

**Statement on the Latest Developments Regarding the Negotiations
Between Belgrade and Pristina**

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Mr. Chairman and members of the subcommittee,

My name is Obrad Kesic and I am a Senior Partner with TSM Global Consultants. For more than two decades I have focused my professional work, research and analysis on the Balkans, specifically on the former Yugoslavia. I have had extensive contact with the political leaders, people and cultures of this region; first as a Program Officer with the International Research and Exchanges Board (IREX), then as an advisor to Mr. Milan Panic, the former Prime Minister of Yugoslavia, in 1998-99, I briefly served as the Washington DC representative for the Alliance for Change (a coalition of opposition parties in Serbia) and over the last decade in my business and professional activities through TSM. Over the last two decades I have had the opportunity to travel extensively through this region and have averaged between 6 and 8 weeks of living in the region annually over the last 15 years.

As someone who has devoted so much time and effort working in this region, it saddens me today to begin my remarks before this committee with my belief that the recent agreement between the Serbian Prime Minister, Ivica Dacic and Kosovo Prime Minister, Hashim Thaci, brokered on behalf of the EU by Lady Catherine Ashton will neither resolve the fundamental differences between the two parties nor will it create greater security for the Serbs and other non-Albanians living in the territory of Kosovo and Metohija, especially for those living in the north. In fact, it will in my opinion, further expose the remaining Serbs to increased economic and political pressures from the Albanian dominated government in Pristina, EULEX, KFOR and sadly also from the Serbian government which is increasingly committed to passing this "hot potato" into the laps of the EU and United States. Normally any agreement between the two sides would be cause for celebration, however, given that this agreement was forced onto both sides by concerted pressure by the EU and by the U.S. and given the history and staying power of these type of forced "deals" in the Balkans from Bosnia to Kosovo, it would be extremely imprudent to celebrate at this time.

Already there are serious indications that the agreement, even if the two leaders formally sign it will face great difficulty in its implementation, just as all previous agreements reached by Belgrade and Pristina have over the last two years of EU sponsored talks. First, the Serb leaders in the four contiguous and compact districts of north Kosovo, and most of the 40,000 to 50,000 people that they represent, have rejected the deal, viewing it as being a betrayal of their basic interests to remain firmly part of Serbia. They refuse to become a part of the independent state of Kosovo. The agreement has also been condemned by the Synod of the Serbian Orthodox Church and by a significant portion of the Serbian people who have launched street protests reminiscent of the street protests of the 1990s against the regime of Slobodan Milosevic. Second, the agreement is not all encompassing and does not solve the key issue of Serbia's non-recognition of Kosovo's independence nor does it address the still unresolved issues of property rights, the status of the Serbian Orthodox Church, Kosovo's membership in international organizations

(accept for the EU membership process) and many other contentious issues. In short it is not an end but only a new beginning for what will prove to be difficult additional negotiation.

Allow me to explain why many Serbs are skeptical of this latest agreement and of the U.S. and EU. There are several major reasons for this:

1. In the view of many Serbs, the U.S. and EU have shown a consistent pattern of lying about their commitment to protect the Serbs in Kosovo. During the 1999 NATO intervention, Serbs were told that NATO following the withdrawal of Serbian police and army would protect them. Since the entry of NATO into Kosovo in June 1999 over 250,000 non-Albanians were driven from their homes through violence, intimidation and harassment. According to the OSCE Kosovo Mission (October 2012) 235,000 non-Albanians remain displaced. The U.S. government and the EU also promised that a policy of “standards and then status” would be pursued in order to offer guarantees to non-Albanians that they would be protected before any decision is made as to Kosovo’s status. This would have seen the establishment of the rule of law, protection of minorities and their rights and the prosecution of those charged with committing war crimes and other crimes against minorities. This policy lasted until the violent pogrom of Serbs in March 2014, which led to the establishment of a new policy of “standards and status at the same time.” Finally in 2008 the U.S. and EU through their recognition of Kosovo’s proclamation of independence fully embraced the resolution of status promising that standards would be better met in the newly independent state. When the Serbs view the ghettoized life of non-Albanians south of the Ibar river and see the murders, theft of property, limited freedom of movement and consistent intimidation and harassment of Serbs, Roma and other non-Albanians they realize that the issue of standards has never been resolved.
2. Many Serbs also question the selective application of international law by the U.S. and EU. For example in 1991 when the Socialist Federal Republic of Yugoslavia was disintegrating in violence and conflict, the Badinter Committee ruled that territorial sovereignty and integrity of republics prevailed over the right of national groups to self-determination, thus holding that Slovenia, Croatia and the other four republics had the right to partition Yugoslavia while at the same time being entitled to do their own territorial integrity regardless of the demands of Krajina Serbs and Bosnian Serbs to self-determination. It should be noted that the Commission applied this ruling to Serbia as well and specifically found that the Kosovo Albanians, although entitled to full protection of their rights and protection from discrimination and persecution, did not have a right to self-determination. Of course, most of the EU member states and the U.S. changed course in 2008 when they encouraged and recognized

Kosovo's right to Independence thus partitioning Serbia, while stating then and now that the Serbs in the north of Kosovo did not have a right to self-determination and must honor Kosovo's territorial integrity and sovereignty. Most Serbs wonder why it seems that everyone but Serbs have a right to self-determination?

3. The Serbs are also upset with what seems to be the constant "moving of goalposts" by the EU and the U.S. when it comes to conditionality regarding Serbia's EU aspirations. During the 1990s, Serbs were told that if the wars in Bosnia and Croatia were ended and if Slobodan Milosevic would be overthrown that they would be embraced and welcomed into the community of nations. When this was done then the new democratic government of Vojislav Kostunica and Zoran Djindjic were told that Serbia would advance on its path to EU membership once it fully cooperated with the ICTY in The Hague, after finagling extraditing Karadzic, Mladic and Hadzic (the final indictee) to the Tribunal, the Serbs were told that now they must engage in negotiations with Kosovo. When they did this as well, then Germany and other members of the EU who have recognized Kosovo's independence set forth a new list of conditions including the "dismantling of parallel institutions" in north Kosovo. Most Serbs believe that even if this condition is met that there will be new political conditions created either as an attempt by some EU members like Germany to delay and prevent Serbia from joining the EU or as part of a more sinister attempt to further partition Serbia in areas like the three southern districts where a sizeable Albanian minority remain, or in Sandzak or perhaps Vojvodina.

What next?

As I have already stated I believe that this agreement will become bogged down in its implementation, especially given that the Serbs in the north of Kosovo remain defiant and firmly committed to wage what has proven to be an effective campaign of non-violent civil disobedience. There seems little that can be done in the short term to force them to accept this agreement. If violence is used by KFOR or EULEX, there is the potential for massive migration of Serbs from the north, which would surely trigger a migration of Serbs from the remaining parts of Kosovo. This would risk escalation of violent protests in Serbia and would create significant strains among EU states. A similar backlash would occur as a result of any attempt by the Albanian dominated government in Pristina to forcefully impose its authority in the north. This would risk, at best an indefinite state of frozen conflict and at worst, the re-ignition of Serbian-Albanian armed conflicts sometime in the future. Any use of violence against the Serbs in the north of Kosovo will also further destabilize the government in Serbia and will fuel the radicalization of large segments of Serbia's population, especially of the youth. Given that Serbia is the key to peace and stability of the western Balkans, it would serve no one's interests to risk destabilizing a region full of unresolved ethnic conflicts, competing and conflicting

territorial claims and latent but ever-present desires for self-determination of minorities from Macedonia to Bosnia-Herzegovina. Another option would see the EU pressure Serbia to pressure the disobedient Serbs in the north by reducing funding to them and by applying political and economic sanctions. This option is unappealing as it would take time for sanctions to seriously be applied and risks further radicalizing the Serbs in Kosovo and forcing them to turn to the grey and black markets for basic survival. This would create greater lawlessness and fuel organized criminal networks throughout Kosovo.

Furthermore, despite the appearance of unity and strength in Serbia's government, the decision to accept the agreement has undermined its public support and has forced it to expend valuable time, credibility and energy at a time when Serbia faces massive unemployment, a shortage of both revenue and investment and when it must reform major parts of its political, judicial and social systems. If it becomes further entangled in a messy implementation, and it must if the EU continues to tie its EU aspirations to the dismantling of "parallel institutions" in Kosovo, then it will endanger its ability to manage all other major problems insuring greater popular dissatisfaction, a further polarization of society and constant confrontation among its citizens.

Recommendations

1. The U.S. and EU should firmly oppose any use of violence.
2. The EU should engage the Serbian leaders in the north of Kosovo and begin a series of discussions that would lead to their active involvement in all negotiations that concern their future.
3. The EU and U.S. should reconsider all potential options for the northern Serb communities including enhanced autonomy, parallel/shared sovereignty, the federalization/regionalization of Kosovo and even allowing them the right to self-determination.
4. The EU should be encouraged to formally and publically announce all of the remaining conditions being put before Serbia concerning Kosovo. The U.S. should insist that this list be considered "final" and that no additional conditions be added without the consensus of all EU member states.
5. The EU and U.S. must demand that the Albanian dominated Kosovo government increase its efforts to protect the rights of Serbs and other non-Albanians throughout the remaining territory under its control. It must do a better job in identifying and prosecuting those responsible for war crimes, ethnically motivated crimes and attacks on returning refugees. Witnesses must be protected and unresolved murders of protected witnesses must be investigated and perpetrators and those ordering the murders must be prosecuted.

6. The U.S. Congress should organize additional hearings focusing attention and building support for action in improving the human, minority and civil rights of Serbs and other non-Albanians in Kosovo.
7. The EU sponsored talks between Belgrade and Pristina should be continued but refocused on technical issues such as property rights, economic cooperation, freedom of movement, energy and education. These talks should seek to gradually build confidence and good will between the two sides without attempting to address directly or indirectly the still contentious issue of status. If status were to be addressed, then adding a UN facilitator would ease Serbian concerns of bias and fairness, and would help create a mechanism that can lead to a new Security Council resolution if and when an agreement is reached.