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Kosovo and the role of the EU

Motion for a resolution

Tabled by ***Greens/EFA MEP Joost Lagendijk***

on behalf of the Committee on Foreign Affairs

The European Parliament,

 having regard to the United Nations Charter, signed on 26 June 1945,

 having regard to United Nations Security Council Resolution 1244 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 its resolution of 29 March 2007 on the future of Kosovo and the role of the EU[1],

 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 Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO[2],

 having regard to Council Joint Action 2008/123/CFSP of 4 February 2008 appointing a European Union Special Representative in Kosovo[3],

 having regard to the conclusions of the General Affairs and External Relations Council of 18 February 2008,

 having regard to the letters sent by the UN Secretary-General to the President of Serbia and the President of Kosovo on 12 June 2008 concerning the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK),

 having regard to the UN Secretary-General's report to the Security Council of 12 June 2008 on the United Nations Interim Administration Mission in Kosovo (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 Resolution 63/3 adopted by the UN General Assembly on 8 October 2008, by means of which it decided to request an advisory opinion from the International Court of Justice on the question of whether the unilateral declaration of independence by 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 means of which the Security Council unanimously approved UN Secretary-General Ban Ki-moon's report on UNMIK (S/2008/692) and thereby authorised the EULEX mission to deploy across the entire territory of Kosovo,

 having regard to Rule 103(2) of its Rules of Procedure,

A. whereas on 17 February 2008 the Assembly of Kosovo declared Kosovo's independence and committed itself to the Comprehensive Status Proposal (CSP) of UN Special Envoy Martti Ahtisaari,

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, at the request of Kosovo's 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, whilst being supervised in its implementation of, inter alia, measures to protect and promote minority rights,

D. whereas thus far 54 countries, including 22 of the 27 EU Member States, have recognised Kosovo's independence,

E. whereas the 27 EU Member States have despatched 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 connection with 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 the EULEX mission; whereas EULEX has already reached its initial operational capability throughout Kosovo and has, accordingly, assumed its responsibilities in the areas of the judiciary, the police, correctional services and customs, including some executive functions, with a view to monitoring, mentoring and advising the competent Kosovo institutions in all areas relating to the wider rule of law,

G. whereas by also deploying 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 and guaranteeing all citizens equal access to justice,

The European role

1. Welcomes the successful deployment of EULEX 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 complying with international law and to playing a

leading role in ensuring the stability of Kosovo and in the Western Balkans as a whole; recalls its willingness to assist the economic and political development of Kosovo by offering clear prospects for EU membership, as it has for the region as a whole;

3. Recalls its resolution of 29 March 2007, as referred to above, which clearly rejects the possibility of the partitioning of Kosovo;

4. Notes, in that connection, as announced by the UN Secretary-General's Special Representative in Kosovo, that since 9 December 2008 UNMIK has no longer had any residual powers in the area of police and customs and will soon hand over to EULEX all its remaining powers 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 assumption by EULEX throughout Kosovo of all UNMIK's relevant tasks in the area of customs, the 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 guaranteeing the rule of law for all communities throughout Kosovo; underlines, in this regard, that EULEX serves the interests of all ethnic minorities in Kosovo, since it will address, inter alia, complaints concerning ethnic discrimination, harassment and violence and the many outstanding property issues;

7. Welcomes the Serbian Government's agreement 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 display this constructive attitude, which is consistent with the country's aspirations to join the EU;

8. Welcomes, in this regard, 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 the efforts to ensure 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 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 involving inter-ethnic violence, war crimes and high-level corruption, in order to contribute to strengthening the rule of law;

11. Regards the establishment of a functioning witness-protection programme as essential for effective legal action against high-level offenders in Kosovo, in particular with regard 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 the implementation of the above-mentioned Joint Action 2008/124/CFSP; calls, therefore, on the Head of the EULEX mission and the EU Special Representative to work hand in hand on a day-to-day basis; urges, moreover, 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 has been restored there;

13. Invites the High Representative for the 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 socioeconomic development, increase transparency, efficiency and democracy in Kosovo's government and society and 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 strengthening the socioeconomic and political development of Kosovo, and trusts that that study will be based on serious dialogue with the Kosovo authorities and matched by their renewed political commitment to pursue the necessary reforms;

15. Believes that the Commission should pay urgent attention to promoting local projects which facilitate reconciliation between the various communities and promote greater mobility of people;

16. Considers that projects aimed, for example, at 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 the EU Special Representative to ensure that such initiatives rank high on the Kosovo Government's agenda;

17.Takes the view, further, that the establishment of a multi-ethnic European University College, in addition to the existing university centres in Pristina and Mitrovica, and of cultural, social and healthcare amenities catering specifically for the Serb community in central Kosovo would constitute a major incentive towards promoting the integration of the Serb community in Kosovo; calls on the Commission, therefore, in close cooperation with the Kosovo Government, to take immediate action with a view to implementing this project;

18. Urges the Commission and the Member States to assist the Kosovo Government in resolving the acute staff shortages 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 links between the authorities and civil society;

Kosovo governance

19. Welcomesthe improved security situation in Kosovo; supports the efforts of the Kosovo police to achieve 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; welcomes, therefore, the return of some Serb officers to the Kosovo police force 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 stipulated in the CSP; underlines that decentralisation is not merely in the interest of the Serb community, but will work for the benefit of all Kosovo citizens, since it will make governance more transparent and bring it closer to citizens;

21. Reiterates the importance of a strong civil society which would strengthen the democratic principles underpinning governance in 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 to implement the minority protection provisions enshrined in the Kosovo Constitution and considers that full implementation of minority rights is fundamentally important for the stability of Kosovo and the region as a whole;

23. Urges the Kosovo Government to continue to abide by its commitment to promote a spirit of peace, tolerance and intercultural and interreligious dialogue among all the communities in Kosovo, namely the

Serbs, Roma, Ashkali, Egyptians, Gorani, Turks and Bosnians, to create the right conditions for refugees to return to Kosovo, including through investment in job opportunities, infrastructure and the provision of basic services in relevant areas, and to ensure that minorities can benefit from the measures referred to above;

24. Expresses concern at 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 proposed by the Kosovo Ministry of Communities and Returns; reminds the Kosovo Government that, in the light of the sharp decline in the number of returns, the scarce funds available should continue to be targeted exclusively at facilitating the return of displaced persons to Kosovo;

25. Urges the international and local authorities to settle the legal status of the stateless Roma, Ashkali and Egyptians living in Kosovo, including their rights of ownership; calls on the authorities to improve the situation of these communities by guaranteeing equal access to mainstream quality education and, where possible, to education in their mother tongue, granting access to the labour market and to healthcare, providing adequate sanitary and housing conditions and ensuring participation in social and political life;

26. Expresses grave concern at the acute ill-health of Roma families in the Osterode and Cesmin Lug refugee camps; believes that this is directly linked to the improper siting of those camps, which are located on the highly toxic tailing stands of the Trepça lead mines; welcomes the Commission's initial representations to the Kosovo Government and urges the Commission to continue to work to secure the relocation as a matter of urgency of the families concerned;

27. Stresses 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; urges, therefore, all the parties concerned to engage in a technical dialogue on the protection, conservation, rehabilitation and promotion of cultural and religious heritage and cultural identity in Kosovo;

28.Notes the Constitution of Kosovo, in which equality between women and men is clearly recognised, but also 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; calls, therefore, on the Kosovo Government to initiate and implement, with the support of the Commission, measures to ensure equal opportunities for women, their appropriate representation in Kosovo's institutions and their participation in the country's 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 expectation that a broad education will help them contribute to the democratic development of the country;

30. Urges Kosovo and Serbia to engage in constructive dialogue on matters of common interest and to contribute to regional cooperation;

31. Emphasises the need for resolve and transparency in the privatisation process, in order to avoid any impression of nepotism and corruption;

32. Expresses concern at the economic situation in Kosovo and the adverse influence which the slow pace of reforms, widespread corruption and organised crime are having on the economy and on the credibility of Kosovo's institutions; emphasises the need for the Kosovo Government to make genuine efforts to secure further transparency and accountability and to strengthen links between the political level and civil

society; calls on the Kosovo 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 as essential for creating an attractive environment for investment and business development;

33. Advises the Kosovo authorities to invest in renewable energy and to seek to establish regional cooperation in that field;

34. Expresses serious concern at the energy shortages in Kosovo and understands the need to tackle this problem; is nevertheless worried by the government's plan to build a 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 the environment, on public health and on the use of scarce resources, such as land and water, and to comply with European environmental standards and 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 provide for complete civilian supervision of the KSF; believes that a revision of the Kumanovo Agreement between NATO and the Serbian Government cannot take place until full stability and security have been guaranteed and relations between Serbia and Kosovo have been clarified;

36. Instructs its President to forward this resolution to the Council, the Commission, the Government of Kosovo, the Government of Serbia, UNMIK, the members of the International Steering Group and the United Nations.

[1] OJ C 27 E, 31.1.2008, p. 207.

[1] OJ L 42, 16.2.2008, p. 92.

[1] OJ L 42, 16.2.2008, p. 88.

Recommended

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Publication



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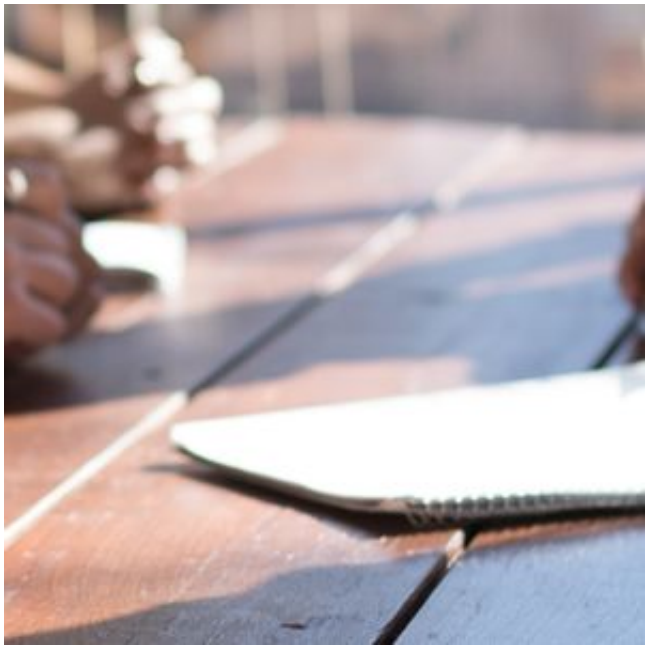

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