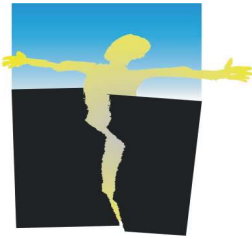


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Serbia: Gradual Recognition of Kosovo Reality

Serbian government elected in spring 2009 retained an ambivalent attitude towards the Kosovo issue – an attitude best reflected in the Democratic Party's /DS/ slogan "Both Kosovo and EU." The cabinet relocated "defense of Kosovo" to the domain of the international law (UN, ICJ) intent to either prevent or slow down the process of recognition of the newly born state. The entire initiative is actually an attempt at returning the Kosovo status to a negotiating table and extorting Kosovo's partition.

Under the pressure of economic crisis, as well as a new international dynamics (tour of the region by US Vice-President Joseph Biden)¹, the cabinet had to rationalize its attitude towards Kosovo. Given that integration into EU became its priority in the meantime and for the same reasons, the cabinet made several decisions that take Serbia closer to the European "road map." Despite radical rhetoric of some ministers – Vuk Jeremic in the first place – the government obviously realized that the state of affairs inherited from Vojislav Kostunica was unsustainable.

The government, therefore, met yet another precondition for a "white Schengen" for Serbia – it signed a protocol with EULEX. Such conditioning will grow as time goes by, particularly when the process of EU accession turns in full swing. Belgrade not only signed the Protocol but also

stopped paying off Kosovo's foreign debt. The official Belgrade also helped – via the Ministry for Kosovo and Metohija – to solve the problem of Kosovo Serbs' overdue electricity bills, which was why Serb villages (but Albanian as well) had no electricity supply. Over the past year, Belgrade has taken serious steps to pacify Serbs in North Kosovo. It cut down on financial assistance to the most extreme Kosovo Serb circles, which badly affected their power and influence in Kosovo.



Olli Rehn i Boris Tadic

The biggest opposition party in Serbia, the Serb Progressive Party, has visibly downsized its focus on Kosovo in the attempt to present itself to the international community as "an acceptable right." In his public addresses the party leader, Tomislav Nikolic, has been mostly tackling social and economic problems. And so ex-Premier Vojislav Kostunica's Democratic Party of Serbia /DSS/ remained most outspoken in criticism of the cabinet's moves vis-à-vis Kosovo. Party officials have been

¹ See, *Helsinki Bulletin No. 28 and 29*, www.helsinki.org.rs

focusing criticism on President Boris Tadic whom they accuse of being the one to blame for the loss of influence in the territory of ex-province.

Protocol between Serbian Ministry of Interior and EULEX

The protocol on cooperation between EULEX and the Serbian Ministry of the Interior, signed on September 11, 2009, is a first-rate political even for both Kosovo and Serbia. This “technical agreement on cooperation” was among the preconditions for “white Schengen” for Serbia. At the same time, it is the first document whereby Serbia recognizes Kosovo’s borders through back door. Should it be implemented in full, the protocol could considerably contribute to stabilization of North Kosovo and thus to consolidation of the state of Kosovo.

The protocol offers the possibility for the settlement of the customs problem in North Kosovo at long last. That would help to at least partially normalize finances and customs in the North, which is among burning problems at the moment. Given that EULEX had also signed such agreement with other countries in the region – i.e. Montenegro, Macedonia and Albania – the problem of crime, corruption and trafficking in those parts could be placed under control. The fact that the protocol acknowledges the realities – the borderline between Kosovo and Serbia – is also a breakthrough in Serbia’s attitude towards the newly emerged state.

Reactions to Protocol in Kosovo

The protocol was hardly welcomed in Kosovo but in Serbia too. It was understandable that the Kosovo public was frustrated by the fact that Kosovo authorities had been excluded from the negotiating process. On the other hand, it is clear that, at this stage, Belgrade would have not signed such a document with Kosovo authorities. Kosovo authorities should have been consulted regardless of evident benefits the protocol provides to Kosovo.

Kosovo officials have not manifested their frustration in public.

Kosovo’s president and premier, Fatmir Sejdiu and Hashim Tachi, released that the protocol “has no influence whatsoever on independence, sovereignty and territorial integrity of the Republic of Kosovo.”

On September 14, 2009 in Prishtina, several hundreds of activists of 22 NGOs and citizens protested against the protocol signed between EULEX and Serbia. When compared with earlier protests, the number of people assembled at the rally was significantly smaller. Protesters were holding posters saying among other things, “Bac, it’s all over – they sold out Kosovo” (Bac is a murdered KLA commander from Drenica, Adem Jashari), “EULEX, Made in Serbia,” “We want to join EU but without EULEX,” “Yes to Kosovo in EU, no to Kosovo under EU,” etc.

Independent MP Dritan Tali and Albin Kurti, leader of the “Vetevendosje” movement, addressed the protesters. “*Should Kosovo institutions function properly there would have been no need for protests,*” said Tali. “*EULEX does not see our state and our citizens as someone entitled to all rights but as a country that needs to be disciplined,*” said Albin Kurti. “*Our people and our youth need more not to be obstructed than to be assisted,*” he added addressing young protesters.



Albin Kurti

Apart from the civil sector, supposed to express the frustration of the entire society, the Organization of War Veterans /OVR/ of KLA sent an open letter to EULEX Mission and its chief Ives de Kermabon. The OVR made no bones about its opposition to the protocol with Serbia, to someone’s else making decision in the name of the independent state of Kosovo and its institutions, to a single EU act that is to the detriment of Kosovo’s statehood and contrary to its

constitution, to double standards when it comes to Albanians and Serbs (as in the case of protests staged by the “Vetevendosje” movement and renovation of the houses in Kroia and Vitakut), and to EULEX invoking the Resolution 1244, which is not an EU document. The letter concludes by saying that EULEX supports nationalistic Serbia.

Reactions to Protocol in Belgrade

In Belgrade, the protocol was mostly criticized by DSS. Its leader Vojislav Kostunica takes that the government “humiliated the country and turned its back to its own people in Kosovo and Metohija by signing an agreement with EULEX.” “With this agreement Serbia has become the only state in Europe that voluntarily puts its signature under a borderline that divides its territory. Serbia has thus become an accomplice in the establishment of today’s state of Kosovo,” said Kostunica. “With policy of lies, the incumbent government brutally deludes citizens that the signed agreement with EULEX on the border between Serbia and Kosovo is in their best interest,” he added.²

DSS Vice-President Slobodan Samardzic also sees the protocol as adverse to Serbia, because it lays down a borderline between Serbia and Kosovo. “The effect of such policy is actually betrayal of national interests,” he points out. According to him, the protocol is nothing but yet another in the series of motions testifying that Serbia, step by step, abandons its constitutional position vis-à-vis Kosovo and withdraws its institutions.³

Dusan Janjic, director of the Forum for Ethnic Relations, does not rule out the possibility that Serbian opposition – DSS in the first place – initiates non-confidence vote in the President of the Republic for breaking the Constitution. “Having signed this agreement, Belgrade has actually acknowledged that Serbia has no sovereignty over Kosovo and Metohija,

² *Danas*, September 15, 2009.

³ <http://www.kosovahaber.net/BS/haberdetay.asp?bolum=997&uyeid=2>, 27.8.2009

which is contrary to the section of the Constitution providing governance in Kosovo and sovereignty over the south province. With the agreement on the police that testifies that Belgrade has met the conditions for efficient control of borders and with two similar documents that are in preparation – on customs and judiciary – Belgrade has definitely endorsed the policy of cooperation with EU Mission in Kosovo,” says Janjic. According to him, that is a step in the right direction indicating recognition of the realities on the one hand, and abandoning of the proclaimed policy for Kosovo and Metohija. “As it turned out, the Kosovo issue and European integrations are not two quite separate processes despite Serbian President Boris Tadic’s repeated ‘Both Kosovo and EU’,” he concludes.⁴

Some Kosovo Serb representatives welcomed signing of the protocol. President of the Provisional Council of Leposavic Municipality Branko Ninic (of the DS) “welcomes Belgrade’s decision” and hopes this /the protocol/ would put an end to illegal crossing of the administrative border in Donje Jarinje.



Rada Trajković

Rada Trajkovic, vice-president of the Serb National Council of Central Kosovo, also holds that the protocol contributes to stability and pinpoints that it is “actually in the function of stability and safety in the region.” “This agreement is aimed at directly fighting crime that implies human trafficking, smuggling and everything else,” says Ms. Trajkovic. For her, Kosovo Serbs’ opposition to the protocol results from the pressure from extremists. “Few information we are getting and Kosovo Serbs’ poverty in Kosovo, added to the

⁴ *Danas*, September 15, 2009.

pressure from various extremists of all colors, make fertile soil for manipulation,” says Rada Trajkovic.⁵

Reactions by International Actors

Representatives of EU and US welcomed the protocol as a step towards stabilization of the situation in Kosovo. Taking into account negative reactions coming from Kosovo public, their statements particularly insisted on the fact that the protocol questioned not Kosovo's sovereignty. US officials underlined that the protocol “would not have been possible without the support from Kosovo as a sovereign state fighting cross-border crime.” Washington congratulated EULEX on “implementing its mission in a manner approved and foreseen by the authorities of the Republic of Kosovo” and underlined that the agreement with the Serbian Ministry of the Interior “fully respects sovereignty, independence and territorial integrity of Kosovo.”⁶

Peter Faith, EU special representative and international civilian envoy in Kosovo, also stressed that the protocol “violates not Kosovo's sovereignty” and that Ahtisaari “package” authorized EULEX to sign agreements as such. In a joint release, EULEX, Kosovo President Fatmir Sejdiu and Premier Hashim Tachi quote that the agreement on police cooperation with Belgrade will benefit all the citizens of Kosovo.⁷

At the same time, US reaffirmed its support to Kosovo independence with the first bilateral agreement president and premier, Fatmir Sejdiu and Hashim Tachi, and US Ambassador Christopher Dell signed in Prishtina. Under the agreement, the American side took upon itself the obligation to assist development of the Kosovo state in several domains. US promised budgetary assistance, promotion of public partnership, improvement of infrastructure and creation of the conditions for a competitive economy based of free market. An agreement on extra

⁵ Ibid.

⁶ *Danas*, September 15, 2009.

⁷ *Danas*, September 15, 2009.

financial assistance to the rule of law, worth 13 million Euros, was also signed on the occasion.

The American Ambassador seized the opportunity to emphasize that the protocol was a document that would benefit Kosovo. “Kosovo is a sovereign state and no one, except for one neighboring country, denies its sovereignty,” said Ambassador Dell.

Kosovo Debt

In early September 2009, the Serbian government announced that it would stop servicing Kosovo's foreign debt. Having acceded to IMF in June 2009 Kosovo took upon itself servicing of its debt to the World Bank, as envisaged by Ahtisaari plan. It should be noted that by paying off Kosovo's debt over the past years the official Belgrade wanted to prove its sovereignty over Kosovo. Most extreme circles of Kosovo Serbs strongly condemned the decision. So, Milan Ivanovic accused some cabinet members of high treason. He publicly asked whether Dinkic's boasting about having saved the country some 550 million dollars meant that President Boris Tadic changed his stance and accepted a part of Ahtisaari plan. Serbia has paid off two-thirds of that debt and should it pay the rest it would retain absolute right to all major facilities in Kosovo – from Trepca to thermoelectric plant Obilic, from Feronikl to hydro-system Ibar-Lepenac, he explained. “It is obvious that Dinkic's wrong political moves strengthen the position of the Albanian side on the eve of the Kosovo status debate in the International Court of Justice,” he stressed.

In the period to come, relations between Kosovo and Serbia can be best regulated through a speedier process of European integration. The protocol's consequent and prompt implementation should be the first step in that direction. “Defense” of the ideas and goals of the protocol implies that concrete measures need to be taken in North Kosovo such as arrest of masterminds of smuggling and elimination of extremists from public life. Otherwise, the protocol will be a failure and allow Kosovo's partition to remain an open question.