

EUROPEAN PARLIAMENT

2004



2009

Session document

22.01.2009

B6-0000/2008

MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Joost Lagendijk

on behalf of the Committee on Foreign Affairs

on Kosovo and the role of the EU

B6-0000/2008

European Parliament resolution on Kosovo and the role of the EU

The European Parliament,

- having regard to the Charter of the United Nations, signed on 26 June 1945,
- having regard to Resolution 1244 of the United Nations Security Council of 10 June 1999,
- having regard to the guiding principles for a settlement of the status of Kosovo adopted by the Contact Group on 7 October 2005,
- having regard to the Report on the future of Kosovo and the role of the EU of the European Parliament of 15 March 2007,
- having regard to the UN Special Envoy's final report on Kosovo's future status and the Comprehensive Status Proposal for the Kosovo Status Settlement of 26 March 2007,
- having regard to the Joint Action of the Council of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO,
- having regard to the Joint Action of the Council of 4 February 2008 appointing a European Union Special Representative in Kosovo,
- having regard to the conclusions of the General Affairs and External Relations Council of 18 February 2008,
- having regard to the letters of the UN Secretary General to the President of Serbia and the President of Kosovo on the reconfiguration of UNMIK on 12 June 2008,
- having regard to the UN Secretary General's report to the Security Council on the United Nations Interim Administration Mission in Kosovo of 12 June 2008 (S/2008/354),
- having regard to the Kosovo Donors' Conference, which took place in Brussels on 11 July 2008,
- having regard to the technical arrangement between UNMIK and EULEX on the handover of assets on 18 August 2008,
- having regard to the resolution adopted by the UN General Assembly on 8 October 2008, by which it decided to request an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law,
- having regard to the UN Security Council Presidential statement of 26 November 2008 (S/PRST/2008/44), by which the Security Council unanimously approved UN Secretary-General Ban Ki-Moon's report by the Nations Interim Mission in Kosovo (S/2008/692),

and allowing the EULEX mission to deploy across the entire territory of Kosovo,

- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the Assembly of Kosovo declared Kosovo's independence and committed itself to the Comprehensive Status Proposal (CSP) of UN Special Envoy Martti Ahtisaari on 17 February 2008,
- B. whereas the Serbian government has adopted a constructive approach and has engaged in proper negotiations with a view to reaching an agreement; whereas, despite the adverse circumstances, the Serbian government has maintained a pro-European stance,
- C. whereas the CSP is enshrined in the Kosovo constitution and other laws; whereas 25 countries have, on request by the Kosovo leaders, formed the International Steering Group (ISG), whose primary purpose is the full implementation of the CSP; whereas the ISG has appointed an International Civilian Representative (ICR) supported by an International Civilian Office in Kosovo in accordance with the CSP; whereas this implies that Kosovo is managing its own affairs, while it is supervised in its implementation of, inter alia, the protection and promotion of minority rights,
- D. whereas so far 54 countries recognised Kosovo's independence, including 22 of the 27 EU Member States,
- E. whereas the 27 EU Member States have dispatched a European Special Representative (EUSR) to Kosovo, who also serves as the ICR; whereas the ICR supervises the full implementation of the CSP and the EUSR offers the EU's support and advice in the political process in Kosovo,
- F. whereas the regional stability of the Western Balkans is a priority for the European Union, which has for this reason launched a European Union Rule of Law Mission (EULEX Kosovo) which has already reached its initial operational capability throughout Kosovo and has accordingly assumed its responsibilities in the area of judiciary, police, correctional services and customs, including some executive functions, with a view to monitor, mentor and advise the competent Kosovo institutions on all areas related to the wider rule of law,
- G. whereas by deploying also in the territory of Kosovo north of the river Ibar EULEX is contributing to the objective, agreed on by all parties, of implementing the rule of law and creating a coherent justice system throughout Kosovo as well as guaranteeing all citizens equal access to justice,

The European role

1. Welcomes EULEX's successful deployment throughout the territory of Kosovo, including the part north of the river Ibar, in compliance with the UN Secretary-General's report and the subsequent UN Security Council Presidential statement;
2. Underlines the European Union's commitment to comply with international law and to play a leading role in ensuring the stability of Kosovo and in the Western Balkans at large;

recalls its willingness to assist the economic and political development of Kosovo through a clear European perspective in line with the European perspective of the region;

3. Recalls its resolution of 29 March 2007 which clearly rejects the possibility of partition of Kosovo;
4. Notes in this respect that, as announced by the UN Secretary-General's Special Representative in Kosovo, from 9 December 2008 UNMIK no longer has any residual competences in the area of police and customs and will soon hand over to EULEX all its remaining competences in the area of justice, thus ensuring that Kosovo functions under a single rule of law;
5. Calls on the international community to be fully supportive of EULEX and to facilitate the takeover by EULEX throughout Kosovo of all UNMIK's relevant tasks in the area of customs, police and the judiciary;
6. Expects EULEX to function in accordance with its EU mandate with a view to promoting the stable development of Kosovo and guarantee the rule of law for all the communities throughout Kosovo; underlines in this regard that EULEX is in the interest of all ethnic minorities in Kosovo, since EULEX will address, inter alia, complaints on ethnic discrimination, harassment and violence as well as the many outstanding property issues;
7. Welcomes the agreement by the Serbian government to the deployment of EULEX, the most important of the ESDP missions to date, and its readiness to cooperate with it; encourages Serbia to continue to show this constructive attitude, which is consistent with Serbia's aspirations to join the EU;
8. Welcomes in this respect the decision, adopted under the transitional arrangements agreed by the UN and the Serbian government, to appoint a senior Kosovo Serb police officer, working within the Kosovo Police Service but reporting directly to EULEX, as a first step in efforts towards ensuring adequate representation of all minorities in the Kosovo police;
9. Considers that the transitional arrangements negotiated between the UN and the Serbian government will need to be re-assessed and reviewed in the light of developments on the ground, once EULEX has reached full operational capability;
10. Urges EULEX to address urgently the backlog of court cases under international supervision, giving priority to cases of interethnic violence, war crimes and high-level corruption, in order to contribute to strengthening the rule of law;
11. Considers the establishment of a functioning witness protection programme essential for effective legal action against high level offenders in Kosovo in particular with regards to war crimes;
12. Calls on the Council and the Commission to coordinate their activities so as to ensure coherent external action by the Union and implementation of Joint Action 2008/124/CFSP; therefore calls on the Head of the EULEX mission and the EU Special Representative to work hand-in-hand on a day-to-day basis; moreover, urges the EU family to act collectively and in a coordinated fashion in making greater efforts to

promote the participation of Kosovo Serbs in the political, economic and social life of Kosovo, and asks the EU Special Representative to ensure that the Kosovo government immediately takes tangible steps in this respect, including by means of specific economic development measures for the Mitrovica region, once the rule of law is restored in the area;

13. Invites the High Representative for Common Foreign and Security Policy to show his clear support for the European mission in Kosovo and to visit the country as soon as possible;
14. Welcomes the Commission's commitment to use all available Community instruments, in particular the Pre-Accession Instrument, to foster Kosovo's socio-economic development, to increase transparency, efficiency and democracy in Kosovo's government and society and to work towards peace and stability in Kosovo and across the region; welcomes in this respect the Commission's intention to present a feasibility study that will examine ways of reinforcing the socio-economic and political development of Kosovo, and trusts that that study will be based on a serious dialogue with Kosovo authorities and be matched by their renewed political commitment to pursue the necessary reforms;
15. Believes that the Commission should pay urgent attention to the promotion of local projects facilitating reconciliation between the different communities and promoting greater movement of people;
16. Considers that projects aimed at, for example, restoring vandalised graveyards with the direct involvement of local actors would have considerable symbolic value for the communities in Kosovo and would contribute to a better inter-ethnic climate; calls on the Commission and on the EU Special Representative to ensure that such initiatives rank high on the Kosovo government's agenda;
17. Is also of the view that the establishment of a multiethnic European University College, in addition to existing university centres in Pristina and Mitrovica, and of cultural, social and healthcare structures catering specifically for the Serb community in Central Kosovo, would constitute a major incentive towards promoting the integration of the Serb community in Kosovo; therefore asks the Commission, in close coordination with the Kosovo government, to take immediate action with a view to realising this project;
18. Urges the Commission and the Member States to assist the Kosovo government in resolving the acute staff shortage in key sectors of the public administration, to support the training of civil servants and to assist with the improvement of communications infrastructure, in order to secure the smooth running of the administration and to strengthen the link between the administrative level and civil society;

Kosovo governance

19. Welcomes the improved security situation in Kosovo; supports the efforts of the Kosovo police with a view to attaining an ambitious level of professionalism and reliability; underlines in this regard the vital need for a multi-ethnic police force in all areas of Kosovo; therefore welcomes the return of some Serbian officers to the Kosovo Police and urges the Kosovo authorities to support the reintegration of those police officers who have

yet to return;

20. Emphasises the need for decentralised governance, as is stipulated in the CSP; underlines that decentralisation is not merely in the interest of the Serb community, but for the benefit of all Kosovo citizens, because it makes governance more transparent and brings it closer to the citizens;
21. Reiterates the importance of a strong civil society which would strengthen the democratic principles of Kosovo; urges the government in this regard to support peaceful movements of citizens and the development of free media without any political interference;
22. Stresses the need for the implementation of the minority protection provisions enshrined in the Kosovo Constitution and considers full implementation of minority rights as of fundamental importance for the stability of Kosovo and the region;
23. Urges the Kosovo government to continue to abide by its commitment to promote a spirit of peace, tolerance and intercultural and inter-religious dialogue among all communities in Kosovo, namely Serbs, Roma, Ashkali, Egyptians, Gorani, Turks and Bosniacs, and to create the right conditions for refugees to return to Kosovo, including through Kosovo government investment in job opportunities, infrastructure and the provision of basic services in relevant areas, as well as ensuring that minorities can benefit from the measures mentioned above;
24. Is concerned by the criticism voiced by the UN Secretary-General in his above-mentioned report (S/2008/692) concerning the revision of the beneficiary selection criteria for return funding suggested by the Kosovo Ministry of Communities and Returns; reminds the Kosovo government that, in the light of the sharp decline in returns, the scarce funds available should continue to be targeted exclusively at facilitating the return to Kosovo of displaced persons;
25. Urges the international and local authorities to settle the legal status of the stateless Roma, Ashkali and Egyptians living in Kosovo, including their right to ownership; calls on the authorities to improve the situation of these communities by guaranteeing equal access to mainstream quality education and, when possible, to education in their mother tongue, granting access to the labour market and to health care, by providing adequate sanitary and housing conditions and by ensuring participation in social and political life;
26. Is gravely concerned at the acute ill health of Roma families in the Osterode and Cesmin Lug refugee camps; believes that these are directly linked to the improper siting of those camps which find themselves on the highly toxic tailing stands of the Trepça lead mines; welcomes the Commission's initial engagement with the Kosovo government and urges the Commission to continue to work with a view to relocating urgently the families concerned;
27. Underscores that respect for cultural diversity is at the heart of the European project; emphasises that understanding the multi-ethnic dimension of religious and cultural heritage is a necessary condition for peace and stability in the region; therefore urges all relevant parties to engage in a technical dialogue on protection, conservation, rehabilitation and promotion of cultural and religious heritage and cultural identity in

Kosovo;

28. Takes note of the Constitution of Kosovo, where equality of women and men is clearly recognised, but also of the fact that women are not sufficiently involved in the political, economic and social development of Kosovo and that they are disadvantaged in terms of education and employment opportunities; therefore calls on the Kosovo government with the support of the European Commission to initiate and implement measures to ensure equal opportunities for women, appropriate representation in Kosovo's institutions and participation in economic, social and political life and furthermore to take effective measures to counter domestic violence against women;
29. Insists that academic exchanges must be supported and promoted through programmes such as Erasmus Mundus, in order to encourage citizens of Kosovo to obtain qualifications and experience within the EU, in the realisation that a broad education will contribute to the democratic development of the country;
30. Urges Kosovo and Serbia to pursue and engage in constructive dialogue on matters of common interest and contribute to regional cooperation;
31. Emphasises the need for resolve and transparency in the privatisation process in order to prevent the impression of nepotism and corruption;
32. Is concerned with the economic situation in Kosovo, and the negative influence which the slow pace of reforms, widespread corruption and organised crime have both on the economy and on the credibility of Kosovo's institutions; emphasises the need for the Kosovo government to make sincere efforts to further transparency and accountability and to strengthen links between the political level and civil society; calls on the same government to use both public and international donors' money in a transparent and accountable manner, and urges the Commission to help Kosovo move closer to European standards in the fields of public sector accountability and economic transparency; regards this essential for creating an attractive environment for investments and business development;
33. Advises the Kosovo authorities to invest in renewable energy, and to look for regional cooperation in that field;
34. Is seriously concerned about energy shortages in Kosovo and understands the need to tackle this problem; is worried nevertheless about the government's plan to build one single large lignite power plant in a densely populated area; urges the Kosovo government to take into account the impact of a new lignite plant on environment, on public health and on the use of scarce resources such as land and water and to comply with European environmental standards and the European policy on climate change;
35. Requests the ICR to monitor the dissolution of the Kosovo Protection Corps and the establishment of the Kosovo Security Force (KSF) under the direct supervision of KFOR; urges the Kosovo government to ensure complete civilian control over the KSF; believes that a revision of the Kumanovo Agreement between NATO and the Serbian Government cannot take place until full stability and security are assured and relations between Serbia and Kosovo are clarified;

36. Instructs its President to forward this resolution to the Council and the Commission, to the Government of Kosovo, to the Government of Serbia, to UNMIK, to the Members of the ISG and to the United Nations Security Council.