



KURDISTAN IN THE BALKANS?

After several months of negotiations, Belgrade and Pristina agreed on the freedom of movement, citizens' registers and partial accreditation of certificates. That the agreement would be reached was clear when in March this year began negotiations on "technical issues" under the auspices of the European Union (EU) and United States (U.S.). The international community is determined to see the normalization of relations between Belgrade and Pristina, and as the unwritten diplomatic negotiation rules require, for starters are selected more easy "technical issues". Of course, it is clear that after the "technical issues" are resolved, the negotiations will advance to essential issues and that in the end, on one way or another, the issue of status will be dealt with.

In this process, Serbia and Kosovo won't be asked much. They are given the opportunity to reach an agreement, but if they fail, there are effective agents that will make a decision and force both sides to accept it. That it would be so the Kosovo government could have assumed in the first round of negotiations, when it underwent a strong pressure to accept the first agreement with Belgrade.

The impression is that in the first months of negotiations Belgrade coped better than Pristina. Namely, the Serbian side gave the impression of cooperation and initiative to both the opposite side and the international community since September last year when it withdrew its proposed resolution before the General Assembly of the United Nations (UN) and proposed a new, joint resolution with the European Union member states. That was caused by the judgment of the International Court of Justice which stated that **"the unilateral declaration of Kosovo independence did not violate the general norms of international law, Resolution 1244, nor the international legal order in Kosovo, as they contain no prohibition of such declarations"**. It was a bitter defeat of Serbia that based its struggle against Kosovo's independence on two pillars - stopping the process of recognition of Kosovo independence by as many states and challenging the unilateral declaration of independence before the International Court of Justice as an act contrary to the international law.

Serbia has learned a lesson from the defeat at the International Court of Justice. In contrast to the conduct during the previous decades when it stubbornly opposed to the international community, even when it was in the minority, now Serbia changed its tactics.

The official objective of government policy remained unchanged - Kosovo is part of Serbia. However, now instead of open conflict with the U.S. and the EU Serbia chose cooperation with the clear caveat that **"Serbia will never recognize Kosovo's independence"**.

Different official position of Serbian politicians can not be expected as they are obliged to conform to the Constitution, which defines Kosovo as **"an inalienable part of Serbia"**.

However, it is clear that Serbian politicians are rapidly seeking a satisfactory solution. Both Serbia and its international partners know that the negotiations which began with "technical issues" would be completed with the talks on Kosovo's status, even though no one officially from Serbia is required to recognize the independence of the southern province. That is why the plan of Serbia is to seek a permanent solution with the international community while solving "technical problems" which are numerous. Simply, before joining the EU, Serbia knows that it will have to face the question "EU or Kosovo". In order to avoid an emotional reaction of the population and the impression that Serbia is still not defeated - it is necessary to have in advance a lasting compromise solution. Serbia is trying to gain as much at the negotiating table and no one can deny that it chose the right way to fight for its interests.

Technical negotiations between Belgrade and Pristina show a changed strategy of the international community when it comes to Kosovo, and the victory of the moderate

approach of the European Union over the extreme approach that was advocated by the United States. If the U.S. wanted to admit it or not, the tactic by which unilaterally declared independence of Kosovo should be recognized by most of the Member States of the United Nations (UN) to bring Serbia to a fait accompli - has failed.

With the help of Russia and China which blocked the entry of Kosovo in the UN and owing to the agility of its diplomacy, Serbia managed in Kosovo's declaration of independence being recognized by 75 countries from 192 world member states.

Among them are important countries of the world such as USA, Japan and 22 EU members, including Germany, France and Britain, and all Serbia's neighbors except Bosnia and Herzegovina. However, Kosovo's independence is not recognized by Russia, China, Brazil, India, most members of the African Union (12 has out of a total of 53 members), nor the majority of Islamic countries, as well as five European Union countries. With this in mind it is clear that solving the Kosovo problem by "bulldozer diplomacy" promoted in the Balkans by the U.S. diplomat **Richard Holbrooke**, according to which recognition of Kosovo's independence from Serbia nearly by the whole world should bring Serbia to a fait accompli - has failed. Kosovo is not recognized by most members of the United Nations, it is not a member of many important international organizations, the European Union is divided over the Kosovo issue, and not even their athletes compete in international competitions ... Simply put, it is clear that full



integration of Kosovo into the international community is impossible without the agreement with Serbia. Therefore, any further pressure on Serbia could lead to Serbia's withdrawal from European integration for the sake of "preservation" of Kosovo. In this case, neither the EU would expand to the entire Western Balkans, nor Kosovo would become a full member of the international community, nor the Western Balkans would establish lasting peace, or Serbia would become an EU member. This scenario is supported only by the extremists, both in Serbia and Kosovo. Therefore the technical negotiations that followed are a way out of the impasse, not only for Serbia but for the United States. They are an affirmation of the European Union which shows that it is able to solve problems arising in the European continent.

It seems that only Pristina hasn't managed in the ongoing negotiations, namely that the Kosovo side hasn't yet realized their importance and that the situation has changed. Kosovo leadership expects the international community will sooner or later compel Serbia to recognize Kosovo and that they only need to be patient.

So far the international community hasn't required any concessions from Pristina. Kosovo politicians are convinced that they gave all possible concessions to the Serbs living in Kosovo and Serbia by having accepted the plan of international mediator and former Finnish President **Martti Ahtisaari**, which was implemented in the Constitution of Kosovo.

Therefore, it will be very difficult for Kosovar leaders to explain to the citizens that it will be necessary to make new concessions to Serbia in order to achieve a lasting solution. This is the reason why the agreements reached on the technical issues have caused great controversy in Kosovo society. Kosovo opposition parties have initiated discussion on this issue in the Assembly.

The three main opposition parties - the Democratic League of Kosovo (LDK), the Alliance for the Future of Kosovo (AAK) and Self-Determination Movement - demanded from the Kosovo government to stop negotiations with Serbia, cancel all three agreements reached with Belgrade and establish a negotiating platform in the Assembly. In addition, Kosovo's opposition demanded that the Assembly commits the Government of Kosovo that any agreement with Serbia is to be ratified by two-thirds majority in parliament. Of course, the government's majority in the Assembly has refused those requests, but they clearly show what problems are in front of the Kosovo government, because the Kosovo society is not prepared to give further concessions to the Serbs living in Kosovo and to Serbia. As confirmation of the thesis of pressure on the Kosovar opposition to radicalize relations with Belgrade is the decision of a European mediator **Robert Cooper** to postpone the sixth round of talks scheduled for July 20 and 21, at the EU headquarters. **Edita Tahiri**, head of the Kosovo team for negotiations with Serbia, accused the Serbian side for, as she said, **"unwillingness to accept free trade agreement, or to recognize Kosovo customs stamps, which are now recognized by the European Union"**.



One additional problem for Kosovo Prime Minister **Hashim Thaci**, according to the media in Pristina, is that within his own party, the Democratic Party of Kosovo (PDK), he has serious opposition in the group of members gathered around the speaker of parliament **Jakup Krasniqi**. The reason for the conflict in Thaci's party is not a question of relations with Serbia, but the relationship to organized crime. Specifically, the international community demands that the Assembly abolishes parliamentary immunity to controversial member of Thaci's party and former Minister **Fatmir Limaj**, who is accused of crimes against Serbs and for organized crime. It turned out, for the umpteenth time, that in the Balkans behind the great patriotism are usually interests, mostly illegal.

Serbian government has no such problem, because most of the opposition tacitly supports the talks with Pristina. In the next year will be elections and the opposition wants that the present government completes as many "unpopular jobs." One of these jobs is negotiations with Pristina. The biggest problem of Serbian government regarding the policy towards Kosovo is therefore not the opposition, but the Serbs living in northern Kosovo. The north of Kosovo is leaning against Serbia and covers an area of about one thousand square kilometers which is about ten percent of the territory of Kosovo. In this area there are four municipalities with Serbian majority - Zubin Potok, Leposavic and Zvecan and recently, according to the Ahtisaari plan, has been formed municipality of North Mitrovica, which officially divided the former municipality of Kosovska

Mitrovica (Mitrovica is a city divided by the river Ibar, with Albanians living in the south and Serbs in the north). According to the United Nations Interim Administration Mission in Kosovo (UNMIK), the area has a population of 76 thousand Serbs, while Serbian representatives believe that there are more than a hundred thousand. We shouldn't forget that nearly two hundred thousand Serbs from Kosovo who fled in 1999 after the withdrawal of Serbian military and police have been living in Serbia for 12 years now. With refugee Serbs from Bosnia and Herzegovina and Croatia they are currently the largest refugee population in Europe. Serbs in northern Kosovo haven't participated in the recent census population growth, which was organized in Kosovo, so the exact number of people can not be determined. Other parts of Kosovo are populated by 87 thousand Serbs. Both groups of Serbs do not have the same interest. While the Serbs living in northern Kosovo are radical in relation to any negotiations with the Kosovo authorities, because Kosovo institutions lack in this area, the Serbs elsewhere in Kosovo support the negotiations, because the resolution of "technical issues" makes life easier for them. Therefore, it is clear that addressing the north of Kosovo issue is the key to a permanent solution to the relations between Pristina and Belgrade.

That is understood by the international community which intensely attempts to resolve the status of northern Kosovo. There seems to be an awareness of Belgrade and Pristina that it is in the interest of both sides to find a solution, because the reality on the ground pressures both sides.



This opens the door for a variety of options - from minimalist offered by Pristina, that is, to accept only one degree of autonomy envisaged by the Ahtisaari plan, to maximal offered by Belgrade, which is a division or a new distinction. There is reference to the model of South Tyrol, including the Z4 plan that iwa offered to Serbs in Croatia, but which they refused.

The United States are also involved in solving this problem. Until recently, the U.S. representatives in Kosovo favored military option which has received support from the European Union. Recently, one hears that some influential circles in Washington are considering the option of autonomy for northern Kosovo which is most similar to the autonomy of Kurdistan and the Kurds in northern Iraq. This autonomy is not only one of the largest in the modern world, but it represents the U.S. contribution to the development of democracy and minority rights.

The autonomy of Kurdistan is defined by the Iraqi Constitution supported by the Iraqi Kurds in a referendum. By the Constitution it is guaranteed that the Kurdish language, in addition to Arabic, is the official language in Iraq. The Constitution gave great autonomy to the regions. The federal government in Baghdad has authority over the department of foreign affairs, finance, trade and other issues. All other powers belong to the regions. When there is a dispute between federal and regional authorities on matters within the jurisdiction of the region, the Constitution grants jurisdiction to regional governments. Regions have the right to amend national laws in matters within their jurisdiction. Kurds have managed to secure ownership of oil fields.

The Constitution defined the existing oil and gas as a "property of all Iraqi people". However, revenues from future oil fields will be collected by regional authorities. Kurds have the right to make laws, decisions and sign international agreements which are recognized in Baghdad. The Kurds are currently seeking to have other rights which have not yet been realized. They demand the right to issue visas, to establish the foreign ministry, and to negotiate directly with foreign companies in connection with the supply of energy, bypassing the Iraqi Ministry of Oil. In Washington it is considered that the Iraqi Kurds have every right they asked, except the right to have their own Ministry of Foreign Affairs. The Constitution, however, allows Kurdistan to have the representatives in Iraqi embassies and missions abroad. The Constitution grants the right of control over police and internal security forces, while the majority of police officers and soldiers who are deployed in Kurdistan are Kurds. It is envisaged to complete the Kurds' autonomy in matters of religion, culture, and education, as well as in matters of health and social care.

It turned out that despite the difficult past, the Kurds and Arabs, and notably the Sunni majority, can work together for a better future for Iraq. Under Saddam Hussein Kurds were massively killed and displaced from their homes. In the late eighties, around 1.5 million Kurds were expelled from their homes; in 1988 thousands of Kurds were killed by chemical weapons ... They enthusiastically greeted the fall of Saddam Hussein, and a few years later they began to actively participate in the political life of Iraq and Iraqi institutions.



If it is possible for the Iraqis and Kurds to work together on a better future and that the majority Arabs respects the high autonomy of the Kurds - why it wouldn't be possible in Kosovo? That's why some influential circles in Washington think that the case of the autonomy of Kurdistan could be applied in Kosovo, burdened for centuries with bad relations between Serbs and Albanians and their conflicts. Either way, the solution for autonomy of the north and autonomy for Serbs living in other parts of Kosovo is the key to lasting solution of relations between Serbs and Albanians in the Balkans. Which model will be applied is less important. It is more important to solve the relations so that both nations turn to their development and prosperity.