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Event Analyses

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The April Agreement - A Step towards Normalization between Belgrade and Pristina

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Introduction

What does it take to win the Nobel Prize for Peace? Alfred Nobel was quite precise: You have to be “the person who shall have done the most or the best work for fraternity between nations.” To the surprise of many it was not only the representatives of the Albanian and Serbian lobbying groups in the US, but also the European Social Democrats which came to the conclusion that EU diplomacy chief Catherine Ashton, Serbian Prime Minister Ivica Dačić and his Kosovo counterpart Hashim Thaçi had met Alfred Nobel’s description. Their achievement: The Agreement they signed on April 19th in Brussels. The American lobbyists call it a “key and historic watershed”, the Social democrats were more cautious, calling it “a window of opportunity” to substantially advance peace.

I think the latter is closer to reality. There is an obvious tendency to overestimate the achievements and the potential of the Agreement, not only by those who laud themselves for having concluded it, but also by professional observers. A long time Balkan correspondent of a major German newspaper told me recently that it is over now and that we will not talk about the Kosovo question in two to three years anymore. Now with the April Agreement the topic will “simply fade away”. The following text argues that my colleague is probably too optimistic. I will try to show that dealing with North-Kosovo is indeed the key to a solution. But at the same time the ambiguities of the agreement and the lack of popular support, both in the Albanian and Serbian territories of Kosovo represent serious risks.

A process of Normalization?

The process of normalization through negotiations has been going on for many years, and started - unsuccessfully - with an EU-sponsored dialogue on so called “technical questions”. These negotiations could not be successful because barely hidden behind the “technicalities” stood the big question of the disputed status of Kosovo. The moment this “dialogue de sourds” was finally put on a

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higher, explicitly political level, including the Prime Ministers, and dealing primarily with North-Kosovo, things started to move.

Why is North-Kosovo essential? Since the end of the war in June 1999 it has been an actively disputed territory and became the symbol of a frozen conflict. Throughout the years this territory developed its own type of sovereignty and self-control which could not be influenced by Pristina - and less and less by Belgrade. Because the Kosovo conflict is essentially an ethnic-territorial dispute it became clear that the *de facto* undefined status of North-Kosovo was not only a risk to stability, but also a chance for compromise. How did the main actors deal with this chance?

Let's first have a look at the product of the negotiation process on North Kosovo. The April Agreement (AA) concluded on the 19th of April in Brussels is a two page paper with fifteen vaguely defined points. Its goal is, first, the inclusion of the four northernmost Serb-majority municipalities into Kosovo's legal system. Second, it foresees the establishment of a community of Serbian-majority municipalities (*Zajednica srpskih opština*, ZSO) with a significant degree of self-governance. Putting it briefly: formal Integration of the Serbian municipalities is combined with their factual autonomy. In order to create this community of municipalities, local elections had to be held.

To reach an agreement between Belgrade and Pristina in a relatively short time a lot of "constructive ambiguity" had to be put in its language. The two parties have very different perceptions on what they have agreed upon. And in the public the narratives of Belgrade and Pristina - are obviously contradictory: For Pristina the Agreement means that the territorial integrity of Kosovo has been secured. So called "parallel structures" are abolished and North Kosovo and its Serbian population will be fully integrated according to the Kosovar constitution. Belgrade reads the Agreement differently: In its view a new ethnic-Serbian institution will be created, which for the first time is recognized by Pristina and the EU. This institution, the community of municipalities or ZSO, allows Belgrade to protect and influence the Serbian population in Kosovo. In the words of a Belgrade official, the Agreement brings "more Serbia into Kosovo." In Belgrade they call the community "a kind of entity" - in Pristina, Hashim Thaçi spoke of an "NGO". It is not without irony that Lady Ashton who brokered the deal applauded the two sides for having found "a common language."

What has been the motivation to agree on such a vaguely defined agreement? All three parties (Brussels, Pristina, and Belgrade) have been under tremendous pressure to present a success. For Belgrade and Pristina the deal was a pre-condition for their next step in EU-integration. And in Serbia, Kosovo and the EU 2014 is a year of general elections. Also the new commission in Brussels will be voted in. So far Lady Ashton's endeavours as a "Foreign minister" of the EU have not been rewarded with a lot of success. A Kosovo Agreement considered historic would clearly improve the rather meagre achievements elsewhere. In Serbia the government has to deal with a very bad economic situation and should implement a harsh and unpopular austerity programme. The announced "fight against corruption" has given only limited results. The start of the EU-negotiation process in January 2014 (mainly thanks to the April-

Agreement) is a rare sign of hope and success of the government. The same goes for Kosovo. The legitimacy of its government is probably even less than in Serbia (as the results of the local election suggest) and in September there will be general elections. The start of negotiations on a Stabilization and Association Agreement (SAA) in October is therefore important. It shows that Pristina has contractual relations with Brussels although not all EU member states do recognize Kosovo as an independent state. The speed and the urge for an agreement probably explains most of the flaws the process has had so far, and the speed of the first step of implementation - the local elections - made them very problematic as well.

At this point preliminary two conclusions:

1. The Agreement has to be carried out as a radical top-down process, without including the population at all. For 14 years Serbs in the North have been supported by Belgrade in resisting by all means to the Kosovar state. They had been praised as patriots and lauded as the “piece de resistance” of a “Serbian Kosovo”. Then in less than seven months everything changed. They were told by Belgrade to take part in elections organised by Pristina and ordered to abandon some of the Serbian institutions. People had no idea about the consequences of the Agreement on their life, their jobs, their income (85 percent of the income in the North is paid by Serbia’s state sector). It was Petar Miletić, the ethnic-Serbian Vice-President of Kosovo’s assembly, who commented in December: “It is our fate (as Kosovo-Serbs) not to decide on our fate.”

2. The legitimacy of the new arrangement is not provided by a transparent let alone democratic process, but by ethnic loyalty and inter-ethnic fear. As in other cases (in Bosnia’s Dayton agreement or in Kosovo’s Ahtisaari plan) the accent is put on top down state-building. State structures are built along the conflict lines, hoping that after time that their institutions would absorb the conflict. But the case of Bosnia (and Macedonia) shows that these structures reproduce rather than solve a conflict.

It is no surprise that under these circumstances the election process was very problematic. But it is surprising that the OSCE, which organized and oversaw the elections, described them as “generally satisfactory”. Marko Prelec who was for years with International Crisis Group came to a different conclusion arguing that the electoral process, from registration of parties and voters, to public outreach, civic education and finally the campaign, was so deeply flawed as to produce a fundamentally unfree and unfair result. Besides the inaccurate registers, the polling stations opened late, security was poor and there was widespread intimidation and group voting.

This was not only the case in the first round, but also in its repetition and in the second round. A good Western source assumes that the violence in the first round which led to the cancelling of the voting process was not perpetrated by local supporters of a boycott, but by people with instructions from Belgrade who were actually afraid that the boycott would succeed. With the repetition of the first round, Belgrade gained two more weeks to put pressure, especially on people on its payroll, to vote. Led by their directors, the workers of whole state companies then went all together to put their ballots. In North-Mitrovica the election process took no less than four rounds. After the retreat of the elected

mayor, the murder of one candidate and the arrest of a second one, elections succeeded finally on 23rd of February. With a turn-out of 20 percent Belgrade's candidate was chosen. In 9 of 10 municipalities with Serbian majority the Serbian state sponsored, Serbian Civic Initiative (*Gradjanska inicijativa Srpska*, GIS), clearly won. Only in Štrpce/Shtërpçë in the very South of Kosovo it was the Serbian Liberal Party (*Srpska Liberalna Stranka*, SLS) which kept the position.

What are the foreseeable consequences of the elections? How might the new community of Serbian municipalities influence relations between the Serbian minority and the Albanian majority in Kosovo? How will the relationship between Pristina and Belgrade be influenced?

1. With its single list, Belgrade retains a lot of influence in the North and gained new influence in Serbian municipalities in the South. On the municipal level Belgrade is now the third strongest player, controlling 9 municipalities. To compare: Democratic Party of Kosovo (*Partia Demokratike e Kosovës*, PDK) Thaçi's party controls 10 municipalities, Democratic League of Kosovo (*Lidhja Demokratike e Kosovës*, LDK), the main opposition, also reigns in 9 municipalities.

2. Pristina's investment into the SLS did not pay off. "Thaçi's Serbs" as the party is called, is marginalized. Against Belgrade's offer of strengthened links with the motherland, the SLS had little chance. This indicates that also in the South the integration of the Serbian population into Kosovo's state structures did not really succeed in 14 years.

3. The establishment of the ZSO is now imminent. There are a lot of open questions how it will happen. Pristina and Belgrade have different opinions on what competencies this new body should have. Leon Malazogu, a leading analyst from Pristina, predicts that ZSO will allocate new powers from the state level and from the municipal level. It could become then a kind of ethnic entity inside Kosovo. Comparisons with the Republika Srpska in Bosnia are exaggerated. ZSO will not have veto powers to block decisions on the central level. It will rather live its own separate life from Pristina and the majority population. But the factual segregation and ethnic distance between Albanians and Serbs could rather grow than diminish.

4. This might endanger the functionality of the state as a whole. Ethnic distance can easily be turned into a perception of threat. Pristina has "used" the topic of North Kosovo for years to keep up some ethnic mobilization and to legitimize a government which otherwise did not offer much to its citizens.

Having reached the main goal to start negotiations with the EU and having agreed only on very vague terms, it is likely that the negotiation process between Pristina and Belgrade will slow down now. A first indicator of this came in the last rounds, where Thaçi and Dačić were not able to agree on the integration of Serbian judiciary into the Kosovo's system.

Conclusions

And finally let me finish with two more general remarks. Western conflict management in the case of North Kosovo is part of a long tradition. When dealing with the Balkans the local adversaries are usually not taken very seriously. Nor are their narratives of the conflict or their proposals for solutions considered as very important. That's why the Kosovo conflict even today is mostly considered as a human rights problem and a question of minority protection. And not, as most Albanians and Serbs see it: as a territorial conflict.

Another consequence of this approach: political engineering, mostly as some kind of state-building, prevails over a real negotiation and peace process. In the case of Kosovo the EU accession process is directly linked to the solution of the territorial conflict. Of course it makes sense to relate the peace process and the EU-integration process. But they have different dynamics. It is an illusion to think, that the EU-integration process leads automatically to a lasting reconciliation and peace between Albanians and Serbs. But only this is the real normalization we are looking for.