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## **SERBIAN- ALBANIAN NEGOTIATIONS ABOUT KOSOVO AND METOHIJA 2011 – 2013\***

### **Summary**

The author points at the fact that fifteen years after the NATO intervention in 1999, the issue of Kosovo and Metohija status has not been resolved yet. Despite the fact that Kosovo has been recognized by 96 countries and almost all the most important countries of the West, the independence of Kosovo has come across great problems within the international community. The biggest one, of course, being the fact that without Serbia's consent, Russia won't let Kosovo have the UN chair. In addition, the self-proclaimed independent Kosovo has faced yet another serious problem. Namely, in the same way the Albanians did not want to accept the authority of Belgrade, so the Kosovo Serbs (who after the big persecutions by the Albanians during 2004 mostly concentrated in the north of Kosovo), did not want to recognize the authority of Pristina.

On the other hand, great Western powers have conditioned Serbia's accession to the EU with the so called normalization of relations with Pristina. And it is precisely between these two points – the UN chair for Kosovo and Serbia's membership in the EU – that a fierce political and diplomatic battle has been fought for the last few years.

The aim of this paper is to show what had been going on during the last few years of negotiations between Belgrade and Pristina and to anticipate possible outcomes of this difficult diplomatic and political struggle.

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\* This paper is a part of the project "Social transformations in the process of European integrations – multidisciplinary approach", funded by the Ministry of Science and Technology of the Republic of Serbia, no. 47010

Almost fifteen years after the NATO military campaign and adopting Resolution 1244 of the UN Security Council in June 1999, political and legal debate about the future status of Kosovo and Metohija still goes on. Serbian side has been pointing out that, although international protectorate was established over Kosovo, her territorial integrity and sovereignty must be recognized, in accordance with the Charter of the UN and the Helsinki Final Act of 1975. Serbian side has been claiming that, regardless of the moral reasons for the independence (applying to the crimes committed by Milosevic's security forces), Kosovo did not have the right of self-determination. Namely, according to the former Yugoslav constitution of 1974, the right of self-determination was reserved for six republics, not for autonomous regions, which Kosovo at that time was. Such interpretation was confirmed by the **Badinter Arbitration Committee**, set up in 1991 by the EU. Considering the consequences of the former Yugoslavia's dissolution, President of the French Constitutional Council Robert Badinter took a position that the right of self-determination belongs to the republics, but not to the ethnic minorities within the former Yugoslav republics. Therefore, the Belgrade authorities suggested a wide autonomy for the Albanians in Kosovo, but within Serbia.

On the other hand, the Albanian community, constituting 90% of Kosovo population, held that after a decade long repression has a moral right of self-determination. It also pointed out that, although Kosovo did not have the status of a republic, it had many rights the same as, or similar to the rights which the Yugoslav republics had.

After almost two years of unsuccessful negotiations, which lasted from October 2005 to the end of 2007, Assembly of Kosovo unilaterally proclaimed independence on February 17, 2008. Kosovo's independence was immediately recognized by the USA, Great Britain, Germany, France and Italy, and during the next four years that number increased to almost one hundred countries.

The negotiations between Albanian and Serbian side failed because the Albanian side was not motivated to lead serious negotiations, for even before the negotiations had started, independence was promised by the USA. Already at the first meeting with the Serbian government, the international mediator Ahtisari said the final outcome of the negotiations would be Kosovo independence.<sup>1)</sup> Having in mind that the key Western powers were behind this position, the Albanian side did not take serious approach to the negotiations.

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1) James Ker-Lindsay, "Kosovo, Road to Disputed Statehood", Zavod za Udžbenike (Institute for Textbooks), Belgrade 2011, p. 62

There are several reasons that had influenced the USA to support the Albanian side so strongly in the negotiations. The first one is the conviction that after all the hostilities between Serbian and Albanian side during the nineties, there was no other solution. Second, the USA wanted to use the example of supporting the Albanian, mostly Muslim population, to show to the entire Muslim world how the war against terrorism in the world is not at the same time war against Muslim population. Third, during last twenty or so years the Albanians had become the most loyal American allies in this part of the world, unlike the Serbs, who are still viewed as a nation who does not know which direction to take – towards Russia or towards West. Fourth, the fear of the Albanian violence that would not be directed only against the Serbs, but also against the international forces of UNMIK and KFOR made up mostly of German soldiers.<sup>2)</sup>

On the other hand, the power-protector of the Serbs, Russia, obviously did not have enough political strength, nor interest to confront more seriously with the domineering Western powers over this issue. She has retained a passive position which has been reduced to obstructing the policy of the Western powers and pointing out of her right of veto in the UN Security Council.

Additional blow to Serbian position was inflicted by the International Court of Justice in The Hague's decision of July 2010 that the Declaration of Independence brought by the Kosovo Assembly does not represent violation of the international law.<sup>3)</sup> To make situation even worse for Serbian position, the decision was requested by the government of Serbia.

Despite the fact that Kosovo has been recognized by 96 countries and almost all the most important countries of the West, the independence of Kosovo has come across great problems within the international community. The biggest one, of course, being the fact that without Serbia's consent, Russia won't let Kosovo have the UN chair. Namely, without the consent of all permanent members of the Security Council,

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- 2) The most violent unrests happened in March 2004, when 19 people were killed, and over 500 houses and over 30 Orthodox monasteries and churches were burned down. The Human Rights Watch report stated that "as a result of the March violence the international community retreated appallingly in Kosovo; after they had demolished the idea of KFOR and UNMIK invincibility, ethnic Albanian extremists now know they can effectively oppose international security structures". "Failure to Protect: Anti-minority Violence in Kosovo, March 2004", Human Rights Watch, no.6, July 2004, p. 3
  - 3) More on the International Court of Justice's decision in: Dimitrijević, Ladjevac, Vučić, "Analiza preduzetih aktivnosti u okviru sistema UN a u vezi sa rešavanjem pitanja Kosova i Metohije" ("Analysis of the conducted activities within the UN system regarding Kosovo and Metohija issue settlement"), *Međunarodni problemi (International Issues)* no.4, 2012, Belgrade, pp. 447-461

Kosovo cannot even reach the position of requesting the UN chair. Also, it is embarrassing for the West that as many as five EU countries and four NATO members, because of their own interests, haven't recognized independence of Kosovo yet. Those countries are Spain, Slovakia, Greece, Cyprus and Romania.

In addition, the self-proclaimed independent Kosovo has faced yet another serious problem. Namely, in the same way the Albanians did not want to accept the authority of Belgrade, so the Kosovo Serbs (who after the big persecutions by the Albanians during 2004 mostly concentrated in the north of Kosovo), did not want to recognize the authority of Pristina. In fact, for almost ten years now, Pristina has no control over the north of Kosovo.

On the other hand, great Western powers have conditioned Serbia's accession to the EU with the so called normalization of relations with Pristina. And it is precisely between these two points – the UN chair for Kosovo and Serbia's membership in the EU – that a fierce political and diplomatic battle has been fought for the last few years.

The aim of this paper is to show what had been going on during the last few years' negotiations between Belgrade and Pristina and to anticipate possible outcomes of this difficult diplomatic and political struggle.

At the beginning of 2011 Serbia initiated a new cycle of negotiations with Pristina, under EU auspices.<sup>4)</sup> After long negotiations, agreements were reached about the integrated administrative border crossings management/i.e. border crossings, as they are called by Pristina, and about the customs seals, recognition of university degrees, land registry, registries and freedom of movement.

Parallel to Belgrade-Pristina negotiations, tensions grew between the Serbs from the north of Kosovo and the Albanian police. The conflict escalated on July 25, 2011, when the Albanian side tried to take over the administrative border crossings in the north of Kosovo by force. The advance of the Albanian police to the administrative border crossings in the north of Kosovo and taking over one of them was an attempt by the Albanian side to change the status quo in the north of Kosovo, which is virtually independent from the rest of the territory controlled by Pristina, before the negotiations were continued. The assault was carried out with the knowledge and silent support of the US. New conflicts between the Serbs and KFOR soldiers occurred on Septem-

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4) More on this in: Ognjen Pribićević, "Srbija između EU, Kosova i Metohije i predstojećih parlamentarnih izbora" ("Serbia between EU, Kosovo and Metohija and forthcoming parliamentary elections"), Srpska politička misao, no. 1, 2012 Belgrade, pp. 187–188

ber 27, at Jarinje administrative border crossing. Seven Serbs and four KFOR soldiers were seriously injured then. KFOR accused Serbian extremist for this conflict, and Belgrade government accused KFOR.

Serbian side in these conflicts was in a much more difficult position, for not only it was forced to defend itself, but it also had to fight diplomatic-political battle on more than one front, against much stronger adversaries. First, Serbian side one more time came into diplomatic conflict with the USA, who strongly support the Albanian side. Second, any serious conflict with the Albanian side would bring into question Serbia's integration into EU process, which indeed happened on December 9, 2011, when the EU decision to grant Serbia candidate status was postponed. Such message to Serbia was sent in authors' text by the German and British Foreign ministers Westerwelle and Hague, published in the "Frankfurter Allgemeine Zeitung", in which they clearly stated their support for Kosovo's integrity and pointed out the influence of the Western Balkans neighbouring countries' relations on their prospects for the EU integration process.<sup>5)</sup>

At the same time with the negotiations, leading Western powers, particularly the USA and Germany, started to increasingly condition Serbia's EU integration process with the achieved progress in relations with Pristina, which eventually became the sole condition for Serbia's accession to EU. During her visit to Serbia, on August 23, 2011, German Chancellor Merkel said that Serbia could hardly count on being granted the candidate status, let alone the accession negotiations with the EU opening date, without resolving the three issues. First, the negotiations between Belgrade and Pristina must be continued and reached agreement must be implemented. Second, EULEX mission must establish full control over the entire Kosovo territory, including its north, and third, Chancellor Merkel demanded that Belgrade government disband "parallel institutions" in the north of Kosovo, controlled by the local Serbs.<sup>6)</sup>

Since Serbia did not accept those conditions, she was not granted the EU candidate status in December 2011. The described conditioning of Serbia's EU integration process with her factual renouncement of Kosovo, has dramatically slowed down Serbia's coming closer to the EU, which in turn halted the necessary social reforms, which are virtually infeasible without the EU support and indispensable Western in-

5) Guido Westerwelle and William Hague, "Serbia and Kosovo will miss a historical opportunity" *Blic*, Belgrade, August 8, 2011, p. 2

6) Ognjen Pribićević, Brano Miljuš, "Izazovi i perspektive nemačke spoljne politike" ("German Foreign Policy Challenges and Prospects"), *Međunarodni problemi (International Issues)*, no. 4, 2012, Belgrade, p. 416.

vestments, which in 2012 were trifling 238 million euros. Although the West had all the instruments to resolve Kosovo issue way back in 2000, either through its division, or its independence, it was not done<sup>7)</sup>, and so the issue was left as a burden to the later democratic governments, which simply couldn't cope with it. All governments after 2000 tried either to postpone or to come to the final solution of the problem through compromise, for which the key Western countries showed no understanding. On the other hand, Western governments applied as a pressure measure against Serbiaslowing down and even stopping the EU integration process, which happened in December 2011, when the EU candidate status was not granted. That meant Serbia had spent the entire decade spinning around in a vicious circle, out of which she hasn't managed to come out to this day.

At the end of February 2012 the negotiations between Belgrade and Pristina were resumed, focusing on Kosovo regional representation, which was at that time presented by the great Western powers as the key prerequisite for granting Serbia the candidate status in March. Several positive signals were sent to Belgrade during February from Berlin and Washington, regarding the candidacy, which implied that the climate for granting the candidate status was much more favourable than in December previous year. This was in the first place influenced by the changed international circumstances, that is, the EU economic and financial crisis, as well as the increasingly more active role of Russia in the Balkans, which brought Western powers to the conclusion that it is better to have Serbia within the EU framework, than to let it remain without the candidacy and be the source of new potential trouble spot in the Balkans. It was obvious that, unlike December 2011, now Pristina was under much greater pressure of the Western powers. In the meantime, German Foreign minister Guido Westerwelle came to Belgrade on February 23, and commended Belgrade for the efforts made in the negotiations with Pristina. At the same time, he said: "We would like to see Serbia get the candidate status at the next Council of Europe meeting".<sup>8)</sup> This statement of the German minister opened Serbia's path for getting the candidate status in March, having in mind that it was Germany who prevented the candidacy in December 2011.

The day after this statement of the German minister, Belgrade and Pristina reached the agreement in Brussels on the regional representation of Kosovo and on the implementation of the agreement on the integrated border crossings management. It was agreed that at the

7) James Ker-Lindsay, "Kosovo, Road to Disputed Statehood", ZavodzaUdžbenike (Institute for Textbooks), Belgrade 2011, p. 167

8) "Germany praises Serbia's efforts", *Politika*, Belgrade, February 24, 2012, p.1.

regional gatherings an asterisk should stand on the Kosovo nameplate, referring to the UN resolution 1244 and the advisory opinion of the International Court of Justice. A few days later, on March 1, 2012, Serbia was granted the EU candidate status.

After the agreement was reached, the USA, through her Secretary of State Hillary Clinton, unusually strongly supported Pristina's position and once again underlined the support to its independence and the EU integration processes. Hillary Clinton assessed that the agreement on regional cooperation between Belgrade and Pristina will bring Kosovo closer to the EU and increase the number of countries recognizing its independence. She reminded that the Resolution 1244 had, in fact, cleared the way for Kosovo independence. She pointed out that the International Court of Justice had carefully reviewed the Resolution 1244 and that "the whole world knows what the conclusion was, with which we fully agree – that the Kosovo's declaration of independence was not contrary to the Resolution 1244". She said Pristina's decision to accept the agreement with Serbia was "wise, intelligent, and very brave". The Secretary of State also said she looked forward to further cooperation with Pristina government and the people of Kosovo, and even more positive events in the future. She added that the decision on the regional representation will bring the people of Kosovo to the EU integrations. "Kosovo will be at the table as an equal partner, having the possibility to speak in its own name", concluded the US Secretary of State.<sup>9)</sup>

The attitude put forward by the Secretary of State Clinton once more showed the US closeness with Pristina. She also clearly indicated what main direction Pristina and its allies would take in the following period. First, increasing the number of the countries that would recognize Kosovo's independence, and in accordance with that, submitting an application for the admission into the UN. Second, formalizing Kosovo's accession to the EU process.

After the new government of Serbia was constituted in the summer of 2012, pressures continued on the official Belgrade to continue the negotiations opened in 2011 and to finish the process of the so called normalization of relations with Pristina as soon as possible. Furthermore, Belgrade was presented, at first unofficially, but later more officially, with new conditions for the accession to the EU. Thus it was, for the first time, openly passed along that Belgrade would have to recognize Kosovo's independence before it joins the EU. Leading German politicians lead the way with such statements. Martin Schultz (SPD), Pre-

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9) Hillary Clinton, "Number of countries recognizing Kosovo will increase", *Blic*, Belgrade, February 25, 2012, p. 3.



sident of the European Parliament, was the first to say that Serbia will have to recognize Kosovo's independence in order to join the EU<sup>10)</sup>, and just a few days later the same was repeated by Ruprecht Polenz, the influential CDU politician and the chairman of the foreign committee of the lower house of the German Parliament. In order to become an EU member, Serbia, according to him, will have to recognize Kosovo's independence.<sup>11)</sup>

Just a few weeks later, during the visit to Belgrade, a high delegation of the German Parliament, consisting of the ruling CDU and CSU parties, delivered to Serbia seven conditions, which she should accept, in order to access to the EU. First, continuation of the judicial system reforms and eradication of corruption; 2) prosecution of the attackers on the German Embassy in 2008; 3) reconciliation in the region without *relativization* of genocide; 4) implementation of all reached agreements between Belgrade and Pristina; 5) dismantling of parallel structures in the north of Kosovo; 6) cooperation of the Serbs from the north of Kosovo with EULEX and KFOR; and 7) Serbia's signature on the agreement on good neighbourly relations with Kosovo.<sup>12)</sup> If the first six conditions were familiar to Serbia, the seventh is completely new, and it means that Serbia will sign a legally-binding statement with Pristina on normalization of the relations. This document could, as it was said by the head of high German delegation Schockenhoff, "be an agreement on good neighbourly relations", which, of course, reminds of the treaty on cooperation between the two German states from 1972. Although it never mentioned that the two states recognized each other, it undoubtedly showed that it dealt with the relations between two sovereign states. The first article of the treaty stipulated the need to establish good neighbourly relations. Therefore, the seventh condition is in fact, a demand for indirect recognition of Kosovo's independence by Serbia.

After many statements by the European, and especially German politicians, about Serbia having to completely normalize relations with Kosovo and even recognize its independence before accession to the EU, on October 10, 2012, Serbia received the report by the European Commission which, among other things, for the first time mentioned "territorial integrity of Kosovo" and the need for Serbia and Kosovo not to obstruct each other's accession to the EU. Although this report, too, did not mention explicit recognition of Kosovo, it was obvious that

10) "Kosovo recognition a condition for the EU membership", *Blic*, Belgrade, September 4, 2012.

11) "Kosovo recognition unavoidable before Serbia's accession to the EU", *Blic*, Belgrade, September 12, 2012.

12) "Seven Germany's conditions for opening Serbia's negotiations with the EU", *Blic*, Belgrade, September 13, 2013.



by those formulations the European Commission wanted to send two messages to Serbia. First, that there will be no division of Kosovo, and second, that at some point of the way to the EU it will be demanded from Belgrade to recognize Kosovo. By those formulations the European Commission clearly notified Serbia of what is expected of her, but also gave her enough time to continue the accession process and internal reforms.

Thus in only a few months after its formation, the new government found itself in the maelstrom of Kosovo politics. Yet, contrary to many predictions, the new government, although formed from the parties that were the backbone of the former, Milošević's regime (the Socialist Party of Serbia and the Serbian People's Party, formed after the break-up of the extremely right-wing Serbian Radical Party) turned out to be much more cooperative with the West, than the previous, Tadić's government. It immediately accepted everything in regards to Kosovo that had been agreed by Tadić's government, and decided to raise the talks between Belgrade and Pristina to a higher level, of prime ministers. So, on October 18, 2012, the new Serbian Prime Minister Ivica Dačić met Kosovo Prime Minister Hashim Thaci in Brussels, under auspices of the High Representative of the EU Foreign Affairs Catherine Ashton. After this meeting, the two Prime Ministers met nine more times in Brussels by April 2012, under auspices of Catherine Ashton, who is in charge of the foreign policy in the European Commission.

At the first meeting of Dačić and Thaci, it was agreed to continue the initiated dialogue between Belgrade and Pristina, which was virtually frozen since the election campaign in Serbia, in the spring of 2012. The US and Brussels strongly supported this meeting, and just a few days later, foreign ministers of Great Britain and USA, as well as the High Representative of the EU Foreign Affairs Catherine Ashton arrived in Belgrade. All of them strongly supported the Belgrade-Pristina dialogue continuation. More importantly, during their stay in Belgrade Hillary Clinton and Catherine Ashton said recognition of Kosovo would not be demanded from Serbia, thus leaving Serbia with the option to continue the road of the European integrations, and at the same time remain faithful to her constitution, which treats Kosovo as a part of her territory.

During the second meeting between Dačić and Thaci in Brussels, on December 4, an agreement was reached on the four administrative/ border crossings between Central Serbia and Kosovo to start functioning by the end of December. It was agreed that there would be no customs charge for the goods transported to the Serbs in the north of Kosovo, or any state symbols, neither of Serbia, nor of Kosovo, at Kon-

čulj, Merdare, Jarinje and Brnjak crossings. The administrative crossings would be managed by Serbian, Kosovo and EULEX policemen. Also, it was agreed that the representatives of Belgrade and Pristina authorities would be appointed at the EU delegations in Belgrade and Pristina, as liaisons and dialogue officers. The High Representative of the EU Foreign Affairs Catherine Ashton was the warrant of these agreements.

In the meantime, on January 13, 2013, Serbian Parliament adopted a resolution on Kosovo. All major parliamentary parties voted for the resolution, in which Kosovo and Metohija were treated as Serbia's autonomous region, and Serbia's attitude never to recognize Kosovo's independence was repeated. The resolution also stated that the government would continue the implementation of already reached agreements and that the progress in the negotiations with Pristina should lead to faster integration of the entire region into the EU. However, it seems that the most important part of the resolution was article 1, in which it was stated that : "all jurisdictions that, as a result of the negotiations, would be entrusted to the temporary self-government institutions in Pristina, shall be confirmed by a constitutional law and transferred to the autonomous region organs".

With such approach, Belgrade government wanted to create political and legal framework for the negotiations with Pristina, regarding the future status of the north of Kosovo and the so called parallel structures in the north. In particular, based on such attitude, Belgrade government got the opportunity to transfer to Pristina some of the legal powers belonging to the north of Kosovo institutions, as was demanded by the Western powers, and retain some of them in the Northern Kosovska Mitrovica, keeping all of them within Serbia, for Kosovo is still treated as her autonomous region. Thus the government at the same time opened the possibility to get the date for the beginning of the negotiations with the EU in the foreseeable future, and at the same time avoid accusations of "betrayal" of Kosovo in exchange for the European integrations, because the whole process is still being conducted within Serbia, at least when it comes to Serbian legal system.

According to the previous agreement of January 17, 2013, the dialogue between Serbian and Albanian side was continued, at the highest level, in Brussels. As Serbian Prime Minister Đačić said, it was agreed that the customs fees from the administrative crossings would be paid into a special Fund for the north of Kosovo municipalities' development, under auspices of the EU. As every time during these negotiations so far, Pristina's interpretation was completely opposite, so that Kosovo Prime Minister Thaci stated this round of negotiations was

marked by the beginning of agreeing to dismantle the parallel institutions in the north. He interpreted the agreement on the customs as if they would be paid under Kosovo's laws, into Kosovo's budget.

After this meeting in Brussels, Prime Minister Dačić for the first time mentioned, within the overall solution of the issue, the possibility for Kosovo to have the UN chair. As he said, Serbia does not have the means to block Kosovo's admission to the UN, but her friends China and Russia do. This statement by Prime Minister Dačić has caused fierce reactions in Serbia, where many politicians indirectly or directly criticized the Prime Minister for the statement, including the President of Republic himself, Nikolić. Still, it was the first time since the beginning of the negotiations that any influential politician in Serbia mentioned the possibility for Kosovo to have the UN chair.

The next six rounds of negotiations were dedicated to the north of Kosovo and solving the issue of the so called parallel institutions of the Serbs in the north of Kosovo. These rounds of the negotiations took place from February until the beginning of April 2013. The core of the dispute concerned the issue of the proposed Association of Serbian municipalities' jurisdiction, because Belgrade asked for much wider powers than Pristina was ready to accept. Serbian side requested that the Serbs have their own police forces within Kosovo police, as well as their own first instance court within Kosovo judicial system. These requests were interpreted by the Albanian side and the US as a wish to create a Serbian entity within Kosovo, on the model of Republika Srpska within Bosnia and Herzegovina. According to the American ambassador in Belgrade Kirby that did not turn out to be a good solution, therefore the US opposed wider jurisdictions for the Association of Serbian municipalities in Kosovo. On the other hand, Prime Minister Dačić said Serbia would not go below her national interests' minimum just to be granted the negotiations for accession to the EU opening date, which means give up the executive powers for the Serbs in the north of Kosovo.

At the end of this set of negotiations, the EU offered Serbian side an agreement for which Vice Prime Minister Vučić said it was "nothing, so Serbia has nothing to refuse when it comes to Brussels offer, for Belgrade was actually offered nothing". The issues of police forces and judicial system weren't even mentioned in the offered agreement.

In mid-March the high delegation of the ruling German CDU party, headed by **Schockenhoff**, came to Belgrade again, having visited it in September 2012. The aim of this visit was to see what Serbia has done to fulfil the seven conditions which were presented by the very same delegation seven months earlier. This time, the chief CDU foreign policy advisor Falenski said that German Bundestag would tolerate

Serbia's unfulfilling of some of the previously mentioned seven conditions, if the UN chair for Kosovo was accepted.<sup>13)</sup>

Such tough stance of the German MPs and the agreement proposed to the Serbian delegation in Brussels, indicated to a negative outcome of the Belgrade-Pristina negotiations. And that indeed happened, the eight round of the negotiations ended in failure on April 2, 2013. Two sides did not manage to reach the agreement and the High Representative of the EU Foreign Affairs Catherine Ashton said the formal talks were over and wouldn't be continued. As expected, the government of Serbia refused the solution to Kosovo issue offered by Brussels on April 9, but at the same time requested continuation of the dialogue with Pristina. Serbian government explanation said the offered solution did not provide the minimum guarantees for security and life of the Serbs in the north of Kosovo and therefore it was not acceptable.

Although Catherine Ashton had said the formal Belgrade-Pristina negotiations were over, they nevertheless continued and after two more rounds of talks, finally, after over six months of negotiating and ten highest level meetings, the agreement between Belgrade and Pristina was reached on April 19. It is obvious that, just like when Serbia was granted the candidacy in 2011, what prevailed was the fact that Washington and Brussels had estimated to have exhausted all the options for pressuring and conditioning of Serbia and that it is better to have Serbia on the road to European integration than outside it. It was clear that Serbia wasn't ready to give up the right to Serbian police forces and judicial system, nor to let additional article stipulating Serbia's commitment not to prevent Kosovo becoming the UN member, even at the price of not getting the negotiations for accession to the EU opening date.

The agreement between Belgrade and Pristina was approved by the Parliament of Serbia on April 26, 2013, by the vast majority of votes. 176 MPs were "for" and only 24 "against". Against the agreement were the Serbs from the north of Kosovo, too, demanding a referendum on whether the citizens are for joining the EU or having Serbia in its entirety with Kosovo. They were replied by the Vice Prime Minister Vučić, who said he understood their dissatisfaction with the reached agreement, but that it was the maximum of what was achievable at that moment, and that it in no way means recognition of Kosovo's independence. Regardless of the Serbian government's determination to carry out the Brussels agreement, which the Serbs from the north of Kosovo are rejecting for now, it is certain that the problem of its implementation will remain the biggest challenge that Serbian government will be facing in the forthcoming period.

13) "German Christian Democrats' message to the President of Serbia", *Politika*, Belgrade, March 24, 2013.

The 15-point agreement provides for the forming of the Association of municipalities in Kosovo's Serb-majority north, whose members will elect regional police commander, which was the most important demand of Serbian side. Its acceptance meant at the same time rejection of Pristina's demand for the Association to also include three municipalities with the Albanian majority – Southern Mitrovica, Vučitrn and Srbica, which was strongly opposed by Serbian side, for in such Association the population Albanian would have had a 65% majority, compared to 35% of the Serbs. The accepted Association will have full powers over economic development, education, healthcare and town and rural planning. It is stipulated that the courts would be integrated into Kosovo's judiciary system. According to the agreement, court of appeal in Pristina will establish a panel with Serbian majority among the judges, in the parts of Kosovo with Serbian population majority.

The fourth point of the Agreement says that the Association's jurisdiction derives from Kosovo's laws and the European Charter of Local Self-Government. The fifth point stipulates that all police officers in Kosovo, including those in the north, will be appointed and paid by Kosovo's Ministry of Internal Affairs.<sup>14)</sup>

Finally, Serbian side managed to reject the Albanian intention to include into point 14 of the agreement a part in which Serbian side would commit not to prevent Kosovo from becoming a member of the UN. Instead, in the point 14 both sides committed not to block each other in their European integrations. This was accepted by Serbian side earlier, in 2012. It was particularly important for Belgrade not to accept the Albanian side's demand to actually accept Kosovo's UN membership, through point 14. That remained practically last Serbia's card in the following period, when series of other important issues in Kosovo will be resolved, like the position of the Serbs living south of the Ibar river, the status of the monasteries and churches, the issues of property, energy and telecommunications.

As a part of this Agreement, the two sides accepted that Kosovo Armed Forces will not enter the Serbian municipalities Association's territory unless in the case of natural disasters, and even then only after consent by the NATO forces and Serbian population. NATO is a warrant of this provision.

The Agreement enabled Serbian side to form the Association of Serbian municipalities, it legalized the so called "parallel institutions" of the Serbs in the north of Kosovo, provided guarantees for the Serbs living in Kosovo and enabled Serbia to speed up her European integra-

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14) "Brussels Agreement text", *Blic*, Belgrade, April 19, 2013.

tions and get the EC recommendation for the accession negotiations with the EU opening date. That should also make Serbia more attractive destination for foreign investors, particularly for those coming from the EU.

On the other hand, for Albanian side the Agreement brought easing of tensions in relations with Belgrade, opening of the stabilization and association agreement with the EU negotiations, but also Belgrade's acceptance for the Association of Serbian municipalities to be formed, and derives its jurisdiction under Kosovo's laws. Such conclusion is particularly implied by those Agreement points stipulating that the Association's powers are derived from Kosovo's laws and that all police officers in Kosovo, including those in the north, will be appointed and paid by Kosovo's Ministry of Internal Affairs. Despite of that, under this Agreement Pristina will have practically no power over the north, which will only formally, as before, be a part of the self-proclaimed state of Kosovo. All key levers of power will be in the hands of the Serbs living in the north. In addition, President of Serbia Tomislav Nikolić has already implied that if this Agreement is reached, Serbian Parliament will pass a constitutional law to confirm it, but also to one more time emphasize how everything remains within Serbia, for Kosovo is still treated as Serbia's southern autonomous region. Of course, as before, since 1999, Serbia will have virtually no powers over central and southern Kosovo.

As always, the reached Belgrade-Pristina Agreement interpretations were diametrically opposite. Thus, Serbian Vice Premier Aleksandar Vučić said that all Serbian demands were accepted by this Agreement, and Pristina's Prime Minister Thaci said that by the same Agreement Serbia "de jure recognized Kosovo", which was immediately responded by Vučić, who saying that was not true. It can be expected that for a long time Belgrade and Pristina will continue to interpret the Agreement, just as they did with most of the achieved agreements so far. Decades will pass before fervour calms down, and people who live in this region start living normal lives by each other's side.

Beside the implementation of the so far agreed issues, which is certainly a task that will take years to complete, the key issue of Belgrade-Pristina relations is going to be the UN chair for Kosovo. It can be expected that Brussels and Washington will put this issue on the agenda before Serbia's accession to the EU, and that it will be the final, ultimate condition for Serbia to become a full member of the EU. Such attitude by the USA and the EU tells that at least so far, Western powers have given up the toughest pressures on Serbia, in the first place in the form of



German demands for Serbia to recognize Kosovo's independence and establish good neighbourly relations with Pristina. It is obvious that the West has come to a conclusion that no government in Belgrade will be ready to fulfil those conditions at this moment, so instead of that strategy, a somewhat different approach of support and softer pressures was adopted. Basically, the aim of both strategies is the same – to round up, as soon as possible, Kosovo's independence in its administrative borders and to achieve that Serbia establishes “good neighbourly” relations with Kosovo before accession to the EU. The Union by no means wants to have another case of Cyprus and to accept a country that has not resolved her territorial disputes. Since Serbia's admission into the EU has been postponed for the next five to ten years, Western powers have come to a conclusion that it is better if Serbia continues her reforms and normalization of relations with Pristina, and to postpone establishment of “good neighbourly” relations for the end of that road. Thus Serbia got, at least for now, space and time to continue the reforms and diplomatic activities regarding Kosovo.

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\* Овај рад је примљен 19. новембра 2013. године а прихваћен за штампу на састанку Редакције 05. децембра 2013. године.