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Kosovo/a **120 Days After the Constitution's Adoption**

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Introductory Speech of Mr. Gernot Erler, MP
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Deputy Prime Minister Kuqi,

Minister Hoxhaj,

Ambassador Biscevic,

Ambassador Feith,

Ambassador Salber,

General de Kermabon,

Ambassadors Cvjetkovic Kurelec, Filipov and Pribicevic,

My fellow Members of Parliament,

Excellencies,

Ladies and Gentlemen,

It is a very great pleasure for me to welcoming you at the conference of the Südosteuropa-Gesellschaft “Kosovo – 120 days after the adoption of the constitution”. I am very grateful to my fellow Member of Parliament, Detlef Dzembritzki, for supporting the conference. Thank you for coming so numerously, it confirms my firm belief, that even in times of different emerging challenges throughout the world, the future of the Western Balkans remains a central focal point which deserves our close attention.

We all remember the pictures going around the world at the beginning of this year: On 17 February a huge crowd cheerfully gathered on the streets of Pristina to celebrate the birth of a new European state – Kosovo. At the same time numerous persons attended a protest rally against the proclamation of independence in Belgrade – with a small nucleus of activists prepared for and actually perpetrating violence. In fact by this time nobody would have been able to predict how the situation would evolve in the months to come.

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There were quite a few professional Cassandra's who predicted that Kosovo's independence would lead to escalation, destabilization and chain reactions in the entire region. And it is true that in February this year nobody could indeed totally exclude these scenarios actually to happen – especially when one has in mind the history of the Western Balkans in the past 20 years. If we now look back on the 8 months since independence, the picture is on the contrary rather encouraging. Of course we deplore that there have been deads – one in Belgrade and one in Mitrovica. Of course, there have been numerous moments of uncertainty, especially in those phases when the determination of the International Community was tested. But, retrospectively, it becomes obvious that these were rather isolated moments in a development, that all in all, is moving towards stabilization and normalization. The increasing number of recognitions – up to now 50 – gives evidence for these positive moves as does Kosovo's beginning integration into structures of regional and international cooperation. Recently, for example, Pristina applied for membership of the International Monetary Fund.

Many people wonder if it is not an anachronism to see another rather small state emerging in the Balkans at a time when Europe is growing ever more united. Of course, the unilateral declaration of independence was not the ideal solution that the international community had hoped for. But all the efforts to achieve a negotiated solution had failed – not exclusively but to a large extent because of the former Serb Government's intransigence. Neither the UN Special Envoy Martti Ahtisaari nor the EU, US and Russian troika, in which Ambassador Ischinger represented the EU, succeeded. His statement: "The troika left no stone unturned" says all that can be said about the work of the international community over the past years. Against this background, it has been confirmed that an independent Kosovo with a strong international presence on the ground and guarantees for the minorities, especially the Kosovo Serbs, as stipulated in the Comprehensive Settlement Proposal is definitely preferable to a continued political limbo which could come off the tracks at any time – with unforeseeable consequences for Kosovo itself and for the region as a whole.

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The final status solution was closely coordinated with our partners within and outside the EU. No EU member state had an easy time responding to Kosovo's decision to declare independence on 17 February. The EU General Affairs and External Relations Council agreed on 18 February that Member States would decide, "in accordance with national practice and international law," on their relations with Kosovo. A large majority of 22 EU Member States – that is to say more than three quarters – have now recognized the new country, most recently Malta and Portugal.

Even if five EU members states – Cyprus, Greece, Romania, Slovakia and Spain – still have reservations about recognizing Kosovo, the EU stands united in its aim of bringing greater stability to Kosovo. On 4 February 2008 the Council of the European Union unanimously adopted a Joint Action that provided for the establishment of the biggest EU civilian stabilization mission of all time. EULEX Kosovo will take on some of the tasks previously performed by the UN transitional administration UNMIK and will actively contribute to the stabilization of Kosovo in the police, justice and customs sectors. The EU will thereby also assume numerous executive responsibilities, for example in the fight against organized crime and corruption as well as in law enforcement.

EULEX's 120-day launching phase began at the end of July. The reconfiguration, that is to say the transfer from UNMIK to EULEX, is going according to plan. We expect that EULEX will achieve operational capacity at the beginning of December and will ultimately be deployed all over Kosovo. But as you all know, the UN will however retain an important role. If there is a consensus within the international community – shared by Serbs and Albanians, Americans, Russians and Europeans alike– it is that UN Security Council Resolution 1244 will remain the legal basis for the presence of the international organizations in Kosovo. As the UN Secretary-General stressed in his report in mid-June, EULEX will remain active in Kosovo under the terms of Resolution 1244 and subject to the "overall authority" of the UN.

As far as Serbia is concerned, the previous government had been more than reluctant vis-à-vis EULEX. With its new Government in place we are currently assisting to quite a shift in the Serbian attitude. It would indeed be difficult to understand had Belgrade continued to put obstacles in the way of a Mission that was unanimously decided by all 27 EU member states, when, at the same time, Serbia is aspiring to become a member of the European Union. Furthermore there now seems to be greater awareness in Belgrade that EULEX is particularly beneficial to the minorities living in Kosovo, especially to the Kosovo Serbs. I am therefore reasonably confident that Serbia will rapidly embark on a constructive cooperation with the EU on this issue.

Kosovo itself faces huge challenges, both as regards its internal consolidation and as regards efficient cooperation between the numerous international players on the ground.

As regards internal consolidation, institutions need to be created that will uphold democratic principles and the rule of law. The constitution adopted in June – which contains all relevant elements of the Comprehensive Settlement Proposal – provides the necessary basis. But only by turning written paragraphs of the Constitution into practice will it become apparent whether, in the long term, a community will form in which Kosovo Albanians, Kosovo Serbs and members of other ethnic groups are able to live together in peace, even if they do not mix. The Government in Pristina will also have to act quickly in developing the economy, in the fight against corruption and organized crime, so that living conditions really do improve. Until independence it was easy to blame the unresolved status or the International Community for the lack of progress in these fields. With Kosovo having become an independent state this will no longer be possible.

Ensuring that the numerous international organizations on the ground - like NATO, ICO/EUSR, EULEX, UNMIK, OSCE - work together efficiently is another challenge for the international community. This is in particular the case as some of the organizations active in the country have differing views of their missions. For example, the key task of the Interna

tionaI Civilian Representative is to supervise the implementation of the Comprehensive Settlement Proposal by the authorities in Pristina. Mr. Feith and his team have the full support of the German Government in this difficult endeavour. UNMIK, on the contrary, has to retain a "neutral" position on Kosovo's status. Despite these incompatibilities it is vital for the sake of credibility of the entire International Community in Kosovo that pragmatical solutions are found – and here again progress is notable.

As regards the much quoted "precedent" that would be set by final status, the fear that Kosovo's independence could lead to chain-reactions in the Western Balkans has proved to be unfounded. A number of states in the region - Albania, Bulgaria, Croatia, Slovenia, and yesterday also Montenegro and the Former Yugoslav Republic of Macedonia - have already recognized Kosovo. Others are likely to do so in the near future.

In the medium and long term, the stability of the region will depend in large part on the evolution of the relations between Belgrade and Pristina. Especially Belgrade will have to find a "modus vivendi" with Pristina - probably at first tacitly. This does not necessarily mean that we expect Belgrade to formally recognize Kosovo diplomatically, but at least that it will have to put its relations with all of its neighbours, including Kosovo, on a pragmatic footing. This, of course, will need some time, but here again things are moving into the right – it is to say into a pragmatic – direction. With the change of government in Belgrade, for instance, rhetoric has positively changed and among the Kosovo Serbs more moderate politicians seem to play an increasingly important role.

My dear colleagues,

A lot has recently been written about a supposed parallelism between Kosovo's independence and the recent events in the Caucasus. Back in January, when he was still the President of Russia, Vladimir Putin asked, "If you recognize Kosovo, by what right do you want to refuse the peoples of Abkhazia and South Ossetia their independence?"

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The position of the German Government and of our Western partners is clear. Kosovo sets no precedent - neither for the Western Balkans nor for the Southern Caucasus, nor for any other region of the world. The German Government views the two situations as totally different:

In Kosovo, there was a long history of repression, the region's autonomous status was revoked in 1989, the UN Security Council repeatedly called without success for the Federal Republic of Yugoslavia to refrain from using force, and in the end NATO had to intervene. Finally, prolonged attempts to reach a negotiated settlement in Kosovo failed. None of this applies in the case of Abkhazia and South Ossetia.

Kosovo's independence is conditional upon a continued international presence on the ground. The Kosovo Government has decided to fulfil the terms of the Ahtisaari plan and agreed to provide comprehensive protection for minorities. Such conditions are not given in South Ossetia and Abkhazia.

My dear colleagues,

To a different degree all the states of the Western Balkans need to consolidate their state structures, make progress in the field of rule of law and economic reform. Without the perspective of future EU membership this would be extremely difficult, if not impossible to achieve. The EU-perspective remains the key stabilizing force in the entire Western Balkan and the driving force behind crucial domestic reforms. Without Serbia's EU perspective, for example, the recent arrest and transfer of Radovan Karadzic to The Hague would hardly have been possible. The German Government's vision for the Western Balkans is thus rather simple: The Western Balkans region is an integral part of Europe. The future of all countries of the Western Balkans, including Kosovo, lies within the EU. The EU firmly stands to the decisions taken in Thessaloniki in 2003. Both Serbia and Kosovo are members of the European family. With these thoughts of mine I would like to conclude this introduction. I thank you once again for coming and I hope for a good, frank and open-minded discussion.

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