

workshop report

South East European Studies *at Oxford*

Serbia/Kosovo: The Brussels Agreements and Beyond

January 2014



St Antony's College
University of Oxford

seesOX
South East European Studies at Oxford

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Friday 29th November 2013
St Antony's College, University of Oxford

The workshop on Serbia/Kosovo: The Brussels Agreements and Beyond was organised by South East European Studies at Oxford (SEESOX) in association with the Department of Politics and International Relations at the University of Oxford and LSEE, the Research Unit on South East Europe based at the European Institute, London School of Economics and Political Science. The event was sponsored by the Centre for International Studies and Department of Politics and International Relations (University of Oxford), the Foreign and Commonwealth Office, LSEE, and NATO Public Diplomacy Division. The convenors of the workshop were Professor Richard Caplan, Dr James Ker-Lindsay and Sir David Madden. Overall, an impressive array of expertise was assembled at the workshop, where discussion was free and open in line with the Chatham House rule. The following report conveys some of the main issues and questions raised.

The report represents SEESOX's interpretation of discussions at the workshop and does not purport to reflect the views of any of the participants.

Getting to the Negotiating Table

Discussion first turned to the period leading up to the latest phase of negotiations between Serbia and Kosovo. In particular, it focused on the factors that created the conditions for the successful conduct of the negotiations. Participants presented the view of the international community, Belgrade and Pristina.

From the international point of view, the 1999 NATO intervention and UN Security Council Resolution 1244 created an uneasy stasis in Kosovo without a more permanent solution for Kosovo's status. KFOR, the NATO peacekeeping mission, was status-neutral. The international community sought to maintain the status quo, but the March 2004 riots demonstrated that it was becoming unsustainable. The likelihood of a successful

negotiated solution was small, as the Ahtisaari process demonstrated. One part of the international community therefore opted for supporting a unilateral declaration of independence by Kosovo, seeing it as the least bad way to break the deadlock. Another part of the international community objected to this and refused to recognise the new state. The Serbian side, and President Boris Tadic in particular, were commended for their restrained reaction to the situation; in particular for seeking to refer the matter to the International Court of Justice. By doing so, they chose a much less confrontational approach to opposing Kosovo's independence. The eventual ICJ decision proved to be a crucial turning point. It failed to support Serbia's contention that Kosovo's declaration of independence was

contrary to international law. But equally it did not give the Kosovo side everything it wanted. In particular, it took no stand on whether Kosovo was in fact a state. This allowed the international community to persuade the two sides to come to the negotiating table. The other key factor that transformed the situation was Serbia's application for EU candidate status. This resulted in the EU-brokered dialogue that continues to the present.

Viewed from Belgrade, it was important to understand the local context for decision-making. During the 1990s, half of Serbia believed that the problem in Kosovo was one of a democratic deficit created by Milosevic and his regime, which would be resolved through his departure. The other half believed that there was an international geopolitical conspiracy against Serbia. After 2000, discussing Kosovo's independence was a taboo. Successive governments failed to explain to the public the reality of the situation and clung on to the lowest common denominator: the idea that UNSCR 1244 guaranteed Serbia's continued sovereignty over Kosovo. Although there was considerable anger in Serbia over the unilateral declaration of independence, and Belgrade actively opposed Kosovo's independence on the world stage, supported by Russia, the ICJ verdict forced the government to change its approach.

Pristina faced a range of problems: it did not have control of the entire territory of Kosovo; governing structures were dysfunctional and under the influence of organized crime; Kosovo was an unfinished state, whose international legitimacy

was undermined by the lack of a UN seat. Additionally, its EU perspective was seen to be unequal as compared to Serbia's because five EU member states did not recognize Kosovo (although it is important to note that Britain, Germany and France did recognise Kosovo and that, generally, cooperation among the UN, NATO and the EU was good). Despite the ICJ verdict, Kosovo remained in a weaker position, in part due to the dubious international and domestic legitimacy of its leaders, but also because of its lack of experience and institutional memory in conducting negotiations. The domestic dynamics in Kosovo were particularly unfavourable in the run up to negotiations. The political elite was divided while the Prime Minister's legitimacy was undermined due to the election fraud as well as international accusations regarding organ trafficking. Moreover, Kosovo did not enter into the negotiations with a clear idea of what it wanted. Instead it had a better sense of what it did not want.

Getting to Yes

The next topic of discussion was the actual negotiations in Brussels. The workshop considered how the technical dialogue began, and some of the problems associated with it. From the beginning, in early 2011, the EU was in the driving seat of mediation efforts. Initially, EU mediators went into the talks with what was more a list of issues than a strategy. The overall objective was to bring the two sides together and resolve practical problems (low hanging fruit), which would help to build trust and thus open the way for political issues to be tackled. An example of such a

problem was the question of civil registry books from Kosovo. Serbia had most of them, but Kosovo needed them to carry out many state functions. The solution adopted was to make copies of the civil registry books and hand those to Pristina. There were a number of similar issues, including freedom of movement of individuals and vehicles, which were resolved with varying degrees of success. The establishment of integrated boundary management was a major step forward. However, the most challenging issue proved to be Kosovo customs stamps. The inability to resolve this issue successfully led to violence in northern Kosovo in July and August 2011. The issue was eventually resolved just ahead of elections in Serbia when it was agreed that the stamps would simply refer to 'Kosovo' rather than 'Republic of Kosovo'. By this time, the technical dialogue had exhausted itself. It was clear that behind almost every technical issue there was a political difficulty and that the dialogue therefore had to be raised to a higher political level.

The next phase of the dialogue emerged after the election of a new government in Belgrade. The new government, led by the Serbian Progressive Party (SNS), had to start implementing what was previously agreed in order to improve Serbia's credibility within the EU. It also became aware that Serbia's position on Kosovo was becoming weaker. Initially, Belgrade's idea was to go for a more comprehensive settlement, where nothing was agreed until everything was agreed. From Belgrade's point of view, the agreement could have gone further than it did, but in the end the idea that

a more gradual approach might be better was accepted. The representatives from Kosovo argued that there was a certain reluctance to engage in negotiations with Belgrade, particularly in light of memories and wounds stemming from the conflict. However, Pristina realized that the only way to integrate the north would be through dialogue. Serbia, for its part did not want to see the Serbs in Kosovo cut off, or to have a permanently hostile neighbour.

The idea of setting up an Association of Serb Municipalities came from the tension between Pristina's desire to dismantle Serbia's institutions and the desire of Belgrade and Serbs in the north to preserve them. The compromise solution was to 'repackage' them in their existing form but within Kosovo's administrative system. The broad sphere of competences of the Association was agreed, but many of the details were left to be thrashed out later – in a sense, both sides accepted and embraced the idea of constructive ambiguity. Much remained to be done in negotiations between Belgrade and Pristina. For example, while the First Brussels Agreement dealt with northern Kosovo, a second agreement will be needed to define the representation of Serbs in Kosovo central institutions (the majority of Serbs in Kosovo live South of the River Ibar) and the protection of cultural and religious heritage. The workshop was not therefore looking at a final deal, but at work in progress.

Implementation

In the afternoon, the focus of the The third topic of discussion focussed on

implementation of the Brussels Agreements. The April 2013 Agreement, in particular, was assessed as a plan of management of the relations between Pristina and Belgrade, rather than a clear roadmap with a series of milestones and objectives. From Pristina's point of view, the Agreement ruled out the option of creating a multi-national state in Kosovo by de facto establishing a bi-national state. By creating the Association of Serb Municipalities, governance in Kosovo had become dual. As for the impact on citizens of the negotiations, a lack of transparency during the talks backfired in allowing for a raft of interpretations and confusion about what the Agreement was aimed to achieve. As a result, the negotiations were criticized both in Kosovo and Serbia. To the Serbian and Kosovo public the Brussels negotiations were 'about us, without us'.

The term 'normalisation', which is usually offered as the main outcome of the talks, was discussed at length. It was noted that the Agreements had a meaning for top political echelons only, but had had rather less effect at the local level. For example, it was difficult for sportsmen from Kosovo to participate at world sporting events without a clear political status. Divided education was also seen by some to be a thorny issue. This would be difficult to resolve as there was no common language that Kosovo Albanians and Kosovo Serbs could use. Overall, the reality of the separate social and economic life between northern Kosovo and the rest, as well as in divided Mitrovica, was seen to be affecting social progress. To this extent, some argued

that only technical aspects of the process had so far been successful.

Kosovo representatives also noted that Kosovo, due to its acceptance of EU conditionality, had become a hostage of the Serbia-EU accession negotiations, while leaving Kosovo's EU prospects to one side and for a distant future. Nevertheless, Belgrade's willingness to compromise was a positive sign. Meanwhile, the prospects for success for the Association of Serbian Municipalities were now dependent on how the newly elected mayors would embrace the new reality.

The non-participation of Kosovo Serbs in the negotiations was viewed as of marginal importance since the majority of Serbs in Kosovo followed Belgrade's instructions. It was, however, seen as adding to the sense of lack of transparency of the process. The topic of the latest elections was also tackled, the assessment being that despite international views to the contrary, they were a clear failure on a variety of grounds, such as low turnout and the use of coercion and threats by Belgrade against Serbs. The failure of the last electoral round can potentially lead to a serious lack of confidence in the outcomes of the talks. However, any potential for a violent conflict or partition was now minimal; a view shared by all participants.

Participants

Othon Anastasakis	Director, European Studies Centre and South East European Studies at Oxford (SEESOX), St Antony's College, Oxford
Dimitar Bechev	Head of European Council on Foreign Relations (ECFR), Sofia
Dashiell Caldwell	Head of Kosovo Team, Western Balkans and Enlargement Department, FCO
Richard Caplan	Professor of International Relations, Linacre College, Oxford
Robert Cooper	Counsellor, European External Action Service (EEAS)
Milos Damnjanovic	Political Risk Analyst specialising on the Balkans
Ilir Deda	Director, Kosovar Institute for Policy Research & Development (KIPRED)
Marko Djuric	Advisor to President Nikolić of Serbia
Spyros Economides	Associate Professor in International Relations and European Politics, LSE
Dušan Gajic	Europe Correspondent, Radio Television Serbia; Chief Editor of South East Europe TV Exchanges (SEETV)
Krenar Gashi	Executive Director, Institute for Development Policy (INDEP)
James Gow	Professor of International Peace and Security, King's College London
HE Lirim Greiçevci	Ambassador of Kosovo
Joanna Hanson	Research Analyst, Foreign and Commonwealth Office
Boško Jakšić	Director, Foreign Policy Programme, New Policy Center, Belgrade
Owen Jenkins	Director, Western Balkans and Enlargement Department, FCO
Tim Judah	Journalist, The Economist
James Ker-Lindsay	Eurobank EFG Senior Research Fellow on the Politics of South East Europe, LSE
Denisa Kostovicova	Senior Research Fellow; Senior Lecturer in Global Politics, LSE
Susan Laffey	Research Analyst (Western Balkans), FCO
David Madden	Former Ambassador; Senior Member, St Antony's College, Oxford
Lucy Maizels	Research Analyst, Foreign and Commonwealth Office
Barbora Maronkova	Public Diplomacy Officer, NATO
Whit Mason	Communicator, Analyst and Strategist, Civilian Stabilisation Group
Kalypso Nicolaïdis	Professor of International Relations, St Antony's College, Oxford
Kerem Öktem	Mercator - IPC Fellow, Istanbul Policy Center, Sabancı University; Senior Member, St Antony's College, Oxford
Marko Prelec	Director of Balkans Project, International Crisis Group
HE Ognjen Pribičević	Ambassador of Serbia
Catherine Rashid	Deputy Head of Kosovo Team, Western Balkans and Enlargement Department, FCO
Elizabeth Roberts	Dean of Studies, Weidenfeld Scholarships and Leadership Programme, Institute for Strategic Dialogue
Ivor Roberts	President, Trinity College, Oxford; Former British Ambassador to Yugoslavia
James Rubin	Executive Editor at Bloomberg News; Visiting Researcher, Rothermere American Institute, University of Oxford
Jonathan Scheele	ESC Fellow, St Antony's College, Oxford
Jamie Shea	Deputy Assistant Secretary General for Emerging Security Challenges, NATO
Dušan Spasojević	International Secretary, Serbian Democratic Party
Veton Surroi	Publicist, politician and former journalist; Founder and former leader of the ORA political party
Edita Tahiri	Deputy Prime Minister of Kosovo
Max Watson	Director, Political Economy of Financial Markets programme; Coordinator, Political Economy at SEESOX, St Antony's College, Oxford
Peter Wilkinson	Desk Officer for Serbia, Western Balkans and Enlargement Department, FCO

Programme

08.45 Registration and coffee

09.15 Welcome by Othon Anastasakis, Director of SEESOX

09.30 Session I **Getting to the Negotiating Table**

What was the situation after 2008? How did the ICJ Advisory Opinion affect/change political thinking? Why did Serbia accept the EU proposal for dialogue? What were the concerns and considerations in Kosovo? What were the external and internal political factors? How did events unfold? Who helped? Who hindered? What were the carrots and the sticks?

Chair: Richard Caplan
Speaker 1 Jamie Shea
Speaker 2 Dušan Spasojević
Speaker 3 Veton Surroi

11.00 Break

11.30 Session II **Getting to Yes**

How was the process leading to the Brussels agreements planned, and conducted? Were there other models/ experiences in mind? Who were the main players? What were the main topics, and how were they ordered? What proved the main obstacles? How were they overcome? Why did the process work? To what extent were the northern Kosovo-Serbs a factor in the process? How were they handled by all sides?

Chair: David Madden
Speaker 1 Robert Cooper
Speaker 2 Edita Tahiri
Speaker 3 Marko Djurić

13.00 Lunch

14.15 Session III **Implementation**

How have the agreements been sold? Is there an implementation plan? What is the degree of support at elite and popular levels? Was there a price to pay? What have been the main obstacles to implementation to date? What will be the pace of implementation in future? What areas will need to be negotiated next? Is there a continuing security risk? How will spoilers and nay-sayers be managed? What pointers from the November elections?

Chair: Spyros Economides
Speaker 1 Marko Prelec
Speaker 2 Ilir Deda
Speaker 3 Dušan Gajić

15.45 Break

16.15 Session IV **Serbia and Kosovo: The Longer Term**

How can Serbia and Kosovo proceed towards EU membership? Can we ever expect Serbia to recognise Kosovo and under what conditions? Is Kosovo likely to offer more to Serbia and the Serbian community? How will specifics such as religious sites and state property be resolved? Are territorial questions in Kosovo and the rest of the Balkans now off the agenda? When will NATO be able to draw down and eventually exit?

Chair: James Ker-Lindsay
Speaker 1 Dimitar Bechev
Speaker 2 Boško Jakšić
Speaker 3 Krenar Gashi
Speaker 4 James Gow

17.45 End of the Workshop

18.00 Lecture by Robert Cooper
 '*Serbia/Kosovo and the place of Enlargement in EU Foreign Policy*'
Chair: Othon Anastasakis

20.00 Drinks reception and dinner



This workshop is organised by South East European Studies at Oxford (SEESOX)
in association with
the Department of Politics and International Relations (University of Oxford), and
LSEE - Research on South Eastern Europe, London School of Economics and Political Science

SEESOX would like to thank the sponsors for their generous support:

Centre for International Studies, University of Oxford

Department of Politics and International Relations, University of Oxford

Foreign and Commonwealth Office

LSEE - Research on South Eastern Europe, LSE

North Atlantic Treaty Organization (NATO)



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The workshop is by invitation only and discussions are held under the Chatham House Rule.

ABOUT SEESOX

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South East European Studies at Oxford



South East European Studies at Oxford (SEESOX) is part of the European Studies Centre at St Antony's College, Oxford. It focuses on the interdisciplinary study of the Balkans, Greece, Turkey and Cyprus. Drawing on the academic excellence of the University and an international network of associates, it conducts policy relevant research on the multifaceted transformations of the region in the 21st century. It follows closely conflict and post-conflict situations and analyses the historical and intellectual influences which have shaped perceptions and actions in the region. In Oxford's best tradition, the SEESOX team is committed to understanding the present through the *longue durée* and reflecting on the future through high quality scholarship.

SEESOX has the following objectives:

- To support high-quality teaching and research on South East Europe;
- To organise conferences, workshops and research seminars;
- To promote the multi-disciplinary study of the region within the University of Oxford (e.g. politics, international relations, anthropology, sociology, economics) working in collaboration with other Centres and Programmes within the University, including student societies;
- To spearhead intellectual exchanges and debate on these issues among networks of individuals and institutions beyond Oxford;
- To foster cooperation between the academic and the policy making communities.

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