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Statement by Ambassador Zalmay Khalilzad, U.S. Permanent Representative, on Kosovo, in the Security Council, December 19, 2007

Thank you, Minister D'Alema. It is an honor to have you here. It is also an honor to have here Foreign Minister of Slovakia Jan Kubis.

Welcome, Mr. Secretary-General.

I would also like to welcome to the Security Council both Prime Minister Kostunica and President Sejdiu.

To Mr. Kostunica and the Serbian people, let me acknowledge the long history of warm relations and cooperation between our two countries.

I look forward to the continuation of that relationship as we together resolve the last unresolved issue brought about by the violent breakup of the Yugoslavia of Slobodan Milosevic.

To President Sejdiu, let me say it is a pleasure to see you and hear you for the first time directly address this Council.

Our discussion today takes place against the backdrop of the last remaining unresolved conflict in the Balkans, and a source of continuing instability in Europe. Kosovo is a unique situation—it is a land that used to be part of a country that no longer exists and that has been administered for eight years by the United Nations with the ultimate objective of definitely resolving Kosovo's status. This issue is, as several colleagues have pointed out, sui generis and therefore, any solution to this problem is not a precedent for any other conflict or dispute.

It is important to consider this issue in its recent historical context. The policies of ethnic cleansing that the Milosevic government pursued against the Kosovar people forever ensured that Kosovo would never again return to rule by Belgrade. This is an unavoidable fact and the direct consequence of those barbaric policies. And it places the Kosovo issue in a fifteen-year history of recent Balkan conflicts that resulted in the independence of every other constituent part of the former Yugoslavia.

Today, I would like to make four points:

First, negotiations have exhausted their potential.

Over two years ago, the Council supported the launch of the process to resolve Kosovo's status. The Council blessed the appointment of UN Special Envoy Martti Ahtisaari who undertook over fifteen months of intensive negotiations between Belgrade and Pristina.

President Ahtisaari accomplished exactly what the Security Council requested of him. After facilitating 20 months of negotiations between the parties, he prepared a comprehensive proposal for the way forward. That proposal enjoyed broad international support, including from the EU, NATO, the UN Secretary-General and, Mr. Kostunica, an overwhelming majority of Security Council members. It was not rejected by the Council.

President Ahtisaari, an experienced international statesman who has mediated many conflicts in the service of the United Nations, told us then that, "the negotiations' potential to produce any mutually agreeable outcome on Kosovo's status is exhausted." Nevertheless, the Security Council was unable to act on his recommendations. We were disappointed, as prompt Security Council action would have provided the best basis for moving forward.

As a result of the deadlocked discussions in the Council, we agreed to one more period of negotiations between the parties. The United States supported this effort and assigned Ambassador Frank Wisner, one of our most experienced diplomats, to the endeavor.

We are grateful to the Troika for its hard work and intense schedule of meetings. This trio of outstanding negotiators explored every conceivable avenue for potential compromise. Yet, at the time that their mandate concluded, the parties were still deadlocked. They could not achieve the negotiated solution we all would have preferred.

The submission of the report of the U.S./EU/Russia Troika brings that last effort to an end. And what we heard today from the two parties demonstrates once again how irreconcilable the positions of the two sides is.

My second point is that the status quo is unsustainable.

After two years of negotiations, it is clear that the fundamentally divergent views about the ultimate status for Kosovo preclude any agreement between the parties. Indeed, the parties are now no closer on the question of Kosovo's final status than when the UN initially adopted Resolution 1244 more than eight years ago. The Troika process did not fail due to a lack of time. Given the differing views, there is no reason to believe that the parties would ever find a middle ground between their respective positions.

So, now we are face with difficult decisions about the way forward. New talks would only freeze the conflict, condemning the people of Kosovo to continued uncertainty. Some conflicts that the Security Council reviews have festered for decades, destabilizing entire regions for generations. This is not the future we seek for Kosovo. UNMIK was established for one year. It has lasted eight years and has done all it can do without a status determination as SRSG Rucker has told us many times.

My third point, Mr. President, is that we need to move forward to implement the Ahtisaari Proposal.

Fortunately, the Ahtisaari Proposal gives us a roadmap gives us a roadmap for moving ahead. Implementation will enhance regional stability, lock in democratic reforms, and accelerate the integration of all of the countries of Southeast Europe into Euro-Atlantic institutions.

The Ahtisaari proposal will also enhance and protect the rights, security, and culture of Kosovo's non-

Albanian communities. The proposal includes international presences to monitor and, if necessary, take action to ensure that Kosovo's government is living up to its obligations.

European leaders have said they are ready to accept their responsibilities and bring this process to completion. The United States is also prepared to move forward. As we do so, however, we must work together to ensure stability on the ground in Kosovo. In particular, we must remind both Belgrade and Pristina of the commitment they made to the Troika not to use violence, make threats, or engage in provocations. We must remind Kosovo's leaders that they must do everything within their powers to ensure that non-Albanian communities feel safe and secure in Kosovo.

Serbia's leaders also have responsibilities to keep the peace in Kosovo. We have seen disturbing developments recently that seem contrary to the pledges made to the Troika. Belgrade has opened a branch office of its government Ministry for Kosovo in north Mitrovica. This provocation is contrary to the pledges Belgrade made to the Troika to avoid inflammatory acts. As UNMIK has pointed out, such a unilateral act, uncoordinated with UNMIK, is in violation of Security Council resolution 1244 and is illegal. This office should be closed and no others should be opened.

My fourth point, Mr. President, is it is time to move forward on a European future for Serbia and Kosovo.

A lack of resolution to Kosovo's status is preventing the full integration of the Balkans into Europe. We would like to see Serbia take its rightful place among European countries and in Euro-Atlantic institutions.

I would like to say to my friend Ambassador Churkin: We respect the position of Russia and wish we could have come to an agreement, but we have not. We call on you one final time to embrace the Ahtisaari proposal. We need statesmanship to move forward on our common goal of a stable and secure future for Europe.

To achieve this integration, it is essential to solve the problem of Kosovo's status, which is hampering both Serbia and Kosovo's advancement. It is time to move forward to a brighter future where Serbia and Kosovo can be partners and neighbors, fully integrated into Europe.

The Council has played an important role in Kosovo, especially in setting up the framework for its post-way interim administration. The status process is at an end. We have to move on to the next step.

Let me conclude, Mr. President: The status quo in Kosovo is unsustainable and threatens to spark new regional instability. We must swiftly act on the one proposal on the table: the plan of the UN Special Envoy Martti Ahtisaari. In doing so, we shall act in accordance with international law and Security Council Resolution 1244. 1244 provides an appropriate legal framework to reach a sustainable final status for Kosovo, as well as the EU and NATO presences to enable that outcome.