

*Attila Nagy**

THE BRUSSELS AND THE WASHINGTON AGREEMENTS IN KOSOVO IN THE FRAMEWORK OF EU POLICIES

The implementation of both The Brussels and Washington Agreements is coming as a challenge for the respective Serbian and Kosovo governments, but for the EU as well. The very complex legal and administrative solutions are posing a threat regarding the time dimension of their application, where such core agreed elements as the Association/Community of Serbian municipalities have still not been formed. Also, the comparative environment of applying such measures is challenging in the environment of the Western Balkan countries and their potential EU path. Additionally, the agreements are posing another challenge as their application would not be welcome in such a form like in Kosovo regarding their conflict resolution capacity elsewhere. Overall, the agreed constructions and their limitation only to Kosovo will break this line and through various means find a way to other post-conflict communities, ignoring both the EU and USA enforcement mechanism or their shortcomings here or elsewhere. The only partial implementation of the Brussels Agreement is challenging the EU authority in Kosovo and the wider region. Additionally, the broad and somehow unclear requirements of the Washington Agreement are challenging the future role and interest of USA in Kosovo and wider, in this case not just locally or regionally but globally.

Keywords: Brussels Agreement, Washington Agreement, Serbia-Kosovo relationship, post-conflict development, Open Balkan initiative.

1. INTRODUCTION

The very rich and complex system of the conflict resolution mechanisms in Kosovo is teaching us about many various paths in which we can proceed. It is always challenging to follow a path and even more complex to try to achieve something in a society divided such as Kosovo is. When we talk about the two recent agreements, it is evident that they are introducing crucial and complex conflict resolution mechanisms. The Brussels Agreement (BA) and the Washington Agreement (WA) both inherently consist of various norms

* Jena Centre for Reconciliation Studies, Germany. E-mail: attila.nagy@uni-jena.de.

which considerably change the current systems of life for both communities in Kosovo. In any case, the biggest success of the agreements is the fact that their implementation has started, but we can't exactly determine whether they will be fully implemented. Contrary to some previous plans for reconstruction, these agreements are much more aligned with the needs, interests and future expectations of the parties. Also, the previously established system of dictating conflict resolution paths from above has ended, as these agreements are in that sense more democratic. In such post-conflict situations democracy can't be fully applied, but the mutual agreement of democratically elected governments certainly helps. The practice of making plans and having them enforced by the international community, as the case was with the the Ahtisaari Plan was, has not been as successful in Kosovo and certainly was not as democratic. Instead, the Ahtisaari team was reliant on external actors, such as the Contact Group members, to put additional pressure on the parties and/or provide additional incentives for compromise. (Bergmann, 2017, p. 252) It is not solely the Ahtisaari plan that had a weak point - the entire UNMIK mission previously active in the Kosovo state-building project has failed to advance the society in many aspects. Therefore, the new EULEX mission did not come as a surprise to Kosovo, but the challenge of taking over the UNMIK mandate was a more complex case. Some criticism addressed at UNMIK can be now directed to EULEX as well, but the many conflict resolution aspects active now are not letting us to fully measure certain achievements. In view of this, the only way in which to avert this catastrophe was for the European Union to take over some of the governance functions and try to succeed where UNMIK had failed so badly. (Ker-Lindsay, 2011, p. 185) For a few years, EULEX has advanced the institutions in Kosovo but still not fully established the Rule of Law where the North Kosovo municipalities still completely remained outside of the Kosovo system. The BA has therefore offered a turning point in 2013, where suddenly all the territory of Kosovo was reachable by its institutions. Such an approach, although ambiguous and complex, has helped the EULEX to establish its presence and slowly develop full operational capacity in most parts of Kosovo. (Zirojević, 2016, p. 136) Every year, what is fairly fast in regard post-conflict societies, a new system or institution has been applied in Kosovo. Probably the most important institution, or invention in regards to peace and conflict resolution, is the Kosovo Specialist Chambers (KSC). Just as the formation of the KSC came as a surprise, so is the case with the WA signing in 2020, which has introduced an array of solutions which are interesting and definitely more challenging than the ones stemming from the BA.

2. UNDERSTANDING THE BRUSSELS AND THE WASHINGTON AGREEMENTS

On paper, both agreements aim to effect mainly economic changes in the relationship between Serbia and Kosovo. Probably the most important sectors which are being re-shaped by both agreements are the Energy and Telecoms (Brussels, 2013, art. 13). Regarding energy, it has to be outlined that Kosovo is an energy rich country and that, additionally, various minerals can be found in abundance. However, coupled with the issue of energy is the question of ownership over the Trepcha mines, which are being claimed by both Serbian and Kosovo governments. While the case of Trepcha awaits its future solution, both

governments have showed an exemplary understanding and paved a way for a solution regarding the energy supplies in Kosovo, particularly for unpaid electricity bills on North Kosovo. Unpaid bills will be dealt by a separate company owned by the Serbian government and managed by EPS (Elektro Privreda Srbije-The Serbian electricity distributor). Both parties will diversify their energy supplies (Washington, 2020, p. 5) as it was further agreed in Washington. This in fact means that Serbia will also open its electricity market. When it come to the issue of telecommunications, we necessarily need to mention that Kosovo has got its dial code (+383) and the phone calls between Serbia and Kosovo are possible due to BA again. Both parties will prohibit the use of 5G equipment supplied by untrusted vendors in their communications networks (Washington, 2020, p. 7). This very interesting and complex legal issue of 5G equipment suppliers will be in fact a real challenge for Serbia as the company under scrutiny in this case is the Chinese Huawei telecommunications company. Huawei has its regional headquarter in Belgrade and on the Serbian market its hardware has been used predominantly. The development of 5G networks is an issue still to come therefore at this moment this is just a case to be considered in the future. More success has been achieved regarding sharing the water supplies coming from an accumulation in North Kosovo, sharing Gazivoda/Ujmani Lake, as a reliable water and energy supply (Washington, 2020, p. 5). The case of Gazivode Lake has been a challenge for a long period of time, and, while BA provided no solutions, the WA declared that it will be shared. Infact, the water as a resource has been shared and used already, but the control over it was unclear.

There have been other challenges as well, one of the major ones being the enforcement authority or Police in North Kosovo specifically. The BA envisages that there shall be one police force in Kosovo called the Kosovo Police (Brussels, 2013, art. 7). The Police integration on North Kosovo has been concluded fairly quickly and, together with the Judicial integration¹⁶³, could be claimed as two big successes of the BA.. The Serbian judicial system in Kosovo has anyway functioned far too long without the capacity to enforce its decisions. Even though Kosovo judicial system is far from being perfect, it is still under the scrutiny of EULEX and can be regularly monitored. . The inclusion of Serbian judges into the Kosovo system was very smooth and came with many and various guarantees in BA for the Serbs in the future Kosovo judicial system. A mono-ethnic system of justice, as agreed in Art. 10 is therefore unconstitutional, and this is due to two underlying reasons: first, it makes a link between the assertion of jurisdiction on the basis of territory-ethnic line of judges/citizen, which seriously damages an independent and multi-ethnic concept of adjudication (Doli, 2019, p. 171). The overly layered and divided system of courts in Kosovo is posing a real challenge to understand who is holding the authority over a certain case – more specifically, in Kosovo we have the functioning EULEX courts and the Kosovo Specialist Chambers (KSC) functioning in the Hague overseeing the past War Crimes that took place on Kosovo territory. While Kosovo has gained authority over its entire territory regarding the judicial authority, Serbia has given up on its un-functional courts and also transferred the burden of serving justice in Kosovo to EULEX and the KSC respectively.

¹⁶³ The judicial authorities will be integrated and operate within the Kosovo legal framework (Brussels, 2013, art. 10).

3. LOCAL POTENTIALS AND THE FUTURE MUNICIPALITIES, TERRITORIES, AND AUTONOMIES

The two agreements establish a very complex system of local administrations. Even before the Association/Community of Serbian Municipalities (A/C) is being established, the administrative system on North Kosovo is already complex and varies between a local administration via a territory with a special treatment to an autonomy like a separate entity. Probably this is one of the reasons why Kosovo government is afraid to fully establish the A/C, as it will again enable Serbian control over this part of Kosovo. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States (Council, 1985, p. 4). In this system of rules, where Serbia wants to keep Kosovo but fails to control it, or where Kosovo aims to keep North Kosovo but also fails to fully control it, it is hard to reach a final solution. Therefore, the two Agreements have just in some way legalized this situation and left everyone to claim victory and administer this status quo situation. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions (Council, 1985, p. 2). Such discretion will be presumably widely applied to the local contexts, and as we have seen it in Bosnia and Herzegovina, even after more than 20 years, it still still provides opportunity for disagreements over even the most minor issues. One of the positive examples from Bosnia is the mutual external border management, what is also present in some form in Kosovo with the Integrated Border Management (IBM). Establishing permanent IBM crossings where Serbian and Kosovo authorities function together would illustrate great progress in adopting EU structures and would likely indicate both Serbia's and Kosovo's readiness for greater EU integration (Hamilton & Šapić 2013, p. 15). Such integration is not just far away but also entails a very complex legal resolution mechanisms for the now already established and functioning systems of ad hoc solutions. In order to provide sustainable financial support, Kosovo government has provided a separate budget for North Kosovo, with police officers' salaries being covered by that budget (Bjeloš, Elek, and Raifi, 2014, p. 12). It can be seen that even though both countries are very keen to claim sovereignty, they are trying to keep a distance from the other entity as much as possible and not be responsible for its shortcoming and future conflicts. Even after the full implementation of these two agreements, we are not going to have a final and sustainable solution; it is only the EU that can offer such a solution, but it still has a long way to go to fully maintain and align everyday life in Kosovo. To ethnic Albanians, Serbs are a minority like any other, not a 'co-nation' or component of a multi-ethnic state, as per the constitution (Potter, 2020, p. 221). The interest of Albanians is not to keep the Serbs in Kosovo and so is not the interest of Serbs to have Albanians interfere into their political life in any form. Therefore, the vague and unclear definitions from the BA and WA perfectly serve the interests of all and are meant to remain so together with the local understanding of the sovereignty in both Serbia and Kosovo.

3.1. Regional development potentials

As prospected, the U.S. International Development Finance Corporation (Washington, 2020, p. 3) will be one of the biggest counterbalances for the many and various Chinese investments in the Western Balkans and wider. With a focus on infrastructure, this tool will help mainly in bringing Serbia and Kosovo closer to each other and by that naturally linking them closer economically. Another interesting example was an official's reflection on the EU's strategy for renewing IPA funding, 'the strategy is, if Bosnia doesn't use some money, Kosovo gets it, but it is sent to the [Serbian municipalities in the] North (Tomić, 2020, p. 15). For a longer period of time, EU was paying more attention to the North, which certainly worries Kosovo Albanians. Overall, in Kosovo, the economic situation is not perfect, given that there are no big and crucial foreign investments, usually coming with multinational corporations, which are very rare in Kosovo. It is undisputed that multinational companies are able to quickly employ big numbers of people, and this was proven numerous times to solve unemployment issues in post-communist countries in East Europe. A similar plan exists for this part of Europe, as seen in the establishment of the Open Balkan initiative, which has been previously called Mini Schengen. Both parties will join the "mini-Schengen zone" (Washington, 2020, p. 4), as previously agreed, although Kosovo is officially not supporting this idea. Nonetheless, quick advances and changes are possible, as was the case previously many times. This is particularly the case for Serbia, where public opinion has shifted away from the European Union and Serbia's geopolitical ties to China and Russia are emphasized, making Belgrade less responsive to EU pressure (Conley & Saric, 2021, p. 9). It is not just Serbia which is hesitant to gain full trust in its own EU integrations, but it is also Kosovo, which is still not getting the long-awaited visa free travel to the EU. First, whereas Serbia is explicitly recognized as 'a potential candidate for EU membership', the preamble to the SAA with Kosovo carefully avoids such wording (Elsuwege, 2017, p. 405). The Stabilisation and Association Agreements (SAA) have been signed with both Serbia and Kosovo; however, for now, the priorities have been shifted for the EU, not just because of Brexit but also because of the rising and deepening divisions lines inside the EU.

4. LEGAL AND COMPARATIVE CHALLENGES

Apart from regional, there are many challenges stemming from the two agreements and are widely used, misused and understood differently in various perspectives. Also, all the efforts as done by the EU at the end do not fully recognize Kosovo even after the SAA itself has been signed. As mentioned above, the Lisbon Treaty allows the EU to conclude an SAA without the agreement of all Member States (Viceré, 2015, p. 15). The division inside the EU is accordingly continued and the next steps towards integration of Kosovo got another dimension, but are left at the same point in a legal void. We can take another example from the Treaty on the Functioning of the European Union (TFEU). What is important in the context of articles 217 and 218 of TFEU is the fact, that Kosovo is not an international organization, and according to article 2 of the SAA neither is it a State in relation to the EU (Stepien, 2018, p. 53). It is therefore not a surprise if we see that more

encouraging and recognition related steps are coming from the Washington agreement. Probably the most crucial and ground-breaking event in the WA is the mutual recognition of Kosovo and Israel. Kosovo (Pristina) and Israel agree to mutually recognize each other (Washington, 2020, p. 12). In the past few decades this recognition would not have been possible - the standpoints of Israel towards Kosovo were very strict and Serbian sovereignty was fully acknowledged. With this recognition, Israel has stepped into a completely new and different dimension of statehood, while Serbia has lost an important ally but without any intention to change its own position. It also came as a surprise to EU when Serbia moved its embassy from Tel-Aviv to Jerusalem, which is contrary to the EU policies and its relationship with Israel as a state. The substantial autonomy of the Autonomous province of Kosovo and Metohija shall be regulated by the special law which shall be adopted in accordance with the proceedings envisaged for amending the Constitution (Constitution, 2006, p. 56). The Serbian Constitutional framework at the moment does not allow any changes regarding Kosovo de iure but the de facto situation is completely different and controlled by the BA and WA agreements. Nonetheless, the level of comparative use of examples stemming from the agreements depends more on the Serbian interpretation and acceptance of realities. The opinion of ICJ will probably give other states the confidence to recognise and continue exploiting double standards and explore the opportunities for politically motivated legal interpretation (Vakhtangidze, 2020, p. 426). The usage of double standards is very popular, but the real recognition still depends more on the wider recognition from the UN member states. It is completely contrary to the logic of precedent to claim that no case could be of such a nature as to justify the implementation of ratio decidendi of the already adjudicated case (Jovanović, 2020, p. 373). The interest of Serbia at the moment is to not recognize Kosovo, which is and is supported by its campaign of asking states which have previously recognized Kosovo to de-recognize it. With many states, especially smaller ones, such campaign can be successful and it is possible to convince them to change their previous recognition. Still ultimately, there is the hard-core minority of states which are never going to recognize Kosovo, not because of Serbia, but because of their own internal issues and challenges regarding sovereignty.

4.1. Association/Community of Serbian municipalities

In legal terms, the biggest challenge for Kosovo is the implementation frame and the establishment of the Association/Community of Serbian Municipalities, which will in fact unite the presently divided Serbian Municipalities from both North and South of the Ibar River in Kosovo. Even though the Kosovo government is very hesitant to form the A/C, the initial legal framework is very clear and useful for shaping the future of the A/C. Ratified international agreements and legally binding norms of international law have superiority over the laws of the Republic of Kosovo (Constitution, 2008, p. 5). The Kosovo constitutional framework is therefore very much challenged by all the agreements it has signed, or even not signed. The BA itself furthers this, as it is a rather informal agreement which has later been followed by WA as well. The Agreement does not indicate whether Kosovo is a state or not; the parties are described as “sides” without further details, and

there is no definition of how the Association/Community of Serb municipalities—the cornerstone of the agreement— should be organized and what legal status it should have (Bieber, 2015, p. 313). In Kosovo, BA has a status of an International agreement which could be similarly applied to the WA, but these agreements are more unclear regarding Serbia and its future Constitutional frame regarding them. The Association/Community of Serb majority municipalities (Brussels, 2013, art. 1) has been the cornerstone of the initial acceptance of the Brussels Agreement by Serbia, which is not giving up easily on this important and life changing institution for the Serbs on Kosovo. As Serbia held and controlled many aspects of political life in North Kosovo after the Kosovo declaration of independence from 2008, it does not plan to fully give control over to Kosovo authorities. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning (Brussels, 2013, art. 4). Such areas of political life would, in any other democratic society, also need an integration which is of a higher level than a simple municipality. Additionally, if we consider that additional competences as may be delegated by the central authorities (Brussels, 2013, art. 5) could be added to the A/C, it clearly shapes its future and makes a real territorial and personal autonomy for Serbs in Kosovo. In fact, the biggest opposition for the implementation and existence of the A/C is not the Kosovo government, but the Serbs from North Kosovo. On paper, the compromise provides for the integration in exchange for the protection frame provided by the “Association/Community of Serb municipalities in Kosovo” (Martino, 2014, p. 6). The almost two-decade long ignorance of the Kosovo institutions by Serbs from North Kosovo can’t be in any case changed quickly and smoothly. Therefore, the many and various obstacles are at the moment of more of a legal challenge and the actual implementation phase is still pending and is far in the future. While Serbia insists on the term Community, as this would imply much stronger competences including those of executive nature, Kosovo fears that this could lead toward Daytonisation of Kosovo and eventually its partition, and therefore insists on the term Association which will have lower competences (Ejdus, 2020, p. 140). In this regard, the future of the A/C can definitely be seen and compared to the entity of the Republic of Srpska as it is present in the state of Bosnia and Herzegovina, where these two authorities are in a constant disagreement over many legal and real life facts and situations. While some in Belgrade see the Community as highly autonomous, others, equally well placed, describe it as “an imaginary embryo of autonomy”, whose main goal was to convince the Serbs to accept Kosovo institutions (Prelec & Rashiti, 2015, p. 31). As previously mentioned, Serbs have accepted the Kosovo Police and courts and are now waiting to see the last steps of the implementation of BA and the formation of the A/C in the future. The role of the A/C is not just important for the Serbian and Kosovo future relationship but also crucial in the understanding of the possible conflict resolution mechanism in other similar conflicts globally. In this scheme, much of the Belgrade-Pristina relationship would be channelled through the Community, as the sole institution formally recognised by both (Prelec & Rashiti, 2015, p. 39). Once established, it is expected that the first challenges and disagreements will be those regarding its flag and official symbols, leaving the options of being either status/neutral, like the ones Kosovo has, or strongly national/ oriented and Serbian, like in the Republic of Srpska.

5. LOST ARTICLES/AGREEMENTS IN THE TRANSLATION

The Agreements have been praised initially for their ground-breaking success and tool for post conflict-resolution or breaking the frozen conflicts. These agreements have not been the first ones regarding the most important constitutional matters for Kosovo. The Ahtisaari Plan was also widely praised among human rights experts in Europe and the United States as the most detailed and sophisticated structure for protecting minority rights in a multi-ethnic society ever developed through international diplomacy (Perritt, 2010, p. 165). Initially, the Ahtisaari plan could not take into account the future developments nor could it foresee the establishment of institutions such as EULEX, KSC, A/C and ultimately the Open Balkan initiative, which have all influenced or have been influenced by the different developments on the field. Over the years, the Serbs and Albanians gradually grew more and more divided in Kosovo, with their own specific institutions. The agreements have introduced changes, which are of such importance, that their revision or non-application would harm the whole process. At the same times, , many of their words are just an empty phrase. In addition to the lack of tangible results from the dialogue, this pessimism can also be understood considering a big ethnic distance towards Albanians, which is constantly present and promoted in the public sphere (Bjeloš, and Elek, 2020, p. 5). Serbia claims and enforces sovereignty demands over Kosovo, but once it comes to citizens and their rights, it is more silent and distanced. Such a limbo has been created where the whole system of the international community together with Serbia ignores the desire of citizens for a normal life in and outside of Kosovo. Serbia (Belgrade) will agree to a one-year moratorium of its de-recognition campaign and will refrain from formally or informally requesting any nation or International Organization not to recognize Kosovo (Pristina) as an independent state (Washington, 2020, p. 11-12). The timespan of this moratorium is rather frustratingly short, and does not seem to be able to encourage the two governments to agree and get closer in reaching and implementing what was agreed. Enforced disappearance of persons (KSC, 2020, p. 50) is, for instance, a burden which has been standing between the governments, citizens, and the entire international community for decades, without even a provisional date of when it would be fully resolved. Both parties pledge to expedite efforts to locate and identify the remains of missing persons (Washington, 2020, p. 8-9). Overall declarations in such a form do not make things happen faster or at all; therefore the lack of a timeframe is probably the biggest shortcoming of both agreements. On the other hand, the agreements themselves do show a certain concern and interest from both the EU and USA where they maximally encourage the sides to agree and comply. In real life, such efforts quickly fall behind various other agendas which are more important globally and at the given moment. For insatance, the French Non-paper does not even mention Kosovo (Deimel, 2020, p. 16). Therefore, Kosovo is not a priority for EU at this time, or just not any longer, and its future will be determined together with the future of the whole Western Balkans. If we add to this the case of Brexit which is there to worry more the EU as a whole and its future, there is even less to expect. The question now is whether, in the context of Brexit, Britain will regard Kosovo as an important enough actor to merit its attention in what is likely to be a very challenging time for British foreign policy

(Ker-Lindsay, 2020, p. 60). Even when the common British future development agendas are being developed, it is evident that there are many other priorities for UK, such as the migration crisis, the future of UK from inside and the Russian and Chinese development, which also happen to be common EU challenges and priorities. More explicitly, given the economic challenges the EU is facing, as well as its geopolitical concerns (mostly relating to the position of Russia, such as its involvement in Ukraine), enlargement seems to be on the verge of a long pause or an unprecedented acceleration (Mehmeti, 2016, p. 240). Such developments leave a very problematic hope for EU prospects of Kosovo and Serbia, it is therefore unsurprising that Kosovo has turned a focus to its NATO membership. In this sense, while Kosovo may have exemplified the degree to which the EU can be innovative in foreign policy decision-making, it nevertheless also highlighted the degree to which the Union still has a long way to go if it is to play a central role as a major actor in international affairs (Economides & Ker-Lindsay 2010, p. 510). Together with USA, the EU influence is lowered not just globally, but also regionally in its neighbourhood, which poses a real challenge and threat for their development and future foreign policy. This has also directly influenced the formation of the BA and WA agreements, which are not coming any longer in a form of a dictate, but as supervised agreements which have been agreed upon by the parties without any pressure or demands. Nonetheless, Belgrade's decision to increase trade with Moscow soon after refusing to impose sanctions against it alongside EU member states and other candidate countries raises questions about the genuineness of Serbia's desire to pursue EU membership (Viceré, 2019, p. 9). If Kosovo turns its focus to NATO and Serbia to its partners from the East, there is a very slim chance to expect the full implantation of agreements without more and wider economic incentives. Such a situation puts once again the territory of Serbia and Kosovo together with the whole Western Balkans to the crossroads and divides which were not so long ago dividing this territory between the East and West.

6. CONCLUSION

In the framework of post-conflict societies and their reconciliation recently there have not been such big and ground-breaking agreements as in the relationship between Serbia and Kosovo. Both the Brussels and Washington agreements have stepped deep into the conflict and touched upon many and even the smallest points of disagreements of the Serbian and Kosovo governments. Nevertheless, one of the major shortcomings of the agreements is the unclear and questionable final full implementation. Just as it was the case with the Ahtisaari plan for Kosovo, which was somehow only got applied partially without leaving a clear answer as to why it has failed, a similar faith threatens these two agreements. Since these new agreements lack a reasonable time dimension for their implementation, the Brussels Agreement is soon to be overdue and potentially change its core. On the other hand, the Washington Agreements is very fresh, but has already additionally divided the international community and in particular the EU, given that through it both Serbia and Kosovo turned their back to common EU policies regarding Israel. The real success has been the developments and implementation of the Energy and Telecom agreements where

real advancements have been achieved. Together with the infrastructural developments the Washington agreement is aiming to connect Serbia and Kosovo more and ultimately bind them to the USA interest sphere more tightly, and in this way form a counter-balance to the Chinese infrastructural investments in the region which pose a threat to the EU as well. However, among the many topics touched upon in the Washington Agreement, there are many which are simply neither a priority for Serbia or Kosovo but neither for the USA or EU governments. The very broad and timely unclear Washington Agreement risks to be just partially implemented as well. As a supportive argument to this, we can see the change in the USA policies regarding the new President and his sudden withdrawal from Afghanistan. For the EU this threat and the refugee crisis pose a bigger challenge than Kosovo and its continuous improvements regarding the rule of law. Even though the process is time consuming, it seems evident that Kosovo will be joining the Open Balkan initiative and form the Association/Community of Serbian municipalities as it has no other priorities at the moment, apart from KSC which functions and its NATO integration, which has not really been encouraged by NATO members and is far from being unanimously supported. Apart from the weaknesses showed, EU is keen to still maintain and fully control Kosovo. The main challenge in achieving this is Serbia leaning towards Russia and China, against which EU has fewer tools, arguments and enforcement capacities as the days go by. Accordingly, the ultimate answer and solution to the Kosovo case is its faster EU integration together with its Western Balkan neighbours, an outcome which seems to develop on the right track in the scope of the Open Balkan initiative, soon to be a dominant EU-like integration. The Open Balkan initiative sees the two agreements as its predecessors and also, they can find their full and most complete application in this initiative in the future.

LIST OF REFERENCES

Internet sources

- Bjeloš, M. and Elek, B. 2020. Kosovo - what do citizens know, think and feel? Belgrade: Belgrade Centre for Security Policy. Available at: <https://www.jstor.org/stable/resrep28726> (9.9.2021)
- Brussels Agreement, 2013, Republic of Kosovo Law No. 04/L-199 on ratification of the First International Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia, Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11205> and <https://www.srbija.gov.rs/cinjenice/en/120394> (9.9.2021)
- Washington Agreement, 2020, Republic of Kosovo, Implementation Plan of the Washington Agreements: Economic Normalisation Between Kosovo and Serbia. Available at: https://kryeministri-ks.net/wp-content/uploads/2020/10/Implementation-Plan-for-the-Washington-Agreement_19102020.pdf (9.9.2021)

Legal sources

- Constitution of the Republic of Kosovo, 2008 (Act number: K-09042008) Available at: <https://kryeministri.rks-gov.net/repository/docs/Constitution1Kosovo.pdf> (9.9.2021)
- Constitution of the Republic of Serbia, 2006 (Official Gazette of the RS no. 98/2006) Available at: http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf (9.9.2021)
- Council of Europe, European Charter of Local Self-Government, 1985 (European Treaty Series - No. 122) Available at: <https://rm.coe.int/168007a088> (9.9.2021)

Case Law

- KSC-BC-2020-06. Kosovo Specialist Chambers (KSC), Specialist Prosecutors Office. ANNEX 3 to Submission of corrected and public redacted versions of confirmed Indictment and related requests. Available at: https://repository.scp-ks.org/details.php?doc_id=091ec6e98037f115&doc_type=stl_filing_annex&lang=eng (9.9.2021)
- The Prosecutor v. Hysni Gucati and Nasim Haradinaj. (KSC-BC-2020-07) Available at: https://repository.scp-ks.org/details.php?doc_id=091ec6e9809f5b72&doc_type=stl_filing&lang=eng (9.9.2021)

Literature

- Bergmann, J. 2017. Same Table, Different Menus? A Comparison of UN and EU Mediation Practice in the Kosovo-Serbia Conflict. *International Negotiation*. 23, pp. 238–257. doi 10.1163/15718069-23021156
- Bieber, F. 2015. The Serbia-Kosovo Agreements: An EU Success Story? *Review of Central*

- and *East European Law*, 40, pp. 285-319. doi 10.1163/15730352-04003008
- Bjeloš, M., Elek, B. and Raifi, F. 2014. *Police Integration in North Kosovo: Progress and Remaining Challenges in Implementation of the Brussels Agreement*. Belgrade and Prishtina: Kosovar Center for Security Studies ; Belgrade Centre for Security Policy
- Conley, H. and Saric, D. 2021. *The Serbia-Kosovo Normalization Process A Temporary U.S. Decoupling*. Center for Strategic and International Studies, May 2021, pp. 1-13.
- Deimel, J. 2020. In digestion mode: Tirana, Skopje and Pristina after the EU Council's No-vote on opening EU accession talks with Albania and North Macedonia. In: Deimel, J. and Weicher, M. (eds.). *Forward or Backward: The EU, Albania, North Macedonia and Kosovo at Crossroad*. Southeast Europe in Focus, München: Southeast Europe Association, pp. 6-19.
- Doli, D. 2019. *The International Element, Statehood and Democratic Nation-building: Exploring the Role of the EU and International Community in Kosovo's State-formation and State-building*. Cham: Springer
- Economides, S. and Ker-Lindsay, J. 2010. Forging EU Foreign Policy Unity from Diversity: The 'Unique Case' of the Kosovo Status Talks. *European Foreign Affairs Review*, 15, pp. 495–510.
- Ejdus, F. 2020. *Crisis and Ontological Insecurity: Serbia's Anxiety over Kosovo's Secession*. Cham: Palgrave Macmillan
- Elsuwege, P. 2017. Legal Creativity in EU External Relations: The Stabilization and Association Agreement Between the EU and Kosovo. *European Foreign Affairs Review*, 22 (3), pp. 393–410.
- Hamilton, A. and Šapić, J. 2013. *Dialogue-induced Developments on the Ground: Analysis on implementation of the EU-facilitated agreements on freedom of movement and trade between Kosovo and Serbia*. Group for Legal and Political Studies and Institute for Territorial Economic Development, May 2013, pp. 1-19.
- Jovanović, M. 2020. Is Kosovo and Metohija Indeed a 'Unique Case'? In: Summers, J. (ed.) *Kosovo: A Precedent?* Leiden/Boston: Martinus Nijhoff Publishers, pp. 345-374.
- Ker-Lindsay, J. 2011. 'Between "Pragmatism" and "Constitutionalism": EU-Russian Dynamics and Differences during the Kosovo Status Process.' *Journal of Contemporary European Research*, 7(2), pp. 175-194.
- Ker-Lindsay, J. 2020. The United Kingdom: Kosovo's Strongest Supporter in Europe. In: Armakolas, I. and Ker-Lindsay J. (eds.). *The Politics of Recognition and Engagement: EU Member State Relations with Kosovo*. Cham: Palgrave Macmillan, pp. 41-60.
- Martino, F. 2014. Kosovo: Beyond The "Brussels Agreement" ISPI, Analysis No. 254, May 2014, pp. 1-10.
- Mehmeti, L. 2016. Perspectives of the Normalization of Relations between Kosovo and Serbia In: Mehmeti, L. and Radeljić, B. (eds.) *Kosovo and Serbia: Contested Options and Shared Consequences*. Pittsburgh: University of Pittsburgh Press, pp. 216-242.
- Perritt, H. 2010. *The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan*. Cambridge: Cambridge University Press
- Potter, M. 2020. *Inclusion in Post-Conflict Legislatures: The Kosovo and Northern Ireland Assemblies*. Cham: Palgrave Macmillan

- Prelec, M. and Rashiti, N. 2015. *Serb Integration in Kosovo After the Brussels Agreement*, Prishtina: Balkan Policy Research Group.
- Stepien, M. 2018. An Awkward Situation: Kosovo, the EU and EU Member States. *Wroclaw Review of Law, Administration & Economics*, 8(1), pp. 44-55. DOI: 10.1515/wrlae-2018-0023
- Tomić, N. 2020. Between Border Dispute and Ethnic Conflict: The EU as a Just Mediator in the Serbia-Kosovo Stalemate. *GLOBUS Research Paper*, 5/2020, pp. 1-24.
- Vakhtangidze, V. 2020. The Impact of Kosovo: A Precedent for Secession in Georgia? In: Summers, J. (ed.) *Kosovo: A Precedent?* Leiden/Boston: Martinus Nijhoff Publishers, pp. 395-426.
- Viceré, M. 2015. Beyond the Intergovernmental-Supranational Divide in EU Foreign Policy: Insights from Kosovo. *Istituto Affari Internazionali (IAI)*, 15, pp. 1-22.
- Viceré, M. 2019. The Future Is Back: The EU, Russia and the Kosovo–Serbia Dispute. *Istituto Affari Internazionali (IAI)*, 19, pp. 1-21.
- Zirojević, M. 2016. The Capacity and Performance of The EULEX Mission in Kosovo In: Mehmeti, L. and Radeljić, B. (eds.) *Kosovo and Serbia: Contested Options and Shared Consequences*. Pittsburgh: University of Pittsburgh Press, pp. 130-148.