



Analysis of the conflict arising from the negotiations between Belgrade and Pristina

From a technical to a political-security issue

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The genesis of the conflict between Serbia and Kosovo covers a long period of time in which its escalation was determined by different social contexts. Historically speaking, the current conflict is based on the Constitution of the SFRY from 1974, the bombing of the FRY in the 1990s by NATO, the pogrom of the Serbs in 2004. and the unilateral declaration of independence of Kosovo in 2008. With the necessary mention of the aforementioned events, but without delving deeper into their interpretation and significance, our analysis will focus on the period that followed. A period during which the two sides, official Belgrade and Pristina, tried, honestly or not, under the patronage of the West, to overcome their mutual disagreements. We will consider some of the most important elements of that process, how they unfolded, their consequences and why relations have not yet been normalized and are causing friction in the politically always fragile Western Balkans. The new international context, from the aspect of the events in Ukraine, caused different moods of the actors in solving the Kosovo problem. It could be concluded that Western leaders are losing patience with the authorities in Belgrade and that their intention is to end the Kosovo issue, especially bearing in mind the new security risks arising from the conflict in Ukraine. On the other hand, Belgrade, although it is running out of room for maneuver with the “[sitting on two chairs](#)” policy, sees the current weak position of Kosovo Prime Minister Aljbin Kurti on the international political scene. And therefore it resorts to moves that would have been considered drastic in previous similar situations. We will pay special attention to the latest developments, and in the light of the publication in the media of the [draft of the Franco-German proposal for the solution of the Kosovo issue, the problem with license plates in the north of Kosovo and the resignation of Serbian officials from Kosovo structures](#). In fact, after November 1, the conflict intensified due to the Kosovo side’s insistence on changing car license plates from KM to RKS, which turned from a technical issue into a political and security one. What is the relationship between these events and what consequences can they produce are the subject of this analysis.

It is especially challenging to consider the reasons for the intense reactions of Belgrade and Pristina to the implementation of a technical agreement that was agreed upon a long time ago and has already been postponed several times. One gets the impression that in addition to symbolism, because the license plates are highly visible and bear the marks of statehood, the moment on the international political scene is far more important.

In considering current events, we must first refer to the [Brussels Agreement](#), or as it is formally called the First Agreement on the Principles of Normalization of Relations between Belgrade and Pristina. The signatories of this agreement are Ivica Dacic, Hasim Thaci and Catherine Ashton, and thus the year 2013 an agreement in principle was reached after 10 rounds of negotiations. It was signed by both sides, both Serbian and Kosovo, but

its non-fulfillment still represents a permanent danger of fueling the conflict and disrupting the general stability of the region. The document contains 15 articles, of which the first 6, particularly important for the Serbian side, refer to the establishment of the Community of Municipalities with a Serbian Majority Population (CSM). The formation of the CSM did not take place, which Prishtina justifies by the decision of the Constitutional Court of Kosovo, which states that the CSM is against the spirit of the Kosovo constitution. A more detailed explanation of the court's position concerns the fact that this community is organized on an ethnic basis, and it lacks multi-ethnicity as a democratic virtue. Of course, this kind of legal formulation suits Pristina, although its real motive for opposing the establishment of the CSM is [the fear of the formation of structures similar to the Republika Srpska in Bosnia and Herzegovina on the territory of Kosovo](#). Although Kurti always refers to the verdict of the Constitutional Court when he refuses to implement the obligations assumed from the Brussels Agreement in connection with the formation of the CSM, it should be said that on November 10, 2015 [The Constitutional Court of Kosovo only temporarily suspended the agreement on the formation of the CSM](#), and that happened a day before the General Conference of UNESCO will reject the proposal for the admission of Kosovo to membership. It would also be useful to note that in the explanation of the Constitutional Court of Kosovo it is stated that the principles of the CSM can be harmonized with the legal act of the Government of Kosovo and the statute of the Community. With that, the topic is again in the focus of negotiations, and the fact that it is being talked about as something that can be achieved is confirmed by the [statements of Gabriel Escobar](#), the high representative of the USA, as well as the advisory concept prepared for the [Albanian Post](#) by international legal [experts](#). However, there were dissonant tones in the communication between the Government of Kosovo and the USA, which created the assumption that Pristina is losing the support of its most important Western partner, as well as criticism from opposition circles that [Kurti's position has been shaken](#). These disagreements are a consequence of the refusal of Mr. Kurti to accept the proposal of Western partners, primarily the [American side](#), to postpone the implementation of the agreement on changing car license plates.

As part of the negotiation process between Belgrade and Pristina, which has been going on for more than a decade, other agreements were signed that aimed to regulate different spheres of socio-economic life, on [energy](#), [telecommunications](#), and [justice](#). Their implementation in the Kosovo system suited official Pristina because it represented the completion of its statehood. The technical agreements that are directly related to the events in the first week of November refer to [freedom of movement](#), personal documents, but above all to vehicle registration plates that must now have plates issued by the state of Kosovo, not the Republic of Serbia. In this way, a situation was created in which Kosovo's statehood is clearly demonstrated, and Pristina always uses such opportunities regardless of the possible consequences. [The technical agreement on freedom of movement](#) was signed in Brussels on September 14, 2016. At that time, Kosovo agreed to extend the validity of the status-neutral license plates for another five years, and that when moving from Serbia to Kosovo and vice versa, the national markings on the license plates should be covered with white stickers. The five-year term expired on September 15, 2021. The Kosovo side has postponed the deadline for the introduction of this measure several times, but now it not only refused to accept the requests of the Western partners to postpone the decision for 10 months, but also set November 21 as the final date, so the request of the Biden administration remained unheeded.

That is why it is particularly challenging to consider the reasons for the intense reactions of Belgrade and Pristina to the implementation of a technical agreement that was agreed upon a long time ago and has already been postponed several times. One gets the impression that in addition to the symbolism, because the license plates are very visible and bear the markings of the state, the current situation on the international political scene is far more important.

Considering the proposal of France and Germany, it is important to note that this is not the first time that various [non-papers](#) related to the final status of Kosovo have been leaked to the public. This time, the European Union has the support of the USA and through a [Franco-German document](#), which is not available officially but is known only from what has been published in the media, it is made clear that the negotiations between Belgrade and Pristina must lead to a final solution to the problem and that [the possibility of another flashpoint of conflict in Europe is unacceptable](#). Also, that the two parties must themselves come to sustainable solutions within the offered proposal and take responsibility for the realization of obligations from agreements and arrangements. Finally, that Belgrade must recognize the reality of the Kosovo state, and that Pristina cannot ignore the obligations assumed from the Brussels Agreement. It has also happened

before that the Kosovo side, with its own actions, makes problematic moves for Serbia, in the hope that in this way it will start negotiations from a deadlock, especially in terms of its entry into international institutions, be it [Interpol](#) or the [UN](#). The last Kosovo action, ie. the insistence on vehicle re-registration produced counter effects. First of all, the exit of Serbian representatives from Kosovo's institutions opened the possibility for a [constitutional crisis](#) and created the conditions for additional conflicts. Until now, the Government of Kosovo has justified the non-formation of the CSM with the Constitution of Kosovo, but the Constitution also, considering that the Serbs have 10 guaranteed seats in the Parliament and the guaranteed seat of the Deputy Prime Minister, due to the departure of the Serbian List deputies from the Parliament, [mandates the calling of new elections](#). It would also mean elections for mayors in 4 municipalities in the North of Kosovo. Of course, if their places are not replaced by candidates from lists from other Serbian parties, which [would not have support from Belgrade](#). It is certain that, with the support of Belgrade, some model will be found so that at least the deputies, the representatives of the Serbs, [return to the parliament](#).

The Franco-German document is subject to changes and additions during the negotiations between the two parties with the aim of initiating negotiations towards a final agreement on the normalization of relations between Belgrade and Pristina in the following period. However, the newly created situation suits official Belgrade only in terms of maintaining the status quo. What it doesn't like are points 3 and 4 of this document, which talks about mutual respect for the integrity of states, thus suggesting the recognition of Kosovo - although the document does not explicitly mention recognition, it only proposes such a solution that would be accepted by official Belgrade and Pristina. In this way, the possibility is opened that the [5 EU members](#) who have not recognized Kosovo until now will do so, which Belgrade strongly opposes. The agreement also enables the acceleration of the European integration process, which is currently not a priority for Serbia. The accelerated accession of Serbia to the EU has so far been [compromised](#) in several ways by not opening new chapters, not complying with the EU's foreign and security policy, not introducing sanctions against Russia, [etc](#). Pristina is interested in the negotiations moving forward, especially when they lead in the direction of affirming its independence, because that is the only way it can enter the process of joining the EU, and as an independent and recognized state, the path to NATO would also be open to it. It is important for the international community that the moves of political actors do not lead to negotiations from the status of a frozen conflict returning to the starting points before the Brussels Agreement and thus push the entire region into a new crisis.

The key points of the Serbian-Kosovo conflict are the recognition of Kosovo and the creation of the CSM. The Franco-German proposal for the first point offers such a solution that will not humiliate Serbia, and for the second it requires a solution that provides institutional protection to the Serbs in the North of Kosovo. What is positive for the entire negotiation process is that neither side has decidedly [rejected](#) this proposal, although they have not accepted it either. Further rounds of negotiations give the opportunity to get out of the current crisis in an optimal way, because in the north of Kosovo there are no police, courts and other institutions that could prevent future conflicts. Many technical agreements are currently in the shadow of the current crisis, although they would greatly improve living conditions in this [region](#). A technical agreement regarding the re-registration of vehicles was imposed as a central topic, as both sides strive to take better positions before the continuation of negotiations. At this moment, it is unnecessary to expect new agreements between Belgrade and Pristina as long as there is a permanent danger of conflict, and new elections in Kosovo would only waste time and delay the approach to a solution.

With all of the above, the pattern of reactions of all interested parties in the process of normalizing relations between Belgrade and Pristina becomes noticeable:

- The West, led by the EU and the USA, has wanted the stabilization of the Western Balkans for many years, and the situation in Ukraine and the frequent reference by the [Russian side](#) to precedents in international law in relation to Serbia have again brought Kosovo's status to the fore.
- As mentioned, Serbia wants to take the best possible position in the process of normalizing relations with Kosovo and avoid formal recognition of independence.
- Kosovo, in the specific case led by Mr. Kurti, encouraged by Western criticism of official Belgrade for not imposing sanctions on Russia and non-compliance with the EU's foreign and security policy, wants to get closer to mutual recognition, regardless of the efforts of the EU and Washington to avoid the deterioration of relations between Serbia and Kosovo.