



08 September 2006

Press Briefing by UN Deputy Special Envoy Albert Rohan after the 7-8 September round of direct talks held in Vienna

Albert Rohan: ladies and gentlemen, thanks you for coming so late to our premises here. As you know we had yesterday and today meetings on three subjects: decentralization, the protection of religious and cultural heritage and community rights. Looking back on these three meetings in two days, there are some good news and bad news. The good news is that, on all three issues the discussions were extremely constructive and subject-oriented. That is the positive aspect. The bad news is that not much project has been achieved. We had on one, two three issues, we could move forwards but really we cannot talk of a breakthrough in spite of the good and constructive discussion.

On decentralization this was the seventh meeting and we asked parties already before this meeting to make concrete concessions. We said we have discussed everything *in extenso* now and the time for concessions has come. We appreciate that from the Kosovo side, a number of concessions in this field have been made prior to this meeting. It was the purpose of Mr. Ahtisaari's visit in Kosovo and really the Kosovo side has moved. The same is unfortunately not true of the other party. We have discussed *in extenso* the major sticking points of the decentralization, which are the competences in health care, higher education, local police and justice, the relationships between Kosovo-Serb municipalities and institutions in Serbia. And, again, the fashion of the discussion was constructive and positive. There were some minor advances but, as I said, no big leap forward.

Unfortunately we could not discuss a major aspect of decentralization, which was the delimitation of municipalities, for time reasons, because the discussions on the other issues took such a time. And therefore we have scheduled another meeting between the delegations, on municipalities exclusively, on the 15th of September here in Vienna.

Now on the question of the protection the religious sites and cultural heritage, again it was a good discussion, a discussion centred on the question of the protective zones. As you may know, we had sent a expert mission together with the Council of Europe and UNESCO to Kosovo. Together they examined all the potential sites and we have revised our own proposal of the previous weeks on nine localities. In addition, Belgrade submitted a comprehensive proposal with maps and aerial photos, redefining also and

improving on their original proposal. We have now to compare these various documentations and see how they are overlapping and where there are still differences. We all agreed on the need to establish an implementation and monitoring instrument, which would supervise the implementation of the arrangements in this field. We have also received from the Pristina side a detailed plan, a management plan, because these protective zones, we'll have to establish exactly what is allowed, what activities are forbidden, and how this works out. We have received a document from Pristina, which we now study.

Pristina has also agreed in principle to accommodate specific requests from the Serb Orthodox Church related to tax and duty privileges, in addition to the privileges that all confessions in Kosovo enjoy, and we have received today from the Serb Orthodox Church a list of wishes in this respect, which we will forward to the Pristina delegation for consideration. And finally we discussed the matter of the return of artefacts which come from Kosovo, which are in Belgrade, and Belgrade assured us that, following an agreement on the protection of religious sites and cultural heritage, they would be ready to return these artefacts to Pristina.

Finally on community matters this afternoon we discussed for the first time issue by issue the most important aspects of the protection of communities. We had received a comprehensive paper from Pristina, which we had forwarded to Belgrade. Belgrade took a position on a number of these issues. This was the first discussion in substance on these matters and we saw that there are quite considerable conceptual and operational differences between the parties. There are items like the representation of communities in thin municipal assemblies, in court, in Government, the question of the use of language and the "vital interest" mechanism, which should prevent those communities which are in a minority position to be outvoted by the majority. Here we have to do a lot of work. We have asked the Belgrade delegation to submit in writing their views in this matter. We have heard this orally but I think it would be useful to have it in writing and we hope that such a position paper will be forthcoming.

Now the way ahead. As I said, the 15th of this month there will be this meeting on municipalities. We will from our side continue working on these practical issues as long as there is chance for progress. We are as in all matters in these in close contact with the Contact group. Mr Ahtisaari met with the members of the Contact group last week; I am meeting the Contact Group on Monday in Sofia and Mr. Ahtisaari will again meet with the Contact Group later this month in New York during the General Assembly. And we are as I said in all details – timing, substance – in very close cooperation and Mr. Ahtisaari and UNOSEK have the full support and confidence of the Contact group. That is all I have to say as an introduction. Are there questions?

Questions/Answers

Q: (in Serbian) on one or several an Ombudspersons in the post-Status Kosovo and the position on the Serbian delegation on that.

Albert Rohan: You have to ask this question to the Serbian delegation what they meant. I don't understand it in that way. We discussed at length the question of the Ombudsperson. An Ombudsperson is needed for all parts of the society and the institution must be created, it must be open for all the Kosovo: for Albanian elements of the society, for the Kosovo-Serbs and for the others. The question is: Should there be one Ombudsman which deals with everybody, maybe with deputies, or should one for the Kosovo-Albanian people, one for the Kosovo-Serb people. This is a question which has to be discussed. In my view it should be one institution, but it should have different people to be addressed by the different communities. And the chamber in Parliament is a proposal. In any case the community representatives in the Parliament will have a major role to play for the issues which concern this community. Whether it's now just 10 of them or the whole group of representatives of a specific community, this is a matter of discussion. The Serbian delegation proposes that it's ten-ten-ten: the ten Kosovo-Serb members of parliament would play a specific role, but I don't see any parallel institution in that. It's clear that on community matters the representatives of that community in the Parliament will play a role. This is natural for me.

Q: (Koha Ditore): on lack of remarkable progress and how the Deputy Special Envoy sees the technically the possibility of an agreement, since the Pristina delegation does not have a mandate to negotiate the agreement? Bearing in mind we are now late in schedule...

Albert Rohan: First of all we are not overtime at all; we are fully in the timeframe. These are extremely difficult technical matters. It is true that discussions in my view could have been more substantive oriented in the past. This time they were. The question of how negotiations are done, this is nothing specific to these negotiations. Negotiators never have the authority to bring a final agreement, they always negotiate *ad referendum*. They have to go through the procedures. If I am representing Austria negotiating a treaty with another country, I can paragraph it but I cannot sign it. For signature I need the approval of the government, the Parliament, so I don't see anything specific here we can try to narrow down the differences on these practical matters. We have for instance on the question of the religious sites and cultural heritage. There are number of points where there is agreement and the one area which is open, which is in effect an extremely complicated one, is the size or the extension of the protective zones around these religious sites. Here we have already twice sent experts - including [experts from] UNESCO, the Council of Europe- to Kosovo to look at each site. We have now received new proposals from Belgrade, which we are going to examine and see how they fit into what we have seen on the ground. And I have said in the meeting: if one or the other side has a good argument why the delimitation of such zones should be different, we are ready to change our own proposals if we are convinced that this is ok. So if we agree here in

Vienna on a number these issues, it is obvious that the Kosovo delegation and Serbian delegations have to go home, report to their authorities and get the approval or not. This is clear: Any negotiations is *ad referendum*.

Q: on real hope for an agreement

Albert Rohan: Well, there is absolutely hope for agreement on these issues we have been dealing with during the last three days. It is true that the concept from the outside were different but that doesn't mean that we cannot try to narrow down the difference. And we have. If you compare the positions say in March, April, when we began and you compare it today, there is a whole range of issues where we are closer. There is still a lot of mileage to go and I would not predict what happens if we don't reach agreement, Mr. Ahtisaari has said repeatedly that, if he sees that parties don't move anymore, negotiations are senseless - because negotiations must lead to a movement otherwise we repeat the positions and it's a waste of time and money for everybody - then he will make proposals reflecting the positions we have learned now for the last six or seven months and put down on the table his own proposals. And actually indeed we have done this the whole time. Think of Decentralization: we have a living document which changes according to what we hear in Belgrade or Pristina through our expert missions.