

## Playing with fire

Kartsonaki, Argyro

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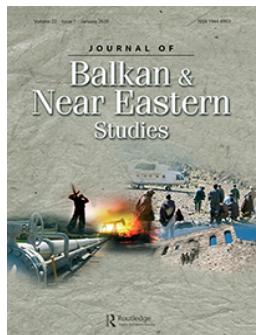
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# Playing with Fire: An Assessment of the EU's Approach of Constructive Ambiguity on Kosovo's Blended Conflict

Argyro Kartsonaki

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## Playing with Fire: An Assessment of the EU's Approach of Constructive Ambiguity on Kosovo's Blended Conflict

Argyro Kartsonaki 

Department of Political Science and International Studies, University of Birmingham, Birmingham, UK

### ABSTRACT

This article introduces 'blended conflict' as a novel approach for the understanding of the multi-levelled interconnectedness of factors that lead to, and sustain, complex conflicts. It assesses the impact of the European Union's efforts to manage Kosovo's blended conflict, focusing on the EU-facilitated dialogue and the establishment of the Association/Community of Serb Majority Municipalities. It shows that the EU's tactic of constructive ambiguity has produced short-term results at the state level, but it endangers stability in the long term by exacerbating the situation on the ground. Empirically the study draws on data from repeated fieldtrips and semi-structured interviews with EU personnel, governmental, non-governmental and international actors in Kosovo and Serbia. This article contributes theoretically and empirically to the wider conflict management literature.

## Introduction

Kosovo is a complex conflict that has developed into a complex security issue on European territory. It is not a violent conflict any more, but it is also not one that has been sustainably resolved either. Kosovo remains a contested state. Ten years after it unilaterally declared independence from Serbia, it has been recognized by 114<sup>1</sup> United Nations member states including three permanent United Nations Security Council members and 23 European Union (EU) countries. Serbia, however, remains adamant in non-recognition and is being supported by the other two permanent members of the Security Council, Russia and China. Five EU countries, Greece, Cyprus, Slovakia, Romania and Spain also refuse to recognize Kosovo as an independent state.

The Yugoslav wars were an example of a blended conflict, a violent conflict characterized by internal fragmentation and intense internationalization. It had various simultaneous fronts at different levels of analysis. It took place in the aftermath of the Cold War at a time of a global regime change that included the collapse of the Eastern bloc, the emergence of the US as undisputed global hegemon, the reunification of Germany and its re-establishment as a European leading power, and the birth of the EU as a collective European actor. The Western Balkans, especially Kosovo, Bosnia-Herzegovina and the recently renamed North Macedonia, have been

since the end of the Yugoslav wars in a transition phase. This constant transition phase and the weariness it brings about to the local population has contributed to the Balkans becoming a place of latent and simmering blended conflicts.

The EU agenda towards the Balkans remains consistent throughout the years with security and stability as its priority. In the case of Kosovo, this is a factor that ameliorates volatility by providing a common goal to conflict parties, which is none other than European integration. The ulterior motive of EU accession has offered a platform for all parties—Pristina, Belgrade and Brussels—to negotiate. With the carrot of integration, the EU has the stick of reform on Kosovo's domestic politics. As chapter 35 of Serbia's accession process concerns the normalization of relations with Kosovo, the EU also puts Serbia under pressure to resolve the conflict.

This article appraises the EU's efforts to resolve the conflict in Kosovo through the EU-facilitated dialogue focusing in particular on the provisions for the creation of the Association/Community of Serb Majority Municipalities (hereafter Association). It explains through the prism of blended conflicts why the EU's approach of 'constructive ambiguity' failed to produce the expected results. Constructive ambiguity has provided room for the conduct of negotiations and for agreements to be signed. It has also created room, though, for these agreements to be interpreted in diverse ways leading to stalemates and crises, instead of implementation. This research shows that the EU under-appreciates the depth of the conflict and continues with superficial, box-ticking measures. These provide the legal and political framework for further discussions at state, regional and international level. However, they are disconnected from the local level and the needs of the local population. The use, hence, of constructive ambiguity in a blended conflict may produce initial results at the state level, but endangers stability in the long term by aggravating the situation on the ground.

This article makes a theoretical and an empirical contribution. Theoretically, it introduces the concept of blended conflicts, proposing a novel and a more holistic approach to describe complex conflicts, either ongoing (such as the conflicts in the Middle East, sub-Saharan Africa, the Sahel, and Ukraine) or latent (for instance, in Central Asia and the Balkans). The conceptualization of blended conflicts will lead to a better understanding of complex conflicts, having broader implications for conflict management and conflict prevention strategies. Empirically the research brings to light original evidence regarding the local situation in Kosovo and the impact of the EU policies. It draws on data from semi-structured interviews conducted in Kosovo<sup>2</sup> and Serbia since the signing of the Brussels Agreement in April 2013. The field research was carried out over three rounds: in Kosovo (Pristina, Gračanica, North Mitrovica), June 2014; in Serbia (Belgrade), March 2015; and again in Kosovo (Pristina, Gračanica, North Mitrovica), December 2017. The time gap between the fieldtrips allowed the observation of potential changes in perceptions of the participants regarding the creation of the Association and the attitude towards international involvement in Kosovo. Interviewees comprised officials working in the European Union Rule of Law Mission in Kosovo (EULEX), EU diplomats, non-EU diplomats, senior UN officials, retired governmental officials (Serbia, Kosovo, EU member states), civil society activists, NGO representatives, journalists and press editors. The research also drew on EU, Kosovar<sup>3</sup> and Serbian policy reports, as well as civil society reports.



The article is structured as follows. First, it explains the concept of blended conflicts. Then, it shows why Kosovo is characterized as such. Afterwards, the article demonstrates the role of the EU in this conflict. It explains what the Association was supposed to be, and shows how it not only failed to produce the expected results, but also inflamed certain aspects of the conflict further entrenching Kosovo's stalemate. The article concludes with an overall evaluation of the EU's approach of constructive ambiguity in Kosovo.

## Defining blended conflict

The concept of blended conflict describes violent conflicts, exhibiting internal fragmentation and intense internationalization<sup>4</sup>. They take place in penetrated regional systems and have various simultaneous fronts at different levels of analysis. They combine elements of intrastate and interstate conflicts. Identity grievances, horizontal inequalities, but also internal divisions of the population within the same ethnic group based, for example, on sect, tribe or political affiliation, are characteristics encountered in blended conflicts. Furthermore, disputes over border delineation, often combined with issues over access to resources, have a prominent role in blended conflicts. Resources are of salient importance not only for the parties directly involved in conflict but also for third-party states and private companies, trying to secure access to resources and control of the transport routes. Taking place in weak political regimes or during political transitions, blended conflicts become the theatre of wider geopolitical agendas of great powers competing over control of the affected regions.

The concept of blended conflicts offers a more holistic understanding of the dynamics of complex conflicts. Existing literature often focuses on one central factor that may lead to violence if combined with other conditions. For example, studies have shown the impact of identity on the outbreak of conflict when combined political exclusion,<sup>5</sup> political grievances stemming from status loss,<sup>6</sup> weak state structures and lack of democratic culture.<sup>7</sup> Attention has also been given to identity differentiation when combined with economic grievances,<sup>8</sup> poverty,<sup>9</sup> corruption<sup>10</sup> and severe group inequalities in economic, social, political or cultural terms.<sup>11</sup> Other scholars focus more on how elites use power-vacuums, weak institutions and economic decline in order to 'ethnicize' territory and fuel violence by creating perceptions of identity that did not exist before.<sup>12</sup> Geography has also been researched as a factor enabling conflict, examining how access to,<sup>13</sup> and/or competition over, resources,<sup>14</sup> food and water<sup>15</sup> may lead to war. Greed and opportunity stemming from natural resources have also been researched as causes of conflict.<sup>16</sup> Emphasizing the role of regional factors in a conflict, Buzan and Waever developed regional security complex theory<sup>17</sup> providing an analytical framework that examines regional systems and subsystems defined in terms of security and relations of amity and enmity between the actors of each region. Similarly, the role of neighbourhood has been studied,<sup>18</sup> emphasizing the processes of diffusion and contagion<sup>19</sup> and the regional dimensions of state failure.<sup>20</sup> Finally, scholars have shown how external interventions and global changes influence the outbreak of conflicts. Fouskas and Gökay demonstrated how the end of the Cold War and the following US hegemony allowed for interventions aiming to secure the energy resources of Eurasia and ensure control over oil and gas transport routes from the Caspian Sea and the Middle East to the West and the

Southeast Asia.<sup>21</sup> Woodward and Glaurdić examining the Yugoslav wars demonstrated how the end of the Cold War had an effect on the outbreak of conflict,<sup>22</sup> while Ayoob, and Ehteshami and Hinnebusch demonstrated how global developments affected foreign policy and security in the Middle East.<sup>23</sup>

The above literature provides valuable knowledge on the impact of certain factors on the outbreak of intrastate conflicts. This is both a merit and a drawback of existing studies. It is a merit as through thorough research on one central cause of conflict, the understanding of the impact of this particular factor is enhanced. Treating causes of conflict in isolation, however, leads to only partial understanding of what leads to, and sustains, complex, protracted conflicts. What is missing, therefore, and what the concept of blended conflicts adds to the literature, is a framework that combines and examines the interconnectedness of internal, regional and global causes of conflict in a multi-level approach.

Blended conflicts are different from other types of conflict because of their volatility and their multi-dimensional complexity. Blended conflict refers to violent conflicts, taking place in weak political regimes or regimes in transition. Blended conflicts have several simultaneous violent fronts (for example, the Yugoslav wars or the current wars in Syria and Iraq). They exhibit extreme levels of internal fragmentation even among groups that seem to constitute a coherent entity (the Kurds, for example). They involve separatist demands and a disputed territory within those demands (North Mitrovica in Kosovo, the Abyei Area in Sudan, the Disputed Territories in Iraq). These territories are either resource rich or on the transit route of energy supply (the Balkans, the Caspian Sea, the Middle East). Finally, they demonstrate intense internationalization with state and non-state actors being directly involved both for conflict management and for conflict prolongation purposes (for instance, the EU, Russia and the US in the Balkans; Russia, the US, Iran, Turkey, and oil and gas companies in Syria and Iraq).

There are several blended conflicts around the world. Developments over the last years in Iraq offer a prime example of a blended conflict. It is a complex conflict that incorporates several sub-conflicts among different actors and at different levels of analysis. It is a deep-rooted sectarian conflict among Sunnis and Shi'as and an ethnic conflict primarily between Arabs and Kurds, but also other ethnic groups as well, such as Turkmen.<sup>24</sup> It was, until the defeat of the Islamic State in 2017, a conflict between three de facto states: the Kurdistan Region, the Islamic State and the Baghdad-Basra region controlled by the government of Iraq.<sup>25</sup> It is also a civil conflict between Kurds themselves produced and sustained through the division between the dominant political parties (Kurdistan Democratic Party and the Patriotic Union of Kurdistan), their respective armies and their international supporters. These elements of conflict are exacerbated by population displacement and demographic changes. In addition, it is a territorial conflict between Baghdad and Erbil over the disputed territories including Kirkuk, a place of symbolic importance for Turkmen and Kurds and of economic importance for all parties concerned.<sup>26</sup> Regional powers, Turkey and Iran as well as regional Kurdish actors interfere providing both official and unofficial support to conflict parties. Finally, the Middle East has turned again into Cold War-like theatre of proxy wars between a declining US and a re-emerging Russia, reclaiming its share of influence in the region.

Similar conflicts are to be found elsewhere in the Middle East, including the Palestinian-Israeli conflict and the ongoing Syrian war. Beyond the Middle East, the



conflict in South Sudan and the still unresolved issue of the Abyei Area with Sudan provide other examples of ongoing blended conflicts. Blended conflicts, however, can also be latent. The multi-ethnic composition of the Ferghana Valley and the mounting polarization between the various ethnic groups, the unresolved border disputes between Central Asian states, the conflict over energy and water, and national and international antagonism over natural resources have created fertile ground for a potential outbreak of a blended conflict in Central Asia.<sup>27</sup>

Kosovo is a latent blended conflict on European soil. It is part of the aftermath of another blended conflict, the Yugoslav wars of the 1990s; a war that in its conclusion ended with the creation of another two latent blended conflicts in the Balkans, Bosnia-Herzegovina and North Macedonia. In case of violence, the transnational kin found in those states divided by the artificial borders inherited from the Balkan Wars and the former Yugoslavia would make its spill-over highly likely. The geostrategic location of the Balkans attracted external interest throughout the twentieth century.<sup>28</sup> After the collapse of communism, Kosovo became the stage of NATO's transformation from a defensive alliance to a global security actor, initiating the project of US eastward expansion and ensuring US control over energy routes from the Caspian Sea to the West.<sup>29</sup> In the last years, the EU has taken the lead seeking, with the incentive of EU integration, to ensure stability in the region and protect Western geopolitical interests.<sup>30</sup> This article explains in detail Kosovo's blended conflict and evaluates the EU's strategies to resolve it.

### **Kosovo's blended conflict**

Kosovo exhibits characteristics of a blended conflict. It has suffered identity grievances, horizontal inequalities and grievances over status loss. Its population is divided, not only along ethnic lines, but also internally within ethnic groups. It is itself a contested state, with weak state institutions, incorporating a disputed territory in the north of Kosovo. Kosovo, and its disputed territory, in particular, are resource rich and the whole of Kosovo lies extremely close to the Balkan transport route for energy. Ethnic kin is to be found in the other Western Balkans countries, also plagued by unresolved similar issues, endangering stability in the region in case of violence. Third-party intervention and internationalization is particularly intense in Kosovo, with the EU, US and Russia pursuing their own agendas.

Kosovo has been characterized by a cycle of domination and suppression between Kosovo Serbs and Kosovo Albanians that has shifted hands for centuries.<sup>31</sup> This contributed to the development of a history of victimization and trauma in both communities that led to identity grievances, exacerbated in times of change.<sup>32</sup> A time of change was the process of the disintegration of Yugoslavia. In this process, Kosovo was challenged not only by identity grievances, but also grievances over status loss, poor economy and political and social marginalization, with the Serbian leader Slobodan Milošević depriving Kosovo of the elevated status it enjoyed in the federal state, firing ethnic Albanians from state enterprises, and replacing them with Serbs and Montenegrins.<sup>33</sup> Grievances and horizontal inequalities have continued to take place in post-1999 Kosovo. However, they reversed and targeted Kosovo Serbs. Kosovo Serbs now live in marginalized enclaves, economically excluded and socially and politically intimidated.<sup>34</sup>

Therefore, Kosovo has been plagued by past and ongoing identity grievances, poverty and horizontal inequalities that perpetuate the conflict.

Weak state institutions have exacerbated the conflict in Kosovo. Kosovo, despite its elevated status, was not a Yugoslav Republic,<sup>35</sup> and in 1989 Milošević revoked its autonomy. Then, Kosovo was mainly run by Serbs and Montenegrins for 10 years, before being placed under UN administration in 1999.<sup>36</sup> This series of events resulted in Kosovo not having the institutional memory and the technical knowledge of how to function as a state after it declared independence.<sup>37</sup> In spite of the efforts of international actors on the ground and the remarkable progress Kosovo has made thus far, its institutions remain weak. This enables the inconsistent interpretation of laws, inadequate translation of state documents, and inconsistent regulation memos that often lead to laws being practically inapplicable.<sup>38</sup> It also impedes the provision of social services of adequate quality to its citizens, adding to the disappointment of Kosovo Albanians towards their state and the marginalization of Kosovo Serbs. In addition, it has allowed Serbia to maintain its parallel structures within Kosovo and legitimize them as the only structures available to Kosovo Serbs.<sup>39</sup>

The Serb-dominated municipalities north of the Ibar River constitute a disputed territory inside Kosovo. Until 2014, North Kosovo operated as a part of Serbia, with education, health care and other public services provided by Serbia-run structures. This has created a divide at various levels. First, Northern Kosovo as a disputed territory within a disputed country, being out of Pristina's control, further undermines Kosovo's sovereignty and statehood. Second, there is a divide between Kosovo Serbs living north and south of Ibar. Serbs in the south are more affected by Kosovo's secession than Serbs living in the north. They face day-to-day ethnically motivated harassment and discrimination and they would be more vulnerable in the case of an outbreak of violence as the one that occurred in 2004.<sup>40</sup> They oppose, therefore, statements and actions by Serb politicians that might endanger their physical safety.<sup>41</sup>

In terms of natural resources, Kosovo sits on 10.9 billion tons of proven, exploitable lignite reserves, i.e. more than 1,300 years of secure supply. The country has also abundant deposits of ferronickel, lead, zinc, magnetite, and other ores that, if developed, could make a major contribution to employment and exports.<sup>42</sup> Although natural resources played little role for the onset of conflict, they swiftly attracted local and international attention.<sup>43</sup> Currently, the Trepča mines<sup>44</sup> are the apple of discord between various state and private stakeholders and although production has been minimal since the 1990s, none of the involved parties is willing to relinquish ownership. In 2016, the government of Kosovo announced that it would take over the mines, an action Serbia condemned.<sup>45</sup> The ownership status is further complicated by the obscurity of the privatization process Milošević initiated in 1997, after which Serbian and international companies claimed shareholdings in Trepča. The situation perplexes more due to the fact that Trepča Company owns significant swaths of land in Northern Kosovo and property that houses public buildings.<sup>46</sup>

However, it is not only the existence of natural resources in Kosovo that make its geography important, but also Kosovo's location on the transport route for oil and gas from Central Asia to the West.<sup>47</sup> This makes the Balkans and Kosovo, in particular, a strategic energy bridge between East and West. The US rushed to secure dominance in the region after the collapse of the Soviet Union, ensuring NATO's eastward expansion



and protection of US energy interests, seeking to diversify energy supply and break Russia's monopoly over oil and gas transport routes.<sup>48</sup>

Global factors, thus, played a salient role in the unfolding and outcome of Kosovo's conflict. Kosovo's secession was enabled by power dynamics at the global level in the 1990s, when the power imbalance between the patrons of Serbia and Kosovo, Russia and the US, respectively, determined a status quo that Russia could not reverse in the following decade.<sup>49</sup> Russia was neither able to exert sufficient influence during the Vienna negotiations (2006–2007) nor was it able to prevent Kosovo's unilateral declaration of independence in 2008. However, the international scene has changed since 2008. US supremacy has declined, whereas Russia has started to reclaim its position as a global power.<sup>50</sup> The West has not been able to achieve universal recognition for Kosovo through lobbying and bilateral diplomacy without the recognition of Serbia or the support of China and Russia.<sup>51</sup> The latter have not only pledged to veto Kosovo's entry into the UN but they also support Serbia in its efforts against Kosovo's further international recognition, as was evidently demonstrated by Kosovo's failure to join UNESCO in 2015.<sup>52</sup>

Furthermore, the conflict in Ukraine has strengthened Russia's position in the Balkans. By stating that trying to push Belgrade into signing up to Brussels-backed sanctions against Russia would be to repeat the mistakes the EU made in pulling Kyiv westwards,<sup>53</sup> Russia warns the West of the potential destabilizing effects overtly assertive actions may have for regional stability. Serbia skilfully uses these power games and its position as a traditional ally of Russia in the Western Balkans to its advantage. Carefully balancing its stance towards the EU and Russia, Serbia has managed to maintain a European course and a discrete cooperation with NATO, while officially rejecting NATO membership.<sup>54</sup> It refused, nonetheless, to align with Western sanctions against Russia. It also vocally reaffirmed its loyalty to Russia, seeking not to estrange a considerable portion of its population, who still sees Russia as Serbia's closest ally.<sup>55</sup> In return, Russia reaffirmed its stance of non-recognition of Kosovo. Kosovo has become, therefore, once again a geopolitical battlefield, where global antagonism determines progress or stalemate.

Finally, the geographic location of Kosovo within the European continent has led to sustained EU involvement seeking to prevent any destabilization. The disintegration of Yugoslavia into its republics altered the regional dynamics, transforming the former federal state into six independent states, plus Kosovo as a contested state. Considerations of contagion and diffusion of the conflict are intensified by the existence of transnational ethnic Albanian and Serbian kin throughout the former Yugoslav states and the existence of unresolved similar conflicts across the Western Balkans, such as in Bosnia and Herzegovina, North Macedonia, and, to a lesser extent, Montenegro. These concerns over the potential destabilizing effects prompted the EU to remain actively involved in Kosovo, seeking to ensure regional security and stability.

## The EU in Kosovo

The primary goal of the EU policies in the Balkans is the preservation of security and stability.<sup>56</sup> The EU has been providing resources and expertise for Kosovo's institution building and reconstruction,<sup>57</sup> and since 2008, with the establishment of the European Union Rule of Law Mission in Kosovo, it has taken a more active role on the ground.

EULEX provides expertise for the strengthening of rule of law, seeking to improve and illustrate the judicial system, contribute to the fight against corruption and organized crime and adjudicate sensitive cases, such as high-profile bribery, drug and human trafficking, inter-ethnic crimes and war crimes. EULEX also supports the EU-facilitated dialogue between Belgrade and Pristina by assisting with the implementation of agreements in the sphere of rule of law.<sup>58</sup>

EULEX has demonstrated mixed results thus far, as it has contributed to conflict prevention and peace-building in Kosovo, but not without significant shortcomings.<sup>59</sup> To begin with, the very deployment of EULEX in 2008 was a success in itself. EULEX adopted ‘chameleon pragmatism’ in order to overcome the issue of non-recognition of Kosovo by five member states and meet the demand of Serbia to operate under a status neutral mandate.<sup>60</sup> The mission has demonstrated some successes on the establishment of a competent police and custom service.<sup>61</sup> EULEX has also contributed to the normalization of relations between Kosovo and Serbia, providing an important ‘communication bridge’ between Pristina and Belgrade.<sup>62</sup> In addition, the mission has been involved in adjudicating a relatively high number of cases.<sup>63</sup> Nevertheless, few of them targeted or delivered verdicts in cases of organized crime and high-profile corruption and rule of law in Kosovo remains hampered.<sup>64</sup>

EULEX meets contestation from both Kosovo Albanians and Kosovo Serbs.<sup>65</sup> The status neutral mandate is deeply problematic for Kosovo Albanians, who see this lack of acknowledgement of Kosovo’s independence as undermining its sovereignty.<sup>66</sup> Status neutrality, however, is problematic for Kosovo Serbs too, who deem it to be merely declarative. This view has been intensified by EULEX’s efforts to bring the North under the control of Pristina, violating, according to Kosovo Serbs, Serbia’s sovereignty.<sup>67</sup> Moreover, Kosovo Serbs criticize EULEX for failing to protect them against Kosovo Albanian attacks and inadequately investigating such cases.<sup>68</sup> Finally, both Kosovo Albanians and Kosovo Serbs perceive EULEX as ineffective, due to the slow progress in establishing rule of law and because of the widespread perception of corruption within EULEX.<sup>69</sup>

EULEX has exacerbated some features of Kosovo’s blended conflict. It intensified external intervention in Kosovo’s domestic affairs for the sake of regional stability, deepening the perception among both Kosovo Albanians and Kosovo Serbs that they are once again pawns of greater geopolitical interests. This perception is strengthened by the failure to combat high-profile corruption, which perpetuates the weakness of state institutions. Also, the ineffectiveness of EULEX in prosecuting ethnic related crimes has done little to ameliorate identity grievances.

Nevertheless, its shortcomings notwithstanding, the mission has probably done more good than harm in managing Kosovo’s blended conflict.<sup>70</sup> EULEX has successes in its area of mandate, even if they are partial ones, supporting Kosovo’s institution-building process. It facilitates the dialogue with Serbia and provides a tangible demonstration of EU’s commitment in Kosovo. With the incentive of visa liberalization in the Schengen area, and EU membership in the long term, the EU has the leverage to push for domestic reforms in Kosovo.<sup>71</sup> As a candidate country to join the EU, Serbia is also under pressure from the EU to proceed to the necessary domestic reforms and also normalize its relations with Kosovo. The settlement of the issue of Kosovo is a prerequisite for its admission to the Union, as indicated in Chapter 35 of the accession process.<sup>72</sup> Given also the importance and the complexity of this matter, this Chapter is to be opened first and progress is required throughout and in parallel with progress in the other chapters.<sup>73</sup>



Therefore, the settlement of the issue of Kosovo is of primary importance for Serbia, if it wishes to continue with EU accession.

## The EU-facilitated dialogue and the association of Serb majority municipalities

For the normalization of relations between the two parties, the EU facilitated a high-level dialogue between Belgrade and Pristina, which resulted in April 2013 in the signing of the Brussels Agreement.<sup>74</sup> Its very signing by the Prime Ministers of Serbia and Kosovo constituted an important practical and symbolic step towards normalization of relations. Point 14 of the Brussels Agreement specified that ‘neither side will block, or encourage others to block, the other side’s progress in their respective EU path.’<sup>75</sup> Therefore, the Agreement, although not being an official international recognition by Belgrade, provides the framework for the establishment of neighbouring de facto interstate relations between Serbia and Kosovo.

The Brussels Agreement also demanded the dismantling of Serbian parallel structures, specifically in policing and judiciary, paving the way for the overall removal of Serbia-run institutions in Kosovo. The Agreement also stipulated the creation of the ‘Association/Community of Serb Majority Municipalities in Kosovo’.<sup>76</sup> The dual naming of Association/Community runs throughout the agreement constituting an element of constructive ambiguity, demonstrating the different interpretations Serbian and Kosovar sides had on the competencies of this institution.

The objective of the Association according to the Brussels Agreement and the General Principles/Main Elements agreed in August 2015 is to *exercise full overview* to develop local economy, education, health and social care for the municipalities in Kosovo, where Serbs constitute a majority.<sup>77</sup> The Association will also be able to coordinate urban and rural planning, adopt measures to improve local living conditions for returnees to Kosovo, conduct research and development activities. It will provide services and assess the delivery of public services to its members and establish relations with other associations of municipalities, domestic and international.<sup>78</sup>

The fundamental function of the Association will be to promote the interests of the Kosovo Serb community in its relations with the central authorities. For this purpose, it is entitled to propose amendments to the legislation and other regulations and initiate or participate in proceedings before the competent Courts, including the Constitutional Court. It will also have the right to nominate representatives to the competent organs/bodies of the central government.<sup>79</sup> The Association will be funded from various sources, including contributions from its members, income from companies or assets it owns, transfers from the central authorities as well as financial support from Serbia. Notably, the Association will be exempt from duties and taxes. Finally, the Association will have a president, vice-president, assembly and council as well as its own official symbols (coat of arms and flag).<sup>80</sup>

However, Serbia and Kosovo were not able to agree on the fundamental issue of the powers of the Association. The Serbian government emphasizing the wording *exercise full overview* in the document has strongly implied that the Association will have executive powers within the central Kosovo structures.<sup>81</sup> The Kosovo Government, on the other hand, asserts that ‘all tasks and objectives of the Association are limited to the general overview on local issues, without having the possibility of obtaining authorization in

managing the local issues.<sup>82</sup> The Kosovo Government insists that the Association will merely have a consulting character, similar to the existing Association of Kosovo Municipalities, which is a non-profit organization that represents general interests of its members.<sup>83</sup>

The vagueness around the competences of the Association facilitated the signing of the agreement. Hence, the characterization of the unclear formulation as constructive ambiguity, as this was supposed to be the first step towards a more concrete arrangement on the functioning of the Association. This strategy had not produced the expected results, though. The different interpretations on the issue of powers have created an impasse that has prevented the establishment of the Association, aggravating Kosovo's latent blended conflict.

Kosovo Serbs remain the most under-represented part in the process of settling the issue of Kosovo. In spite of being most affected by these negotiations, as they mainly deal with the rights of Serbs in an independent Kosovo, Kosovo Serbs do not have a seat at the negotiations table and talks are held between Belgrade and Pristina. For many Kosovo Serbs, it remains unclear how the Association will practically add to the rights they have already enjoyed. The provisions for the Association are not as far removed from the Kosovar legal framework as presented by Kosovo Albanian and Serb politicians. Education, health and social care, economic development and rural and urban planning fall under the competences of municipalities and municipalities are allowed to cooperate in these domains.<sup>84</sup> The legal framework might not always be upheld in Kosovo. However, through parallel structures, Serbia provided the resources for Kosovo Serbs to manage such issues especially on education and health care.<sup>85</sup> Now, with the Association these competences – with or without executive powers – will be transferred to the Kosovo system, which Kosovo Serbs consider to be lower in terms of quality than the Serbian one, weakening, therefore, their access to public services.<sup>86</sup>

Not only that, but with the dismantling of Serbian structures, Kosovo Serbs, who are employed by Serbia-run institutions may lose their income. Some of them will be absorbed in the central Kosovo structures that will replace the Serbian ones. However, the positions that the Kosovo government foresees for education, for example, are significantly less than the ones Serbia currently covers.<sup>87</sup> This will inevitably lead to rapid rise of unemployment among Kosovo Serbs and consequently their eventual departure from Kosovo.<sup>88</sup> Thus, for Kosovo Serbs, the Association will 'take away what [they] already had by weakening links with Serbia and putting into question the survival of institutions sustaining the existence of Serbian community in Kosovo'.<sup>89</sup> The Association, therefore, will have an impact on certain aspects of Kosovo's blended conflict increasing poverty and frustration against weak institutions. It also increases resentment against international involvement and policies designed in Brussels that promote the EU agenda, but fail to address the needs of the local population.

Moreover, the predominant view among Kosovo Serbs is that the creation of the Association is Serbia's way out of Kosovo. They have realized that despite public insistence on territorial integrity, Kosovo has diminished in importance for Serbia.<sup>90</sup> Belgrade seeks to finally move away from the legacy of the Yugoslav wars and this is achievable through normalization of relations with Pristina and EU integration.<sup>91</sup> The dismantling of Serbian structures and their handing over to Kosovo central authorities is a part of this process. For Kosovo Serbs, therefore, the establishment of the Association



under the central authorities in Pristina is a confirmation of Serbia's retreat from Kosovo, adding to perceptions of abandonment and marginalization.

While for Kosovo Serbs the Association manifests the retreat of Serbia from Kosovo, for Kosovo Albanians it demonstrates exactly the opposite. For them, the Association institutionally establishes Belgrade's involvement in Kosovo's affairs and undermines Kosovo's sovereignty. In return for the dismantling of the Serbian parallel structures and the participation of Serbs in Kosovo's elections, the Kosovo government has accepted the creation of the Association.<sup>92</sup> With that, however, they also accepted the legally sanctioned direct interference of Belgrade in Kosovo's local governance.<sup>93</sup> Furthermore, Belgrade has strengthened its interference in Kosovo's domestic politics through Srpska Lista (Serbian List), a political party created to represent the planned Association. Even though the Association has yet to be established, the party has not only been formed, but in the 2017 elections, it won nine out of the 10 seats reserved for Kosovo Serbs. Srpska Lista is directly controlled by the Serbian government and its members openly consult and co-ordinate actions with Belgrade.<sup>94</sup> For Kosovo Albanians, therefore, the Association undermines Kosovo's sovereignty as Belgrade officially acquires the right to interfere in Kosovo's politics through the right to financially support the Association and heavily influence the choice of its representatives through Srpska Lista.

The extended autonomy the Association might have, in combination with Belgrade's influence on it, intensified fears of 'Bosnianisation' of Kosovo.<sup>95</sup> Bosnia-Herzegovina being administratively divided along ethnic lines has created over the years a model of a dysfunctional state.<sup>96</sup> Kosovars fear that the Association will discourage Kosovo Serbs from integrating into the Kosovan structures, with the Association evolving eventually into an entity that resembles Republika Srpska in Bosnia-Herzegovina. This not only will further worsen Kosovo's blended conflict by deepening ethnic segregation at the social level, but will also undermine the capacities of the central state at the political level, entrenching double sovereignty in Kosovo and severely obstructing the running of the central state.<sup>97</sup>

Similar to Kosovo Serbs, Kosovo Albanians fail to see any added benefit in establishing the Association. Kosovo Albanians deem they have already made too many concessions to Serbia and to the EU in terms of internal sovereignty in exchange for international recognition.<sup>98</sup> Frustration is exacerbated by previous compromises Kosovars made on domestic laws and the rights of minorities, for example, the guaranteed seats minorities have in the Assembly and state institutions<sup>99</sup> and provisions that have been included in the internal legislation after demand of the international actors<sup>100</sup> and are considered by Kosovo Albanians to be overgenerous.<sup>101</sup> However, despite rhetoric of normalization of relations, Serbia seems reluctant to grant Kosovo official recognition and to open, thus, the way to uncontested statehood. Kosovars, therefore, are frustrated and concerned that they have been giving away elements of their sovereignty in vain.

The EU actions on Kosovo's blended conflict have produced some positive results, strengthening Kosovo's institutions and providing incentives for Pristina and Belgrade to comply with EU requisites. However, other aspects of Kosovo's blended conflict have been exacerbated. International involvement in Kosovo, frustration over its uncertain status and the isolation it produces, the increasing involvement of Serbia in Kosovo's politics, without providing the much desired official recognition, in combination with economic stagnation, have created an alarmingly unstable situation in Kosovo. Kosovo's

political scene is plagued by recurring political crises. Kosovo citizens, Kosovo Albanians and Kosovo Serbs alike, are tired of poverty, isolation and corruption. They have grown weary of observing the coalition between former warlords and international administrators in order to maintain stability in the region.<sup>102</sup> They are disappointed to witness the violation of ‘western values’ on European soil and the turning of a blind eye to corruption, discrimination and violation of human rights for the sake of stability.<sup>103</sup> These mounting grievances are intensified by reforms negotiated in Brussels that are neither welcome by all parties concerned, nor are they always planned to target the needs of the local population. This creates a dangerous blend of potentially explosive factors, where a latent conflict can turn into a violent one if the incentive of EU integration fades.

## Conclusion

With the leverage of accession, the EU succeeded in bringing Kosovo and Serbia to high-level de-facto interstate negotiations, which have led to remarkable results when considering the recent past of the actors involved. The very signing of the Brussels Agreement and the subsequent technical negotiations were important steps towards the resolution of the conflict. With the use of vague language and constructive ambiguity, the EU has succeeded in maintaining engagement, avoiding at the same time to specify thorny operational details.

Kosovo, however, is a blended conflict. It is plagued by identity grievances, horizontal inequalities and internal divisions (ethnic and territorial). It is still a contested state that incorporates a disputed territory within its borders. Not only is it resource rich, but it is also located in a region of significant geostrategic importance, being a potential member of the EU, as well as a bridge between East and West. It is a place of global political importance, where global powers have pursued their own agendas using Kosovo as a stage to demonstrate their military, geopolitical and diplomatic capabilities. Agreements, therefore, signed merely between Belgrade and Pristina, under the auspices and pressure of Brussels are not enough to resolve the conflict sustainably. To the contrary, piecemeal provisions and box-ticking exercises rather conceal problematic issues, while slowly adding to existing grievances.

This article focused on the creation of the Association/Community of Serb-Majority Municipalities, appraising its effectiveness in managing Kosovo’s blended conflict. The EU succeeded with constructive ambiguity around the Association to secure Serbia’s retreat from the local level in Kosovo and at the same time to entrench its involvement at the political level through the creation of Srpska Lista. Thus, Serbia is retreating from Kosovo and the services it provides to Kosovo Serbs, but it maintains political leverage in Kosovo’s domestic politics. This is a dangerous outcome that disappoints both Kosovo Serbs and Kosovo Albanians: it deteriorates the living conditions of Kosovo Serbs, but it also aggravates frustration of Kosovo Albanians over the still uncertain status of Kosovo and the increasing involvement of Serbia in Kosovo’s politics. This creates an unstable situation in a blended conflict, taking place in a contested state, located in an unstable region, where neighbouring states are plagued by similar unresolved issues.

The EU seems to underestimate the complexity of the situation and the impact its policies may have in the long term. These policies may serve the EU’s short-term goals for as long as stability is maintained, which is understandable in light of the numerous



institutional and financial crises the EU has been confronting in the last years, as well as the growing euroscepticism in EU countries. Nevertheless, superficial, box-ticking provisions targeted to maintain political engagement rather than truly resolve problematic issues may backfire in the future. Kosovo Serbs and Kosovo Albanians have become increasingly weary of the EU carrot and stick policies that serve political and geopolitical interests, without addressing their needs. Mounting frustration of both sides with the EU and with their respective political elites creates an increasingly unsustainable situation in Kosovo. It is high time that the EU prioritizes bottom-up implementable strategies that tangibly improve the living conditions of local communities, rather than focusing on grand political or technical agreements that remain on paper for years.

## Notes

1. According to the Kosovo Ministry of Foreign Affairs <<http://www.mfa-ks.net/?page=2,224>> (4 July 2018). Nevertheless, the number of recognitions varies from 114–116 depending on the source.
2. This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.
3. Kosovan refers to all ethnic groups of Kosovo. Kosovar refers to Kosovo Albanians.
4. The concept of *blended conflicts* is an outcome of joint research with Kelsey Shanks, Gareth Stansfield and Stefan Wolff funded by the ESRC project: Understanding and Managing Intra-State Territorial Contestation: Iraq's Disputed Territories in Comparative Perspective [grant number ES/M009211/1].
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- and the Kosovo Police, but it mentions that these bodies shall reflect the ethnic diversity of Kosovo. Constitution of the Republic of Kosovo, Pristina, 2008.
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  103. Among others, interviews 5, 31, 34, 35, 40, op. cit.

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## Notes on contributor

*Argyro Kartsonaki* is a research fellow at the University of Birmingham, UK, working on the ESRC-funded project 'Understanding and managing intra-state territorial contestation: Iraq's disputed territories in comparative perspective.' Her previous research examined Kosovo's secession from Serbia, while her current research examines the causes of intra-state conflicts and explores strategies for their settlement. She holds a PhD in International Relations from the University of Birmingham, a MA in European Public Policy from the University of Crete, Greece, and a BA in International Economic and Political Studies from the University of Macedonia, Greece.

## ORCID

Argyro Kartsonaki  <http://orcid.org/0000-0001-5186-6996>