President of the Republic of Serbia, dated 11 December 2008, addressed to you.

I would be grateful if you would advise the President of the Security Council of the letter with a request to have it circulated as a document of the Security Council.

(Signed) Pavle Jevremović
Ambassador
Permanent Representative



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I wish to clarify the position of the Republic of Serbia on the reconfiguration of the international civilian presence in our province of Kosovo and Metohija in the wake of your latest report on Kosovo to the Security Council (S/2008/692), welcomed by a Presidential statement. My country has indicated its support for the strictly status-neutral deployment of the European Union Rule of Law Mission in Kosovo (EULEX) on the basis of paragraphs 49 and 50 of the above-mentioned report, which ensures that, in addition to being status neutral, EULEX fully respects Security Council resolution 1244 (1999) and operates under the authority of the United Nations. Thus EULEX will serve as the implementing arm of the United Nations.

It is our firm position that EULEX's mandate does not include the implementation of any portion of Mr. Martti Ahtisaari's "Comprehensive Proposal for a Kosovo Status Settlement" which, as your report makes clear was "not endorsed by the Security Council" and therefore has no standing in international law. The relevant Joint Action of the Council of the European Union (2008/124/CFSP), which the Secretary-General of the Council has assured me in writing EULEX will strictly implement, advances this position as well, indicating that "the Kosovo organs, institutions and authorities referred to [...] are the institutions [...] created on the basis of resolution 1244 (1999)" that is to say, those approved by the United Nations Interim Administration Mission in Kosovo (UNMIK).

I received a letter from your Special Representative on 6 December indicating his intention to "undertake all necessary actions to reconfigure the operations of UNMIK in the rule of law area following the deployment of EULEX". It was the first and to date only official communication between the United Nations and the Republic of Serbia since the Security Council session held on 26 November 2008.

The letter did not specify how your Special Representative intends to implement the provisions agreed to in the "dialogue with Belgrade" (S/2008/692, paras. 26-47), especially those relating to rule of law. In our view, UNMIK remains Serbia's primary interlocutor on implementation and all other issues related to the interim administration of Kosovo. It is therefore essential that the executive and reserved powers accorded to it by the Constitutional Framework for Provisional Self-Government (UNMIK/REG/2001/9) continue to be exercised. Moreover, the United Nations field presence through regional and subregional offices remains vital, as does its presence in Belgrade.

Accordingly, we expect your Special Representative to propose, in the very near future, a schedule of meetings on implementation (as provided, *inter alia*, in paras. 33, 38, 41 and 42 and 46 and 47 of the report).

Your report does not provide for the transfer of functions to EULEX. Sustaining the active engagement of the United Nations and your Special Representative remains a crucial component in achieving success on the ground and contributing to the establishment of stability in our province of Kosovo and

Metohija. His continuing activities serve, in our view, as a guarantee of the status-neutrality of the international presence in our southern province. We look forward to deepening our relationship with the United Nations in the period to come.

(Signed) Boris **Tadić**
