

# Rational Dialogue between Kosovo and Serbia - Way Toward Reconciliation

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## Abstract

Within a decade, Kosovo has compromised twice: accepting the process of decentralization in order to achieve independence and international recognition, through the President Martti Ahtisaari's Comprehensive Proposal for the Kosovo Status Settlement (2 February 2007), and finally, by approving to offer autonomy for Kosovo Serbs for the sovereignty, but still within the limits of the *Ahtisaari Plan*.

Coincidentally, the same Serbian political parties which had fought three wars, resulting in dissolution of the state (Former Yugoslavia) at that time (the Socialist Party and the Serbian Radical Party), now are in power in the Republic of Serbia, and have the possibility to finally solve the Kosovo case, and to open the perspective for this part, Europe's black hole, to be engaged in global integration. Statements by senior Serbian politicians are positively shifting, compared to the radicalization of the relations between Albanians and Serbs three decades ago and it is believed that the developments will evolve towards rational choice and acceptance by the parties. Being under pressure by difficult socio-economic situation and need for integration processes, both sides undertake risky and unpopular steps by signing unclear political and verbal agreements on normalization of relations, which may produce difficult solving externalities in the future. The risk lies in the possibility of further damaging the Kosovo's "piece of the

cake”, after every refusal step by the Serbian side, which will damage the interest of Kosovo side according to the “zero sum” game. Analyses of the dialogue process between Kosovo and Serbia reflect the mixed benefits to the parties, resulting in not very soon European integration, and with hope on difficult but necessary reconciliation between Albanians and Serbs in the region. The broken, after the war established, status quo is better than entering into a protracted conflict in the middle of Europe.

**Keywords:** Kosovo-Serbia dialogue, Rational Choice, Rational Actor model, peacebuilding.

## 1. Introduction

The EU, interested to capitalize the last unresolved dispute in its yard, between Kosovo and Serbia, supported by US, firstly pushed Serbia to agree to hold EU-facilitated talks with Kosovo on technical issues, rather than on political and the question of Kosovo’s status. After rounds of talks on technical items, the Commission recommended that Serbia be given the status of a membership candidate if it re-engages in the dialogue with Kosovo and implements already reached agreements. Secondly, the Commission recommended that Serbia be given a date to begin membership negotiations if it achieved further steps in normalizing its relations with Kosovo. Under worst socio-economic circumstances and political instability, both countries were pressurised to undertake risky and unpopular political agreement on normalization of relations<sup>1</sup> as a key toward international integrations. Agreement was followed by positive reflections by international institutions<sup>2</sup> and with certain degree of mistrust and criticism by internal factors and population.

“We do not want to isolate Serbia from the rest of the world, but we have to protect our interests. It is highly important that we reach an

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<sup>1</sup> Text of historic agreement between Serbia and Kosovo, Friday 19 April 2013, available from:  
<http://www.europeanvoice.com/page/3609.aspx?&blogitemid=1723>, accessed 21 January 2014.

<sup>2</sup> Serbia and Kosovo reach landmark deal, available from:  
[http://eeas.europa.eu/top\\_stories/2013/190413\\_\\_eu-facilitated\\_dialogue\\_en.htm](http://eeas.europa.eu/top_stories/2013/190413__eu-facilitated_dialogue_en.htm), accessed 21 January, 2014.

agreement.”<sup>3</sup> This sentence expresses the “rationalism of the Serbian politics” regarding the possibility of reaching an agreement with Kosovo on Kosovo-Serbia dialogue mediated by the High Representative of the European Union, Catherine Ashton. The wording of the sentence indicates the tendency of Serbia for a win-lose solution. This policy is also a base of what happened during the 90's when Serbia was allowed to pursue their prey for other territories of Former Yugoslavia. Aggressive behavior of Serbia related to Kosovo is a result of the stony-faced Serbian expansionist philosophy and mentality of artificially created myth "Kosovo-cradle of Serbia", which was often and silently accepted by certain political circles in Europe and the world. This paper will analyze the performance of negotiating delegations at certain stages of the process towards "self - interest as the foundation of political behavior"<sup>4</sup>, meaning achievements of the highest benefits<sup>5</sup> associated with the requests of the parties.

Rational Choice Theory as a scientific approach and mechanism to analyze the human behavior in political decision-making is used as a basis to analyze the Kosovo-Serbia dialogue held during April 2013.

In addition, will be explained the tendency of both parties to extract as much internal resources as possible which are influential in their decision about possible outcomes.

The agreement reached between the two most warring populations in the Balkans, Albanians and Serbs, is very important and brings a new quality in the behavior among other populations in the region. The purpose of this article is to analyze the perspective of the Kosovo-Serbian dialogue in light of Rational Choice Theory and models derived from this theory such as Rational Actor, Organizational Process, and Government Policies,

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<sup>3</sup> Serbia rejects EU-brokered deal for Kosovo, calls for more negotiations, available from: [http://www.washingtonpost.com/world/europe/serbian-official-serbia-will-reject-eu-brokered-deal-for-kosovo/2013/04/08/13a9ccca-a03b-11e2-bd52-614156372695\\_story.html](http://www.washingtonpost.com/world/europe/serbian-official-serbia-will-reject-eu-brokered-deal-for-kosovo/2013/04/08/13a9ccca-a03b-11e2-bd52-614156372695_story.html) , Associated Press, accessed April 8, 2013.

<sup>4</sup> Downs, Antoni. *An Economic Theory of Democracy*. New York: Harper & Row, 2005. p. 22. Taken from Debu Ghandi, *Rational Choice Theory in Political Science: Mathematically Rigorous but Flawed in Implementation*, Critique: A worldwide Journal Politics, faqe 81. Available from <http://lilt.ilstu.edu/critique/spring2005docs/DebuRationalChoicePaper.pdf>, last accessed 16 April 2013.

<sup>5</sup> *Serbian PM Ivica Dačić: State officials demonstrate complete unity "Kosovo has been given elements of subjectivity that we now cannot dispute and we need to try to save as much as we can"*. Available from: <http://www.invest-in-serbia.com/government-activities/3152-pm-state-officials-demonstrate-complete-unity.html> , accessed, 20 January, 2014.

which are very often overlapped and do not have any sharp line of division in order to distinguish them. Emphasis is on the individual level of analysis, in particular on the two heads of negotiators. The article was written immediately after the acceptance of the agreement from the two parts and as a result the documents accompanying the agreement might not have complete information and as such their content may result in an error in the analysis.

## 2. Opening of the negotiations

Serbian governments and politics were not silent before, and especially not after the sad news to them that the International Court of Justice has acknowledged Kosovo's independence<sup>6</sup>, which confirmed the regularity of *Independence Proclamation*. After EU request on normalizing the relations between disputed sides,<sup>7</sup> as a way toward integration processes and US support,<sup>8</sup> both countries recognized that there are no other choices, except negotiations, including political ones. Prior the political talks, Kosovo and Serbia discussed and achieved several technical agreements<sup>9</sup>.

The rejection by Serbia, of the first version of the agreement offered by EU mediator, C.Ashton, had a dual purpose: to provoke the possibility of revising the first version to be more "accessible" to Serbia as well as the possibility of selling it's "yes" for a higher price in terms of the benefit aid

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<sup>6</sup> Press Release by ICJ, available from: <http://www.icj-cij.org/docket/files/141/16012.pdf>, last accessed , 19 April, 2013.

<sup>7</sup> See Council Conclusions on Enlargement and Stabilization and Association Process, 3210 General Affairs Council Meeting in Brussels available from: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/genaff/134234.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/134234.pdf), last accessed 12 May 2013. Also, See EU Commission Enlargement Strategy 2012-2013: available from: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2012/package/strategy\\_paper\\_2012\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/strategy_paper_2012_en.pdf) ,

<sup>8</sup> U.S. Senate Committee on Foreign Relations, "Testimony of Tracey Ann Jacobson Ambassador-Designate to Kosovo" „normalisation of relations require a durable *modus vivendi* that respects Kosovo's sovereignty, takes into account the views of the citizens of the north, and allows both Kosovo and Serbia to proceed on their respective Euro-Atlantic paths." March 21, 2012, available at: <http://www.foreign.senate.gov/hearings/nomination-3-21-12>. Last accessed, 24 December, 2013.

<sup>9</sup> See KIPRED, Policy Paper No. 4/13, July 2013, The Implementation of Agreements of Kosovo-Serbia Political Dialogue.

package by the EU. With this, both leaders will be justified before their citizens by saying that "we did what we could at best and there are no chances of dealing with the entire world to have Kosovo under Serbia", as determined by the Serbian constitution. In a such maneuver in order to extract as much influential sources in its foreign policy, Serbia included also religious factor, the Serbian Orthodox Church, in an effort to prove to the of international factors that the political position of the Serbian leadership is the voice of the people articulated through religious attitude<sup>10</sup> (shows the state insecurity) as pressure on its leadership toward the outcome of agreement with Kosovo. In this case, the views of some political parties and influential figures in the former Serbian policy on accelerated need to accept the plan offered by the EU mediator were not taken into account. Furthermore, Serbia seems to have given up toward rational choice, accepting painful steps for Serbia related to Kosovo, as stated by Serbian deputy prime minister A. Vučić.<sup>11</sup> After continuing and additional concessions due to the Serbian requests, the agreement was accepted and had mostly positive opinions in Serbia, except the reaction from V. Kostunica's party, who classified the agreement as betrayal and made threatening statements toward Serbia's negotiation leaders.

In the process, the Serbian side maximized its gains while the Kosovar side showed not enough aggressiveness in maximizing the necessary value of externalities, as theory states<sup>12</sup>, which had the effect of the new version, which was poorer and at the expense of Kosovo. In Kosovo there were mixed reactions, from those who have given qualification hymns of glory, to those aiming to sabotage the ongoing state-building in Kosovo and continuation of involvement by Serbia into Kosovo internal affairs and temptation by Self-Determination Movement to obstruct voting at the Assembly.

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<sup>10</sup> Serbian Patriarch Irinej appealed on behalf of the Serbian Church, to the Serbian head of state to not deviate from the pre-election promises and electoral belief that at this time " in stormy and turbulent circumstances not to sell, betray Kosovo and Metohija ", available from:

[http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=08&nav\\_category=640&nav\\_id=703000](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=08&nav_category=640&nav_id=703000), last accessed, April 8, 2013.

<sup>11</sup> Vucic Warns Serbia of 'Painful' Kosovo Decisions, available from:

<http://www.balkaninsight.com/en/article/vucic-warns-serbia-of-painful-kosovo-decisions> accessed 23 May, 2013.

<sup>12</sup> Ostrom, Elinor. 1998. A behavioral Approach to the rational Choice Theory of Collective Action Presidential Address, *American Political Science Review*, Vol. 92, No.1, 1998. p. 9.

### 3. Dialogue as a rational approach on solving the Kosovo-Serbia dispute

The Kosovo Assembly, on 18<sup>th</sup> October 2012 adopted a "Resolution on Normalization of Relations between Republic of Kosovo and Republic of Serbia" which supported the process of negotiations, stating that every agreement should be in compliance with the Kosovo Constitution and not about political issues, conditioned if that is the case then they must be ratified by the Assembly. However, the level of negotiations shifted to very political matters.<sup>13</sup> Kosovo's delegation closure toward public of ongoing processes raised the fear and suspicion to the people and opposition political parties on possible worst outputs from the negotiations.<sup>14</sup>

In the past, Kosovo and Serbia had some confrontational dialogues between them since 1999 until now; the Rambouillet Agreement, the negotiations for the status led by former Finnish President Martti Ahtisaari, those of "technical issue", and last round of settlement for northern Kosovo or as stated in the original version, "The first agreement of principles that lead to the normalization of relations". Besides some technical issues, which began to be implemented mutually, three other proposals mediated and proposed by the international factor were not accepted by Serbia. Through the dialogue style "pull but do not snap", through rejecting the initial offer, Serbia benefited by making significant reductions to the agreement at the expense of Kosovo's positions. It turned to the medieval decision-making when role of church was crucial<sup>15</sup>, thinking and understanding of dialogue as a means to benefit only one party, in this case-Serbia. Such "rebel" Serbian behavior never produced any benefits, except the last one, but did prevent Kosovo's stabilization, state-building and its peace building. Once Serbia "won" bombs in response, the next time the dialogue lasted for four

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<sup>13</sup> Interview for Radio Free Europe, 04 October, 2011, Hashim Thaçi said: Political dialogue with Serbia isn't at Prishtina, Brussels and Washington table, available from: <http://www.evropaelire.org/content/article/24348764.html>, last accessed, 23 December, 2013. The same expressions were used by other Kosovo politicians, President Jahjaga, Deputy Prime minister Tahiri...

<sup>14</sup> See more at: Group for Legal and Political Studies, KOSOVO-SERBIA DIALOGUE: Windows of Opportunity or a House of Cards? Policy Analysis Number 03 - March 2013

<sup>15</sup> Samet Dalipi, (I)Racionaliteti vendimarrjës në dialogun Kosovë-Serbi, Bota Sot, April 13, 2013, p. 13.

months<sup>16</sup> without any shift from the initial position. Some of the "technical agreements" were reached in practical application. Acceptance of the second version happened after it has been convinced that the solution of the "hot" problem of northern Kosovo with this kind of offered autonomy will find comfort and durability in long-term relations between the two countries. In return for this "yes" - Serbia benefits the EU integration perspective, starting the negotiations for accession to EU<sup>17</sup>.

Despite the initial rejection of the agreement, Serbian leaders did not expect (to the right) negative reaction for their decision, they were convinced on the continuity of the dialogue<sup>18</sup>. These same attitudes were held by some circles close to the Serbian philosophy who requested to disagree with the offered proposal and, possibly, to be transferred to the UN, even though they knew that this was not a real option<sup>19</sup>.

As they expected, but also with the request of Kosovo's Prime Minister, who insisted on dialogue, Baroness Ashton called on negotiators for another meeting on April 17, 2013, in Brussels, to once again give the opportunity, as she says "turning cradle of war into the cradle of peace"<sup>20</sup> in the Balkan region. Surprisingly, American Ambassador in Belgrade Michael Kirby announced that Serbia will get the date for accession to EU even without reaching an agreement with Kosovo<sup>21</sup>. In such circumstances, the Serbian side was in the position to define the limits under which the Serb position can not fall, and that, according to Serbian President Nikolić,

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<sup>16</sup> French proposal on extending round of talks for four months on the Comprehensive Proposal for the Kosovo Status Settlement was last attempt of achieving consensus, which the Serbian side again rejected.

<sup>17</sup> Serbia's long path to EU Accession, available from: <http://www.dw.de/serbias-long-path-to-eu-accession/a-17374164>, last accessed, 24 January 2014.

<sup>18</sup> Vučić: SNS decision not to sign the agreement, available from: <http://www.blic.rs/Vesti/Politika/376313/Vucic-Odluka-SNS-je-da-se-ne-potpise-sporazum>, last accessed 8 April, 2013.

<sup>19</sup> <http://www.blic.rs/Vesti/Politika/376241/Nikolic-Insistiracemo-da-se-pregovara-pod-okriljem-organizacije-ciji-smo-clan>, last accessed 8 April, 2013.

<sup>20</sup> Aston, Catherine. 2013. Normalizing Relations Between Kosovo and Serbia, New York Times, Published: April 25, 2013  
<http://www.nytimes.com/2013/04/26/opinion/global/Ashton-Normalizing-relations-Between-Kosovo-and-Serbia.html?ref=catherineashton>, last accessed 26 April, 2013.

<sup>21</sup> Ambassador SAD Majkl Kirbi kaže da postoji mogućnost da Srbija dobije u junu datum za početak pregovora o članstvu u EU i bez dogovora s Prištinom u Briselu. Available from: [http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=17&nav\\_id=705937](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=17&nav_id=705937), last accessed, 20 September, 2013.

full extension of Kosovo institutions in northern Kosovo, especially of the police, judiciary and army presence<sup>22</sup>, because this would eliminate the presence of Serbia in Kosovo, and for this they also have the support of the people of Serbia<sup>23</sup>. In this case, what attributes of state sovereignty remained to Kosovo, where, Serbia, did not foresee the same rights for Albanian minority community in Serbia? Finally, neither side won those which had designated as their red lines.<sup>24</sup>

#### 4. Analysis of such Decision-making

The flow of the unresolved issues, after the international intervention in Kosovo in 1999 and to a tolerance of self-awareness of local and international mechanisms in northern Kosovo developments, is the present negotiating process in Kosovo.

Serbia once again managed to insert the issue of Kosovo through the small door in the negotiation process after its long support and persistence from countries with secessionist movement problems and the fear of the impact of the specificity of Kosovo, despite the views of the states that have recognized Kosovo as a special case. To the Serbian rhetoric offensive, Kosovar leadership and international policymakers didn't resist not opening the doors to political negotiations, besides technical issues with Serbia.

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<sup>22</sup> Ten Serbians requirements for the agreement: Association of Serb Municipalities will have a president, parliament and executive council ( government ) seek regional police commander , the Court of Appeal should be in the northern , southern part of Mitrovica , Skenderaj and Vushtrria can not be part of the Association of Serb Municipalities ; Prishtina Army can not go into the territory of the Union of Serb Municipalities , Association of Serbian municipalities dispose of their property ; powers of the Serb Community municipalities in education, health , spatial planning , culture, information , environmental protection , agriculture , forestry , water economy , mining , all powers could financially support Serbia ; Guarantees for the status of the Orthodox Serbian Church ( SPC ) and the protection of cultural heritage ; text the agreement will guarantee European Union . In <http://www.telegrafi.com/lajme/dhjete-kerkesat-e-serbise-per-marreshje-2-31129.html>, last accessed, 14 April, 2013 .

<sup>23</sup> Nikolić: There is a limit to which Serbia must not exceed, available from: <http://www.telegrafi.com/lajme/nikolic-ekziston-kufiri-te-cilin-serbia-nuk-guxon-ta-kaloje-2-31120.html>, last accessed, April 16, 2013.

<sup>24</sup> This, at least seen in a first published version by the electronic media Kosovo without a quality of translation, available from: <http://www.telegrafi.com/lajme/ja-ctare-shkruan-ne-marreshje-2-31241.html>, last accessed, 19 April, 2013.



Analysis of decision making in Kosovo - Serbia dialogue can be simplified through very essential questions: which are the benefits for Kosovo, which are for Serbia and also the identification of mutual benefits.

The Kosovo side went to dialogue in favorable positions for, but with the undermining that dialogue is necessary for developments in Kosovo and would produce certain concessions to lure the northern part of Kosovo to be integrated into the overall building of the entire state of Kosovo. The dialogue between the parties was war in defense of the constitutionality of the Republic of Kosovo and efforts to damage as much as possible by providing greater competencies to northern residents.

Political premise of entering into a dialogue for the parties to resolve certain problems is that of maximizing the benefits through minimizing eliminations of as many of their proposed solutions. This is the principle of rational choice theory. But if both sides insist on their proposals, more populist rather than instrumental and rational, they will enter into a centrifugal vortex clash with hardly reparable possibilities; in this case the space for constructivism, will disappear.

Beside Kosovo's party behavior, which was cooperative and readily accepted the content of the agreement, this wasn't the case with the Serbian party. Kosovo delegation's behaviour was in accordance with broader support by the Kosovo influential factors in the decision-making, despite the refusal to be part of the negotiating team. Prime Minister of Kosovo, not calculating the cost and benefits, lens impression of losing characteristics of Rational Actor, calling for continued dialogue implying that Kosovo is more eager than Serbia to reach agreement, while the Serbian side rejected it as such because "it does not guarantee complete safety and protection of human rights of the Serbs in Kosovo", and for that reason, "Serbia's government will not accept the principles presented orally before its negotiating team in Brussels"<sup>25</sup> said Dačić, while the same government is not going to provide the same conditions for its Albanian citizens in the south part of Serbia<sup>26</sup>. It even happened. Usually, compromise means

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<sup>25</sup> Available from: <http://www.aljazeera.com/news/europe/2013/04/201348211411648-112.html>, last accessed, 14 April, 2013.

<sup>26</sup> During the period of negotiations, Serbia launched several activities against Albanians in south part of her. Police forces removed the statue of Albanian veterans from the square in Preshevo, confiscated the books from Albanian schools. Justice institutions released the "Gjilani group" after five years in prison because they found not guilty. See article by Branko Filipovic, Police remove Albanian rebel memorial in south Serbia, available from:

omission spun to unsatisfied, Serbia. However, in this mess of a dialogue, Kosovo did benefit from demand (which was not paved but stayed in the subconscious of both parties) to implement a symmetrical arrangement which will apply to the Albanians in southern Serbia<sup>27</sup> which, we believe, has contributed towards the reduction of the Serbian delegation requirements for Serbs in northern Kosovo.

A notable element of the dialogue momentum was temptation by Serbia to establish closer ties with the other rival of West, Russia. While efforts were made to find possibilities of reconciliation between the parties, Serbia continuously put double diplomatic pressure to democratic countries of the EU and on the other hand conducting negotiations with Russia to join the Organization of the Collective Security Treaty, which has an observer status<sup>28</sup>. Soon, the official Russian position appeared "respecting the position that whatever Serbia agrees on, is acceptable for Russia". At the same time, raising the possibility by the U.S. ambassador in Belgrade of obtaining the date by Serbia for EU membership without reaching an agreement, urged Serbia for aggressive demands on the draft agreement. These factors were significant pruning of the initial version of draft agreement.

Governments and international actors, in such cases as this historical dialogue between Kosovo and Serbia, should have Standard Operating Procedures or good calculated alternative strategies based on the model of Organizational Process. Kosovo's delegation did not give the impression (publicly) that it had something like that or at least admit that it had a prepared plan.

Based on the Government Policy pattern, the commitment of the two parties was that of solving the problem through dialogue, with the exception of a little bit more extreme groups, like Self-determination

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<http://www.reuters.com/article/2013/01/20/us-serbia-albanians-tensions-idUSBRE90J0AJ20130120> , last accessed, 19 November 2013, or related to released group, available from: <http://www.kosovapress.com/en/nacional/serbian-war-crimes-court-released-gjilan-group-5789/>, last accessed 19 November 2013, about confiscation of around five thousand books, available from:

<http://www.telegrafi.com/lajme/perfundon-operacioni-serb-ne-shkollen-shqiptare-ne-presheve-u-konfiskuan-5-mije-libra-2-37796.html> , last accessed 19 November 2013.

<sup>27</sup> Samet Dalipi, *ibid.*

<sup>28</sup> Serbia became a member of the Warsaw Pact successor: Belgrade military alliance with Russia! available from: <http://www.jutarnji.hr/srbija-u-vojnomo-savezu-odkb-s-rusima-protiv-nato-a-/1097515/>, last accessed, 17 April, 2013.

Movement in Kosovo and some parties within Serbia, which refused the dialogue, arguing that the Kosovo government should spread its authority in the north of Kosovo by sending police and security forces, or statements by the Serbian extremists that Kosovo is part of Serbia.

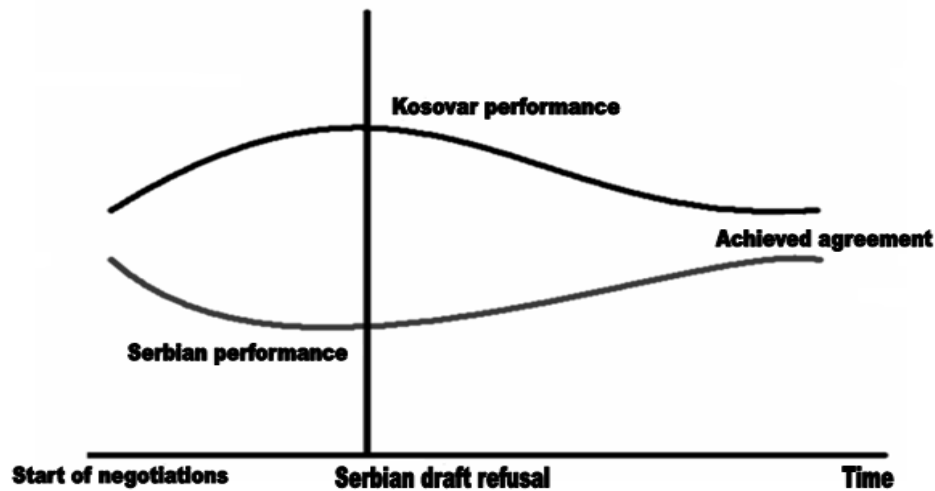
Kosovo Prime Minister had offered to build a joint team of Kosovar political spectrum but, apart from the opposition Alliance for the Future of Kosovo, AAK, others had refused participation, one to support the dialogue, the Democratic League of Kosovo, LDK, providing it should not come out of the frames of the Kosovo Constitution, and Self-Determination Movement, VV, which had opposed the dialogue itself. According to this model, inconsistencies within political parties will produce growing speculation of those who will be unhappy with the results of the dialogue. While regarding the Kosovo Prime Minister, it can be said that the dialogue process was "at his hand" and without interferences in his decision, it can not be said that it was the same for his counterpart Dačić, to whom was located the head of the Serbian governing party, Vučić, in the role of supervisor but also as distributor of responsibility through various Serb political entities. This act of "constricted ranks" in the Serbian delegation that refused first draft agreement, an action that would be seen as later, went in favor of the Serbian delegation, to win the second more qualitative option according to Serbian requirements. However, aware of the unpopularity of the agreed document, Prime Minister Taçi will call it "rational agreement, not ideal"<sup>29</sup>.

Decision makers in this dialogue had their advantages and drawbacks. The advantage of the Kosovar side degraded with time, while inferior Serbian positions came more rational compared with the original.

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<sup>29</sup> Taçi: rational agreement, is not ideal, available from:  
<http://kohaditore.com/?page=1,13,143240>, last accessed, 20 April, 2013.

**Figure 1.** Performance process by Kosovo and Serbian negotiating parties



In the reached agreement, the pressure from the economic situation and constantly scraping welfare quality of the citizens of Serbia and Kosovo and a hope that it will open the possibilities for economic revival had also huge influence. The dialogue showed division trends based on ethnicity, losing the chance, right now, for a multi-ethnic society, vigorously propagated by local and international mechanisms. Tendencies to maintain negativities on the issue of the obstruction of integration processes appeared when Serbia preserved the right to obstruct Kosovo become UN member but not preventing it from EU integrations, calculating that it can do the same with several orthodox political circles within EU countries for their ignorance and complicated long-term procedures for Kosovo membership in the EU. Therefore, Serbia managed to remove its responsibility and 'sold' itself as 'moderate' to member States of the EU, part of which family it intends to be, but Kosovo seems not to gain something very important in the process. With the created<sup>30</sup> autonomy the roads for Serbs opened wherever they are, they will have the possibility of dual citizenship and freedom of movement in Europe. Kosovo Albanians

<sup>30</sup> Ashton, *ibid.* In the end, both sides did find common ground on the level of autonomy the Kosovar Serbs should enjoy.

remain isolated even further, because of fragile institutions<sup>31</sup> challenging the future peacebuilding processes. Paradoxically, the agreement will breach the status quo but would be a “bad intertwined rope at the foot” of the Kosovo institutions in its future developments.

The main global influencing factors to the Kosovo crisis have the powerful tools to establish the sustainable peace in the last disturbed part of Europe, the economic aid, accession to EU<sup>32</sup>, friendship and emotional relations of kosovars to USA.

Kosovo will keep its territorial integrity, that is a stabilizing factor, will manage to enforce its laws, but will be challenged by the level of competencies which will be managed by the association of municipalities, courts and police which in north will be dominated by Serbs, who can be disconcerting factor in certain situations. The dialogue will produce detention in relations between the two nations, but also the efforts to find symmetry for the Albanians who compose three municipalities in South Serbia, which will push forward the peace building process in the region. In those circumstances there are chances for increasement of the number of Kosovo recognitions from the international community and the level of integration in various international mechanisms.

Final and most important negotiated product will be a reasonable compromise: territorial integrity of Kosovo with the certain degree of autonomy for the Serb minority in Kosovo.

## **5. The agreement implementation obstacles and benefits**

Serbia continuously is engaged in persuading international mechanisms not to recognize Kosovo. The EU is not going to push Serbia to change this view immediately.

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<sup>31</sup> Dalipi, S. (2012) Institutional fragility-challenge for peacebuilding in Kosovo, *Iliria International Review*, 2012/2, pp. 135-146. available from: [http://www.uiliria.org/iir/file/10\\_Samet\\_Dalipi.pdf](http://www.uiliria.org/iir/file/10_Samet_Dalipi.pdf), last accessed, 11 May, 2013.

<sup>32</sup> On 28 June, 2013, The Decisions authorising the opening of negotiations on a Stabilisation and Association Agreement between the European Union and Kosovo\* have been adopted, point 20, and to open accession negotiations with Serbia latest by January 2014, pending full implementation of the agreement reached with Kosovo in April 2013, available from: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/137634.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/137634.pdf), last accessed, 21 September 2013.

The process of negotiations was followed by daily basis incidents at the Kosovo North part. Targets were politicians, usually members willing to participate in Kosovo institutions and others.<sup>33</sup> Also, the dynamics of implementation of the agreement will be followed by incidents or unrest activities because of radical views by Kosovo Serbs individuals and political leaders. Lack of timetable activities will produce infinite delays and possibilities for future damage to the process of peacebuilding in Kosovo and region.

The process of implementation of the negotiated topics<sup>34</sup> seems to be difficult and time consuming. Problems occurred during the local election process in November 2013 and the murder of Dimitrije Janičijević, assembly member and candidate for mayor of Northern Mitrovica,<sup>35</sup> from the Liberal Party, an ethnic Serb party that is part of Kosovo's Albanian-dominated coalition government. These are all evidence of uncertainty of implementation process. All these occurrences are a result of strongly expressed statement that Serbia will never recognize Kosovo as independent state, which energizes the radical behaviors.

Obstacles to implementation of the reached agreement are those of external and internal nature. Five out of twenty-eight EU member states are still hesitating to recognize the new state of Kosovo, which is going to fuel the radical, anti- Kosovo independence opinions in a group of Serbian leaders and individuals.

Within internal difficulties, Kosovo suffers from weak rule of law institutions leading to severe problems with organized crime and high-

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<sup>33</sup> Bosniac paediatrician, Mesud Dzekovic, a customs police officer, a unit controlled by EULEX from Lithuania, North Mitrovica assembly member Dimitrije Janicijevic, were killed in separate attacks, Kosovo assembly member, the ethnic Serb, Petar Miletic was shot in front of his apartment in North Mitrovica...

<sup>34</sup> See more about the reached Agreements between two delegations, at Kipred, The Implementation of Agreements of Kosovo-Serbia Political Dialogue, Policy Paper No. 4/13, July 2013. Feasibility Study Working Group for Prishtina-Nis motorway, Exchange of Liaison Officers/A special multiethnic Kosovo Police unit to protect Serb Religious and Cultural Heritage, Energy/Telecommunications, Special Fund for Northern Kosovo, First Agreement of Principles Governing the Normalization of Relations, Association of Serbian Municipalities, Justice, Law on Amnesty, Integrated Border-Boundary Management (IBM), Regional Representation and Cooperation, Acceptance of the University Diplomas, Cadastral Records, Customs Stamps, Freedom of Movement, Civil Registry Books ...

<sup>35</sup> Ethnic Serb politician shot dead in Kosovo, by Fatos Bytyqi, available from: <http://uk.reuters.com/article/2014/01/16/uk-kosovo-murder-idUKBREA0FORZ20140116>, last accessed 15 January, 2014.

level of corruption. Kosovo and other Albanians in the region are not at peace if the same solution is not given for the Albanians in the south of Serbia.

Partition of Kosovo, as a radical view for solving the problem of Kosovo, as that of exchanging territories, will slow steps toward normalization of relations in region.

Eventhough criticized, the agreement is a corner stone for further peace-building activities and reduction of the tensions.

In order to simplify achievements data from the dialogue, I will present them cumulated in the table and they will be attributed as positive or negative to the parties, or for both parties in the dialogue.

**Table 2:** Benefits from the negotiation process between Kosovo and Serbia

| No  | Issue                        | for Kosovo    | for Serbia | For both countries |
|-----|------------------------------|---------------|------------|--------------------|
| 1.  | State sovereignty            | Positive      | Negative   |                    |
| 2.  | Implementation of Kos.law    | Positive      | Negative   |                    |
| 3.  | Institutional building       |               |            | Positive           |
| 4.  | Dissolution of Serb. Struct. |               |            | Positive           |
| 5.  | Human Rights                 |               |            | Positive           |
| 6.  | International Integrations   | Dificult      | Pozitive   |                    |
| 7.  | Economic development         |               |            | Positive           |
| 8.  | Peace promotion              |               |            | Positive           |
| 9.  | International recognitions   | Partly posit. | Negative   |                    |
| 10. | Life quality                 |               |            | Positive           |
| 11. | Freedom of movement          |               |            | Positive           |
| 12. | Serbs at Kosovo policy       |               |            | Positive           |
| 13. | Relations Kosovo-Serbia      |               |            | Positive - relaxed |
| 14. | Municipal Association        | Negative      | Positive   |                    |
| 15. | Kosovo Police                |               | Positive   | Positive           |
| 16. | Sort of autonomy             | Negative      | Positive   |                    |
| 17. | Justice                      | Negative      | Positive   |                    |
| 18. | Security Forces              | Negative      | Positive   |                    |
| 19. | International relations      |               |            | Positive           |
| 20. | Association of one ethnicity | Negative      | Positive   | Ethnic division    |
| 21. | Border management            |               |            | Positive           |

## 6. Conclusions

Based on the ongoing results of negotiations, claims and benefits, it appears that they are following win-win solution; citizens of the Republic of Kosovo, Albanians and Serbs, and Serbian policy of insistence on caring out the interest of Serbs, will profit from the dialogue. Another aspect of Serbia benefits is that of enormous political and economic integration, as



well as EU membership. For Kosovo the long and difficult process of integration, accession to EU, will begin. The best and recommended solution is that of parallel accession.

Negotiation performance of leaders in the process, with the time, went in opposite directions: high and rationally for the Prime Minister Thaçi from the beginning until the agreement rejection by the Serbian side, which will mark the fall at the end; and irrationally low at the beginning for the Serbian Prime Minister Dačić, until the refusal of the draft agreement, to be mounted after this stage, filled with the benefits of its options in subsequent rounds of negotiation.

The dialogue between the parties has been a battle in protecting the constitution of Kosovo by the Kosovo side and the tendency to damage it as much as possible by the Serbian side. Based on the limited available data one can indicate that the agreement is incomplete and ambiguous starting from its name; the possibility of the Serbian government interfering in the functioning of the Association of Serb Municipalities, municipal power asymmetry, introducing autonomous powers in the north regarding police, judiciary, economy, education, rural issues and, most importantly, ethnic delineations. This leaves room for further instability actions of malfunction in the constitutionality of Kosovo. Achieved agreement based on ethnic divides, proved once again functioning difficulties within Kosovo society, at least at this stage. Implementation of this "deal" will encounter implementing barriers not only by the both extremes parts. Here, also the systemic factors will interfere (Russia or any other) and turn it into an endless process of negotiation at the expense of the new state. Serbia, its leaders, despite the rhetoric of "not recognizing of Kosovo by Serbia", imply the new reality created in and around Kosovo, but that will be extended in time. However, primarily, unitary character of the definitions is stored by the Constitution of the Republic of Kosovo, but with the obstacles which will reduce the rush towards international integration.

Rational decision of the key players in the negotiations was influenced by the external political environment and economic pressures within countries emerging from the war. The U.S. would like to conclude the "trouble in the Balkans", while the EU as the main donor to the country and as the biggest trading bloc in the world, producing nearly quarter of the world's Gross National Product, will try to determine "the last Balkans unsolved issue in its yard". Both global influencing actors on resolving the Kosovo issue, USA and EU, will rely on political and emotional links that

Kosovo has with USA, and economic aid and the possibility of future accession which the EU provides to Kosovo and Serbia, as a basement to sustainable peace building and reconciliation between two nations, which share one of the biggest hatreds, in Europe.

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