



Austrian National Defence Academy
Vienna

KOSOVO AGREEMENT – IMPLEMENTATION AS LITMUS TEST

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With the help of EU mediation, Belgrade and Prishtina/Priština signed an agreement in April to alleviate the conflict in Northern Kosovo. The Brussels Agreement constitutes a significant foreign-political achievement for the EU. Nonetheless, caution should be exercised: its implementation will be difficult. Radical forces, especially among the Serbs in Northern Kosovo, are sceptical of the agreement or even reject it.

Mediation by Brussels between Belgrade and Prishtina

Since spring 2011, the EU has supported a technical dialogue between the governments of Serbia and Kosovo, which is aimed at improving the living conditions of the Kosovo Serbs (5-7%) and the other non-Albanians in Kosovo. From the formal-legal viewpoint, Serbia considers Kosovo, the parliament of which proclaimed the state's independence in February 2008, still as a component of Serbia's territory. By the end of June 2013, the previous Serb province and former UN protectorate had been recognised by over 100 UN member states. Not even Belgrade can ignore this real politics fact any longer and, hence, shows its willingness to hold talks with Prishtina within the framework of the EU pre-accession strategy.

With the support of Brussels, the following technical framework agreements have been signed between the former conflicting parties so far: agreement on customs stamps, joint border controls, land registers,

personal registers, freedom of movement and the participation of Kosovo in regional cooperation forums. In the negotiation phase there is one agreement each on telecommunication and the energy industry.

Hotspot Northern Kosovo

In the Serb-dominated north of Kosovo, in which according to estimates half of the 120,000 Kosovo Serbs live, the local holders of power have rejected so far any cooperation with the Kosovo government institutions. Before the eyes of the international civilian presence and the peacekeeping force KFOR, an extralegal zone developed. Barricades set up by the Serbs are to impair the free movement in Northern Kosovo. Residents of the houses along the demarcation line in the city of Mitrovica, which is inhabited by both Serbs and Albanians, have been frequently targeted in ethnically-motivated attacks in the past years. It was obvious that without easing the problem of Northern Kosovo the technical agreements signed between Belgrade and Prishtina would hardly have a chance of being implemented.

IFK Monitor
International
July 2013



High-level Negotiations

Since autumn 2012, the Prime Ministers of Serbia and Kosovo, Ivica Dačić and Hashim Thaçi, have carried on direct negotiations. Previously, negotiations had been carried out only at the working level and the results were subject to subsequent political approval. By appointing the High Representative for Foreign Affairs and Security Policy, Catherine Ashton, as chief negotiator, the EU demonstrates that the resolution of the issue of Kosovo is of great foreign-political relevance to Brussels.

April Agreement as 'Breakthrough'

In regard to the Kosovo question, Lady Ashton, who is often rebuked by critics for her allegedly insufficient engagement for the Common Foreign and Security Policy, reached a significant political success. After various negotiation marathons, in mid-April 2013 the British High Representative made Dačić and Thaçi sign an agreement in Brussels on the normalisation of the situation in Northern Kosovo. By signing the Brussels Agreement, Belgrade in principle accepted the integration of Northern Kosovo into the constitutional order of Kosovo. Prishtina, in turn, agrees to the establishment of an 'association of Serb municipalities', which is to be given considerable autonomy in the fields of economic development, education and health issues as well as land-use planning.

Important Items of the 15-Points Plan

In accordance with the 15-points plan all Serb police officers, including those from Northern Kosovo, are to be integrated into the Kosovo police force, while other police structures are to be dissolved. A regional police commissioner, who will belong to the Serb ethnic group, is to be appointed for the four predominantly Serb municipalities in Northern Kosovo. The legal institutions of the Serbs are to be integrated into the legal system of Kosovo. The court of appeal in Prishtina will establish a branch court in Northern Mitrovica, dealing with the cases of the communities with a Serb majority.

The judges of that district court will be predominantly made up of Serbs. Moreover, the Brussels agreement provides for elections supported by the OSCE to be held also in Northern Kosovo, which will conform to the legislation of Kosovo and international standards. In addition, Belgrade and Prishtina commit to not blocking each other on their way into the EU.

No Place for Euphoria

Without doubt, the acceptance of the EU plan for Northern Kosovo by Belgrade and Prishtina is a substantial improvement of the political constellation in this part of South-eastern Europe, which is still relevant from the security-political viewpoint. Yet, only staunch optimists believe that the implementation of the Brussels-supported plan will go smoothly. Too diverse are the interests of the various conflicting parties and partners.

Subsequently, the dissimilar Serb and Albanian perceptions of the dialogue in general and of the April agreement in particular as well as of the role of the international community will be described. Sources for this are politicians from both ethnic groups, collaborators of think tanks and international organisations, whom the author interviewed during a research trip to Kosovo and Serbia.

From Scepticism to Rejection in Northern Kosovo

For the majority of the Serb politicians of the four municipalities in Northern Kosovo it seems inconceivable to integrate into the Kosovo institutions. The Serb government tries to obtain their assent to the Brussels-backed plan by underscoring the aspects of the 15-points plan that are advantageous to the Serbs and to play down the 'negative' ones. Aspects that are positive for the Serbs include the far-reaching autonomy that the Serb association of municipalities is granted as well as the Serb-dominated police and judicial systems to be installed in the areas with a Serb majority population. Negative is, from the Serb viewpoint, that these

structures are 'formally' a component of the Kosovo system. In accordance with the interpretation of Belgrade, this circumstance, however, does not necessarily have to be of great relevance in the daily lives of the Serbs in Northern Kosovo.

Irrespective of the persuasion efforts by Belgrade politicians, the Brussels-backed plan is met with a great deal of distrust in Northern Kosovo. This is not exclusively due to the fear of Albanian dominance. Especially corrupt officials and smugglers have profited materially from the extralegal zone that has existed in Northern Kosovo for a long time. The implementation of the EU plan would probably mean the end of the beneficial situation for these groups. Others are afraid that by being integrated into the Kosovo system their material existence would be threatened altogether. This affects, in particular, the Serb police officers in Northern Kosovo, who, as foreseen by the 15-points plan, are to receive the - considerably lower - pay of the Kosovo police force. Some especially radical politicians in Northern Kosovo, who belong to the nationalist oppositional Democratic Party of Serbia of Vojislav Koštunica, have announced to obstruct the Kosovo plan, if necessary even against the will of the government in Belgrade. The threats range from new barricades to founding a Serb counter parliament in Northern Kosovo.

Diverse Opinions of the Kosovo

Albanians

In Prishtina, the government of Prime Minister Thaçi makes an effort in presenting the agreement on Northern Kosovo to its public as a triple success: First, the Kosovo government, in negotiations with the Serb counterpart, would have created the preconditions for the integration of the north into the political and legal system of Kosovo. Second, Belgrade would have recognised the Kosovo government as an equal negotiating party. This would eventually result in a 'de facto recognition' of Kosovo as an independent

state by Belgrade, which, however, is certainly exaggerated. Third, the Kosovo government stresses that it has proved to be a reliable partner also vis-à-vis Brussels. A majority of the Kosovo parliamentary parties supports Thaçi's negotiation results so far.

The nationalist opposition party 'Vetëvendosje' (self-determination) is in sharp contrast to this political mainstream. It has 12 out of the 120 seats in the Kosovo government and enjoys great popularity especially with young voters. Its chairman, Albin Kurti, clearly speaks out against the Kosovo dialogue with Belgrade and against any special status for the Kosovo Serbs. Kurti, who is popular for his credible criticism of corrupt practices of the government, also criticises the presence of international missions. He claims that they squander money and restrict the sovereignty of Kosovo without real political control. Vetëvendosje wants to protest against the unbeloved dialogue with Belgrade also with extra-parliamentarian means. In the past such demonstrations had partly turned violent and been directed against facilities of the international missions.

The Serbs South of the Ibar – between Hoping and Worrying

Unlike the Serbs in Northern Kosovo, the political representatives of the Serb population south of Ibar river started to arrange with the Kosovo institutions in 2008. This behaviour is not an indicator for their support of the national independence of Kosovo, but pragmatic politics. Different to the Serbs in the north, the Serb enclaves in the south are surrounded by Albanian-dominated areas. Serb politicians in the southern half of Kosovo expect from the implementation of the Brussels-backed plan that the Serb communities in Kosovo grow closer together and that, because of this, any plans to divide Kosovo among Belgrade and Prishtina are dismissed. For the event that the implementation of the plan is obstructed in the north by radicals, they expect Albanian acts of revenge and the loss of rights, which

they have been given in the course of the Kosovo decentralisation since 2009.

The Role of International Missions

On the part of the international missions, especially the OSCE and the EU Rule of Law Commission, i.e. EULEX, are to support the implementation of the Brussels agreement. Both organisations, which are present in Kosovo with 600 and 2,250 staff, respectively, are tolerated rather than appreciated, in particular by the Kosovo Albanian population. At the same time, international missions are still an important employer and a relevant source of income in a region that does not offer rich economic options. The OSCE is to organise elections in the tense north still in autumn this year, which will only work out through sufficient political pressure of Belgrade on the local Serb holders of power.

Only with the support of EULEX can the integration of the north into the police and legal system of Kosovo work out. Serb politicians from Northern Kosovo, however, refused so far any cooperation with EULEX. They recognise only the successor mission of the previous UN administration (UNMIK) as the legitimate international civilian presence. Although the latter is still present by its own account with some 300 members in Kosovo, it limits itself to observing the political development. Largely undisputed is the still important role of the international peacekeeping force KFOR for the stabilisation process. KFOR (currently 5,000 strong) demonstrated in summer 2011 for the last time that it knows how to react to incalculable negative developments in Northern Kosovo in an adequate manner.

EU Integration Policy as a ‘Softening-up Factor’

The EU, by way of its integration policy, continues its strategy to reduce still existing conflict potentials on the Western Balkans. In this regard, the Brussels agreement was a significant partial success for the EU

foreign policy. At the end of June, Serbia was eventually ‘rewarded’ for this by the EU council of ministers with a decision to initiate accession talks in January 2014 at the latest. The EU expressed its intention to start negotiations on the Stabilisation and Association Agreement with Kosovo, a precondition for obtaining candidate status. It is still unclear whether radical forces among the Serbs and Albanians in Kosovo will disrupt this compromise scenario.

Recommendations

- The EU integration policy towards Serbia and Kosovo is to continue entailing clear conditions with regard to progress in the Kosovo dialogue.
- The proactive political approach of the EU in the issue of Kosovo would also be a model to breach the political stagnation in Bosnia and Herzegovina.
- In addition to the provisions of the Brussels agreement, also the previously agreed accords within the framework of technical dialogue between Belgrade and Prishtina are to be fully implemented.
- The EU should make Belgrade responsible in particular for implementing the Brussels agreement in Northern Kosovo.
- In implementing the plan for Northern Kosovo it should be made sure that the situation of the Serbs south of Ibar river will not deteriorate.
- KFOR, as a guarantor of peace, still plays an important role. A substantial engagement of the international peacekeeping force, including the Austrian contribution, should be continued.

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Imprint:

Owner, Editor and Publisher:
Republic of Austria / Federal
Ministry of Defence and Sports
Roßauer Lände 1
1090 Vienna

Editorial Office:

Landesverteidigungsakademie
Wien
Institut für Friedenssicherung
und Konfliktmanagement
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1070 Vienna
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Editor:

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Translation:

Gernot Fridum

Year of publication:

2013

IFK Monitor
International
July 2013