



Security Council

Fifty-fifth year

Provisional

4225th meeting

Thursday, 16 November 2000, 10.45 a.m.
New York

<i>President:</i>	Mr. van Walsum	(Netherlands)
<i>Members:</i>	Argentina	Ms. Moglia
	Bangladesh	Mr. Chowdhury
	Canada	Mr. Heinbecker
	China	Mr. Wang Yingfan
	France	Mr. Levitte
	Jamaica	Miss Durrant
	Malaysia	Mr. Mohammad Kamal
	Mali	Mr. Toure
	Namibia	Mrs. Ashipala-Musavyi
	Russian Federation	Mr. Gatilov
	Tunisia	Mr. Cherif
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Holbrooke

Agenda

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

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The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

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

The President: I should like to inform the Council that I have received letters from the representatives of Albania, Austria and the Federal Republic of Yugoslavia, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nesho (Albania), Mr. Pfanzelter (Austria) and Mr. Mladenović (Federal Republic of Yugoslavia) took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council decides to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Bernard Kouchner, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, Federal Republic of Yugoslavia.

There being no objection, it is so decided.

I welcome Mr. Kouchner and invite him to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Bernard Kouchner, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, Federal Republic of Yugoslavia. I give him the floor.

Mr. Kouchner (*spoke in French*): Seventeen months ago the Council gave us the mandate of setting Kosovo on its way, administering it and establishing democratic institutions until it could assume the substantial autonomy called for in resolution 1244 (1999). We have made a great deal of progress, important progress, in that direction, but not only progress; there have been failures as well, and many challenges remain to be met.

I do not intend to overwhelm the Council with technical details of that progress, because I am sure that it has available a paper that summarizes the current status. I would like to take this opportunity to review some of the most important advances we have made in order to fulfil the mandate conferred upon us in June 1999 by resolution 1244 (1999), and to indicate the direction that I believe should now be taken.

The municipal elections in Kosovo were universally recognized as a technical success, but also, I am convinced, as a victory for the burgeoning democracy in Kosovo. To truly appreciate the success of 28 October, we need to take into account the context in which the elections took place and everything that has occurred over the past 17 months, a very short time compared with other peace missions that the Security Council proposes, creates and monitors. Seventeen months is indeed a short time.

Last Saturday I presided over the ceremony in which the new Pristina municipal council took the oath of office. There were present 60 men and women chosen by the people of Kosovo in what was, for them, the first democratic and free election.

As I have said, I will not overwhelm the members of the Council with figures, but I would recall that 5,000 candidates came forward. One third were women, which is not a negligible figure. For other countries that would be a very significant result. There were 5,000 candidates on 18 official lists of political parties, with many individual lists and many lists of local interests. Last Saturday there were ceremonies at the same time in all 30 of Kosovo's municipalities.

Most of those elected to the municipal council of the biggest city of the region, Pristina, are men and women who represent the two main Albanian political parties in Kosovo: the Democratic League of Kosovo (LDK), headed by Mr. Ibrahim Rugova, and the Democratic Party of Kosovo (PDK), headed by Mr. Hashim Thaci. In addition, we find — and I emphasize

this — Bosnians, Turks and Ashkalis. For the moment, unfortunately, there are no Serbs in Pristina, but there are Serbs in other municipalities, and this situation is due to change in Pristina quite quickly, I think and I am sure.

After my statement on the democratic future of Kosovo, the ceremony was courteously interrupted by a young man in a suit and tie, a Mr. Fatmir Limaj. He is the head of the Party for Democratic Progress of Kosovo (PDK), the party of Mr. Thaci, in Pristina. He simply wanted to tell us how significant the solemn commitment — the oath he was going to take — was to him and his colleagues. He insisted that everyone take this oath in front of the flags of all the communities represented in the municipal council. I learned that he was making this request and I granted it — although the issue of flags in Kosovo is extremely sensitive. We brought the various flags of the various communities. And when there are Serbs, there will also be their flag. This has been accepted by the party representatives at Pristina.

I also recommended to the participants that they not put their future at risk by seeking only grounds for dispute, even if there are indeed solid grounds. Rather, I recommended that they work together for democracy, peace and the good of the city of Pristina, whose elected officials they were. The taking of the oath took place, and this week the council met for the first time to elect a President and draft a programme of work.

I have told the Security Council members this anecdote — which I do not consider particularly important — simply to explain that 18 months ago, Mr. Fatmir Limaj, the member of the PDK, was in the mountains, leading a division of the Kosovo Liberation Army. He was a soldier. I know that it has not been easy for him — nor for the others — to re-adapt to civilian life. However, today here he is — a municipal elected official, after an electoral campaign that was decent, non-violent and democratic.

The party he represents was not as successful at the polls as Mr. Rugova's party, the Democratic League of Kosovo (LDK). In giving close to 58 per cent of the votes to Mr. Ibrahim Rugova, the people of Kosovo showed that in this particular election they preferred moderation and experience — in sum, tolerance. This did not stop Mr. Limaj and many of his fellow former combatants from being elected. The PDK of Hashim Thaci and the Alliance of Mr. Ramush Haradinaj —

two parties that have grown out of the former Kosovo Liberation Army — together got 35 per cent of the votes. And everyone has made a commitment to working together to achieve a unified administration. I think that this represents a notable success.

I ask Security Council members, are you aware of instances from the history of Latin America, Central America, Africa or Asia — or even from the history of Europe — are you aware of “guerrillas” thus converted into a democratic party and standing for election only a year and a half after the fighting? When have we ever witnessed such a transformation of a party — that was called “terrorist”, “revolutionary” and other such adjectives — into a responsible political party standing for election, a transformation that in this case appears to be successful, even if some doubts remain?

Yes, last month's municipal elections were a great success, because technically speaking the task taken on by the Organization for Security and Cooperation in Europe (OSCE) — which should be congratulated on the success — and UNMIK was not a simple one, and above all because these elections were the result of a real political transformation. And right after Mr. Fatmir Limaj asked the question regarding the flags, and with the same courteousness, the representative of Mr. Rugova's party, the LDK, said, “I am in complete agreement with the position taken by the representative of the opposition.” Already, and on such a delicate subject, the opposition and the majority were engaged in the democratic process.

Council members know perfectly well what the situation in Kosovo was when we arrived in 1999: a society in collapse, without infrastructure, lacking institutions, in a state of crisis; a population traumatized by 40 years of communism and 10 years of apartheid; eight hundred thousand refugees in camps beyond the borders; endemic violence — even if one considers this violence as part of a tradition, as being rooted in tradition. Of course this violence must be denounced when it is used against the Serbs, but this violence has long existed and is rooted in past centuries. And last year, at the beginning of the year, there were no leaders capable of organizing in the way they have now, thanks to the particular efforts that we and the international community have made on the ground. There were no Kosovar Albanian leaders capable of engaging in dialogue. Those who sought power, let us remember, were leading three separate, parallel governments. There was a parliament and a

President that did not agree and hindered our efforts to establish a single, legitimate administrative authority. At the end of last year, after months of negotiations and efforts, we were able to convince these people to dissolve these structures — to dissolve them — and since then we have not heard a word about these structures. The Kosovar Albanians and the other minorities have been true to their words. When they decided, in an agreement signed on 15 December 1999, to unify the temporary multiple administrative structures, this was successful. Since then we have not heard a word of the Government of Mr. Rugova, the Government of Mr. Thaci, of the parliament or the President.

Here again I ask Council members, do you know of examples of peacekeeping missions that were considered impossible and that then succeeded, at least in getting the people, the various political factions — often in conflict, at times in fratricidal conflict — to come together for the greater interest of a region?

As regards the elections, I must also emphasize that we are very proud — let me say first of all that I am very proud, and perhaps I will not have another opportunity to tell the Council this — I am very proud of the work that has been done by the team that I have had the honour to lead. Members of the Security Council, this is your team, the United Nations team certainly, and also the team of the European Union, the team of the OSCE, the team of the Office of the United Nations High Commissioner for Refugees — all those who made up the framework, the four pillars, as they have been called, of this very special and very productive mission, UNMIK. These are people who worked night and day, seven days a week, some of them for the past two years. And now, tired but happy, I believe, they are beginning to leave us.

Before all the veterans leave us, I would like to tell you how very much I have appreciated not only their dedication, their success and their perseverance, but also the friendship and the spirit that prevailed among each of the somewhat disparate elements, given the completely separate structures in UNMIK. I would not want these words of satisfaction to be separated from what I would say to the North Atlantic Treaty Organization (NATO). Of course, I was not able to meet all of the troops involved — 45,000 Kosovo Force (KFOR) troops — but I do want to associate them and their commanders with these words of thanks and appreciation. Without them this success would not

have taken place, and certainly the elections would not have occurred.

We are very proud that in the electoral campaign there was virtually no fraud, very little manipulation and, above all, very little violence. In fact, KFOR and the UNMIK police stated that 28 October was the least violent day since the arrival of the mission last year. Participation was also very high; 721,000 people, 79 per cent of those registered, voted. When I think of what happens in certain democracies, I can say once again how proud I am of the team that it was my honour to head. Of the valid votes, fewer than 5 per cent of the ballots were declared null and void, and fewer than 2 per cent of the voters were not on the final electoral list.

You will recall that we had a great deal of discussion right here about these elections. At the beginning not everyone was convinced, but these elections were a remarkable technical success, and the United Nations, with its OSCE partners, launched a registration process on the electoral lists, starting from zero in a place where there had not been even one voters' list and where the population had had no real experience in democratic processes, nor did they have identity papers to any great extent. I would say that after the 10 years under Mr. Milosevic neither personal identity nor even community identity remained. On election day, of course there were some organizational difficulties, and we are in the process of drawing lessons and taking that into account in the preparation of general elections. In accordance with resolution 1244 (1999), we would want to organize those elections next year, and personally, it is my hope that they will be organized as of the spring.

Ten days ago, I certified the results of the elections for all of the 30 municipalities of Kosovo, with the exception of three municipalities in the north — Leposavic, Zvecan and Zubin Potok, essentially Serb municipalities. Unfortunately, the participation rate was too low for the results to be considered valid. I would recall once again that the members of the Serb community who at the time of registration wanted to register were physically prevented from doing so by Mr. Milosevic's partisans. That is not the case right now. The four Serb formations want to participate, and they will participate.

I am preparing to appoint, in the next few days, the members of those three municipal councils that I have not certified and to appoint Serbs and members of other minorities in all the places, in all the municipalities where that will be necessary. It is my plan to hold early elections next year in those municipalities, where the Kosovo Serbs will be able to join the municipal structures and be full-fledged participants on equal footing. I would add that the members of the minorities in the communities where I will be making appointments will be full members, and they will be participating in the vote. They will simply have been prevented at the beginning from voting for the presidency of those municipalities, but they will be members, just like the others.

Since I am talking about the Serb leaders of Kosovo, I would like to tell you that those who followed Mr. Milosevic, like the others, all met together, the four formations, for the first time last week in my office, and they are prepared to participate in the new administrative structures. Indeed, they are even calling for it. Of course they have conditions, but that is normal. The discussions are beginning. Those Serb officials have been strengthened by the fortunate changes that took place in Belgrade. They are more open now to participation, as I have just said, but obviously, they need a bit more time in order to adapt their attitudes to those of the new democratic leaders in Belgrade. I understand this perfectly.

I repeat: I will be appointing additional members in other municipal councils so that all of the communities — of course, it is not only the Serbs to whom I am referring, but also the Turks, the Bosniacs, the Goranis and the Ashkalijas — all of them will be represented if they are not now represented at a high enough level. More than a dozen smaller parties and their candidates also obtained seats in the municipal councils, thanks to the system of proportional representation. I am very pleased that many of those elected officials are women.

At the present time, now that the results are known, we need to proceed rapidly to implement them. We have agreed on a programme for the main activities, and we want to establish the basic structures for all the municipalities by Christmas. Every month, and more often if it proves necessary, I will preside over a meeting of the presidents of the municipal councils of Kosovo. The leaders of all the political parties have committed themselves to accepting the

results, and now they will begin to deal with the institutional transfer of responsibilities. In most of the municipalities, this will mean that the parties that had taken on posts a year and a half ago will have to yield those posts to their elected successors. This will be a true test of political maturity. Real democracy in Kosovo should begin right there at the local level.

Once again, I wonder if you know of any other examples where there has been a transformation from an imposed authority to an elected authority a year and a half after the end of a bitter conflict, like the war in Kosovo. I would be pleased to benefit from the experience of other such examples.

I am convinced that the Kosovars are determined to prove their aptitude for democracy. I cannot emphasize strongly enough that they also benefit greatly from the fortunate events in Belgrade, which have led to democratic, positive exchanges between Belgrade and Pristina. In fact, there have been wonderful consequences in Kosovo of the events in Belgrade. The Albanians of Kosovo, leaders and all, welcomed the events as a contribution to regional stability, even though — let us not conceal the facts — these changes have not brought about an end to the desire for independence. From the extremists to the moderates — from those that one cannot call the left to those that one cannot call the right — all the Kosovars affirm their determination never again to submit, as in the past, to domination by Belgrade.

But everything is contained in that phrase “as in the past”. What resolution 1244 (1999) guarantees to them — and that resolution has become the cornerstone of all building for the future — and what Mr. Kostunica has accepted, as have all the leaders in Kosovo, has nothing to do with the situation that prevailed in the past. There will be some discussions, but what was difficult to apply in the dark is now, in the light of acceptances becoming the vital need to apply resolution 1244 (1999) itself, which is the very foundation of our initiatives.

So that the necessary discussions can take place. So that the Kosovars, who have shown so much democratic maturity, can benefit, it is my hope, as I have said, that we can hold general elections as soon as possible. They are essential, and that is no surprise, because they are the logical follow-up to the implementation of resolution 1244 (1999).

Since I am addressing the facts, let me say that the Kosovars, having benefited from worldwide support, are concerned by one major fact. They are concerned by the attention and priorities of the international community, which have now turned to Belgrade. They feel that this could leave them in a state of neglect. I am not saying that that is the reality. I could cite some examples of the danger from an economic point of view, but I am saying that psychologically, sociologically, politically and historically, the Kosovars are concerned about the way in which visits are being undertaken to Belgrade but not to Kosovo. That does not apply to everyone and we thank those who have visited, but there is a concern that must be taken into account from a political standpoint.

The Kosovars also remain sceptical about the building of democracy in Serbia. Of course, they welcome the leaders and are waiting, but they have doubts, which they have expressed, about President Kostunica's will to make radical changes in Belgrade's policy towards Kosovo. I would recall that UNMIK's contacts with Belgrade have been ongoing since the very beginning and have proven to be very productive. Yesterday, for instance, a delegation from Belgrade visited Pristina and discussed at length the problem of prisoners. A certain number of decisions were taken, not only about the facilitation of access to Albanian prisoners in Serb jails, but also on guarantees — extended to all Serbs — of a future vote on a law of amnesty. Obviously, such initiation of discussions between Belgrade and Pristina holds many lessons and great promise for the years ahead.

I have tried to convince the inhabitants of Kosovo of the express goodwill of leaders in Belgrade. I also understand, however, that Mr. Kostunica needs time. I simply want us here not to forget that the suffering is not in the distant past; in historical terms, 18 months are nothing. We must forget neither how recent the suffering is, nor who suffered. It is the Kosovo Albanians who largely suffered in recent years. Let us welcome democracy in Belgrade, but let us not forget too quickly the months and years that have just gone by.

It is my fervent hope, and that of the Kosovars, that the Albanian Kosovar detainees in prisons will rapidly benefit from the law of amnesty. I believe that we are working in the right direction. I am confident that relations will thus improve considerably between

the two communities, even if these concerns remain very strong. I would recall that there was a demonstration in Pristina only yesterday that was attended by 100,000 people. Every day for the past eight, the wives and children of detainees have slept in the street before the national theatre. The concern is strong because, as members are aware, there have been riots in Serb prisons and because those who took power in the two prisons concerned were Serbian common criminals. These concerns are acute and have not been dispelled. Day and night, Kosovars demonstrate in front of our offices.

I reiterate that events in the Federal Republic of Yugoslavia have renewed the confidence of the Serb leaders in Kosovo, making them more open to cooperation. The Albanian leaders, too, are confident. This will be true of all the communities in the future. I am sure that constructive dialogue will begin, first and foremost, between UNMIK and Belgrade — indeed, it already has — and between Belgrade and the leaders of the Kosovar communities. Economic and judicial issues, for instance, have already been the subjects of fruitful meetings.

I cannot overemphasize that all UNMIK policy is based on resolution 1244 (1999), but, as I explained to the General Affairs Council of the European Union on 9 October, we must all recall that the situation in Kosovo has not been radically changed by the advent of democratic leaders in Belgrade. For the time being, this has not led to change in daily life in Kosovo. The confrontation between communities that has endured for 12 centuries has not disappeared; it would be rather childish to imagine that it might. It is a very specific type of confrontation. I may be using the wrong word, but this is undoubtedly one of the few places in the world where several communities have been able to live side by side without ever really interacting, speaking or intermingling. That has not disappeared.

I have waited so long for the Serb people to have democratic leadership and I am delighted that they now do. That does not, however, erase the problems overnight. It certainly cannot erase the profound feelings of the inhabitants of the Balkans, in particular Kosovo, based on their own history and family relationships and on the circumstances of their loved ones who have disappeared, languish in prison or have never been able to build a decent future for themselves.

In spite of all this progress, Kosovo remains a society in crisis. I cannot recall anything grimmer than the brutal murders last week of four Ashkalis, who had returned only two days earlier to their destroyed homes in a region of Albanian majority. It was a horrible killing. Together with General Cabigiosu, Commander of the Kosovo Force, we will be doing everything to track down the perpetrators. We read these dreadful murders as a very negative omen for the legitimate return of all communities to their regions of origin. These four Ashkalis felt safe enough to return without protection, but no one in Kosovo can now feel safe, despite all the progress that has been made. Extremists continue to seek to destroy the chances of democracy. They are still on the lookout, so we must remain equally vigilant and retain our military presence and economic commitments for some time to come.

What will tomorrow bring? The last time I spoke here, I discussed a political plan for substantial autonomy. I called it a pact between UNMIK and Kosovar society. All of our partners in Pristina and Belgrade agree. Resolution 1244 (1999) is, I repeat, our basis for future work. I will keep reiterating that, but there is another element at work. Every Albanian wants independence. That paradox means that seeking immediately to resolve the question of the definitive status of Kosovo could very rapidly lead to another conflict. There will be no stability in the Balkans without stability in Kosovo. The stability of Kosovo cannot be limited to Kosovo alone; it must evolve throughout the region.

Thus, we must now hasten the process of defining that substantial autonomy and develop institutions of self-government — as set down explicitly in resolution 1244 (1999) — in which the Kosovars will share ever more responsibility for the administration of Kosovo. This is all the more urgent following the municipal elections that led democratically chosen local representatives to opt for moderation. I affirm that we must act rapidly to organize elections throughout Kosovo, most likely to elect a Parliament. I propose that those general elections be held at the beginning of the year, if possible in spring. A working group, involving the Group of 8, the United Nations and the Contact Group, has been established on the basis of work already done by these institutions for the consideration of a possible provisional constitution.

Let me say a word about elections in general. So far, no one has asked us to organize the elections to the

Serb parliament that are scheduled for 23 December 2000. As Special Representative of the Secretary-General, I affirm here today that in no event can UNMIK organize such elections. Indeed, the OSCE teams that were so effective in the October elections have left Kosovo; some members went to Bosnia to help organize the elections there. At present, vast security problems remain. To organize such elections, NATO troops would need to be reinforced, and I would recall that such troops have been unequivocally rejected by the most moderate of Kosovo's leaders, and by all others as well.

How can we be asked to organize those elections? No international or indeed European regulations apply, and in fact there are no electoral rolls that include Kosovo Serbs, because they were prevented from registering. That lack of electoral rolls is one of the reasons we did not agree to organize the September elections. No official request was addressed to us, and here I do not want to mention any of the great number of other legal, political or psychological elements involved. But I want to say to the Council that, technically speaking, it is impossible.

Much, then, remains to be done. We cannot rest on our laurels. In the Mission I have had the honour to lead, no one had any thoughts of personal recognition, medals or glory — that way, none of us could be disappointed. The intensive work that was done culminated in elections which I believe to have been a success. The Council asked us to do this, even though it had doubts about whether it could actually be done. We did it on behalf of the Security Council. Now, we must move to the next phase, which will pose an equal if not a larger challenge for the international presence in Kosovo and, in the end, for the departure of that presence.

I would like every member of the Council to join me in thinking about the members of the international Mission who lost their lives on the rugged ground of Kosovo. They believed in their international commitment; they believed in the democratic future of the region; they believed in the power of their presence and of their work. I think of them today, just as I think of all those whose death, whose murder, we could not prevent, in particular members of minority communities and the Serb community. Each of those murders, which kept me, and my friends and my marvellous deputy Jock Covey, awake at night, was a blow to us — a failure.

The Mission achieved many unexpected successes. There was great dedication on the part of the representatives of Council members. But at the same time, unfortunately, there were many failures of the kind I have mentioned. In historical terms, these will not count: like the Brahimi report, this peacekeeping mission will prove to be one step forward, along with what is being done by my friend Sergio Vieira de Mello in Timor.

We did not merely try to impose peace; we were trying to build up a region from nothing. It was a region without an administration, without technology, without resources, without a police force, without law, without justice. But it has been an exciting adventure, and I hope that the hundreds of people who participated will be remembered gratefully, people whose future in one or another United Nations mission is by no means a secure one. My thoughts go to them.

The President: I thank Mr. Kouchner for his inspired briefing. The floor is now open for questions and comments by members of the Council.

Mr. Holbrooke (United States of America): It is truly an honour to welcome Mr. Kouchner back to the Security Council, which has become his home away from Pristina. I congratulate him on his extraordinarily moving, important and comprehensive presentation, and, on behalf of my Government, on his extraordinary accomplishments in Kosovo over the past year and a half. I join him in remembering the brave United Nations peacekeepers who have died in Kosovo, and elsewhere, in the service of peace.

About three weeks ago, when I visited Mr. Kouchner in Kosovo, I saw first-hand the progress which he has described today. Who could have imagined a little more than a year ago that Kosovo would have reached the point it has today? The achievements are due to Mr. Kouchner's dynamism and his leadership, and to the entire international effort. The success of the 28 October municipal elections is one testimony to that effort. Mr. Kouchner's inspired and dynamic leadership has helped begin the rebuilding of a devastated and demoralized society.

Before we talk about the future — and we must — let us remember how many things warned about and predicted in this Chamber have not happened, how many criticisms were unjustified in the light of what has happened. Let us recognize that, as difficult as it has been, the effort that the United

Nations has made in Kosovo has prevented a continuation of violence and, with the change of political leadership in Belgrade, which was not anticipated at the time, has created new opportunities.

Contrary to the predictions of many, and of some in this Chamber, the elections were not plagued by violence, as Mr. Kouchner has pointed out. Turnout was high and the balloting was peaceful. The vote was primarily for moderate civilian leaders. I would note that the leaders of the two parties with the largest number of votes, Ibrahim Rugova and Hashim Thaci, are both headed, as we speak, for Dayton, Ohio, to participate in marking the fifth anniversary of the Dayton Peace Agreement on Bosnia. That in itself is also symbolic and significant, because, as all members know, one of the complaints of the Albanians was that Kosovo was not discussed at Dayton. That is not true; in fact, Kosovo was repeatedly discussed at Dayton. But an agreement on Kosovo was not possible because the three leaders there — Milosevic, Izetbegovic and Tudjman — refused to discuss it, and we had other business to deal with. But the fact that they are now travelling to Dayton to celebrate the fifth anniversary of the Bosnian agreements reinforces Mr. Kouchner's point that peace in Kosovo is essential to regional stability; it illustrates the centrality of implementing the Dayton Peace Agreement to everything we are doing; and it is a highly symbolic act in many other ways. I know others of you in this Chamber and elsewhere will be going to Dayton, and I look forward to seeing you there. I myself will be leaving for Dayton shortly.

Mr. Kouchner has also pointed to the problems that remain in the region, and especially in Kosovo. We should not be oblivious to them. The basic problem is that the two communities really do not like each other. The bitterness and enmity between them are far deeper than in Bosnia. I agree with Mr. Kouchner that it will take time to sort this out. We are five years past Dayton and we are still far short of where we want to be, although the progress has been dramatic. If that progress is sustained; if we do not lose heart in Bosnia; if we stick to it, we will achieve our goals.

Kosovo is at an earlier stage of development, barely a year after the end of the bombing and the introduction of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the troops of the Kosovo Force (KFOR). I am encouraged by much of what I have seen, but I do not think that we

should fool ourselves. The bitterness is deep. The Serb boycott of the election on 28 October and their desire to participate in elections for the Republic of Serbia's own leaders bespeaks the deep, unresolved question of status that, in accordance with resolution 1244 (1999), must be addressed at a future date. I made this point to the principal Albanian and Serb leaders when I was in Kosovo. I am delighted that Mr. Kouchner continues to follow an aggressive strategy of pressing for reconciliation.

These serious problems are the result of centuries of ethnic dispute in Kosovo. Again I stress that that was not true in Bosnia. The ethnic dispute in Bosnia was superficial and manageable. This one is much deeper. The ethnic dispute in Kosovo was particularly exacerbated by years of repression and mistrust by the Milosevic regime.

We now have a democratically chosen President in the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia is now a member of the United Nations and of the Organization for Security and Cooperation in Europe (OSCE). I am pleased to state today that the United States and Yugoslavia will establish diplomatic relations over the next few days. It gives me great pleasure to welcome the Yugoslav Chargé d'affaires to the Security Council today. I look forward to him speaking later this morning on behalf of Yugoslavia. That will be the second appearance by a Yugoslav representative in the Security Council in the three short weeks since Yugoslavia joined the United Nations, another symbol of the speed and effectiveness with which President Kostunica and Foreign Minister Svilanovic and his colleagues are moving. When I met with them in Skopje and New York, I was deeply impressed by their commitment to democracy and the rule of law, regional cooperation and the full implementation of both the Dayton Agreement and resolution 1244 (1999).

President Kostunica referred to his three "constitutions": the Yugoslav Constitution, resolution 1244 (1999) and the Dayton Agreement. He also said that he accepted the Dayton Agreement and resolution 1244 (1999) as having the effect of international treaties. We welcome that commitment to the rule of law, which makes the possibilities for reconciliation in Kosovo very great. As I have said before, and I wish to repeat again today, the region has not yet absorbed the full implications of the "earthquake" that took place in Belgrade in September. The opportunities are only

beginning to become clear. I will address this at greater length at Dayton tomorrow night, when I speak in more detail to these issues.

I am encouraged to hear from Mr. Kouchner that the process of implementing resolution 1244 (1999) is well launched. The municipal councils have been set up. The self-governance that resolution 1244 (1999) calls for is beginning to be launched. Serbs and other minorities are being appointed to the councils, and I hope they will participate. I understand from the briefing we have just heard that they will, but we all know that things can change. I look forward to following this with great attention.

These trends must continue. Kosovo must have the opportunity to develop full, democratic self-governance, as called for in resolution 1244 (1999). In that regard I strongly support Mr. Kouchner's call for Kosovo-wide elections as soon as possible, elections that should include the participation of all groups in Kosovo. I will say what he did not say, that when I was in Pristina there was a dispute in the international community over when those elections should be held. Many members of the OSCE thought that they could not be held for at least a year.

I want to associate myself with Mr. Kouchner's preference for early elections. I think a one-year delay would be a tremendous mistake. I think the idea that one needs a year to prepare them is ridiculous. I want to be as clear as I can on this point. We will continue to press for early elections. The longer we wait, the more difficult it will be to conduct them and the more likely that they will turn on the wrong sets of issues. So I strongly support my friend's call for an early election. I will continue to oppose this continual foot-dragging that comes from some OSCE members for what they call technical reasons that are actually bureaucratic reasons.

With regard to the 23 December elections for the Government in Serbia, I also wish to state my strong support for what Mr. Kouchner has just said. But I want to underscore another point that was implicit but not explicit in his statement. That point is that the 23 December elections in Serbia are of immense importance to the future of the region. Nothing that he has said, and nothing that I am about to say, should be misunderstood as in any way vitiating our strong support for those elections. Those elections are historically important. The Serbian people need to

express themselves clearly about whom they wish to run Serbia.

I am not going to argue today the legalities of the Serb election as opposed to the Federal Republic of Yugoslavia election, or the complexities that resolution 1244 (1999) raises with regard to that. These are very difficult calls. I will simply say that the elections are eight weeks away. If Mr. Kouchner says that UNMIK cannot do what it would have to do to make the elections possible on technical grounds — and let me add to that the fact that commanders of the North Atlantic Treaty Organization (NATO) have told me and others that if UNMIK conducted these elections it would require a significant number of additional combat battalions to go in and keep security — those are to my Government dispositive. Therefore the United States supports Mr. Kouchner's view that UNMIK, and by extension, KFOR, cannot run the elections in Kosovo on technical grounds, independent of the complicated legal issues — which we are not going to be able to resolve here today. Again I want to state my view that this is in the context of the strongest possible support for the Republic of Serbia, in the Federal Republic of Yugoslavia, to conduct these elections in a free and democratic way, and to express the will of the people of the Republic of Serbia.

Let me finally turn to the problem of detainees and missing persons. The enormous importance of that issue and the repetition with which it comes up require us to address it. We are encouraged by President Kostunica's support for an amnesty law and by the release of Ms. Brovina. The expeditious release of the rest of the prisoners would ease the crisis in Kosovo enormously. I look forward to movement in that direction.

I want to end on a personal note about the Special Representative of the Secretary-General, my friend and colleague, Bernard Kouchner, with whom I have been associated now over eight long years in the search for peace in the Balkans, and whose prior career in other parts of the world, with Médecins sans Frontières and other groups, needs no reiteration here. Not only does the United States support him strongly, but we admire him at the highest level and are grateful for his remarkable efforts in the most difficult of circumstances. Without his leadership, his strength and his efforts, the progress of the past year and a half would almost certainly not have been possible.

I note that Mr. Kouchner referred several times indirectly to the possibility that he may not be reporting again to the Security Council in his present capacity. That is very subtle, but I am a trained diplomatic observer, and I heard the references, Bernard. I hope that this is not true, and I frankly doubt it. I think we will see you here in this Chamber again before you leave, and I personally would want to see you here. We need your leadership. We need your guidance, as long as you are prepared to make the personal sacrifices — and they are very substantial — that this extraordinarily difficult job entails.

Mr. President, if and when Bernard Kouchner does leave — and in the end all people leave jobs, particularly ones this trying and demanding, and with this much personal sacrifice — I hope that the Secretary-General will be able to find a successor as extraordinarily talented as the man we have heard from today.

Mr. Chowdhury (Bangladesh): I warmly welcome Mr. Bernard Kouchner's coming to brief us in the Council. Some major developments have taken place in the region since he last briefed us in September. His update and views are therefore timely for the Council. His briefing this morning was very thorough, well balanced and with a statesmanlike perspective. I thank him for that. The brief that he has shared with us is also very much appreciated.

I would like to make the following points.

First, holding of elections. We welcome the holding of the elections in the municipalities in Kosovo. We particularly congratulate Mr. Kouchner and his team in the United Nations Interim Administration Mission in Kosovo (UNMIK) on the extensive and painstaking preparations for the elections. I remember very well our visit to observe the registration of voters in the outlying areas in Kosovo during the Security Council mission there earlier this year. Mr. Kouchner was able to generate sufficient confidence and hope in the Kosovars for their transition into an era of democratic tradition. By holding these elections, he has carried out one of the most significant steps in the mandate given to him by the Security Council.

Second, participation. The wide participation in the electoral process of candidates as well as of voters shows how enthusiastically the Kosovars participated in the electoral process. The outreach programmes of

UNMIK, like the town hall meetings, proved effective, having a turnout of more than 80 per cent at the polls. The skilful conduct of the process, with virtually no violence and no provocations, deserves credit by the international community.

Third, outcome. The outcome of the elections are important indicators of how the Kosovars view their future. That the majority of the Kosovars are inclined to place trust in moderate leadership only underscores the aspirations of the population for peace. Although there are still deep scars from the wounds of the recent past, still many preferred to look forward to a new era for Kosovo rather than seek ways for revenge.

Fourth, participation of Serbs. We regret the failure of the Serbs living in Kosovo to participate in the elections. There was nothing to be gained by boycotting participation in a democratic process. It is true that many of them are still waiting as refugees to return to their pre-war homes. Choosing their own leaders would have facilitated the process of return and settlement.

Fifth, change in the leadership in Belgrade. This obviously has generated mixed feelings in the area. Rather than welcoming wholeheartedly the changes in Belgrade and looking forward with hope, many in Kosovo view the developments with uneasiness, and probably with apprehension. On the one hand, there are now greater expectations that many long-standing problems in Kosovo will find greater opportunities for early solution in the new setting. On the other, the Kosovars may view these developments as a setback for their aspirations.

In the context of the elections in Kosovo that have taken place and the new leadership in Belgrade, it may be time to ask how the Kosovars and their leaders view the changed political climate and renewed international attention to Belgrade. What is the possibility that the problems associated with refugee return and of detained and missing persons will be solved with the change in the leadership in Belgrade?

With the elections over in Kosovo, UNMIK may initiate the process of gradual and well-phased transfer of some administrative responsibilities to the newly elected municipal leaders. What is the time frame envisaged for such transfer, and to what extent are UNMIK's responsibilities expected to be relieved upon assumption of responsibilities by the elected leaders?

We are pleased to learn from Mr. Kouchner's briefing that the basic structure of all the municipalities will be in place by the end of this year. This is a good step forward.

We agree fully with the Special Representative of the Secretary-General when he says in the circulated briefing note:

“For Kosovo, we will require an interim constitutional document to govern relations between the various levels of democratically elected authority. UNMIK will also have to define Kosovo's Central Authority without prejudice to final political solutions for the region.”

In conclusion, we again congratulate Mr. Kouchner and the personnel in UNMIK on their dedication and efforts in successfully organizing and conducting the municipal elections in Kosovo.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): Today's discussion of the problem of Kosovo is taking place in new circumstances: when the Yugoslav people has made a democratic choice. More favourable conditions are being created at a fast pace to overcome the many years of crisis in the Balkans. To a decisive extent this will depend on how the establishment of good-neighbourly relations proceeds among all the States in the Balkans, how the outstanding problems are resolved in relations between them, how the peace process advances in Bosnia and Herzegovina and, of course, on the settlement of the Kosovo problem.

In this context, Russia notes with regret that resolution 1244 (1999) is still being implemented in an incomplete and unsatisfactory manner. A situation has emerged in which ill-considered and mistaken actions by the international presences in Kosovo, instead of confirming the sovereignty of the Federal Republic of Yugoslavia, are helping to reinforce the trend towards secession of this Yugoslav territory from the rest of the country. It may seem paradoxical, but at every forum Russia has to advance an argument that is recognized in words by everyone but is often disregarded in actual fact. The argument is that the crucial, basic principle for political settlement in Kosovo is respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, as established in resolution 1244 (1999). In these new circumstances, this question becomes even more acute.

We are grateful to the Secretary-General's Special Representative, Mr. Bernard Kouchner, for the information he has given us about the municipal elections that took place in Kosovo. However, we cannot share what we heard in his statement — the basically positive results that he told us about. We think that controlling and halting the tendencies towards Kosovo's secession should be a priority of the United Nations Interim Administration Mission in Kosovo (UNMIK). However, the Mission leadership did not deem it necessary to heed the opinion of the new democratic leadership of Yugoslavia, and, in violation of generally recognized standards, held municipal elections in Kosovo. As a result of this non-democratic process, a large part of the population of the province — of Kosovo, the Serbs both those living in the province and those who were forced to leave the country, most of the Turks there and representatives of other national minorities — were left outside this process.

The negative consequences of the elections are also seen in the fact that the entire election campaign was not about purely municipal matters. The political leaders who participated basically conducted the campaign around the question of the independence of Kosovo. Taking advantage of the results of the municipal elections, which did not reflect the will of the entire Kosovo population, the Albanian leaders are now saying that they want to see the speedy holding of provincial parliamentary elections, since they view them as the next step towards independence. They stress this argument all the time in their public pronouncements.

We think that the problem of the future status of Kosovo needs to be resolved not by violating resolution 1244 (1999), but, rather, by launching a specific dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovar leaders. The changed political situation in Yugoslavia now makes it possible to discuss the question of a new start in implementing resolution 1244 (1999). It is high time to break the inertia of the confrontational relations with the leadership of the Federal Republic of Yugoslavia and fully involve it in implementing this basic Security Council resolution. In the interest of a fair settlement of the Kosovo problem on this basis, we might discuss a kind of package that would include the normalization of relations between the Federal Republic of Yugoslavia and UNMIK and the Kosovo Force (KFOR)

in parallel with the implementation of measures for the reaffirmation by the international presences of the sovereignty of the Federal Republic of Yugoslavia over Kosovo and steps to curb separatism in the province.

The Joint Implementation Commission should start working at full strength and become a real organ for harmonizing views between the leadership of the Federal Republic of Yugoslavia and UNMIK on practical questions relating to the implementation of resolution 1244 (1999). We must review the question of the status of UNMIK and KFOR. We must promptly rescind the 17 August declaration by the head of UNMIK and the KFOR Commander, which violates the sovereignty of the Federal Republic of Yugoslavia, and, as is normal international practice, we need to conclude the appropriate agreements with the Government of Yugoslavia.

The question of the return to Kosovo, as spelled out in resolution 1244 (1999), of an agreed number of Yugoslav and Serb military and police personnel needs to be resolved. Problems which arose as a result of the speedy, improperly prepared municipal elections in Kosovo could be partially dealt with by organizing additional elections for those inhabitants of the province who, for reasons we are all familiar with, were kept out of the election process. The best option would be to hold Kosovo elections at the same time as the parliamentary elections to be held on 23 December in Serbia. We are convinced of the need to make sure that voting in the elections for the Serbian Parliament also takes place in the territory of the province of Kosovo. We do not understand why some elections can be organized in the territory of Kosovo while others, because of technical problems, apparently cannot. A significant portion of the country's population — not only Serbs, but also Romas, Bosniacs, Turks, Goranis and other national minorities — must be allowed to exercise their fundamental right to participate in the election process in their own country. This is extremely important from the standpoint of supporting the democratization process in Serbia and Yugoslavia. The UNMIK leadership should create favourable conditions for the elections. Otherwise, resolution 1244 (1999) would again be grossly violated.

I would like to draw attention to another matter, which we feel requires a prompt solution. I refer to the lifting of the arms embargo imposed on the Federal Republic of Yugoslavia by resolution 1160 (1998). This step is long overdue, since the demands of the

resolution have in essence already been met. Maintaining the sanctions regime in these new circumstances is totally unjustified and counterproductive. We are sure that after the admission of democratic Yugoslavia to membership of the United Nations, the process of its rehabilitation in other international organizations and institutions will be more actively pursued. The emergence of the Federal Republic of Yugoslavia from international isolation and the resumption of its activities as a fully fledged member of the international community are impossible without the lifting of all the sanctions and restrictions that are still in force.

Russia welcomes the responsible political decision of the European Union to lift the measures formerly imposed against Yugoslavia. Not only should the United Nations not stand aside from these trends, but it should do everything to encourage them. By deciding to lift sanctions, the Security Council would thus demonstrate confidence in the new leadership of the Federal Republic of Yugoslavia and would support its efforts for the democratic transformation of Yugoslav society.

We hope that Russia's approach will be met with understanding and support.

Sir Jeremy Greenstock (United Kingdom): Later in this debate France will make a statement in the name of the European Union, and that statement will make the fundamental points of substance which the United Kingdom subscribes to, and we wholly associate ourselves with that. I want to make just a few extra points.

First of all, I want to pay very warm tribute to Mr. Kouchner and to his whole team for what they have achieved over the last year and a quarter in Kosovo. This is the most difficult of the international jobs that we are monitoring from the Security Council. Against the background we all know he has had to face, it has been an extraordinary achievement. The United Kingdom thanks him for that, as well as the whole of the European Union.

Let me say a word on the elections. We, too, were particularly pleased at the success of the municipal elections held at the end of October, which should pave the way for Kosovo-wide elections in due course to restore the autonomy which was taken away from Kosovo in 1990. We are interested in the Special Representative's support for an election at a fairly early

date. The United Kingdom has no specific date in mind, because the conditions have to be right for those elections first. The point is to work from now on to ensure that the right conditions are put in place and the right general atmosphere established. Of course, the changes in Belgrade are relevant to that, and elections will have to be preceded by a new registration exercise to ensure that Serbs and other ethnic minorities are fully included.

My second point, not entirely irrelevant to that, concerns future status. Deciding future status should not be a top priority for the moment in the short term. There are more pressing issues for both Belgrade and Pristina on which attention should be focused — for instance, economic regeneration and the rebuilding of society.

It will, in the end, be up to Belgrade and elected representatives of Kosovo's communities to reach final agreement between themselves on status, with the help and support of the international community. That is the import of resolution 1244 (1999), which, of course, makes no final prescriptions on this point.

Thirdly, we welcome Mr. Kouchner's intention to nominate representatives of the Kosovo Serbs to certain municipal councils, as well as his intention to widen involvement in the advisory structures, because this will make the current Kosovo structures more representative of public opinion and thus bring the current structures nearer to the people over whom they have influence. For this reason, we support him in that move.

Lastly, on the issue of Serbian elections in December and how they affect Kosovo, we support in principle the ability of voters in Kosovo to participate in the planned Serbian parliamentary elections. We hear what Mr. Kouchner has said about the practical and technical impossibility for the United Nations Interim Administration Mission in Kosovo (UNMIK) to organize those, but we do not at this point regard this as being the end of the story as far as participation is concerned.

If there are arrangements for people to vote from Kosovo in the Serb elections, then all parties, particularly Kosovar Albanians, must understand that this would be without prejudice to the future status of Kosovo.

Mr. Heinbecker (Canada) (*spoke in French*): First of all, I should like to thank Mr. Bernard Kouchner for the briefing he has given us today.

(*spoke in English*)

I will focus on four points very briefly.

First, the demonstrations in Kosovo over the past few days have highlighted the importance of proceeding with the release of Kosovar detainees in Serb prisons. As a minimum, the charges against them should be specified and due process of law afforded to them. This issue remains a key obstacle, in our view, in defusing inter-ethnic tensions in Kosovo.

While Canada congratulates the Yugoslav leadership on the release of Ms. Flora Brovina and other Kosovars, far too many still remain imprisoned unjustly. The Yugoslav Government has the ability to help stabilize the situation in Kosovo, and we encourage it to move quickly with the necessary steps.

It is also, and equally, essential that Kosovar Albanians respect the rights of Kosovar Serbs and all other minority groups.

Secondly, Canada is gratified that the municipal elections on October 28 were held so successfully. We salute the work of Mr. Kouchner personally and of the United Nations Interim Administration Mission in Kosovo (UNMIK) more generally, as well as that of the Organization for Security and Cooperation in Europe (OSCE), the Kosovo Force (KFOR), and all the others who worked so hard to make the electoral process a success.

We recognize that the elections were not perfectly done. We have plenty of evidence that elections are rarely perfectly done these days, but we do not share the criticism one delegation voiced earlier of the work of Mr. Kouchner and of UNMIK. Probably alone around this table, and possibly in this room, I was part of the team at the Group of Eight meeting that negotiated resolution 1244 (1999). In reading the report that Mr. Kouchner has submitted, I must say that I am struck by the distance we have travelled. I can tell the Council without any hesitation that UNMIK, and Kosovo more generally, have made progress in the last 16 months or so that far exceeds the expectations that we had around that table when we negotiated that resolution.

The immediate challenge now is to implement the results of the municipal elections. These elections represent the first step in the devolution of power to democratically elected authorities. Of equal importance, as the Permanent Representative of the United Kingdom has observed, is the establishment of satisfactory conditions for province-wide elections in the foreseeable future. The participation of all Kosovars, including Serbs and other minorities, throughout the entire electoral process will greatly enhance the legitimacy of the results. To the leadership of Kosovo, we will say that the legitimacy of those results and the participation of those minorities will be an indicator of Kosovo's political maturity.

(*spoke in French*)

Thirdly, Canada supports the full implementation of resolution 1244 (1999). We continue to believe that the question of future status is one that must be resolved through negotiations, as established in that resolution. This will take time, patience and goodwill on the part of all parties.

Finally, full cooperation by all the parties concerned with the International Criminal Tribunal for the former Yugoslavia will likewise be necessary. There can be no lasting peace without reconciliation and no reconciliation without justice.

Mr. Wang Yingfan (China) (*spoke in Chinese*): The Chinese delegation wishes to thank Mr. Kouchner for his briefing.

While many people are praising the municipal elections in Kosovo, we have taken note of the fact that the Government of the Federal Republic of Yugoslavia deems the election result null and void. The Serbs, Turks and other ethnic groups do not have effective participation in the elections. Members of ethnic groups still lack guarantees for their security, and they are concerned over this situation.

We expect the United Nations Interim Administration Mission in Kosovo (UNMIK) to implement as soon as possible measures to ensure the representation of the Serbs and other ethnic groups. We have also taken note of the fact that the elections are regarded locally as a symbol of Kosovo's movement towards independence. If the tendency towards Kosovo's independence grows, that would be in contravention of Security Council resolution 1244 (1999). The international community and the Security

Council should pay attention to this tendency towards independence in Kosovo and to what consequences it would have on the situation in the Balkans.

Security Council resolution 1244 (1999) already contains provisions on the future status of Kosovo. We hope that UNMIK will actively encourage and guide the Albanian Kosovars to conduct dialogue with the Government of the Federal Republic of Yugoslavia. We believe that the positive and constructive influence of the international community should be able to produce positive results. The question of Kosovo can have the prospect for a fair and reasonable fundamental resolution only with the ultimate restoration of national harmony.

Ms. Moglia (Argentina) (*spoke in Spanish*): We would like to thank the Special Representative of the Secretary-General, Mr. Bernard Kouchner, for the briefing that he has given us.

Since the last time that Mr. Kouchner was in the Security Council, last September, two events have occurred that we believe are of special importance for the future of Kosovo. Obviously, we are referring to the local elections conducted on 28 October 2000 and also to the fall of the Milosević regime by the decision of the people. We are very gratified to hear that the municipal elections were held without incidents and that the rate of participation was very high. We would like to express our appreciation to the organizations involved in preparing these elections: the Organization for Security and Cooperation in Europe, the Council of Europe and, especially, the Kosovo Force (KFOR).

Although we obviously would have hoped that the Kosovo Serbs would participate massively, we understand that the decision not to do that was really due to fear and intimidation rather than the taking of a stand regarding the elections themselves. For this reason, we believe that it was wise of Mr. Kouchner to decide to appoint Serb representatives to certain municipal councils and to call for elections at an appropriate time so that those communities will also have an opportunity to participate in an election process.

We would like to take this opportunity to congratulate the Democratic League of Kosovo and its leader, Ibrahim Rugova, on their success in the elections. We also congratulate the new members of the municipal assemblies. We believe that the results are a triumph of moderation, and we are very pleased.

Everyone involved now has serious responsibilities to fulfil, and we hope they will be acting with tolerance, to the benefit of community interests, and with the awareness that they must not disappoint those who placed their confidence in them. We also want to appeal to those who did not get the results they desired at the polls to join in the democratic process that began on 28 October.

We are aware that peaceful coexistence in Kosovo depends to a great extent on the solution that will be found to the problem of the Kosovo Albanians that are detained or have disappeared in Serbia. We hope that the democratic changes that have occurred in the Federal Republic of Yugoslavia will make it possible to resolve this question without delay. In any event, the release of Ms. Flora Brovina and the recent statements by President Kostunica are signs that we consider encouraging.

The recent killing of four innocent persons who had been internally displaced and had returned to their place of origin, in Dosevac, reminds us once again that extremist elements are still present in Kosovo. We ask the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR to spare no effort to arrest and bring to justice those responsible for this crime. All of those who act outside the law and in violation of democratic principles and who undermine the peace process have no place in Kosovo.

Lastly, we want to reiterate to Mr. Kouchner that he can continue to be assured of the full confidence and support of Argentina.

Mr. Mohammad Kamal (Malaysia): My delegation welcomes the Special Representative of the Secretary-General, Mr. Bernard Kouchner, back to the Security Council. We are certainly very grateful for his comprehensive and very useful briefing, and, like others, we also pay tribute to the members of the international community who have lost their lives in the cause of peace in Kosovo.

We have followed the municipal elections on 28 October very closely and with very deep interest. We welcome the successful conduct of the elections, held in a free and fair manner and in an atmosphere devoid of violence. As Mr. Kouchner himself has said, the election day was the safest and quietest day in Kosovo since the beginning of the United Nations Interim Administration Mission in Kosovo (UNMIK) deployment in June 1999.

Clearly, the election is a historic event for Kosovo and its people. Its successful conduct is not only a great achievement for all Kosovars, but also a clear testament to the excellent work of UNMIK, under the able leadership of Mr. Kouchner. This success is no doubt the culmination of continuous efforts and serious commitments by Mr. Kouchner and all UNMIK components, as well as the Kosovo Force (KFOR), in the implementation of Security Council resolution 1244 (1999).

The immediate challenge before the international community now is to implement the results of the elections. We take note of the steps that have been taken so far, as outlined by Mr. Kouchner. We urge all leaders and people of Kosovo to continue to cooperate with UNMIK in implementing the outcome of the election.

The holding of municipal elections and subsequent follow-up actions are important elements in the institutional building process. This will provide the Kosovars with greater responsibility for self-administration and self-government and inculcate trust and confidence in the democratic process and democratic solutions. The absence of the Serb community in the election is, as we have said on various occasions in the past, regrettable. We support the efforts by Mr. Kouchner to devise a suitable formula to ensure that representatives of the Serb community and other minorities will be able to take part in the relevant municipal administration.

We continue to be seriously concerned at the fate of the Kosovars being detained in Serbian prisons, especially in the light of the recent tense situation in those prisons. We have repeatedly called for their immediate and unconditional release. We fully support the efforts of Mr. Kouchner and Ambassador Henrik Amneus to find an early and acceptable solution to this very grave problem, as well as to the equally grim issue of missing persons. In this regard, we reiterate our call for early and concrete actions by the Yugoslav Government to cooperate with UNMIK in finding solutions to these problems. The release of Ms. Flora Brovina early this month was a step in the right direction.

The overall security situation in Kosovo has improved significantly, but the recurrence of ethnically motivated violence shows that the whole situation is not entirely satisfactory. We join in the condemnation

of the killing of four Ashkali men in the village of Dosevac last week. Those responsible for this horrendous crime should be brought to justice. We support the continued efforts by UNMIK and KFOR to address the security problems.

Finally, we agree completely with Mr. Kouchner's approach to tackling the issue of autonomy and self-government for Kosovo. We fully support the plan of action that he has outlined with regard to Kosovo-wide general elections to be organized early next year.

Mr. Cherif (Tunisia) (*spoke in French*): I would like first of all to welcome Mr. Bernard Kouchner, the Special Representative of the Secretary-General in Kosovo, to the Council and to thank him for his informative briefing on the evolution of the situation in Kosovo.

In recent weeks Kosovo has been engaged in intense activities that the international community continues to follow with a great deal of interest. The municipal elections that took place in Kosovo on 28 October are of particular importance in light of the recent developments in the region as a whole. The results of these elections are encouraging and deserve the effective support of the entire international community.

My delegation is pleased by the conditions under which the elections were held. The election process as a whole was a real success, in particular as regards respect for electoral procedures and the complete absence of violence. These elections are an important milestone in the democratic evolution of Kosovo. The heavy participation of the inhabitants in this vote reveal a profound desire to move ahead on establishing a durable peace for this region. Nonetheless, this level of participation should not mask the lack of participation by the Serb inhabitants. In this regard, the international community is called upon to continue its efforts to seek appropriate solutions that can promote the participation of all the minorities in the reconciliation process.

We are concerned by the fresh outbreak of political violence. These acts are capable of undermining the efforts of the international community and are for the most part directed against the ethnic minorities. In this regard, the police continue to have a fundamental role in preventing and suppressing such acts. It is also necessary to increase local public

awareness of how to prevent crimes and to project the values of tolerance and peaceful coexistence among all the elements of Kosovo society.

The reform of the judicial system is a crucial step in the process of re-establishing peace in Kosovo. Establishing the rule of law and the scrupulous and non-discriminatory application of the law will tend to strengthen the faith of all inhabitants in the impartiality and independence of the judicial system. The conclusions of the Organization for Security and Cooperation in Europe (OSCE) study of the Kosovo judicial system shows clearly that the improvements that have been made to this system are insufficient. We hope that increasing local judges' awareness of this situation and the participation of international judges and prosecutors will be able to remedy the situation.

The issue of refugees is of particular concern as winter approaches. In this regard my delegation supports the call of the Special Representative of the Secretary-General for a moratorium on the forced return of refugees to Kosovo. We agree that the returning refugees have not been housed and taken care of in a satisfactory manner because of the lack of infrastructure for receiving them and because of the limited availability of housing. At the same time, we congratulate the United Nations Interim Administration Mission in Kosovo (UNMIK) for its efforts to coordinate the assistance and provide the necessary aid to the most-disadvantaged populations so that they can grapple with the winter.

The issue of detainees and missing persons remains one of the principal sources of inter-ethnic tension. My delegation is pleased by the appointment of a Special Envoy for Persons Deprived of Liberty during the Kosovo Conflict, whose mandate covers prisoners and detainees irrespective of their ethnic origin. In this regard we urge all the parties concerned to cooperate with this Envoy, in order to find a solution to this complex problem as rapidly as possible.

In conclusion I would like to pay tribute to Mr. Bernard Kouchner and to thank the staff of UNMIK and of the Kosovo Force for their praiseworthy efforts to re-establish peace in this region and to apply resolution 1244 (1999) of the Security Council.

Miss Durrant (Jamaica): Let me join previous speakers in thanking the Special Representative of the Secretary-General, Mr. Bernard Kouchner, for his briefing. We commend the men and women of the

United Nations Interim Administration Mission in Kosovo (UNMIK) on their significant achievements. Indeed, the transformation of Kosovo should be viewed as a success story for the United Nations and the international community as a whole.

My delegation has noted the many positive developments in Kosovo and in the region since Dr. Kouchner last briefed the Council in September. Nevertheless, we recognize that the task ahead for UNMIK remains challenging, as the Mission continues, in accordance with the provisions of resolution 1244 (1999), to prepare the province for substantial autonomy, to promote civilian and administrative functions, to oversee the development of provisional institutions and to maintain civil law and order. In all these areas, UNMIK has risen to the task in collaboration with its partner organizations in Kosovo.

The gains made in Kosovo over the past year must be consolidated in the context of creating a multi-ethnic society with multi-ethnic institutions. A peaceful, stable and democratic Kosovo cannot be exclusionary, or the efforts to secure a sustainable future will fail. My delegation continues to stress that the participation of Kosovars of all ethnic groups in the process of reconciliation must remain a priority, as all groups must feel a sense of ownership of the process.

I now wish to focus on a few issues, specifically the recent elections, the situation of detained and missing persons, the security situation and human trafficking, and the return of refugees.

First, my delegation wishes to congratulate the people of Kosovo, UNMIK and the other organizations involved in the successful conduct of the recent municipal elections. These elections, which were virtually free of violence, should serve to enhance the work of the municipal assemblies and to ensure that the people of Kosovo participate in governance at the local level. We regret that the Kosovo Serbs did not participate in the elections. In this regard, we note UNMIK's decision to compile lists of candidates for assemblies in those municipalities where Serbs form the majority. We would like to hear from Dr. Kouchner the latest developments on this matter, as well as on the possibility of UNMIK holding by-elections next year in the municipalities where Serbs are in the majority. In his briefing the Special Representative referred to his meeting with the leaders of the Kosovo Serb community who have agreed to form a high-level

committee to discuss how to ensure that Kosovo Serbs are incorporated in the new municipal structures.

Secondly, my delegation has consistently maintained that unless the issue of detainees and missing persons is dealt with, there will be no lasting basis for peace and coexistence. A few months ago, we welcomed the appointment of Ambassador Henrik Amnéus to address this issue. We now welcome the recent meeting of UNMIK and a delegation from Belgrade to discuss concrete steps towards resolving the question of detainees and missing persons. The proposed submission of a law on amnesty to parliament by the Yugoslav authorities will be another significant step forward. In addition we were pleased to learn that visits by international organizations and by family members have been facilitated. We certainly hope that the recent political developments in the Federal Republic of Yugoslavia will lay the groundwork for reconciliation between the communities in Kosovo. We also welcome the opening of the Pristina Resource Centre for Detainees and Missing Persons by UNMIK, in collaboration with the Organization for Security and Cooperation in Europe (OSCE).

My delegation notes with appreciation the improvement in law and order and security, but we remain concerned about the continuation of ethnically motivated attacks. We also note that aggressive searches by the Kosovo Force (KFOR) and UNMIK police continue to reveal the existence of stockpiles of military weapons in Kosovo.

In an earlier briefing, we expressed concern about reports of human trafficking. The unit set up by UNMIK police clearly demonstrates a recognition of the need to address this problem. We support the work of this unit in relation to trafficking, and we would wish to hear further from Mr. Kouchner about the success of the unit in bringing perpetrators to justice.

Fourthly, the return of refugees to their homes is of fundamental importance in reconstruction and the promotion of peace and in moving towards a sustainable future. The numbers of returnees have been rising. Reportedly, more than 80,000 Kosovars had returned by the end of September. We are, however, concerned about the forced returns, as this intensifies existing problems. We believe that forced returns are counterproductive in light of the existing situation; in the long run, it will only contribute to deteriorating conditions as UNMIK and other organizations find

themselves unable to deal effectively with the needs of the returnees for accommodation, social assistance, access to employment, health care and education. We have noted Mr. Kouchner's call on the Governments in the countries of asylum to impose a moratorium on forced and induced returns over the coming winter, and we agree with him that these returns must be dealt with on a gradual basis to give UNMIK and its partner organizations time to prepare for the expected influx of some 60,000 returnees in spring 2001.

In concluding, I wish to reiterate Jamaica's unequivocal support for the work of the Special Representative and of UNMIK and for the continuation of the mandate of UNMIK until the provisions of resolution 1244 (1999) are fully implemented.

Mrs. Ashipala-Musavyi (Namibia): My delegation, too, would like to acknowledge the presence of the Special Representative, Mr. Kouchner, in our midst today and to thank him for his comprehensive briefing on, among other things, the elections in Kosovo.

It is indeed reasonable to say that, despite the non-participation of some ethnic minorities in the municipal elections, the people of Kosovo have exercised their right to democratic governance. In doing so, they have elected their leaders and given them the mandate to plan for the future of all Kosovars. In this regard, my delegation commends the Special Representative of the Secretary-General, the personnel of the United Nations Interim Administration Mission in Kosovo (UNMIK) and other members involved in implementing the mandate of the United Nations Security Council.

It is also reasonable to assume that it will now be up to the elected leaders of Kosovo — of course, with the assistance of the international community — to start addressing the needs and aspirations of their communities in the spirit of peaceful coexistence and in accordance with Security Council resolution 1244 (1999). We believe that full implementation of Security Council resolution 1244 (1999) is indeed crucial for the peaceful coexistence of all inhabitants of the Kosovo province.

Finally, my delegation believes that the municipal elections are just the beginning of a process of democratic representation, and in this context, therefore, we hope that the Special Representative will continue to engage the elected leaders in a more

meaningful dialogue — a dialogue which will contribute to much-needed reconciliation.

Mr. Toure (Mali) (*spoke in French*): Like previous speakers, I would like to thank warmly the Special Representative of the Secretary-General, Mr. Bernard Kouchner, for his instructive update on the developments in Kosovo. We congratulate him on the smooth running of the elections held on 28 October in Kosovo and on the very high turn-out, which redounds to the honour of the people of Kosovo and to the international community through the United Nations Interim Administration Mission in Kosovo (UNMIK).

My delegation pays tribute to Mr. Bernard Kouchner, the head of UNMIK, to the OSCE and the entire personnel of UNMIK for their substantive actions to promote democracy and respect for human rights in Kosovo, which has made it possible to produce these good results. We salute the maturity and sense of responsibility shown by the people of Kosovo during the municipal elections; this was definitely a decisive turning point in the democratic process in the province.

We call upon the political leaders of Kosovo to accept and respect the verdict of the election and to work together so that this nascent democracy can be consolidated, the outcome of which will result in the holding of general elections.

My delegation salutes the positive changes that we have seen in Yugoslavia, and we note with satisfaction that President Kostunica is prepared to hold negotiations with the Albanian Kosovar representatives. While we welcome the fact that the new President has made an important step forward towards reconciliation between the Serbian and Albanian communities, we appeal for the release of all Albanian political detainees still imprisoned in Serbia.

In conclusion, the briefing we have heard this morning shows that the real challenge resides in the rapprochement of the communities. Therefore, my delegation calls upon UNMIK to work further for peaceful coexistence throughout the entire region of Kosovo.

Mr. Yel'chenko (Ukraine): I, too, would like to thank Mr. Kouchner for his briefing and to make the following points regarding the main subject of today's meeting and the central event of the past few weeks in Kosovo, the holding of municipal elections.

First, we share the view of the Secretary-General expressed on 30 October that the municipal elections of 28 October in the province constitute a landmark in Kosovo's democratic development. Despite certain doubts and questions raised at the stage of the preparation of the elections, their conduct and outcome proved that it was a significant event. We were satisfied to learn that the elections were carried out in a calm and peaceful atmosphere, with an insignificant number of incidents, intimidation and with few procedural violations.

In our view, the people of Kosovo, who demonstrated a very high turnout, should be congratulated for their political maturity and consciousness in discharging their civic duty.

We acknowledge the key role of the United Nations Interim Administration Mission in Kosovo (UNMIK), and particularly its Organization for Security and Cooperation in Europe (OSCE) pillar, in carrying out these municipal elections, and we pay tribute to the efforts of its personnel. Holding the elections indeed marked the completion of one of the most significant periods in UNMIK's activities.

Still, the most regrettable thing about the municipal elections of 28 October was the boycott on the part of most Serbs and Turks. This fact really cast a shadow over the general success. We are fully aware of UNMIK's intention to co-opt Serb and other communities' representatives through appointment by the Special Representative to those municipalities where they constitute the vast majority of the population, such as in the areas of Leposavic, Zubin Potok and Zvecan. This intention is welcome. However, we have a question for Mr. Kouchner in this regard. What is the attitude of the Serbs and the Albanians themselves towards this idea of co-opting Serbs through such appointments and will this idea be carried out if there is no consent on their part?

It is our understanding that the appointment of Serb representatives to the local bodies in those three municipalities should be considered as an interim measure. In this regard, in our view, the idea of holding by-elections in the near future in these municipalities deserves consideration and implementation. Moreover, as Mr. Kouchner said, there are signs that the Serb community may be willing to register. We think that one of the conditions of such by-elections should be the registration of Serbs inside and outside of Kosovo.

Therefore, we strongly encourage UNMIK to take practical steps in this direction.

The holding of municipal elections almost three weeks ago obviously did not bring solutions to all existing problems in Kosovo. My country is concerned about a new upsurge of inter-ethnic, political and criminal violence in recent days. This growing negative tendency shows that UNMIK and KFOR should not weaken their efforts in pursuit of their mandates to establish a secure environment for the return of refugees and internally displaced persons and to ensure public safety. In view of the current increase in violence following the elections, great caution should also be used in the matter of expediting the gradual transfer of administrative responsibilities from UNMIK to the newly elected municipal leaders.

While noting the general success of the elections, my country is deeply concerned, however, with the reports that leaders of all Albanian political parties openly admit that they consider municipal elections to be a first major step towards the declaration of Kosovo's independence and that they therefore categorically reject any possibility of discussing with the authorities of the Federal Republic of Yugoslavia the issue of provincial autonomy within the Federal Republic of Yugoslavia. In this respect, we deem it timely for the Council strongly to remind the Kosovo Albanian leaders of the basic provisions of resolution 1244 (1999), in particular those reaffirming the commitment of Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and entrusting UNMIK to ensure a substantial autonomy of the province within the Federal Republic of Yugoslavia. It is necessary to make clear to the newly elected municipal leaders that the partial transfer of power to them and the further creation of local governing structures place additional responsibility on them for the situation in Kosovo.

We are of the view that the role of UNMIK in the new political environment that was created by the democratic changes in the Federal Republic of Yugoslavia is to initiate the process of establishing a meaningful dialogue between the new leadership in Belgrade and the Kosovo Albanian side. In this context, we are encouraged by the statements of the new Yugoslav President, Mr. Kostunica, on his readiness to start such a dialogue. In our view, UNMIK's facilitation of such direct contacts might result in opening a political process designed to

determine Kosovo's future status. Moreover, UNMIK's task of facilitating the reopening of the political process is clearly outlined in resolution 1244 (1999).

To this end, it is also obvious that a proper dialogue and closer cooperation between the new Yugoslav authorities and UNMIK itself are highly required and should be established. The recent admission of the Federal Republic of Yugoslavia to the United Nations, the Organization for Security and Cooperation in Europe and the South-East Europe Stability Pact, as well as many other dramatic, speedy and welcome changes currently taking place, create additional good opportunities.

In this context, I cannot but pay tribute to UNMIK's effort to resolve issues concerning detainees and missing persons. We welcome yesterday's consultations, held in Pristina between UNMIK and the Yugoslav delegation, on this sensitive issue. My country welcomes the declaration by the Yugoslav President to the Council of Europe last week that his Government will initiate a process of resolving this painful problem.

Lastly, given the new situation in the Federal Republic of Yugoslavia and the entire region and the beginning of the next post-conflict peace-building phase in Kosovo, we feel that the Security Council should consider a new strategy of actions with regard to the future of the province, in particular the status issue, and give its clear guidance to UNMIK in this respect. In our view, the time has come for the Council to consider all the ways to bring the authorities of the Federal Republic of Yugoslavia and the Kosovo leaders to the negotiation table. We are of the view that it would be wrong to rush in this, but that it would also be dangerous to postpone it. As I said earlier, the Council can pursue this goal through UNMIK's efforts, or with the assistance of the Secretary-General's special envoys to the Balkans, or undertake mediatory efforts itself. In our view, today, now that the municipal elections are over, this issue is becoming increasingly topical.

In conclusion, let me sincerely wish Mr. Kouchner and all his staff further success in all their endeavours.

Mr. Levitte (France) (*spoke in French*): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech

Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — as well as the associated countries Cyprus, Malta and Turkey, align themselves with this declaration.

I would like to begin by paying warm tribute to the Secretary-General's Special Representative and to the United Nations Interim Administration in Kosovo (UNMIK) for the tremendous amount they have achieved in Kosovo over the past 18 months or so. When he took up his duties, Mr. Bernard Kouchner was confronted with a profoundly traumatized and divided society in Kosovo, a collapsed administration, a dramatic humanitarian situation and an economy in ruins. With his team, and in particularly difficult conditions, he has relentlessly implemented the mandate entrusted to him by the Security Council. He has made resolution 1244 (1999) come to life. I wish to salute here his tenacious efforts, which are now bearing fruit.

Let us recall that, in 1999, hundreds of thousands of Kosovars had been cast onto the roads or had chosen the path of exile, far from their homes. Most have now returned to the towns and villages from which they came. One year after the exodus, it has been possible to conclude the activities of the humanitarian pillar of UNMIK.

The economy had been shattered and many houses destroyed. This was the "year zero" for Kosovo. Today, private initiatives have reinforced the massive international aid effort to ensure that reconstruction is successfully completed. The European Union is playing a decisive role in this. Tens of thousands of houses have been rebuilt, obsolete industries have been gradually brought up to standard, a budget for Kosovo has been established and a suitable legal framework is promoting the recovery of economic activity. In all sectors — housing, education, health, transport and infrastructure — the results are there to see.

At that time, administrative structures were no longer in existence. The old structures, subservient to the parochial interests of a regime that had flouted the rights of its people, had melted away in the turmoil. New structures had to be built in accordance with the principles of the rule of law. UNMIK ensured that this happened. It worked methodically to set rules and to create an administrative machinery from scratch. It made every effort to encourage responsible Kosovars,

whatever their ethnic origin, to participate together in this task. It did not persevere in vain.

I would like to congratulate the Special Representative on the preparations for and conduct of the municipal elections held in Kosovo on 28 October. The Kosovo Force and UNMIK have worked together to ensure security. The elections attested to the favourable developments that we have witnessed in recent months. The ballot took place in an atmosphere of calm marked by a remarkably high turnout and attested to the sense of responsibility of the people, who carried out their civic duty in an orderly manner and with dignity. The Administration will be closer to the people and be able to listen better to its concerns. A new and important step was taken towards the implementation of resolution 1244 (1999), which remains the keystone of the international community activities in Kosovo.

The consolidation of democracy, the establishment of the rule of law and respect for minority rights remain among UNMIK's highest priorities. In connection with the local elections, we welcome Mr. Bernard Kouchner's intention to nominate representatives of the Kosovo Serbs to certain municipal councils and subsequently to organize by-elections. Generally speaking, all the initiatives undertaken by the United Nations Mission to enable members of the Serb community and of other minority groups to live at home in peace and security should be hailed.

However, although less frequent, manifestations of intolerance remain. Those who have an interest in thwarting reconciliation among Kosovars of all backgrounds continue their provocative acts. The murder of four members of the Ashkali minority who had returned to their village, mentioned by Mr. Kouchner in his briefing, was a recent abhorrent example that must be most strongly condemned. But impunity will not prevail. The provocateurs will not have the last word. They will be found and will have to answer for their actions, as Mr. Kouchner has promised.

All the inhabitants of Kosovo should be able to live together on their shared land. That means the return of Serb, Roma and other minority refugees. A multi-ethnic, democratic and prosperous Kosovar society, united in respect for the rights and identity of all, is now, more than ever before, the express

aspiration of the international community. Despite the obstacles that remain to be overcome, the United Nations is resolute in its support for the Special Representative in his tireless determination to attain that goal.

Democratic change in the region will make progress easier. The threads of dialogue can be taken up afresh among men and women of goodwill. Gestures of peace can now proliferate. Avenues of vital cooperation can be explored anew. The return home of the human rights campaigner Flora Brovina is among the first significant manifestations of the new circumstances, which will open the way to an early solution to the overall issue of prisoners and missing persons. Let us hope that these encouraging developments will continue. They will thus enable us to fulfil our aspirations and construct Kosovo on foundations of law and justice.

Let me conclude on a more personal note. I want Mr. Bernard Kouchner to know how much admiration and affection the French men and women present in this Chamber have for him as a man who all his life, through his work — for the past year and a half in Kosovo — has served the ideals of the Charter with generosity, with enthusiasm and with effectiveness. Sometimes the work of one individual can make a difference. Bernard Kouchner, in Kosovo, has demonstrated that magnificently, and we thank him.

The President: The next speaker is the representative of Austria. I invite him to take a seat at the Council table and to make his statement.

Mr. Pfanzelter (Austria): I have the honour to speak in Austria's capacity as Chair-in-Office of the Organization for Security and Cooperation in Europe (OSCE). I am grateful for the opportunity to address the Council on the situation in Kosovo following the elections on 28 October.

Permit me at the outset to thank Mr. Kouchner for his inspiring presentation and for his untiring efforts over the past 16 months. When evaluating the performance of the United Nations Interim Administration Mission in Kosovo (UNMIK), we have to take into account that the Mission is doing its work under difficult conditions, both material and political. It faces understaffing and a lack of funds. The operation is unique in the history of the United Nations. We very much admire the dedication of Mr. Kouchner and his staff.

With regard to the elections to which Mr. Kouchner referred in his presentation, I have the honour to convey to him the sincere appreciation of the OSCE Chairperson-in-Office, the Austrian Foreign Minister, Benita Ferrero-Waldner, for the excellent cooperation between the United Nations and the OSCE. The OSCE mission in Kosovo is an important component of UNMIK, and it is ready to continue playing that role.

Considering the circumstances, the organization of the first-ever municipal elections in Kosovo was an extremely difficult task that required the close and reliable cooperation of all international actors. Everything had to be prepared from scratch, and a great deal was at stake. Eruption of violence, low voter turnout and problems in the voting procedure all could have jeopardized the democratization process and the implementation of Security Council resolution 1244 (1999). Instead, the elections were exemplary. There was a high turnout of almost 80 per cent, a very low percentage of invalid ballots, no major instances of fraud or manipulation and no incidents of violence. By their conduct, the Kosovars have truly demonstrated a clear and unconditional commitment to democracy. Similarly, by accepting the election results, the political parties have shown an encouraging democratic maturity.

Let me stress that Austria, as Chair-in-Office of the OSCE, is very satisfied with the conduct of the elections. The impressive victory of Ibrahim Rugova's Democratic League of Kosovo demonstrates the support of Kosovo Albanians for a moderate political course. Considering the positive democratic changes in Belgrade, that decision could lead to a new and fruitful dialogue between Pristina and the new authorities in Belgrade.

Regarding the democratic representation of minorities in Kosovo, the OSCE supports Mr. Kouchner's co-opting of minority representatives into municipal councils. That is an important means of ensuring a multi-ethnic society in Kosovo. In the pre-election phase, the OSCE and UNMIK tried to convince the Kosovo Serbs and the Kosovo Turks to participate in the registration process and in the local elections. Clearly, there was strong reluctance to cooperate. Now, however, the democratic changes in Belgrade have resulted in a new orientation among the Kosovo Serbs, who have begun to approach the OSCE mission in Kosovo. They seem to be thinking about an

eventual readiness to register and to participate in by-elections.

These are promising signs for the future. Much will depend on the functioning of the municipal assemblies, especially with regard to their dealings with minorities.

As far as minorities in general are concerned, the security situation clearly needs to be improved. Freedom of movement must be guaranteed. Refugees and internally displaced persons must be able to return home.

Clearly, the future of Kosovo is far from resolved. The positive developments in the region and the success of the democratic elections, however, constitute a milestone in the search for a lasting solution.

The President: The next speaker is the representative of the Federal Republic of Yugoslavia. I invite him to take a seat at the Council table and to make his statement.

Mr. Mladenović (Yugoslavia): I, too, would like to thank Special Representative of the Secretary-General Bernard Kouchner for his briefing.

The issue of Kosovo and Metohija is of the greatest State importance for the Federal Republic of Yugoslavia. In fact, it is more than that. It is one of the issues that concerns the fate of my country. As the Council contemplates how to address this issue, I will limit my statement to bringing to its attention only what the Federal Republic of Yugoslavia deems to be of the utmost importance.

First, the new Government of my country fully subscribes to Security Council resolution 1244 (1999) and considers it the main and only basis for a just and lasting solution.

Secondly, the profound democratic changes that have taken place in Yugoslavia have ensured the full-fledged participation of the legitimate representatives of the Federal Republic of Yugoslavia in the implementation of Security Council resolution 1244 (1999), which cannot be achieved without the active participation of my Government.

Thirdly, at this juncture it is of the utmost importance to proceed urgently to a comprehensive and consistent implementation of Security Council resolution 1244 (1999). In implementing resolution

1244 (1999) the following priorities are of special significance.

The first priority is the creation of a secure environment and the return of all those who fled Kosovo and Metohija. Interdependent as they are, these two prerequisites constitute the key to preserving the multi-ethnic character of Kosovo and Metohija and to normalizing the situation in the province.

The second priority is to conclude an agreement on the status of the international presence in Kosovo and Metohija. The problems relating to the status of the members of that presence would thereby be regulated, and the necessary conditions would be created for all-round cooperation between the Federal Republic of Yugoslavia, the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force. My country is ready to commence dialogue and cooperation with the representatives of the international community.

The third priority is a just solution to every detainee case and the clarification of the fate of missing persons. This would strengthen confidence and promote reconciliation.

The fourth priority is the forthcoming holding of elections in the Yugoslav constituent Republic of Serbia, as well as in the territory of Kosovo and Metohija.

The fifth priority is the return of a limited contingent of the Yugoslav army and police to Kosovo and Metohija.

The sixth priority is a resolution of the status of para-diplomatic representative offices in Kosovo and Metohija, in accordance with the Vienna Convention and with respect for the sovereignty of the Federal Republic of Yugoslavia.

In the opinion of my delegation, these priorities and other provisions of Security Council resolution 1244 (1999) are the basic issues that will determine the future course of events.

My delegation is also aware that resolution 1244 (1999) contains provisions to address other issues, including political negotiations on the final status of Kosovo and Metohija. We consider it premature to address these issues now, with basic problems still unresolved. Indeed, notwithstanding its will and readiness to take up the issues, the Government of my

country is of the opinion that in the present circumstances of an extremely bad security situation and the lack of conditions for a mass return of displaced persons to Kosovo and Metohija, those issues would be difficult to deal with. As experience has shown, proper and just solutions are difficult to achieve if major political problems are addressed in a simplified and hasty manner and without respect for different interests.

It is for that reason that President Vojislav Kostunica and the new, democratically elected Government of the Federal Republic of Yugoslavia call on the international community to approach the question of Kosovo and Metohija in a thorough and prudent manner, and in accordance with Security Council resolution 1244 (1999). Similarly, in the quest for the best possible solution, it would be very useful to ensure broad cooperation with the international community and other interested parties and States.

The Federal Republic of Yugoslavia attaches the utmost importance to its sovereignty and territorial integrity, which is one of the provisions of Security Council resolution 1244 (1999). In saying so, we are ready to work towards achieving substantial autonomy for Kosovo and Metohija, and we will do so. That would provide for a peaceful and prosperous life for all its residents — Serbs, Albanians and others alike. Every other solution outside Security Council resolution 1244 (1999) is fraught with unforeseeable consequences not only for Kosovo and Metohija and the Federal Republic of Yugoslavia, but also for the region as a whole. The strengthening of democratic processes in all countries of the region, the promotion of regional cooperation and the ever-greater prospects of joining the current processes of integration in Europe will, in the opinion of my delegation, help create a better atmosphere in the region and facilitate the quest for solutions to existing problems.

The Federal Republic of Yugoslavia and its new leadership are open to cooperation and negotiation on all problems. They are willing to address outstanding issues through dialogue, in an atmosphere of openness, tolerance and good-neighbourliness and with full respect for vital interests of all. To that end, they are determined to preserve democracy in the Federal Republic of Yugoslavia and, in that context, to work for a peaceful and prosperous Kosovo and Metohija.

The President: The next speaker inscribed on my list is the representative of Albania. I invite him to take a seat at the Council table and to make his statement.

Mr. Nesho (Albania): Allow me to congratulate you, Mr. President, on your excellent work during this month's deliberations of the Security Council. Today's Council debate is being held against the backdrop of a new and optimistic situation that better reflects the excellent achievements of the United Nations Interim Administration Mission In Kosovo (UNMIK) and other international institutions in Kosovo.

The free and democratic municipal elections held in Kosovo in October of this year have clearly shown that the overall commitment of the international community, the resolutions of the Security Council and the valuable efforts of the United Nations have yielded the expected results in connection with the establishment of democratic institutions, the reconstruction of the country and instilling confidence in the people with regard to the action of the international community. At the same time, the elections proved that Kosovars are capable of building their future and their democracy.

Let me express our gratitude and warm thanks to Special Representative of the Secretary-General Bernard Kouchner for his excellent, far-sighted work in the service of the people of Kosovo and in defence of the international community's desire for peace and stability in the Balkans. Mr. Kouchner, together with the representatives of other international organizations in Kosovo and with the Kosovo Force (KFOR) have justified with their admirable results the great confidence of the international community that it could contribute to solving one of Europe's most difficult conflicts, which for years has generated tension and conflict.

We believe that the creation of municipal bodies representing all communities in Kosovo will contribute to increasing the responsibilities of Kosovo's representatives for institutional and democratic administration, under the supervision of UNMIK. The optimistic results of these elections, and the better understanding by all political forces in Kosovo of the need to institutionalize an inclusive, multi-ethnic and multicultural society will logically lead to the holding of general elections in Kosovo in the near future. By respecting the right of people to self-government and accepting the natural process of consolidating the new

democracy, the general elections in Kosovo will be a far-sighted action by the international community that will fulfil the objective of finding a long-term solution to the problem and contribute to overall stability in the Balkans.

Recent developments in the Federal Republic of Yugoslavia and the victory of the democratic forces in Serbia give hope that a new era of understanding and cooperation will begin in South-East Europe. Albania is ready to cooperate with all democratic institutions that aim at Balkan integration, the creation of peace and stability in the region and the achievement of a free and democratic society that is looking forward to joining the member States of the European Union.

It is essential for the Federal Republic of Yugoslavia and its new democratic leadership, as the latest country to join the community of democratic Balkan countries, to openly express its will to embrace, as soon as possible, the new principle of democracy by dismantling the tragic nationalistic policy of the criminal Milosevic regime, and by respecting human rights and the basic rights of the people to self-governance and self-determination.

By cooperating with international institutions, such as the International Tribunal for the Former Yugoslavia, by releasing all Albanian political prisoners that are being held in Serbian jails and by punishing the perpetrators of human genocide in Kosovo and elsewhere in the former Yugoslavia, the new Yugoslav State will clearly demonstrate its will for cooperation with other Balkan countries and create confidence among the peoples of the region in a new opportunity for strong and valuable cooperation on a new level.

For some time now, many political circles and world diplomacy have been talking about the future status of Kosovo. Albania is of the view that this status will rationally be decided at a later time, when the democratic institutions in Kosovo have been consolidated. The effort to find a partial solution, influenced by the enthusiasm for quick changes, will not result in a long-term solution and will not justify all the efforts the international community has been making for such a long time in the Balkans.

Knowing that in the Balkans it is difficult to find a democratic leader like President Havel, one who perceives democracy as a system beneficial to everyone, it is in the interest of peace in the region that

comprehensive solutions for the final status of Kosovo be mature and lasting and take into account the legitimate right of the Kosovar Albanians to self-determination and independence.

To sum up, we live in a new time, with new leadership and new realities, but what we all need today is to find the political will, responsibility and courage to accept the irreversible reality of the Balkans.

The President: I shall now call on Mr. Kouchner, who may wish to reply to the questions put to him.

Mr. Kouchner (*spoke in French*): Thank you, Mr. President, for having conducted this very important and very interesting meeting. I shall try very briefly to reply to some of the members of the Security Council.

I should like to thank Richard Holbrooke for his very positive comments regarding the conduct of this United Nations Mission and the elections. I want him to know how much I appreciate his personal views, and also the way in which he presented the Kosovars. So much is said about them and they are never seen.

The Kosovars are not only political leaders, and I am gratified that we have here in the Council Chamber the co-head of the Democratization Department. I am also pleased that the co-editor of the most important and most widely disseminated publication in Kosovo is here. I am glad that they are here because that nascent democracy gains through their participation.

To the Ambassador of Bangladesh, I would like to say that his assessment of what we called our "outreach campaign" is extremely significant for me, and I am also very pleased that the person who led that campaign is here. That campaign allowed us to meet not only with political leaders, but also with the men and women of Kosovo who came to ask questions very openly, very frankly and very bluntly in all of the cities of Kosovo.

We have learned a great deal concerning the real state of affairs, which is often far from our accepted and ready-made ideas. The Kosovars are not in fact a people of Mafiosi. There is plenty that could be said about the Mafia in many countries, but I will not take up that debate here, because it would take up a lot of time and it would really make my intervention highly undiplomatic, so I shall be very careful not to do so. The Mafia is not always where we think it may be. It is not always connected with matters that have economic

implications; it sometimes deals with violations of human rights and violations of democratic rules. I would like to thank Ambassador Holbrooke for having recalled the zeal with which the Kosovar community, as a whole, moved towards democracy, and I would also like to thank Ambassador Chowdhury for having said how deeply he believed in that society.

I would say to the representative of Russia, in frankness and friendship, that we have never been in agreement, except for the day here in the Security Council and during a lunch that I recall well, when we decided together on those municipal elections. We took that decision together — all of us together; everybody was in agreement. Therefore, we held them. I understand your objections and I take careful note of them. Sometimes I get the impression in listening to you, Mr. Ambassador, that, as they say in my country “you are more royalist than the king”. But I take your observations into account with a great deal of interest and, in fact, I try to abide by them. But you consider that the way in which we, the international community — of which you are a major part — have implemented resolution 1244 (1999), in your words, is “incomplete and unsatisfactory”. (supra.)

I do not have the time or the inclination to ask you to consider all of the peacekeeping operations throughout the world, Mr. Ambassador of the Russian Federation. Behind the numbers of the resolutions, there are men, human realities and things that are not contained in that cold and indispensable paper that makes up a resolution. Like you, I would have liked to implement the entire resolution; it will be implemented.

But look at what is happening in the Middle East, Mr. Ambassador of Russia. Everything was done. Negotiations were started and 25 years later we are seeing the return of a terrible history. Everything is difficult. Look at the resolutions that are 25 years old, such as those regarding separation of Lebanon and the State of Israel. It took 25 years to implement them. Why ask that Security Council resolution 1244 (1999) be implemented in full immediately? I fully understand your feelings, but I think that that is not possible or reasonable. What is possible and reasonable has been done, certainly with errors, which I recognize. When you say that the representative of the Federal Republic of Yugoslavia asks you with moderation — I am grateful for that — for the return of armed forces to the

territory, how can you think that that would be possible one and a half years after the war? I think we need to allow time for success in this implementation of peace. I understand your impatience.

I would also like to correct something that was said several times. You speak, Mr. Ambassador, of non-participation of the minorities, but aside from the majority of Serbs, a matter which I deplore, again have not been displaced for political reasons. I know the people who went to Leposavic to register; I know practically each and every one of them. Movement has been stopped among the Serbs because otherwise they were physically abused. People came to prevent them from registering. Take that into account. But the other minorities all participated. You speak of the Turks. They did participate, with the exception of the dominant party, which did not agree, although now it has accepted, that Turkish should be the third official language of Kosovo. Two is already a lot, but to establish a third official language was not possible. We negotiated. We went to Ankara, which accepted this, but unfortunately the registration had been closed. We did not reopen registration, despite our good will. Next time, with their agreement — and this has been accepted — we shall appoint representatives of the party that did not participate in the vote to the municipal councils. I did not see how we could have done anything else. Otherwise, we would have been at the mercy of those who did not wish to see the most open and international type of democracy that had been proposed, and we would have suspended the elections because a minority of the minority did not want them. I agree that the rights of the minority must be respected, but let us also respect the rights of the majority. Those elections will be rectified, I assure you, by further votes and, no doubt, by the appointment of a number of representatives of the minorities of which you have spoken.

I would also like to make it clear to the representative of the Russian Federation that the Joint Military Commission that he spoke about is functioning very well. We meet very regularly. Many difficulties have been resolved, thanks to that Commission.

As for substantive dialogue with the Serbs, it has begun. We have met at least four times. UNMIK representatives have gone to Belgrade and, as I said yesterday, representatives very close to Mr. Kostunica, including his head of Cabinet, have come to Kosovo.

We are starting. The dialogue undoubtedly will not be easy with the Kosovar Albanians or the other minorities of Kosovo, but with UNMIK things are already under way. We are to meet soon in Zagreb at the European Union summit to be held on 24 December. I agree, nothing is perfect, and certainly not the return.

We have not — I say this on your behalf as well, because, you too are involved, and not only me — managed to change mindsets and wipe out the memory of suffering in a year and a half. It will take time. We have not changed the men and women of the Balkans, who for centuries have faced isolation and in terms of themselves and their environment have had very tense and difficult relations. That will come. People familiar with these countries know that we have to be patient, because this will take time. I understand your objections, Mr. Ambassador, and I think that we have taken them into account.

I thank the representative of the United Kingdom. I note his moderation concerning the Serb elections on 24 December, which should lead to a parliament of Serbia whose importance for Mr. Kostunica and democracy I understand. Do not believe that I am indifferent to that. To the contrary, I shall provide all the support I can. Arrangements must be made. I took note of that word and I am satisfied with that very moderate language. After the technical refusal that I mentioned, we shall see to it that these arrangements come about. Why not? Regarding the holding of elections as soon as possible, I also noted the comment of the Ambassador of the United Kingdom, for which I thank him.

To the representative of Canada, who, like the representative of the United Kingdom, is always generous with his presence and his support in the field, I say that I share his feelings. As the Ambassador of the United Kingdom also said, the question of future status will be negotiated later. Events cannot be rushed; that would be a mistake. I am grateful for your reference to the need to maintain the authority of the International Criminal Tribunal. There can be no peace without justice. It is very difficult to establish justice, law and order in this region of the Balkans, for cultural reasons and because of the recent suffering.

I wish to say to the representative of China that the Turks and the other minority groups also participated in the elections. Everything is not perfect,

but I would like to know when was the last election in any of the countries represented here in which 80 per cent of the population could vote. In my country, which I love and salute, in the last election the turnout was 23 per cent. *Mea culpa*. The result was quite satisfactory; nothing is perfect. But dialogue takes two. We are working on that. But when only one side wants to engage in dialogue, the conditions have not yet been met.

I thank Argentina, and am aware of its role in the region. I have met many of its representatives. I thank its representative for his comments.

I also thank the representative of Malaysia for referring to Ambassador Amneus, the Special Envoy on persons deprived of liberty, who played a remarkable role by going to Belgrade recently to visit the prisons in which Albanian detainees were in danger. They included Ms. Flora Brovina, whose release all representatives welcomed also played a considerable role. I thank them for that. I especially thank Mr. Kostunica, which I have already done officially, for having authorized it. As I have said, Ambassador Amneus played an important role.

I would say to the representative of Tunisia that we have begun reform of the judicial system, even if it is still inadequate. It is very difficult to accomplish. I was always militantly in favour of human rights, and I still am. I have written a number of reports and made a number of criticisms, but it is much easier to criticize than to achieve anything. From time to time, when we read reports that are critical of us, we are a bit distressed that sometimes the critics are not there with us to put their noses to the grindstone. I wish that they were and would also make proposals.

We have appointed judges, but we made the mistake — I agree with the representative of the Russian Federation that we have made others — of not calling from the start on international judges. We have appointed Albanian judges. Tradition, threats, the proximity of torture and death, the fact that the common graves have not yet all been opened — all this means that justice is flawed, it is true. What is the Special Representative to do when he knows, for example, that there are certain suspicions about a person, so that his own conviction is to keep certain people in detention, when the judges I appointed decide to release them?

What does one do in a case like that? Follow the example of those who do not believe in respect for human rights and allow the security situation to deteriorate? People who have had family members killed then become incensed and seek revenge. It is difficult to impose law and order very rapidly in a country that has not known either for a very long time.

Together with my friend, Sergio Vieira de Mello, at a meeting presided over by Mrs. Louise Fréchette, we drew some conclusions from the somewhat brutal way in which we have had to deal with this absence of law and order. United Nations missions should come with a kind of law and order “kit” — a kind of authority, which is strengthened and backed, to immediately impose law and order. These peacekeeping missions need to be improved in that respect.

In any case, I thank the representative of Tunisia for having said that the moratorium was necessary in order to prevent returns from Europe from taking place in great numbers during the winter.

I was gratified to hear the representative of Jamaica, who is very familiar with the situation, say that things were moving ahead and that this Mission was a model one for the United Nations. As I tend to be rather pessimistic by nature, I did not assume this was meant for me, but I would like to thank her on behalf of the entire team. I thank her also for having recalled that we had opened a centre in Pristina to host the families of detainees and of missing persons.

The right to governance, as Namibia said, is a lofty concept and a fine phrase. There has been a rapprochement among groups and committees, and, as the representative of Mali rightly said, a tremendous number of people are at work in all of the committees, and all groups are represented. The group that is working on the return of the Serbs has noted that all Serb organizations have come together to ensure that this return takes place. Of course, this group is working not only with the Serbs but also with UNMIK and other representatives.

I agree with many of the comments made by the representative of Ukraine. Let me simply say that the word “boycott” seems to me inappropriate. There was a real physical fear of registering. Of course, some of the Serbs who did not want to participate were politically motivated; they have that right. That is quite understandable. But many of those Serbs, people with

whom we work every day and who wanted to vote, could not because they were prevented, in a brutal manner, from doing so. That, I think, is not really a boycott.

As concerns a dialogue with Belgrade — and I am gratified that its need was emphasized — it is well under way. We will try to expand it to the extent possible — that is, within the constraints of the technical and practical possibilities for success and of doing something visible. We do not want to go against the majority of the Albanian population, which is closely following our work and which for the moment, regrettably, is not able to engage in a direct dialogue with Belgrade. I am certain, however, that thanks to elected representatives, a more direct dialogue will be possible very soon.

I should like to thank the representative of the European Union — and of all of the countries he mentioned that are not yet members of the Union — for his statement regarding the return of the Serbs, for the considerable material assistance which Europe is providing us, and for the moral support as well. Allow me also to say to my friend Jean-David Levitte how much I appreciated the personal comments he added at the end of his formal statement.

Let me very quickly address the three subsequent statements. To Austria, which holds the chairmanship-in-office of the Organization for Security and Cooperation in Europe (OSCE), let me express our deep appreciation, because without the OSCE there would have been no elections. Indeed, the OSCE and UNMIK worked together day and night in perfect harmony despite the difficulties and conflicts — let me reiterate, in harmony despite conflicts — and we owe the success of the elections to them.

I would like to say a few words also to the representative of the Yugoslav Federation. First of all, I should like to thank him for having taken that moderate tone. I thank him for his statement and for the way in which he delivered it. I think that certain issues — and here I speak not just for myself, of course, but for Kosovars from all communities — we should be able to settle among ourselves very quickly. Others will take more time. But the important thing is that he said he accepts resolution 1244 (1999). That is nothing new, of course. President Kostunica has said so, and the Albanian and Serb leaders of Kosovo together accepted and signed that document. So now that resolution 1244

(1999) is accepted all around, I think that the way is becoming clearer. I know it will be a long and hard road, but I know also that we will be able to reach an understanding on what is most important.

Of course, I am in favour of the return. Everyone is. All of the Kosovar Albanians, all the minorities in Kosovo are backing the return of all groups. Yet here once again — and I am saying this for the benefit not only of the representative of Russia but of all — there is many a slip ‘twixt the cup and the lip. Just because we want to see a return does not mean that we can ensure that it takes place in conditions of security. That is why the murder of four members of the Ashkali minority was a terrible blow for us. We absolutely must ensure sufficient security to prevent this from turning into a fiasco and endangering lives. We are working to that end.

I do not want to burden the Council with statistics, but security is vastly improved now over what it was at the start. There was a week during the electoral campaign when there was only one murder. That had never happened in the past. Remember, there used to be 50 a week at the outset. So the situation has improved, but this is not enough. In any case, we need to be able to work to ensure a safer environment for the return.

I am not entirely clear as to what he means, but I think it would be difficult to achieve the agreement that the representative of the Yugoslav Federation wishes to see between KFOR and UNMIK, in terms of diplomatic mission status. As I said, I am not entirely clear on what he means. As concerns detainees and missing persons, since yesterday’s visit everything is possible, including — if the amnesty law is passed quickly — the very significant release of a large

number of detainees. In any case, we remain in continuous and close contact.

I have already expressed my opinion regarding the return of the armed forces. I know that a limited number are provided for in resolution 1244 (1999). I do not think that this is possible right now. Nor it is possible yet to determine final status. I share the feelings of the representative of Yugoslavia, but this issue needs to be addressed during negotiations. I like very much the way in which he cited “substantial autonomy” as the objective of resolution 1244 (1999), and I think that we will be able to make progress in that very sensitive area.

I should like to thank the representative of Albania not only for his cooperation, which is so often offered by Tirana, but also for having mentioned the International Tribunal and the need to wait for a final status to be proposed at the end, not at the beginning, of the peace process.

I apologize for having spoken at some length. I wished to try to respond to everyone, and I understand very well that some differences of opinion remain regarding an operation which, I think, is probably one of the hardest in the world.

The President: I thank Mr. Kouchner for the clear and comprehensive answers he has provided.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.40 p.m.