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Serbia's Resolution on Kosovo and Metohija & the Belgrade-Priština dialogue: Is there a solution after the Resolution?

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At its Extraordinary Session held 13 January 2013, the National Assembly of the Republic of Serbia adopted a Resolution on Kosovo and Metohija (officially titled: Resolution of the National Assembly of the Republic of Serbia on Basic Principles for Political Talks with Interim Institutions of Self-Government in Kosovo-Metohija). The document is supposed to act as a guideline for future talks between Belgrade and Priština and is based on a Political Platform for talks, proposed by Serbian President Tomislav Nikolić and adopted by the Serbian Government on January 9. Unlike the resolution, which takes a broader view on the issue, the platform consists of a detailed national program to settle tensions between Serbia and Kosovo, including a call for a high degree of territorial and political autonomy for the Serbian municipalities in Kosovo.

The ruling coalition, led by the Serbian Progressive Party (Srpska Napredna Stranka-SNS), was pleased with the fact that the resolution was a result of a broad political consensus; the document managed to gain the support of the President, and parliament (including the largest opposition party, the Democratic Party - DS), and was also unanimously backed by the Kosovo Serb leaders. In Serbia, the resolution is viewed as a step forward regarding the Kosovo issue, as this binding act represents the maximum scope of Serbian claims though it remains in line with Serbian policy not to recognize Kosovo's independence.

More important, however, was the reception of these documents outside Serbia's borders and the way they would affect the very dialogue between Serbia and Kosovo. Some analysts declared the resolution a failure, pointing out that it reflected more of a "Serbian fantasy" than a political reality, maintaining that the document cannot possibly be accepted by the government of Kosovo and the international community. Indeed, Kosovar officials stressed that "an issue of the North" does not exist and the only open question is the dismantling of "illegal structures", i.e. the Serbian-controlled "parallel institutions". For Kosovar authorities, the level of decentralisation and other minor features of the Ahtisaari Plan are the most they are willing to concede to the Kosovo Serbs, hence Kosovo's insistence that the resolution adopted by the Assembly of Serbia not be put on the negotiating table. In Brussels, the EU remained reserved and did not comment on the resolution, but stressed the importance of maintaining the Belgrade-Priština dialogue.

Thanks to the agreements reached in the initial meetings between the two prime ministers, Ivica Dačić and HashimThaçi, the relations between Serbia and Kosovo have moved forward. Many view the talks as small but important breakthroughs towards mutually acceptable solutions, although some fear that the insistence on the implementation of the resolution could undermine the progress already achieved.

The Resolution

The resolution derived from the unofficial "non-paper" presented by President Nikolić in mid-December. In an effort to gain the widest possible support for the document, the President held a series of consultations with coalition partners and the opposition, as well as with international actors – including foreign ambassadors in Serbia – which has led to

Serbia's Resolution on Kosovo and Metohija & the Belgrade-Priština dialogue: Is there a solution after the Resolution?

several amendments in the text. Most important among them was the removal of a disputable provision, “nothing is agreed until everything is agreed” which foresaw possible suspension of technical talks and blocking any further partial agreements with Priština. With an explanation that such agreements would “lead to the alteration of the state of affairs in the field” and “weaken Serbia’s negotiating position in the high-level political dialogue”, the provision would have actually annulled all the agreements already reached between the two sides and taken the entire dialogue process back to square one.

The resolution states that all future agreements with Priština must be in accordance with this document and all solutions must be in line with the Serbian Constitution and UN Security Council Resolution 1244. The document defines six basic principles for political talks with Priština:

- Serbia does not, and will never recognize Kosovo’s unilaterally declared independence;
- The purpose of the talks is to guarantee security and full protection of human rights, as well as the right of return and property rights for the Serb community and all other minority communities in Kosovo-Metohija;
- Serbia is obliged to maintain the implementation of all agreements which have already been reached with the other side in the dialogue, while all future talks on technical and political issues must be in line with the views and fundamental goals of the resolution;
- All powers assigned to Priština as a result of the dialogue will be confirmed by a constitutional law and transferred to governmental institutions of the Autonomous Province of Kosovo-Metohija;
- The talks should contribute to better living conditions for the people of Kosovo-Metohija, peace and stability, and the future of Serbia and the Balkan region in the European Union;
- Agreements with Kosovar representatives should be made in consultation with the representatives of Serbs from Kosovo-Metohija.

The resolution also emphasizes that Serbia will “strive to find a compromise and comprehensive solution for Kosovo-Metohija through dialogue” as Belgrade is “aware of the significance that a mutually acceptable solution for Kosovo-Metohija will have in the context of the continued and accelerated integration of the entire Western Balkan region into the European Union”. Serbia’s impending EU membership has influenced the resolution’s broad formulations, prohibiting Serbia’s negotiators from going beyond the resolution’s original framework, while making decisions and adopting measures necessary in bringing the country closer to EU accession negotiations.

While the resolution does not explicitly demand autonomy for the areas predominantly inhabited by Serb minority in Kosovo, the political platform does insist on establishing an “Autonomous Community of Serbian Municipalities in Kosovo and Metohija” (Zajednica Srpskih Opština Kosova i Metohije-ZSO KiM), that would consist of the territorial autonomy of four municipalities in northern Kosovo and other municipalities with a Serbian majority and other minority populations (such as Gračanica and Štrpce). The ZSO KiM would have jurisdiction over education, healthcare, sports, culture, public information services, environmental protection, urban planning, agriculture, forestry, mining, waterpower engineering, hunting, fishing, energy, telecommunications, trade, economic policy, judiciary, internal affairs, fiscal policy and finances, as well as the ability to establish direct cooperation with the Republic of Serbia, and the right to use their own national symbols (coat of arms, flag, anthem, etc.). Most of these points could be accommodated under the Ahtisaari Plan, except in two key areas: the police and judiciary, with which Priština would definitely disagree. In exchange for an autonomous community of Serb municipalities within Kosovo, Serbia is offering to disband its administrative structures in the North which reject the authority of Priština and prevent its efforts to exercise power in this territory.

Serbia's Resolution on Kosovo and Metohija & the Belgrade-Priština dialogue: Is there a solution after the Resolution?

The political platform also proposes a formation of a bicameral assembly in Kosovo, which would include an upper house called "the House of Regions and Religious Communities", and a lower house, "the House of Citizens." This would guarantee seats for Serbs and the other, non-Albanian population, as well as the establishment of a special contractual relationship between the Serbian Orthodox Church (SPC) and Kosovar institutions that would guarantee legitimacy of SPC premises, property and activities in Kosovo's territory.

Meeting half way

One of the positive aspects of the resolution is that it legitimizes Serbia's dialogue with Kosovar authorities and sets a foundation for continued political discourse between the two sides as a permanent principle and legal obligation. Furthermore, through the resolution's provisions regarding the establishment of the autonomous Serbian municipalities within Kosovo, Serbia is - contrary to some expectations - abandoning Kosovo's partition as its goal, while its offer to withdraw its administrative structures from the North demonstrates that Serbia goes at great lengths in its efforts to find practical solutions for normalising relations with Priština. However, the resolution only represents one country's vision on how the problematic issues are to be solved, and what might be a fair trade for Belgrade is understandably not seen likewise by Priština.

The government of Kosovo is not interested in accepting any proposal contained in the resolution as long as Serbia does not officially recognize Kosovo's self-declared independence, which Belgrade explicitly discarded as an impossible scenario. On an international level, the rejection of all of Serbia's proposals would shift the responsibility for the continuation of the dialogue to Priština's side, and thus further complicate Kosovo's EU integration process. Domestically, it might further complicate relations with the Northern Serbs, whose growing discontent would not leave much room to find a compromise regarding their issues. On the other side, it was clear from the beginning that Serbia's resolution could not be entirely accepted by Priština; this would trigger accusations that the Kosovar government was betraying national interests, increase internal political instability and produce a spill-over effect on the ethnic Albanian minority in the Preševo Valley. Ethnic Albanians of the Preševo Valley have already introduced demands for a same degree of autonomy within the Serbian state as Kosovo Serbs would enjoy.

Possible convergence of the two remote stances could be found in the resolution's stipulation that all powers vested in the Kosovar authorities through dialogue are to be ratified in a constitutional law and implemented in Kosovar institutions. Although the suggestion assumes that Kosovo is Serbia's province and not an independent state, this could be satisfactory for both sides. For Serbia, it would pave the way for the improvement of relations with Kosovar authorities, while acting in line with the country's constitution and their non-recognition of Kosovo. For Kosovo, this opening through the aforementioned provision, although it would not change its formal relationship with Serbia, it would bring significant practical advantages for the time being.

The latest rounds of talks between Belgrade and Priština, which have finally tackled the issue of the North, have justified the fears of critics who thought that Serbia's resolution would be difficult to overcome. Although the two sides managed to reach an agreement on a future "Community of Serbian Municipalities" which would replace the Serbian "parallel institutions", the executive powers of this "Community" remain an open and problematic question, especially when it comes to the police and the judiciary. This dispute has brought the political dialogue into a new stalemate, with both sides unwilling to soften their stance. Recent intensified efforts on the part of the EU in bringing the two sides closer together is the last glimmer of hope in the protracted dispute. It is evident that the two sides need a third party to emphasize the importance of finding a solution for the open issues, because they do not have the will or the strength to reach a compromise on their own. Not wishing to jeopardise their EU integration process,

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Belgrade and Priština may decide to meet half way in the forthcoming rounds of the dialogue; although both feel that a solution has never been closer, it can only be realised if the reward of EU membership remains in sight.

It is quite clear then that the key for progress in the relations between Serbia and Kosovo is neither in Belgrade's firm stance that it must not accept anything less than what is written in the resolution nor in Priština's refusal to reconsider some of the document's proposals. The reality is that Serbia is not willing to recognize Kosovo's independence, and in that sense, the resolution has not brought anything new. Hence why the issue of recognition should be put aside, and the two sides should focus on finding a mutually acceptable solution for the North. When put in the context of European integration, it is of great importance for both Belgrade and Priština to solve the "northern problem" as it will benefit all citizens of Serbia and Kosovo. Sporadic incidents and increasing tension between the Serbian and Albanian populations in Kosovo and the Preševo Valley create additional pressure for the governments of both countries to swiftly resolve the issue.

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