



Weekly Briefing

**Serbia political briefing:
Brussels Agreement: ten years after
Ivona Ladjevac**

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Emerging of new (political) entity on the political scene of Serbia

Summary

The Brussels Agreement was signed a decade ago. It was negotiated for six months before it was signed by then Serbian Prime Minister Mr. Ivica Dačić and so-called Kosovo Prime Minister Mr. Hasim Thaci and by High Representative of the European Union for Foreign Policy and Security Ms. Catherine Ashton on behalf of Brussels. That was the historic agreement that was supposed to mark the beginning of the coexistence of the two peoples in Kosovo and Metohija and the normalization of relations between Belgrade and Priština. However, even ten years after the signing, the implementation of the key part of the agreement - the formation of the Union of Serbian Municipalities – is still waiting to be realized.

Introduction

The Brussels Agreement, the first agreement on the principles governing the normalization of relations between Belgrade and Pristina, was signed in Brussels on April 19, 2013, after six months of negotiations and ten rounds of talks¹.

The agreement was signed by the then Serbian and Kosovo prime ministers Ivica Dačić and Hashim Thaci, with the mediation of the EU High Representative for Foreign Policy and Security Catherine Ashton. In 2013, the current president of Serbia, Aleksandar Vučić, held the position of first deputy prime minister and participated in the Brussels negotiations.

The Brussels Agreement and its implementation

The Brussels Agreement consists of 15 points, six of which refer to the Community of Serbian Municipalities (in Serbian: Zajednica srpskih opština - ZSO). Other points relate to the integration of Serbs into Kosovo's judiciary and police, reaching an agreement on telecommunications and energy, holding local elections in the north, as well as an agreement

¹ The Brussels Agreement, The Government of the Republic of Serbia, <https://www.srbija.gov.rs/cinjenice/en/120394>, accessed on: 19/04/2023.

that neither side will block or encourage others to block the other's progress on its European path.

In the first point, it is stated that there will be an Association/Community of municipalities where Serbs form the majority population in Kosovo. Membership will be open to any other municipality provided by members consent.

As stated, this Community will be established based on the Statute. It can only be dissolved based on the decision of the participating municipalities. Legal guarantees will provide governing law and constitutional law, including the two-thirds majority rule.

The structures of the Community will be established on the same basis as the existing Statute of the Association of Kosovo Municipalities, for example the president, vice president, Assembly, Council.

In accordance with the competencies assigned by the European Charter on Local Self-Government and Kosovo law, the participating municipalities will have the right to cooperate in the collective exercise of authority through the Community.

The Brussels Agreement states that the Community will have full supervision over the areas of economic development, education, health, urban planning and rural development. Also, it is foreseen that the Community will exercise other additional competences that can be delegated to it by the central authorities.

The Community will have a representative role towards the central authorities and to that end it will be represented in the community consultative council. In order to fulfill this role, a monitoring function is provided.

However, although the Brussels Agreement was signed in 2013 envisaging the normalization of relations and the facilitation of life for the citizens of Kosovo, the Community of Serbian Municipalities still has not be formed. This part of the Brussels Agreement was not implemented even with all the objections that the Constitutional Court of Kosovo had in the decision on the constitutionality of the formation of the ZSO. The Assembly of so called Kosovo ratified the Brussels Agreement, and the Constitutional Court of Kosovo decided that the ZSO Community should still be formed.

Considering all those facts it is easy to understand that expected implementation did not occur, mainly due to the obstruction of the Kosovo authorities and their unwillingness neither to resolve destiny of the missing persons nor to form the Community of Serbian Municipalities.

Such position is criticized, at least publicly, by representatives of the international community. In that manner, the US Special Envoy for the Western Balkans, Gabriel Escobar, stated that from the perspective of the US, the formation of the Community of Serbian Municipalities is legally binding within the framework of the agreement reached 10 years ago between Serbia, Kosovo and the EU and said: “For us, it is an obligation, because we supported that process and one political party cannot unilaterally withdraw from it, so we will look for ways to realize that idea”.² Escobar added, that neither a party nor an individual cannot run away from that responsibility.³

One cannot ignore the fact that signatories of the agreement selectively assumed obligations in accordance with their unilateral interests mostly thanks to the passivity of the international community and absence of good will to implement what has been signed. It seems that both parties are “victims” of the EU's inability to solve European problems.

The only path to the establishment of permanent peace and long-term stability and the preventive elimination of new incidents and situations such as frequent ones in the north of Kosovo can be built by full implementation of the Brussels Agreements. On success of that project depends future of the region. If it fails, it is most likely that region will be stuck by unfinished and frozen conflict.

On 27th February held meeting in Ohrid has brought certain developments.

Namely, after almost six months, eight visits of European diplomats to Belgrade and ten visits to Priština, eleven points of the agreement on relations between Serbia and so-called Kosovo in Ohrid were agreed upon and revealed to the public - but not signed.⁴

In the first five sentences of the preamble of the agreement, it is stated that the two parties conclude the agreement due to responsibility in preserving peace, commitment to regional and European cooperation, as well as overcoming the legacy of the past. The most important is Annex twelve points which explains what has been agreed among parties. Related to decade

² “Kosovo 2022: Implementacija Briselskog i Washingtonskog sporazuma – put ka trajnom miru i dugoročnoj stabilnosti”, Međunarodni institut za bliskoistočne i balkanske studije (IFIMES), Ljubljana, Slovenija, <https://www.ifimes.org/ba/istrazivanja/kosovo-2022-implementacija-briselskog-i-washingtonskog-sporazuma-put-ka-trajnom-miru-i-dugorocnoj-stabilnosti/5119>, accessed on: 20/04/2023.

³ “Eskobar: Formiranje Zajednice srpskih opština je pravna obaveza Prištine”, *Euronews*, 12/01/2023, <https://www.euronews.rs/srbija/politika/74615/eskobar-formiranje-zajednice-srpskih-opstina-je-pravna-obaveza-pristine/vest>, accessed on: 20/04/2023.

⁴ “Srbija i Kosovo: Šta piše u evropskom predlogu sporazuma Beograda i Prištine, ali i šta nedostaje da bi bio potpisan”, *BBC News*, 28/02/2023, <https://www.bbc.com/serbian/lat/balkan-64794151>, accessed on: 21/04/2023.

prolonged issues, the only step forward is made by stipulation that both parties will support Declaration on missing persons. But what worries Kosovo Serbs is that constitution of the Community of Serbian Municipalities is not directly mentioned. Instead, there is formulation “Kosovo will immediately start negotiations within the dialogue led by the EU to achieve an adequate level of self-government for the Serbian community in Kosovo, in accordance with previous agreements reached in the dialogue.”⁵

Soon it will be clear if this agreement will share destiny of all previous. It is very likely that people in Kosovo and Metohija, particularly Serbs, again will suffer because of the lack of political responsibility but plenty of hypocrisy.

Conclusion

The Brussels Agreement is essentially an important building block aimed to normalize relations between Serbia and its southern province, Kosovo and Metohija, after self-proclaimed independence in 2008. This act will be never accepted by Serbia.

While some provisions of the contract from 2013 have been implemented, others have remained a stumbling block to this day, among them the formation of the Community of Municipalities with a Serbian majority in the north of Kosovo. This has seriously limited the ability of both parties to progress towards EU membership. Although Serbia opened negotiations a year after the Brussels Agreement, it has so far only managed to complete negotiations in two chapters out of 34. Kosovo has made even more modest progress. With five EU member states still not recognizing the country, they remain the only Western Balkan country that is not yet an official candidate for EU membership and their application, which they submitted last year, has not yet been seriously considered.

When in September 2022, the German-French tandem of diplomats in strict secrecy initiated the process of negotiating an agreement on the normalization of relations between Serbia and Kosovo, perhaps their ambitions reached beyond what was left on paper six months later, on February 27th.

The higher initial ambition and far more modest result through the outline of the Ohrid negotiations was confirmed by the high representative of the EU, Josep Borrell, who said after

⁵Ibidem

the meeting that at the beginning of the day, the parties were offered a far more ambitious draft of the Annex, but no agreement was reached on it. “It happened because Kosovo was not flexible enough on the matter, on the other hand, Serbia previously stated that they would not sign the agreement, although they were ready to implement it.”⁶

What follows is a new round of dialogue at the highest level will continue on May 2nd in Brussels on which occasion the President of Serbia, Aleksandar Vučić, and the Prime Minister of Priština’s temporary institutions, Albin Kurti, will discuss the implementation of agreed agreements, based on the Brussels Agreement.

⁶ Ibidem