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Press Briefing by UN Deputy Special Envoy for the Future Status Process for Kosovo Albert Rohan in Pristina

Albert Rohan: Ladies and gentlemen, good afternoon. As you know we have continued over the last few weeks in Vienna with these talks on concrete, practical matters. We had some time ago a fourth round of negotiation on decentralization. And at that time, we discussed the redrawing of some of the municipalities' boundaries in Kosovo with a view of creating some new Serb-majority municipalities, municipalities with a majority of other ethnic groups, and enlarging existing ones.

We established in this meetings that there were some differences of opinion on the substance of decentralization between Belgrade and Pristina, namely on the role of the central government in the decentralized competencies, the role of Kosovo legislation, the role of the cooperation between municipalities - that is what one understand by the famous "horizontal links" - the question of the linkage of the Serbian majority municipalities to Belgrade, and also on the criteria for the creation of new Serb majority municipalities .

We agreed more or less that a new municipality should have a minimum of people and the target figure that was agreed was 5,000 and seventy percent should be of the specific ethnic group, in the most cases of the Serbian community.

The Belgrade delegation introduced a number of additional criteria, namely the question of the protection of religious or historic sites through creation of municipalities, and also the returnee aspect. The returnee aspect is an important one because on the one hand we feel that we have to base the redrawing of boundaries of municipalities on the actual figures of population. We cannot base it on the figures before 1999. We would create virtual municipalities, which do not correspond to the actual situation of the population's distribution.

On the other hand we have to take into account the possibility of a return of refugees and IDPs. This is the wish of everybody that they return. But we do not know where they would return to, since we have supported that they have a choice, that they can return to their place of origin or to a place of their choice. Which, of course, introduce this imponderability since first you don't know whether people will come back, in what number, and where? So it is very difficult to take this into account when creating Serbian

majority municipalities. We would be in favour of a review process that we create municipalities according to the present situation and then, in a couple of years when the return process will have started or will be concluded, and when a new census will be available, then we could review the boundaries.

In our talks in Belgrade yesterday, we were given the assurance by the Serbian side that they do not intend through decentralization to create a Serb entity in Kosovo, not that they will introduce a third level of government between the State and the municipalities. They also gave the insurance that they would respect that there is a role, first, of the Kosovo institutions in determining decentralization; second, they accept that there will be a framework legislation from the Kosovo Parliament determining the activities even in those areas where the competencies will be with the municipalities. And that these framework laws will form the basis of the activities of the municipalities. And they accept the role of the Central government in supervising the legality of the activities of the municipalities.

Where we did not make progress in Belgrade is on the question of the number and which kind of municipalities they have proposed. As you know they proposed 14 new municipalities and the enlargement of four of the existing municipalities. Amongst these proposed municipalities there are at least five that do not correspond to the criteria of 5,000 thousand people or 70% of Serbs. To give you an example: the Serbian side proposes to create a municipality around Gazimestan, which is a monument. Apparently there is the intention to create a hotel for pilgrims. Still it is not really a municipality but this is what they are proposing. Equally there is a proposal to create a municipality of Velika Hodja because there are five of six very important, very valuable churches.

We pointed out to our Serb friends that this problem should be addressed in a different way. The protection of historic buildings comes not through decentralization but through other measures and the same goes for religious site. Still the Serbian side did not move on these proposals.

Here in Pristina we had a meeting with the Team of Unity together with the Vienna negotiating team. I met the Serbian representatives and I just met representatives of the other communities. On the substance of decentralization, we do not have major difficulties with the Kosovar side. It is simply the question that it must be widely accepted that municipalities, in accordance with the European Charter of Self-Governance, have the right to form partnerships to jointly exercise competencies with restless municipalities, say in the Health sector, Education, have schools together, or health installations. This is in correspondence with the European Standards and must be accepted. Also that municipalities can, if they so wish, form an association that would be their interests' advocacy. This exists in every country and here we hope that it is accepted and understood.

We discussed also the possibility of enlarging on the Kosovar proposal with regard to municipalities. As you know they have proposed three new municipalities and one modification of an existing one. This is a very positive proposal, which we appreciate,

and we think that if one looks at the numbers one could probably enlarge on this proposal.

We have agreed, actually both sides have agreed, also here in Pristina, that in the next one or two weeks experts will meet. Because you cannot with this big team on the table discuss the precise boundaries, delimitations. One has to have maps or even go to the municipality and look what the situation is. So there will be expert meetings in the next few weeks both in Belgrade and Pristina, which will carry the work forwards.

We expressed to the Kosovar delegation our appreciation for the generally positive approach not only in this matters but also in others. But at the same time we agreed that one has to do more work on it.

The next timetable looks like this: We have on the 23rd of May the next negotiation in Vienna, which will be devoted to the protection of the religious sites. And here our approach is a very practical one. There will be in Kosovo a law on religious freedom and there will be a law on the protection of cultural heritage. This should take care of the normal interests of all churches or, in the case of the monuments, of all historic sites.

What we have to ask ourselves is what is it that the Serbian Orthodox Church needs in addition to this in order to allow it to survive in difficult circumstances, especially for some of the monasteries and churches which are in an environment where there is no Serbian community left. And this is I think how we should approach it. We need physical protection; we need protective zones, which would limit certain commercial activities; we need customs, tax facilities, free access, a linkage to the Patriarchate, these kinds of things.

We want to keep it as simple and as practical as possible. We know that the Church shares these views and we hope that this matter can be kept out of political considerations and debate. We are convinced that the Church is not a danger to anybody. Therefore whatever they need they should be given and the more we keep this matter separate from other considerations the better.

On the 31st of May we will have the first meeting on economic matters, which in this case will be the question of the separation - or the partition if you want - of the international debt between Serbia and Kosovo. There has to be determined: World Bank debt, London Club, Paris Club: what amount will be allotted to each side? And to some extent also the property questions.

One aspect on which we made some progress here in Pristina is the question of community rights, minority rights apart from the decentralization aspect. The question of the use of language in courts and magistrates, the question of reserved seats in Assemblies for minorities and ethnic groups, the question of a vital interest clause to prevent the majority from outvoting the minority on matters that are vital to them and so on. There is a long list of minority rights, which we want to discuss. We received a very good document from the Kosovar side, of 59 pages, which we are in the process of

examining and we came to the conclusion together with the Council of Europe and the Commission that this is a good basis.

Unfortunately we have not received anything substantive from Belgrade. And not only that but Belgrade refuses to talk about this matter outside the status talks, the *real* status talks. They say that is this status-related and therefore they can only discuss this matters when we talk about the status itself. We do not share this view. We think that the question of the use of language, or the reserved seats, or whatever I have mentioned, will have to be solved regardless of the status of Kosovo, and will have to be solved in the same way. It does not make any difference whether Kosovo is independent or autonomous, how many seats will be reserved in the Parliament for the Serbian or other ethnic groups for instance. So we do not understand this attitude. We are going to persevere and try to bring the Serbs to the table.

The one matter that is left open on the more concrete issue is the question of the future international presence. Here again we have a very strong view that the international presence should be as light as possible and as robust as necessary. It should not be a kind of protectorate institution or super-government. We want to limit the functions of the civilian presence – because there will be a military and a civilian presence - of the civilian presence really to securing the implementation of the settlement.

Whatever is in the settlement in terms of minority rights, etc. must be implemented, and we have to give a guarantee to those concerned that the only way to do it is to give the international presence the power to ensure that this is being implemented. And then, for the rest, limit the competencies of the international presence to very, very few functions, maybe in the justice, in police and maybe one or two functions in the economy. And that is it. And also, we want to limit it in time and we do not want to confuse it with the work of international organizations which they are doing like in other countries, like the World Bank, the IMF, the OSCE, the European Commission. They do their work, which they normally do under their own authority. It should not be confounded with the post-Status international presence, although they are going to work together, of course. But these are two separate things. This we are in the process of discussing together with the organizations, with the UN, the EU, the OSCE, NATO. And we hope soon to have some kind blue print that we would then discuss with the parties.

Finally our timetable remains the same as we have told on previous occasions. We shall continue these practical issues. We hope to come to provisional conclusion on some of them. The next big date will be the report of Mr. Jessen-Petersen to the Security Council in June and then, a month later or so, in July Mr. Ahtisaari will go to the Council and give a report, a balance on what we have done and of his ideas on how we should proceed. And that is the moment when in all likelihood he will call for direct talks on the status question. Either direct talks between the parties or on another form. But this is by no means decided. This is an open question but sooner or later, as he has said, we will then approach the status question itself. Thank you

Questions/ Answers

Question (Express): Mr. Rohan there is a sense of disappointment today in Pristina with your presentation to Kosovo negotiation team. Don't you think you are putting the negotiations in danger with requesting too much and making the process over-painful? And a second question: Can you give us more elements on your preferred number on municipalities and your preferred idea how the link between municipalities and Belgrade will be and the model for Mitrovica?

Albert Rohan: I don't think at all, I didn't see any pain. If our friendly discussion is pain, that's the kind of pain I would like to have in my life. It is obvious that a starting position in a negotiation of a side, even if it is a generous one, cannot be the ultimate outcome, if you want to achieve an agreed solution. And that is our mandate, do not forget that. So we have to ask both sides to move forward and expand on their original positions and that's what we did. But I don't think there is any pain involved in this.

I cannot tell you any numbers because our proposal in most cases pick up the proposals of either the Kosovo side or Serbian side and expand on it, somehow change something. But we have established today that we cannot simply discuss this on paper, on a table like this with two enormous teams. We have to go cadastral zone by cadastral zone and discuss why something is possible or why something is not possible. And, if one comes to the conclusion that the information we have was not sufficient or that the data was wrong or that for other reasons of topography or so certain enlargements are not possible, well, fine, then we withdraw our ideas. But we have to discuss it and it was clear that you cannot discuss it in series. You have to really go into the titbits.

On the linkage, you see, cooperation between municipalities and another country or other institutions is a possibility. There is nothing illegitimate per se. We think this should not be in any way an exercise of authority. It must be practical cooperation, it must be transparent and the central authorities must be informed. If Serbia continues to transfer money to Kosovo, fine, there's nothing to be said against it. Only the authorities in Pristina must know what money flows in. If Serbia wants to send teachers, ok for teachers, education is in most cases a matter of municipality competence and especially primary and secondary education. It's ok, but it must be done according to certain rules, according to certain laws and with a certain supervision of the legality. That's all. That's how we see it.

Question: (Voice of America) Mr. Rohan, from what I understand from what you said, it seems you really had a hard time in Belgrade and it was much easier for you in Pristina. Do you expect such a hard time up till the end with the Belgrade delegation? And just to clarify. You know that the US position has been very clear they want the Status to be resolved by the end of the year. We have heard from President Ahtisaari it may not be like that. Can you clarify what we can exactly expect?

Albert Rohan: Well what Mr. Ahtisaari said yesterday was: we want to finish this year, if it's a week into January, we will survive. That's what he said.

On the hard time: I don't think in terms of what is hard or soft. I found the negotiations in Belgrade very constructive. I mean, it was possible in this way, the way we met, to really have a give and take conversation where you don't hold speeches, interrupt the other side and say, "what do you mean by this". So it was very much work-orientated and issue-orientated and I found it extremely interesting. What we learned from the Serb position I found extremely reassuring, because we were afraid that what the Serb delegation had in mind is a creation of a kind of entity, of separate entity in Kosovo, and at least we got the assurance that this is not the case. And by accepting the role of central government and central legislations they proved that this is indeed their intention.

***Question (Reuters):** Given your experience so far on the negotiations, do you think when it comes to talks on actual Status that you may have more joy in separate discussions with Belgrade and Pristina rather than at the same table?*

Albert Rohan: It could be. As I said to you Mr. Ahtisaari hasn't decided yet in what way he will approach and he has not decided yet when he will approach it. To make this clear: July is a kind of date because he wants to first address the Security Council, and this must happen in July because they then go on holiday. August is a bad month for many because people want to take their leave. Therefore everybody talks about July but, again, Mr. Ahtisaari hasn't decided, neither on the date nor on the way he is going to do it. And indeed there are these two possibilities that one calls a meeting of the two delegations or that he goes to Belgrade and Pristina and talks with the leaderships in preparation of an eventual meeting. So we don't know, simply.

***Question (Blic):** By refusing the standpoint of the Belgrade team on the forming of Velika Hodja municipality, do you represent your position on the present number of population in Kosovo regardless of the fact that 100,000 - 150,000 Serb citizens have been expelled? And when will you draw a line and say that the conditions for the creation of new municipalities have been created?*

Albert Rohan: I told you that we have established the criteria in agreement with the Serbian delegation that 5,000 should be the minimum of people. And the figures we have, show that Velika Hodja doesn't have this figure today nor will they ever have this figure, even if the returnees from this area return there. Should it be the case that by some miracle 5,000 or 4,000 Serbs return, well then, we have the review process, which will then give us the possibility to re-think the boundaries. You see, Velika Hodja is a very important locality because of these churches, only we think that we can protect the churches through other means and we are going to do it - that's the subject of discussion on the 23rd of May - and not by establishing a municipality, which has the competence for health, secondary health and education. How should these poor churches exercise these competencies? It simply doesn't have the substantive qualification for a municipality. It has all the qualifications for a very extensive protection and that's how we want to approach this.