



INTER-PARLIAMENTARY UNION
118th Assembly and related meetings
Cape Town (South Africa), 13 – 18 April 2008



Assembly
Item 2

A/118/2-P.4
2 April 2008

**CONSIDERATION OF POSSIBLE REQUESTS FOR THE
INCLUSION OF AN EMERGENCY ITEM IN THE ASSEMBLY AGENDA**

**Request for the inclusion of an emergency item
in the agenda of the 118th Assembly of the Inter-Parliamentary Union
submitted by the delegation of Serbia**

On 2 April 2008, the Secretary General received from the Speaker of the National Assembly of Serbia a request for the inclusion in the agenda of the 118th Assembly of an emergency item entitled:

"Support for the protection of international law and the reaffirmation of sovereignty, territorial integrity and constitutional order of the Republic of Serbia".

Delegates to the 118th Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 118th Assembly will be required to take a decision on the request of the delegation of Serbia on Monday, 14 April 2008.

Under the terms of Assembly Rule 11.1, any Member of the Union may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a major event of international concern on which it appears necessary for the IPU to express its opinion. Such a request must receive a two-thirds majority of the votes cast in order to be accepted;
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted;
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject;
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

**COMMUNICATION ADDRESSED TO THE SECRETARY GENERAL BY
THE SPEAKER OF THE NATIONAL ASSEMBLY OF SERBIA**

Belgrade, 29 March 2008

Dear Mr. Secretary General,

The Serbian delegation requests the inclusion of the following subject as an emergency item in the agenda of the 118th IPU Assembly:

"Support for the protection of international law and the reaffirmation of sovereignty, territorial integrity and constitutional order of the Republic of Serbia".

I would be grateful if you could arrange for the distribution of the attached draft resolution and accompanying note.

Yours sincerely,

(signed)

Oliver DULIC
Speaker of the National Assembly
of the Republic of Serbia

**SUPPORT FOR THE PROTECTION OF INTERNATIONAL LAW AND
THE REAFFIRMATION OF SOVEREIGNTY, TERRITORIAL INTEGRITY
AND CONSTITUTIONAL ORDER OF THE REPUBLIC OF SERBIA**

Explanatory memorandum submitted by the delegation of Serbia

The Provisional Institutions of Self-Government in Kosovo adopted on 17 February an illegal decision on the unilateral declaration of independence of Kosovo, a province of the Republic of Serbia under interim UN administration. Through this move, UN Security Council resolution 1244 (1999) and all other Council resolutions on Kosovo, which explicitly reaffirm the sovereignty and territorial integrity of the Republic of Serbia, have been violated and international law has been breached.

The unilateral declaration of independence by Kosovo, a province of the Republic of Serbia, represents a violation of the sovereignty and territorial integrity of the State and it directly violates the United Nations Charter, the Helsinki Final Act and international law. Furthermore, the territorial integrity of States that have emerged following the break-up of the former Yugoslavia has also been guaranteed by relevant international instruments, such as the Opinions of the International Conference on the Former Yugoslavia Arbitration Commission.

The Republic of Serbia is advocating substantial autonomy for Kosovo, along with other international guarantees, which implies the delegation of greater powers to the legislative, executive and judiciary branches of the province. Serbia would keep its authority and competence only in certain areas, such as foreign affairs, defence (with full demilitarization of the province), State border control, and the protection of religious and cultural heritage. Accordingly, the sovereignty and territorial integrity of Serbia would be preserved and the Albanian community in Kosovo would fully enjoy their legitimate right to the broadest possible autonomy.

By adopting the draft resolution, the IPU Assembly will promote the protection of international law and support international peace and stability. The resolution will send a clear message of parliamentary solidarity by reaffirming the basic principles of international law.

**SUPPORT FOR THE PROTECTION OF INTERNATIONAL LAW AND
THE REAFFIRMATION OF SOVEREIGNTY, TERRITORIAL INTEGRITY
AND CONSTITUTIONAL ORDER OF THE REPUBLIC OF SERBIA**

Draft resolution submitted by the delegation of SERBIA

The 118th Assembly of the Inter-Parliamentary Union,

- (1) *Determined*, for the sake of peace and stability in the world, to contribute to the strengthening of international cooperation through full respect for the principles and norms of international law, sovereignty and the territorial integrity of States,
- (2) *Expressing* the deep concern for the violation of international law, the UN Charter and the Helsinki Final Act, resulting from the unilateral proclamation of independence of the southern Serbian province of Kosovo,
- (3) *Underscoring* the importance of full respect for UN Security Council resolution 1244 (1999), on the situation relating to Kosovo,
- (4) *Reaffirming* relevant IPU resolutions, particularly, the resolution on "Securing observance of the principles of international law in the interests of world peace and security" (Havana, 2001); "The situation in Kosovo - measures to ensure a lasting and peaceful solution to the crisis" (Windhoek, 1998); and "Co-operation for world and regional security and stability, as well as for respect for all forms of the sovereignty and independence of States" (Seoul, 1997),
- (5) *Reaffirming also* adherence to the principles of sovereignty and territorial integrity of the Republic of Serbia and the need to find peaceful and mutually acceptable solutions through negotiations,
- (6) *Declaring* that all acts of the Provisional Institutions of Self-Government in Kosovo, by which unilateral independence has been declared, are null and void, as they violate the sovereignty and territorial integrity of the Republic of Serbia,
- (7) *Deeply concerned* that recognition of secession would violate the basic principles of sovereignty and territorial integrity of the Republic of Serbia,
- (8) *Also deeply concerned* that increased tensions may negatively affect Serbian and Albanian civilians and other population groups in Kosovo,
- (9) *Stressing* the need to confirm the European perspective of the whole region, which will contribute to the establishment of sustainable prosperity, peace and stability through association with the family of European nations,
- (10) *Strongly urging* the easing of all tensions and the strengthening of comprehensive security and stability in the region,

1. *Invites* all States to comply with their obligations under international law, to respect the inviolability of the borders of States, the territorial integrity and sovereignty of States and the principle of non-interference in their internal affairs;
2. *Recommends* that all parties concerned take positive action aimed at taking the process back to the negotiating table, within the framework of UN Security Council resolution 1244 (1999);
3. *Urges* the United Nations Mission in Kosovo (UNMIK) to intensify efforts to implement its mandate, in accordance with UN Security Council resolution 1244 (1999), in particular in the fields of promotion and protection of human rights and the return of displaced persons;
4. *Calls on* all IPU Members to condemn the violation of UN Security Council resolution 1244, and the infringement of international law;
5. *Reminds* the international community and all parliaments that they must spare no effort in helping to resolve this crisis peacefully, and expresses its firm commitment to engage in international cooperation with regard to these issues and to contribute to global peace and stability through full respect of international law;
6. *Recommends* that all parliaments intensify their activities aimed at answering international and regional security and stability based on the universal principles of non-interference, sovereign equality, territorial integrity, independence of all States and respect for human rights, as set out in the UN Charter.