

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

FINAL  
**A6-0067/2007**

15.3.2007

## **REPORT**

on the future of Kosovo and the role of the EU  
(2006/2267(INI))

Committee on Foreign Affairs

Rapporteur: Joost Lagendijk

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the future of Kosovo and the role of the EU (2006/2267(INI))

*The European Parliament,*

- having regard to Resolution 1244 of the United Nations Security Council of 10 June 1999,
  - having regard to the report by the UN Secretary-General's Standards Review Envoy on the Comprehensive Review of the implementation of Standards, submitted to the UN Security Council on 7 October 2005,
  - having regard to the decision by the UN Security Council on 24 October 2005 to endorse the Secretary-General's proposal to initiate the status talks on Kosovo,
  - having regard to the appointment, on 14 November 2005, of Mr Martti Ahtisaari as Special Envoy of the Secretary-General of the United Nations for the future status process for Kosovo,
  - having regard to the conclusions of the Contact Group of 31 January 2006 underscoring the specific nature of the Kosovo problem – shaped, according to the conclusions, by the disintegration of Yugoslavia and the resulting conflicts, ethnic cleansing and the events of 1999, and by the lengthy period of international administration under Security Council Resolution 1244 (1999) – and calling for an early negotiated settlement of the issue as the best course to follow,
  - having regard to the Presidency Conclusions of the European Council of 14/15 December 2006, which fully support Martti Ahtisaari's efforts towards a solution of the status question and reaffirm the Union's readiness to play a significant role in the implementation of the future settlement,
  - having regard to the Special Envoy's final report/recommendations for ... of ...,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A6-0067/2007),
- A. whereas the guiding principles for a settlement of the status of Kosovo adopted by the Contact Group on 7 October 2005 emphasise that a negotiated settlement should be an international priority and that, once started, the negotiation process cannot be blocked and must be brought to a conclusion; whereas those principles stipulate clearly that there cannot be any return to the pre-March 1999 situation, or any partition of Kosovo, or any union of Kosovo with any other country or part of any country,
- B. whereas in the 1990s the population of Kosovo was subject to systematic acts of violence and repression which in 1999 escalated into in a mass expulsion of the civilian population, leading the United Nations Security Council, in the wake of NATO action, to intervene and to place the territory under international civil and security control; whereas this

created an unprecedented situation in international law,

- C. whereas the events of March 2004, which must be condemned, prove the persisting tensions within Kosovo between the Albanian and the Serb communities and the need to find a solution which guarantees the rights of both ethnicities and of other ethnic groups, in line with the publications of the OSCE, the Council of Europe and other organisations with competencies in the field of the protection of minorities,
- D. whereas determining the future status of Kosovo will contribute to its economic development, the emergence of a mature political class and the development of a tolerant, non-segregational society in the province,
- E. whereas despite the numerous rounds of talks unfortunately no negotiated settlement acceptable to both sides could be reached, and taking note of the fact that the UN Special Envoy presented to the Contact Group the proposals for the settlement, and whereas this should be followed by a period of further consultation with the parties,
- F. whereas the final settlement cannot be dictated by threats of radicalisation in Kosovo or Serbia but must be the result of a solution which takes into account the interests of all parties involved,
- G. whereas further delay in determining the status of Kosovo could have a negative impact on the already fragile and tense situation,
- H. whereas the events of 1999, the long interim international administration and the emergence and gradual consolidation of Kosovo's Provisional Institutions of Self-government have created an exceptional situation that makes the reintegration of Kosovo into Serbia unrealistic,
- I. whereas relations between Kosovo and Serbia, given their close cultural, religious and economic ties, should be further developed in a spirit of partnership and good neighbourliness in the interests of the whole population of Kosovo and Serbia,
- J. whereas the lack of trust between the different ethnic groups, the still volatile situation and the need to further develop and consolidate democratic, multi-ethnic institutions in Kosovo call for a continuous international presence for the foreseeable future,
- K. whereas the international community should continue to invest in education, especially in view of the serious challenges faced by Kosovo's younger generation,
- L. whereas, given Kosovo's strategic position, the European Union must play a central role in monitoring, guaranteeing and facilitating the implementation of the status settlement as well as assisting in the establishment and consolidation of democratic institutions in Kosovo, with the European Parliament exercising its monitoring responsibilities,
- M. whereas the EU contribution must, however, be conditional on the fulfilment, in the settlement, of certain minimum requirements,
- N. whereas the final status settlement must be EU-compatible, i.e. it should provide for a constitutional framework which is compatible with Kosovo's European prospects and

should allow the Union to deploy the full range of instruments it has at its disposal,

1. Supports the UN-led process to determine the final status of Kosovo and the efforts to establish a viable framework that guarantees stability and protection for all the communities in Kosovo and long-term, self-sustaining economic and social development; endorses Mr Ahtisaari's Comprehensive Proposal for a Kosovo Status Settlement and, on this basis, expects the UN Security Council to adopt swiftly a new resolution replacing Resolution 1244;
2. Takes the view that the only sustainable settlement for Kosovo is one which:
  - grants Kosovo access to international financial organisations and thus allows it to start its economic recovery and create the conditions for employment creation;
  - envisages an international presence in order to maintain the multi-ethnic character of Kosovo and to safeguard the interests and security of the Serb and Roma populations and of other ethnic communities;
  - provides international support in order to secure the development of effective, self-sustaining institutions for the entire population of Kosovo, operating in accordance with the rule of law and the basic ground-rules of democracy;
  - allows Kosovo to achieve its desire to be integrated in Europe, which in time will lead to relations of mutual interdependence with its neighbours;
3. Considers that any settlement regarding the future status of Kosovo must be in accordance with international law;
4. Expresses the hope that a strong and clearly pro-European government can be formed soon in Serbia, which will be seriously and positively engaged in seeking a solution to the question of the status of Kosovo; emphasises that such a government is also necessary for the purposes of full cooperation with the International Criminal Tribunal for the former Yugoslavia and will allow, under these conditions, for the re-opening of the negotiations on, and the final conclusion of, a Stabilisation and Association Agreement between Serbia and the European Union;
5. Believes that the final settlement should cover inter alia the following aspects:
  - a clear definition of the role and mandate of the international civilian and security presence;
  - clear provisions on decentralisation which grant substantial autonomy in key areas such as education, health and local security and, in the case of Serb municipalities, allow direct but transparent links with Belgrade; such provisions must be financially sustainable and must not undermine the budgetary, executive and legislative prerogatives of a unitary Kosovo;
  - full respect for human rights including the obligation to provide constitutional guarantees for the vital interests of minorities and refugees, and adequate mechanisms for safeguarding such interests;
  - the protection of all cultural and religious sites;
  - provisions regarding the establishment of a lightly-equipped, multi-ethnic internal Kosovar Security Force with limited scope, capability and functions, under the strict supervision of the NATO-led Kosovo Force (KFOR);
  - international guarantees for the territorial integrity of all neighbouring states;

6. Underlines that the solution in Kosovo will set no precedent in international law, as Kosovo has been under UN rule since 1999 and Security Council Resolution 1244 already contained provisions on the need to resolve the question of Kosovo's final status; concludes, therefore, that the situation regarding Kosovo is in no way comparable with the situation in other conflict regions which are not under UN administration;
7. Emphasises that an agreement on the future of Kosovo must also include specific institutional arrangements for Mitrovica which fully guarantee the rights and security of the Serb community without undermining the unity of Kosovo; believes that those arrangements should be directly supervised by the international community, in consultation with Belgrade; reminds Serbia, however, that such involvement in Kosovo is linked with Serbia's cooperation in implementing the final status settlement;
8. Welcomes, therefore, the fact that the Ahtisaari proposal outlines wide-ranging autonomy for the Serbian and other communities, including a substantial degree of municipal autonomy in line with the European principles of subsidiarity and self-governance;
9. Is of the opinion that the international community should, as far as possible, gear its presence towards assisting local authorities in:
  - implementing the terms of the settlement;
  - developing autonomous, ethnically balanced institutional, administrative, judicial and policing capacity;
  - achieving progress in complying with UN standards and EU stabilisation and association benchmarks;
10. Believes, therefore, that, whilst it should be staffed in a manner commensurate with its tasks, the international presence in Kosovo should not result in the establishment of a parallel administration or replicate the existing UN-led administration;
11. Emphasises that the international community must have direct corrective and, in limited cases, substitution powers in crucial areas such as:
  - safeguarding the vital interests of minorities;
  - the protection of sensitive sites;
  - security;
  - the judiciary and the broader rule of law, particularly in the fight against organised crime;
12. Stresses that additional efforts are needed to support the further return of refugees and displaced persons throughout Kosovo; underlines that the key to sustainable return is work opportunities and that sustainable economic development must now become a priority; underlines that non-Serb and non-Albanian refugees, such as Roma and Ashkali, need special attention, including the Roma internally displaced persons living in the camps in Kosovska Mitrovica;
13. Supports the need for an inclusive and fair educational system which will provide for Roma and Ashkali pupils to be partially educated in the Roma language, thereby nurturing the identity and culture of those minority communities;
14. Emphasises that a final decision on the future status of Kosovo can only be taken by the United Nations Security Council; urges the European Union and its Member States, and in

particular those Member States which are also members of the UN Security Council, to give their full and active support to a viable solution for the future status of Kosovo;

15. Considers that the adoption of a new UN Security Council resolution is also crucial for the future engagement of the EU in Kosovo, and that no enhanced EU involvement should be envisaged in the absence of such a resolution;
16. Is convinced that, in the light of its central role in the implementation of the settlement, the European Union should have a decisive say on the final terms of the settlement;
17. Believes that Member States should try to reach a single position on the question of Kosovo and therefore calls on the Council of Ministers to endeavour to adopt a common position on the status issue spelling out the minimum requirements of a sustainable, EU-compatible solution for Kosovo;
18. Recalls that, in accordance with Article 19 of the Treaty on European Union, Member States represented in the UN Security Council would be expected to uphold that common position and to keep the EU Council of Ministers regularly informed about negotiations; also calls for the European Parliament to be kept regularly informed;
19. Calls on those EU Member States that are members of the Contact Group to share their information with the EU Council of Ministers and all other Member States, and to improve coordination and cooperation with them, because the EU as a whole will bear the international responsibility and the financial burden of the final settlement;
20. Urges Member States in the UN Security Council and, in particular, the Permanent Members to play a constructive role, to strive to ensure that the two parties involved act in a flexible manner and to adopt an unambiguous, sustainable solution for Kosovo, along the lines of the proposals submitted by the Special Envoy, with the agreement of the two parties as far as possible;
21. Is prepared to make available the additional resources required in order to finance the future EU involvement in Kosovo with a view to implementing the status settlement and supporting Kosovo's EU prospects, provided that:
  - the status settlement supported by the UN Security Council takes adequate account of the Union's common position,
  - sufficient advance consultation takes place on the scope, objectives, means and modalities of that mission, so that Parliament can be reassured that the resources are commensurate with the tasks;
  - those additional financial resources are made available in accordance with the terms of the Interinstitutional Agreement on budgetary discipline and sound financial management of 14 June 2006<sup>1</sup>; and
  - an international donors' conference is convened in due time;
22. Recalls the commitment, given by the Finnish Presidency on behalf of the Council in connection with the adoption of the budget for 2007, to provide Parliament with detailed information on the scope, objectives and likely financial implications of the possible forthcoming operation as the planning of the mission proceeds;

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<sup>1</sup> OJ C 139, 14.6.2006, p. 1.

23. Is concerned about the way in which the transition from the United Nations Mission in Kosovo (UNMIK) to the new International Civilian Office will be managed; reminds UNMIK that it should remain engaged in Kosovo until the new Office is organised and fully operational; invites the United Nations and the EU to devise means to prevent further loss of international expertise in crucial areas of administration, particularly in view of the fact that Kosovo's Provisional Institutions of Self-Government will need time and assistance to take over certain legislative and executive powers from UNMIK;
24. Urges the OSCE to continue to play a major role in Kosovo after the status settlement with regard, in particular, to the monitoring and verification of election processes; calls in this regard on both the Council and the OSCE to enhance their cooperation in the field of the rule of law, with a clear division of tasks as regards the ESDP mission;
25. Expresses its support for the EU's emphasis on the judiciary and the rule of law in the post-settlement phase, underlining that a smooth transfer of responsibilities will be needed; calls for the establishment for a clear and transparent division of tasks and responsibilities between domestic Kosovo courts and judicial authorities and the planned EU law and order mission; demands full accountability and respect for the rule of law in relation to detentions and other actions by KFOR;
26. Points out to the Kosovo authorities that the international community expects them
  - to focus their efforts on developing the institutional and administrative capacity required in order ultimately to take over the responsibilities hitherto exercised by UNMIK;
  - to elaborate a Kosovar concept of citizenship that explicitly builds on the multi-lingual and multi-ethnic character of the region, while making full provision for the various ethnic communities that constitute the population of Kosovo;
  - to work seriously and constructively towards the establishment of a multi-ethnic, multicultural, multi-faith, tolerant country and society that respects the rights of all ethnic groups;
27. Underlines in this context that the international presence will remain in Kosovo until the above objectives are truly embedded and realised;
28. Is deeply concerned about the recent violent demonstrations in Kosovo, which are seriously endangering the smooth continuation of the process of finding a peaceful solution for the future status of Kosovo; calls on both sides to exercise the utmost restraint and to make a peaceful conclusion of the status process possible;
29. Further reminds the Kosovo authorities that, once the status issue is finally resolved, the people of Kosovo will want their government to address the problems which affect their daily lives, such as those relating to security, economic development, corruption and organised crime, employment, adequate public services and equality for all before the law;
30. Invites the EU and Kosovo's authorities to work together so as to create conditions for improved economic growth for the benefit of all ethnic communities in Kosovo; reiterates the need for the establishment of a comprehensive and realistic long-term economic development plan as well as for full compliance with the fundamental principles of the rule of law, and a detailed and properly resourced anti-corruption strategy;



31. Emphasises the need to give more support to the development of small and medium-sized enterprises (SMEs) on the basis of the European Charter for Small Enterprises, which has been endorsed by Kosovo; calls on the Commission to ensure access to EU Structural Funds, provide better financing for SME-related projects and set up an institutional framework to enhance cooperation between the Community and the private sector in Kosovo;
32. Urges the leaders of the Serb community in Kosovo to recognise that their interests are better served in a democratic, decentralised and economically viable Kosovo, and to engage in the post-settlement process in order to ensure that those provisions of the agreement which are of direct interest for them are fully implemented;
33. Calls on the Serbian Government to recognise that the future lies in the development of close, transparent ties with Kosovo, in the context of deepened regional integration and of the shared prospect of future EU membership;
34. Stresses that finding a solution to the issue of the future status of Kosovo on the basis of Mr Ahtisaari's final proposals is of the greatest importance for the stability and the further development of the entire region; calls in this context on the governments of all neighbouring states to contribute positively to this process and to respect the existing state borders; furthermore, supports the view that, in the long run, the solution regarding the future status of Kosovo lies also in the fact that both Serbia and Kosovo are due to become part of the EU, together with their neighbours, since the future of the Western Balkans lies in the European Union;
35. Reiterates that anchoring Kosovo firmly within the Stabilisation and Association Process will, inter alia, strengthen Kosovo's economic relations with Member States and their neighbours in the Western Balkans and facilitate the stabilisation process in the region;
36. Welcomes the signature of the free-trade agreements with Albania, the Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Croatia; urges Kosovo's authorities to fully implement those agreements and ensure that free trade with Serbia and Montenegro continues;
37. Calls on the Kosovar and Serbian authorities to fully cooperate with each other and with the ICTY in order to deliver up alleged war criminals;
38. Believes that the publication of Mr Ahtisaari's report should be accompanied by an outreach campaign aimed at explaining clearly and objectively to the peoples concerned, including Serb citizens, the terms of the proposed settlement, and that a message of peaceful co-existence must be stressed by the European Union in relation to Kosovo; considers that a Kosovo that recognises the rights of the majority and the minority will be stable and prosperous;
39. Instructs its President to forward this resolution to the Council and the Commission, to the Government of Serbia and the Provisional Institutions of Self-Government of Kosovo, to UNMIK, to the Members of the Contact Group, to the United Nations Security Council and to the UN Secretary-General's Special Envoy for the future status process for Kosovo.

25.1.2007

## **OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE**

for the Committee on Foreign Affairs

on the future of Kosovo and the role of the EU  
(2006/2267(INI))

Draftsman: Erika Mann

### **SUGGESTIONS**

The Committee on International Trade calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Considers that a timely and mutually satisfactory decision on Kosovo's final status is likely to create better economic conditions, reduce unemployment and attract substantial foreign direct investment (FDI);
2. Notes that any decision on the future of Kosovo should be taken in the light of the broader context of the political situation in South-Eastern Europe, and that the EU and its Member States should make it clear that any decision on Kosovo's future must not be regarded as a precedent by others who wish to encourage secession from other states in the region, something which might prove politically and economically destabilising for the region;
3. Reiterates that anchoring Kosovo firmly within the Stabilisation and Association Process (SAP) will, inter alia, strengthen Kosovo's economic relations with Member States and their neighbours in the Western Balkans and facilitate the stabilisation process in the region;
4. Recalls that the successful conclusion of the reform process currently under way will restore the proper functioning of the market, stimulate economic growth and help maintain political stability in the region;
5. Welcomes the Joint Declaration adopted on 6 April 2006 by the countries of the Western Balkans calling for the modernisation and deepening of the Central European Free Trade Agreement (CEFTA) by extending bilateral trade concession to all partners; welcomes the inclusion in the Agreement of competition rules, government procurement, intellectual property protection, trade in services, a regional dispute settlement mechanism and the establishment of an EU-Western Balkans zone of diagonal cumulation of origin, as the

first stage of participation for those countries in the Pan-Euro-Med cumulation system;

6. Welcomes the signature of the free-trade agreements with Albania, the Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Croatia; urges Kosovo's interim authorities to fully implement these agreements and ensure that free trade with Serbia and Montenegro continues;
7. Urges the EU to sustain the stabilisation process by continuing its support (both financial and technical) to trade, investment, the fight against organised crime, minority protection and economic and social development in Kosovo; invites the EU and Kosovo's interim authorities to work together in order to create conditions for improved economic growth for the benefit of all ethnic communities in Kosovo; reiterates that financial assistance to Kosovo should be conditional on the establishment of a comprehensive and realistic long-term economic development plan as well as the implementation of the conditions set out in the UN Security Council Resolution 1244/99; emphasises, in particular, the need for full compliance with international democratic and human rights standards, including respect for minorities, and with the fundamental principles of the rule of law, and a detailed and properly resourced anticorruption strategy;
8. Urges the Council to ensure that the Commission continues to play a key role in supporting future economic and structural development in Kosovo; recommends that United Nations Mission in Kosovo EU Pillar (UNMIK's Pillar IV) activities and staff be incorporated into any new institutional body having responsibility for trade and economic issues in or relating to Kosovo that might be created with a view to deciding or after deciding Kosovo's final status;
9. Emphasises the need to give more support to the development of small and medium-sized enterprises (SMEs) on the basis of the European Charter for Small Enterprises, which has been endorsed by Kosovo; calls on the Commission to ensure access to EU Structural Funds, provide better financing to SME-related projects and set up an institutional framework to enhance cooperation between the Community and the private sector in Kosovo.

## PROCEDURE

<b>Title</b>	The future of Kosovo and the role of the EU
<b>Procedure number</b>	2006/2267(INI)
<b>Committee responsible</b>	AFET
<b>Opinion by</b> Date announced in plenary	INTA 29.11.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Erika Mann 18.10.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	18.12.2006
<b>Date adopted</b>	24.1.2007
<b>Result of final vote</b>	+: 26 –: 0:
<b>Members present for the final vote</b>	Francisco Assis, Jean-Pierre Audy, Enrique Barón Crespo, Daniel Caspary, Christofer Fjellner, Béla Glattfelder, Jacky Henin, Syed Kamall, Sajjad Karim, Erika Mann, David Martin, Javier Moreno Sánchez, Caroline Lucas, Georgios Papastamkos, Peter Šťastný, Robert Sturdy, Gianluca Susta, Johan Van Hecke, Zbigniew Zaleski
<b>Substitute(s) present for the final vote</b>	Panagiotis Beglitis, Małgorzata Handzlik, Jens Holm, Jörg Leichtfried, Eugenijus Maldeikis
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Ignasi Guardans Cambó, Pia Elda Locatelli
<b>Comments (available in one language only)</b>	

## PROCEDURE

<b>Title</b>	The future of Kosovo and the role of the EU		
<b>Procedure number</b>	2006/2267(INI)		
<b>Committee responsible</b> Date authorisation announced in plenary	AFET 29.11.2006		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	INTA 29.11.2006		
<b>Not delivering opinion(s)</b> Date of decision			
<b>Rapporteur(s)</b> Date appointed	Joost Lagendijk 13.9.2006		
<b>Discussed in committee</b>	19.12.2006	30.1.2007	12.3.2007
<b>Date adopted</b>	12.3.2007		
<b>Result of final vote</b>	+ 56 - 7 0 3		
<b>Members present for the final vote</b>	<p>Roberta Alma Anastase, Christopher Beazley, Angelika Beer, Panagiotis Beglitis, Bastiaan Belder, André Brie, Véronique De Keyser, Giorgos Dimitrakopoulos, Hélène Flautre, Hanna Foltyn-Kubicka, Michael Gahler, Jas Gawronski, Bronisław Geremek, Maciej Marian Giertych, Ana Maria Gomes, Klaus Hänsch, Jelko Kacin, Ioannis Kasoulides, Bogdan Klich, Joost Lagendijk, Vytautas Landsbergis, Emilio Menéndez del Valle, Willy Meyer Pleite, Francisco José Millán Mon, Pasqualina Napoletano, Annemie Neyts-Uyttebroeck, Raimon Obiols i Germà, Cem Özdemir, Janusz Onyszkiewicz, Justas Vincas Paleckis, Alojz Peterle, Tobias Pflüger, Bernd Posselt, Raül Romeva i Rueda, Libor Rouček, Katrin Saks, José Ignacio Salafranca Sánchez-Neyra, Jacek Saryusz-Wolski, György Schöpflin, István Szent-Iványi, Antonio Tajani, Charles Tannock, Josef Zieleniec</p>		
<b>Substitute(s) present for the final vote</b>	<p>Laima Liucija Andriekienė, Maria Badia I Cutchet, Giulietto Chiesa, Ryszard Czarnecki, Alexandra Dobolyi, Árpád Duka-Zólyomi, Glyn Ford, Lilli Gruber, Tunne Kelam, Evgeni Kirilov, Jaromír Kohlíček, Antonio López-Istúriz White, Sarah Ludford, Erik Meijer, Doris Pack, Antonia Parvanova, Lapo Pistelli, Frédérique Ries, Alojzas Sakalas, Anders Samuelsen, Adrian Severin, Csaba Sándor Tabajdi</p>		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Miloš Koterec		
<b>Date tabled</b>	15.3.2007		