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The Beginning of the End for the Kosovo Problem? The Agreement on Normalisation of Relations between Belgrade and Pristina and its Aftermath

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The process that will bring to an end one of the most complex outstanding disputes in the Balkans may have started. After successful intensive diplomatic activity by Catherine Ashton and her External Action Service team, the long-awaited agreement on normalisation of relations between Belgrade and Pristina was signed by Prime Ministers Ivica Dačić and Hashim Thaçi on April 15, 2013. Six months of EU-sponsored dialogue between the new government in Belgrade and the Thaçi government in Pristina and ten meetings at the highest political level have finally proved fruitful. International officials, prominent politicians and opinion makers have all warmly welcomed the agreement as a historical milestone with far-reaching positive consequences for the Western Balkans. Positive consequences for the two countries in particular arrived only three days after the agreement was signed, when the European Commission recommended to the EU Council of Ministers that both sides be allowed to the next step in the accession process: Serbia to open negotiations for membership and Kosovo to sign the Stabilisation and Association Agreement (SAA).

Despite the initial satisfaction regarding the normalization of relations between Belgrade and Pristina, challenges and concerns remain. So far, the two sides have had difficulties in finding common ground regarding the practical implementation of the agreement, an issue of crucial importance for the Commission's recommendation to be taken onboard. After three new rounds of negotiations, the two parties adopted a framework implementation plan, but many important details remain to be clarified. Both Serbian and Kosovar negotiators have to engage in a difficult balancing act between what they consider to be their respective sides' long-term national interests and unfavourable domestic public opinion. The Serbian government in particular is in a delicate position as it must convince the Serbs in Northern Kosovo to accept the agreement and participate in its implementation. Serbs from Northern Kosovo on their part have been more than hesitant to comply with the Serbian government's requests.

The Provisions

The Belgrade-Pristina agreement may be interpreted in a way that provides an opportunity for both parties to declare themselves as “partial winners” of the dialogue, which is essential in garnering domestic support and establishing the agreement's legitimacy. The agreement foresees the establishment of a Community or Association of Serb Municipalities in Kosovo, which will initially include the four Serbian majority municipalities north of river Ibar in Mitrovica (Mitrovica North, Zubin Potok, Zvečan and Leposavić); Serbian majority municipalities in the south can also join upon agreement of the existing members. The Community will have a series of exclusive powers in different areas of governance such as economic development, health, education, and urban and rural planning, and its government will include a president, vice president, assembly and council. The local elections will be facilitated by the OSCE and should take place before the end of the year. The Community will also have a representative role to the central authorities in Pristina, and for this purpose it will have a seat in the Communities' Consultative Council. The Community will exercise additional competences as may be delegated by the central authorities.

In the two most sensitive policy areas, the police and the judiciary, Pristina will obtain the ultimate authority. The agreement provides that all police in Northern Kosovo shall be integrated into the Kosovo Police framework. The structure of police will reflect the ethnic composition of the local population, while Kosovo's interior ministry will appoint the police chiefs from a list of nominees provided by local Serb authorities. The judicial authorities will also be

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integrated and operate within the Kosovar legal framework. Certain privileges for the Serb minority in Kosovo will be provided through the establishment of a panel within the Appellate Court in Pristina composed of a majority of Kosovo Serb judges, which will deal with all municipalities with a Serb majority. Also, a division of the Appellate Court, with mainly Serb judges and administrative staff, will sit permanently in North Mitrovica. Finally, it is also agreed that neither side will block, or encourage others to block, the other side's progress in their respective paths toward EU membership.

The Reactions in Serbia

After signing the agreement, Serbian Prime Minister Ivica Dačić and his first deputy Aleksandar Vučić stated that at this point, the stipulated solutions represent the maximum benefits they could obtain for the Serb community in Kosovo; they also clarified that Serbia does not and never will recognize Kosovo's independence. They stressed that the Serb community in Northern Kosovo, which has been operating via Serbian state-run "parallel institutions", has now been internationally recognized, and that Serbia has even secured a guarantee from NATO that the future Kosovo army will not be able to operate in Northern Kosovo without KFOR's consent. Although the agreement does not include a formal recognition, analysts agree that Serbia tacitly acknowledges the fact that Kosovo exists independently of it, and that the preamble of its Constitution, which stipulates Kosovo and Metohija as an inseparable part of the Republic of Serbia, has become largely symbolic. The Serbian public had been prepared for such an outcome by the government. Prime Minister Dačić himself stressed on several occasions that Serbian citizens "cannot live only by the Constitution", and that instead it must adapt to the current political and social circumstances.

The document has gained strong support in both the political and the social milieu of Serbia. An overwhelming majority of 173 MPs, including those from the opposition Democratic Party (DS) and Liberal Democratic Party (LDP), backed the government's report on the political and technical talks with Pristina as well as the Brussels agreement. Only 24 MPs of the opposition Democratic Party of Serbia (DSS) and the Kosovo Serb MPs who come from various parties, voted against the report. This rare level of political consensus gives a strong legitimacy to the agreement as well as to the political elite responsible for its signing.

Beyond the parliamentary parties, only the small, traditionally nationalist, Serbian Radical Party (SRS) opposed the agreement as did ultra-nationalist movements, 'Naši', 'Dveri' and 'Obraz'. The Serbian Orthodox Church (SPC) also opposed the agreement. Dissatisfaction with the agreement was expressed by filing a request to the Constitutional Court to assess the legality of the agreement and in extreme cases, aiming death threats at some members of the government. Yet, these actions went largely unnoticed, failing to attract noteworthy support. One of few acts of opposition to the agreement took place at the opening ceremony of Belgrade's marathon, just couple of days after the agreement in Brussels was reached; activists of ultra-nationalist organisations denounced Prime Minister Dačić chanting "treason, treason". But the rest of the crowd replied with "marathon, marathon", sending a simple but loud message about where priorities lie.

The limited opposition to the agreement is even more fascinating if one is reminded that the Serbian society had in the past taken to the streets for much smaller issues. This mild opposition can be explained by examining recent opinion polls, which show that half of the Serbian population believes that the country is headed in the right direction and that the current government has the capability to improve the overall situation in the country. In a survey conducted by the Strategic Marketing on the very day of the agreement, 60% of the respondents extended their support to the policies of Prime Minister Dačić and Deputy Prime Minister Vučić regarding the dialogue with Pristina, as they believe that this will bring the country closer to EU membership. Only 23% of those polled considered this as a "betrayal of national interests".

Due to the lack of opposition, some analysts have declared that Serbian nationalism has been pushed to the political and social margins. While the power of Serbian nationalism should not be underestimated and easily written off, one can indeed draw the conclusion that the country is currently turning towards a future which includes eventual EU membership, rather than continuing past mistakes which have historically been imbued with national pride and defiance towards the politics of other European countries. Interestingly, this development has taken place despite the

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fact that nationalistic rhetoric, together with the failing economic policies of the DS-led administration, are what helped the current administration win the last elections.

North Kosovo Serbs' intransigence

In line with their compatriots in Serbia, Serbs south of the river Ibar in Mitrovica, who comprise two thirds of the total Serb community in Kosovo and who are largely integrated into Kosovar institutions, are in favour of the agreement. For them, there is no better alternative to the agreement and its provisions should be implemented immediately. As some of their representatives observed, a clash with the Serbian government over the agreement "would be tantamount to suicide".

But the mood among the Serbs from the four Northern Kosovo municipalities is different. North Kosovo Serbs have not accepted the agreement and refuse to take part in its implementation. For them, the document is unacceptable because it represents a "politically forced" agreement which violates Serbia's constitutional and legal order. More importantly, North Kosovo Serbs view the agreement as the first step towards the withdrawal of Serbian state institutions from their territory. The initial step in the resistance of the North Kosovo Serbs was to pressure the government of Serbia to call a referendum on the issue. Appearing confident about the outcome of a potential referendum, Belgrade did not explicitly reject this possibility, but opposing views regarding the referendum question have further strained the relations between the two sides. Kosovo Serbs wanted citizens to choose between Kosovo and the European Union, while the government kept the stance that the referendum can take place only if the question addresses the agreement itself. Prime Minister Dačić stated that the government cannot allow the Kosovo Serbs to drag the whole country "deeper into disaster", but would like to "reach at least the minimum consensus" rather than use coercive force to implement the agreement.

When the initial tension eased, both sides realized that they cannot achieve their goals without cooperation, hence the three rounds of negotiations between the representatives of the North Kosovo municipalities and the Serbian government that have taken place in Belgrade, resulting in limited convergence of their stances. Meanwhile, the North Kosovo Serbs have given up the referendum idea and will wait for the ruling of the Constitutional Court, which in turn will decide whether the agreement is in accordance with the Constitution of the Republic of Serbia. They have also sent an open letter to the Russian President Putin and Prime Minister Medvedev, asking for help in bringing the talks on Kosovo's status back under the auspices of the United Nations. Finally, they organized a rally in the Serbian capital, which failed to attract great numbers of protesters.

The Northern Kosovo Serbs' intransigence is a key obstacle in the Serbian government's efforts to find a compromise with Pristina in order to implement the agreement. On one side, Serbia is in a hurry to show progress on the issue, as it feels pressured from the European Union to act on this issue without delay, if it wants to commence accession negotiations in June. However, the Serbian leadership has not so far managed to convince the Kosovo Serbs to cooperate. The government has made it clear that does not intend to apply coercive measures towards the North Kosovo Serbs in order to force them to change their stance, as the agreement is only successful if it is carried out with the consent of those to whom the provisions are addressed. Hence, Serbia seems determined to persuade Kosovo Serbs to accept the agreement through continuous dialogue with their representatives, which may require precious time that Serbia does not have.





The intransigence of the North Kosovo Serbs could thus permanently damage their close relationship with Serbia, endanger the country's future with the EU and cause internal political instability; more importantly though, it could provoke Pristina to intervene more decisively in establishing total control over the North. What North Kosovo Serbs

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perhaps hope for is that by resisting the implementation of the agreement, they will eventually achieve some sort of closer association or even union with Serbia; however, such a scenario is completely unrealistic since it would entail the redrawing of borders, which is a possibility that has been vehemently rejected by the international community. Kosovo Serbs are beginning to realize this, as they find themselves increasingly isolated, with only a few marginal political forces and civil society groups in Serbia supporting them; virtually everybody else, from Pristina and the international community to Belgrade and the majority of their compatriots in Serbia and Southern Kosovo seem determined to make the Belgrade-Pristina agreement work. The recent visit of first Deputy Prime Minister Aleksandar Vučić to Northern Kosovo during which an agreement on the coordination of future operations and joint actions has been reached with the mayors of four municipalities in Northern Kosovo, could perhaps be a first sign of the new course of action of the North Kosovo Serbs. As one of their representatives put it, they have to work together with the government in Belgrade, as they, after all, “do not have a spare state”.

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