



KOSOVO

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February 19, 2008

Serbia's Decision on the annulment of Kosovo's unilateral secession

Government of Serbia

<http://www.srbija.sr.gov.yu/kosovo-metohija/index.php?id=43159>

Decision on the annulment of the illegitimate acts of the provisional institutions of self-government in Kosovo and Metohija on their declaration of unilateral independence

Proceeding from the fact that the Republic of Serbia is an internationally recognized state, one of the founders and a member of the United Nations as well as of many other international organizations;

Proceeding from the fact that the Republic of Serbia, like all other member states of the United Nations, is subject to the fundamental principles and norms of the United Nations Charter which guarantees the sovereignty and territorial integrity of independent states within their internationally recognized borders;

Proceeding from the fact that the Constitution of the Republic of Serbia guarantees the sovereignty and territorial integrity of the Republic of Serbia and that the Constitution of the Republic of Serbia explicitly says that the Province of Kosovo and Metohija forms an integral part of Serbia's territory, has the status of substantive autonomy within the sovereign state of Serbia and that, based on such a status of Kosovo and Metohija, all its administrative bodies, including the Government of the Republic of Serbia, have a constitutional duty to represent and protect Serbia's state interests in Kosovo and Metohija;

Proceeding from the fact that on 26 December the National Assembly of the Republic of Serbia adopted the Resolution on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia which set out that any declaration of Kosovo's independence as well as recognition thereof by any state, would constitute a gross violation of international law and primarily of the UN Charter, the Helsinki Final Act and Security Council Resolution 1244. Such acts and activities would directly jeopardize the sovereignty, territorial integrity and constitutional order of the Republic of Serbia;

Proceeding from the fact that the United Nations Security Council Resolution 1244 has explicitly stipulated that Kosovo and Metohija forms an integral part of the Republic of Serbia, that this resolution has affirmed "the commitment of all the states to its sovereignty and territorial integrity" as well as that this legal fact has also been explicitly mentioned in previous United Nations Security Council Resolutions, i.e. numbers 1160, 1199, 1203 (all of 1998) and number 1239 of 1999;



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Expressing unreserved commitment to the United Nations Charter and to the principles and tenets of sovereign equality of the United Nations member states which underpin the UN Charter, respecting UN Security Council Resolution 1244 under which the United Nations mission has been established in Kosovo and Metohija as well as the strong commitment of the Republic of Serbia to respect international law that constitutes the cornerstone of global peace and security,

By virtue of Article 97 paragraph 1 of the Constitution of the Republic of Serbia, Article 182 paragraph 2 of the Constitution of the Republic of Serbia and Article 43 paragraph 1 of the Law on the Government (Official Gazette of RS, Nos 55/05 and 71/05-correction and 101/07), the Government of the Republic of Serbia has adopted the following

DECISION

TO ANNUL THE ILLEGITIMATE ACTS OF THE PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT IN KOSOVO AND METOHIJA ON THEIR DECLARATION OF UNILATERAL INDEPENDENCE

1. The acts and actions of the Provisional Institutions of Self-government of Kosovo and Metohija whereby unilateral independence is declared are hereby annulled as they violate the sovereignty and territorial integrity of the Republic of Serbia guaranteed by the Constitution of the Republic of Serbia, the United Nations Charter, Security Council Resolution 1244 (1999), other relevant Security Council Resolutions as well as by international law in force. These acts represent a violent and unilateral secession of a part of the territory of the Republic of Serbia and this is why they are invalid and void. These acts do not produce any legal effect either in the Republic of Serbia or in the international legal order. Unilateral secession of a part of the territory of a sovereign state constitutes legal violence against the Republic of Serbia and violence against international law in force.
2. The Government of the Republic of Serbia re-asserts with this Decision that the Autonomous Province of Kosovo and Metohija is an inalienable part of a single and inseparable constitutional and legal state order of the Republic of Serbia based on the Constitution of the Republic of Serbia and the United Nations Charter.
3. The Government of the Republic of Serbia re-asserts with this Decision that Serbs, non-Albanians and all other citizens of the province of Kosovo and Metohija who recognize the state of Serbia have full civil rights and are equal citizens of the Republic of Serbia and that they have the full right not to recognize the illegitimate act of declaration of unilateral independence.
4. The Government of the Republic of Serbia asserts its readiness to implement in the territory of the Autonomous Province of Kosovo and Metohija the Constitution and the laws as well as the entire legal order of the Republic of Serbia.



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5. The Government of the Republic of Serbia demands from all other public institutions and state bodies of the Republic of Serbia, as laid down by the Constitution, to undertake all constitutional and legal acts and actions to secure and ensure the unity and inseparability of the territory of the Republic of Serbia guaranteed by the Constitution of the Republic of Serbia, in accordance with the Resolution 1244 and the Military-Technical Agreement between the International Security Force (“KFOR”) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia.

6. Recalling the National Assembly Resolution on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia and, in particular, point 5 thereof by which the National Assembly demands from the Government of Serbia to determine with the EU that EU mission may not come to the territory of Serbia, to Kosovo and Metohija without an appropriate UN Security Council decision to that effect, the Government of Serbia considers all the decisions of the EU bodies on sending a mission to Kosovo and Metohija to be invalid. Thus, these decisions produce no legal effect for Serbia nor any obligations for Serbia as regards their implementation.

7. The Government of the Republic of Serbia demands from the UN Security Council to convene a Security Council session under urgent procedure which would annul forthwith the illegitimate act of declaration of the Province’s unilateral independence. The Government of the Republic of Serbia demands from the Special Representative of the United Nations Secretary General to undertake all actions at his disposal under Security Council Resolution 1244 as well as under the other relevant acts of that UN body, in order to prevent violation of the United Nations Charter and Security Council Resolution 1244 and immediately annul all the acts and actions whereby the Province’s unilateral independence is illegitimately declared as well as to preclude any further violation of the mentioned resolution, the other relevant acts of the Security Council, the United Nations Charter and the valid norms and rules of international law.

8. The Government of the Republic of Serbia demands from all the UN member states to respect the sovereignty and territorial integrity of the Republic of Serbia in accordance with international law, the United Nations Charter and Security Council Resolution 1244.

9. The present Decision will come into force at the date of its publication in the Official Gazette of the Republic of Serbia.