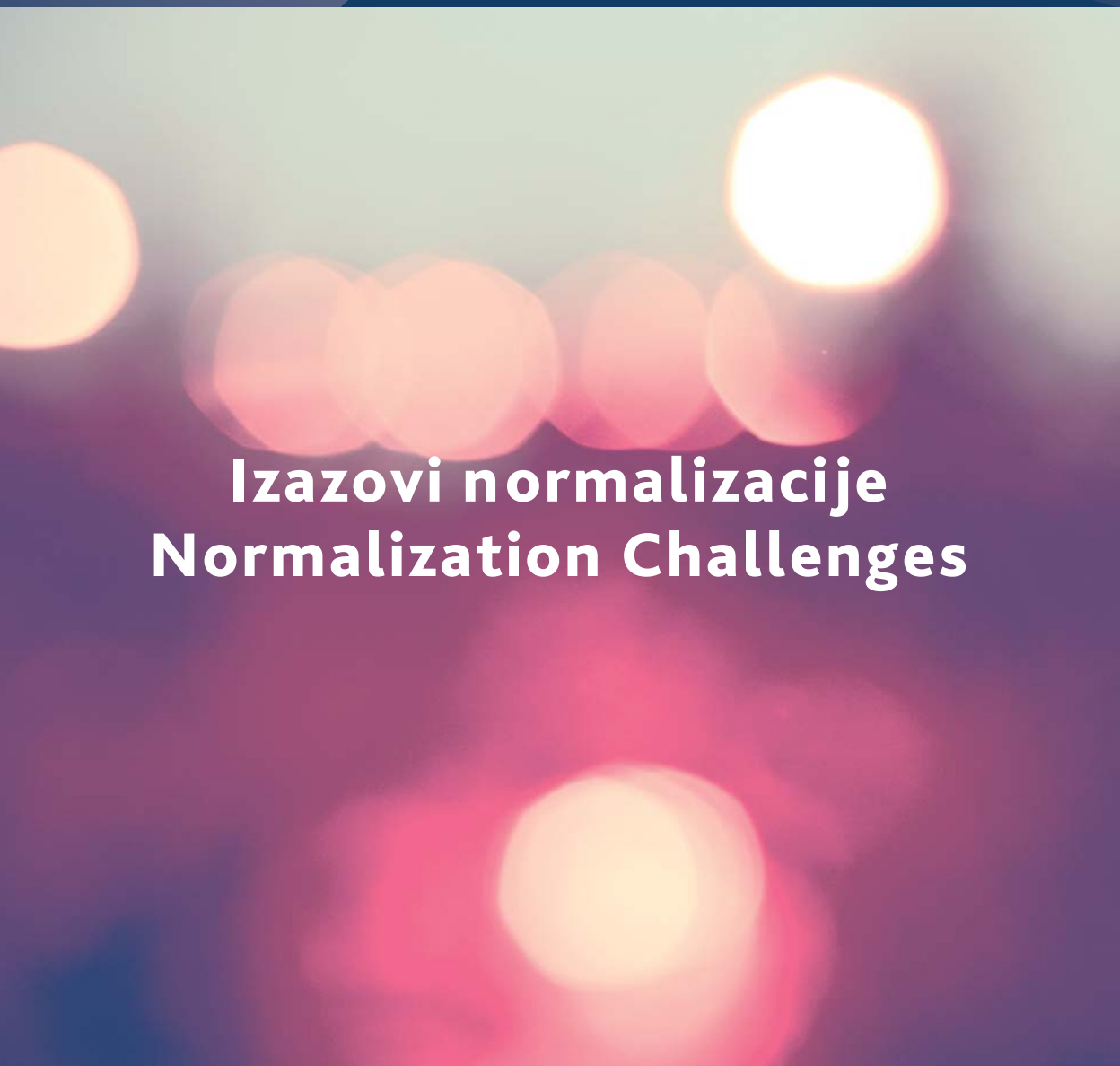
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Policy Paper



Izazovi normalizacije
Normalization Challenges

Izazovi normalizacije

Analiza pregovora i primene Briselskog sporazuma

Normalization Challenges

Analysis of the Negotiation Process and Implementation of the Brussels Agreement

FORUM ZA ETNIČKE ODNOSE
FORUM FOR ETHNIC RELATIONS

Beograd, 2015.

IZAZOVI NORMALIZACIJE
ANALIZA PREGOVORA I PRIMENE BRISELSKOG SPORAZUMA

Beograd, novembar 2015. godine

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Dr Dušan Janjić

OKVIR ZA NORMALIZACIJU ODNOSA SRBIJE I KOSOVA

Beograd, novembar 2015.

UVOD

Ova analiza ukazuje na:
- složenost političkih i istorijskih okolnosti u kojima se odvijaju „Briselski dijalog" i normalizacija odnosa Srbije i Kosova;
- osnovne odrednice normalizacije odnosa Srbije i Kosova;
- međusobnu ispreplетanost procesa normalizacije i „evropske budućnosti" Srbije i Kosova;
- dostignuća „Briselskog dijaloga" zaključno s avgustom 2015. godine, i
- aktivnosti koje bi trebalo preduzeti u ostvarivanju sporazuma postignutih između Srbije i Kosova, i
- politike, aktivnosti i mere koje bi trebalo preduzeti u cilju unapređenja okruženja za normalizaciju

Uvidom u brojne i raznovrsne priloge (analize, akademski, novinski i drugi članci, izveštaji nadležnih institucija, organa i slično) na temu Briselskog dijaloga i procesa normalizacije, uočljivo je da se radi o parcijalnim uvidima i o, čestom, zanemarivanju političkog, socijalnog i, naročito, bezbednosnog okruženju u kome se odvijaju dijalog i proces normalizacije.

U nastojanju da uspostavi metodološki i tematski okvir za svestrano sagledavanje ovih pitanja, u izradi ove analize primenjen je multidisciplinarni pristup. Takođe, analizirana su najvažnije teme od značaja za razumevanje složenog procesa dijaloga i normalizacije.

Odsustvo transparentnosti je jedna od odlika Briselskog dijaloga. Otuda je neophodno istraživanje mnogih izvora da bi se rekonstruisali dogovori postignuti i stvarni tok njihove primene. U nameri da se olakša svim zainteresovanim obaveštavanje o sadržaju tekstova postignutih sporazuma, u Analizi su navedeni kompletni tekstovi sporazuma, koji su javno dostupni.

U izradi ove analize od izuzetnog značaja su bili rezultati rasprava koje su, u okviru projekta: „***Konsultativni razgovori o institucionalnim rešenjima za odnose Srbije i Kosova"***, organizovali Regionalni program „*Pravna država JIE*", Fondacija Konrad Adenauer (KAS), Forum za etničke (FER) i Kosovski institut za istraživanja polititika i razvoja (KIPRED), u Miločeru, Crna Gora, 25. do 28. novembra 2012 godine, u Prištini,

Kosovo, 18. aprila, 2013 godine, u Nišu, Srbija, 25–26 jun 2013 godine, pod nazivom „*Normalizacija odnosa Beograda i Prištine: Prva godina Briselskog sporazuma*", u Beogradu, Srbija, 25. april 2014 godine (u daljem tekstu: KAS projekt). S toga se može reći i da je ova analiza jedan od rezultata KAS projekta.

Jedan od značajnijih rezultata KAS projekta je i nacrt dokumenta „*Osnovni /okvirni/ sporazum između Srbije i Kosova*" (u daljem tekstu: *Osnovni sporazum)*. Ovaj dokument je korišćen i navođen u ovoj analizi. Zbog interesa koji je izazvao u javnosti Srbije dokument se objavljuje u integralnom obliku (vidi: *Dodatak 1)*.

I) NORMALIZACIJA – PUT OD SUKOBA KA „EVROPSKOJ BUDUĆNOSTI"

a) Istorijske i političke okolnosti koje su prethodile „Briselskom dijalogu"

Kosovo je teritorija površine 10.908 km^2, nastanjena sa preko dva miliona stanovnika, od čega su Albanci 82%. Kosovo je prostor na kome se susreću, sarađuju i sukobljavaju ljudi i zajednice s različitog etničkog porekla, kultura i vera. Za Kosovo je karakterističan proces etničke homogenizacije koji se ispoljava i na teritorijalnom nivou kao koncentracije etničkih manjina u određenim teritorijalnim enklavama.[1]

Miloševićev režim je nastojao da uspostavi direktnu vlast nad Kosovom sužavajući prava Albanaca kroz sistematski sprovedene kampanje njihove marginalizacije, diskriminacije i podsticanja socijalne, ekonomske i političke „motivacije" za odlazak sa Kosova. S druge strane, albanski vođa Ibrahim Rugova i Demokratski savez Kosova (DSK) nastoje da, izgradnjom institucija albanske „paralelne države", dosegnu nezavisnost Republike Kosova.

Rat na Kosovu, koji je započeo 28. februara 1998. godine, bio je jedan u nizu oružanih sukoba na prostorima bivše Jugoslavije, koji su bili deo procesa raspada bivše Jugoslavije i začetka novih država.

Rat 1998–1999 je pooštrio nerešene probleme iz prošlosti, i uz pitanje statusa Kosova dodao nove problem, među kojima se posebno teški žrtve ratnih ubijanja, proterivanje iz domova i razaranja; slabljenje i onako slabe privrede; javni sektor u gorem stanju nego pre rata (*Malići, 2000:26,27)*; otvaranje albanskog pitanja kao regionalnog pitanja, odnosno kao pitanja mogućeg ujedinjavanja svih albanskih zemalja, te i promene međunarodno priznatih granica.

Miloševićeva kontrola nad Kosovom okončana je, juna 1999 godine. s dolaskom UNMIK-a, na čelu sa specijalnim predstavnikom Generalnog sekretara Ujedinjenih

[1] Na područjima Kosova (u enklavama na severu Kosova, u centralnom i jugoistočnom delu Kosova) sa većinskim srpskim stanovništvom u preko 250 naseljenih mesta, živi oko 130. 000 stanovnika. Najveća teritorijalna koncentracija srpskog življa je na severu Kosova gde živi više oko 59.000 stanovnika ili preko 45% ukupnog srpskog stanovništva. Brojčana većina preostalih Srba živi južno od reke Ibra u grupisanim seoskim naseljima, često udaljenim jednih od drugih (*Mameli, 2007: 40*).

nacija (u daljem tekstu: GS UN). Na Kosovu je uspostavljena nova realnost, a novi pravni okvir za upravljanje kosovskom krizom je je stvorena na osnovu Rezolucije 1244 Saveta bezbednosti UN.

Pitanje statusa je u središtu krize na Kosovu, zato njegovo rešavanje predstavlja jedan od bitnih elemenata stabilizacije mira i sa ovim povezanih procesa izgradnje države kao jedan od mogućih odgovora na pitanje statusa.

Izgradnja države je deo procesa izgradnje mira. Ali, to ne mora da bude u svakom slučaju.

U slučaju Kosova, praksom međunarodnog prisustva, Kosovo je *de facto* odvojeno od Srbije i usmereno ka izgradnji samostalne i nezavisne države (*Janjić, 2005: 4*; ***Štajner***, 2003). Ali, proklamovani cilj međunarodne zajednice da Kosovo bude stabilno, demokratsko i višenacionalno društvo nije blizu ispunjenja.

U novijoj istoriji, Kosovo doživljava ubrzano modernizovanje privrede i društva. No, i pored toga, to je nerazvijeno područje. Društveno-ekonomske strukture i makroekonomski trendovi ne daju razloge za optimizam u pogledu budućnosti Kosova, a u opštoj neizvesnosti posebno mesto ima socijalno – ekonomska neizvesnost (o ekonomskim pitanjima vidi više u poglavlju IV koje je posvećeno unapređenju ekonomskih uslova za normalizaciju).

Proizvodnja na Kosovu je veoma niska, pa se ekonomski život bazira na trgovini i uvozu robe. Na Kosovu nema značajnijeg direktnog stranog, a ni javnog investiranja. Kosovo ima slab finansijski sektor, skupe kredite i nisku stopu štednje i drugo. Kosovo je ekonomski zavisno od međunarodne pomoći. Značajan je priliv i od doznaka kosovskih Albanaca iz inostranstva. Procenjuje se da se ovaj priliv kreće od 370 miliona evra godišnje, po MMF-u, do 187 miliona evra (*Del Re, 2007: 100, 101*).

Kosovo je siromašno i nestabilno. Preko 50 odsto stanovništva živi u bedi, a od toga 12 odsto na granici egzistencijalnog minimuma (*Cani, 2004*; *Farnam*, *2003*).

Ostvaren je pravi egzodus stanovništva sa sela u grad, iz poljoprivrede u industriju, a grad nije mogao da apsorbuje taj priliv stanovništva niti da znatnije utiče na menjanje ukorenjenih navika i obrazaca života (*Janjić, 2003*).

Kosovo je i izuzetno emigraciono društvo. Motivi emigriranja su pre svega u oblasti ekonomije i nastojanja da se obezbedi bolji život. Zbog toga su glavne destinacije emigranata sa Kosovo zemlje Šengenske zone unutar EU, Švajcarska i SAD.

Nastojanje Srbije i Srba sa Kosova da organizuju „paralelni život" Srba na Kosovu, kroz zadržavanje zakonodavnog i institucionalnog sistema Srbije na delu teritorije Kosova pretežno nastanjenom Srbima, nije donelo održivo rešenje.

Protekom vremena, realnost se menjala u korist jačanja institucija Kosova i podrške međunarodnog prisustva na Kosovu snaženju ovih institucije; slabljenja ekonomskih, finansijskih, ljudskih i drugih kapaciteta srpske zajednice i Srbije da održavaju „paralelne institucije" i da obezbede održivi ekonomski i socijalni razvoja Srba, na Kosovu. Međutim, opredeljenje Srbije da svoju budućnost potraži u EU je ključno uticalo da se rešenje potraži kroz normalizaciju odnosa Srbije i Kosova. To srpsku zajednicu upućuje ka integraciju u sistem Kosova. Strateško opredeljenje Srbije ka EU je nužno proizvelo i promenu položaja Srba na Kosovu. To se neposredno i dramatično odrazilo na status Severa Kosova.

Relativno mala teritorija, koju čine samo četiri pretežno srpske opštine severno od Ibra (Zubin Potok, Leposavić i Zvečan, i severna Mitrovica), postalo je važno političko i bezbednosno pitanje na putu integracije Srba u sistem Kosova.[2] Rešavanje pitanja Severa Kosova je postalo ključno kako za izgradnju države Kosova tako i za opstanak i razvoj srpske zajednice na Kosovu.

Uprkos raširenom uverenju da severno Kosovo nema nikakvu privredu, skoro 60% kompanija prijavljuje dugoročni rast, a iako je većina od njih formirana posle 1999. godine, najveći broj njih postoji preko pet godina, pa se mogu smatrati stabilnim tržišnim učesnicima.

Strukturu privrednih subjekata na severu Kosova čine mikro, mala i srednja preduzeća, raznovrsna po veličini, prometu i drugim karakteristikama. Najviše ih je u sektoru trgovine, poljoprivrede i prehrambene industrije, ali ih ima i u sektorima građevine, metaloprerađivačkom, turizmu, sektoru informaciono komunikacionih tehnologija, tekstilnoj proizvodnji, drvnoprerađivačkoj industriji i dr.

Razlika postoji i među opštinama, pa je tako Zubin Potok pretežno orijentisan na poljoprivredu, Leposavić jednako i na poljoprivredu i na proizvodnju, u Zvečanu se najviše proizvodi i pružaju se tehničke usluge, dok je severna Mitrovica okrenuta uslugama i trgovini.

Sve do kraja 2014 godine, čak 26% kompanija sa severa Kosova nije registrovano ni po kosovskim, ni po zakonima Srbije, niti se nalaze u registrima UNMIK-a. Najviše kompanija registrovano je u sistemu Srbije, manji deo samo u registru UNMIK-a, a najmanji deo (jedna petina) samo po zakonima Kosovo. Veliki broj je registrovan u po dva ili sva tri registra istovremeno. Kompanije koje se ne nalaze u registru Kosova ne mogu poslovati južno od Ibra, što im značajno smanjuje tržište i razvojni potencijal.

I pored ekonomske potrebe za rešavanje pitanja registracije odnosno statusa kompanija, još uvek je otpor snažan. Politički odbijanje ili produžavanje perioda za registrovanje kompanija se objašnjava nemirenjem sa „ukidanjem države – Srbije" i neprihvatanjem „samoproglašene države Kosovo". Iza ovog političkog stava postoje i značajni ekonomski i lukrativni razlozi, počevši od odbrane monopola na poslovanje sa Kosovom koji su, još u doba Miloševića, uspostavile „tajkunske" kompanije iz Srbije i s njima povezane političke, poslovne pa i kriminalne grupe sa Kosova i iz Srbije. Tu je i interes za održanjem visokih prihoda koji se ubiraju iz korupcije. I, naravno, „naviknutost" ljudi na izolaciju i odsustvo vladavine prava. Zbog svega ovoga sve strane (Beograd, Priština i EU) prema pojavama kršenja zakona Kosova o o registraciji preduzeća i podnošenju izveštaja organa Kosova se odnose sa visokom dozom opreza računajući da će to, na duži rok, dati željeni rezultat, a to je uspostavljanje vladavine prava i povoljnog ekonomskog ambijenta na Severu Kosova.

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[2] Pitanje severa Kosova je u suštini pitanje statusa. Za Albance, to je pitanje dovršavanja izgradnje nezavisne države i uspostavljanja efektivne suverenosti na čitavoj teritoriji Kosova, a za Srbe koji žive na severu, pitanje njihovog državljanstva i nacionalnog statusa. Većina Srba na Kosovu, posebno na severu, radije vide sebe kao državljane Srbije i kao integralni deo srpske nacije, a prihvatanje institucija Kosova značilo bi prelazak u status „nacionalne zajednice" ili nacionalne manjine i državljanstvo Kosova. Ta perspektiva kod njih razvija strah od gubljenja identiteta i sadašnjih prava i sloboda. Ovi radikalno suprotstavljeni politički ciljevi, potpomognuti značajnim uticajem ekstremista, kao i velikom količinom naoružanja u posedu građana, učinili su da sever Kosova i podeljeni grad Mitrovica postanu ozbiljan bezbednosni rizik a održavanje postojećeg stanja sve manje poželjno (*Perspektiva, 2013)*.

Kompanije na severu Kosova imaju najviše pretenzija ka tržištu u Srbiji, tržištu u srpskim enklavama na Kosovu i ka tržištu u južnom delu Kosova posluje samo 18% kompanija, a 30% se priprema ili je zainteresovano za to.[3] Neke kompanije posluju i sa zemljama EU.

Sve u svemu, lekcija je jasna: Za održivi rast preduzetništva i ekonomije na severu Kosova, potrebne su masivne investicije u infrastrukturu i privredu, a to zahteva nove investicije i povoljno poslovno okruženje.

Sistem obrazovnih institucija iz četiri opštine severa Kosova nalazi se pod jurisdikcijom Ministarstva prosvete u Beogradu, a pored osnovnih i srednjih škola, na severu radi i Univerzitet u Kosovskoj Mitrovici (odnosno „Univerzitet u Prištini" sa privremenim sedištem u Mitrovici). Kvalitet obrazovanja Srba na Kosovu nije na zadovoljavajućem nivou te je potrebno da se on reformiše. Međutim, Vlada Srbije i vođstvo Univerziteta i ostalih obrazovanih ustanova, ne pokazuju inicijativu u ovom pravcu. Za sada se iščekuje da li će ovo pitanje biti deo Briselskog dijaloga. Takvo ponašanje predstavlja odbranu stečenih navika ali ne garantuje razvoj. Naime, ukoliko se uzme u obzir da je obrazovanje temelj opstanka i razvoja identiteta, da je njegov značaj za srpsku kao i druge zajednice nemerljiv trebalo bi iz same zajednice da dolaze inicijative za njegovo unapređenje.

Poseban problem predstavlja Univerzitet. Na njemu, sada, rade i studiraju mnogi izvan Kosova. To, pak, predstavlja podsticaj za lokalnu ekonomiju kao i važan činilac održanja. Nije realno očekivati da će Briselski sporazum, kada se postigne o ovom pitanju omogućiti više od onoga što postoji u sličnim slučajevima i što je standard manjinske zaštite: integrisani univerzitet na srpskom jeziku sa najviše 1.200 studenata. U međuvremenu Beograd i lokalne zajednice nemaju nikakva ograničenja da izrade strategiju reforme sistema obrazovanja na srpskom jeziku i da prouče mogućnost da se javno – privatnim partnerstvom održi pa i poveća broj studenata.

Kao što je, već, naznačeno srce krize u odnosima Srba i Albanaca, Srbije i Kosova je pitanje statusa, i to: statusa Kosova kao i statusa albanske i srpske zajednice na Kosovu. Po ovom pitanju postoji duboka i žestoka podeljenost: Srbi i Srbija tvrde da je Kosovo pokrajina i deo njihove teritorije, te traže puno poštovanje Rezolucije SB UN 1244, prema kojoj SB UN ima odlučujuću reč u određenju novog statusa; Albanske vođe ne odustaju od rada na izgradnji države i punom međunarodnom priznanju nezavisnosti Kosova. Posle godina lutanja UN, SAD i EU su, 2005 godine, zauzele stav da bi Kosovo trebalo da postane nezavisna država.[4]

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[3] Polovina preduzeća vidi južno Kosovo kao priliku za uvećanje obrta i profita i smatra da će izlazak na to tržište u budućnosti biti sve značajniji za razvoj njihovih preduzeća (tržište, promet i zarada). Nasuprot kompanijama iz Zubinog Potoka i Leposavića, kompanije iz Zvečana i severne Mitrovice retko posluju sa južnim delom Kosova, odnosno sa kompanijama pod kontrolom kosovskih vlasti. Kompanije koje su orijentisane ka takvom širenju tržišta posluju uglavnom u sektorima poljoprivredne i prehrambene industrije, proizvodnji mašina i građevinskog materijala. Samo 20% preduzeća smatra da bi trgovina sa južnim delom Kosova mogla naškoditi njihovoj reputaciji, ali je interesantno to što je tri četvrtine takvih mišljenja došlo iz Zvečana i Mitrovice, u kojima ionako veoma mali broj preduzeća trguje sa južnim delom Kosova.

[4] Ali, o tome nema jedinstva unutar EU. Osnovni razlozi za ove razlike unutar EU su: unutrašnji politički strahovi od „kosovskog virusa"; sumnja da su kosovske institucije osposobljene da funkcionišu u korist stabilnosti Kosova i regiona. Istovremeno, međunarodna zajednica, naročito EU, ne može da izađe iz zamrženog stanja, koje je, najvećim delom, sama stvorila. Kosovo je jedinstven primer u dosadašnjoj istoriji međunarodnih intervencija ili „mirovnih misija" po tome što stanje na njemu i njegov status predstavljaju rezultat procesa koji se odvija pod međunarodnim vođstvom, a koje je odobrio i potvrdio SB UN (Čeku, 2007:113).

SB UN je odlukom od 24. oktobra 2005. godine da se pokrene „proces određivanja budućeg statusa Kosova" označio početak nove faze na Balkanu. Ova faza uključuje: razgovore o budućem statusu i diplomatske, političke, propagandne i druge aktivnosti aktera procesa.[5]

Neposredno po okončanju sastanka glavnih pregovarača o budućem statusu Kosova, u Beču, 10. marta 2007. godine, i odluke Ahtisarija da po njegovom mišljenju „najbolji predlog" do sada prosledi SB UN, intenzivirane su aktivnosti na pronalaženju rešenja za status Kosova kao i za probleme nastale zbog samih razgovora u Beču. Na početku razgovora o budućem statusu Ahtisari je najavljivao da će posao završiti predlogom koji će obe strane moći da predstave kao svoju pobedu.

Sveobuhvatni predlog je takav da su ga obe strane videle kao svoj gubitak, koji su Albanci lakše prihvatili nego Beograd i Srbi. Sve u svemu, umesto da olakša posao oko postizanja dogovora Ahtisari je i sam postao problem, jer se, u pratnji svog zamenika Rohana, aktivno uključio u borbu protiv „srpsko – ruske opstrukcije". To je u skladu s njegovom odlukom da, i pored nezadovoljstva koje nije skrivao u javnim nastupima po okončanju razgovora u Beču, februara 2007. godine, „ode s velikim praskom". Zato je svoj predlog, koji zagovara od 2001. godine, o „uslovnoj nezavisnosti", promenio u predlog „nezavisnost koja će biti međunarodno nadgledana u inicijalnom periodu" (tačka 1. *Izveštaj generalnom sekretaru o toku razgovora o statusu Kosova; Janjić, 2007*).

Ahtisariev *Sveobuhvatni predlog* se pretvorio u svojevrsni mini rat SAD i EU s jedne i Rusije i Kine, s druge strane. Uočavajući opasnost da Rusija i podržana Kinom stavi veto na *Sveobuhvatni predlog,* EU i SAD prihvataju predlog Rusije da se formira Misija SB UN koja bi trebalo da ponudi osnovu za približavanje stavova.[6]

U nastojanju da prevladaju blokadu rešenja statusa Kosova u SB UN, SAD i EU su odlučili da priznaju jednostrano proglašenu nezavisnost Kosova[7] i da, tako, stvore

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[5] Razgovori o budućem statusu vođeni su u Beču, pod dirigentskom palicom Mahti Ahtisaria, a uz pratnju UNOSEK-a, uključujući zamenika Alber Rohana i pomoćnika Frenk Viznera. U okviru razgovora, Ahtisari i Rohan su, u novembru 2005. godine, posetili Prištinu, Beograd, Tiranu, Podgoricu i Skoplje. U toku 2006. godine, održano je petnaest rundi direktnih razgovora između pregovaračkih timova Beograda i Prištine. Razgovori su bili na teme decentralizacije, zaštite kulturnog i verskog nasleđa na Kosovu, ekonomska pitanja, i zaštite prava zajednica. Od 26. januara 2006. godine, predstavnici ekspertske misije UNOSEK-a posećivali su Beograd i Prištinu kako bi odvojeno razgovarali sa stranama o raznim pitanjima. Od novembra 2005 godine, Ahtisari i Rohan su imali brojne sastanke sa ključnim akterima u procesu: izveštavanje Savetu bezbednosti (4. mart, 13. jul i 22. septembar 2006. godine); sastanci sa KG, diplomatama EU i drugim međunarodnim akterima, uključujući NATO i OEBS. Pored toga, Ahtisari je predsedavao direktnim razgovorima sa rukovodstvom Srbije i Kosova u Beču, 24. jula 2006. godine. Nakon sastanka sa GS UN, 25. januara 2007. godine, u Parizu, na kojem ga je izvestio o najnovijem razvoju događaja u procesu rešavanja statusa Kosova i predočio mu predlog, Ahtisari se, 26. januara 2007. godine, u Beču, sastao sa članovima KG, kojima je izneo sadržaj svog predloga.

[6] SB UN je na svojoj sednici od 3 aprila 2007, na predlog Rusije odlučio da se formira Misija SB UN koja je trebalo da, tokom maja 2007. „verifikuje primenu UN standarda na Kosovu".

U periodu 25 – 28 april 2007 godine, Misija je obavila razgovore sa najvažnijim činiocima procesa određivanja budućeg statusa Kosova (Beograd, Priština, UNOSEK, NATO i Evropske Komisije – EK). Ovi razgovori su kao rezultat dali neke tehničke elemente koji su „kupili dodatno vreme" SB UN u odlučivanju o prihvatanju „*Ahtisariovog izveštaja*". Takođe, pokazalo se da postoji saglasnost oko toga da bi UNMIK trebalo da zatvori svoja vrata i da bi EU trebalo da preuzme vodeću ulogu na Kosovu. Te da je, zbog toga, potrebna nova rezolucija SB UN o Kosovu i da bi bilo kakva jednostrana akcija učinila situaciju na Kosovu i regionu još težom. Ali, pokazalo se i da nema saglasnosti ni u SB UN, a ni u regionu za promenu Rezolucije SB UN 1244.

[7] U koordinaciji s Vašingtonom i Briselom, Parlament Kosova je, 17 februara 2008 godine, usvojio *Deklaraciju o nezavisnosti Kosova*.

„novu realnost". koja će olakšati ostvarenje krajnjeg cilja: Puna nezavisnost Kosova! Radi postizanja ovih ciljeva je prihvaćen dokument *Council joint action 2008/124/ CFSP of 4 February 2008 on the European Union Role of Law Mission in Kosovo, EULEX Kosovo*. Od ovog momenta EU postaje vodeći akter na Kosovu koji nastoji da rešenje za problem statusa Kosova i za odnose Kosova i Srbije nađe unutar njihove „zajedničke evropske budućnosti". Tokom vremena, kroz dijalog i mnoge diplomatske, političke, ekonomske i bezbdnosne aktivnosti EU i SAD kristalisala se ideja da je proces normalizacije put ka mogućem rešenju.

b) Normalizacija – put ka mogućem rešenju

Rezolucija SB UN 64/ 298, od marta 2011 godine, odredila je dijalog koji se vodi između Srbije i Kosova pod pokroviteljstvom EU (Briselski dijalog) na sledeći način: „normalizacija je u funkciji uspostavljanja mira, bezbednosti i stabilnosti Zapadnog Balkana, promocije saradnje, prednosti uključivanja u EU za poboljšanje uslova u kojima ljudi žive". U stvarnosti, to su mnogi koraci na dugom putovanju koje treba da učine obe strane" (*Is There A Way Forward, 2013: 32*).

U literaturi su prisutni brojna tumačenja cilja dijaloga, a većina ovih se slaže da je to „postizanje značajnog napretka ka normalnim odnosima" ili normalizacija odnosa Beograda i Prištine. Sama normalizacija se vidi kao etapni cilj. Krajnji cilj je da se postizanjem „pune normalizacije", koja se ostvaruju kroz pregovore o članstvu u EU, u slučaju Srbije i kroz pregovore o SAP, a kasnije o članstvu u EU, u slučaju Kosova. Za Srbiju i Kosovo krajnji cilj je isti: članstvo u EU, odnosno „zajednička evropska budućnost".

Kao bitni elementi prve faze normalizacije koje bi Briselski dijalog, tokom 2012 i 2013 godine, trebalo da se dosegnu, određeni su: prevladavanje podele između severa Kosova i ostatka Kosova kroz sporazume o regionalnoj autonomiji za Sever; obezbeđivanje međunarodnih garancija za manastire Srpske pravoslavne crkve (SPC); uspostavljanje sveobuhvatnog okvira za saradnju, uključujući sporazum o diplomatskom predstavništvu koje označava različite pravne pozicije strana po pitanju statusa, po modelu Nemačko – Nemačko sporazuma iz 1972 godine i okončavanje protivljenja Srbije članstvu Kosova u međunarodnim organizacijama itd (*Lehne, 2012:1).*

Posle parafiranja „*Prvog sporazuma o principima normalizacije odnosa Beograda i Prištine*" (u daljem tekstu: S*porazum o principima)*, aprila 2013 godine, može se konstatovati da je *Sporazum o principima* obuhvatio većinu ovih podciljeva, odnosno tema, ali da je išao i preko toga.

To samo potvrđuje da je proces normalizacije složen i da obuhvata rešavanje mnoštva međusobno povezanih problema, kako onih nasleđenih tako i onih koji nastaju i iz samog Briselskog dijaloga odnosno procesa normalizacije.

Deklaracija se poziva na volju naroda Kosova kao i na punu saglasnost s Ahtisarievim *Sveobuhvatnim predlogom*. U Deklaraciji je Kosovo se definiše kao „demokratska, sekularna i multietnička republika". Takođe, se priznaje međunarodno prisustvo odnosno vodeća uloga EU i NATO na Kosovu.

Posmatrano sa ovog stanovišta *Osnovni sporazum,* koji je nastao u okviru „*KAS projekta*", sadrži potpunije određenje elemenata normalizacije.[8] Time je *Osnovni sporazum* bliži postojećoj stvarnosti i stvarnoj prirodi problema, kao i potrebama razvoja Srbije, Kosova kao i celokupnog Zapadnog Balkana.

Međutim, Briselski dijalog je praćen nizom drugih aktivnosti podstaknutih i podržanih od EU koji daju prve i to pozitivne rezultate. Reč je i o saradnji zemalja Zapadnog Balkana ili „Balkana šestorice" tzv Berlinski proces ili o saradnji privrednih udruženja, kompanija i privrednika uz podršku *Evrokomore*, o čemu će biti više reči, kasnije.

Posebno je važno da se uoči da se *Sporazum o principima* i *Osnovni sporazum* slažu da je iskustvo Nemačko – Nemačkog pomirenja od koristi za proces normalizacije odnosa Srbije i Kosova. To se ogleda u uspostavljanju oficira za vezu; u zagovaranju modela decentralizicije i integracije za rešavanje pitanja Severa Kosova; omogućavanja saradnje Srbije i Kosova u međunarodnim organizacijama, s tim što se *Sporazum o principima* bavi regionalnom saradnjom, ostavljajući za buduće razgovore pitanja saradnje u UN i drugim međunarodnim vladinim i nevladinim organizacijama, dok *Osnovni sporazum* nudi rešenje i za to pitanje.

Kao što je ranije naznačeno, pored brojnih razlika i sukoba albanska i srpska strana se slažu da njihove zemlje budu deo EU odnosno da dostignu svoju „evropsku budućnost". To je razlog zašto se EU „uhvatila" za ovo opredeljenje. Kako EU ne može da primi u svoje članstvo države koje nisu rešile međusobne nesporazume uključujući sukobe oko granica, putovanje ka EU za Srbiju[9] će biti duže i teže nego u drugim primerima pridruživanja EU.[10] Pored svih teškoća na putu ka EU kao i brojnih prigovara i sumnji, za sada, Srbija i Kosovo kao i druge države Zapadnog Balkana nisu pronašle neki kraći, jednostavniji i efikasniji put rešavanja problema koji se postavljaju pred svakom od zemalja, razrešavanja međusobnih problema i uspostavljanja saradnje.[11] S toga je

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[8] *Osnovni sporazum* utvrđuju sledeća načela – polazišta: odgovornost za mir i bezbednost na osnovama demokratije, slobode, vladavine prava, pravde i poštovanja ljudskih i manjinskih prava; uvažavanje istorijskih osobenosti i po pitanju različitog razumevanja pitanja statusa; želja da se deluje u korist naroda i regionalne saradnje i stabilnosti, i razvoju dobrosusedski odnosi između strana.

[9] Na primer, po strategiji EK za proširenje EU, Kosovo bi za dobijanje statusa kandidata za EU trebalo da ispuni uslove utvrđenje od strane EU uključujući „Kopenhaške kriterije" S toga se Kosovo poziva da nastavi pozitivne odnose sa Srbijom i da primenjuje sporazume koji su sačinjeni u toku dijaloga. Među drugim prioritetima su vladavina prava, kriterije iz vizne mape puta, suočavanje s organizovanim kriminalom i korupcijom, reforme pravosuđa i javne administracije, manjinska prava, pitanja trgovine, nezaposlenosti, slabosti na tržištu rada i promocija demokratskih prava (vidi:http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf, pg. 7).

[10] Pridruživanja Srbije EU je započeo je skoro deset godina pre početka procese normalizacije koji se začinje, posle savetodavnog mišljenja međunarodnog suda pravde, a na osnovu rezolucije Generalne skupštine UN 64/298 13. oktobra 2010 godine. Po ovome, Srbija predstavlja izuzetak ili „poseban slučaj" u odnosu na druge zemlje koje su putovali putem pridruživanja EU. To važi i u poređenju sa drugim zemljama Zapadnog Balkana koje su kandidati za EU ili već otpočele pregovore o pridruživanju. To je rezultat činjenice da nijedna od ovih zemalja nema problem separatizma odnosno izdvajanje jednog njenog teritorijalnog tela.

Što se tiče Kosova ono je po mnogo čemu „slučaj za sebe", pa i po tome što će njegova „evropska budućnost" zavisiti od toga koliko sa sarađuje s Beogradom, od koga se inače odvojilo.

[11] Oni koji se protive ovakvoj politici EU, pre svih Levizja Vetvendosje ili Pokreta samoopredeljenja (u daljem tekstu: „Samoopredeljenje") i pojedine nevladine organizacije među Albancima na Kosovu, koje smatraju da EU i EULEX sprečavaju dovršavanje nezavisnosti i suverenosti Kosova; pojedine političke stranke (Demokratska stranka Srbije, Srpska narodna partija, Treća Srbija i Dveri), pojedine grupe unutar vladajuće SNS i članica vladajuće koalicije (SPS, Pokret socijalista i slični), brojne nevladine organizacije u Srbije i među Srbima na Kosovu tvrde da je

važno da se Srbija i Kosovo usaglase oko svih pitanja koja su povezana sa procesom normalizacije (vidi:*www.mfa.gov.rs/information-concerning-the-process- of-negotions*)

Nepomirljivi sukob između Srbije i Kosova, kao i razlike u pristupu među zemljama članicama EU, po pitanju statusa Kosova je osnovna prepreka koju bi dijalog trebalo preći.

U stvarnosti, kad god da se otvori pitanje statusa stvara se politička atmosfera nepoverenja i sukobljavanja, koja onemogućava dogovor ili otežava primenu onoga što je dogovoreno. Uverenje da je napredovanje ka članstvu u EU efikasno sredstvo za stvaranje povoljnih okolnosti za dijalog je, do sada, dokazano. Ali, pokazalo se da napredovanje nije pravolinijsko, da posle perioda napredovanja nastaju erupcije političkih i bezbednosnih izazova koji proizvode zastoj ili povratak unazad. Ove erupcije daju novu snagu protivnicima „evropske budućnosti". Istovremeno, ona predstavlja poziv zagovornicima „evropske budućnosti" da ulože novu energiju. Sve u svemu, izvesno je da „približavanje EU" nije „čarobna formula" koja sama po sebi može da reši pitanje statusa Kosova tako što bi obezbedila priznavanje nezavisnosti Kosova od strane Srbije.[12] Uz to, za sada, činjenica je da ni protivnici „evropske budućnosti" ne uspevaju da dokažu da za Kosovo i Srbiju postoji realna alternativa „evropskoj budućnosti".

Istoriografski prikaz putovanja Srbije u „evropsku budućnost" uključuje sledeće događaje:

Kao što je već naznačeno, proces pridruživanja Srbije EU započet je pre početka procese normalizacije, ali ova dva procesa su isprepletana. Pitanje normalizacije odnosno *Poglavlje 35* je ono kojim se počinje i završava pregovaranje o članstvu Srbije u EU. *Poglavlje 35* uključuje pitanja normalizacije odnosa Beograda i Prištine i zajedno sa *poglavljima 23 i 24* će biti otvoreno na početku pregovora o članstvu Srbije u EU. Služba za Evropske spoljne poslove (EEAS) je ovlašćena da nadgleda i izveštava o ispunjavanju uslova iz *Poglavlja 35*. Ovo poglavlje ima povećano značenje u odnosu na druga pregovaračka poglavlja, jer je njegovo pregovaranje politički, institucionalni, ekonomski i bezbednosni uslov za dostizanje „evropske budućnosti". U slučaju Srbije, *Poglavlje 35* dodatno usložnjava i otežava i onako složen proces kroz koji su prošle druge zemlje na putu ka EU. *Poglavlje 35* je i sredstvo za dugoročno uređivanje koegzistencije i jednakog učešće Srbije i Kosova u EU. To znači da održavanje nepriznavanja Kosova od strane Srbije ne bi trebalo da blokira članstvo Kosova u EU niti bi svojim uslovljavanjem i blokadom procesa normalizacije Kosovo trebalo da zaustavlja Srbiju na putu ka EU. Iz ovog sledi da je nužan dokument koji koji bi obe zemlje obavezivao da se suzdržavaju od delovanja jedne protiv druge na međunarodnoj sceni, uključujući napredovanje ka EU i članstvo u međunarodnim organizacijama *(Lekvall, 2014: 1–3)*. Takav dokument je *Sporazum o principima* (o njemu će biti više reči kasnije). Može se zaključiti da *Poglavlje 35* ima povećano značenje u odnosu na druga pregovaračka poglavlja. Ovo poglavlje ima čak i suspenzivnu moć, jer može da utiče na privremeno zaustavljanje pregovaranja o pridruživanju, te i usporavanju celokupnog toka pridruživanju Srbije EU (*Milivojević, 2015*).

„priznavanje međunarodnog subjektiviteta Kosova od strane Srbije" uslov na kome EU insistira a da pri tome „nema garancija da će Srbija ikada biti članica EU".

[12] Primer Kipra ukazuje da problem severne turske republike nije rešen, a Kipar je primljen EU (*Simić, 2015; Perspektiva Severnog Kosova, 2013: 9, 10*).

Srbija je prvi korak u procesu približavanja EU napravila u aprilu 2005 godine, kada je državna zajednica Srbija i Crna Gora dobila pozitivnu ocenu *Studije o izvodljivosti za početak pregovora sa EU o zaključenju Sporazuma o stabilizaciji i pridruživanju* (u daljem tekstu: SSP).

Početak pregovora o SSP svečano je objavljen 10. oktobra 2005. U maju 2006. EK je odlučila da suspenduje pregovore o pridruživanju sa SCG,[13] jer vlasti u Beogradu nisu dostigle traženi stepen pune saradnje s Haškim sudom i nisu uhapsile i izručile pre svega optuženog Ratka Mladića. Pregovori sa Srbijom obnovljeni su 31. maja i nastavljeni 13. juna 2007 godine, nakon pozitivne ocene haške tužiteljke Karle del Ponte; SSP je parafiran u novembru 2007 godine, u Briselu, a potpisan je, 29. aprila 2008 godine, u Luksemburgu.

U novembru 2009 godine. Savet ministara EU usvojio je odluku kojom se građanima Srbije, Crne Gore i Makedonije od 19. decembra 2009. ukidaju vize za putovanja u zemlje šengenskog prostora EU; Na zasedanju, u Briselu, EU je, 7. decembra 2009 godine, stavila na snagu *Prelazni trgovinski sporazum sa Srbijom*, koji predviđa postepenu liberalizaciju trgovine. Sporazum je zvanično stupio na snagu prvog februara 2010 godine, a Srbija je počela jednostrano da ga primenjuje, od 1. januara 2009 godine.

Ministri spoljnih poslova EU odlučili su, 14. juna 2010 godine, u Luksemburgu, da parlamentima svojih zemalja predlože ratifikaciju SSP. Evropski parlament ratifikovao je SSP, 19. januara 2011 godine. Proces ratifikacije u zemljama članicama završen je 18. juna 2013. godine. kada je Litvanija ratifikovala SSP, a stupio je na snagu 1. septembra 2013. godine. Stupanjem na snagu SSP. Srbija dobija status države pridružene EU.

Savet ministara EU (Savet za spoljne poslove) zatražio je, 25. oktobra 2010 godine, od EK da izradi mišljenje o spremnosti Srbije da dobije status kandidata za članstvo u EU; U novembru 2010 godine, tadašnji evropski komesar za proširenje EU Štefan File predao je premijeru Srbije Mirku Cvetkoviću *Upitnik o zahtevu za članstvo Srbije u Uniji*, a 31. januara 2011. godine, Cvetković mu je uručio *Odgovore o sprovedenim reformama i ispunjavanju uslova da Srbija dobije status kandidata za članstvo u EU*. EK je, 12. oktobra 2011, preporučila da se Srbiji dodeli status kandidata za prijem u EU, „uz razumevanje da će se dijalog Beograd - Priština obnoviti i da će se u dobroj veri sprovesti postignuti dogovori". EK je preporučila da pristupni pregovori počnu čim Srbija ostvari „dodatni značajan napredak u daljoj normalizaciji odnosa sa Kosovom".[14] Savet EU je, u martu 2012 godine, odlučio da se Srbiji odobri status kandidata za članstvo u EU ako dodatno sredi odnose s Kosovo; U decembru 2012 godine šefovi diplomatija EU su postigli dogovor da se na proleće 2013 godine proceni da li Srbija is-

[13] U junu 2006. Crna Gora je proglasila nezavisnost, posle čega je odvojeno od Srbije nastavila proces pridruživanja. Krajem 2010. Crnoj Gori je odobren status kandidata za članstvo u EU, a 29. juna 2012. počela je pristupne pregovore.

[14] Zbog nestabilne situacije na Severu Kosovu, tokom 2011 godine, pre svega zbog blokada puteva i protivljenja dogovoru o slobodi kretanja i carinama, Srbija nije u decembru 2011 godine, kako je bilo planirano, dobila status kandidata za članstvo u EU. Vođe EU su, 9. decembra 2011 godine, u Briselu odlučili da se nacrt zaključaka o Srbiji delimično promeni i da se od Saveta ministara EU zatraži da u februaru 2012. izvrši procenu, kako bi vođe EU Srbiji definitivno da odobre status kandidata za članstvo u EU.

punjava sve uslove za početak pregovora o članstvu u EU i da, ako ocena bude povoljna, do juna 2013 godine odrede datum početka pregovora.[15]

Posle ovog, Visoka predstavnica EU Ketrin Ešton i evropski komesar za proširenje Štefan File su, 21. juna 2013 godine, u pismu šefovima diplomatija EU predložili da se pokrenu pregovori o članstvu sa Srbijom i sporazumu o pridruživanju s Kosovom jer su, kako su ocenili, Srbija i kosovo ostvarili vidan napredak u normalizaciji odnosa;[16] Sredinom oktobra 2013 godine, EK je ocenila, u svom godišnjem izveštaju o napretku Srbije, da je Srbija ojačala reforme i „dovoljno ispunjava politička merila", a delom i ekonomske kriterijume za članstvo u EU. Sa svoje starne EK je ocenila da je, odlukom da se krene u pregovore o SSP za Kosovo, nastupila „nova faza u odnosima EU – Kosova; Šefovi država ili vlada EU, 20 decembra 2013 godine, su, na sastanku u Briselu, potvrdili odluku Saveta ministara EU, od 17. Decembra 2013 godine, o početku pregovora o članstvu sa Srbijom. Vođe EU su potvrdile i *Pregovarački okvir - mehanizam i pravila za pregovore o članstvu sa Srbijom*, u kojem se navodi da Srbija i Kosovo moraju sklopiti „pravno obavezujući sporazum o sveobuhvatnoj normalizaciji odnosa pre nego što Srbija postane članica EU" (Vidi: http://ec.europa.eu/enlargement/pdf/key_documents/2013). Ovim stavom je određena i priroda dogovora koji se postižu u toku Briselskog dijaloga. Reč je o političkim dokumentima koji proizvode obavezujuće pravne posledice. Na kraju pregovaračkog procesa po *Poglavlju 35* biće usvojen pravno obavezujući sporazum koji će izvršiti i pravnu verifikaciju svih dogovora.

Pregovaranje o pridruživanju se odvija na osnovu *Pregovaračkog okvira,* koji je fokusiran na uslove pod kojima će zemlja kandidat prihvatiti, sprovesti i primeniti „*acquis communautaire*". Ono je podeljeno na trideset pet poglavlja. Sa svoje strane, Srbija ima sopstvenu pregovaračku platformu koja uključuje njene komentare ciljeve EU, spremnost primene EU *acquis*, obrazloženje načina, vremenskog okvira za prilagođavanje sa EU *acquis* u datom sektoru.

Osnovno usmerenje *Pregovaračkog okvira* je prema unutrašnjim promenama u Srbiji (unapređenje poslovnog ambijenta, razvoj konkurentnog privatnog sektora, smanjenje visoke stope nezaposlenosti) (*http://ec.europa.eu/enlargement/pdf/key_documents/2013*). Ali, izrikom se kaže da je za pridruživanje Srbije EU postizanje „pune normalizacije" *conditio qua non*. To se potvrđuje i u sledećim stavovima *Pregovaračkog okvira.*[17]

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[15] U ključnom stavu zaključaka koje su 14. decembra podržali lideri EU (Evropski savet) navedeno je da će „u cilju moguće odluke Evropskog saveta da otvori pregovore sa Srbijom, Savet ministara na temelju izveštaja Evropske komisije i visoke predstavnice EU, u proleće 2013. razmotriti napredak koji Srbija bude ostvarila u reformama i pospešivanju odnosa s Kosovom".

U zaključcima zasedanja se naglašava da je „vidljivo i trajno poboljšanje odnosa Srbije i Kosova nužno da bi obe strane nastavile sopstveni put ka EU, s tim da se izbegne da jedna strana koči drugu u takvim nastojanjima".

[16] Ministri spoljnih poslova EU jednoglasno su 25. juna preporučili da se pregovori sa Srbijom pokrenu najkasnije do januara 2014, kao i da EK počne pripreme za pregovora, odnosno da pripremi pregovarački mandat i počne analitički pregled zakonodavstva.

Tri dana kasnije šefovi država ili vlada EU odlučili su da se pokrenu pregovori o članstvu sa Srbijom i da se prva međuvladina konferencija održi najkasnije u januaru 2014. godine. Odluka o pokretanju pregovora o članstvu u EU prvi je značajniji korak u procesu evropskih integracija Srbije, 16 meseci pošto je dobila status kandidata za članstvo u EU.

[17] U stavu 23 *Pregovaračkog okvira* se kaže: „Pitanje normalizacije odnosa Srbije i Kosova razmatraće se kroz *poglavlje 35*". Takođe, „Napredak pregovora zavisiće od kontinuiranog angažovanja Srbije, u skladu sa uslovima Procesa saradnje i pridruživanja, u cilju vidljivog i održivog odnosa sa Kosovom".

U cilju uključivanja Srbije u Briselski dijalog, Narodna skupština Srbije je, u „*Deklaraciji o aktuelnom stanju na Kosovu i Metohiji nakon jednostranih i nasilnih akata privremenih institucija samouprave u Prištini*" (31. jul 2011 godine), utvrdila (stav 6) prioritete odnosno „okvir delovanja državnih organa i drugih javnih činilaca u odbrani suvereniteta, teritorijalnog integriteta i ustavnog poretka Srbije".[18]

Vlasti Srbije su kao svoj cilj, koji se one same imenovale kao „nacionalni interes" Srbije koji bi trebalo ostvariti kroz Briselski dijalog, utvrdile sledeće: unapređenje međunarodne pozicije i ubrzanje uključivanja Srbije u EU; stvaranje boljeg okruženja za Srbe na Kosovu, i primena Briselskih sporazuma bez priznavanja nezavisnosti Republike Kosovo (*Ejdus, 2014:1*).

Posle izbora maja 2012 godine, u Srbiji je uspostavljena vlast pod dominacijom stranaka formiranih i uticajnih u doba otvaranja i zaoštravanja sukoba na Kosovu odnosno u doba vladavine Slobodana Miloševića.[19] Ove stranke su se, u promenjenim okolnostima 2012 godine, suočile sa ulogom „graditelja mira". Kao polazište za Briselski dijalog ova vlast je uzela *Ustav Republike Srbije* (Premabula i članovi 114 – 182), koji Kosovo tretira kao jedno od dve autonomne pokrajine u sastavu Republike Srbije i *Nacionalnu strategiju bezbednosti*, iz 2009 godine, koja kao jedan od osnovnih bezbednosnih rizika označava „nastojanja da se otcepi teritorija Autonomne pokrajine Kosovo i Metohija" (*Nacionalna strategija, 2009:6; Ejdus, 2014: 2*).

Stavom 24. „Pregovaračkog okvira" je predviđena posebna procedura ukoliko dođe do zastoja u napretku u pregovorima za poglavlje 23 (*Pravosuđe i osnovna prava*) i 24 (*Pravda, sloboda i bezbednost*) zbog značaja ovih poglavlja. Ovlašćuje se EK ili trećina članica EU da odgovarajućom inicijativom, na osnovu relevantne procene i izveštaja o zastoju u napretku, zaustavi ceo proces pregovaranja dok se zastoj ne otkloni.

Ovo pravo se EK daje i u stavu 25. *Pregovaračkog okvira* u slučaju zastoja u napretku pregovora za poglavlje 35 a u „u slučaju da napredak u oblasti normalizacije odnosa sa Kosovom … značajno zaostaje za ukupnim napretkom pregovora, a da je razlog tome propust Srbije da nastupa u dobroj veri, naročito kada je reč o primeni sporazuma koji su postignuti između Srbije i Kosova"

U stavu 38 stoji: „U svim oblastima pravnih tekovina Srbija mora da obezbedi da njen stav o statusu Kosova ne stvara nikakve prepreku i ne ometa primenu pravnih tekovina… U naporima da usaglasi svoje zakonodavstvo sa pravnim tekovinama EU Srbija je posebno dužna da obezbedi da doneti propisi, uključujući njihov geografski opseg, nisu u suprotnosti sa sveobuhvatnom normalizacijom odnosa sa Kosovom" (*Milivojević, 2015*).

[18] Taj okvir čine:

Odbrana legitimnih interesa Srbije i „naroda na KiM", sve dok ne bude usvojeno kompromisno rešenje u skladu sa Rezolucijom SB 1244;

Nastavak dijaloga Vlade Srbije sa Prištinom sa ciljem da se iznađe rešenje za konkretne probleme građana i da dođe do trajnog kompromisnog rešenja;

Vlada Srbije da od međunarodne misije zahteva da ne dozvoli jednostrane aktivnosti „privremenih institucija" „kojim se ugrožava mir, stabilnost, mogućnost iznalaženja kompromisnih rešenja i menja stanje na terenu";

Da Vlada Srbije preduzme sve mere za nastavak delovanja institucija Srbije na Kosovu;

Da vlada Srbije učini sve što može da zaštiti živote i imovinu, prava i slobodu građana, posebno srpskog i drugog „nasiljem ugroženog stanovništva";

Vlada Srbije da razradi mere u slučaju pogoršanja stanja na Kosovu itd (*Deklaracija Narodne skupštine Republike Srbije o aktuelnom stanju na Kosovu i Metohiji nakon jednostranih i nasilnih akata privremenih institucija samouprave u Prištini „Službeni glasnik Republike Srbije, broj 44, Beograd, 31 jul 2011).*

[19] Ovu vlast predvodi Srpska napredna stranka - SNS nastala od reformisane Srpske radikalne stranke Srbije Vojislava Šešelj sa koalicionim partnerima: Pokret socijalista koji vodi Aleksandar Vulin, nekadašnji drug čovek političke stranke Mirjane Marković – Jugoslovenska levica – JUL, Pokret snaga Srbije Bogoljuba Karić, a neke od članica DOS (na primer, Nova Srbija Velje Ilić) i koalicija SPS – Jedinstvena Srbija – PUPS predvođena naslednikom i portparolom Miloševićevog SPS. Ova koalicija je formirala vladu koju je vodio Ivica Dačić, a najjači uticaj u njoj imao prvi potpredsednik Aleksandar Vučić.

U prvobitnim planovima je bilo da će pregovore sa strane Srbije voditi predsednik Srbije Tomislav Nikolić, ali je on to, tokom februara 2013 godine, prepustio tadašnjem premijeru Ivici Dačić.

Nikolić i njegov kabinet su pripremili tekst *Platforme* (vidi: *Dodatak broj 2*). Osnovni cilj *Platforme* je da se Vladi Srbije odredi politički okvir za Briselski dijalog i da se ona obaveže da će, polazeći od *Platforme*, sačiniti tekst rezolucije, koji će potvrditi narodna skupština. Radi se o podeli odgovornosti unutar vodeće koalicije i institucija Srbije. Ovakva „dvojnost" politike u Srbiji nije novost u odnosu na prethodnu praksu, počevši od Miloševića. U Srbiji je praksa da političari na vlasti „prebacuju" odgovornosti sa sebe na „drugoga". Iza ovakve politike stoji nesposobnost ili nespremnost ili odsustvo hrabrosti za donošenje odluka. To vodi propuštanju prilika, gubitku vremena i resursa. U pojedinim slučajevima propuštanje i kašnjenje koriste se kao izgovor da se ništa ne može uraditi jer je „sve već rešeno". Suštinski reč je o odsustvu jasne vizije u vođenju društva i države, slabosti političkog vođstva i institucija koja ih usmerava ka „improvizovanju" i u krajnjem rezultatu na reaktivnu politiku. Međutim, praksa je potvrdila i to da samo „proaktivna politika" koja uvažava realnost ali je oslonjena i na jasnu viziju kao i razređenu strategiju može da razrešava izuzetno složena i važna pitanja kakvo je i pitanje Kosova. Ovakvo ponašanje Srbije je često vodilo ka olakšavanju Kosova da dostigne svoje ciljeve, po nekad i tako što je primoravalo međunarodnu zajednicu da deluje na strani Kosova.

Osnovno insistiranje *Platforme* je da „svako rešenje u dijalogu Beograda i Prištine mora da bude u skladu s *Ustavom Srbije*, Rezolucijom SB UN 1244 i sa činjenicom da Srbija ne priznaje nezavisnost Kosova" i da politika Srbije nastoji da „prevlada institucionalni paralelizam" na Kosovu „uspostavljanjem vlasti u Pokrajini priznate od svih njenih nosilaca". *Platforma* poziva i na uspostavljanja Zajednice srpskih opština (ZSO) (*Ejdus, 2014:4*). Vizija ZSO, iz *Platforme,* ne odgovara ni Ustavu Srbije,[20] a ni Ustavu Kosova. Ona predstavlja političku želju da se uspostavi teritorijalno – administrativna autonomija Srba i, preko nje, da se „institucionalizacije" uticaja Beograda na Kosovo.

Ovo rešenje, gledano sa strane Kosova, podseća na Brežnjevljevu „teoriju" „ograničenog" ili na koncept „podeljenog suvereniteta". Zbog svega ovoga, ZSO, u verziji *Platforme,* izgleda neizvodljiva. Ovu opasnost je donekle ublažila Vlada Srbije koja je u svojoj rezoluciji ublažila pojedine stavove i potpuno izostavila ideje iz *Platforme* o dvodomnom uređenju Skupštine Kosova.[21]

Vlada Srbije je, 13 januara 2013 godine, razmatrala *Platformu* i usvojila predlog teksta rezolucije koji je prosleđen Skupštini, koja ga je,usvojila pod nazivom: „*Rezoluciju Narodne skupštine Republike Srbije o osnovnim principima za političke razgovore sa privremenim institucijama samouprava ne Kosovu i Metohiji (Službeni glasnik Republi-*

[20] Tumačenjem postojećeg *Ustava Srbije* i dela *Platforme* o ZSO dolazi se do zaključka da nije poštovan Ustav. Sam Ustav, u trenutku donošenja, nije održavao realnost već političke želje o statusu Kosova. To se zove „mrtva norma" koja deluje na čitav ustavni i zakonodavni sistem kao metastaza raka na zdravlje obolelog.

[21] U poređenju s *Platformom* uočljivo da je *Rezolucija* ne ulazi u detalje mogućeg rezultat dijaloga te ni u opisivanje ZSO kao ni drugih zahteva poput garantovane autonomije pojedinih naselja u kojima žive Srbi. Izvesno je da je rešenje iz Rezolucije prilagođenije realnosti na samom Kosovu kao i da je Vlada Republike Srbije nastojala da, za razliku od Predsednika Srbije koji je sa svojim kabinetom sastavljao *Platformu*, ostavi što je više moguće prostora za slobodno manevrisanje.

ke Srbije , broj 1, Beograd, 13 januar 2013 godine) (Vidi: *Dodatak broj 3)*. Osnovni principi političkih pregovora *Rezolucije* su da Srbija „ne priznaje i nikada neće priznati jednostrano proglašenu nezavisnost Kosova; Cilj razgovora je stvaranje uslova za srpsku zajednicu i sve druge nacionalne zajednice na KiM kojima se garantuje sigurnost i puna zaštita ljudskih prava … zaštitu svih zajamčenih prava Srbima… rasvetljavanje sudbine nestalih lica i da prati sudske procese okrivljenih za počinjeno etničko nasilje nad Srbima … Sve nadležnosti koje kao rezultat pregovora budu poverene PIS u Prištini biće potvrđene ustavnim zakonom i prenete organima Autonomne pokrajine Kosovo i Metohija, u skladu sa Ustavom, zakonima i drugim propisima Republike Srbije".

Sa svoje strane, skupština Kosova je *Rezolucijom za započinjanje dijaloga sa Srbijom*, ograničila Vladu Kosova samo na tzv. tehnički dijalog. Međutim, 18 oktobra 2012 godine, usvojena je *Rezolucija o normalizaciji odnosa između Republike Kosova i Republike Srbije*, koja je omogućila nastavak političkog dijaloga odnosno dala zeleno svetlo Vladi Kosova za potpisivanje *Sporazuma o principima* (*Monitoring, 2013: 43*).

U dosadašnjem toku normalizacije postignut je svojevrsni napredak, posebno potpisivanjem *Sporazuma o principima*. Ali, još uvek, to nije garantovan pozitivni ishod dijalog. Dva rizika zaslužuju posebnu pažnju:

Prvo, vlasti Srbije nemaju koherentnu strategiju koja polazi od uvažavanja promene realnosti na Kosovu, u EU, pa i u samoj Srbiji, pa i one promene realnosti koje su nastale započinjanjem procesa normalizacije. Posebno zabrinjava što nema povezanosti politike prema Kosovu sa pripremama za pregovaranje o članstvu u EU, te i sa *Poglavljem 35*, i

Drugo, i ako je, 2014 godine, Srbija započela pripreme za pregovore o članstvu u EU, to nije uticalo na mnoge u Srbiji, koji veruju da da je aneksija Krima od strane Rusije stvorila „nove geopolitičke prilike" koje opravdavaju da Sever Kosova ostane u Srbiji i da se „zaigra" na kartu pripajanja Republike Srpske Srbiji.[22]

U stvarnosti, dijalog i normalizacija nisu posao za kratak rok. Ali, ne bi trebalo da se dozvoli da „kosovsko pitanje" sledi neke evropske slučajeve (na primer, Kipar ili Irski), u kojima sukobi traju, ili su trajali, decenijama pa i vekovima.

II) BRISELSKI SPORAZUMI

Na osnovu *Rezolucije GS UN 64/ 298*, EU podržava dijalog Srbije i Kosova. Prva runda dijaloga je održana 8 i 9 marta 2011 godine, a do 8 jula 2012 godine odvija se „tehnički dijalog", od 8 jula 2012 godine, počinju sastanci premijera Kosova i Srbije: „politički dijalog".

Iz brojnih susreta proistekli su i brojni „dogovoreni zaključci", akcioni planovi, tehnički protokoli itd. U javnosti: u medijima, istupima političara, aktivista civilnog društva i stručnjaka uvrežila se navika da se svi ovi dokumenti nazivaju „Briselski sporazum" ili „Briselski sporazumi".

[22] U stvarnosti, ruska anekesija Krima dovodi Kosovo u aktivnu poziciju i može se dogoditi da Rusija trguje sa omogućavanjem ulazak Kosovo u UN za „legalizaciju" aneksije Krima (*Janjić, 2014*).

U ovoj analizi će se, takođe, koristiti termin „sporazum" za pojedine „dogovorene zaključke" i određene akte vezane za dato pitanje. Razlog za korišćenje ovog, u osnovi, tehničkog termina, je uvažavanje stvorenog „standarda" ali i nastojanje da se umanji mogućnost zabune i neproduktivnih sporenja, nesporazuma i nejasnoća koje bi mogli nastati kada bi se koristili tačni nazivi koje nose dati dokumenti (na primer, *dogovoreni zaključci*). Međutim, kad se u prilogu navode u celosti konkretni dokument tada se koristi naziv koji dati dokument ima u originalu.

U ovoj analizi, se pojam „Briselski sporazum" koristi kao generički naziv za sve dokumente nastale iz dijaloga. Radi jasnoće izlaganja i poštovanje prirode razgovora i nastalih dokumenta, ovi su klasifikovani u dve grupe: „tehnički sporazumi" za dokumenta nastala iz „tehničkog dijaloga" i „*Sporazum o principima*" za dokumenta nastala iz „političkog dijaloga".[23]

U Analizi, kategorija dogovora nastalih u cilju rešavanja i prevazilaženja problema nastalih u primeni dogovorenog ili povodom pojedinih pitanja neće biti prikazivana i analizirana u posebnom poglavlju kao što se to čini u izveštaju Vlade Srbije, već uz one teme i sporazume iz čije primene ili neprimene su nastali.

Posle četiri godine od započinjanja složenog i veoma delikatnog procesa dijaloga, realno stanje u odnosima između Srbije i Kosova su donekle promenjeni, ali su daleko od normalnog. Do jula 2015 godine postignuta su 27 sporazuma. Od postignutih sporazuma samo za četiri se može reći da su ispunjeni (*Lost in Stagnation, 2015:5,9*). To jeste skroman rezultat.

Što se tiče same prirode sporazuma postignutih u toku Briselskog dijaloga ovaj problem će biti detaljnije raspravljan kasnije, u poglavlju o ustavnosti, legalnosti i legitimnosti. No, već sada, a na osnovu izložene analize procesa uspostavljanja političkog i pravnog osnova za vođenje dijaloga (razne deklaracije, rezolucije i slično) može se reći da su dijalog i postignuti sporazumi po prirodi prevashodno politički ali da proizvode ne samo političke već i pravne posledice.

a) Tehnički sporazumi

Veliki napor pregovarača i predstavnika EU i SAD, uložen u toku 2011 – 2013 godine, doveo je do značajnog napretka „tehničkog dijaloga".[24] Zbog vanrednih parlamentarnih izbora, u Srbiji i Kosovu, uz dramu oko konstituisanja Vlade Kosova koja je

[23] Ova klasifikacija je primenjena i od strane Vlade Srbije. Međutim, Vlada Srbije uvodi i treću kategoriju. Naime, po klasifikaciji Vlade Srbije: „Prvu grupu čine pitanja i procesi proizašli iz političkog dela dijaloga, a na osnovu Prvog sporazuma o principima koji regulišu normalizaciju odnosa, kao i pratećih dokumenata. Drugu grupu čine pitanja proizašla iz tzv. tehničkih sporazuma postignutih uz posredovanje EU. Treću grupu pitanja čine ona koja su proistekla iz dogovora napravljenih u cilju rešavanja i prevazilaženja manje važnih, svakodnevnih problema čije postojanje usporava proces normalizacije odnosa (*Izveštaj, 2015:2)*.

[24] U periodu od 2011 godine do aprila 2013 godine postignuto je sedam „tehničkih sporazuma" (katastarska evidencija, matične knjige, sloboda kretanja, carinski pečat, priznavanje univerzitetskih diploma, integrisano upravljanje prelazima, i regionalno predstavljanje i saradnja). Među ovim sporazumima posebno je važan sporazum o slobodi kretanja ljudi i roba, koji je podržan dogovorom o integrisanom upravljanju granicom, evidentiranju i ubiranju carina i PDV kao i o carinskom pečatu. Kao koleteralni rezultat uspostavljen je *Privremeni fond za ekonomski i infrastrukturni razvoj Severa Kosova* (u daljem tekstu: Fond).

trajala sve do januara 2015 godine. Za to se s pravom može reći da je 2014 godina bila „izgubljena godina" za Briselski dijalog.

Primena tehničkih sporazuma omogućuje uspostavljanje evropskih standarda koji podržavaju proces normalizacije odnosa Kosova i Srbije. Zbog toga imaju značajnu ulogu i u kontekstu rešavanja pitanja statusa Kosova. Uz to, stvaraju se pretpostavke za ukidanje prepreke bržeg ekonomskog razvoja Kosova, uključujući i Sever Kosova (*A 'Peace Treaty', 2012: 6,8,10*).

Sporazum o regionalnom predstavljanju Kosova i o integrisanom upravljanju granicama /prelazima, krajem februara 2012, predstavljali su ispunjenje ključnih uslova da bi Srbija stekla status kandidata, koji joj je i odobren, 1. marta 2012 godine.

1. Sloboda kretanja

Pitanje slobode kretanja rešeno je „dogovorenim zaključcima" (Vidi: *Dodatak broj 4*), u petoj rundi dijaloga, 2 jula 2011, a 2 decembra 2011 godine usaglašeni su *Operativni zaključci* koji se odnose na primenu ovog dogovora.

Cilj sporazuma je da se omogući slobodno putovanje unutar i preko teritorija Kosova i Srbije, a njegova primena, započeta 26 decembra 2011 godine, ide dobro.

Sporazum je regulisao korišćenje kosovske lične karte, vozačke dozvole, registracije vozila i osiguranja, a uspostavljene su i nove procedure putovanja između Kosova i Srbije.

U procesu primene Sporazuma, Vlada Srbije je donela niz akata[25] i preduzela brojne aktivnosti u nastojanju da se reguliše pitanja osiguranja.[26]

Za sada, vozila iz Srbije plaćaju do 40 evra za ulazak na Kosovo, 368 evra za 6 meseci, i 603 evra za jednogodišnje osiguranje,[27] a vozila sa Kosova sa „KS" i „RKS" saobraćajnim tablicama moraju platiti 100 evra za 30 dana, uključujući 40 evra za privremene saobraćajne tablice za kosovska vozila sa „RKS" tablicama, uključujući taksu od 1 evra na dan, te graničnu taksu od 13 evra.

Ovako visoke takse činile su putovanje između dve zemlje veoma skupim. To je otežavalo i slobodu kretanja, produžavalo vreme potrebno za prelaz granice, povećavalo i troškove poslovanja ljudima i kompanijama, pogotovo onim građanima ili robana koje su sa Kosova prelazili u Srbiju.

I pored napora da se reši ovo pitanje dugo je na snazi bilo tako zvano privremeno rešenje, izdavanja osiguranja za vozila na samoj granici, prilikom njenog prelaza.[28] Po-

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[25] *Zaključak 05 broj: 021-6653/2011 od 1 septembra 2011 godine*, *Zaključak 05 broj: 423-9394/2011 od 8 decembra 2011 godine o osigiranju motornih vozila sa registracijama izdatim od strane Privremenih institucija samouprave u Prištini*, *Uredba o kontrolo prelaska administrativne linije prema Autonomnoj pokrajini Kosovo i Metohija, na sednici održanoj 22 decembra 2011 godine 05 Broj:110 -9604/2011-3*.

[26] Na sastanku u Beču, 20 decembra 2011 godine, dogovoreno je zaključivanje *Memoranduma o razumevanju* kako bi se sprečile prevare u oblasti osiguranja. Za sada, nema vidnijeg napretka po ovom pitanju, a sporno je, naročito za vlasti u Kosovo, polaganje depozita i davanje čvršćih garancija za naplatu; U Briselu, 19 aprila 2012 godine, i u Beogradu, 26 juna 2012 godine, održani su sastanci predstavnika Udruženja osiguravača Srbije i Kosovske asocijacije osiguravača, uz posredovanje EU, posvećen smanjenju cene auto – osiguranja *(Izveštaj, 2012)*. Dogovor, još uvek, nije nađen a ni rešenje pitanja „zelene karte".

[27] Kosovska osiguravajuća preduzeća su, nakon pritiska od strane javnosti i Vlade Kosova, snizila početne osiguravajuće takse, uglavnom zbog pritužbi etničkih Albanaca iz Preševske doline.

[28] Vlada Srbije je, 8 decembra 2011 godine, usvojila *„Zaključak o osiguranju motornih vozila sa tablicama izdatim od starne Privremenih institucija samouprave u Prištini"* kojim označava Udruženje osiguravača Srbije (UOS) za nosioca organizovanja izdavanja polisa osiguranja na prelazima ka Kosovu. UOS je kao administratora osiguranja

sle mnogih sastanaka i međusobnih uslovljavanja osiguravajućih kompanija sporazum je postignut tek jula 2015. godine da bi avgusta 2015 godine bilo ukinuto plaćanje osiguranja na graničnom prelazu (vidi: *Dodatak broj 5)*.

„RKS" registarske tablice i lične karte još uvek nisu uvedene kao obaveza za etničke Srbe na severu Kosova. Oni koriste saobraćajne tablice Srbije i ne plaćaju osiguranje za vozila. Ovakva situacija predstavlja neizvršavanje sporazuma o slobodi kretanja, koji je postavio rok: 11. novembar 2011. godine. U primeni ovog sporazuma, Vlada Kosova se opredelila da primenjuje tzv. nežni (soft) pristup - nisu kažnjavane osobe niti su pretresana privatna vozila ili prodavnice u potrazi za onim dokumentima čije je važenje prestalo na osnovu sporazuma *(Kosovo 2014)*.

Kad su u pitanju pasoši trebalo bi znati da je Srbija, u periodu od 1999 do 2007 godine, izdala Albancima sa Kosova 260. 000 pasoša Republike Srbije, a u periodu 2009 do 2011 godine, dodatnih 26.000 pasoša. Uz to, ima još 60.000 podnetih zahteva Albanaca sa Kosova. Dakle, broj Albanaca koji imaju pasoš Srbije prelazi 300.000.

S obzirom da veliki broj građana Kosova ima i koristi lična i putna dokumenta Srbije, koja podležu režimu vizne liberalizacije, neophodno je da se uredi pitanje evidencije promene prebivališta, da se uspostavi razmena podataka između vlasti Srbije i Kosova i da se odgovori na posebno delikatno pitanje „dvojnog državljanstva".

Radna grupa Srbije i Kosova je, 11 septembra 2014 godine, u Briselu, dogovorila da se omogući osobama koje imaju lične karte, koje je izdalo Kosovo da koriste još jedan broj graničnih prelaza u tranzitu, poput beogradskog aerodroma „Nikola Tesla", prelaza ka Bugarskoj i Makedoniji. Krajem 2014 godine, dogovor je proširen i na pasoše Kosova, tako što je MUP Srbije vlasnicima ovih pasoša izdavao privremena dokumenta za prolaz korz Srbiju. Tada su obuhvaćeni i prelazi ka Hrvatskoj i posebno važni prelazi ka Mađarskoj odnosno Šengenskoj zoni. Posle ovoga je unapređena sloboda kretanja ljudi.[29]

Kao kolateralna posledica primene sporazuma o slobodi kretanja povećan je i broj ilegalnog napuštanja Kosova odnosno uvećao se broj „lažnih azilanata" sa Kosova koji pokušavaju da dobiju azil u EU.[30]

EK je, 11 februara 2015 godine, ukazala da je broj ilegalnih migranata sa Kosova koji neosnovano traže azil u EU, tokom 2015 godine, povećan za 40%, što premašuje

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odredilo „Dunav osiguranje" a.d.o. koja je zajedno sa UOS uložilo 60 miliona dinara za stvaranje tehničkih uslova za uspostavljanje sistema za izdavanje polisa osiguranja na prelazima ka Kosovu. Obe starne su, počev od 26 decembra 2011, omogućile licima kupovanje osiguranja na prelazima ka Kosovu (*Monitoring, 2013:60,61*). Iznos osiguranja za vozila je visok: Vozilo koje je registrovano na gradove u centralnoj Srbiji pri ulasku plaća 20 evra osiguranja nedeljno. Isto toliko plaćaju vozila sa nemačkim ili švajcarskim registarskim tablicama. U kretanju sa Kosova ka centralnoj Srbiji vlasnici vozila sa „KS" registarskim oznakama (uglavnom ih imaju samo Srbi) plaćaju 100 evra osiguranje za mesec dana. Vozilo koje ima „RKS" tablice, plaća 100 evra osiguranje plus 11 evra takse i dnevno 500 dinara za korišćenje „probnih tablica" (*Brussels Agreement Implenitaton, 2015: 20*).

[29] Prema dokumentaciji MUP-a Kosova, od decembra 2011. do januara 2013. godine, bilo je ukupno 292.889 osoba koje su putovale sa Kosova za Srbiju i obrnuto – 148.284 osoba je ušlo na Kosovo iz Srbije.11 122.742 putničkih vozila, 7.706 autobusa i 39.649 kamiona je ušlo u Srbiju sa Kosova sa „RKS" a 15.230 putničkih vozila, 2.514 autobusa i 8.205 kamiona sa „KS" registarskim tablicama.

[30] Samo u dva meseca početkom 2015 godine Kosovo je napustilo više od 50.000 Albanaca, među kojima i 6.000 učenika srednjih škola. Prištinski mediji pak ukazuju da je od polovine 2014 godine Kosovo napustilo od 60.000 do 100.000 ljudi. Iz toga sledi, da je, u periodu oktobar 2014 – februar 2015 godine, u evrozonu prešlo oko 150.000 albanskih migranata od kojih je više od 120.000 prošlo mimo bilo kakve kontrole (*Jovanović, 2015; Zečević, 2015*).

broj migranata iz Sirije i Avganistana. Povećanje broja građana Kosova koji odlaze u pravcu zemalja EU je posledica izostanka ekonomskog razvoja, nedostatak razvojnih politika i radnih mesta, ali i posledica opšte krize (*Grdžaliju, 2014)*. Ima mesta i istrazi o uključenosti organizovanog kriminala i korumpiranih policijskih i drugih zvaničnika uticali na masovnost Albanaca koji su se, ilegalno, prebacivali, preko Srbije, u EU,[31] a pre svega u Nemačku i Mađarsku.[32]

U što uspešnijeg upravljanja migracijama, Vlada Kosova je usvojila *Strategiju za migraciju 2103 – 2018. Strategija* je kao cilj postavila sprečavanje ilegalne i jačanju regularne migracije, tako što bi se unapredile i olakšale legalne migracije i, istovremeno, migracije pretvorile u pozitivan faktor ekonomskog razvoja.

Inače, politika promocija legalne migracije ka EU je rezultat usvajanja *Haškog Programa* od strane Saveta Evrope, odnosno sprovođenja *Lisabonske Strategije*.[33]

Vlada Kosova promoviše regularnu migraciju kako bi se olakšalo putovanje u EU i koristi „kružne migracije građana između Kosova i država EU i to uključujući i migracije za potrebe studije, sezonskog zapošljavanja, razmene iskustava i obuke.

Vlada Kosova je uspostavila pravila i procedure za readmisiju lica koji je državljanin Kosova ili stranac, koji ne ispunjava uslove za ulazak ili boravak na teritoriji države molilje. Do sada, Kosovo je potpisalo 19 bilateralnih sporazuma o readmisiji sa devetnaest zemalja EU i država Šengenske zone i dve zemlje u region, sa Albanijom i Crne Gore.

Pored svega što je preduzeto, dogodio se pravi „bum iseljavanja" Albanaca sa Kosova, u prvoj polovini 2015 godine. To svedoči da još uvek na Kosovu, ali i u Srbiji nije uspostavljen efikasan sistem upravljanja migracijama, kao i da Srbija i EU nisu uspostavile efektivnu saradnju po ovom pitanju i ako se Srbija graniči sa četiri zemlje EU i nalazi se na Šengenskoj granici preko koje (granica sa Mađarskom) prešao i prelazi veliki broj ilegalnih migranata. To, pak, ukazuje da je, pored dugoročnog cilja podizanja stepena razvoja Kosova kako bi se smanjila motivacija za migriranje, neophodno da se preduzmu neke kratkoročne mere: počevši od vizne liberalizacije za Kosovo, preko pomoći EU Kosovu i Srbiji za podizanje kapaciteta za planiranje i upravljanje migracijama, do podizanja tehničke i ukupne opremljenosti službi za nadgledanje granica i saradnje u suzbijanju organizovanog kriminala u oblasti trgovine ljudima.

1.1. Uklanjanje barikade – „Parka mira" na mostu u Kosovskoj Mitrovici

Po verziji iz Beograda: U noći između 17. i 18. juna 2014. godine, upotrebom teške mehanizacije, uklonjena je do tada postojeća barikada od nasute zemlje, postavljena

[31] Šef diplomatije Srbije, Dačić podsetio je da talas izbeglica jaše na sporazumu o slobodi kretanja na kojem je insistirao Brisel te pozvao Evropu da onda rešava problem koji je nastao (*Dačić, 2015*).

[32] Statistika kaže da je, od početka januara do 12 februara 2015 godine, oko 18.000 ljudi sa Kosova ušlo u Nemačku (posebno u njene pokrajine Donja Saksonija, Severna Rajna Vestfalija, Bavarska i Baden-Virtemberg) sa željom da postanu azilanti. Po izjavi direktora policije Mađarske, Karolj Pap, do marta 2015 godine je 23.200 osoba ilegalno prešlo granicu, što predstavlja veliki finansijski i bezbednosni problem za Mađarsku. Uz to, 40 osba je uhapšeno jer su se bavile krijumčarenjem ljudi.

[33] Ova migraciona politika ima za cilj uspostavljanje okvira za legalne migracije uzimajući u potpunosti u obzir važnost integracije u društvo domaćina. Mere EU za legalnu migraciju uključuju i uslove ulaska i boravka za određene kategorije imigranata, kao što su visokokvalifikovani radnici koji podležu direktivama EU „Blue Card" („Plavi karton"), studente i istraživače.

na samom prilazu glavnom ibarskom mostu u Kosovskoj Mitrovici sa severne strane. Tako je omogućeno nesmetano korišćenje mosta u punom kapacitetu, što je dovelo do okupljanja većeg broja ljudi sa obe strane mosta, do prelazaka vozila i pešačkih grupa iz južnog u severni deo grada. U odgovoru na novonastalu situaciju, doneta je odluka o postavljanju „Parka mira" na samom mostu i sprovedena brza i efikasna akcija postavljanja žardinijera, klupa i nasipanja sloja zemlje i busenova sa travom po kolovozu. Time je onemogućen saobraćaj motornih vozila, koji je od Beograda ocenjen kao „bezbednosno problematičan" (*Izveštaj, 2015:22).*

Na inicijativu EU, a u cilju smirivanja političkih i etničkih tenzija, 11. jula 2014. godine, u Briselu je, radi dogovora o budućoj sudbini mosta, održan sastanak radne grupe. Radnu grupu su činili predstavnici Srbije, Kosova i lokalnih organa (gradonačelnici severnog i južnog dela Kosovske Mitrovice), kao i zvaničnici EEAS. Usvojen je predlog šefa Delegacije EU u Prištini, Samjuela Žbogara, da se na most uputi tim francuskih građevinskih stručnjaka, koji su učestvovali u njegovom obnavljanju deceniju ranije, sa zadatkom ispitivanja tehničkih kapaciteta, što bi omogućilo radnoj grupi da donese odluku o budućem uređenju mosta. U međuvremenu, na severnom delu mosta su postavljene, pa ubrzo uklonjene čvrste betonske prepreke u formi žardinijera, a potom razrovan sloj asfalta u dubini od oko pola metra i tako onemogućen prilaz motornim vozilima, a da bi se sprečilo eventualno jednostrano uklanjanje Parka i obnova saobraćaja pre postizanja političkog dogovora (*Izveštaj, 2015:22,23).*

Priština je sve vreme tvrdila da primena „Žbogarovog plana" odnosno *Sporazuma o uklanjanju prepreka na mostu i revitalizaciji ovog mosta* kasni, u odnosu na dogovor postignut u Briselu, 22 jula 2014 godine i to krivicom Beograda (*Brussels Agreement Implenetaion, 2015:15).*

Rešenje je postigunto 25 avgusta 2015 godine i to tako što će se izvršiti revitalizacija mosta i pešačke zone sa obe strane mosta. Takođe, dogovoreno je i da će do 10. oktobra 2015. godine će biti rešeno pitanje mapa administrativnih linija katastarskih oblasti u Suvom Dolu i Brđanima putem Memoranduma o razumevanju o planovima razvoja opština, Opštinske mape zoniranja i detaljnog Regulatornog plana između relevantnih ministarstava i dveju opština (vidi: *Dodatak broj 6).*

2. Intergisana kontrola granice (IBM)

Dogovor u oblasti integrisane kontrole granice / administrativne linije (IBM) (Vidi: *Dodatak broj 6*) postignut je, tokom osme runde dijaloga, 30 novembra do 2 decembra 2011 godine, a primena je počela 10 decembra 2012 godine. Bio je to značajan pomak koji se ticao, izuzetno delikatnog i spornog pitanja – granica.

Pitanje granica imalo je poseban značaj za Kosovo kao označavanje teritorijalnog integriteta i suverenitet kao i povećanje prihoda od carina i uspostavljanje kontrole nad švercom i ilegalnom trgovinom ljudima i robama (*Kosovo 2014).*

Za Srbiju bila je to jedna „gorka pilula" koju je valjalo progutati jer je realnost jača od političkih želja. Takođe, Srbija je imala potrebu da uspostavi kontrolu nad kretanjem ljudi i roba, da suzbije šverc, neregistrovani promet robama širokih razmera kao i da poveća sopstvene prihode od PDV i carine.

U cilju primene sporazuma, Vlada Srbije je, 22. decembra 2011 godine, donela niz akata,[34] formirana je Radna grupa koja je pripremila tekst *Tehničkog protokola za sprovođenje operativnih zaključaka od 2. decembra 2011. godine*, koji je usaglašen, na sastanku predstavnika Srbije i Kosova, a uz posredovanje EU, 23. februara 2012. godine, u Briselu.

IBM sporazum je naišao na oštro političko protivljenje Srba sa severa Kosova, koje je od političkih izjava i skupova išao do podizanja blokada puteva i graničnih prelaza. U znaku ovih protesta proticale su 2011 i 2012 godina. Osnovna ideja političkih vođa sa Severu Kosova koji su predvodili ove proteste i dela vlasti u Beogradu je bila da se, što duže može, odloži prihvatanje sporazuma. To je obrazlagano nepriznavanja teritorijalnog integriteta Kosova i odlaganjem institucionalnog i teritorijalnog odvajanja Severa Kosova od Srbije. To nam ukazuje da je sukob oko carina i IBM sporazuma bio samo jedan od izraza neslaganja Srbije i Kosova po pitanju suvereniteta (*Kosovo and Serbia, 2012).* Naravno, bilo je tu i lukrativnih motiva (ostvarivanje ekstra profita neplaćanjem akciza i carina, kao i švercovanjem proizvoda) koji su ujedinili mnoge poslovne ljude, političke vođe i „ljude iz sveta organizovanog kriminala".

I ako je vlada Srbije uspostavljena posle izbora maja 2012 godine, obećala da će primeniti sve prethodno postignute sporazume, ona je, kao i prethodna vlada Srbije, kočila primenu sporazuma. Najverovatniji cilj ovakve politike bilo produženje uticaja Srbije na Kosovo i sužavanje prostora da se Sever Kosova integriše onako kako je predviđao *Ahtisarijev plan*. To je omogućilo Srbiji da ponovo pregovara IBM i da u pregovore uključi i pitanje o naplate carina na prelazima na severu Kosova.[35]

U skladu sa tačkom 10. *Tehničkog protokola za sprovođenje IBM dogovorenih zaključaka od 2. decembra 2011. godine* predviđeno je da će nakon zaključivanja *Tehničkog protokola* biti formirana tripartitna Grupa za implementaciju Tehničkog protokola (u daljem tekstu: Grupa za implementaciju).[36]

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[34] *Uredbu o kontroli prelaska administrativne linije prema AP Kosovo i Metohija*, 05 Broj: 110-9604/2011-3 („*Službeni glasnik RS*", broj 98/11) i *Zaključak u vezi sa Izveštajem o dosadašnjem toku dijaloga sa Privremenim institucijama samouprave u Prištini i postignutim dogovorima u oblastima univerzitetskih diploma i integrisane kontrole administrativne linije*, 05 Broj: 021-9607/2011-1. *Odlukom o obrazovanju Radne grupe za implementaciju postignutih dogovora u oblasti integrisane kontrole administrativne linije prema Autonomnoj pokrajini Kosovo i Metohija*, koju je Vlada donela 29. decembra 2011. godine; Vlada Republike Srbije je donela *Odluku o prestanku važenja Odluke 05 Broj:* 02-10076/2011 od 29. decembra 2011. godine, čime je rasformirana Radna grupa za implementaciju postignutih dogovora u oblasti integrisane kontrole administrativne linije prema AP Kosovo i Metohija (05 Broj 02-509/2012 od 26. januara 2012. godine, „*Službeni glasnik RS*, br. 6/12 od 27. januara 2012. godine").

[35] Opstrukciju sporazuma od strane Srbije su tolerisali garanti briselskog dijaloga (EU i SAD) previđajući da je, u nastalom vakumu, jačalo prisustvo Rusije na severu Kosova. Političku podršku jačanju ruskog uticaja pružali su pre svih politička stranke DSS, pojedine srpskih poslovnih grupa i nevladine organizacije.

[36] Grupu za implementaciju čine predstavnici Srbije, Kosova i EU u ulozi posrednika i predsedavajućeg, a njen zadatak je da predlaže konkretna rešenja i mere u pogledu implementacije *Tehničkog protokola*.

Na sastanku Grupe za implementaciju *Tehničkog protokola*, koji je održan 31. oktobra 2012. godine, tokom 5. i 6. novembra 2012. godine usvojen je Pravilnik o radu i Plan aktivnosti u kojem su definisani dalji konkretni koraci u pogledu implementacije. Srbija i Kosovo su se složili da se formiraju privremene zajedničke tačke prelaska za zajedničko prisustvo na svih šest svojih tačaka prelaska koristeći postojeće objekte („koncept 3+3" prema kome je definisano da ZTP/ZZTP Merdare, Mutivode i Brnjak biti na strani AP KiM, dok je ZTP /ZZTP Jarinje, Končulj i Depce na strani centralne Srbije), pri čemu bi se u ovoj fazi započelo sa četiri ZTP (Brnjak, Merdare, Jarinje i Končulj). Takođe, dogovorena je i zajednička poseta Grupe za implementaciju navedenim prelazima, koja je realizovana u periodu od 14. do 15. novembra 2012. godine.

Potpisivanje *Finalnog Akcionog plana* sa EU, zaključno sa 10. decembrom 2012. godine, definisano je da će privremene ZTP/ZZTP Rudnica i Merdare postati potpuno operativni 10. decembra 2012. godine u 08:00 časova, dok

IBM je izvorno bio predlog Srbije sačinjen da bi se oslabio pritisak za prihvatanje Kosovskih carinskih službenika na severnim ulazima pretvarajuće ove u „integrisano" prisustvo koje uključuje službenike EULEX-a i Srbije. U realnosti, ni Srbija a ni Kosovo nisu verovali u ovo „prisustvo" već su ga prihvatili pod pritiskom SAD. Kad se pokazalo da će model ipak morati da prihvati Srbi i Srbija su nastojali da to odlože *(Serbia and Kosovo, 2013: 15)*.

Ovaj sporazum je, za Srbiju, bio jedan od najtežih za primenu. Između ostalog i zbog toga što je, na suprot tvrdnji Kosova da sporazum predstavlja priznavanje granice između Kosova i Srbije, Srbija je morala da ubeđuje svoje javno mnjenje da sporazum ne znači priznavanje granice između Kosova i Srbije. U sprovođenju „statusno neutralnog pristupa", Srbija se pozivala na to da sporazum koristi reč „Boundary" („administrativna linija"), a ne „Border" („granica"). Činjenica da se u samom sporazumu koristi „Border"/ „Boundary" i skraćenica IBM, omogućava različito tumačenje svake od strana.

Vidljiviji napredak u primeni sporazuma o integrisanom upravljanju granice dogodio se krajem aprila 2013 godine. Prvi putnici sa kosovskim ličnim kartama počeli su da putuju, preko Srbije, 1. maja 2013 godine. Tada su, dva granična prelaza, Mutivode i Mučibaba, koji povezuju Kosovo – Kosovsko Pomoravlje sa „Preševskom dolinom", stavljena u funkciju. Aprila 2015 godine, dogovoreno je i otvaranje dva malogranična prelaza (između Kosovske Kamenice i Medveđe odnosno Leposavića i Raške).

Rast trgovine podržala je i primena Sporazuma o slobodnoj trgovini u Centralnoj Evropi (CEFTA). Zapravo, Srbija je, 2006 godine, efektivno priznala Kosovo kao posebnu carinsku teritoriju potpisivanjem Centralnoevropskog sporazuma o slobodnoj trgovini – CEFTA 2006 (*Zakon o potvrđivanju Sporazuma o izmeni i pristupanju Sporazumu o slobodnoj trgovini u Centralnoj Evropi – CEFTA 2006, Službeni glasnik – Međunarodni ugovori, broj 88/ 2007*). UNMIK je tada bio strana potpisnica, jer je spoljno trgovinska politika bila u rukama UNMIK-a odnosno EU kao Pilara IV.

3. Ubiranje carine i carinski pečat

Posle 2008 godine i proglašenje nezavisnosti Kosova dolazi do marginalizovanja uloge UNMIK, a Kosovo preuzima spoljnotrgovinsku politiku i uvodi svoju carinsku dokumentaciju s oznakom „Republika Kosovo". Kao odgovor, Carinska služba Srbije odbija da dozvoli ulaza roba na teritoriju Srbije. Od tada roba sa Kosova u Srbiju uglavnom dolazi kao reeksport iz Crne Gore i Makedonije sa dokumentacijom tih država uz naznaku da je roba poreklom sa Kosova (*Monitoring, 2013:11, 12*).

će Brnjak i Končulj postati operativni 31. decembra 2012. godine u 08:00 časova. Nakon kompletiranja prva četiri ZTP/ZZTP, započeće rad na osnivanju dva preostala ZTP/ZZTP, kako je i utvrđeno *Tehničkim protokolom*.

Sastavni deo Finalnog akcionog plana su i *Procedure za razmenu informacija u vezi sa funkcionisanjem ZZTP*. Predviđeno je da će Beograd i Priština razmenjivati relevantne informacije u svrhu sprečavanja, otkrivanja i istraživanja kriminalnih aktivnosti, kao i radi zaštite života i zdravlja ljudi, životinja i biljaka.

Sastavni deo Finalnog akcionog plana predstavlja i dogovor o razmeni informacija u vezi sa carinom elektronski kroz S.E.E.D. u skladu sa ustanovljenom S.E.E.D. praksom. Predviđeno je da će ova razmena početi najkasnije od 31. decembra 2012. u 07:59.

Sastavni deo *Finalnog akcionog plana* predstavlja i *Tehnički aranžman o funkcionisanju privremenih zajedničkih IBM tačaka prelaska, prema Tehničkom protokolu za implementaciju IMB dogovorenih zaključaka iz dijaloga od 2. decembra 2011*, donetom 23. februara 2012. godine *(Izveštaj, 2012)*.

Misija EU na Kosovu – EULEX preuzima deo ovlašćena po Planu UNMIK od 26 novembra 2008 te i pitanja u vezi carine i graničnih prelaza na severu Kosova. Uspostavlja se i Carinski punkt u južnoj Mitrovici. To je značilo da Kosovo ne funkcioniše kao jedinstvena carinska teritorija, već kao teritorija podeljena na onu južno i onu severno od reke Ibar. Time je Severno Kosovo *de facto* postalo „slobodna trgovinska zona", sa velikim problemima u nadzoru tokova roba (*Monitoring, 2013:11, 12*). Bio je to pravi „mali raj" za trgovinu bez evidencije, neplaćanje PDV i carina, šverca, ubiranja prihoda bez obaveza prema državi. To je ambijent u kome su se razigrali šverc, organizovani kriminal i korupcija. Uz to, snažne Albansko – Srpske mreže za švercovanje roba, izbegavanje taksi i razvoj usluga i trgovine koja jača kriminalne elite. To je od ove u regionalnom kontekstu male kriminalne elite načinilo dovoljno snažnu da vlada Severom Kosova (*North Kosovo, 2011)*.

Sporazum o carinskom pečatu, postignut 2. septembra 2011 godine (vidi: *Dodatak broj 7)*, ima za cilj da 'obezbede slobodno kretanje robe u skladu sa CEFTA.' Primena ovog sporazuma je počela u septembru 2011. godine, i to sa strane Kosova. Srbija je, kasnije,prihvatila kosovske pečate.

U vezi s carinskim režimom, Kosovo je usvojilo novo zakonodavstvo, unapredilo procedure i podiglo administrativne i organizacione kapacitete carinske službe.[37]

Evidencija prometa između Kosova i Srbije se odvija po programu „Systematic Electronic Exchange of pre-arrival Data" (SEED).

Vlada Srbije ocenjuje da Srbija u potpunosti ostvaruje sporazum i da je Srbija uložila značajan napor na uspostavljanju režima licenciranja preduzeća za trgovinu tzv. kontrolisanim robama, kod institucija u Prištini.

Uredbama Vlade Srbije, prestale su da postoje neke barijere. Na primer, uspostavljanjem IBM na graničnim prelazima Jarinje i Brnjak, od kraja februara 2013 godine, skraćeni su vreme i manipulativni troškovi dotoka roba u prometu franko – kupac u južni deo Kosova na oko 3–5 sati; Uredbom, od 16 septembra 2011 godine, vraćen je suspendovani PDV za naftu i naftne derivate, automobile i mobilnu telefoniju na severu Kosova, pri čemu su radikalno smanjeni jer su sivi tokovi nafte i naftnih derivata za oko 90%, trgovina automobilima i usluge mobilne telefonije operatera Telenor i MTS prestali da budu „privilegija građana severa Kosova"; ukinut je monopolski položaj velikih proizvođača iz Srbije („Knjaz Miloš", „Guarana" i „Rubin") koji su damping cenama svojih proizvoda, nižim u proseku za oko 30–40%, izvozili svoje proizvode u severni deo Kosova, bez akciza i PDV-a; poboljšani su standardi predstavnika Srbije na prelazima prema Kosovu (*Monitoring, 2013. 15*).

I dalje, postoje značajna ograničenja slobode kretanja roba. Na primer, nejednaki su uslovi poslovanja iz Srbije sa severnim u odnosu na poslovanje sa južnim delom Kosova. Neke robe su oslobođene PDV, potom nepostojanje upravno – nadzornih institucija na severu za praćenje prometa roba kojima se PDV i carina samo evidentiraju na prelazima Jarinje i Brnjak favorizuje se postojanje sive zone trgovine. Iznad svega, platni promet s Kosovom je izuzetno skup i tretira sa kao klasični ino-promet; obaveza kon-

[37] Posebno je važno unapređenje nove organizacione strukture kao i unutrašnje kontrole s ciljem prevencije korupcije i olakšavanja prometa. To je rezultiralo povećanjem prihoda od prometa.

verzije evra u dinare po nepovoljnom kursu; ne postoje bankovne garancije ili osiguranja poslovanja sa kupcima sa Kosova i drugo (*Monitoring, 2013, 26–32*). Međutim, najozbiljnija je prepreka je u nepostojanju platnog prometa između Srbije i Kosova kao i dugogodišnja isključenost banaka na severu Kosova iz platnog prometa Kosova. Nije moguć ni platni promet preko banaka iz trećih zemalja koje imaju svoje ekspoziture u Srbiji i na Kosovu. Trenutno se pokušava da se ovaj problem reši osnivanjem tako zvane ćerke firme nekih od poslovnih banaka iz Srbije koje bi bile registrovane na Kosovu.

Primena sporazuma o IBM, kao i Sporazuma o ubiranju carina (vidi: *Dodatak broj 8)* i PDV je podržalo povećanje legalnog protoka roba između Srbije i Kosova. Ukupan promet Srbije sa Kosovom u 2013. godini iznosio je 550,7 miliona dolara i bio je veći u odnosu na prethodnu godinu za 40,7%, s tim da su isporuke iz Srbije iznosile 536,9 miliona, a nabavke sa Kosova 13,8 miliona dolara. Proizvodi iz Srbije koji se najviše prodaju na Kosovu su prehrambeni proizvodi i pića, hemikalije i hemijski proizvodi, poljoprivredni proizvodi, derivati nafte i dr, a sa Kosova se u Srbiji najviše kupuju osnovni metali, reciklaža, prehrambeni proizvodi i pića i dr.

Kada je reč o prometu poljoprivrednih i stočarskih proizvoda, proizvođači iz Srbije se žale na to što EULEX zahteva da za sve proizvode koji se uvoze i izvoze moraju biti poštovani standardi EU. U Srbiji, pak, svega 6 od 30 klanica zadovoljava ove uslove.

Vidljiv rezultat je povećan prihod od direktnih taksa, u 2013 godini, na € 279 miliona, što čini 54 % od ukupno prikupljenih prihoda (*Izveštaj, 2015:19; Kosovo, 2014*).

Opšta ocena primene režima slobode kretanja je pozitivna, a sve veći broj ljudi koristi taj režim. Postoje brojna otvorena pitanja u trgovini robom između Srbije i Kosova koje treba rešiti (na primer, pitanje tzv. graničnog osiguranja, obavljanja platnog prometa ili ispisivanja uputstava i dokumenat na svim jezicima). Postojeći sistem prometa roba sa Kosovom je neodrživ, te je nužno da se napori usmere ka stvaranju normalnog poslovnog ambijenta (*Monitoring, 2013, 33*).

4. Privremeni fond za ekonomski i infrastrukturni razvoj Severa Kosova

Četvrta runda političkog dijaloga, 17. januara 2013 godine, u Briselu, rezultirala je dogovorom o Privremenog fonda za ekonomski i infrastrukturni razvoj Severa Kosova (u daljem tekstu: Fond) u koji će se slivati prihodi od naplate carine za robu namenjenu severu Kosova. Ovo je učinjeno u pozivu na sporazum o IBM.

Fondom rukovode Kancelarija i Upravni odbor koji čine predstavnik Vlade Kosova, srpskih opština i EU odnosno SP EU. Odluke o kapitalnim investicijama i infrastrukturi će se donositi konsenzusom, a ukoliko to ne bude moguće, glas predstavnika EU je odlučujući.

Vlada Kosova je predložila amandman na zakonu o budžetu Kosova za 2013, kako bi se sporazum sproveo u delo.[38]

[38] Taj amandman kaže: „Sav javni novac prikupljen od robe uvezene iz preduzeća registrovanih u Severnoj Mitrovici, Zubin Potok, Leposavić i Zvečane, kao i one koje su namenjene za potrošnju u ovim opštinama, u trenutku ulaska na Kosovo, preko carinskog prelaza Jarinje (tačka 1) i Brnjaku (tačka 31) će biti poslate u Fond. Ovaj novac će biti registrovan u Informacioni Sistem Finansijskog Upravljanja na Kosovu i prosleđivati na račun u poslovnoj banci, koji je otvorio SP EU u NLB.

Procene je da će iz priliva budžetskih sredstava Kosova za Fond biti obezbeđeno oko 6 miliona evra i još 10 miliona evra od strane EU i Srbije,[39] ukupno 16 miliona evra. Planira se da ova sredstva obezbede ravnomeran razvoj ovog regiona koji je istorijski bio jedinstven ekonomski prostor zavistan od rada rudnika Trepča. Takođe, da bi to pomoglo smanjenju duboke etničke podele na severu Kosova.

Fond omogućuje uspostavljanje evropskih standarda koji podržavaju proces normalizacije odnosa Kosova i Srbije. Zbog toga ima značajnu ulogu i u kontekstu rešavanja pitanja statusa Kosova. Putem ovog sporazuma, EU nastavlja da gleda Kosovo kao jedinstvenu carinsku zonu, dok će kosovski Srbi sa severa početi plaćanje carine, tarifa i PDV.

Procenjuje se da je ukupni iznos prikupljenih carina na prelazima Jarinje i Bernjak (od 14 decembra 2013 do danas) preko 5 miliona evra i ovaj iznos je preneti u Fond, i pored toga, Fond, ni u julu 2015 godine ne finansira projekte. Ovakvo ponašanje nanosi ozbiljnu štetu planiranim projektima značajnim za srpski narod na severu Kosova i dovodi u pitanje i svrsishodnost funkcionisanja Fonda (*Brussels Agreement Implenetaion, 2015: 22, 25; Izveštaj, 2015:19,20)*. Odnos prema Fondu i razvoju Severa Kosova se može meriti kvalitetom realizovanih projekata odnosno da li oni služe kao „zamajci" intenzivnijeg razvoja, zbog toga je neophodno da Fond počne sa radom i da se uspostavi monitoring javnosti, pre svega poslovne zajednice i NVO nad zakonitošću i efektivnošću finansiranja iz Fonda. Posebnu pažnju bi trebalo posvetiti prevenciji korrupcije.

5. Matične knjige

Pitanje matičnih knjiga rešeno je dogovorenim zaključcima na petoj rundi dijaloga, 2. jula 2011. godine (Vidi: *Dodatak broj 9*).

Primena sporazuma je počela u oktobru 2012. godine, nakon tri meseca pripremne faze obuke osoblja.

EU finansira projekat sa 1 milionom evra. Vlada Kosova je obezbedila softver, prethodno razvijen za sličan projekat sproveden na Kosovu; Vlada Srbije sufinansira projekat pokrivajući plate 50 osoblja koji rade na obradi podataka (jednog IT stručnjak i 49 pomoćnika za obradu podataka). Obe delegacije su dodelile i koordinatore, odnosno po jedan softver za skeniranje, što u novcu iznosi 400.000 evra.

Prema oceni Kosova, Kosovo je veoma efikasno ispunjavalo svoje obaveze; Kosovska civilna registraciona agencija (Kosovo Civil Registry Agency) u saradnji sa danskim centrom za izbeglice (DRC) digitalizuju overene kopije iz građanskih registara (*Brussels Agreement Implementation, 2015:26*).

Oktobra 2012. godine, kosovsko ministarstvo unutrašnjih poslova je izdalo podzakonski akt za primenu sporazuma: *Administrativno uputstvo* (AU) o korišćenju overenih kopija originalnih podataka iz matične knjige Kosova, koje definiše proceduru kako overene kopije u konkretnim slučajevima trebaju biti smatrane originalnim na osnovu sporazuma.

Sa svoje strane Beograd tvrdi da je sporazum ispunio uspešno i u celosti.[40]

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[39] Srbija ima pravo da uplaćuje novac u Fond, ali je Beograd dužan da objavi cilj uplata.

[40] Vlada Srbije je donela *Zaključak 05 Broj: 021-6653/2011* od 1. septembra 2011. godine; *Uredbu o posebnom načinu obrade podataka sadržanih u matičnim knjigama za područje AP Kosovo i Metohija, 05 broj 110-8578/2011* od

I dok vlasti tvrde da su zadovoljne primenom sporazuma, na terenu se primećuje tek lagani napredak,[41] a izveštaj Brisela, o stanju primene govori o kašnjenju srpske strane.

6. Katastar

Sporazum u oblasti katastra (Vidi: *Dodatak broj 10*) prihvaćen je 2. septembra 2011. godine.

Vlada Srbije je 8. decembra 2011. godine usvojila *Uredbu o posebnom načinu obrade podataka sadržanih u katastru zemljišta za Autonomnu pokrajinu Kosovo i Metohija,* 05 broj: 110-9390/2011 („*Službeni glasnik Republike Srbije*", broj 94/11"). Istog dana u Beogradu je održan inicijalni sastanak Grupe za implementaciju (sastavljene od predstavnika EU, Kosova, Republičkog geodetskog zavoda Srbije i Kancelarije vlade Srbije za stručne i operativne poslove u pregovaračkom procesu).

Projekat matičnih knjiga finansira se iz IPA fondova. Iako je planirano da se puna realizacije sporazuma obavi u toku 2014 godina, to se još uvek (juli 2015 godine) nije dogodilo *(Izveštaj, 2012)*. Do sada je skenirano svega oko 40% dokumenata, odnosno 548.000 stranica (*Brussels Agreement Implenetaion, 2015: 25, 26)*.

Srbija prigovara Kosovu da je, 5. februara 2015. godine, potvrdila *Nacrt zakona o Agenciji za upoređivanje i verifikaciju imovine*, i dostavila Skupštini na usvajanje, i ako se ovim nacrtom direktno krši sporazum o katastru i stvaraju uslovi za legalizaciju protivzakonito oduzete imovine Srba (*Izveštaj, 2015:13)*

7. Univerzitetske diplome

Zaključci o prihvatanju univerzitetskih diploma dogovoreni su 21. novembra 2011. godine *(Izveštaj, 2012;* Vidi: *Dodatak broj 11)*.

U primeni ovog dogovora Vlada Srbije je, 22. decembra 2011. godine, usvojila *Zaključak u vezi sa Izveštajem o dosadašnjem toku dijaloga sa Privremenim institucijama samouprave u Prištini i postignutim dogovorima u oblastima univerzitetskih diploma i integrisane kontrole administrativne linije*, 05 Broj: 021-9607/2011-1: 9. februara 2012 godine, *Uredbu o posebnom načinu priznavanja visokoškolskih isprava i vrednovanja studijskih programa univerziteta sa teritorije Autonomne pokrajine Kosovo i Metohija koji ne obavljaju delatnost po propisima Republike Srbije*, 05 Broj: 110-969/2012. godine.[42]

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14. novembra 2011. godine; *Zaključak o posebnom načinu obrade podataka sadržanih u matičnim knjigama za područje AP Kosova i Metohije 05 Broj 20-9272/2011* od 5. decembra 2011. godine i *Zaključak o posebnom načinu obrade podataka sadržanih u matičnim knjigama za područje AP Kosova i Metohije 05 Broj: 200-2875/2013-1* od 12. aprila 2013. godine.

[41] Prema EULEX-u, u januaru 2013. godine, 972 overene kopije matičnih knjiga predate su Agenciji za matične knjige Kosova. Do juna 2013. godine, EULEX je ukupno predao preko 3.835 overenih kopija matičnih knjiga, pokrivajući opštine Priština (1013), Lipjan (848), Obilić (264), Kosovo Polje (219), Glogovac (425) i Podujevo (1066). Ovo je samo oko 30% od ukupnog broja koji treba predati Kosovu, pošto se procenjuje da je Srbija povukla oko 12.036 matičnih knjiga sa Kosova. (*Deda, 2013:5, 6*).

[42] Iako je Uredbu Vlade Srbije o priznavanju diploma izdatih od strane kosovskih institucija Ustavni sud Republike Srbije (USS) proglasio neustavnim, svega dve nedelje posle toga Vlada Srbije je usvojila novu *Uredbu o posebnom načinu priznavanja visokoškolskih isprava i vrednovanja studijskih programa univerziteta na Kosovu i Metohiji*, koja se odnosi na kosovske univerzitete koji rade u skladu sa Rezolucijom SB UN broj 1244. Po ovoj uredbi će diplome kosovskih univerziteta najpre priznati Komitet evropskih akademskih stručnjaka, koji je osnovala EUA, a onda razmatrati stručni samostalni organi visokoškolskih ustanova u Srbiji. Ovom novom procedurom za priznavanje

Primena ovog sporazuma od strane kosovskih vlasti je počela, 1. marta 2012 godine, otvaranjem Kancelarije za implementaciju, pri Ministarstvu za obrazovanje, nauku i tehnologiju (MONT) u saradnji sa SPARK-om i Evropska Univerzitetska Asocijacija (EUA). Do aprila 2015 godine, ukupno je overeno 186 diploma. Nije izvesno da će overene diplome biti priznate u Srbiji, jer univerziteti i poslodavci iz Srbije nisu obavezni da ih prihvate kao validne. U pojedinim slučajevima u kojima je Srbija priznala diplome, po izjavama kosovskih zvaničnika u diplomama je dodavan naziv „Kosovo i Metohija" (*Deda, 2013:9*).

Prema izjavi predstavnika Prištinskog univerziteta sa sedištem u Kosovskoj Mitrovici, akreditacija diploma ovog univerziteta su pod znakom pitanja. Zbog toga vođstvo ovog univerziteta i Beograd, pokušavaju da ovo pitanje razreše kroz akreditaciju na međunarodnom nivou, i da tako izbegnu akreditacija od strane nadležne kosovske institucije. Istovremeno, zvaničnici Kosova tvrde da nema nikakvih problema za prihvatanje diploma ovog univerziteta i optužuju Srbiju da nije priznala ni jedno od diploma i ako je bilo 300 zahteva (*Brussels Agreement Implenetaion, 2015:26*).

Vlada Srbije ocenjuje da Srbija u potpunosti sprovodi Sporazum, tako da se diplome izdate od strane Univerziteta sa Kosova, koje su potom sertifikovane od strane EAU, tretiraju kao i sve druge visokoškolske isprave izdate od strane univerziteta koji nisu akreditovani u Srbiji. Zapravo, ove diplome, u Srbiji, prolaze kroz istu proceduru kao i diplome izdate od strane na primer univerziteta u Beču, Oksfordu, Harvardu, itd. Ovakav pristup pitanju diploma je, po mišljenju Vlade Srbije, u skladu sa evropskom praksom (*Izveštaj, 2015:5).* Međutim, istina je da je praksa u Srbiji prilagođena odbrani monopola domaćih univerziteta i da se za nostrifikaciju postavljaju mnogi uslovi koji su rezultat zaostajanja u razvoju visokog školstva Srbije.

8. Regionalno predstavljanje i saradnja

Sporazum o regionalnom predstavljanju i saradnji dogovoren je u Briselu, tokom 2011 godine, a potpisan posredstvom *tehničkog protokola* koji je svaka od strana potpisala sa EU (Vidi: *Dodatak broj 12*), a koji utvrđuje tehničke detalje od značaja za primenu dogovora.

U primeni dogovora postoje tenzije: Kosovo pokušava da proširi broj organizacija u kojima je član, dok Srbija insistira na tzv. Kuperovoj listi regionalnih organizacija, koja je izrikom dogovorena u Briselu i koja je uža od one liste koju želi Kosovo. Ponekad Srbija nastoji da oteža učlanjanje Kosova u regionalne organizacije. Tako je bilo i prilikom učlanjenja Kosova u Regionalnu inicijativu za migracije, azil i izbeglice (MARRI), kao i u Međunarodnu organizaciju za unapređenje regionalne saradnje na polju javne administracije na Zapadnom Balkanu (RESPA).

Brojni su primeri uspešne primene ovog dogovora, a bilo je i pojedinačnih primera sprečavanja učešća Kosova u regionalnoj saradnji (*Brussels Agreement Implenetaion, 2015: 20, 21*).

Vlada Srbije ističe da se sporazum primenjuju u potpunosti (*Izveštaj, 2015:16).*

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diploma kosovskih univerziteta i na taj način prevaziđen problem priznavanja ovih diploma zbog neustavnosti prethodne uredbe (*portal KoSSev 14.11.2014*).

U stvarnosti, dogovor se više poštuje nego mnogi drugi. To potvrđuje i sve učestalije zajedničko pojavljivanje Srbije i Kosova na ovim skupovima, a i kad se organizuju na Kosovu ili u Srbiji.[43]

b) Prvi sporazum o principima normalizaciji odnosa Beograda i Prištine

Ključni korak u Briselskog dijaloga bio je sporazum o nastavku dijaloga između zainteresovanih i uključenih strana (Srbije, Kosova, EU i SAD) i njegovom podizanju na najviši nivo uključivanjem predsednika Vlade Srbije Ivice Dačića, premijera Kosova Hašima Tačija, bivše državne sekretarke SAD Hilari Klinton, i visoke predstavnice EU za spoljnu politiku i bezbednost Ketrin Ešton. Ohrabreno je i učešće predsednika Srbije Tomislava Nikolića i predsednice Kosova Atifete Jahjage.

Premijeri Ivica Dačić i Hašim Tači, pod pokroviteljstvom visoke predstavnice EU za spoljne poslove, nastavili su dijalog u Briselu, susretima 19 oktobra, 7 novembra i 5. decembra 2012, od 17 januara i tokom cele 2013 godine, sa prekidima zbog vanrednih parlamentarnih izbora u Srbiji i na Kosovu kao i izborima u EU, tokom 2014 godine. Od 8 i 9 februara, pa kroz susrete tokom maja, juna i jula 2015 godine, politički dijalog nastavljaju premijeri Aleksandar Vučić i Iso Mustafa.

Po svojoj prirodi i dostignućima Briselski dijalog bi se mogao odrediti kao „dogovaranje elite", a ne kao proces izgradnje mira između dve zajednice, na Kosovu i u Srbiji (*Serwer; 2013; Mehmeti, 2014:2).* Politički dijalog se koncentrisao na vruću tačku normalizacije odnosa Kosova i Srbije – nesporazume na i oko Severa Kosova (*A 'Peace Treaty' 2012: 6,8, 10*). I dalje, Srbi i Albanci žive svoje „paralelne živote", loše misle jedni o drugima i vide sebe kao žrtve. Oni žive jedni pored drugih, ali ne i zajedno. Ovakav odnos je „cementiran" tokom vladavine Slobodana Milošević, krajem 1980 i 90ih godina, stvorene su okolnosti za igradnju dva „paralelna društva" na Kosovu.[44]

Izgradnja i postojanje „paralelnih struktura" (Albanaca i Srba) su olakšani etničkom strukturom stanovništva Kosova i velikom etničkom distancom između Albanca i Srba.

I pored toga što je, po broju stanovnika i površini, relativno mala oblast Sever Kosova je početkom 21 veka postalo jedno od najkomplikovanijih pitanja na Zapadnom Balkanu, kao i u odnosima Beograd i Prištine (*Janjić, 2014).*

U periodu, od 1999 do 2010 godine, smtarlo se da je reče o „zamrznutom konfliktu" (*Morina, 2014:3*). Međutim, tokom 2010–2012 godine, otvoreno je pitanje integracije severnog dela Kosova u zakonodavstvo i institucije Kosova. Time je došlo i do „podgrevanja političke atmosfere", a Sever Kosova je zapretio da se pretvorio u „vrć konflikt".

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[43] Jedan od takvih primera je i učešće Srbije i Kosova na sastanku, 28. avgusta 2014. Godine, u okviru „Berlinskog procesa", iniciranog od strane nemačke kancelarke Angele Merkel, na kome su razmatrane teme poput evropskog puta Zapadnog Balkana, jačanje regionalne saradnje, kao i povećanje prosperiteta Zapadnog Balkana kroz jačanje održivog ekonomskog rasta. Ili, prisustvo zvaničnika Srbije, 25. marta 2015 godine, u Prištini, na sastanku Zapadnobalkanske šestorke (ZB6) (*Izveštaj, 2015:16, 17).*

[44] Najpre su Albanci kreirali svoje „paralelne institucije", da bi od kraja rata, 1999, Srbi počeli da grade svoje „paralelne institucije"(*Janjić 2014:222*). Srbi sa Severa Kosova od 1999 godine nisu bili pod upravom Prištine, niti su imali intezivnije kontakte s vlastima Kosova. Oni su formalno pod patrontao Specijanog predstavnika Generalnog Sekretara i UNMIK Administracije u Mitrovici), a stvarno njima se upavlja iz Beograd (*Morina, 2014: 3*).

U tom periodu su pale i ljudske žrtve, uključujući i dva pripadnika nemačkog kontigenta KFOR i jednog pripadnika EULEX.

Potvrdilo se da je sukob Srba i Albanaca oko Kosova, zapravo sukob oko statusa i kontrole nad teritorijom. Otuda su i stanovišta Srbije i Kosova o tome šta je „odgovarajuće rešenje" pitanja Severa Kosova različite i sukobljene. Za Republiku Srbiju to je zadržavanje ove oblasti unutar granica Srbije, a za Kosovo „odgovarajuće rešenje" je uspostavljanje pune kontrole Kosova nad ovim delom teritorije i stavljanje Srbije u poziciju prihvatanja kao neminovnosti priznavanja nezavisnosti Kosova (*Janjić, 2014:224)*.

Kosovo i međunarodna zajednica su kao glavni izazov odredile opstajanje institucija Srbije ili „paralelnih insititucija". Sa svoje strane, Srbi sa Severa Kosova i Srbija su insistirali na tome da su ove institucije uspostavljene zbog očiglednih etničkih podela na Kosovu zbog kolapsa „multietničkog" društva kakvo su proklamovalo UN, da su to jedine institucije u kojima Srbi mogu da učestvuju i zadovoljavaju svoje političke, socijalne i druge potrebe, odnosno da su one od „životnog značaja" za Srbe na Kosovu (*Derand, 2009*).

Po mišljenju Srba sa Severa, Srbija im nudi više od Kosova na političkom i na emocionalnom nivou. Sa njihove tačke gledišta, Albanci samo žele da odvoje ovaj deo od Srbije i da ga pripoje Kosovu. U prilog jačanju ovog uverenja išle su i javne izjave mnogih Albanaca da bi Srbe trebalo na silu poterati sa Severa Kosova.

Jasno je da za postizanje dogovora obe strane moraju da popuste: Srbi da prihvate da žive u teritorijalnom okviru Kosova, a Albanci da Srbi imaju odgovarajuću autonomiju (*Lene, 2012a*).

Pozitivan trend u dijalogu iskazan je tokom januara i februara 2013. godine. U tom periodu su, u poređenju sa prethodnim tokom razgovora, pored razjašnjenja brojnih pitanja od značaja za primenu ranije postignutih dogovora (pre svega u vezi sa integrisanim upravljanjem prelazima na severu Kosova), dogodila i dva značajna proboja.[45] Ali, odlučujući korak načinjen je, 19. Aprila 2013 godine, kada je parafiran *Sporazum o principima* (Vidi: *Dodatak broj 13*) i 22. Maja, kada je dogovoren plan za njegovo sprovođenje.

Sporazum o principima je sporazum o podeli vlasti na Severu Kosova koji je bio prihvatljiv za Kosovo i Srbiju, a unutar koga će opštine sa većinskim srpskim stanovništvom imati autonomiju u oblastima zdravstva, obrazovanja, kulture, a za uzvrat vratiti policiju i pravosuđe centralnim vlastima Kosova (*Mehmeti, 2014:1*).

Za zvaničnike Kosova, Srbije i EU, ovaj sporazum je kamen temeljac povećanja stabilnosti na Zapadnom Balkanu i odlučan korak obe zemlje na putu integrisanja u EU.

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[45] Na sastanku održanom 17. januara 2013. godine, postignut je dogovor premijera Srbije i Kosova o formiranju kancelarija za vezu, razmeni „oficira za vezu" u Beogradu i Prištini, i pojašnjeni su njihovi zadaci. Ovim korakom uspostavljen je novi kanal komunikacije i institucija koja će olakšavanjem primene postignutih sporazuma biti značajan akter buduće normalizacije odnosa između Srbije i Kosova.

Drugi proboj predstavljao je susret predsednika Republike Srbije Tomislava Nikolića i predsednice Kosova Atifete Jahjage, 6. februara 2013. godine, u kabinetu visoke predstavnice EU. Ovim susretom predsednika, dijalog je postigao očekivanje koje je postavljeno na početku, kada je određen kao „politički dijalog na najvišem nivou". Na ovom sastanku je postignuta saglasnost o nastavku dijaloga, o potvrđivanju normalizacije odnosa između strana kao osnovnog cilja dijaloga, i o otvaranju komplikovanih pitanja, kakvo je sever Kosova, na prvom sledećem sastanku dva premijera koji je predviđen za 19. februar 2013. godine.

Značaj ovog sporazuma je i u tome što predstavlja prvi znak da su se strane složile da gledaju napred da bi umanjila neprijateljstva (*Mehmeti, 2014:9)*.

I dok postoji relativno visok stepen slaganja oko prirode *Sporazuma o principima*, to ne važi za ocene o njegovoj primeni i o doprinosu „Druge strane" primeni dogovorenog. Opšta ocene Vlade Kosova je da je pokazan mali napredak u promeni *Sporazuma o principima,*[46] a među činiocima koji su doveli do toga najvažniji su usporavanje dinamike dijaloga, zbog izbora tokom 2014 godine, i podrška Srbije održanju pa i uspostavljanju novih privremenih opštinskih veća odnosno „paralelnih institucija" (*Brussels Agreement Implenetaion, 2015:6*).[47]

Sa svoje strane, zvaničnici Srbije ističu da je Srbija uradila sve što je do nje, a da Priština ne radi svoj posao, kad god joj je to dozvoljeno i da EU stalno postavlja „nove uslove" Srbiji.[48]

Objektivna ocena koja bi se mogla dati o ostvarivanju *Sporazuma o principima* je da za period od aprila do decembra 2013 i od fabruar do 25 avgusta 2015 godine dakle za samo 16 meseci, s obzirom da su dvanest meseci 2014 i jaunuar 2015 godine bili izgublje-

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[46] Preciznije rečeno ocena Vlade Kosova glasi: „… **dobar napredak** je ostvaren u oblasti pravosuđa prihvatanjem Plana implementacija 9–10 februara 2015 godine; registrovanju kompanija sa Severa za kontrolu roba kao deo sporazuma o prikupljanju carina, iz januara 2013 godine, koji je počet s primenom 1 januara 2015; kancelarije za vezu su proširile svoju odgovornost u administriranju zahteva za službene posete između dve zemlje čija implementacija je planirana za 1 decembar 2015 godine.

Nije bilo napretka u uklanjanju paralelnih struktura Srbije na Kosovu; nije došlo do uklanjanja civilne zaštite i ako razgovori o tome traju od decembra 2013 godine; o međunarodnom pozivnom telefonskom broju nema dogovora i ako je sporazum postignut još septembra 2013 godine; u oblasti energije, vlastima Kosova nije ustupljena kontrola nad energetskom podstanicom Valač; Takozvani Park mira smešten pred mostom u Mitrovici nije uključen iako je to dogovoreno u Sporazumu od jula 2014 godine; nije rešeno pitanje osiguranja vozila; u pitanju ZSO predstoji rasprava, a Vlada Kosova zahteva da statut ZSO bude u skladu sa zakonima Kosova, ZSO ne može imati izvršne i nadzorne nadležnosti, da se ovom pitanju može pristupiti tek po promeni sporazuma o pravosuđu, tzv. civilnoj zaštiti, uklanjanja svih paralelnih struktura Srbije i barikade ba mostu u Mitrovici.

Određeni napredak je postignut, februara 2015 godine, u izradi predloga implementacionog plana za pitanje civilne zaštite; EU je napravila određeni napredak u kontaktiranju Pristine i Beograda po pitanju ostvarivanja IBM Stalni graničnih prelaza (*Brussels Agreement Implenetaion, 2015:7*)".

[47] Među tzv. **regresivne trendove** Vlada Kosova ubraja:

– Podršku Srbije paralelnim strukturama *(Brussels Agreement Implenetaion, 2015:8);*
– Neusvajanje zakonitih budžeta za četiri opštine na Severu Kosova *(Brussels Agreement Implenetaion, 2015:9, 10).*
– Imenovanje od strane paralelne skupštine Severna Mitrovica Aleksandra Spasić (koji je i zamenik zakonito izabranog gradonačelnika Severne Mitrovice, za predsednika tzv. privremenog tela opštinske skupštine severna Mitrovica kao i još tri člana ovog tela. Isto telo je imenovano i za opštinu Zvečan gde je predsednika imenovan Vučina Janković koji je i zakonito izabran gradonačelnik ovog mesta; u Leposaviću predsednik nezakonitog tela je Dragan Jablanović, koji je izabran za zakonitog gradonačelnika; u opštini Zubin Potok, predsednik nezakonitog tela je Stevan Vulović, koji je izabran za zakonitog gradonačelnika. Srbija imenovala ova tela pre lokalnih izbora od 3 novembra 2013 i podražava ih politički i finansijskih sve do sada; 31 decembra 2014 godine, Vlada Srbije je imenovala Bratislava Nikolić, zakonito izabranog gradonačelnika opštine Štrpce, za predsednika tzv. privremenog opštinskog veća;
– Donošenje dve odluke, 19 februara 2015 godine, o „Narodnom pozorištu Priština";
– Imenovanje, 5 februara 2014 godine, vršilaca dužnosti direktora Zdravstvenog centra Peć, Doma zdravlja Dragaš (*Brussels Agreement Implementation, 2015:11*).

[48] Ocena Vlade Srbije glasi: „Uprkos napretku koji je evidentan, ostaje utisak da je proces dijaloga i dalje u velikoj meri opterećen negativnim uticajem nekoliko bitnih okolnosti: Prvo, to je odstupanje od dinamike sprovođenja Prvog sporazuma, koja je jasno definisana Planom implementacije; drugo, evidentan je nedostatak liderstva na terenu od strane posrednika u pregovorima i drugih međunarodnih misija na KiM, kada je u pitanju puna implementacija dogovorenog; treće, stalno nastojanje Prištine da se u svim temama koje se pokreću u Briselu uključi i pitanje statusa, što je u direktnoj suprotnosti sa statusno neutralnom formom pregovora kakva je na samom početku dijaloga dogovorena; četvrto, nedostatak jasnih podsticaja stranama uključenim u dijalog, a pre svega neizvesnost u dinamici procesa evrointegracija" (*Izveštaj, 2015:2)*.

ni zbog političkih sukoba i izbora, urađeno dosta i da je, potpisivanjem četiri sposrazuma (o telekomunikacijama, elektroprivredi, „Parku mira" i ZSO) stvorena pretpostavka za potpuno ispunjenje *Osnovnog sporazuma.*

Sporazum o principima je uspostavio okvir za rešavanje statusa Severa Kosova i omogućio da Srbija ne prizna nezavisnost Kosova kao i da ima ulogu zaštitnika interesa Srba na severu Kosova (*Phillips, 2013).*

To je prvi korak na putu rešenja pitanja severa Kosova (*Morina: 204:3*). Sledeći korak će, kako izgleda, biti puna integracija Severa u institucionalni sistem Kosovo. Naravno, da će sadašnji institucionalni sistem biti znatno promenjen već sa prvim korakom: uspostavljanjem ZSO ali i tome što će Sever Kosova izgubiti svoje do sada dominantno „etnifikovano značenje", koje obuhvata četiri opštine pretežno nastanjene Srbima (Zubin Potok, Leposavić s mogućnošću da se na ovoj teritoriji formira još jedna opština – Lešak, Zvečan i Severna Mitrovica), jer će u administrativnom, kao i u geografskom, smislu obuhvatati i tri opštine pretežno nastanjene Albancima (Južna Mitrovica, Srbica i Vučitrn). Da bi se ostvario ovaj drugi korak neophodno je da se koncept ZSO koji je bazično koncept decentralizacije dopuni „unapređenjem prava i statusa Srba sa Kosova (*Decentralization of Kosovo, 2002; Deda,2012: 15).*

Takođe, Sever Kosova bi trebalo posmatrati i kao deo budućeg „mini evropskog regiona" odnosno kao prostora aktivne prekogranične saradnje lokalnih zajednica iz Srbije (Raška, Novi Pazar, Tutin i Sjenica) i iz Crne Gore (Rožaje, Berane i Bjelo Polje).[49] To može imati snažan uticaj na ekonomski razvoj (Šta misle Srbi sa severa Kosova, 2014: 5, 31, 41, 73), bezbednost i otvaranje evropske perspektive ovog sada najnerazvijenijeg dela Zapadnog Balkana, ali i Kosova, Srbije i Crne Gore (*Janjić, 2014*).

U cilju primene *Sporazuma o principima* potrebno je promeniti na desetine zakona, a i ustave Kosova i Srbije. U stvarnosti ostalo je mnogo toga da se uradi i dodatno pregovara i razjašnjava. Pri tome valja uvažavati jedno od važnih pravila definisano na osnovu iskustva upravljanja etničkim i drugim sukobima glasi: U načelu svi su u pravu, a Đavo leži u detaljima! Po svemu sudeći, 2015 godina će biti odlučujuća godina za jasno definisanje najdelikatnijeg pitanja iz *Sporazuma o principima*, a to je uspostavljanje ZSO i ukidanje paralelizma institucija.

Primena *Sporazuma o principima,* do sada, ima sledeće korake:

1. Zakon o amnestiji

Jedan od zahteva koji je postavljen u *Sporazumu o principima* bila je amnestija za one koji su prekršili kosovske zakone na severu. Zapravo na Severu Kosova bila je praksa da se ne plaćaju računi za komunalne usluge, na primer. Ili da se ne poštuju kosovski zakoni u oblasti saobraćaja i poslovanja. Logika uklanjanja ove prepreke za integraciju severa sa ostatkom Kosova je bila jasna. Ali, vlada Kosova je nastojala da iskoristi ovaj zakon za svoje potrebe. To se vidi po tome što je prvi nacrt zakona bio daleko otvoreniji nego što se tražilo *Sporazumu o principima*. Efekat bi bio da se amnestiraju teški zločini širom Kosova. Vladajuća stranka, Demokratska partija Kosova (PDK), je uklju-

[49] Od značaja za definisanje „mini evropskog regiona" mogla bi biti i Ibarsko – Limska inicijativa koja uključuje oko 50 opština iz Srbije, Kosova i Crne Gore.

čila i interese svojih članova i pomagače, koji će imati koristi od ove amnestije, uključujući i devet predsednika opština. Veći deo opozicije je takođe imao koristi (*Bassuener, Weber, 2013:* 7).

Skupština Kosova je, 17. septembra 2013. godine, usvojila *Zakon o amnestiji* onih koji su kršili zakone Kosova.

Iako je prihvaćen većinom glasova u parlament Kosova, protiv ovog zakona je, pored opozicije Pokret „Samoopredeljenje", protestovale i mnoge nevladine organizacije, a predsednica i Ustavni sud Kosova su naložili da Zakon dobije drugačiju formu (*Morina, 2014:4*). Pošto je to učinjeno, zakon se dosledno primenjuje od strane kosovskih institucija (*Brussels Agreement Implementation, 2015: 25*).

U primeni zakona koristi se tzv soft prilaz, uz povremeno pomeranje rokova, a u cilju da se izbegne primena sankcija. Za sada, nema podataka da je prema nekom fizičkom ili pravnom licu izrečena sankcija, mada je bilo pozivanja na dodatno ispunjavanje uslova po zakonima Kosova kao i na informativne razgovore (predsednik opštine Zubin potok).

2. Lokalni izbori i konstituisanje lokalnih vlasti po zakonima Kosova

Prvi izbori na Severu Kosova po kosovskim zakonima i prvi izbori na kojima su učestvovali svi Srbi sa Kosova, održani su 3 novembra 2013 godine. Bio je to važan test primene Sporazuma o principima (*Ejdus, 2013:1*).

Društveni i politički ambijent za održavanje lokalnih izbora na severu Kosova odnosno u četiri opštine pretežno nastanjene Srbima je bio nepovoljan *(Sever Kosova, 2013*). Sam dan glasanja, na Severu Kosova, je protekao u atmosferi velikog pritiska protivnika Briselskog dogovora.[50]

Ovakvo stanje se odrazilo na kampanju, na nisku izlaznost i na rezultate izbora.[51]Na očigledne nepravilnosti izbora i ponašanje OEBS nije bilo snažnijih negodovanja Kosova, ni Srbije, a ni međunarodne zajednice. Iz ovoga, kao i iz činjenice da je čitav predizborni proces na Severu bio daleko od kriterija fer i demokratskih izbora, sledi zaključak da su razlozi „efektivnosti" i „bezbednosti" dobili prednost nad vrednostima fer i demokratskog izbora.

Iz izbora najveći profit je izvukla *GI Srpska* koja je postala najjača politička snaga među Srbima na Kosovu.[52] Bio je to i uspeh Vlade Srbije, koja je dobila „legitimni" i le-

[50] Glasanje je prekinuto, oko 17 časova, kada je oko 30 maskiranih lica napalo i uništilo tri glasačka mesta u Severnoj Mitrovici, a posle napada na vozila OEBS i EULEX, u Zvečeanu, u 18:30 sati, OEBS je odlučio da zatvori sva glasačka mesta u Severnoj Mitrovici, Zvečanu, čak i u Leposaviću i Zubinom potoku gde uopšte nije bilo nijednog incidenta. Mimo zakonske procedure, OEBS je sav izborni materijal poneo sa izbornih mesta i naknadno ga prebrojao.

[51] Posle ponavljanja izbora samo na tri glasačka mesta u Severnoj Mitrovici, (20 novembra 2013 i 1 decembra 2013 godine), a ne i u drugim opštinama u kojima je prekinuto glasanja, Centralna izborna komisija Kosova je proglasila konačni rezultat odnosno ubedljivu pobedu *GI Srpska* i njihovih kandidata za gradonačelnike (*Progres on Mitrovica, 2014:12).*

[52] Zapravo, politički, izborni rezultati predstavljali su jednu od najvećih promena na političkoj mapi Kosova. GI Srpska je postala i treći po snazi politički igrač na višepartijskoj sceni Kosova, odmah posle PDK i LDK. GI Srpska je pobedila u 9 od 10 opština. Ova lista je formirana, koordinirana, medijski, logistički i finansijski podržana od Beograda. Prva „žrtve" pojave ove organizacije bile su mnogobrojne i slabe političke stranke Srba, do ovih izbora jedino predstavljene u Skupštini Kosova. Ove stranke su kolokvijalno vlasti i propaganda Beograda kao i aktivisti Srpske nazivali „Thaqi-evi Srbi".

Samo Srpska liberalna stranka – SLS i novoformirana Demokratsko progresivna stranka Nenada Rašića, uspele da se održe na vlasti u jednoj opštini i kao opozicija u preostalim opštinama *(Morina, 2014: 4, 5*)".

galni instrument za osnaživanje, inače poljuljanog, uticaja Beograda na Srbe i na ukupni politički život na Kosovu. Priština se ponašala kao da je sve to ne interesuje. Ona je bila zaokupljena unutaralbanskim političkim odmeravanjima, a i „ohrabrena" od međunarodnih predstavnika da proguta „gorku pilulu" ne bi li proces integracije Srba u sistem Kosova napredovao.

Posle izbora usledilo je mnoštvo problema u konstituisanju novoizabranih loklanih vlasti na Severu Kosova. Najpre, to je bilo pitanje simbola. Rešenje je nađeno u nalepljivanju nalepnica preko naziva „Republika Kosovo" i preko logoa Kosova na vrhu dokumenta koje su, posle toga, potpisali gradonačelnici opština na Severu Kosova.[53]

Potom su nastali problemi sa usvajanjem statuta.[54] To je imalo za rezultat dodatno zakašnjenje u odnosu na dogovoreni rok, a taj rok je bio kraj 2013 godine.

Po oceni Vlade Kosova, podrška Beograda „paralelnim strukturama" ugrozila je napredak u zakonitom funkcionisanju integrisanju četiri opštine na severu u sistem Kosova.[55]

Realnost je da ove lokalne samouprave, na severu Kosova, još uvek, nisu u potpunosti funkcionalne. Uz to, u kod srpskih predstavnika prisutno je preklapanje funkcija u novoformiranim lokalnim samoupravama u opštinama na Severu sa funkcijama u privremenim većima koje je imenovala Vlada Srbije. U takvim uslovima je izuzetno teško da se jasno odrediti u kom kapacitetu, sa kojim nadležnostima i sa kojim sredstvima raspolažu osobe sa dva lica: Jedno lice kosovskog funkcionera, drugo lice funkcionera Srbije.[56]

Odbornici 26 skupština opština koji su izabrani i delovali u sistemu Srbije su, 11 maja 2008 godine, uspostavili *Skupštinu zajednice opština Autonomne pokrajine Kosovo i Metohija* (skraćeno: *Skupština zajednice*). Oni su usvojili *Deklaraciju o osnivanju*

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[53] Zbog neslaganja sa ovakvim dogovorom izabrani gradonačelnik Severne Mitrovice Krstimir Pantić je podneo ostavku i na ponovljenim izborima (23 februara 2014 godine) izabran je Goran Rakić. Inače, pobedu Pantića - kandidata *GI Srpska* je olakšalo hapšenje, u januaru 2014 godine, kandidata SDP –a za Severnu Mitrovicu Olivera Ivanović (*Progres on Mitrovica, 2014: 15, 16)*.

[54] Kamen spoticanja u pitanju statuta je bilo pitanje statusa. Naime, u predlogu statuta opštine sa Severa su proglasile svoju neutralnost u odnosu na status Kosova, pozivajući se na Rezoluciju SB UN 1244 i koristeći zastave Republike Srbije prilikom održavanja konstitutivnih sednica. Albanci su dobili da glasaju za ovakve statute zahtevajući da oni budu usaglašeni sa zakonima Kosova, kako je i predviđeno u Briselskom sporazumu. Ovakav stav je zauzela i Vlada Kosova, dodajući i primedbe na određivanje nadležnosti opština u utvrđivanju granica opština, odnosa prema ZSO odnosno odrednice da neke od nadležnosti opština mogu biti prenete na ZSO. U narednom periodu dužem od dva meseca došlo je do serije sastanaka skupština opština i sastanaka sa ključnim činiocima donošenja odluka, među kojima je odlučujući uticaj imala Ambasada SAD u Prištini, a u cilju nalaženja rešenja za nastale razlike. Skupštine opština su prihvatile pojedine sugestije Ministarstva lokalne samouprave Vlade Kosova, a ovo pak da neke od odrednica statuta tumači fleksibilno. Naime, uvažena je većina primedbi Ministarstva osim one o formalnoj proceduri usvajanja i potpisivanja statuta. Sa svoje strane Vlade Kosova je prihvatila da se ne poziva na broj Službenog glasnika Kosova kao i da se spominje naziva „Republika Kosovo", da se ne koristi zastava Kosova prilikom konstituisanja skupština opština i slično. Postignuti kompromis je omogućio da 16 maja 2014 godine Ministarstvo verifikuje statute i tako izbegne ponavljanje izbora na Severu Kosova (*Progres on Mitrovica, 2014:17, 18; KosSev portal, „Negodovanjezbogneusvajanja statute", KosSev, May 14th, 2014, http://,www.kossev.info*).

[55] Po mišljenju Vlade Kosova, od oktobra 2014 godine započeo je trend drastičnog zanemarivanja rada zakonitih gradonačelnika i opštinskih skupština u četiri severno kosovske opštine, izabranih na lokalnim izborima 2013 godine. Srbija je uključena i u sprečavanje prihvatanja zakonitih budžeta ovih opština i to vođena političkim razlozima odnosno u nastojanju da spreči integraciju obrazovnih i zdravstvenih ustanova u kosovski sistem. Zbog neusvajanja budžeta ove opštine su, od 1 marta do kraja aprila 2015 godine, suočene sa smanjenjem budžeta (*Brussels Agreement Implementation, 2015:3*; *Priština, 2015*).

[56] Ista je situacija sa ministrima / funkcionera na nivou centralnih vlasti na Kosovu. Na primer, Aleksandra Jablanovića je poslanika u Skupštini Srbije i Ministra za povratak i zajednice u Vladi Kosova (*Realizacija, 2015)*.

Skupštine zajednice, kojom je poručeno da je *Skupština zajednice* predstavničko telo „građana Republike Srbije u Autonomnoj pokrajini KiM", da ona usmerava i usklađuje rad opština članica Zajednice i ima pravo da Skupštini Srbije predlaže zakone od značaja za život građana

Osnivanje *Skupštine zajednice* je naišlo na, prećutno, odobravanje Beograda. Do danas, ova skupština nije imala značajnije aktivnosti niti je stavljena van snage. Međutim, marta 2015 godine, u Gračanici, je održan sastanak predstavnika skupština opština sa srpskom većinom izabranih po zakonima Kosova. Tada je stvorena mogućnost da se suspenduje *Skupština zajednice* iz 2008. U svakom slučaju, prilikom osnovanja ZSO mora se na jasan način staviti van snage delovanje te i *Deklaracije*.

3. Asocijacija / Zajednica opština na Kosovu sa srpskom većinom (ZSO)

U javnosti se pun naziv: „Asocijacija / Zajednica opština na Kosovu sa srpskom većinom", često, koristi u skraćenom obliku: „Zajednica srpskih opština" ili „ZSO".

Ovo skraćivanje „etnifikuje" značenje koncepta o kome je reč. Sam koncept ZSO je nastao kao odgovor na izazov postojeće etničke podele kosovskog društva. Ovo je odgovor koji predstavlja svojevrsnu kombinaciju decentralizacije i manjinske kulturne autonomije. Pri tome je prednost data decentralizaciji. Realizacija ovog koncepta ostaje, pre svega, u domenu decentralizacije odnosno nastaje specifični vid autonomije odnosno novi nivo administriranja, nadzora i koordiniranja. To predstavlja neku vrstu „fabričke greške" s obzirom na zadatak: organizovanja funkcionalnog društva i pored snažne etničke podeljenosti i sukobljenosti. Manjkavost je u tome što nije poklonjena dovoljna pažnje instrumentima manjinske zaštite odnosno očuvanja i i razvoja nacionalnog identiteta kroz kulturnu autonomiju. To će biti izrazito vidljivi u albanski većinskim sredinama. Zapravo, pri prihvatanju Sporazuma o principima pre svega se mislilo na integraciju četiri opštine Severa Kosova. Dodatni problem je u tome što je naknadno dogovor interpretiran tako da omogućuje uključenje i ostalih šest opština u kojima žive Srbi u većini.

S obzirom da je rasprava o primeni ovog dela *Sporazuma o principima,* kao i da postoji duboka podeljenost stavova među stranama, skraćenica „ZSO" ima i značenje „pojačavanje stava" ili „prejudiciranja rešenja" u korist Srbije. Ako bi se kao skraćenica koristila samo prva reč: „Zajednica" i to bi moglo da znači takođe „pojačavanje stava" ili „prejudiciranja rešenja" u korist sadašnjeg stava Kosova. Takođe, „zajednica" je opšti pojam te nedovoljno označava posebnost rešenja iz *Sporazuma o principima.*

Šest članova *Sporazuma o principima* odnosi se na ZSO (Vidi: *Dodatak broj 14*). *Implementacioni plan* je predvideo uspostavljanje upravljačkog tima, do maja 2013 godine. Tim je uspostavljen, odlukom Vlade Srbije, 14 juna 2013 godine.[57] Planirano da njegov rad bude okončan do kraja oktobra 2013. godine, kao i da Upravljački tim pre-

[57] Upravljački tim čine predstavnici četiri severne kosovske opštine, i to: Ljubomira Marića, Igora Kalamara, Dragana Jablanovića i Dejana Radojkovića. Rad u Upravljačkom timu je na volonterskoj bazi, odnosno još jedna od funkcija koju imaju funkcioneri iz srpske zajednice sa Kosova. Upravljački timovi nemaju svoje tehničke, materijalne i kadrovske resurse, vec koriste prostor i sredstva Kancelarije za Kosovo i Metohiju. On nema ni svoju unutrašnju normativnu izgrađenost *(Gavrilović, 2015: 9)*.

uzme nadležnosti i predstavničku ulogu buduće ZSO do trenutka izbora za tela ZSO (članovi 4 i 6).

Po tumačenju zvaničnika iz Beograda, politički koalicioni sporazum liste „*Srpska*" i DPK – DSK o sastavu Vlade Kosova trebalo bi da „formiranje ZSO uslediti za 3 do 5 meseci od dana potpisivanja ovog sporazuma"*(Gavrilović, 2015: 9)*. U julu 2015 godine, može se konstatovati da ovo planiranje nije ostvareno, te da da je bilo nerealno. Nerealno kratki rokovi su karakteristika skoro svih implementacionih planova i izražava preterani „optimizama" i površnost EU birokratije, kao i „otaljavanje poslova" od strane političara i birokrat iz Beograda i Prištine. U političkom smislu, „birokratski um" nije „glavni krivac" za nerealno planiranje, to su i učestali izborni krugovi u Srbiji i na Kosovu tokom 2013 i 2014 godine i politička nestabilnost na Kosovu. Ali, izuzetno je važan razlog složenost problema koji se razrešava. Reč je i različitim pozicijama Prištine i Beograda o nadležnostima i strukturi ZSO.[58] Nedostatak komunikacije se odnosi i na javnost, koja je bila potpuno neinformisana o predviđenim nadležnostima i strukturi ZSO.

Po Beogradu, o značaju ZSO govori i činjenica da su prvih šest tačaka *Sporazuma o principima* posvećeni ZSO (Vidi: *Dodatak broj 15)*.[59] Po zvaničnicima Beograda, osnivanje ZSO je „apsolutni prioritet, to je centralna stavka Briselskog sporazuma" i da se Srbija „neće zadovoljiti dok ZSO ne bude formirana u meri i na način koji će omogućiti Srbima da mogu ovde dugoročno da opstanu, tako što će imati kolektivna politička, kulturna ekonomska i svaka druga prava" (Đurić, 2015). Sa svoje strane, predstavnici Kosova nerado prihvataju ZSO.

Jedna od važnih tačaka spoticanja je pitanje nadležnosti ZSO. Po slovu *Sporazuma o principima* ZSO ima „full overwiew" značenje ovog termina nije jasno i može se tumačiti kao „uvid", ali kao i „nadležnost" s obzirom da se u nastavku ove odrednice koristi i pojam „competencies" što na srpskom znači „nadležnosti". Srbija se upravo drži termina „nadležnosti", a pod „full overwiew" podrazumeva se moguće nadležnosti (izvršne, upravne itd).

Kosovo tvrdi da ZSO ne znači niti može biti bilo kakva politička ili teritorijalna autonomija koja ima izvršnu vlast. Po Prištini, reč je o dobrovoljnom i konsultativnom

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Upravljački tim se oslanja na vladu Srbije, dok su njegovi odnosi i komunikacija sa kosovskim vlastima bili u najmanju ruku zategnuti.

[58] Činjenica da su u Upravljački tim uključeni samo predstavnici četiri opštine pretežno nastanjene Srbima i to on e na severu Kosova, sugerira da je ZSO po *Sporazumu o principima* dizajnirana radi integrisanja ovog dela Kosova u kosovske institucije. Što se tiče ostalih šest opština pretežno nastanjene Srbima (Gračanica, Štrpce, Novo Brdo, Klokot, Ranilug i Parteš) mogu, ali ne moraju biti u ZSO.

[59] „Trebalo bi imati u vidu da je ZSO garancija preostalom srpskom narodu na Kosovu za poštovanje osnovnih ljudskih prava i sloboda, kao i uslov za uspostavljanje elementarnog poverenja da će biti poštovano ono što je u Briselu dogovoreno. … Osnivanje ZSO predstavlja i neophodan preduslov i instrument rešavanja niza pitanja koja za sada ostaju nerešena, kao što su pitanja iz oblasti strukture i funkcionisanja sistema lokalne samouprave na severu Kosova ('paralelnih institucija'), obrazovanja, zdravstva, socijalne zaštite, ekonomskog razvoja itd." (*Izveštaj, 2015:5)*.

O značaju ZSO po viđenju zvaničnika Srbije svedoči i to što je Aleksandar Vučić, premijer Srbije, u svom govoru na sednici SB UN, 4 decembra 2014 godine, posebno naglasio opredeljenje Srbije da nastavi dijalog i proces normalizacie odnosa sa Kosovom i insistirao na pripremi pravnog okvira za efektivno sprovođenje nadležnosti buduće ZSO i istakao da je Upravljački tim ZSO pripremio Nacrt statuta ZSO i da je spreman da ga preda Komitetu za sprovođenje Briselskog sporazuma. Po njemu, ZSO će garantovati Srbima nastavljanje transparentne finansijske i strukturne podrške od Republike Srbije u domenima ključnim za dobrobit srpske zajednice: bezbednost, stabilnost i autonomiju da odlučuje o pitanjima od interesa bez previše intervenisanja iz Prištine (www.tanjug.rs).

mehanizmu saradnje između opština, kako je predviđeno zakonom Kosova (*Maljazogu, 2015*). Kosovo insistira da je ZSO isto što i *Asocijacija kosovskih opština*, koja već postoji i koja predstavlja udruženje jedinica lokalne samouprave.[60] Kosovski zvaničnici, na ovaj način, nastoje da smanje zabrinutost mnogih Albanca da bi ZSO mogla da se pretvori u instituciju pod direktnom kontrolom Beograda, koja će upravljati autonomnom regijom unutar Kosova – nešto poput Republike Srpske u Bosni i Hercegovini. To bi, po ovom mišljenju, moglo da blokira donošenje odluka na centralnom nivou Kosova i da „dokaže" da Kosovo ne može da funkcioniše kao nezavisna država, (*Bajrami, 2013).*

Po *Sporazuma o principima*, nadležnosti će odrediti statut ZSO koji će se bazirati na *Povelji o lokalnoj samoupravi* i kosovskim zakonima. Priština se protiv mogućnosti da nadležnosti ZSO zadiru u zakonodavnu, sudsku i izvršnu vlast. U ovome Priština ima podršku dela međunarodne zajednice te i zemalja EU koje su priznale Kosovo kao i od SAD (*Milivojević, 2015a*).

Srbija je tokom 2015 godine iskazivala svoje nezadovoljstvo a napretkom po ovom pitanju i isticala da postoje najmanje tri problema koja čine neizvesnim osnivanje ZSO i to: „Prvi problem je nesaglasnost dve strane o prirodi ZSO. Drugi problem je uslovljavanje osnivanja ZSO rešavanjem drugih pitanja u dijalogu. Treći problem je potreba prilagođavanja kosovskog pravnog okvira, u skladu sa *Sporazumom o principima* i *Planom implementacije*" (*Izveštaj, 2015:6*).

Vlada Kosova želi da obezbedi podršku EU za uklanjanje svih „paralelnih struktura". Sa svoje strane, Srbija nastoji da održi ove strukture ne bi li ojačala svoju poziciju. Beograd tako iskazuje nepoverenje u vlasti Kosova, s ciljem da produži međunarodno prisustvo kao i da ovo ubedi da je neophodno postojanje tzv. paralelnih institucija.

S obzirom da postojeće kosovsko zakonodavstvo ne prepoznaje mogućnost povezivanja opština ni po funkcionalnoj ni po etničkoj osnovi, a posebno ne zajednička tela sa mogućim izvršnim ovlašćenjima, promena zakona i Ustava Kosova je nužna za uspostavljanje ZSO (*Maljazogu, 2015*). Po svemu sudeći rešenje mora biti „hibridno" *(Lost in Stagnation, 2015:31)*, te zaklanjanje iza postojećih zakona i nespremnost da se

[60] Za Srbiju ovo je neprihvatljivo tumačenje odredaba Briselskog sporazuma iz sledećih razloga:

a) Da je ZSO zamišljena kao pandan već postojećoj Asocijaciji kosovskih opština, onda ne bi bilo potrebe za njenim pominjanjem u Prvom sporazumu, jer je pravo na njeno osnivanje postojalo i postoji nezavisno od pregovaračkog procesa koji se odvija u Briselu. Nasuprot tome, dogovor o formiranju Zajednice srpskih opština je rezultat pisanog političkog sporazuma, postignutog uz posredovanje i garancije EU. Takođe, nepobitna je činjenica da tačke 4, 5, 6, kao i tačka 9 Prvog sporazuma o normalizaciji odnosa, predviđaju i jasno definišu ulogu ZSO, koja se značajno razlikuje od uloge svih postojećih oblika udruživanja koje postojeći kosovski pravni okvir prepoznaje. To se pprvenstveno odnosi na ulogu Zajednice u oblasti ekonomskog razvoja, obrazovanja, zdravstva, urbanog i ruralnog planiranja, učešća u domenu kadrovskih pitanja policije, kao i na predviđenu mogućnost prenošenja dodatnih nadležnosti od strane Prištine;

b) Ukoliko ZSO nema jasno definisanu ulogu u kolektivnom vršenju nadležnosti od zajedničkog značaja za opštine članice, niti nadzorne mogućnosti u oblastima naznačenim u Prvom sporazumu, onda postojanje ZSO nema nikakav smisao za srpski narod na Kosovu i Metohiji, niti može da štiti njegova prava i preuzima na sebe obaveze predviđene Prvim sporazumom;

Primarni cilj stvaranja Zajednice srpskih opština je da se obezbedi najviši mogući nivo kvaliteta života, ljudskih prava i jednakosti svih građana, a u duhu osnovnog smisla Prvog sporazuma, odnosno uvažavanja potrebe za institucionalizacijom posebnosti položaja srpskog naroda na Kosovu i Metohiji i obezbeđivanja uslova za njegov održivi opstanak. Ovo nije moguće ostvariti u slučaju prihvatanja tumačenja Prištine, kojima se negira svaka mogućnost ZSO da zaštiti minimum legitimnih interesa srpskog naroda na Kosovu (*Izveštaj, 2015:6).*

ustavni, zakonodavni i institucionalni sistem reformišu i unapređuju u skladu s potrebama društva, u suštini, čini besmislenim bilo kakav dijalog (*Janjić, 2015*).

Kosovska vlada je, sa svoje strane, postavila sledeće uslove da bi se vodila rasprava o ZSO: Uklanjanje svih „paralelnih struktura" Srbije na Kosovu; primena sporazuma o pravosuđu; raspuštanje Civilne zaštite, i uklanjanje barikade na mostu u Mitrovici kao i drugih barikada (*Brussels Agreement Implementaion, 2015:15, 16*). Sa svoje strane, Srbija bi trebalo da prihvati plan implementacije koje bi uveo i postepenost uklanjanja „paralelnih institucija" odnosno da se poveže uklanjanje ovih sa napretkom u uspostavljanju ZSO.

Sledeća pitanja su izazvala ogromna sporenja:

– pitanje nadležnosti: Srbija je nastojala da prigrabi što više nadležnosti, a pre svega izvršnih kako bi napravila svojevrsni političko – teritorijalni entitet na Kosovu i tako ojačala zaštitu i poziciju Srba na Kosovu a preko ove i uticaj Beograda na politiku Prištine. Sa svoje strane, Priština je nastojala da da što manje, polazeći od toga da je ZSO nevladina organizacija od posebnog značaja, znajući da će se ići na kompromis. Taj kompromis je u *sui generis* funkcionalnoj autonomiji, sa nadležnostima predstavljanja, nadzora i koordinacije;

– pitanje organizacione strukture: Beograd je nastojao da ZSO ima što više institucija koje liče na državne (skupština, predsednik, izvršno veće, državni službenici i slično). To je sledilo viđenje Beograda prethodnog pitanja o statusu odnosno nadležnostima. Priština je nastojala da se umanji svaku sličnost ZSO i državnog entiteta. Primer za to je odbijanje institucije „izvršno veće" i insistiranje na instituciji „odbora";

– Pitanje osnova uspostavljanja ZSO: Beograd je nastojao da se to dogodi tako što bi Srbija usvojila ustavni zakon i tako stvorila političku predstavu da se nije odrekla vlasti na Kosovu već da ju je delegirala i to na Srbe. Priština je nastojala da se to učini u okvirima postojećeg ustava i zakona Kosova i to uredbama. Ovaj pristup je trebalo da potvrdi da je ZSO oblik organizovanja države Kosovo. Istovremeno, vlasti Kosova su nastojale da umanje rizike neizglasavanja zakona u skupštini i pojačavanja snage opozicije na ovom delikatnom pitanju. Ovde je moguć kompromis na političkoj ravni odnosno da Srbija usvoji ustavni zakon a Priština uredbu. Svaka strana bi imala svoj uspeh i svoju verziju osnova nastanka ZSO. To, pak, ne menja na stvari ništa. I onako je bitno da se uspostavi ZSO.

– Pitanje finansiranja ZSO: Beograd nastoji da omogući finansiranje iz svojih sredstava ali i sredstava Kosova i EU. Sa svoje strane Kosovo nastoji da ovo finansiranje stavi pod svoju kontrolu. Istina je da ZSO može da predstavlja svojevrsnu zamku za centralnu upravu Kosova, između ostalog, što će, verovatno, imati pristup značajnim sredstvima, jer može da bude glavni primalac sredstava iz Srbije i EU.

Kompromis je ipak postignut 25 avgusta 2015 godine kada je parafiran sporazum *Asocijacija / zajednica opština sa većinskim srpskim stanovništvom na Kosovu – Opšte odredbe / ključni elementi* (Vidi: *Dodatak broj 16*), u kome su određeno da ZSO vrši javne funkcije i usluge udruženim opštinama, a u cilju: Jačanja lokalne demokratije; Vršenja punog nadzora radi razvoja lokalne ekonomije; Vršenja punog nadzora u oblasti obrazovanja; Vršenja punog nadzora u primarnoj i sekundarnoj zdravstvenoj i socijalnoj zaštiti; Vršenja punog nadzora u koordinaciji urbanog i ruralnog planiranja; Usva-

janju mera za poboljšanje lokalnih uslova života povratnika na Kosovu; Sprovođenja, koordinisanja i omogućavanja istraživačkih i razvojnih aktivnosti; Unapređenja, razmene i zagovaranja pitanja od zajedničkog interesa opština-članica, kao i njihovo predstavljanje, uključujući i pred centralnim vlastima; Pružanja usluga svojim članicama u skladu sa zakonima Kosova; Procene pružanja javnih usluga svojim članicama i njihovim stanovnicima radi pružanja podrške Zajednici/Asocijaciji u formiranju stavova od zajedničkog interesa za učešće u radu centralnih vlasti; Vršenja potrebnog nadgledanja radi sprovođenja svojih ciljeva; Uspostavljanja odnosa i sklapanja ugovora o saradnji sa drugim asocijacijama opština, domaćim i međunarodnim, i Asocijacija/Zajednica će obavljati i druge dodatne nadležnosti koje joj mogu delegirati centralne vlasti. Takođe, određena je organizaciona struktura ZSO koju čine: skupština, predsednik, podpresednik, savet, odbor, administracija i komisija za žalbe. U delu koji određuje odnos ZSO i centralnih vlasti Kosova se kaže da ZSO radi sa centralnim vlastima na osnovu međusobne saradnje i razmene informacija, da promoviše interese srpske zajednice u odnosu sa centralnim vlastima, da ima pravo da predlaže, u skladu sa zakonom Kosova, izmene zakona i drugih propisa koji su od važnosti za ostvarivanje njenih ciljeva, da ima pravo da pokrene ili učestvuje u postupcima pred nadležnim sudovima, uključujući i pred Ustavnim sudom, protiv svih akata ili odluka svake inistitucije koji utiču na obavljanje nadležnosti ZSO, u skladu sa njenim Statutom, da ima pravo da predlaže predstavnike u nadležnim organima/telima centralnih vlasti, uključujući i u Savetodavnom veću zajednica. U cilju ostvarenja nadzora koji je predviđen Prvim sporazumom, predstavnici ZSO imaju pravo na pristup i na dobijanje informacija od centralnih organa u skladu sa zakonom Kosova i da u ime ZSO, četiri njena gradonačelnika severnih opština dostavljaju MUP-u spisak kandidata za imenovanje na mesto regionalnog Komandanta policije, kako je naznačeno u članu 9 *Sporazuma o principima*.

Na osnovu ovih odrednica bi se moglo zaključiti da je ZSO *sui generis* institucija samoadministriranja loklanih zajednica u kojima većinski žive pripadnici srpske zajednice. Ovaj oblik autonomije može da bude značajan isntrument garantovanja prava srpske zajednice. Međutim, da bi to ZSO zaista i bila potrebno je da u njenom rada te i u u rukovodstvima a posebno u odborima i administraciji budu uključeni kavlifikovani ljudi.

Na kraju, može se zaključiti da sposrazum od 25 avgusta 2015 godine predstavlja dobar kompromis za obe strane. Za Kosovo jer ZSO nije nikakva „država u državi" i što se njenim uspostavljanjem srpska zajednica poptuno integriše u sistem Kosova. To se tiče Beograda on može da bude zadovoljan jer je ostvaren zadatak koji je pregovarčima postavila *Rezolucija Skupštine Srbije*, srpskoj zajednici omogućena dodatna zaštita. Naravno, pred Srbijom i Kosovom je još dosta rada. Najpre, određeno je da će četiri meseca biti potrebno vreme za dogovor oko statuta ZSO. Ukoliko ne bude iznenadnih političkih blokada i neplaniranog zasotoja u procesu noramlizacije ZSO bi mogla da u poptunosti zaživi sa idućemo budžetskom godinom Kosova (marta 2016 godine).

4. Pravosuđe

Primena sporazuma o pravosuđu je u prvoj fazi (maj - septembar 2013) dovela do dogovora o uklanjanju srpskih paralelnih sturktura u pravosuđu. To je verifikovao EU-

LEX, u septembru 2013 godine; u drugoj fazi (decembar 2013 - februar 2015), postignut je sporazum o uspostvaljanju jedinstvenih zakonskih struktura Kosova na Severu kao i integracija sudija i tužilaca u pravosudni sistem Kosova (*Brussels Agreement Implementation, 2015:14,15*).

Planirano je da do integracije pravosudnih struktura dođe do kraja 2013 godine. Međutim, taj posao se protegao i na 2015 godinu. Na prvom trilateralnom sastanku visoke predstavnice EU za spoljnu politiku i bezbednost Frederike Mogerini sa premijerima Aleksandrom Vučić i Isom Mustafa, u Briselu, 9 marta 2015 godine, parafiran sporazum o pravosuđu (Vidi: *Dodatak broj 17*). Na osnovu ovog sporazuma, konkurs će biti otvoren 25 maja 2015 godine, postupak izbora sudija Osnovnog suda, odnosno tužilaštva početi 1 oktobra 2015 godine i sprovešće ga Sudski savet Kosova. Trebalo bi da se izabere ukupno 48 sudija. To je inače broj sudija koja je radio u sistemu Srbije i to 24 na Severu i 24 sudija južno od reke Ibar. Kada su u pitanju tužioci u sistemu Srbije je bilo ukupno 15 i to 9 na Severu i 6 južno od Ibra, a po Sporazumu biće ih 16 dakle jedan više nego do sada. Takođe, do 1 oktobra 2015 godine će početi rad Osnovni sud i Osnovno tužilaštvo u Kosovskoj Mitrovici *(Do 1 oktobra sud, 2015; Tanjug, 10 februar 2015)*.

5. Bezbedonosne strukture

Primena *Sporazuma o principima* će predstavljati dug i složen proces, kako u tehničkom aspektu tako i u političkoj ravni. Reč je o *de facto* učvršćivanju i širenju suvereniteta Kosova na celoj teritoriji Kosova, a ovakav proces može biti uspešno upravljan samo ako postoji određeni stepen političke i bezbednosne stabilnosti na Kosovu i u Srbiji. Međutim, ima značajnih rizika po bezbednost, a među ovima su posebno važni: Ekonomsko i političko nezadovoljstvo; Slabost institucija i javnosti; Politički ekstremizam; Postojanje i delovanje paravojnih formacija, poput OVK; Prisutnost islamskog ekstremizma, i visoka etnička distanca i nepoverenje uz brojne međuetničke sukobe *(Izveštaj, 2015:4)*.

Do sada, pažnja je obraćana na pitanja koja su na stolu u Briselu, ali ne i na to kako da se izgradi jedan „bezbednosni paket" koji bi olakšavao proces normalizacije. Ovaj „paket" bi trebalo da uključi pitanje uređivanje statusa veterana rata na Kosovu bez obzira na etničku pripadnost, potom da se gradi zajednički odgovor Albanaca i Srba, Kosova i Srbije na izazove terorizma. Posebno značajno je da se na Kosovu uspostavi Specijalni sud za ratne zločine, koji će, kasnije, preuzeti i slučajeve organizovanog kriminala. Neophodna je i saradnja specijalnih sudova, te i razmena predmeta.

U primeni dogovora napravljen je znatan napredak u raspuštanju bezbednosnih struktura Srbije na Kosovu.[61]

5.1. Policijske snage

Primena sporazuma je započela zatvaranjem policijskih stanica MUP Srbije (u daljem tekstu: MUP). To je učinjeno početkom leta 2013 godine. Imenovan je regionalni komandant policije i uspostavljen regionalni Policijski direktorat – Sever.

[61] S obzirom na činjenicu da se među osumnjičenim za ratne zločine nalaze i brojni vojni, policijski i državni funkcioneri na obe strane, produžavanje neizvesnosti oko sudbine njihovog procesuiranja podstiče njihovo delovanje na opstrukciji ili potpunom zaustavljanju Briselskog dijaloga, odnosno na podrivanju uticaja vlada koje su opredeljene za dijalog i normalizaciju.

Do sada je 337 pripadnika MUP integrisano u Policiju Kosova (KP), 287 je penzionisano, 27 je odustalo od integracije ili je njihov status rešen na drugi način. Status 23 kandidata još nije utvrđen, jer su njihovi zahtevi odbijeni zbog „bezbednosnih razloga".

Još uvek nije izvršena integracija 74 bivših radnika MUP angažovanih na administrativno-tehničkim poslovima.[62] Ni 15 bivših radnika Uprave za poslove ishrane i smeštaja MUP uopšte nije uključeno u integraciju. Iako se o ovoj kategoriji lica nije pregovaralo, bilo bi dobro da se i za njih iznađe odgovarajuće rešenje.

Od 64 pripadnika Vatrogasne jedinice, njih 30, sa područja Severne Mitrovice, privremeno je rešeno, dok je preostalih 34 bez ikakvog rešenja o integraciji. Srbija je, u skladu sa dogovorom, obezbedila sredstva i vrši isplatu penzija za 1200, bivših radnika MUP sa područja Kosova (*Izveštaj, 2015:7; Marinković 2014:10 – 12*).

Dogovor i njegova primena su potstakli redovnu komunikaciju i saradnju policija Kosova i Srbije. Tako su direktori policija Milorad Veljović i Špend Madžuni, u prisustvu načelnika EULEX-u Albana Raga, 10 marta 2015 godine, u Beogradu, razgovarali o pojačanom prilivu migranata sa Kosova preko centralnog dela Srbije u zemlje EU kao i o zajedničkoj borbi protiv svih vidova organizovanog kriminala i o bezbednosno interesantnim pojavama duž administrativne linije sa Kosovom (Izvor: *Beta, utorak, 10.03.2015, 17:00*). Primer napretka je i učešće ministara policije u regionalnom sastanku o bezbednosti održanom u Tirani, 21 maja 2015 godine.

I pored toga što je, u formalnom smislu, izvršena integracija policijskog i bezbednosnog osoblja u kosovske bezbednosne strukture, tri pitanja ostaju otvorena: Rukovođenja Kosovskom informativnom agencijom (KIA) (*http://www.rtv.rs*); obučenost policajaca da sprovode procedure i zakon i (ne) pristrasnosti u slučajevima kada su strane različite nacionalnosti; pitanje dosadašnjih rezultata rada policije, imajući u vidu da nijedan slučaj krivičnih dela ugrožavanja bezbednosti građana, a posebno teška krivična dela (ubistva, oružani napadi, bacanje bombi na imovinu fizičkih lica itd.) nije rezultirao ni procesuiranjem osumnjičenih *(Gavrilović, 2015:14,15).*

5.2. Civilna zaštita

Civilna zaštita na Severu Kosova (CZ) je formirana od starne Vlade Srbije[63] i finansira iz budžeta Srbije i posle potpisivanja *Sporazum o principima.* Po službenom tumačenju Beograda i srpskih političara na Severu Kosova, cilj CZ je zaštita i spašavanje od elementarnih nepogoda meteorološkog i geološkog karaktera, tehničko-tehnoloških nesreća i drugih opasnosti po ljudske živote, dobra i životnu sredinu (*Izveštaj, 2015:23).*

Za Kosovo, od samog početka, CZ je „snažno opremljena i trenirana paravojna snaga" (*Progres on Mitrovica, 2014:6)*. Istina je i na jednoj i na drugoj strani. Naime, to su snage koje imaju funkciju i civilne zaštite ali i obavljanja određenih policijskih poslova (na primer kontrola saobraćaja) a osposobljene su i za pojedina, pre svega „antiteroristička" policijsko – vojna dejstva. Kao takva, uz moguću mobilizaciju, CZ može biti razvijena i u ograničenu vojnu formaciju.

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[62] Za 34 lica postoji ponuda za integraciju u KP, a preostalih 40 lica će biti na platnom spisku Kosova sve do usvajanja opštinskih budžeta za opštine na severu.

[63] Vlada Srbije, pak, tvrdi da je civilna zaštita na severu Kosova uspostavljena je od strane lokalne samouprave (*Izveštaj, 2015:23)*.

Pitanje CZ je pokrenuto i u *Sporazuma o principima* pregovarano je skoro dve godine, da bi početkom 2015 godine bili vođeni „bilateralno razgovori između EU i dve strane" (*Tasić, 2015a*). Vlada Kosova je, 26 marta 2015, izdala saopštenje da je dogovor o CZ postignut između Beograda, Priština i EU.[64] Sporazum o CZ se bavi integracijom osoblja CZ, koja će biti sproveden u skladu sa Briselskim sporazumom i kosovskim *Zakonom o civilnoj službi* i postupanjem sa prostorijama i opremom CZ (vidi: *Dodatak broj 18)*. Ovaj sporazumom podrazumeva raspuštanje CZ sa severa Kosova i integrisanje pripadnika CZ u kosovske institucije. Obaveza je Srbije da do 24 aprila 2015 godine pisanim putem obavesti EU posrednika[65] da 1. septembra 2015 godine, CZ na Kosovu neće postojati unutar sistema Srbije odnosno da će buti raspuštena i da će svi objekti, kancelarije i skladišta na Severu Kosova biti zatvoreni (*Tahiri, 2015*)[66]

Tema CZ je povezana i sa pitanjem transformisanja Kosovskih bezbednosnih snaga (KBS) u Vojsku Kosova (VK). Ali, ova pitanja nisu razrešena niti ima vidljivog rezultat na terenu (*Brussels Agreement Implementation, 2015:12; Progres on Mitrovica, 2014:*7, 13).

Zakon o Vojsci Kosova je sačinjen i čeka postizanje saglasnosti sa Beogradom, jer je to jedan od zakona koji se u Skupštini Kosova usvaja po posebnoj proceduri koja zahteva i podršku 2/3 ukupnog broja poslanika i posebno 50 + 1 poslanika Srba (*Tasić, 2015*).

Najvažnija pitanja u vezi sa bezbednošću, te i transformisanjem KBS u VK se diskutuju, od početka 2013 godine i o većini tih pitanja su usaglašeni stavovi. Naprimer, u početku, neće biti jedinica a ni kasarni VK na teritoriji četiri opštine na Severu Kosova.[67] Po pitanju organizovanja delovanja VK na Severu biće primenjen slična aranžman kao za sudstvo i policiju. Dakle, uspostaviće se odgovarajući etnički ključ ili paritet u sastavu i komandi VK, uz uvođenje regionalnog komandanta.

Ovo je izuzetno delikatno pitanje, pre svega zbog toga što je VK naslednica OVK, a ova je građena kroz oružani sukob sa Vojskom SRJ odnosno Srbije. Takođe, Kosovo je svojim ustavom i realnim ponašanjem opredeljeno za članstvo u NATO, dok se oko toga u javnosti i političkom vođstvu Srbije bije teška bitka, u kojoj za sada prednost imaju protivnici NATO, a među ovima su uticajni i zagovornici „vojne neutralnosti" koja je za mnoge od zagovornika tog stava predstavlja samo drugo ime za „punu vojnu saradnju" sa Rusijom.

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[64] Podatak da je ovakav sporazum postignut je javnosti Srbije, saopšten početkom maja 2015 godine, u Izveštaju Vlade o primeni sporazuma (*Izveštaj, 2015:24)*. Međutim, tekst dogovora je stavljen na sajt Kancelarije Vlade Republike Srbije za Kosovo i Metohiju, tek u julu 2015 godine.

[65] Autor ove analize nema saznanja da li je Beograd izvršio ovu obavezu.

[66] Intenzivni razgovori vođeni su i sa delegacijom EU koje je došla u Prištinu 26 novembra 2014 i nastavljeni 3, 4 i 6 februara i 18 marta 2015 godine. 2013 (*Brussels Agreement Implementation, 2015:12*). Pitanje njene integracije je duži period bila tema razgovora, a značajniji dogovor postignut je između predstavnika EEA i Kancelarije za KiM u Kuršumliji 4. i 5. februara 2015. godine. Razgovori su potom nastavljeni 25. i 26. marta 2015. godine, kada je postignut konačni dogovor, koji su dve strane istog dana parafirale (*Izveštaj, 2015:23)*

Usaglašenim tekstom postignutog dogovora razrađena je integracija za 483 pripadnika CZ (u institucijama na severu), od ukupno 751 lica i to:80 lica u sastavu Agencije za vanredne situacije Kosova; 25 u zatvorskoj čuvarskoj službi Kosova; 50 lica privremeno na budžetu, do definisanja mesta u javnom sektoru u opštinama na severu; 328 lica u ograncima kosovskih institucija koji će biti ustanovljeni na severu (*Izveštaj, 2015:24)*.

[67] Na primer, aprila 2013 godine zvaničnici Srbije, pa i sadašnji premijer Vučić, u više navrata „izjavljivali da imaju 'usmene? garancije NATO da Vojska Kosova neće prelaziti na Sever Kosova (*Tasić, 2015*).

Zvaničnici Beograda se, u proleće 2015 godine, protiv formiranju VK tvrdeći da se u Briselskom sporazumu ne spominje mogućnost da bilo koje oružane snage mogu da uđu na Sever bez saglasnosti srpske zajednice (**Đurić, 2015a**).

6. Oficiri za vezu

Od kada je uspostavljen sistem Oficira za vezu u Beogradu i Prištini, on funkcioniše na dogovoren i zadovoljavajući način.

Korišćenjem ovog sistema rešeno je više pitanja, pa je tako od 1. decembra 2014. godine organizacija tzv. „zvaničnih poseta" u potpunosti prešla u nadležnost oficira za vezu (*Izveštaj, 2015:18, 19)*. Napredak u radu oficira za vezu se može izmeriti i porastom broja zvaničnih poseta. Trenutno je potrebno da se reši pitanje službenih pečata, jer za sada oficiri rade bez ovih (*Brussels Agreement Implementation, 2015: 21, 22*).

7. Energetika

U okviru političkog dijaloga, 8. septembra 2013. godine, parafiran je *Aranžmani u oblasti energetike* (vidi: *Dodatak broj 18)* kojim se uređuju budući odnosi između Elektro mreže Srbije (EMS) i Kosovskog elektroprenosnog sistema i tržišnog operatera (KOSTT).

Aranžmanom je predviđeno da EMS podrži nastojanje KOSTT da postane član u ENTSO-E asocijaciji i postane zasebna kontrolna oblast, a da Priština zauzvrat srpskoj strani omogući registraciju dva nova preduzeća koja bi se bavila trgovinom električne energije na veliko i snabdevanjem i distributivnim uslugama.

Posle višegodišnjeg sporenja Beograda i Prištine o tome ko snabdeva strujom sever Kosova, na osnovu dogovora iz 2013. godine, preduzeće „Elektrokosmet" će biti transformisano u novo preduzeće snabdevača i distributera struje za četiri opštine na severu Kosova, a u skladu sa kosovskim pravnim okvirom. Zaposleni u „Elektrokosmet" će biti uključeni u tu novu kompaniju ili će im biti ponuđeno zaposlenje u KEDS-u. EMS se obavezala da će međunarodno priznati KOSST kao jedinog operatera prenosne mreže na Kosovu i da će podržati njegovo članstvo u Udruženju operatera transmisije, sistema i tržišta za električnu energiju u Evropi. KOSTT je odgovaran za prenos električne energije do glavnih elektro mreža i, izvan i kroz Kosovo (Vidi: *http://www.balkaninsight.com)*. KOSTT će izvršiti ponovno povezivanje dalekovoda od 110 KV kod mesta Valač i preuzeti kontrolu nad tom trafo-stanicom na granici Srbije i Kosova. Ovim preuzimanjem KOSST će u potpunosti preuzeti kontrolu nad prenosnim sistemom Kosova. Regulatorni organi obe strane će izdavati licence koje obuhvataju trgovinu (uvoz, izvoz, tranzit) i snabdevanje električnom energijom Kosovskoj elektroenergetskoj korporaciji (KEK), Kosovskom preduzeću za distribuciju i snabdevanje električnom energijom (KEDS) i Elektroprivredi Srbije (EPS).

Okvrini sporazum o regulisanju operacije i tržišnih odnosa između KOSTT (Kosovo) i EMS (Srbije), od 12. Februara 2014 godine, je, između ostalog, omogućio da KOSTT postane nezavisni regulator i deo ENTSO-E mehanizma kompenzacija između operatora u prenosnom sistemu (ITC). EMS i KOSTT su potpisali okvirni sporazum koji ima za cilj rešavanje dug period otvorena pitanja, uključujući i pitanja distribucije i snabdevanja na Severu Kosova (*http://www.balkaninsight.com*). Potom, tzv. Inter TSO *Sporazum za mrežu upravljanja i sistema operisanja* (*Inter-TSO Agreement for network management and system operation*), od 14 septembra 2014. Između ostalog, ovaj sporazum je omogućio prihvatanje regulatorne oblasti za KOSTT (Control Area) i član-

stvo u ENTSO-E (European Network of Transmission System Operators) (*Brussels Agreement Implenetaion, 2015: 16, 17*).

Opšti napredak u oblasti energetike je bio dobar, ali su neka od pitanja i dalje blokirana (*Brussels Agreement Implenetaion, 2015:16*). Po oceni Kosova, jedna od ovih blokada je nastojanje Srbije da zadrži nadležnosti u oblasti distribucije energije, Srbija pak tvrdi da Kosovo želi da uspostavi vlasništvo nad imovinom, a ne da rešava probleme.

Među pitanjima oko kojih se spori i dugo raspravljana su pitanje upravljanja proizvodnjom i prenosom električne energije na Severu Kosova kao i pitanje svojinskih prava odnosno imovine. Od kada pregovore ispred Srmije vodi premijer Vučić pojačano se insistira na pitanju imovine, koje je decenijama bilo izvan javnosti i rasprave.[68] Istovremeno, Kosovo, pred regionalnim energetskim regulatorom (Energy Community), potražuje od Srbije 5 miliona evra po godini a na ime neplaćenih poreza budžetu Kosova. Kosovo optužuje energetskog operatera iz Srbije i da je oštetio potrošače sa Kosova za 10 miliona evra po godini tako što je nezakonito nivelisao cene i povećavao cenu energije za 20 centi. Po mišljenju Prištine samo KEK je ovlašćen da snabdeva energijom na čitavom Kosovu, te „Elektrokosmet" ili EPS nemaju pravo da naplaćuju električnu energiju na Kosovu. Naravno, po mišljenju Beograda i EPS, oni ne rade protivno zakonu, a imaju i gubitke na Severu Kosova, u iznosu od 100 miliona evra koje pravdaju time da, više od deset godina, potrošači ne plaćaju račune za utrošenu električnu energiju.

Energetski sektor je tema Briselskog dijaloga i doveo je do raščišćavanja sledećih pitanja: Određenje međusobnih odnosa dva operatora: EMS i KOSTT i stvoren osnov za saradnju prenosnih sistema;[69] Upravljanje Trafo stanicom „Valač" koja se nalazi na jezeru Gazivode,[70] čime stvaraju uslove za kontrolu tokova energije u oba elektroenergetska sistema; Stvoreni su uslovi za uvođenje novog operatora za snabdevanja električnom energijom severnog dela Kosova, kontrolu konzuma i uvođenje naplate. Kosovo je pristalo da registruje preduzeće „EPS Trgovina d.o.o. Kosovska Mitrovica" uz dopunu dokumentacije. Sa druge strane, registracija preduzeća „Elektrodistribucija Sever Zubin Potok d.o.o." odbijena je kao nezakonita. Srbija je nastavila da insistira da se registruje preduzeće čiji je osnivač opština Zubin potok.

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[68] Međutim, ova naknadna inicijativa se suočava sa realnošću da je veliki broj preduzeća privatizovan pod UNMIK upravom kao i da su mnogi proizvodni kapaciteti koji su formalno bili pod upravom Srbije odnosno „paralelnih institucija" u stvarnosti bili pod kontrolom birokratsko – privatnih monopola koji su proizvodili gubitke i umanjivali vrednost imovine da bi novcem sticali lična bogatstva. Delom ovog novca su plaćane kooperativnost i ćutanje političara i zvaničnika kako iz redova Srba sa Kosova i iz Srbije tako i iz kosovske vlasti i međunarodnih predstavnika.

[69] Između EMS i KOSTT su, u skladu sa *Aranžmanom*, 15. septembra 2014. godine, potpisani Ugovor o interkonekciji i Ugovor o servisnim uslugama. Potpisivanjem ovih ugovora, u skladu sa Aranžmanom, 19. septembra 2014. godine, omogućeno je parafiranje Akcionog plana, koji je potom predat predstavnicima EU.

EMS je aktivnom podrškom u potpunosti izvršio obaveze iz Sporazuma i Akcionog plana i omogućio da KOSTT od 1. juna 2015. godine uspostavi kontrolnu oblast, očekujući i da će Kosovo ispuniti svoj deo obaveza, detaljno razrađenih Akcionim planom.

[70] U veoma malom procentu električna energija se proizvodi u hidroelektrani „Gazivode" (38 KW). To je oko 2% ukupnih potreba. Stručnjaci predlažu da se, u sklopu diversifikacije izvora snabdevanja, Kosovo obezbedi strujom iz hidroenergetskih izvora na dva načina – kroz sistem malih hidroelektrana, što je posebno interesantno za sever Kosova, kao i kroz izgradnju velike brane u mestu Žur kod Prizrena, koja bi iskoristila oko 43% ukupnog hidro potencijala Kosova.

Kosovo je, 24. marta 2015. godine, neformalno najavilo pristanak da osnivač preduzeća za snabdevanje bude EPS, da preduzeće bude licencirano za snabdevanje električnom energijom kao i da oko distributivnih servisa to preduzeće pregovara sa KEDS-om. Beograd nije prihvatio ovaj predlog, već zahteva od Kosova i predstavnika EU Priština izvrši preuzete obaveze iz *Aranžmana* i *Akcionog plana* (*Izveštaj, 2015:9, 10).*

Radi izvršenja obaveza prema „Dogovorima o energetici", iz septembra 2013. godine, 25 avgusta 2015 godine, obe strane su se saglasile sa *Zaključcima EU posrednika o sprovođenju Sporazuma o enregtici iz 2013. godine* (Vidi: *Dodatak broj 20*)**.** Time je odgovoreno da će Kosovo dozvoliti EPS-u da osnuje kompaniju za trgovinu električnom energijom na Kosovu, u skladu sa svojim nediskriminatornim obavezama u okviru Energetske zajednice, kao i sa pravnim i regulatornim okvirom Kosova. Ova kompanija će podneti zahtev za licencu koja obuhvata uvoz, izvoz i tranzit, i ta će joj licenca biti odobrena; Osnivanje nove kompanije za usluge snabdevanja i distribucije odnosno Kosovo će dozvoliti EPS-u da osnuje kompaniju za snabdevanje na Kosovu, u skladu sa svojim nediskriminatornim obavezama u okviru Energetske zajednice, kao i sa pravnim i regulatornim okvirom Kosova. Naziv ove kompanije biće „ElektroSever".

Posebno je važno da su se strane u odeljku „Odricanje od odgovornosti" izajsnile da se ne slažu o tome da se ne slažu po pitanju imovine.[71] Time su stvoreni uslovi da se zadovolji zahtev Beograda da se raspravlja o imovini kao i nastojanje Kosova da istakne svoje pretenzuje na imovinu na teritoriji Kosova, a da se sporazum o energetici ipak postigne

Postizanje sporazuma i spornim pitanjima kao i ono što je učinjeno u periodu od 2013 do 2015 godine u oblasti energetike olakšavaju dostizanje zajedničkih ciljeva, a to su:

- Zajedničko i regionalno transparentno tržište energije;
- Zajednički nastup problemima finansiranja izgradnje i nabavka povoljnijih finansijskih kredita iz međunarodnih finansijskih institucija;
- Optimalna saradnja u izgradnji gasne mreže u regionu;
- Zajednički nastup u preispitivanju primene direktiva Evropske Energetske Zajednice vezano za zaštitu okoline i uticaja na drastičan porast proizvodnje cene električne energije u ovom siromašnom regionu; Pristup izgradnji obnovljivi izvora energije sa stanovišta sigurnosti snabdevanja i uticaja na cene električne energije, i saradnja regulatornih agencija za energiju.

8. Telekomunikacije

Budući da pozivne brojeve dodeljuje Svetska unija za telekomunikacije samo članicama UN, Kosovo još uvek nema pozivni broj.[72]

Tokom 2013 godine, Beograd i Priština su postigli sporazum u vezi sa telekomunikacijama (Vidi: *Dodatak broj 21).* Po ovom sporazumu, Kosovo dobije svoje pozivni

[71] „Kosovo smatra da je, u skladu sa Ustavom i zakonima Kosova i međunarodnim pravom, odnosno Rezolucijom SBUN 1244 i relevantnim Uredbama UNMIK-a, imovina na teritoriji Kosova u vlasništvu Kosova.

Srbija smatra da je, u skladu sa domaćim i međunarodnim pravom, odnosno Rezolucijom SBUN 1244, imovina na teritoriji Kosova u vlasništvu Srbije, prema posebnom pokrajinskom uređenju i u potpunosti u saglasnosti sa Ustavom Srbije".

[72] Na Kosovu se u fiksnoj telefoniji koristi prefiks Srbije – 381, a za mobilnu telefoniju prefiksi Monaka – 377 i Slovenije 389.

broj – 383, i to tako što će za taj broj aplicirati neka zemlja članica EU, o kojoj će se strane saglasiti, a ona će ga ustupiti Kosovu na korišćenje. Po pitanju pozivnog broja, Beograd traži garancije za „interkonekciju" između postojećeg pozivnog broja +381 i novog +383, i to u toku i nakon tranzicionog perioda predviđenog *Akcionim planom*. Međutim, ovaj dogovor nije parafiran sve do jula 2015 godine; dogovor je postignut i o tome da na Kosovu operiše i srpski telekom operater i da pozivanje Srbije sa Kosova biti tarifirano kao domaći, a ne međunarodni poziv.

Beograd očekuje i da se, u skladu sa *Akcionim planom* i kosovskim *Zakonom o poslovnim društvima*, omogući registracija preduzeća u Prištini od strane „Telekoma Srbija" a.d. i davanje jasnih pisanih garancija od strane Prištine i EU, da će to preduzeće dobiti licence istog dana kada se, nakon saglasnosti Beograda, za teritoriju Kosova odobri pozivni broj (*Izveštaj, 2015;11,12)*.

Dogovoreno je i da se pristupi izradi *Tehničkog sporazuma* koji će uskladiti korišćenja spektra za GSM i televizijski signal, kako bi se obezbedilo uzajamno neometano pružanje usluga. Svaka strana se obavezala da ne pokriva granicu druge strane međunarodnim signalom.

U Briselu, 25 avgusta 2015 godine Srbija i Kosovo su se usaglasili oko tri aneksa (Vidi: *Dodatak broj 22*). Na osnovu *Aneks 1: tekst biltena Međunarodne unije za telekomunikacije (ITU)*, uz saglasnost administracije Republike Srbije, a povodom osnovu pisma Austrije (*Aneks 2*), direktor Biroa za standardizaciju telekomunikacija (TSB) dodeljuje sledeće međunarodne pozivne brojeve za Kosovo i to „+383". Takođe, usvojen je i *Akcioni plan u oblasti telekomunikacija*.Time su stvorene pretpostavke da se Kosovo nepoisredno uključi u međunardno telekomunikacije a ne, kao do sada posredstvom Srbije u fiksnoj telefoniji a Monaka i Slovenije u mobilnoj telefonoji. To će svakako podstaći razvoj ovog tržišta, a građanim Kosova mogućiti jeftinije telekomunikacione usluge u oblasti mobilne telefonije.

9. EU integracije

Tačka 14 *Sporazuma o principima* obavezuje strane da neće jedna drugu blokirati, ili podsticati druge da blokiraju napredak druge strane na putu ka EU.

Po mišljenju Srbije, kako se kao uslov za razmatranje otvaranja pregovaračkih poglavlja u pregovorima EU i Srbije prevashodno uzima u obzir primena postignutih sporazuma, Kosovo, svojim nesprovođenjem postignutih dogovora direktno pravi prepreke i dovodi do zastoja na evropskom putu Srbije. Srbija kao primer opstrukcije sporazuma iz oblasti energetike i telekomunikacija, formiranja ZSO, čijim odlaganjem se onemogućava rešavanje problema u nizu oblasti, koje bi uređivala ZSO, a od čijeg rešavanja zavisi i brzina napredovanja Srbije u evrointegracijama *(Izveštaj, 2015:12,13)*

III. UTICAJ I UBEĐIVANJE

Briselski dijalog i normalizacija odnosa Srbije i Kosova su izazov za Prištinu i Beograd, za zemlje regiona, posebno Makedoniju, Albaniju i Crnu Goru, ali i za EU i SAD, kao i za Rusiju i SB UN.

EU je u ulozi fasilitatora dijaloga i glavne podrške procesu normalizacije uključujući i ostvarivanje cilja: „zajednička evropska budućnost". Istovremeno, EU (zajedno sa SAD i NATO) je neposredno uključena u izgradnju i jačanje kosovskih institucija i privrede.

EU je od početka međunarodnog prisustva bila deo UNMIK-a i to kao „stub IV" zadužen za ekonomiju i razvoj. Povlačenjem drugih „stubova" UNMIK aktivnosti i prenošenjem nadležnosti na kosovske institucije od EU na Kosovu ostaje samo EULEX-a, ali zato EK postaje fasilitator. EU je u moći i da nagrađuje i da kažnjava ali samo u okvirima „evropske budućnosti", odnosno usporavanja ili ubrzavanja vizne liberalizacije, SSP, statusa kandidata i pregovaranja za članstvo u EU. Ovo je *de facto* status umešanog koji ima obavezu intervencije. Međutim, zbog toga što pet članica EU nisu priznale Kosovo, EU ima problem sa „statusno neutralnim" stavom EU prema Kosovu. Naime. „statusno neutralan" stav čini poziciju i moć EU u pojedinim situacijama upitnom čak i manjom od uticaja Srbije, kakv primer pruža Sever Kosova (*Deda, 2013:19*).

Način usaglašavanja unutar EU, a od 2008 godine i snaženje ekonomske i političke krize EU, u Srbiji i na Kosovu, slabljenje privlačnosti „evropske budućnosti", praćeno jačanjem rezervi članica EU u odnosu na proširenje ili uključivanje „novih problema" i evroskepticizma na Kosovu, u Srbiji i na Zapadnom Balkanu, dovelo je do usporavanja i preterane birokratizacije EU intervencije. To je nametnulo potrebu da neko preuzme odgovornost i vodeću ulogu u procesu normalizacije. Ovu ulogu je na sebe, od druge polovine 2012 godine, preuzela Nemačka, pre svih kancelarka Angela Merkel i vladajuća koalicija CDU/ CSU. Svoj doprinos, na samom terenu, u Beogradu i u Prištini, dale su i brojne poslovne inicijative i aktivnosti građanskog društva uz podršku fondacija, poput KAS.[73] Iz ovog jasno sledi zaključak da Nemačka nije tek samo jedna od članica EU. Nemačka ima snažnu podržavajuću ulogu u Briselskom dijalogu i procesu normalizacije.

„Nemačko buđenje" je promenilo je dinamiku. Uprkos tome što je reaktivna, ova politika je bila odlučna, čineći mogućom pretpostavku EU o neprikosnovenoj zapadnoj vodećoj ulozi na Kosovu. SAD su smanjile svoju ulogu dominantnog međunarodnog igrača, prebacivanjem u ulogu usmerenu na podržavanje agende EU. Nemačka, uz snažnu podršku Velike Britanije, redefinisala je uslove angažovanja EU (*Bassuener, Weber, 2013:1)*.

Septembra 2012 godine, ambasador Nemačke u Beogradu Hajnc Vilhelm (Heinz Wilhelm) je istakao da je Briselski dijalog promenio ranije postojeću negativnu ocenu Nemačke o kosovskoj politici Vlade Srbije i najavio je stav vlade Namačke da bi dijalog trebalo da se odvija paralelno sa pregovorima o priključivanju EU, pozivajući se na „Nemačko – Britanski 'Non-Paper o okviru za pridruživanje'". On javno saopštava da će pitanja u vezi sa Kosovom biti u *Poglavlju 35*, ali da će neka od pitanja dodirivati i druga poglavlja (*Weber, 2013:3,4*) Do sada se potvrdilo da je, u gradnji pregovaračkog okvira EU za pregovore o integraciji Srbije, uloga Berlina i Londona i tako zvanog *Non-Paper* je bila ključna (o tome je već bilo reči u ovoj analizi).

„*Non–Paper*" navodi značajan broj neophodnih krajnji tačaka za dijalog Kosovo–Srbija i pristup EU prema dve zemlje kroz proces pridruživanja. To obuhvata sledeće elemente:

– „Potpuna normalizacija" garantovana do kraja procesa pristupanja;

[73] Jedan od primera je *KAS Projekt* o kome je bilo reči i koji je rezultirao nacrtom teza za dokument čije su se mnoge ideje potvrdile i u politici Nemačke odnosno EU.

– Uslovljavanje o normalizaciji mora da bude snažno ugrađeno kroz svako poglavlje pregovora, uključujući i kroz relevantna merila za otvaranje/zatvaranje poglavlja;
– *Poglavlje 35* će se zaključati u ukupnom napretku Srbije prema potpunoj normalizaciji, u svim sektorima i kroz celi tok pregovora;
– Skoro nepropustan, obavezujući mehanizam da se spreči da bilo Kosovo ili Srbija blokiraju drugoj strani put ka EU (verovatno uzimanjem pravne forme u srpskom sporazumu o pristupanju),i
– Snažna uloga EEAS/HR u Dijalogu i procesu normalizacije.

Reč je detaljnom i robusnom skupu kriterijuma koje su Berlin i London predvideli za obe zemlje. Među njima je predlog, zajednički dogovoren sa komesarom za proširenje, da se doda sva pitanja koja se odnose na Kosovo smeste u *Poglavlje 35* pregovora o pristupanju Srbije EU.

Posebno aktivnu i delotvornu ulogu u pojašnjavanju i praćenju sprovođenja politike Berlina i EU imala je i CDU/CSU frakcija u Parlamentu Nemačke. O tome svedoče i stavovi - preporuke, usvojene 25 juna 2013 godine (Vidi: *Dodatak broj 23*).

Postizanje *Sporazum o principima* je širom otvorilo vrata za rešavanje spora oko statusa između Srbije i Kosova i deblokiranju put ovih zemalja ka integraciji u EU. Ovaj izuzetan razvoj je omogućen ponovnim paljenjem prethodno zamrznutog sukoba, reaktivnim, ali konzistentnim nemačkim vođstvom - uz jaku britansku i američku podršku - i političkim promenama u Srbiji (*Bassuener, Weber, 2013:I).*

S obzirom da je toku izgradnje pregovaračkog okvira postignut politički dogovor unutar EU, a i sa Beogradom, da pregovori EU i Srbije započinju i okončavaju se *Poglavljem 35*, Berlin se potrudio da, tokom 2014 godine, sačini uvid u ostvarivanje sporazuma iz Brisela posebno *Sporazuma o principima* i da na osnovu toga utvrdi uslove koji se moraju ispuniti da bi se otvorili pregovori. Ovi uslovi su definisani u dokumentu „*Popis aktivnosti koje bi Beograd trebalo da preuzme u period do otvaranja pregovora o Poglavlju 35*", koji javnost naziva „Nemački zahtevi" ili „Jedanaest tačaka". Način na koji će se verifikovati ispunjenje uslova iz „Jedanaest tačaka" nije jasno određen. Jedna od mogućnosti mogao bi biti *Drugi sporazum o principima* ili kako ga u javnosti nazivaju „*Brisel 2*". Ovakvo rešenje je dobro i s toga što se pored konstatovanja o ispunjenju uslova mogu utvrdi i obaveze u nastavku ostvarivanja dogovorenog. To, takođe, može neposredno pomoći u definisanju sadržaja *Poglavlja 35* i *Akcionog plana* za ovo poglavlje.

IV. ISKUŠENJA PRED IZGRADNJOM INSTITUCIONALNOG OKVIRA ZA NORMALIZACIJU

a) Ustavnost, legalnost i legitimnost primene Briselskog sporazuma

Kosovske vlada je svoj političku odluku o ulasku u dijalog sa Srbijom legalizovala rezolucijama koje je usvojila skupština Kosova.[74] Rezolucije predviđaju da bi Skupšti-

[74] Prva, *Rezolucija o dijalogu između republike Kosova i republike Srbije*, usvojena je 10. marta 2011. godine je usvojena rezoluciju, uz podršku dijalogu o „praktičnim" pitanjima i ograničavajući dijalog na samo između "tehnička"

na trebalo da ratifikuje postignute sporazume. Do sada, to se nije dogodilo, pošto vlada nije dostavila nijedan od sporazuma na ratifikaciju. To je s toga što će se pravna priroda postignutih sporazuma utvrditi na kraju pregovaračkog procesa i to „pravno obavezujućim aktom" koji, na osnovu *Pregovaračkog okvira*, Srbija treba da potpiše sa Kosovom. Ovakvo rešenje je u skladu sa statusno neutralnim stavom EU prema Kosovu (T*he Kosovo-Serbia dialogue, 2012*). Do tada, legalizacija sporazuma je izvršena usvajanjem skupštinske *Rezolucije o podršci Sporazuma o principima*, krajem maja 2013. godine (*Deda, 2013:14-16*).

Na primeru Kosova, ograničavajući činilac pravne i političke prirode je to što Kosovo nije priznato kao nezavisna država od pet članica EU i što nije članica UN. Postoje i značajna ograničenja u snažnom unutrašnje političkom otporu procesu normalizacije. Ovaj politički otpor za sada usporava proces, ali bi mogao vremenom da poraste toliko da dovede u pitanje normalizaciju. Sudeći po institucionalnim i zakonodavnim strukturama i praksi, Kosovo je „slaba država" sa izuzetno nerazvijenom ekonomijom.

U slučaju Srbije, važeći ustavni, zakondavni i institucionalni okviri je delimično ograničavajući činilac za dijalog i za uspostavljanje veza između institucija u Srbiji i na Kosovu.[75]

Primer ograničavajućeg ustavnog određenja predstavlja *Premabula* Ustava Srbije u kojoj se eksplicitno navodi da je Kosovo sastavni deo teritorije Srbije; određuje se položaj Kosova kao suštinske autonomije u okviru suverene države Srbije, obavezuju se svi organe (mada se ne precizira o kojim organima je reč) da zastupaju i štite interese Srbije na Kosovu, u svim unutrašnjim i spoljnim političkim odnosima.

S obzirom da Ustav Srbije ne precizira pravnu prirodu i dejstvo *Preambule*, otvoreno je pitanje da li su ove odredbe obavezujuće. Otvoreno je i pitanje kako bi se, pod pretpostavkom da su odredbe *Preambule* obavezujuće, sankcionisala njihova povreda.

Član 8 *Osnovnih načela* Ustava govori o tome da je teritorija Srbije je jedinstvena, nedeljiva i nepovrediva. Sa stanovišta brisleskog dijaloga ovakve odredbe imaju ograničavajuće uticaje.

Ustav sadrži dva različita pravila o tome ko odlučuje o promeni granica. Zapravo, između načela sadržanog u osnovnim načelima Ustava i normativnog dela koji reguliše teritorijalnu organizaciju postoji vidna koncepcijska razlika, na što je ukazala i Venecijanska komisija u kritici ustavnog rešenja o teritorijalnoj organizaciji koje ne garantuje sadržaj prava na pokrajinsku autonomiju i lokalnu samoupravu, već to prepušta zakonskoj regulativi (*Pajvančić, 2012*).

Od posebno značaja za raspravu u ovoj analizi su i opšte odredbe o pokrajinskoj autonomiji i lokalnoj samoupravi koje su sadržane u članovima 176–182 Ustava Srbije.

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pitanja. Pri tome je „zanemareno da je, ranije, 8. i 9. marta 2011. godine, održana prva runda dijaloga; Druga, *Rezolucija o normalizaciji odnosa između republike Kosova i republike Srbije* je usvojena 18. oktobra 2012. godine, uz podršku svih političkih stranaka, osim „Samoopredeljenja", dajući time zeleno svetlo za sastanak između premijera Kosova i sa premijerom Srbije, narednog dana, u Briselu.

[75] Takođe, i u Srbiji, raste evroskepticizam, a i otpor uključenju Srbije u EU, Već dve godine, to značajano otežava i usporava dijalog i proces normalizacije.

Skupština Srbije je, u proleće 2015 godine, pokrenula inicijativu promene političkog sistema koja se sastoji od raspravljanja o problemima i o mogućim rešenjima, uključujući i promenu Ustava.

Na primer, u članu 182 izričito navodi da u Srbiji postoje dve autonomne pokrajine: Vojvodina i Kosovo. Različit im je status u ustavnom sistemu, odnosno „suštinska autonomija" je određenje statusa Kosova, koja bi trebalo da se definiše zakonom koji bi bio usvajen po proceduri za promenu Ustava. To bi trebalo da bude svojevrstan ustavni zakon, kakav ustavna praksa Srbije, do sada, ne poznaje. Ovakav zakon nije donesen niti postoje bilo kakve informacije da je u pripremi.

Ustav dopušta mogućnost osnivanja novih autonomnih pokrajina kao i da već osnovane autonomne pokrajine budu ukinute ili da se spajaju. O formiranju novih autonomnih pokrajina, njihovom ukidanju ili spajanju odlučuje se po postupku po kome se odlučuje o promeni Ustava. I u ovom slučaju primenjuju se odredbe o reviziji Ustava koje uključuju raspisivanje naknadnog fakultativnog ustavnog referenduma. Postupak odlučivanja o osnivanju, ukidanju ili spajanju autonomnih pokrajina pokreće se na predlog građana koji mora dobiti podršku na referendumu. Zakon bliže reguliše način odlučivanja o formiranju, spajanju ili ukidanju autonomnih pokrajina. Zakon u ovoj oblasti nije donet niti se radi na njegovoj pripremi (*Pajvančić, 2012*).

Još u svojim odgovorima na pitanja iz *Upitnika EU*, a u pripremi za potpisavanej SSP, Beograd je prihvatio da se njegovi odgovori ne odnose na teritoriju Koosva, a kasnije i da se njegovo zakonodavstvo direktno odnosi na Kosovo. I u prihvatanju kao i u dolazećoj primeni standarda iz *Pregovaračkog okvira* zakondavstvo Srbije u određivanju svoje teritorijalne primenljivost mora da vodi računa da se ne odnosui na Kosovo. To sugeriše da će, ranije ili kasnije, biti potrebno da se menja postojeći Ustav Srbije i da se iz njega uklone odredbe o Kosovu (*Ejdus, 2014:7*).

Po *Pregovaračkom okviru,* na kraju pregovara Srbija i Kosovo bi trebalo da pirhvate jedan „pravno obavezujući sporazum", koji trebaloda se odnosi na prihvatanje suverenosti i teritrijalne celovitosti Kosova odnosno regulisanje pitanja granica. To nije u saglasnosti sa postojećim Ustavom Srbije, što opet ukazuje na potrebu pormene ovog ustava i njegovo usaglašavanje sa realnošću.

Po mišljenu onih koji osporavaju ustavnost ponašanja vlasti Srbije u briselskom dijalogu, te i prilikom parafiranja *Sporazuma o principima,* ovaj je prihvaćen u osobenom obliku bilateralnog sporazuma. To je međunarodni ugovor između EU i Srbije, uz učešće „pravno nepostojeće strane" – Kosova. Time što je vladin izveštaj o *Sporazumu o principima* prihvaćen u Skupštini Srbije, ovaj sporazum nema pravnu snagu, već je, i dalje, politički akt.[76]

Ustavni sud Republike Srbije (u daljem tekstu: USS) se, u više navrata, izjašnjavao o rezultatima briselskog procesa, i to: o uredbama donetim na osnovu tehničkih sporazuma i o *Sporazumu o principima* (Vidi: *Dodatak broj 26*).

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[76] *Sporazum o principima* nije u skladu ni sa članom 97 tačka 3 u vezi sa članom 189 satv 1, jer odredbe o terirtoijalnog organizaciji i loklčanoj samoupravi spadaju u zakondavnu nadležnost Republike Srbije. Isdto važi i za osnivanje, organizaciju, nadležnos, uređenje i sasatav sudova (član 180 stav 3, Ustav Republike Srbije); organizacija policije i komandovanje njenim snagama je isključiva nadležnost Republike Srbije (član 97 tačka 4 Ustava Republike Srbije); organizacija i sprovođenje izbora za sve nivoe vlasti je materija zakona Republike Srbije (član 180 stav 3 Ustava Republike Srbije).

Po ovom tumačenju, predstavnici Srbije nisu sledili ustavnu obavezu „da zastupaju državne interese na Kosovu i Metohiji u svim unutrašnjim i spoljnim poliitčkim odnosima (*Premabula* Ustava Republike Srbije), time su narušili princip vladavine prava jer se nisu „povinovali Ustavu" (član 3 stav 2 Ustava Republike Srbije) (*Ivošević, 2014*).

U pogledu *Sporazuma o principima*, USS je utvrdio da pojedini akti doneti radi primene ovoga[77] nisu u saglasnosti sa Ustavom i zakonom. Objavljivanje odluka USS o ovim nesaglasnostima pravno dejstvo akata o kojima je reč, je odloženo, a svi zahtevi za obustavu izvršenja pojedinačnih akata i radnji preduzetih na osnovu ovih uredbi su odbačeni. Suštinski, USS je konstatovao protivustavnost ali nije preduzeo ništa da se ta protivustavnost ispravi. Iz svega ovoga je jasno da se postojeće protivustavno stanje ne može legalizovati bez promene Ustava.

U pogledu samog *Sporazuma o principima*, USS je odbacio predlog za ocenu njegove ustavnosti i zakonitosti. Ovakvo rešenje, iako se čini suprotno od rešenja primenjenog na uredbe iz „prvog paketa", je zapravo zasnovano na istom stanovištu. Naime, *Sporazum o principima* je tretiran kao politički akt; USS se bavio i aktima kojima se vrši primena sporazuma, poput *Uredbe o uslovima za ostvarivanje prava na posebnu penziju zaposlenih u MUP na teritoriji AP KiM*. I ovde se USS zadovoljio samo konstatovanjem protivustavnosti bez nalaganja bilo kakvih daljih radnji da se ta protivustavnost otkloni.

Sa stanovišta procesa normaslizacije odnosa Srbije i Kosova, ali i sa stanovišta ostvarivanje neophodno potrebne reforme, pre svega unapređenja poslovnog okruženja, razvoja konkurentnog privatnog sektora, smanjenja visoke stope nezaposlenosti i nastavka regionalne saradnje Srbiji su potrebne institucionalne i ustavne reforme. Naime, Ustav Srbije iz 2006. godine je ne izražava potrebe Srbije i njenih građana. To je oktorisan ustav koji je rezultat političke nagodbe tada vladajućih političkih stranaka a građanima je nametnut zloupotrebom referenduma. Kao takav, ovaj ustav predstavlja jednu od bitnih smetnji na putu bržeg oporavka Srbije. To je brana neophodnim reformama ekonomije, uspostavljanju funkcionalne demokratske države i ostvarivanju proklamovanih ljudskih prava i sloboda.

Brojni su razlozi za promenu sadašnjeg ustava:

– Stvaranje ustavnih, zakonodavnih i instucionalnih uslova za poboljšavanje poslovnog okruženja, povećanje investicija, ubrzani samoodrživi razvoj i ukidanje privatnih i birokratskih monopola nad nacionalnim resursima;
– Garantovanje ravnopravnosti i nedodirljivosti privatne, državne, javne, zadružne i drugih oblika svojinskih odnosa;
– Stavljanje svih privrednih subjekata u ravnopravan položaj, uz garantovanje efektivne zaštite njihovih prava i interesa a u cilju povećanje konkurentskog domaćeg privatnog i javnog sektora;
– Modernizacija, podizanje nivoa opremljenosti, obrazovanosti i obučenosti, podizanje standarad uz ukidanje nepotrebne i prekobrojne državne administracije;
– Povećanje efektivnosti borbe protiv korupcije i kontrole javnih vlasti jačanjem garancija institucionalne nezavisnosti pravosuđa i antikorupcijskih tela;
– Jednak pristup svih garantovanim pravima i njihova efikasna zaštita;
– Regionalno samoorganizovanje građana i organizovanje Srbije kao države regiona;

[77] Uredba o posebnom načinu priznavanja visokoškolskih isprava i vrednovanja studijskih programa univerziteta vsa teritorije AP KiM koji ne obavljaju delatnost po propisima RS, doneta radi implementacije sporazuma o prihvatanju univerzitetskih diploma;Uredba o posebnom načinu obrade podataka sadržanih u matičnim knjigama za područje AP KiM, doneta radi implementacije sporazuma o matičnim knjigama; Uredba o posebnom načinu obrade podataka sadržanih u katastru zemljišta za AP KiM, doneta radi implementacije sporazuma o katastru

– Priključivanje Evropskoj uniji i normalizacija odnosa Srbije nalaže ustavno uvažavanje opredljenja za članstvo u Evropskoj uniji, sređivanje haotičnog, neusaglašenog zakonodavstva i njegova standardizacija u skladu s interesima Srbije i zakonodavnim standardima EU;
– Stvaranje ustavnih i institucionalnih pretpostavki za normalizaciju odnosa Beograda i Prištine kao i za ostvarivanje interesa Srbije i Srba na Kosovu.

Prethodna analiza je potvrdila da je u odnosu ustavnost, legalnost i legitimnost prednost data legitimnosti. Sama legitimnost se izvodi iz sledećih elemenata:

– Prvo, dijalog vode i sporazume postižu legalni i legitimni predstavnici Srbije i Kosova;
– Drugo, fasilitatorska uloga EU je legalizovana pristankom strana, kao i rezolucijom Generalne skupštine UN;
– Treće, cilj koji se želi postići: rešavanje pitanja oko kojih su se strane sukobljavanje kroz dijalog je legitiman cilj;
– Četvrto, vrednosti koje vode proces: normalizacija, mir i regionalna saradnja kao i „zajednička evropska budućnost" su legitimni.

b) Unapređenje ekonomskih uslova za normalizaciju

1. Makroekonomsko okruženje

Od početka reformi koje se na Kosovu sprovode od 1999. godine, i velikim delom zahvaljujući stranim donacijama i doznakama iz inostranstva, kosovska privreda beleži znake napretka: stopa rasta bruto domaćeg proizvoda, od 2007. Godine, je iznad 2%, a u proseku je iznosila 4,5%; eurizacija je pomogla održavanju niske stope inflacije kao i stvaranju viška u budžetu, te i njegovom razvojnom orijentisanju.

Kosovska privreda je jedna od četiri evropske privrede koja je, u periodu 2008 - 2012 godina, bila pošteđena posledica globalne finansijske krize, odnosno ove posledice su iskazale kasnije i to u obliku odsustva investicija, porasta nezaposlenosti, produbljivanje siromaštva, masovan odliv, pre svega u EU, radno sposobnog stanovništva itd. U ovom elementu su Kosovo i Srbija u sličnom položaju. Ovo kašnjenje uticaja krize i njen pojačani socijalno-ekonomsko ispoljavanje svedoči o niskom intenzitetu trgovinske i finansijske razmene sa zemljama pogođenim krizom, o niskom nivou privrednih aktivnosti. O niskom stepenu privrednih aktivnosti svedoči i struktura BDP-a, u kojoj doznake iz inostranstva učestvuju sa oko 14%, donatorska pomoć sa oko 10%, iz oblasti industrije dolazi 22,6%, iz poljoprivrede 12,9%, a većina vrednosti, 64,5%, se stvara u sektoru usluga.

Rejting Kosova u pogledu pokretanja biznisa, prema izveštaju Svetske banke, u protekle tri godine, je beležio postojani rast: 126. mesto od 189 zemalja, u 2012; 96. u 2013 i 2014 godine). Ali, to nije dovoljno da ohrabri ulagače.

Privlačenju investicija ne pogoduje: nedovršen proces privatizacije, otežani pristup kapitalu, posebno za mikro, mala i srednja preduzeća; dominacija poslovnih banaka u kosovskom finansijskom sistemu, tržište kapitala je u samoj početnoj fazi razvoja; pored niskih troškova i visoke mobilnosti radne snage ona je slabe obrazovne strukture;

povoljno poresko okruženja ne može da nadoknadi negativne posledice loše energetske situacije, koja dovodi do čestih prekida napajanja.

Sa stopom siromaštva od 29,7% i bruto nacionalnim dohotkom od 1,760 evra po glavi stanovnika kosovska ekonomija je jedna od najslabijih u Evropi. Kosovo je po indeksu percepcije korupcije na 111-om mestu od 176 (po izveštaju *Transparency International).* Sprega korupcije i organizovanog kriminal i slabi i onako slabu državu i dovodi do odsustva vladavine prava. Sve to, značajno uvećavaju rizike i troškove poslovanja, ali i života na Kosovu *(Kosovo 2014)*.

Nedostatak privredne aktivnosti rezultirao je najvišom stopom nezaposlenosti u regionu, koja iznosi oko 45%, to uslovljava porast sive ekonomije i trend emigracije mlađeg stanovništva, što se snažno ispoljava od kraja 2014 godine i zaoštrava unutrašnju socijalnu i političku scenu. O ovome je bilo više reči, u delu ove analize koji je posvećen slobodi kretanja.

Kada je reč o opštinama na severu Kosova sa većinskim srpskim stanovništvom (Leposavić, Severna Mitrovica, Zvečan i Zubin Potok), izostanak administrativne i ekonomske integracije u sistem Kosova sa jedne strane, i izostanak efektivnih mera podrške Srbije održivom razvoju privrede u ovim opštinama, dodatno otežava ekonomske prilike. Svega 20% lokalnih preduzeća trguje izvan ograničenog tržišta četiri opštine, dok 75% registrovanih privrednih subjekata nema pravni status koji bi omogućio poslovanje na celoj teritoriji Kosova. Između ostalog, to otežava planiranje kako budžeta opština tako i potrebnih sredstava za rad lokalnih preduzeća (*Gavrilović, 2015:8*).

Ekonomski i socijalni milje, kakav postoji na današnjem Kosovu, istovremeno naglašava nužnost promena i reformi i, istovremeno, nije povoljan za ove. To nam ukazuje i da će Briselski dijalog i normalizacija biti praćeni nizom rizika iz samog ekonomskog i socijalnog života. Slično je i sa Srbijom.

Iz ovog miljea dolaze kontraverzni signali: Jedni koji podstiču na odvijanje i napredovanje normalizacije, i ,drugi, koji komplikuju i otežavaju dijalog i normalizaciju. To, pak, ukazuje da je ključna uloga ekonomskog, političkog i državnog vođstva i da od njihovih kapaciteta zavisi brzina i kvalitet rešenja.

U odnosu na ostvarivanje ukupne ekonomske i društvene reforme Kosova i Srbije, dijalog i normalizacija imaju neposredno pozitivne učinke. Oni olakšavaju i ubrzavaju ove. Najpre, primena dogovorenih rešenja predstavlja usvajanje novih, evropskih standarda u oblastima od životnog interesa za ljude na Kosovu i u Srbiji (na primer, u unapređivanju i digitalizaciji javnih registara, povećanju mobilnosti ljudi, roba, usluga i ideja, podizanje kapaciteta carinskih i drugih službi itd).

Beograd je od Miloševića pa do maja 2015 godine vodio politiku budžetske podrške privrednim aktivnostima na Kosovu odnosno onim enklavama u kojima Srbi žive. Takođe, državnom intervencijom razne kompanije javne i privatne su upućivane na delovanje u pravcu finansiranja Srba kao i održavanja tako zvanih paralelnih institucija. Od 2005 godine se ova vrsta podrške smanjuje na teritorijom južno od Ibra, a od proglašenja nezavisnosti Kosova, kako zbog realnog sužavanja političkog prostora na Kosovu tako i zbog razornih posledica krize po ekonomiju Srbije smanjuje se ova vrsta podrške i na Severu Kosova. U okviru reformskih nastojanja Vlada Srbije pokuša-

va da promeni pristup i da podržava samo ono projekte i institucije koje mogu da ostvare samoodrživost razvoja. Ovakav pristup je najavljen na okruglom stolu „Region uspeha", održanom 29 maja 2015 godine, u organizaciji Kancelarije Vlade Srbije za KiM. Osnovne ideje ovog pristupa su prilagođavanje novo stvorenim okolnostima. Na primer, osnivanje tako zvanih ćerka firmi koje bi bile registrovane na Kosovu, po kosovskim zakonima, a za svoje delovanje dobijale podršku iz Srbije. Jedan vid podrške je da se za svakog zaposlenog na Kosovu ove firme oslobode plaćanja doprinosa za zaposlenog u Beogradu, da se na prodatih 1 evro na Kosovu dobija dodatnih 30 centi u Srbiji itd.

2. Infrastrukturno okruženje

2.1. Saobraćaj

Iako se Kosovo ne nalazi na trasi pan-evropskih koridora, povezano je sa njima, i to sa koridorom VIII autoputom „Ibrahim Rugova", koji spaja Prištinu sa Tiranom, a u toku su i radovi na povezivanju Prištine sa Skopljem i sa koridorom X (Tirana – Priština – Niš). Što se tiče severa, Kosovska Mitrovica nalazi se na raskrsnici trgovinskih puteva između severa i juga – magistralni put koji prelazi preko jezera Gazivode danas je povezuje sa Crnom Gorom i Jadranskim morem, a magistralni put Priština-Mitrovica spaja sever sa ostatkom Kosova i trenutno je u fazi rekonstrukcije, koja se finansira iz zajma od *Saudijskoarabijskog fonda za razvoj.* I pored kapitalnih investicija u putnu infrastrukturu od 1999., mreža puteva na severu je nedovoljno razvijena, a zbog svojih topografskih karakteristika ne omogućava brzu vezu sa regionom.

Železnička veza sa Srbijom i Makedonijom postoji, ali ne i sa Albanijom i Crnom Gorom. Od jeseni 2013. Železnice Srbije ponovo servisiraju liniju Beograd – Kraljevo - Kosovska Mitrovica, dok od Mitrovice liniju dalje servisiraju „Železnice Kosova". Nakon ovog pomaka (maja 2014 godine) saobraćaj se, i dalje, odvija samo do Zvečana. To se pravda štetama nastalih usled poplava i bujica iz maja 2014 godine. U skladu sa direktivom EU, Kosovo je tokom 2011. restrukturiralo železnicu i razdvojilo preduzeće koje se bavi infrastrukturom (InfraKos) od preduzeća koje se bavi operacijama (InfraTrain). *Evropska banka za obnovu i razvoj* nedavno je odobrila proširivanje zajma Vladi Kosova za rehabilitaciju železničkog pravca sever-jug, od Leška do granice sa Makedonijom (deo oko administrativne linije predviđen je poslednji za izgradnju). Reč je o projektu od strateškog značaja, jer je ta pruga deo železničkog koridora deset, ali zbog štete nastale 1990-tih danas je na pojedinim delovima skoro neupotrebljiva.

Kosovo ima dva domaća aerodroma (u Đakovici i Podujevu) i jedan međunarodni, u Prištini. Od 2010, u 20-godišnju koncesiju tursko-francuskom konzorcijumu. Nacionalni avio-prevoznik je „Kosova Airlines", koji leti na jedanaest destinacija. Direktni letovi sa aerodroma postoje za gradove u Albaniji, Hrvatskoj, Sloveniji, Austriji, Švajcarskoj, Nemačkoj, Francuskoj, Švedskoj, Norveškoj i u Turskoj.

Kosovo ima devet graničnih i šest prelaza na liniji razdvajanja sa Srbijom: Brnjak, Jarinje, Merdare, Mutivoda, Bela Zemlja i Mučibaba. U sklopu tehničkog dijaloga Kosova i Srbije, tokom 2011. i 2012. potpisani su sporazum, a zatim i tehnički protokol o zajedničkom upravljanju prelazima, ali je Srbija odlagala njihovo sprovođenje do jese-

ni 2012.[78] Srbija je kasnila u ispunjenju obaveza, pa su tako umesto do kraja oktobra 2012., svi prelazi konačno otvoreni u martu 2013. Druga faza sporazuma, koja podrazumeva izgradnju stalnih objekata na prelazima nije okončan ni u leto 2015 godine. Ova izgradnja je započeta 2013 godine, a izgradnja trajnih objekata poverena je izvođaču angažovanom od strane EK. Uspehom mešovite Grupe za primenu sporazuma (koju čine predstavnici Srbije, Kosova i EU) smatra se markiranje tačaka na osnovu dogovorenih koordinata, koje će služiti kao referentne za izgradnju trajnih objekata carinskih prelaza.

2.2. Upravljanje vodom, otpadom, zemljištem i životnom sredinom

U odnosu na ukupne potrebe za vodom na Kosovu, rezerve su relativno male i neravnomerno teritorijalno raspoređene, na štetu istočnog i jugoistočnog dela. Nema dovoljno istraživanja o rezervama podzemnih voda, koje se uglavnom koriste za privatne bunare. Prema prošlogodišnjem izveštaju EBRD-a, na Kosovu ne postoji sistem prečišćavanja otpadnih voda, dok svega 40% populacije, a manje od 10% ruralnog stanovništva ima pristup kanalizacionom sistemu. Sistem snabdevanja pijaćom vodom je gotovo nerazvijen, trpi značajne tehnološke i komercijalne gubitke, i ne dopire do velikog dela stanovništva. Naknade za vodosnabdevanje ne odgovaraju troškovima, a investicione potrebe ovog sektora su visoke.

Sa rekom Ibar i veštačkim jezerom Gazivode koje se delom nalazi u opštini Zubin Potok (a delom u opštinama Tutin i Novi Pazar), sever Kosova je bogat vodenim resursima. Međutim, bez obzira na to, vodosnabdevanje je nedovoljno dobro, jer se vrši kroz staru mrežu, te trpi tehnološke gubitke, dok nelegalni priključci i mali procenat plaćanja računa generišu komercijalne gubitke. Situacija sa tretmanom otpadnih voda je nepovoljna budući da se kanalizaciona voda iz urbanih i seoskih sredina izliva direktno u Ibar, bez prečišćavanja, ili u otvorene kanale. Time se kontaminiraju površine tla i podzemnih voda i povećava rizik od plavljenja, koje pak dovodi do toga da su i područja koja nisu povezana sa javnom mrežom i snabdevaju se iz sopstvenih izvora izložena povišenom riziku od zagađenja.[79]

U pogledu životne sredine, ključne probleme predstavljaju zagađenje vazduha, nedostatak i zagađenost vode, degradacija zemljišta i gubitak uloge ekosistema.

Kada je reč o otpadu, porast urbane populacije i nivoa ekonomskih aktivnosti dovodi do povećanih rizika po životnu sredinu na teritoriji celog Kosova, da je vrlo malo postignuto na polju odvajanja, recikliranja i obrade otpada. Stopa naplate naknade za odnošenje smeća neznatno je povišena tokom 2010 godine, ali je i dalje niska.

Na severu Kosova odlaganje čvrstog otpada vrši se na deponiji u Banjskoj. Sortiranje otpada i proces reciklaže su u početnoj fazi i potrebno je uraditi još mnogo da bi se dostigli standardi EU. Upravljanje otpadom u urbanim sredinama dodatno je otežano

[78] Sporazum je predvideo otvaranje šest privremenih prelaza, tri na teritoriji Srbije i tri na teritoriji Kosova, te odgovornost organa vlasti teritorije-domaćina za bezbednost pripadnika carinskih uprava suprotne strane.

[79] Zagađenje je poslednjih godina posebno pogodilo akumulaciono jezero Gazivode, koje vodom snabdeva nekoliko susednih opština i grad Prištinu (kroz kanal koji vodi preko Gračanice), a koje se koristi i za navodnjavanje zemljišta u centralnom delu Kosova.

zbog visoke gustine naseljenosti i povećane privredne aktivnosti. Ovaj region je, kao posledica ranijih rudarskih aktivnosti, zagađen olovom, cinkom, kadmijumom, arsenom, srebrom i drugim materijalima.

Loše stanje životne sredine na Kosovu rezultat je nekontrolisane gradnje stambenih i industrijskih objekata, korišćenja zastarelih tehnologija, posebno u eksploataciji prirodnih resursa, zagađivanja vodenih tokova potpunim odsustvom sistema za prečišćavanje vode, i akumulacije čvrstog i industrijskog otpada. Najveće ugrožavanje životne sredine na Kosovu potiče od rudarsko-metalurškog kompleksa „Trepča", TE „Obilić" i Fabrike betona u Prištini.

Teritorije Mitrovice, Zvečana i Leposavića posebno su ugrožene i nakon zatvaranja pogona „Trepče", zbog jalovine razasute po celom kraju, kao i zbog nagomilanih ostataka metala i pepela u napuštenoj fabrici, što kroz zagađenje vazduha, zemljišta i lanca ishrane direktno ugrožava zdravlje ljudi.

Upravljanje zemljištem, unapređenje zemljišnih poseda i podizanje njihove vrednosti, predstavlja važan uslov za privlačenje investicija. Za uspešno upravljanje zemljištem je neophodno postojanje katastarskih evidencija. Prvi korak u tom pravcu je predaja Kosovu katastarskih dokumenata za teritoriju Kosova, koji se od 1999 godine, nalaze u opštinama u centralnoj Srbiji.

3. Telekomunikacije i mediji

Kosovo je slabo pokriveno fiksnom telefonijom, a stopa ove pokrivenosti je među najnižim u Evropi. Tako je, 2010 godine, zabeleženo da je oko 74% populacije Kosova pretplaćeno na usluge mobilne telefonije.

Na Kosovu je uvedena konkurencija u telekomunikacionom sektoru, pa su tako licencirani operateri fiksne telefonije Pošta i Telekomunikacije Kosova (PTK) i IPKO telecommunications. Isti operateri pružaju i usluge mobilne telefonije i interneta. Licencirani operateri za mobilne virtuelne mreže su Z Mobil i D3 Mobil. Po podacima iz 2010 godine. Internet ima oko četvrtina kosovskih domaćinstava.

Poštanske usluge pruža Pošta i Telekomunikacije Kosova (PTK) koja još nije privatizovana.

Kosovo ima 22 televizijske stanice (od toga 3 nacionalne), 9 novina i 92 radio stanice. Očekuje se pad ovog broja usled opadanja donatorskog finansiranja.

U vezi sa informisanjem stanovnika srpskog porekla, tokom 2013. godine Nezavisna komisija za medije licencirala je srpski TV kanal Radio televizije Kosova (RTK 2).

Pet privatnih televizija sa severa Kosova dobijalo je podršku Republike Srbije, ali i ona vremenom opada, te njihovi vlasnici imaju bojazan da će, ako budu morali da se oslone isključivo na finansiranje iz prihoda marketinga, morati da ugase svoje stanice.

I dok je situacija sa elektronskim medijima i dalje takva da gotovo svaka opština ima svoju radio-stanicu ili čak i televiziju, kada je reč o štampanim medijima, srpska zajednica informišu se na maternjem jeziku isključivo iz dnevnih novina čije je sedište u Beogradu.

4. Industrija

4.1. Energetika

Glavni izvor energije na celom Kosovu je električna energija. Pored značajnih potencijala za proizvodnju električne energije,[80] Kosovo ima ozbiljnih problema u zadovoljavanju rastućih potreba za električnom energijom i prinuđeno je da uvozi između 10 i 15% ukupnih potreba za strujom.

Od ukupno proizvedene električne energije, 90% se proizvodi u pogonima Kosovske elektroenergetske korporacije KEK, „Kosovo A", koja je izgrađena korišćenjem sovjetske tehnologije 60-tih godina prošlog veka, i „Kosovo B", izgrađena 80-ih prošlog veka. Obe termoelektrane koriste ugalj za proizvodnju struje, a budući da je „Kosovo A" veliki zagađivač životne sredine neki delovi su stavljeni van funkcije i planira se kompletno gašenje do 2017 godine, te izgradnja nove elektrane (TE „Novo Kosovo", poznate i kao „Kosovo C").

Da bi odgovorilo zahtevima standarda EU, Kosovo će morati da znatno uveća korišćenje obnovljive energije. To podrazumeva proizvodnju 20% energije iz obnovljivih izvora, povećanje proizvodnje energije na vetar za 20% i smanjenje emisije ugljen-dioksida za isti procenat.

Kosovo nema izvore gasa, niti je povezano sa linijama gasovoda, a gas se koristi isključivo u butan -bocama. Godišnje uvozi oko pola miliona tona naftnih proizvoda, raspolože jednom rafinerijom koja podmiruje manje od 4% ukupnih potreba,.

Od alternativnih izvora, na brdu Goleš u blizini prištinskog aerodroma, jedan nemački investitor gradi farmu vetrenjača. Potencijali za izgradnju ovih farmi postoje i u centralnom delu Kosova.

S obzirom na broj sunčanih sati godišnje, Kosovo može da razmišlja i o solarnoj energiji. Isto važi i za ideje o dobijanju enegije iz biomase i iz geotermalnih izvora.

Energetski sistemi Srbije i Kosova razvijali su se u okvirima jedinstvene države – Jugoslavije. Ovi sistemi raspolažu prirodnim izvorima energije: ugalj, nafta, gas, voda; dele geografski položaj Srbije za tranzit struje, nafte i gasa. Tek povezivanjem elektroenergetskih sistema Kosova i Albanije 400 kV vodom taj sistem dobija na značaju kao tranzitni potencijal.

Postojeći energetski sistemi nisu u mogućnosti da odgovore izazovu obezbeđenja sigurnog snabdevanja energijom svojih potrošača i neizvesnosti u sledećem periodu. Kako se energetska bezbednost može obezbediti samo saradnjom u regionu potrebno je identifikovati koji su mogući oblici saradnje energetskih sistema Srbije i Kosova.

U ovom trenutku oba sistema imaju potrebu za kupovinom električne energije. Zbog toga je od značaja uspostavljanje tranzita Srbija Kosova na 400 kV. U ovom trenutku za Kosovo je važan ovaj pravac jer je isti predstavlja mogućnost snabdevanja električnom energijom sa tržišta. Što se tiče Srbije ovaj pravac dobija na značaju završetkom dalekovoda 400 kV Kosovo Albanija. Sav tranzit za snabdevanje električnom energijom Kosova i Albanije ići će kroz mrežu Srbije, što znači naplatu tranzita.

[80] Rezerve mrkog uglja (lignita) procenjene na između 11 i 14 milijardi tona jedne su od najbogatijih u Evropi.

Kosovo se suočava s ozbiljnom rizicima, uključujući i mesece restrikcija, zbog svoje energetske slabosti, nesposobnosti da proizvede dovoljno električne energije.

Kosovo ima značajan problem sa razvijanjem svojih energetskih potencijala usled veoma loših uslova postojeće infrastrukture, značajnih investicija koje treba uložiti kao preduslov za postojeće energetske izvore, nejasnog pravnog statusa skoro svih lokacija. Ipak, postoji određeni interes inostranih kompanija da razviju njegove rudnike, dok je Makedonija ponudila Kosovu da razmenjuje ugalj za električnu energiju.

Izrađen je sveobuhvatan plan razvoja kako bi se popravio postojeći kosovski energetski sektor, a kao ključ rešenja predviđena je privatizaciju energetskog sektora (*Energy, 2011*). Međutim, sve dok postoji spor povodom statusa Kosova ne može biti značajnog napretka u pogledu energetskih zbivanja na Kosovu i u njegovom neposrednom okruženju. Čak i po scenariju vrlo uspešne privatizacije kosovskog energetskog sektora visoki investicioni rizici će usporavati restrukturiranje, razvoj i optimizaciju energetskog sektora.

Realizacija Briselskih sporazuma može značajno doprineti regulisanju međusobnih odnosa i saradnje u dugoročnom period. Saradnja bi trebalo da se bazira na ekonomskim interesima ravnopravnih partnera; komercijalnim ugovorima o razmeni/kupovini/tranzitu električne energije i komercijalnim ugovorima o izgradnji gasovoda i korišćenju /tranzitu/ prodaji gasa.

4.2. Rudarstvo i metaloprerađivačka industrija

Važan potencijal privrednog rasta Kosova predstavljaju obilna rudna bogatstva. Trenutno su kosovske rezerve lignita, pete po veličini na svetu, pretežno netaknute. Takođe, pokretanje eksploatacije bogatih rezervi olova, cinka, srebra i magnezijuma doprinelo bi porastu zapošljavanja i privrednom rastu. To važi i za rezerve azbesta, hroma, mermera i kvarca. Prepreka ovome je nezavršena privatizacija, koja koči ulaganja, bez kojih je nemoguće pokrenuti ovu, kapitalno zahtevnu, granu industrije.

Kosovske fabrike metalurške industrije iz vremena Jugoslavije su mahom prestale da postoje, i zamenjene su manjim, dok je nekoliko velikih privatizovano. Danas metaluršku industriju čini oko 80 preduzeća koja ukupno imaju obrt od oko 80 miliona evra (od kojih samo dva velika – bivša „Zastava – Ramiz Sadiku", danas „Kosova Steel Group", i „Ferronikel" na centralnom Kosovu), zapošljavaju oko 2,500 ljudi i izvoze proizvode u 15 zemalja.

U metaloprerađivačkoj industriji, na Kosovu, najveći broj kompanija bavi se osnovnom proizvodnjom i preradom metala (otkovke, armature, krovne rešetke i slično), proizvodnjom limova, kovanog gvožđa, stepenica i drugih građevinskih komponenti, opreme za grejne i ventilacione sisteme, alata i mašinske opreme, i dr. Budući da Kosovo uvozi metalnu robu u vrednosti od oko 180 miliona evra, ovde postoji veliki potencijal za razvoj, što posebno može biti od značaja za sever Kosova.

4.3. Mašinska i građevinska industrija

U okviru mašinske industrije značajno mesto imaju: Fabrika amortizera u Prištini, čija je privatizacija danas predmet istrage komisije Skupštine Kosova; na severu, Fabrika zglobnih ležajeva „Prva petoletka" u Leposaviću, čija je privatizacija nedavno

započeta; Fabrika mašina, delova i komponenti „Lola-Fot" iz Leška koja je sve do maja 2015 godine odlično radila, da bi tada došla pod udar „lokalnih moćnika" koji su doveli do ostavke rukovodstva kao i do zaustavljanja rada fabrike. Najverovatnije u cilju zaustavljanja privatizacije i „preuzimanja" fabrike mimo zakona; Fabrika rezanog alata „Lola" iz Gazivoda i fabrika „Gradac" iz Brnjaka, koja proizvodi solarne panele i opruge.

Građevinska industrija poslednjih godina je jedan od najvažnijih sektora u kosovskoj ekonomiji. i predstavlja veoma važan ekonomski potencijal Kosova, imajući u vidu potrebe za izgradnjom novih stanova i putne infrastrukture. Fabrika cementa Šarcem najveća je fabrika cementa na Kosovu, u vlasništvu grčke Titan grupe (iako ima navoda o njihovom povlačenju od kako je Vlada Kosova 2012. ukinula porez na uvoz cementa od 35%), ali ona ne zadovoljava potrebe za cementom, pa i ovde može biti prostora za razvoj.

4.4. Drvna, papirna industrija i industrija nameštaja

Šume prekrivaju oko 40% površine Kosova i predstavljaju važan resurs – za drvnoprerađivačku, papirnu, industriju nameštaja, za ogrev, kao izvor lekovitog bilja i dr.

Drvna i papirna industrija smeštene su u područja bogata šumama – Peć, Dečani, Istok, Priština, Podujevo, i proizvode daske, panel ploče i ivericu, parket, vrata, prozore, stolice, stolovu, razni nameštaj, papir, i drugo. Na severu Kosova posluje fabrika lameliranog nameštaja Simpo u Zubinom Potoku, koju je Simpo iz Vranja, ugovorom poklonio Raško-prizrenskoj eparhiji.

Stručne studije ukazuju na to da bi Kosovo moglo imati daleko više koristi od ovog resursa, uz pravilno upravljanje.

4.5. Tekstilna industrija

Tekstilna industrija je za vreme Jugoslavije bila drugi sektor po veličini na Kosovu, sa 15 preduzeća koja su zapošljavala više od 1,000 radnika, pri čemu je prodaja dostizala iznos od 35 miliona dolara.[81]

U ovom sektoru ima prostora za investitore koji bi pomogli da Kosovo ponovo proizvodi gotove proizvode od tekstila i prodaje ih u regionu. U oblasti tekstilne industrije posebno atraktivno za investitore su niska cena rada i visoka stručnost radnika, kao i izvesni nivo postojeće tehnološke opremljenosti pogona i malih radionica, te niz mogućnosti za podizvođačke angažmane u regionu i izvan njega.

5. Poljoprivreda i stočarstvo

Oko 60% stanovništva Kosova je seosko, poljoprivreda zapošljava između 25% i 35% ukupno zaposlenih, a poljoprivredno obradivo zemljište čini oko 53% celokupne teritorije. I pored toga, poljoprivreda u BDP-u učestvuje sa svega 12,9%. Poljoprivredna proizvodnja je u velikoj meri mešovitog tipa, radi se po veoma zastarelim, tradicio-

[81] Najpoznatije fabrike tekstila bile su „Kosovka" (danas, „Kosovatex") iz Prištine, „Polet" iz Vučitrna, „Emin Duraku" (danas, „Jatex") iz Đakovice i druge, sa proizvodima od pamuka, vune, sintetike i dr. Na severu Kosova, u Zubinom potoku, postoji fabrika košulja „Javor", istureni deo ivanjičke istoimene fabrike zapošljava 57 radnika koji šiju košulje i šalju ih u Ivanjicu, za dalji izvoz u Holandiju.

nalnim metodama, pa je veoma neefikasna. Stočni fond je skoro nestao, poljoprivredna mehanizacija je oštećena, a oprema za proizvodnju neosposobljena.

Na severu Kosova postoje veliki prirodni potencijali za razvoj svih vrsta poljoprivrede. Problemi obuhvataju nizak nivo obrazovanja zemljoradnika, fragmentirano poljoprivredno zemljište, nedovoljne ili neodržavane irigacione sisteme, niske kapacitete za obradu i marketing poljoprivrednih proizvoda, nizak nivo korišćenja prirodnih potencijala i resursa i nizak nivo razvijenosti ruralne infrastrukture, kao i veliki broj neregistrovanih gazdinstava.

Stočarstvo se, kao i poljoprivreda, susreće sa otežanom nabavkom sirovina i reporматerijala, nedovoljnom primenom zootehničkih mera, slabom opremljenošću insfrastrukturnim sadržajem i zastarelim pristupom. Da bi se sa individualne prešlo na visokoproduktivnu proizvodnju potrebno je ulagati u specijalizovana gazdinstva, mini-farme, koje raspolažu samoodrživim resursima, potrebno je ustanoviti mrežu kontrole i veterinarske zaštite, kao i tragati za rešenjima kroz udruženja proizvođača.

6. Turizam

Kosovo ima značajne potencijale za zimski i banjski turizam, koji nisu dovoljno iskorišćeni.

Sa svojim visokogorskim ambijentom, ski centar Brezovica u rangu je poznatih evropskih ski centara i najatraktivniji je turistički centar na Kosovu. Sve ski staze imaju FIS sertifikate i pogodne su za organizaciju skijaških takmičenja,. Nalazi se severozapadnoj strani Šare, u opštini Štrpce, na nadmorskoj visini između 900 i 2,500 metara, i udaljen je 60 km od Prištine i od Skoplja. Iako najznačajniji resurs industrije turizma Kosova, zbog nerešenih vlasničkih odnosa u vezi sa ugostiteljskim objektima i zbog neodržavanja infrastrukture, Brezovicu poslednjih godina u zimskoj sezoni posećuje svega par stotina gostiju.

Najnoviji napori Vlade Kosova u vezi sa razvojem ovog turističkog centra uključuju usvajanje u Skupštini Kosova prostornog plana i, zajedno sa opštinom Štrpce, pokretanje projekta razvoja Brezovice, kao i poziv stranim investitorima uz obećanje podrške Vlade Kosova. Procene Vlade su da će ovaj projekat razvoja privući oko 250 miliona evra, i da će otvoriti 4,000 novih radnih mesta.

Sever Kosova bi trebalo da se više orijentiše na banjski (termalni izvori u Zvečanu), na planinski (Leposavić), kulturni, edukativni i lovački turizam i turizam u vezi sa sportovima na vodi (Zubin Potok). Ali, za sada, ova ova privredna grana je, na severu, skoro nepostojeća, a infrastruktura za turizam izuzetno skromna.

7. Spoljnotrgovinska razmena

Podaci iz marta 2013 godine ukazuju da svega 11,4% kosovskog uvoza pokriveno izvozom, a da se najviše izvoze metal i metalni proizvodi, proizvodi od ostalih minerala, prehrambeni proizvodi, pića i duvan, tekstil, guma i biljni proizvodi. Najviše se izvozi u Italiju, Albaniju, Makedoniju i Nemačku, a najviše se uvozi iz Makedonije, Nemačke, Srbije i Turske. Negativni trgovinski bilans, pored ranije pomenute sive ekonomije i crnog tržišta, predstavlja otežavajući faktor za razvoj ekonomije Kosova. Osim

toga, niska konkurentnost kosovske proizvodnje i izvoz orijentisan prevashodno na sirovine loše utiču na perspektive privrede. Kosovo je članica CEFTA-e, a od 2009. postalo je i članica Svetske banke i Međunarodnog monetarnog fonda. Trgovinski režim na Kosovu je neutralan i jednostavan, ali bez porasta proizvodnje i konkurentnosti, sama liberalizacija trgovine nije dovoljna da smanji trgovinski deficit.

U cilju unapređenja trgovinskog bilansa Kosova, Vlada Finske je, preko programa UNDP, pomogla razvoj trgovine u vrednosti od oko milion i po evra, i tom prilikom definisala pravce mogućeg razvoja kosovske trgovine, tako da od toga koristi imaju siromašni slojevi stanovništva. U tom smislu, osnovan je Garancijski fond za mikrokredite, sprovedeni programi obuke i umrežavanja malih privrednika za razvoj poslovanja, a deo sredstava upućen je Ministarstvu trgovine za unapređenje izvoza.

8. Tržište rada

Najznačajniju uporednu prednost kosovskog tržišta rada, kada su u pitanju radnointenzivne delatnosti, predstavlja najniži nivo cene rada u regionu (jednako kao i u Albaniji). Međutim, ova prednost odnosi se na niskovalifikovanu radnu snagu, dok je visokokvalifikovana znatno skuplja. U tom smislu, nameće se zaključak da, sa stanovišta privlačenja stranih investicija, u kratkoročnom i srednjoročnim periodu fokus treba da bude na privlačenju proizvodnje koja zahteva niskokvalifikovanu radnu snagu, dok na duži rok cilj treba da bude izmena ove slike u korist visokokvalifikovanih radnika.

Danas je nezaposlenost na Kosovu oko 45%, a na severu, po nekim svedočenjima, i do 70%. I pored toga što neki od formalno nezaposlenih ipak rade u neformalnom sektoru, ova stopa je alarmantna, a nezaposlenost posebno pogađa žene i mlade. Pritisak na tržište rada dodatno će se povećavati zbog činjenice da je populacija Kosova najmlađa u Evropi, a budući da je tržište nesposobno da apsorbuje toliku ponudu, veliki broj mladih unapred je osuđen na život u siromaštvu.

Osnovni uzrok nezaposlenosti je niska potražnja za radnom snagom. Zapravo, privatni sektor Kosova je slab, većina zaposlenih radi u mikro-preduzećima, u sektorima koji nemaju visoku stopu dodate vrednosti, kao i na niskokvalifikovanim poslovima. Većina preduzeća je u stagnaciji, pa ni izgledi za povećanje potražnje za radnom snagom nisu veliki.

9. Privatizacija

Na osnovu Rezolucije SB UN 1244, uprava na teritoriji Kosova poverena je 10. juna 1999. privremenoj administraciji UN. Postupajući po ovlašćenjima iz Rezolucije i u skladu sa *Uredbom o ovlašćenjima privremene administracije na Kosovu* i *Uredbu o pravu koje se primenjuje na Kosovu* koje je doneo SP GS UN, 1999. Godine. U stvari *Uredba o pravu koje se primenjuje na Kosovu*, utvrđuje da je važeće pravo *Uredbe Specijalnog predstavnika Generalnog sekretara UN i zakone koji su važili na Kosovu do 22. marta 1989,*[82]

[82] Ove odredba se odnosi na privatizacije društvenih preduzeća na Kosovu koje su se odvijale posle usvajanja amandmana na Ustav Srbije marta 1989 godine, ukoliko su ti postupci bili diskriminatorni, a isto pravilo primenjuje se i na izvršene preregistracije i integracije društvenih preduzeća.

Reč je o tome da su nakon što je Skupština AP Kosovo 23. marta 1989. (nakon glasanja čija je proceduralna valjanost predmet polemika) dala saglasnost na amandmane na Ustav SRS (koji su pet dana kasnije usvojeni u

kao i zakone koji su stupili na snagu posle ovog datuma, ako nisu diskriminatorski ni po jednom osnovu, i ako su u skladu sa međunarodno utvrđenim standardima ljudskih prava.

Uredbom iz juna 2002. SPGS UN osniva Kosovsku poverilačku agenciju (KPA), kao nezavisno telo, čija su ovlašćenja da upravlja javnim i društvenim preduzećima, kao i preduzećima koje ta preduzeća osnuju.

U nadležnosti KPA našla su se preduzeća koja su registrovana i čija je stvarna kontrola na teritoriji Kosova, kao i aktiva koju takva preduzeća imaju na teritoriji Kosova (ako se ona nalazi na Kosovu i ako se njome od 10. juna 1999. upravlja nezavisno od aktive koja se nalazi van Kosova). Osim navedenih, u nadležnosti KPA našla su se i industrijska i trgovinska preduzeća koje su na osnovu odluke Specijalnog predstavnika Generalnog sekretara UN poverena na privremeno upravljanje UNMIKU (što ne utiče na njihov budući status i ne ograničava fizička i pravna lica da dokazuju svoje pravo svojine), javna komunalna preduzeća u nadležnosti opština, kao i zemljište i nepokretnosti u vlasništvu opština, poštanska i telekomunikaciona preduzeća, preduzeća vazdušnog, kopnenog, putnog i železničkog saobraćaja i preduzeća iz oblasti poljoprivrede i veterine, šumarstva i ruralnog razvoja.

Kada je reč o nekadašnjim društvenim preduzećima koja su po Zakonu o svojinskoj transformaciji RS transformisana u neki drugi oblik svojine, njihova transformacija smatra se pravno valjanom samo ako je izvršena pre 22. marta 1989 godine, ili posle tog datuma, ako je obavljena u skladu sa važećim zakonom i na nediskriminatoran način.[83]

Proces privatizacije odvijao se tako što je KPA bila ovlašćena da osniva akcionarske podružnice preduzeća i da na njih prenosi aktivu, te da likvidira društvena preduzeća – tzv. *spin-off* model privatizacije. Na taj način je KPA formirala tzv. nove kompanije, nova akcionarska društva na koja je prenosila samo „zdrav" kapital preduzeća, dok je pasiva ostajala starom preduzeću, koje se likvidira. Prihodi od privatizacije upućuju se u Privatizacioni fond, osnovan sa prvenstvenim ciljem namirenja eventualnih vlasničkih potraživanja, kao i potraživanja poverilaca, uključujući tu i bivše zaposlene, koji imaju pravo na petinu ukupnih prihoda. Fondom upravlja KPA (danas KAP) i on nije deo budžeta, niti mu je svrha razvojna.

Proces privatizacije na Kosovu pravno je zasnovan na Uredbi kojom se osniva Kosovska poverilačka agencija i određuju njena ovlašćenja, na Uredbi kojom se osniva Posebna komora Vrhovnog suda kao drugostepeni organ za sporove nastale u vezi sa

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skupštini Srbije, a kojima se ograničava autonomija autonomnih pokrajina), donošeni zakoni čije su odredbe bile diskriminatorske prirode. Takav je, primera radi, Zakon o posebnim uslovima prometa nepokretnosti (Službeni glasnik SRS 30/89 i Službeni glasnik RS 22/91), koji predviđa da promet nepokretnosti mora imati odobrenje Uprave za imovinsko-pravne poslove, koje će ona izdati kada oceni da „se tim prometom ne utiče na promenu nacionalne strukture stanovništva ili na iseljavanje određenog naroda ili narodnosti i kad oceni da se tim prometom ne utiče na promenu nacionalne strukture stanovništva, ili na iseljavanje pripadnika određenog naroda", a koja se ne odnosi na teritoriju Vojvodine, ili zakon koji na sličan način ograničava promet poljoprivrednog zemljišta. Sličnu diskriminaciju predviđa i odredba čl. 32a *Zakona o prometu nepokretnosti AP Kosovo* (*Službeni list AP Kosovo*, br. 45/81, 29/86, 28/88), koji zabranjuje promet nepokretnosti „'koji se vrši u cilju iseljavanja pripadnika naroda i narodnosti sa teritorije AP Kosovo".

[83] U periodu 1989–99. Republika Srbija uvodila je „privremene mere", kojima je smenjivala direktore i radničke savete, kao i sastav zaposlenih u društvenim preduzećima, čime je omogućavala transformaciju društvenih preduzeća na Kosovu, tj. privatizaciju licima (najčešće srpske nacionalnosti) koja su bila u poziciji da je izvrše, zahvaljujući svom položaju unutar tih preduzeća, do koga su došli „privremenim merama" diskriminatorne prirode.

procesom privatizacije i administrativnom uputstvu kojim se uređuje njeno delovanje, na Uredbi o promeni prava na korišćenje nepokretne imovine u društvenoj svojini, kao i na internim aktima KPA kojima se dodatno razrađuju navedena akta. Navedenom Uredbom o promeni prava na korišćenje nepokretne imovine u društvenoj svojini menja se bilo koje pravo na korišćenje nepokretne imovine registrovane na ime preduzeća u društvenoj svojini, koje je preneto na podružnicu preduzeća u društvenoj svojini, u pravo zakupa na 99 godina (koji uključuje državinu, upotrebu, podzakup, čak i pravo da uvede hipoteka, ali ne i prenošenje, osim nasleđivanjem za fizička lica i nekim od načina sukcesije za pravna lica, odnosno institut sličan *leasehold*-u, u angloameričkoj pravnoj tradiciji). Primenom instituta zakupa na 99 godina donekle se odgovorilo na zamerke Beograda i predstavnika kosovskih Srba da UNMIK prekoračuje svoja ovlašćenja upravljanja, te da raspolaže imovinom. Nakon donošenja kosovskog Ustava, zakonom je osnovana Kosovska agencija za privatizaciju (KAP), kao sukcesor Kosovske poverilačke agencije (a koju ne priznaju vlasti Republike Srbije). Od osam kancelarija KAP, tri se nalaze u području sa većinskim srpskim stanovništvom (u Štrpcu, Leposaviću i Gračanici), a srpska zajednica ima i svog predstavnika u Odboru direktora. Za pravni okvir privatizacije na Kosovu značajna je 2011. godina, tokom koje je doneto tri zakona: *Zakon o KAP*, *zakon kojim se uređuje delovanje Posebne komore Vrhovnog suda*, kao i *Zakon o reorganizaciji pojedinih preduzeća i njihove aktive*, tzv. *Zakon o Trepči*, kojim se predviđa uspostavljanje javno-privatnih partnerstava i davanje koncesija.

U dosadašnjem toku privatizacije privatizovano oko 70% društvenih preduzeća, dok je privatizacija državnih preduzeća počela tek 2010 godine i odvija se izuzetno sporo, posebno na severu. Prihodi od privatizacije od oko 650 miliona evra zamrznuti su u Privatizacionom fondu, zbog nerešene vlasničke strukture.[84]

U smislu **doprinosa ekonomskom razvoju** Kosova, privatizacija se kritikuje sa aspekta odabira *spin-off* modela privatizacije, prodaje po višestruko niskim cenama, kao i zbog toga što je reč o promeni „univerzalno" postavljenih od strane predstavnika međunarodne zajednice bez ikakvog prilagođavanja lokalnim potrebama i okolnostima.

Srbija sa svoje strane osporava izvršenu privatizaciju na Kosovu ističući da nije poštovano to što upravo Srbija polaže prava na vlasništvo na preduzećima u društvenoj i državnoj svojini. Takođe, Beograd ukazuje i na zabrinutost za prava pripadnika srpske zajednice na Kosovu. Međutim, pretenzije Srbije na pravo svojine na društvenim i državnim preduzećima na Kosovu, Priština i međunarodni predstavnici, dovode u pitanje zbog nepostojanja jasnog određenja titulara društvene svojine. Takođe, akteri privatizacije na Kosovu su uložili veliki trud da osiguraju pravnu zaokruženost privatizacije, te i poštovanje svojinskih prava.

10. Regionalna saradnja

Konferencija o Zapadnom Balkanu i prioritetima njegovog budućeg razvoja u svetlu pridruživanja EU, koja je održana u Berlinu, 28 avgusta 2014 godine je pokrenula

[84] Neke procene ukazuju da postoji između 50 i 60 hiljada potraživanja po osnovu oštećene ili nelegalno prisvojene imovine na Kosovu.

mnoga značajna pitanja pre svega usredsređena na investicije, infrastrukturu, konkurentnost odnosno transparentnost i predvidljivost poslovnog okruženja (Vidi: *Dodatak 25)*. Time je započet tzv. Berlinski proces u kome su se aktivirale vlade i udruženja privrednika (privredne komore).

Unutar ovog procesa se dogovaraju brojni izuzetno važni projekti izgradnje putne i železničke mreže; projekti investiranja u energetsku bezbednost ali i u podizanje veština i profesionalnosti, transparentnosti u borbi protiv korupcije.

Organizovanje i ubrzavanje tako zvanog Berlinskog procesa je omogućeno dogovorimo o primeni *Akcionog plana za Zapadni Balkan 6*) postignutim na Bečkom forumu 27 avgusta 2015 godine.[85] Posebno važni rezultati ovog foruma su: osnivanje Komorskog investicionog foruma ZB (KIF ZB); podrška uključivanju predsednika privrednih komora u rad nacionalnih investicionih komisija (NIK); ustanovljenje zajedničkog Foruma privrednih komora Zapadnog Balkana za programiranje regionalnih projekata u oblasti infrastrukture, energetike i energetske efikasnosti; srednjeg stručnog i celoživotnog obrazovanja; investiranja u zelene tehnologije, antikorupcije, dostupnosti izvorima finansiranja; Regionalna škola za stručno obrazovanje (Regional Vocational School – RVS) sa sedištem na Kosovu; Forum za inovacije i izuzetnost i dr.

Od značaja je neposredno unapređenje ekonomije su inicijativa za formiranje konzorcijuma regionalnih građevinskih preduzeća za zajednički nastup na trećim tržištima; razvoj regionalne dugoročne strategije Zapadnog Balkana za poljoprivredna istraživanja i inovacije i razvoj poljoprivrednog informativnog centra. Takođe, projekti unapređena elektroenergetske i gasne infrastrukture kao i set projekat za izgradnju putne i železničke infrastrukture duž Koridora VIII i X. Procena je da su, u Beču, dogovoreni projekti vrednosti 550 miliona evra.

Za unapređenje ekonomija i stvaranja uslova za regionalnu saradnju Srbije i Kosova posebno se važni sledeći projekti: izgradnja auto – puta Niš – Priština – Tirana, odnosno Crno more – Jadransko more; modernizacija železničke pruge Niš – Doljevac – Merdare – Priština; elektrifikacija železničke trase X (Lepovo – Kraljevo – Frushe Kosovo / Kosovo polje – Ferizaj / Uroševac – Skopje; obnova avio saobraćaja.

Značaj ostvarivanja projekata u okviru Balkan šestorke pored neposredne koristi u povezivanju zemalja regiona ima i dugoročniji efekata podizanja značaja zapadno balkanskog tržišta i investicija u ovaj region kao za evropske tako i za druge investitore. Sa političke i institucionalne starne, ovaj program zahteva učestalost susretanja i zajedničkog rada političara i vlada, a to pored ostalog dovodi i do harmonizovanja zakonodavstava, institucionalnih i proceduralnih rešenja.

Od posebnog značaja je to što dolazi i do redovne saradnje kompanija, poslovnih ljudi i njihovih udruženja.

[85] U radu Foruma su učestvovali Johanes Hahn, EU komesar za politiku evropskog susedstva i pregovore o proširenju; premijeri zemalja Zapadnog Balkana i članica EU kao i ministar za ekonomske poslove; predstavnici međunarodnih investicionih institucija (Evropska investiciona banka, Evropska banka za rekonstrukciju i razvoj i Svetska banka); predstavnici investitora iz EU i predstavnici privrednih komora Zapdnog Balkana i EU.

V. PREPORUKE ZA UNAPREĐENJE NORMALIZACIJE ODNOSA SRBIJE I KOSOVA

Briselski dijalog, koji se vodi između Beograda i Prištine se *Rezolucija GS UN*, od oktobra 2013 godine, odredila je kao normalizacije, odnosno „normalizacija je u funkciji uspostavljanja mira, bezbednosti i stabilnosti Zapadnog Balkana, promocije saradnje, prednosti uključivanja u EU za poboljšanje uslova u kojima ljudi žive. U stvarnosti, to su mnogi koraci na dugom putovanju koje treba da učine obe strane".

Dosadašnji trend Briselskog dijaloga je dobar. Ali, još uvek, nije garantovan konačni uspeh. Složenost procesa normalizacije obavezuje strane na uočavanje i upravljanje rizicima, koji bi mogli da ugroze uspešnost procesa normalizacije. Posebno, strane ne bi smele da gube iz vida da u etnički podeljenim društvima integracija izaziva duboka, emotivna pitanja među Albancima i Srbima. U takvim okolnostima i sasvim mali nesporazumi mogu lako da izazovu nasilje (*Rashiti, 2015: iii*). U cilju postizanja konačnog uspeha potrebno je obratiti na mnoga pitanja, a među ovima i na sledeća:

- teška ekonomska i socijalna situacija na Kosovu koja pogađa i Albance[86] i Srbe,[87] kao i sve druge stanovnike Kosova;
- nestabilnost političkog života i samih vlada, koja bi mogla da bude povećana napretkom u dijalogu;
- zaoštrena politička borba uz porast radikalizma i ekstremizma, kako na Kosovu tako i u Srbiji, a i u EU;
- otpori promeni *status quo-a* koje pružaju interesne i političke grupe koje su profitirale na dosadašnjem stanju;
- rizici od jačanja i međusobnog povezivanja ili pothranjivanja organizovanog kriminala, ekstremizma pa i terorizma;
- odsustvo poverenja Srba, posebno sa severa Kosova u kosovske institucije i međunarodnu zajednicu, što je rezultat prethodnih loših iskustava (pre svega finansijsko pravne prirode, na primer, raskid radnog odnosa radnika UNMIK administracije u Mitrovici kada su radnici poslati kućama bez obrazloženja i nikada im nije isplaćeno 6 zaostalih plata – 2006. godina);
- po oceni Vlade Kosova, „nezakonito uplitanje vlasti Srbije na Kosovu", koje se manifestuje kroz imenovanje privremenih veća srpskih vlasti u opštinama na Kosovu.[88]

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[86] Rezultati i analize projekta „*Kosovski sistem za rano upozoravanje*", pokazuje da je više od 40 odsto kosovskih Albanaca spremno, da bez obzira na status, ode sa Kosova. Razlog takve odluke je činjenica da je životni standard većine, daleko ispod onog od prije deset godina (*Hajdari, 2015*) .

[87] Većina Srba sa severa Kosova nezadovoljno je postojećim stanjem i pesimistična u pogledu budućnosti. Građane češće brinu ekonomski nego politički problemi. Pri tome mali broj građana smatra da su oni odgovorni za postojeće stanje i to obrazlažu time da oni nedovoljno učestvuju u političkom životu. Srbi sa severa Kosova su veoma malo upoznati s odredbama Briselskog sporazuma (naime, 77% anketiranih nije uopšte ili je malo upoznato sa Sporazumom) i za to mahom krive vlast u Beogradu. Bez obzira na to, većina smatra da sporazum nije imao značajniji efekat na njihov život ili čak da je negativno uticao i to pre svega na bezbednost građana. Osnovna dobit se očekuje u oblasti ekonomije i zapošljavanja. Kao najpozitivnije ostvarenje ocenjuje se ZSO, a od nje se očekuje rešenje najvećih problem, posebno u ekonomiji. Ali se i strahuje da će formiranje ZSO povećati uticaj Kosova (Šta misle Srbi na severu Kosova, 2014:5,25).

[88] Naime, Vlada Srbije je, krajem 2014 godine, donela odluku o nastavku delovanja privremenih odbora u opštinama sa srpskom većinom na Kosovu. U nekim od tih opština, kao što su Leposavić, Štrpce, Zvečan i Zubin Potok, na čelu tih odbora su gradonačelnici opština koji su izabrani na izborima koje su organizovale vlasti u Prištini (*Tahirijeva pisala EU zbog Srbije 2015;Tahiri, 2015a; Pismo, 2015; Realizacija, 2015)*.

Početak 2015 godine je najavio turbulentnu godinu na Kosovu i povratak pitanja Kosova na vrh političke agende Srbije.[89] Pri tome, stanje na Kosovu je nestabilno i složeno, odnosno došlo je do zaoštravanja političkih i socijalnih sukoba, kao i do pojačavanja politizicaje pitanja Kosova u Srbiji. To je dovelo do zatezanja odnosa između Beogarda i Prištine, što, samo po sebi, ne čini povoljan okvir ni za dijalog, ni za primenu dogovorenog.

U prvoj polovini 2015 godine pokazalo se da postoji snažna frustracija na svim stranama, ali su tri događaja posebno važna: otvaranje spora oko vlasništva „Trepče"; zamrzavanje rada predstavnika Srba u Vladi Kosova i tzv. egzodus Albanaca sa Kosova.

Prvi povod za političko sukobljavanje Prištine i Beograd je bio Rudarsko – hemijskog – metalnog kombinata „Trepča" (u daljem tekstu: Trepča).[90] Trepča je, kroz mrežu kooperanata, zapošljavala, krajem devedesetih godina prošlog veka, preko 22 hiljade radnika, a danas oko 1,500 radnika albanske i oko 1,200 radnika srpske nacionalnosti, u podvojenim sektorima preduzeća: jedan se nalazi u južnom, a drugi u severnom

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[89] Predsednik Srbije Nikolić je u emisiji „Teška reč", TV Pink, podsetio da Vučića početkom februara u Briselu očekuje težak sastanak sa novim kosovskim vlastima, pri čemu je izneo stav da će premijeru biti potreban stav Skupštine Srbije o tome šta može da zastupa, a šta ne. Nikolić je, takođe, ocenio da ne treba prihvatiti zahtev Brisela za ukidanje svih paralelnih institucija na severu Kosova. Po Nikoliću, rešenje za Kosovo je referendum na kojem bi narod rekao šta je to ispod čega Srbija ne može da ide u briselskim pregovorima. Kako je istakao, ako bi građani rekli da se potpiše nezavisnost Kosova, on bi otišao sa svoje funkcije. Tom prilikom je Nikolić najavio i da sprema novu Političku platformu, koju će predložiti Vladi kako bi se na osnovu nje sačinila rezolucija Skupštine (*Jelovac 2014*). Od tada, pa do danas (april 2015 godine) Nikolić je najavljivao svoju Platformu, ali još uvek je nije predstavio javnosti. On je dramatizovao pitanje granica i statusa Kosova i uspeo da ga nametne kao jednu od najvažniji tema za 2015 godine. Time se stvara predstava da se vlada i predsednik ne slažu po tom pitanju (u novinskim intervjuima) ideje iz njegove *Platforme* (*Jelovac, 2014; Nikolić dramatizovao priznanje KiM, 2014),* o čemu je već bilo reči u ovoj analizi . Zapravo, Nikolić nije tada, a ni kasnije, ponudio ništa suštinske novo rešenje za Kosovo, ali ipak unosi nekoliko političko – proceduralnih novina: prvo, premijer, pre pregovora u Briselu, bi trebalo da se obrati Skupštini (to se jednom već dogodilo, kada su Nikolić, Dačić i Vučić preuzeli pregovore oko Kosova od Borisa Tadića i Borislava Stefanovića); drugo, protivljenje primeni onog što je već dogovoreno u Briselu - ukidanju paralelnih institucija; treće, predlaganje ideje o održavanju referenduma kada se od Beograda traži nešto što je izvan okvira Nikolićeve *Platforme.* To je inače ideja kojoj je Slobodan Milošević pribegao, 1999 godine, kada je nastojao da svoju političku odgovornost za promašaje na Kosovu i u Rambujeu prenese na „narod".

Iako nije ponudio ništa suštinski novo, Nikolić je uspeo da nametnuta tema Kosovo kao najvažniju tema za 2015. godinu, a s obzirom na sve druge probleme u Srbiji će za Vladu i premijera Vučića biti veliki teret (*Jelovac, 2014).* Istovremeno, to je korespondiralo sa jačanjem rasta antievropske a i proruske desnice u Srbiji.

[90] Kombinat „Trepča" imao je vodeću ulogu u ekonomije Kosova, dok su Kosovo i Srbija bile u sastavu bivše Jugoslavije. Na primer, 1986 godine, „Trepča" je zapošljavala 10.000 radnika i 9.000 industrijskih radnika je bilo zaposleno u društvenim preduzećima povezanih sa „Trepčom". Zato je „Trepča" imala značajnu društvenu ulogu u međuetničkim odnosima. U „Trepči" su 64% zaposlenih bili Albanci, a 29% Srbi. Broj Albanaca se značajno smanjivao krajem osamdesetih godina prošlog veka, kada je upravu nad Kosovom preuzela Miloševićeva administracija. Ali, ekonomski „Trepča" je sve vreme svog postojanja bila neodrživa: Ona je absorbovala ogromne investicije, ali je novac bio enormno trošen, što je proizvodilo gubitke. Što se tiče investicija, u periodu 1985–1990 godina, 82% od svih investicija za Kosovo iz Jugoslovenskog fonda za razvoj nerazvijenih išlo je na „Trepču", u kojoj je radilo samo 9% zaposlenih u društvenim preduzećima na Kosovu.

Uspon Miloševića na vlast praćen je snižavanjem stepena autonomije Kosova, a na to je odgovor bio štrajk rudara „Trepče", od kojih su mnogi bili otpušteni ili uhapšeni. Ukupni broj zaposlenih Albanaca je, do 1995 godine, sveden na 1,200.

Međunarodne uprava je, 2003 godine, zatvorila „Trepču" objašnjavajući to ekonomskim i ekološkim razlozima. Međutim, Republika Srbija je nastavila da finansira deo „Trepče" koii je na teritoriji opština na Severu Kosova pretežno nastanjenim Srbima. Trepča" postaje izvor zarada za 15,000- 20,000 Srba koji žive u tim opštinama od čega oko 3,000 – 4,000 u statusu zaposlenih, plus finansiranje raznih „paralelnih struktura" (zdravstvo, obrazovanje i administracija) preko ovog preduzeća. Procena je da ovo finansiranje dostiglo preko 24 miliona evra. Međutim, iako je reč o ogromnom novcu, a ukupni gubitak „Trepče" je procenjen na preko 400 miliona evra, Mitrovica je postala grad koji umire (*Järvenpää Minna, 2014:* 2, 3).

delu Mitrovice. Zapravo, Kombinat je, 1999. godine, podeljen po etničkom, a ne tehnološkom principu – gde je južnom pripalo oko 70% kapaciteta, četiri rudnika, uključujući i najveći Stari trg. Zbog nefunkcionisanja topionice olova u Zvečanu, u severnom delu, kao i cinka, proizvodni kapaciteti se realizuju samo do faze koncentrata.

Vlada Kosova nije privatizovala „Trepču" i njom upravlja Kosovska privatizaciona agencija (KPA) i Posebna komora Vrhovnog suda. Nerešena situacija ne pogoduje oživljavanju preduzeća.

S obzirom na broj ljudi koje zapošljava, i s obzirom na to da isplaćuje plate od oko 350 evra, a za visokokvalifikovane radnike i 900 evra, Trepča je značajna za stanovništvo severa Kosova. Zbog toga Vlada Srbije i zahteva da se pitanje Trepče što pre nađe na dnevnom redu briselskih pregovora.

Posle više godina oklevanja Vlada Srbije je odlučila da preduzme ozbiljniji korak. Na to je, 17 januara 2015 godine, odgovorila Vlada Kosovo odlukom da se pripremi zakon o preuzimanju „Trepče". Na to je odgovorila vladina kancelarija za Kosovo stavom da neće prihvatiti „jednostrano preuzimanje" jer je većinski vlasnik „Trepče" Fond za razvoj Republike Srbije.[91] Ministar za privredu Željko Sertić je potvrdio da su dobijena četiri pisma zainteresovanosti i to iz Mađarske, Kanade, Švajcarske i SAD, te da će Vlada Srbije, ukoliko Vlada Kosova ne opozove svoju odluku, nastaviti proces privatizacije „Trepče" (Izvor: *Audio. „Konferencija za novinare Kancelarije za Kosovo i Metohiju povodom pitanja kombinata Trepča,na www.Tanjug.rs*).

U spor oko „Trepče" uključili su se političari, zaposleni kao i drugi građani sa Severa učešćem na protesnim skupovima.

Drugi povod je neprimeren javni nastup Aleksandra Jablanović ministra za zajednice i povratak u Đakovici, kao i, kasnije, njegovo smenjivanja od strane Vlade Kosova.[92] To je bio povod da opozicija, pre svega *Samoopredeljenje*, organizuje, 10, 17, 23 i 27 januara 2015 godine, proteste protiv Jablanovića i Vlade Kosova. Na protestima je opozicija napala i neodlučnost Vlade Kosova da preuzme, da „nacionalizuje" Trepču, uz tvrdnje da je to i zbog vladinog popuštanja pred zahtevima Srba i Srbije.

Protesti, od 23 januara 2015 godine, su doveli do obračuna policije i protestanata. Mediji i Vlada su oštro osudile „vandalizam" protestanata, što je dodatno motivisalo opozicione stranke da, 27 januara 2015 godine, organizuju još masovnije proteste. Odgovor policije na provokacije protestanata je bio žestok, te je 107 ljudi ranjeno i preko 200 protestanata je uhapšeno.

Pod pritiskom javnosti, premijer Isa Mustafa, je 3. februara 2015, saopštio da je smenio Jablanovića, a da će predlog Zakona o Trepči biti prosleđen Skupštini Kosova

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[91] Po mišljenju zvaničnika iz Beograda, Srbija odnosno Fond za razvoj Republike Srbije je većinski vlasnik „Trepče", odnosno da je 56% kapaciteta. Poseban problem za Vladu Srbije predstavlja to što od rada „Trepče" zavisi oko 4000 zaposlenih - Srba i 20000 njihovih članova porodice. Uz to, u ovom momentu. „Trepča" ima dugove oko 400 miliona dolara.

[92] Aleksndar Jablanović je prilikom proslave Pravoslavnog Božića, otišao u Đakovicu u pratnji Đokice Stanojević, koji je bio gradonačelnik ovog mesta u doba Slobodana Milošević i za koga stanovništvo veruje da je bi direktno uključen u zločine protiv Albanaca. Inače, u Đakovici su tokom 1998–1999 vođen žestoke oružane borbe srpskih snaga i OVK a stotine civila je pogubljeno u masakrima.

Protiv dolaska Srba u Đakovicu organizovan je protest građana u kome su autobusi koji su vozili Srbe kamenovani. Tom prilikom je Jablanović, ministar u Vladi Kosova, nazvao protestante „divljacima".

(Deda, 2015). To je, pak, bio povod da *Srpska lista* i Beograd dogovore zamrzavanje rada, u Vladi, predstavnika Srba.[93] To se, 5 februara 2015 na sastanku premijera Srbije i srpskih članova Vlade Kosova, pretvorilo u privremeni bojkot kosovskih institucija od strane srpskih predstavnika, od februara do 30 aprila 2015 godine kada su se u Skupštinu Kosova vratili poslanici srpske poslaničke grupe i to njih šest. Međutim, tri poslanika Srpske liste sa severa Kosova nisu sledila dogovor o povratku u institucije Kosova. Kako bilo da bilo, ali tokom prve polovine 2015 godine samo su dva Srbina – članova parlamenta (Nenad Rašić i Slobodan Petrović) u potpunosti učestvovali u radu skupštine Kosova *(Lost in Stagnation, 2015:16)*.

U napetoj situaciji koja je prethodila trilateralnom sastanku visoke predstavnice EU za spoljnu politiku i bezbednost Frederike Mogerini sa delegacijama Beograda i Prištine, u Briselu, 8 i 9 marta 2015, parafiran je sporazum o pravosuđu. Bio je to prvi sastanaka, posle skoro deset meseci, na kojemu se delegacije predvodili novoizabrani premijeri Aleksandar Vučić i Isa Mustafa. To je bio i prvo sastanaka sa novu komesarku Fredericu Mogerini. Posle serije sastanaka na najvišem nivou (aprila, juna i jula 2015 godine) pripremljeno je nekoliko sporazuma (o otvaranju novih prelaza, o ukidanju naplate osiguranja na prelazima, o energetici, o telekomunikacijama, o ZSO, koji bi mogao biti potpisani u toku leta – jeseni 2015 godine, a, najverovatnije, i do usaglašavanja i potpisivanja *Drugog sporazuma o principima*. Ovim bi se uspostavili osnove za najefikasniji odgovor na postojeće rizike: za Kosovo, taj odgovor predstavlja vizna liberalizacije za Kosovo i otvaranjem perspektiva SPP; za Beograd to je otvaranje prvog pregovaračkog poglavlja, a to je *Poglavlje 35*; za obe strane: to je i uspostavljanjem odgovarajućeg „bezbednosnog paketa", koja podrazumeva intenziviranje saradnje Srbije i NATO, sa jedne, i snaženje saradnje bezbednosnih institucija Srbije i Kosova, sa druge strane. Jednom rečju, s obzirom da je socijalno – politički okvir u kome će se, tokom 2015 godine, odvijati dijalog i proces normalizacije izuzetno nepovoljan, važno je da se dijalog što pre prenese u nadležnost „sektora za pridruživanje" odnosno u pregovore po pojedinim poglavljima.

Prethodni prikaz političkih (ne) prilika potvrđuje samo jedan nalaz da u situaciji narastajuće političke nestabilnosti vođstvo obe strane mora uložiti povećani napor da održava dijalog, poput okretanja pedala na biciklu. Kad se stane sa okretanjem pedala, pada se sa bicikla. To je pouka koju valja imati u vidu. S toga je obaveza da se povećavaju kapaciteti, ulaže pojačana energija da bi se opstalo kao vođstvo i da bi se održao kurs ka „evropskoj budućnosti". Ove (ne) prilike su nam potvrdile i da „evropska budućnost" samo po sebi nije dovoljna motivacija. Dakle, nužan je obrt u odnosu na dosadašnje politike, koji se sastoji u usvajanju stava da se problemi u odnosima Beograda i Prištine rešavaju pre svega zbog same Srbije i Kosova, a ne zbog toga što zahteva EU ili SAD ili zbog toga što će oni to „nagraditi", kako se uglavnom dosada ponašalo vođstvo Srbije i Kosova.

[93] Vlada Srbije se, preko izjave direktora Kancelarije za Kosovi i Metohiju u Vladi Republike Srbije Marka Đurić, 3 februara 2015, suprotstavila odluci Vlade Kosova da smeni Aleksnadra Jablanović, tvrdeći da ovaj nije kriv za ono što ga deo albanske javnosti optužuju. Tada je rečeno da „Srbija ne prihvata ponižavanje" srpskih predstavnika u kosovskim institucijama i da preduzeti konkretne mere.

U tom cilju valja ukazati da je dosadašnje iskustvo da što je nivo dijaloga viši to je niži nivo **transparentnosti** (*Deda, 2013:17-18*), s toga bi vlade i drugi organi nadležni za sprovođenje Briselskog sporazuma treba da omoguće uslove za redovno informisanje javnosti, i podnošenje izveštaja skupštinama lokalnih samouprava i skupštinama (*Realizacija, 2015).* Ponašanje Beograda, Prištine a i Brisela, često, nije u skladu sa ovim značajem procesa normalizacije. Naime, umesto da se opredele za proaktivnu politiku pri dobijanju saveznika u političkim i socijalnim grupama u među Albancima i Srbima na Kosovu kao i u Srbiji oni su se opredelili za politiku „birokratske tajnovitosti". Javnost se krajnje oskudno i površno informiše o samom dijalogu a i o procesu primene dogovoreno. Pribegava se metodologiji „uterivanja demokratije" odnosno stvaranja tako zvane nove realnosti na koju je javnost prinuđena da pristane.[94] Neobaveštena javnost je i neaktivna javnost i s tog stanovišta je posao birokrata olakšan, ali ova javnost je i podložna manipulaciji. To pak otežava primenu dogovorenih rešenja, a izaziva i nepotrebne, a često opasne bezbednosne i političke probleme i otpore. Do sada je cena ovakvog pristupa plaćanja kroz odugovlačenje, pothranjivanje sumnje u dijalog i proces normalizacije kao i otvorenog suprotstavljanja ovima odnosno „evropskoj budućnosti".

Informacija i javna debata su samo srce komunikacije u podeljenom društvu kakvo je Kosovo. Zbog toga bi trebalo **podržavati slobodnu razmenu informacija** (vesti, analiza, fotografija, video materijala itd) kako o srpsko – albanskim odnosima tako i o samom dijalogu i procesu normalizacije.

U cilju sprečavanja privremene blokade procesa ili trajno napuštanje briselskog dijalog, Priština, Beograd i međunarodna zajednica bi trebali da promene odnosno prema obaveštavanju javnosti o toku dijaloga, o postignutim sporazumima kao i o rezultatima promene ovih sporazuma. **Informativna kampanja** bi trebala da bude osmišljena, koordinirana i intenzivna. Cilj ove kampanje bi trebalo da bude aktiviranje javnosti, u Srbiji i na Kosovu, u iznošenju ideja, predloga i stavova o putevima i sredstvima normalizacije odnosa Srbije i Kosova kao i o unapređenju dijaloga. Posebno mesto u ovoj kampanji bi trebalo da ima nevladin sektor, mediji i javnost.

Posebno je važno da pregovarači i fasilitator izvršavaju svoju obavezu **pravovremenog i objektivnog obaveštavanja javnosti** o toku dijaloga i procesa normalizacije. Posebno je važno da vodeći pregovarači izbegavaju nepotrebnu radikalizaciju i dnevnu politizaciju stavova, problema ili rešenja nastalih kroz dijalog. Ova obaveza, do sada, nije u potpunosti poštovana, a strane su, skoro po pravilu, interpretirale rezultate dijaloga samo u skladu s njihovim viđenjima i interesima (*Janjić, 2012:19*).

Do sada, **pojam „normalizacije"** je tumačen i korišćen kao „birokratsko tehnički pojam" koji se tumači zavisno od interesne tačke s koje tumači polaze. Time se ne dolazi do onoga što je suština ovog pojma a to je „normalizacija" odnosa *između* Srbije i Kosova, ali i „normalizacije" društava Srbije i Kosova. Takođe, gubila se povezanost ovih odnosa sa „evropskom budućnošću". Time što je tumačenje bilo suviše opšte, od procesa normalizacije načinjeno je „more bez obala".

[94] Primer za to je da su na na ključna dokumenta poput „Britansko – nemačkog Non-Papera", „Pregovarački okvir" i tzv. „11 nemačkih zahteva" u stvari na „Listu aktivnosti koje bi Beograd trebalo da preduzme da bi se otvorili pregovori o Poglavlju 35" stavljene oznake „službene tajne".

Neophodno je da se suzi ovo tumačenje i tako da se olakšaju dijalog i proces normalizacije. U tom cilju važno je da Beograd i Priština, uz podršku EU i SAD, utvrde kriterijume vidljivog i održivog napretka u svojim odnosima. Reč je o nekoj vrsti „tablice" koja bi ukrstila „bench marks" iz svih međusobno povezanih poglavlja i *Poglavlja 35*.

Strane bi trebalo da **posmatraju primenu sporazuma kao sastavni deo dijaloga, a ne kao kolateralnu štetu.** Neophodno je omogućiti koordinaciju i raščišćavanje „u hodu" problema koji se javljaju prilikom implementacije. Između ostalog, to zahteva proaktivnu ulogu strana, posebno reaktiviranje EK koja se, pod vođstvom Frederike Mogerini i suviše oslanja na privlačnost „evropske budućnosti" za Beograd i Prištinu. Takođe, potrebno je i podizanje kapaciteta pregovaračkih timova kao i pojačanje aktivnosti Oficira za vezu i njihovih kancelarija. Preporučujemo da se razmotri i mogućnost uspostavljanje zajedničkog telo koje bi činili predstavnici Beograda i Prištine, pod pokroviteljstvom EK, čiji bi zadatak bio da nadzire i koordinira primenu dogovora.

Preporučuje se **intenziviranje kontakta između donosioca odluka i stvaralaca javnog mnjenja na Kosovu sa predstavnicima lokalnih zajednica sa severa Kosova**. Ovaj zadataka bi trebalo obavesti i uz uključivanje organizacija i inicijativa civilnog društva, medija, stručne javnosti. Po potrebi, poželjno je da se u ove kontakte uključe i predstavnici vlasti i civilnog društva iz Srbije.

S obzirom na postojeće okolnosti u Srbiji i na Kosovu ne bi trebalo očekivati **potrebne ustavne promene,** već bi što više pitanja trebalo rešavati na tzv tehničkom nivou uz promene zakona i odgovarajućih podzakonskih akata. Istovremeno, potrebno je da se sveobuhvatno i pažljivo prouče postojeći pravni i institucionalni okviri u Srbiji i na Kosovu koji su od uticaja na primenu sporazuma. Takođe, trebalo bi ohrabriti i podržati otvaranje javne rasprava o potrebama promena pravnog i institucionalnog okvira, kao i pripremati javnost za uspsotvaljanje političkog konzenusa za promene ustava i zakona, u Srbiji i na Kosovu.

Neophodno je da se posebna pažnja obratiti **izgradnji** svojevrsnog „**bezbednosnog paketa**". Ovaj paket bi trebalo da sadrži kompleksne mere ljudske ali i opšte bezbednosti. Pored ostalog, on bi uključio nadgledanje pravne, političke i bezbednosne aktivnosti svake od strana, razvijanje saradnje između institucija Srbije i Kosova, kao i njihove saradnje sa EULEX i KFOR. Posebno je važno da se unapredi poverenje i saradnja Srba sa Kosova i EULEX i KFOR.

Od posebnog značaja je unapređenje saradnje sa NATO. Zbog toga se preporučuje otvaranje, pre svega u Srbiji, **javne rasprave o prednostima koje članstvo u NATO pruža** u odnosu na rizike koje nose odnosi Beograda i Prištine, kao i pogoršavanje bezbednosnih okolnosti u ovim zemljama, u regionu pa i u Evropi i njenom okruženju.

Primena Briselskog sporazuma i **napredovanje procesa integracije Srba u pravni i institucionalni okvir Kosova**, pojačava potrebu Srba na Kosovu da rade zajedno, da stave na stranu razlike i da nastoje da kombinuju svoje političke snage sa podrškom cele srpske zajednice (*Gallucci, 2015*). To bi trebalo da se iskaže i kroz efektivno upravljanje opštinama, zajednicom opštinama kao i drugim institucijama od značaja za održanje i razvoj srpske nacionalne zajednice. To nalaže i da se, što je više moguće, stave sa strane opšta politička pitanja poput statusa i da se prihvati realnost u kojoj je trenutno pitanje broj jedan da opstanu na Kosovu i da sačuvaju svoj srpski identitet.

ZSO je značajno dostignuće dijaloga i važan instrument integracije Srba u Kosovo. Zbog toga je potrebno da se pristupni doslednoj i potpunoj promeni dogovorenih rešenja. Obaveza i pravo je Prištine, EU i Beograda da aktivno podrže uspostavljanje i efikasno funkcionisanje ZSO. U tom cilju je potrebno da se pažnja posveti podizanju kapaciteta, uključujući obuke i treninge ljudi koji će raditi u telima ZSO. O nameće i potrebu jačanja kapaciteta lokalnih zajednica za saradnju u ZSO.

S obzirom da ZSO ne pruža dovoljno **efikasne instrumente garantovanja manjinskih prava** Srba potrebno je da se traže odgovarajuće rešenja i za ovaj problem.

Od pomoći u ovom nastojanju mogu biti neka rešenja iz *Ahtisrievog paketa*, a tiču se jačanja zastupljenosti Srba u javnom i političkom životu, očuvanja i razvoja kulturno i etničkog identiteta, kao i statusa i zaštita prava SPC. Preporučuje se da ova pitanja budu deo Briselskog dijaloga koji bi potvrdio ona dobra rešenja koja postoje i omogućio da se razradi strategija manjinske politike Kosova i da se uspostave pravne garancije za korišćenje prava srpske zajednice na samoorganizovanje i samo-administriranje.

Potrebno je pristupiti **integraciji „podeljenog grada" Mitrovice**, jer njegovo ostajanja u sadašnjem statusu pothranjuje međuetničke tenzije i ozbiljne ekonomske i bezbednosne probleme. Budućnost Mitrovice je od kritičnog značaja za integraciju Srba sa Severa Kosova kao i za postizanje bezbednosti i ubrzanog razvoja Srba i Albanaca, odnosno svih lokalnih zajednica na severu Kosova. Potrebno je, uz aktivno učešće EU izraditi strategiju integracije Mitrovice. U prvoj fazi, fokus bi trebalo da bude na zajedničkim projektima i koordinativnim i nadzornim telima. U drugoj fazi, Mitrovicu bi trebalo organizovati kao gradsku zajednicu opština (južna i severna Mitrovica i Zvečan), koja bi imala i zajedničke institucije (skupštinu gradske zajednice, predsednika i zamenika kao i gradsko veće). Preporučuje se podrška aktivnostima građana, političkih stranaka, nevladinih organizacija, strukovinih i drugih udruženja sa ciljem razvijanja svesti o potrebi i prednostima saradnje u oblastima obrazovanja, zdravstvene zaštite, zaštiti i unapređenja okoline, upravljanja vodama i energetikom, razvoju infrastrukture i javnog saobraćaja. Od posebnog značaja je razrešenje pitanja „Trepče" nosioca razvoja u ovom gradu i u regionu Severa.

Polazeći od sadašnjeg ustavnog rešenja na Kosovu i Srbiji moguće je **unaprediti položaj srpske i drugih zajednica**. Posebno je potrebno da se samoupravu nacionalnih zajednica, na način na koji je to učinjeno u Srbiji. S toga se preporučuje se i da se **harmonizuju zakonodavstvo Srbije i Kosova o pravima i slobodama manjinskih zajednica i njihovih pripadnika**, uključujući i regulisanje prava na manjinsku samoupravu.

Preporučuje se i harmonizuju manjinska zakonodavstva u regionu (Albaniji, Crnoj Gori, Kosovu, Makedoniji i Srbiji). Ovom poslu bi od pomoći bilo angažovanje Kancelarije visokog komesara za nacionalne manjine OEBS-a, kao i Saveta Evrope.

Trebalo bi **aktivirati rudne, energetske i poljoprivredne potencijale** Kosova kako bi se osnažio i ubrzao ekonomski razvoj. Kosovo može i mora postati izvoznik gotovih proizvoda, a ne samo sirovina. Neophodna je **ekonomska i tehnička podrška** u izradi i ostvarivanju ostvarivih i održivih projekata samoodrživog ekonomskog razvoja. Ne bi trebalo podržavati i jačati ovisnost Kosova od spoljnjeg finansiranja jer bi to dovelo do degeneracije u zatvorenom krugu ovisnosti od spoljne pomoći. Neophodno je

da se osigura **bolja investiciona klima** i **transparentna privatizacija,** da se energično suzbije korupcija na svim nivoima, da se ojača vladavina prava i da se obezbedi kompetentnost i efektivnost javne administracije.

Preporučuje se Prištini, Beogradu i EU da razviju **sveobuhvatnu strategiju održivog ekonomskog razvoja severa Kosova i saradnje opština unutar Kosova i preko granice.** Neophodno je i da što pre počne dodela sredstava za projekte iz Fonda za sever Kosova. Potrebno je i da se ohrabre i podrže predstavnici opština sa severa Kosova da formiraju zajedničke radne grupe za izradu elaborata o prioritetnim problemi i potrebnim rešenjima u oblasti zaštite životne sredine, upravljanja otpadom i vodosnabdevanja, kao i plana aktivnosti na rešavanju nagomilanih problema, kroz saradnju sa nadležnim kosovskim ministarstvima, organizacijama civilnog društva koje se bave zaštitom životne sredine i sa međunarodnim donatorima. U ove radne grupe bi trebalo, po potrebi, uključivati i predstavnike južne Mitrovice, Vučitrna i Srbice.

Preporučuje se da se što pre kroz Briselski dijalog razreši pitanje **integrisanja platnog prometa na Kosovu** kao i **platnog prometa između Srbije i Kosova.**

Vreme je da se otvore i rasprave međusobna potraživanja Srbije i Kosova. Srbija od 2001. redovno otplaćuje kredite preduzeća sa Kosova nasleđena iz vremena SFRJ. Zapravo, Srbija je preuzela 858 miliona evra duga Kosova stranim poveriocima kao javnog duga. Reč je o dugu prema Svetskoj banci, Pariskom i Londonskom klubu poverilaca, Banci za razvoj Saveta Evrope CEB), Evropskoj investicionoj banci (EIB), Evropskom udruženju železnica (Eurofima), Vladi Kuvajta, neregulisanom dugu Libiji i klirinškom dugu prema Čehoslovačkoj.

Od 2002 do 31 decembra 2014 godine, Srbija je otplatila deo kosovskog duga od 547,95 milona evra i to: po osnovu glavnice 154,76 i kamata 393,19 miliona evra. S obzirom da će, za period 2015 – 2041 godina, pristiže dug koji po samo po osnovu glavnice iznosi 351,26 miliona evra (*Srbija i dalje otplaćuje kosovske dugove, „Politika", Beograd, 20 januar 2015*), za budžet i ekonomije Srbije i Kosova bilo bi dobro da se što pre ovo pitanje raščisti. To se odnosi i na međusobna potraživanja po drugim osnovima: privatizacija, energetike, telekomunikacija,imovinskog, životnog, penzijskog, socijalnog i zdravstvenog osiguranja itd.

Izvođenje „čistih računa" može samo da učvrsti poverenje, da olakša dogovore i da unapredi ekonomsku saradnju ali i poverenje među ljudima. Zato je bitno da se iznađe model, izvan sukcesionog, koji bi omogućio rešavanja ovih pitanja.

Ojačati regionalnu saradnju **tako što bi se jačala svest o potrebi saradnje kako bi se realizovali konkretni projekti** prekogranične saradnje na lokalnom nivou**,** koji bi omogućili da **sever Kosova postane generator regionalne saradnje.** Ovi projekti bi trebalo da se tiču podsticanje susreta, dijaloga, razmene kulturnih i drugih dobara. Takođe, posebnu pažnju, finansijsku, medijsku i drugu, valja posvetiti saradnji u oblasti turizma, agroturizma, saradnje malih i srednjih preduzetnika, podrški poslovnoj promociji žena i mladih preduzetnika, kao i zadovoljavanja određenih socijalnih potreba, poput podrške hendikepiranim, starim i siromašnim licima u angažovanju kroz socijalna preduzeća i na druge načine. Radi ostvarivanja ovih ciljeva bi trebalo razmotriti mogućnosti koje pruža koncept „mini evropskog regiona", kao instrument evropeizacije opština na severu Kosova i njima susednih opština u takozvanom trouglu Mitro-

vica (Kosovo) – Novi Pazar (Srbija) – Bjelo Polje (Crna Gora). Ovaj koncept bi se mogao ostvariti podsticanjem i podržavanjem saradnje građana i lokalnih zajednica preko sadašnjih granica podela.

U cilju stvaranja povoljnog ambijenta za razvoj svake od pojedinačnih zemalja kao i pripremanja Zapadnog Balkana za regionalnu saradnju kao i za buduću saradnju unutar EU. U to cilju što više pitanja ekonomske saradnje trebalo razrešavati u neposrednim kontaktima poslovnih ljudi, finansijskom i drugom (pre svega prenošenja znanja) podrškom razvoju infrastrukture i projektima malog i srednjeg biznisa, posebno razvoju kooperativa u poljoprivredi i domenu usluga. Potrebno je ohrabriti i podržati susret predstavnika poslovnih udruženja kao i predstavnika vlada u cilju definisanje zajedničkih projekata i to u okvirima definisanim Berlinskim procesom, odnosno izgradnje Zapadno Balkanskog BENELUXa ili Balkana šestorice.

Saradnja Srba i Albanaca na Zapadnom Balkanu je bitan elemenat stabilnosti i razvoja kako pojedinačnih zemalja u kojima pripadnici ovih nacija žive tako čitavog regiona Zapadnog Balkana. Postizanje stabilnosti i unapređenjem razvoja zemalja Zapadnog Balkana dovršava se širenje EU i NATO na čitavu teritoriju Evrope. U postizanju ovog cilja je za početak važno da politička vođstva Srba i Albanaca prednjače u procesu saradnje. Inspiraciju za ovu saradnju oni mogu naći i u iskustvima Francusko – Nemačkog pomirenja u Evropi posle Drugog svetskog rata. Takođe, preporučujemo da se koriste i iskustva Nemačko – Poljskog pomirenja. U cilju koordiniranja i podržavanja ovog procesa predloženo je uspostavljanje Instituta za Srpsko – Albansku saradnju, koji bi inicirao ključne projekte pokretače šire srpsko – albanske saradnje, ali i finansijski podržavao širenje ove saradnje. Preporučuje se Beogradu i Tirani da prednjače u ovom pravcu i da vlade i kompanije ovih zemalja formiraju inicijalni fond za uspostavljanje i delovanje Instituta. Institut bi u svoje projekta uključio i podršku srpsko – albanske saradnje u Srbiji i Albaniji ali i na Kosovu**.** Pozivamo EU i SAD kao i druge zainteresovane da se uključe u realizovanje ove saradnje.

Saradnja **civilnog sektora** Kosova i Srbije na niou pojedinačnih organizacija postoji sve vreme krize, ali se ova intezivira u poslednjih par godina. Efekti dosadašnjih komunikacija i saradnje civilnog sektora Srbije i Kosova su u mnogome simbolični. Potrebno je podsticati povećanje broja zajedničkih projekata organizacija civilnog društva iz Srbije i sa Kosova. Za novi početak trebalo bi organizovati jednu veliku zajedničku konferenciju NGO iz Srbije i sa Kosova, koja bi na temelju dosadašnjih iskustava usvojila zajedničku okvirnu platformu dalje saradnje.

Uloga medija i novinari, iz Prištine i Beograda, njihova međusobna komunikacija je nedovoljna i loša, s toga je neophodno pronaći način da se uspostavi redovna i otvorena veza između njih. Potrebno je podržati nastanak mreže koja bi povezivala medije sa Kosova i iz Srbije. Na taj način bi se došlo do objektivnijeg i sveobuhvatnijeg informisanja javnosti, pogotovo o situaciji i stavovima *Druge strane*. Sa svoje strane mediji i novinari moraju da preuzmu odgovornost za uticaj koji imaju na formiranje javnog diskursa, i da ukažu na to da dijalog ima i pozitivnu stranu.

U kontekstu procesa normalizacije odnosa Beograda i Prištine, a imajući u vidu uticaj koji ekonomski razvoj, a posebno ekonomska saradnja imaju na relaksaciju političkih tenzija, upućuju se sledeće **preporuke Vladi Srbije**:

Posebna pažnja trebalo da bude posvećena **mladima**, te inicirati njihove susrete, projekte obrazovanja i obaveštavanja o kako o svom društvu i zajednici, tako i o „Drugima", posebno o vrednostima održavanja etničkog identiteta u uslovima regionalne i evropske saradnje, o nacionalnim i evropskim vrednostima kao i o putevima razvoja, održavanja i osnaživanja ovih. U tom cilju valja podržati najrazličitije projekte: internet kafei; zajedničke radio i televizijske emisije; razmena pozorišnih predstava, muzičkih koncerata, slikarskih i drugih izložbi; unapređenje stanja fizičke kulture, amaterskog i univerzitetskog sporta, zajedničkih i regionalnih sportskih kampova i takmičenja, poput regionalnih liga univerzitetskog sporta; saradnje među univerzitetima kroz zajedničke obrazovne sadržaje, programe i regionalnu mobilnost predavača i studenata; povećanje broja stipendija za regionalnu mobilnost itd.

U cilju podizanja efektivnosti u vođenju dijaloga kao i u primeni dogovorenog, Vlada Srbije je 5 marta 2015 godine, svojom uredbom, osnovala Kancelariju za koordinacione poslove u pregovaračkom procesu sa privremenim institucijama samouprave u Prištini i Koordinaciono telo za taj pregovarački proces (vidi; *Tanjug, 05. 03. 2015 – 13–43h*). Ova mera je bila nužna. Posle potpisivanja *Sporazuma o principima* postoji potreba da se jasno odvoje timovi za tehnički i politički dijalog. Što je inače uradila Priština. Na strani Beograda, stanje je objektivno složenije nego na strani Prištine ali i nepotrebno haotičnije.[95] S toga bi, u dolazećoj rekonstrukciji Vlade Srbije, trebalo **reorganizovati i ovaj deo vlade Srbije**, posebno odvojiti poslove timova za politički i tehnički dijalog od poslova podrške i upravljanja srpskom zajednicom na Kosovu. Takođe, timove za dijalog bi trebalo povezati sa onima koji učestvuju u pregovorima o Poglavlju 35;

Pružanje **savetodavne i tehničke pomoći ZSO**: (a) pri formulisanju institucionalnih mehanizama međuopštinske saradnje, kao i saradnje sa susednim prekograničnim opštinama, (b) u izradi strategije ekonomskog razvoja i akcionih planova za opštine, sa posebnom pažnjom posvećenom profesionalnoj obuci,[96] (c) u izradi javne baze podataka o preduzećima – trojezičnog portala koji će olakšati njihovo predstavljanje potencijalnim partnerima, investitorima i donatorima.

Međunarodno prisustvo bi trebalo da ostane i dalje dovoljno snažno. Ovo prisustvo je ključno za upravljanje krizama i razrešavanje problema. Ali, ovo prisustvo bi moralo da bude mnogo efektivnije. Ono bi trebalo da se smanjuje u odnosu korelacije sa jačanjem kapaciteta Kosova za demokratsko upravljanje.

EU bi trebalo da koristi sva raspoloživa diplomatska sredstava unutar procesa pridruživanja Srbije EU i nastojanja Kosova da dobije viznu liberalizaciju i SSP da bi se ostvarila integracija Srba i Severnog Kosova u Kosovo, ali i da bi se ostvarila normalizacija odnosa Beograda i Prištine (*Jackson, 2011: 7)*.

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[95] Naime, Kancelarija za Kosovo i Metohiju, koja je par puta menjala svoj status od Koordinacionog tela, preko ministarstva do kancelarije, koja ima sledeće funkcije: učestvuje u upravljanju institucijama Republike Srbije na Kosovo, koordinira političko čak i stranačko organizovanje Srba, priprema politički dijalog i učestvuje u tehničkom dijalogu i primeni dogovora.

[96] Pri definisanju mera treba uzeti u obzir postojeća strateška dokumenta u vezi sa ekonomskim razvojem tog regiona – strategije razvoja Vlade Kosova, strategiju Vlade Srbije, strategiju Regionalne agencije za razvoj Kosova, kao i strategije međunarodnih razvojnih institucija (USAID, EBRD, i druge)

Radi uspeha procesa normalizacije, neophodna je **proaktivna i sinhronizovana akcija EU i SAD**. Međunarodna zajednica, naročito EU trebalo bi da nastavi svoju fasilitatorsku ulogu, ali i da ima, za razliku od sadašnjeg trenutka, proaktivnu ulogu, inicijativu u sprečavanju blokada procesa, nuđenje mogućih rešenja, poštovanje sopstvenih obaveza u procesu primene dogovorenih rešenja. Jedina formula uspeh intervencije EU jeste da EU i SAD govore jednim glasom.

VI DODACI

DODATAK BROJ 1

Osnovni sporazum između Srbije i Kosova

∗ nacrt ∗

Originalna verzija teksta je ne engleskom jeziku i smatra se jedinom važećom za tumačenje

Strane ugovornice Osnovnog/okvirnog sporazuma,

– Svesne svoje odgovornosti za uspostavljanje i održavanje mira i sigurnosti u regionu, na principima demokratije, slobode, vladavine prava, pravde i poštovanja ljudskih i manjinskih prava,
– Polazeći od istorijskih specifičnosti i ne obazirući se na različita gledišta na status Kosova,
– Sa željom da postupaju za dobrobit naroda i u interesu saradnje i stabilnosti u regionu,
– U cilju unapređivanja međusobnih dobrosusedskih odnosa,

Sporazumele su se o sledećem:

Član 1

Strane ugovornice će razvijati dobrosusedske odnose na principima nemešanja u unutrašnja pitanja i poštovanja međusobne teritorijalnog integriteta.

Strane ugovornice se obavezuju na punu primenu dogovora postignutih pod pokroviteljstvom Evropske unije (navedene u Dodatku A).

Član 2

Strane ugovornice potvrđuju da će rešavati sporove isključivo mirnim putem i uzdržavati se od pretnji ili upotrebe sile u skladu sa Poveljom Ujedinjenih nacija.

Član 3

Strane ugovornice postupaju pod pretpostavkom da nijedna od strana ne može predstavljati drugu u međunarodnim odnosima, niti delovati u njeno ime, kao i da su im ovlašćenja ograničena na njihovu sopstvenu teritoriju.

Član 4

Strane ugovornice izražavaju spremnost da dalje uređuju životno važna i humanitarna pitanja, što se posebno odnosi na rešavanje sudbine nestalih lica, povratka izbe-

glih i interno raseljenih lica, kao i za saradnju po pitanjima imovine, ekonomije, nauke i tehnologije, transporta, pravosuđa, poštanskog prometa i telekomunikacija, zaštite životne sredine, obrazovanja, medija i kulture, zdravstva i sporta, turizma i u drugih važnih oblasti.

Član 5

Strane ugovornice će razvijati prekograničnu saradnju između opština i zajednica, negovaće bratimljenje opština i uzajamnih odnosa, olakšavati slobodu kretanja između susednih zajednica i nastojati da smanje prepreke u njihovim međusobnim odnosima.

Član 6

Strane ugovornice su saglasne da uđu u pregovore o uspostavljanju novih graničnih prelaza, kao i da unaprede drumski, vazdušni i železnički saobraćaj između dve teritorije.

Član 7

Strane ugovornice se uzajamno obavezuju da na svojim teritorijama uspostave kancelarije za vezu.

Član 8

Strane ugovornice će poštovati sve nacionalne zajednice (manjine) na svojoj teritoriji, garantovati i štititi sva prava koja pripadaju nacionalnim zajednicama (manjinama) u skladu sa najvišim međunarodnim standardima, i stečena prava, pri čemu će posebno podsticati obrazovanje, kulturu, religiju, verska opredeljenja i jezik nacionalnih zajednica (manjina).

Demokratski izabrani organi nacionalnih zajednica (manjina), ili drugi oblici njihovog predstavljanja na obe strane, treba da doprinesu rešavanju praktičnih pitanja zaštite nacionalnih zajednice (manjina).

Član 9

Strane ugovornice koje teže da uđu u Evropsku uniju prihvataju da će poštovati principe decentralizacije i supsidijarnosti u radu na usaglašavanju svojih zakonodavstava sa standardima Evropske unije.

Član 10

Strane ugovornice su saglasne da njihovo članstvo u Ujedninjenim nacijama i drugim međunarodnim organizacijama ne podrazumeva implicitno priznavanje od druge strane, a na osnovu međunarodnog prava.

Član 11

Strane ugovornice se obavezuju da će se uzajamno podržavati u naporima da postanu članice Evropske unije.

Član 12

Ovaj Osnovni/okvirni sporazum stupa na snagu danom potpisivanja od strane predstavnika strana ugovornica.

DODATAK BROJ 2

Politička platforma za dogovore sa privremenim institucijama samouprave u Prištini

Republika Srbija će, s ciljem zaštite državnih interesa, u daljim dogovorima sa privremenim institucijama samouprave u Prištini polaziti od toga da svako rešenje, bilo opšteg ili nekog posebnog pitanja, o privremenom, prelaznom ili konačnom statusu Autonomne pokrajine Kosovo i Metohija, o položaju Srba u Pokrajini ili o zaštiti srpskog verskog i kulturnog nasleđa, mora da bude u skladu sa Ustavom Republike Srbije i Rezolucijom Saveta bezbednosti Ujedinjenih nacija 1244.

Republika Srbija, u dobroj veri (bona fide), teži nastavku razgovora sa predstavnicima PIS u Prištini, ubeđena u to da je trajno i održivo rešenje za Kosovo i Metohiju moguće dostići kroz iskreni dijalog dve strane.

Vlada će, radi utvrđivanja osnovnih okvira za razgovore sa predstavnicima privremenih institucija samouprave (PIS) u Prištini, predložiti Rezoluciju o osnovnim principima za političke razgovore sa predstavnicima privremenih institucija samouprave na Kosovu i Metohiji:

Rezolucija će biti zasnovana na sledećim elementima:

– da osnovna polazna premisa za razgovore sa PIS u Prištini na visokom političkom nivou bude da Republika Srbija, u skladu sa međunarodnim pravom, Ustavom i voljom građana, ne priznaje i nikada neće priznati jednostrano proglašenu „nezavisnost" Kosova;
– sva prava i nadležnosti koji kao rezultat pregovora budu priznati PIS u Prištini biće preneti zakonom na organe Autonomne pokrajine Kosovo i Metohija u skladu sa Ustavom, zakonima i drugim propisima Republike Srbije;
– da osnovna težnja tokom nastavka razgovora sa predstavnicima PIS u Prištini bude postizanje sveobuhvatnog rešenja, a da svi pojedinačni dogovori budu u skladu sa ciljevima državne politike utvrđenim Rezolucijom;
– da polazeći od činjenice da je Republika Srbija u dosadašnjem toku političkog procesa, uprkos i nakon nelegalne jednostrane proglašene nezavisnosti Kosova, svojim postupcima pružila PIS u Prištini ograničeni pravni i međunarodni subjektivitet i legitimitet, razgovori na visokom političkom nivou treba da budu vođeni o prevazilaženju institucionalnih paralelizama na području Autonomne pokrajine Kosovo i Metohija, ne zadirući u pitanje međunarodnog i državno-pravnog statusa PIS u Prištini. Cilj je uspostavljanje organa vlasti na području Pokrajine koji bi bili priznati od svih strana uključenih u proces i uspostavljanje čvrstih pravnih i političkih garancija na nivou Pokrajine i međunarodne zajednice za politička, teritorijalna i druga prava nacionalnih zajednica na čitavom području Pokrajine;
– da Republika Srbija posebno insistira na:

A) uspostavljanju Autonomne zajednice srpskih opština na Kosovu i Metohiji, koju bi činile teritorijalna autonomija četiri opštine severa Kosova i Metohije i druge opštine sa većinskim srpskim i manjinskim stanovništvom (npr. Gračanica, Štrpce, Gora itd.), zasnovane na posebnom Statutu o autonomiji Zajednice srpskih opština na Ko-

sovu i Metohiji i jemčene Ustavom pokrajine i javnom deklaracijom predstavnika međunarodne zajednice uključenih u proces;

- Izvorne nadležnosti i elementi unutrašnjeg uređenja Autonomne zajednice srpskih opština na Kosovu i Metohiji biće usaglašeni kroz politički dijalog.
- Republika Srbija smatra da ova autonomija podrazumeva postojanje izvornih nadležnosti u oblastima:
- prosvete (osnovnog, srednjeg i visokog školstva);
- zdravstva (svi nivoi zdravstvene zaštite);
- sporta;
- kulture;
- javnog informisanja;
- zaštite životne sredine, kreiranje i sprovođenje politike zaštite životne sredine i održivog razvoja;
- prostornog planiranja; isključiva nadležnost u regulaciji prostornog planiranja i mehanizama za upravljanje čitavim procesom, kao i u procedurama za procesuiranje zahteva i njihovo odobravanje;

isključiva nadležnost u regulaciji sistema za razvoj javnog zemljišta, što uključuje određivanje kriterijuma za namenu različite vrste zemljišta i za korišćenje zemljišta; isključiva nadležnost u upravljanju mehanizmom za utvrđivanje zakonitosti vlasništva nad zemljištem i nekretninama; isključiva nadležnost u kreiraju politike razvoja zemljišta i stanogradnje, upravljanje javnim površinama uz postojanje sistema efikasne administrativne intervencije u procesu izgradnje, prostornog planiranja i korišćenja zemljišta.

- poljoprivrede;
- šumarstva;
- vodoprivrede;
- lova, ribolova;
- pravosuđa (tužilaštva u prvom i sudstva u prvom i drugom stepenu, sudovi na području Autonomne zajednice srpskih opština na Kosovu i Metohiji bili bi ustanovljeni zakonima na nivou Pokrajine, ali bi sporazumom koji proistekne iz političkog procesa bilo utvrđeno da zakon mora da predvidi mehanizam putem kojeg građani Autonomne zajednice preko svojih predstavnika utiču na izbor i sastav sudova. Ovi sudovi bi imali ovlašćenje da na području Autonomne zajednice, u skladu sa propisima važećim u Pokrajini, odlučuju u sporovima o osnovnim ličnim odnosima, pravima i obavezama građana, da izriču kazne i druge mere prema učiniocima krivičnih dela i drugih kažnjivih dela određenih zakonom; da odlučuju o zakonitosti pojedinačnih akata organa i organizacija koje vrše javna ovlašćenja; rešavaju sporove o imovinskim i radnim odnosima i odlučuju o drugim pitanjima u skladu sa važećim zakonima);
- unutrašnjih poslova (Autonomna policija bila bi u formalnom smislu deo policijskih snaga Kosova i Metohije, a funkcionisala bi pod autoritetom Izvršnog veća Autonomne zajednice srpskih opština na Kosovu i Metohiji, na teritoriji Autonomije i u skladu sa ovlašćenjima koja su definisana zakonima u saglasju sa najvišim pravnim aktom Autonomne pokrajine Kosovo i Metohija i Statutom Autonomne zajednice srpskih opština na Kosovu i Metohiji.)

– rudarstva;
– energetike;
– telekomunikacija;
– trgovine i ekonomske politike; Izvršno veće ima isključivu nadležnost u pitanjima trgovine i organizacije sajmova, uključujući administrativno planiranje trgovinskih aktivnosti, kao i regulaciju sajamskih aktivnosti na teritoriji Autonomne zajednice srpskih opština na Kosovu i Metohiji:
– fiskalne politike i finansija;
– posebna ovlašćenja Autonomne zajednice srpskih opština na Kosovu i Metohiji vezana za jedinstvene registre privrednih društava, društveno-političkih organizacija i verskih zajednica;
– organi Autonomne zajednice srpskih opština na Kosovu i Metohiji trebalo bi da Ustavom Autonomne pokrajine Kosovo i Metohija imaju garantovanu mogućnost uspostavljanja neposredne saradnje sa organima Republike Srbije, kao i pravo na dopunsko finansiranje iz sredstava predviđenih budžetom Republike Srbije;
– Autonomna zajednica srpskih opština na Kosovu i Metohiji samostalno odlučuje o izgledu i upotrebi svojih simbola (grba, zastave, himne i dr.), dok je zakonom na nivou Pokrajine preciznije uređena upotreba simbola Pokrajine, kao i zajednička upotreba simbola Pokrajine i teritorijalne autonomije;

Autonomna zajednica srpskih opština na Kosovu i Metohiji ima Skupštinu Autonomne zajednice i Izvršno veće Autonomne zajednice koji bi se starali o vršenju poslova iz delokruga Zajednice srpskih opština na Kosovu i Metohiji utvrđenih Statutom.

B) uspostavljanju specijalnog statusa za seoske enklave u kojima Srbi i drugi nealbanci čine većinsko stanovništvo, eventualno i za područje opštine Gora (ovo poslednje je samo mogućnost, u slučaju da većina stanovništva u Gori ne želi da ova opština uđe u sastav Autonomne zajednice srpskih opština na Kosovu i Metohiji);

– Područja obuhvaćena specijalnim statusom, naročito izvan gradskih sredina, treba gde god je to moguće da za polaznu osnovu prilikom određenja teritorije imaju etničku strukturu koja je postojala pre etničkog čišćenja, s obzirom na to da i za međunarodnu zajednicu mora biti neprihvatljivo da rezultati etničkog čišćenja u 21. veku u Evropi budu polazna tačka za iznalaženje nekog političkog rešenja;
– Izvorne nadležnosti područja sa specijalnim statusom bile bi uže od nadležnosti Autonomne zajednice srpskih opština, ali bi nužno trebalo da obuhvate uticaj na izbor kadrova i strukturu organa unutrašnjih poslova za data područja, pravosuđe u prvoj instanci, prosvetu, zdravstvo, kao i pitanja koja zadiru u oblast osnovnih političkih i ekonomskih prava;
– Sporazumom može biti utvrđeno da područja specijalnog statusa pojedine od ovih nadležnosti vrše u saradnji sa organima Autonomne zajednice srpskih opština, u skladu sa zakonima i drugim propisima koji važe u Pokrajini;

V) uspostavljanje posebnog ugovornog odnosa između Srpske pravoslavne crkve i PIS u Prištini;

– Ovim ugovorom, koji bi trebalo da uzme u obzir iskustva iz statusa Rimokatoličke crkve u Italiji, trebalo bi da bude utvrđena međunarodno validna garancija za

objekte Srpske pravoslavne crkve, crkvene posede i delovanje Srpske pravoslavne crkve na području Pokrajine;
– Detalji vezani za pregovaračku poziciju po ovom pitanju moraju biti usaglašeni sa predstavnicima Srpske pravoslavne crkve.

G) da u Ustavu Autonomne pokrajine Kosovo i Metohija bude predviđena trajna garancija za proklamovani povratak lica raseljenih sa Kosova i Metohije i njihovih potomaka na osnovu političkog rešenja usvojenog pregovorima;
– Potrebno je usvajanje Zakona o povratku na nivou Pokrajine, kojim će biti utvrđene obaveze organa Autonomne pokrajine Kosovo i Metohija, Autonomne zajednice srpskih opština i jedinica lokalne samouprave u pogledu povratka izbeglih i interno raseljenih lica;
– Potrebno je na teritoriji Autonomne zajednice srpskih opština na Kosovu i Metohiji, obezbediti i garantovati pravo i uslove za održiv povratak za ona prognana lica sa Kosova i Metohije kojima je onemogućen povratak u njihove domove u drugim delovima Autonomne pokrajine Kosovo i Metohija.

D) rezultat pregovora mora da bude i stvaranje efikasnog pravnog i organizacionog mehanizma koji bi omogućio uključivanje predstavnika srpskog i drugog nealbanskog stanovništva u rad i odlučivanje svih institucija i organa vlasti Autonomne pokrajine Kosovo i Metohija, a na način da se onemogući bilo koji oblik majorizacije od strane albanskih predstavnika u tim institucijama i organima vlasti:
– Srpska strana predlaže podelu Autonomne pokrajine Kosovo i Metohija na nekoliko regiona, od kojih bi jedan zaseban predstavljala Autonomna zajednica srpskih opština na Kosovu i Metohiji;
– Srpska strana predlaže formiranje dvodome Skupštine Autonomne pokrajine Kosovo i Metohija, u kojoj bi gornji dom predstavljao Dom regiona i verskih zajednica, a donji dom bi bio Dom građana;

U skladu sa ovim predlogom, u Domu regiona i verskih zajednica bi svi regioni i glavne verske zajednice bili ravnopravno zastupljeni, a u Domu građana bi srpsko i nealbansko stanovništvo bilo zastupljeno u skladu sa garantovanim kvotama i izbornim rezultatima;

Predsedavajući jednog od dva doma, kao i potpredsednik drugog od dva doma, trebalo bi da budu predstavnici srpskog i nealbanskog stanovništva za koje se izjasni većina predstavnika izabranih iz redova srpskog i nealbanskog stanovništva u tom domu;

Moraju postojati efikasni proceduralni mehanizmi koji bi onemogućili donošenje odluka preglasavanjem u pitanjima koja direktno zadiru u nadležnosti Autonomne zajednice srpskih opština na Kosovu i Metohiji i prava srpskog i drugog nealbanskog stanovništva u Autonomnoj pokrajini Kosovo i Metohija.

Đ) imovinska pitanja moraju da budu trajno rešena u skladu sa važećim međunarodnim konvencijama, opšteprihvaćenim pravnim principima i standardima, a svakako radi uspostavljanja pravne sigurnosti i stabilnog poslovnog i investicionog okruženja na teritoriji Autonomne pokrajine Kosovo i Metohija.

E) ovu političku platformu za razgovore sa predstavnicima privremenih institucija samouprave u Prištini Vlada usvaja na predlog predsednika Republike Srbije.

DODATAK BROJ 3

REZOLUCIJA
Narodne skupštine Republike Srbije o osnovnim principima za političke razgovore sa privremenim institucijama samouprave na Kosovu i Metohiji

1. Narodna skupština Republike Srbije, na osnovu Političke platforme za razgovore sa predstavnicima privremenih institucija samouprave u Prištini, utvrđuje osnovne principe za političke razgovore sa predstavnicima privremenih institucija samouprave (PIS) u Prištini:

a) Republika Srbija, u skladu sa međunarodnim pravom, Ustavom i voljom građana, ne priznaje i nikada neće priznati jednostrano proglašenu nezavisnost Kosova;

b) Cilj razgovora je stvaranje uslova za srpsku zajednicu i sve druge nacionalne zajednice na Kosovu i Metohiji, kojima se garantuje sigurnost i puna zaštita ljudskih prava. Vlada Republike Srbije zahtevaće zaštitu svih zajemčenih prava Srbima na Kosovu i Metohiji, pravo na povratak i imovinska prava. Vlada Republike Srbije obavezna je da nastavi rasvetljavanje sudbine nestalih lica i da prati sudske procese okrivljenih za počinjeno etničko nasilje nad Srbima;

v) Vlada Republike Srbije se ovlašćuje da nastavi sa implementacijom već postignutih dogovora i sporazuma sa predstavnicima PIS u Prištini. Predstavnici Republike Srbije obavezuju se da u nastavku dijaloga o rešavanju tehničkih i političkih pitanja sa predstavnicima PIS u Prištini i predstavnicima međunarodne zajednice buduće sporazume postižu u skladu sa stavovima i osnovnim ciljevima ove rezolucije, nastojeći da se sa predstavnicima PIS u Prištini postigne sveukupni dogovor;

g) Sve nadležnosti koje kao rezultat pregovora budu poverene PIS u Prištini biće potvrđene ustavnim zakonom i prenete organima Autonomne pokrajine Kosovo i Metohija, u skladu sa Ustavom, zakonima i drugim propisima Republike Srbije;

d) Razgovori sa predstavnicima PIS u Prištini treba da daju doprinos boljem životu građana na Kosovu i Metohiji, miru i stabilnosti i evropskoj budućnosti Srbije i regiona;

đ) Dogovori sa predstavnicima PIS u Prištini treba da budu postignuti uz konstantan dijalog sa predstavnicima Srba sa Kosova i Metohije.

2. Predstavnici Republike Srbije će kroz pregovore težiti iznalaženju sporazumnog i sveobuhvatnog rešenja za Kosovo i Metohiju. To rešenje mora da bude čvrsta osnova za izgradnju trajnog mira i dostizanje pune bezbednosti za sve ljude koji žive na prostoru južne srpske Pokrajine.

3. Republika Srbija spremna je da učini dodatne ustupke radi prevladavanja trenutnog stanja u odnosima između srpskog i albanskog naroda. Istovremeno, Republika Srbija nije spremna da čini dodatne ustupke koji bi mogli da dovedu do ugrožavanja njenih državnih i nacionalnih interesa.

4. Republika Srbija pristupa dijalogu sa PIS u Prištini svesna značaja koji bi postizanje obostrano prihvatljivog rešenja za Kosovo i Metohiju imalo u kontekstu dalje i ubrzane integracije čitavog regiona Zapadnog Balkana u Evropsku uniju.

5. Narodna skupština Republike Srbije zahteva od Vlade da je redovno izveštava o razvoju događaja, toku razgovora sa predstavnicima PIS u Prištini u vezi sa Kosovom i Metohijom, kao i o sprovođenju ovde utvrđenih ciljeva, aktivnosti i mera za zaštitu suvereniteta, teritorijalnog integriteta i ustavnog uređenja Republike Srbije.

6. Ova rezolucija i njome utvrđeni pravac, smernice i ciljevi državne politike obavezujući su za sve državne organe i organizacije i mogu biti izmenjeni jedino novom rezolucijom Narodne skupštine Republike Srbije.

7. Ovu rezoluciju objaviti u „Službenom glasniku Republike Srbije".

DODATAK BROJ 4
Sloboda kretanja

1. Stanovnici svake strane treba da budu u mogućnosti da slobodno putuju u okviru ili preko teritorije druge strane.

2. Svaka strana će primenjivati, čim to bude bilo operativno izvodljivo, sistem ličnih karata za putovanja stanovnika druge strane preko granice/administrativne linije.

3. Svaka strana može primenjivati sistem kojim će lične karte biti praćene pisanim 'ulaznim/izlaznim' dokumentima za stanovnike druge strane koji žele da tranzitno putuju u treću zemlju.

4. Kao prelazno rešenje, svaka strana će omogućiti stanovnicima druge kupovinu graničnog/administrativnog osiguranja. Pod pokroviteljstvom Evropske unije, strane će nastaviti rad usmeren ka postizanju komercijalnog aranžmana o uzajamnom pokriću osiguranja vozila, tako da sva vozila budu pokrivena sa obe strane granice/administrativne linije što je pre moguće.

5. Svaka strana će preduzeti sve neophodne mere da omogući stanovnicima druge strane da slobodno putuju u okviru ili preko teritorije druge koristeći vozačke dozvole koje su izdale njihove vlasti.

6. Kao privremena mera, vlasti na Kosovu će produžiti važenje KS registarskih tablica za početni period od pet godina, nakon čega će dve strane ponovo razmotriti ovo pitanje (uz posredovanje EU ukoliko bude potrebno).

7. Svi vlasnici automobila sa prebivalištem na Kosovu će koristiti RKS ili KS registarske tablice za vozila (u skladu sa stavkom 6 gore). Izdavaće ih nadležni organi na Kosovu, a biće distribuirane uz posredovanje EULEKS-a ako je to potrebno. Svaka strana će uložiti maksimalne napore da obezbedi sprovođenje gore navedenog.

8. Kao privremena mera, vlasti u Beogradu će omogućiti vozilima sa Kosova koja imaju KS registarske tablice da slobodno putuju na njegovoj teritoriji ili preko nje.

9. Kao privremena mera, za svako vozilo čiji vlasnik to bude želeo, biće dostupne privremene registarske tablice na relevantnim graničnim/administrativnim prelazima.

10. Što se tiče readmisije, a uzimajući u obzir obaveze Prištine u ovoj oblasti, gore pomenuti aranžmani neće stvoriti nove obaveze za Beograd u pogledu prihvatanja zahteva za readmisiju lica sa kosovskim dokumentima u kontekstu postojećih sporazuma o readmisiji između Beograda i EU.

11. Do sredine jula biće oformljena grupa za implementaciju, kojoj će predsedavati EU i koja će početi pripreme s ciljem da se svi gore navedeni aranžmani i sve neophodne naknadne radnje sprovedu čim to bude operativno izvodljivo, dok će se aranžman pod stavkom 7 primenjivati od 1. novembra 2011.

DODATAK BROJ 5
Osiguranje

U duhu Briselskog sporazuma od 19. aprila 2013. godine, i

Između Udruženja osiguravača Srbije (UOS) i Kosovskog biroa osiguranja (KIB) kao ovlašćenih lica odgovornih za pitanje osiguranja vozila u nadležnosti svake pojedinačne strane, uz posredovanje Saveta Biroa,

U vezi uzajamnog priznavanja obaveznog osiguranja motornih vozila od automobilske odgovornosti i utvđivanja procedura za obradu i isplatu odštetnih zahteva,

A budući da :

UOS i KIB žele da preciziraju:

a) Uzajamno prepoznavanje i priznavanje validnosti obaveznog osiguranja motornih vozila od automobilske odgovornosti, i

b) Obradu i isplatu zahteva za naknadu štete koja je rezultirala iz saobraćajnih nezgoda prouzrokovanih upotrebom vozila sa važećim osiguravajućim pokrićem u nadležnosti svake pojedinačne strane.

v) Sprovođenje ovog Memoranduma u nadležnosti svake pojedinačne strane.

UOS i KIB dogovorili su sledeće:

I DEFINICIJE

Za potrebe ovog Memoranduma:

„Obrađivački Biro" znači UOS, KIB ili bilo koji ovlašćeni član – osiguravajuće društvo ili bilo koje drugo pravno lice koje je ovlašćeno za obradu i isplatu odštetnih zahteva u skladu sa odredbama ovog Memoranduma, i koji zahteva refundaciju od društva za osiguranje članice UOS ili KIB, u skladu sa odredbama ovog Memoranduma.

"Garantni Biro" označava Biro, UOS ili KIB, koji pruža garancije za refundaciju obrađenih i isplaćenih odštetnih zahteva od strane Obrađivačkog Biroa u skladu sa procedurama navedenim u ovom Memorandumu, kao i refundaciju odštetnih zahteva u ime svojih članica koje su u stečaju ili likvidaciji.

"Osiguravač" označava svaku osiguravajuću kompaniju članicu UOS ili KIB koja je ovlašćena/licencirana da obavlja poslove obaveznog osiguranja od automobilske odgovornosti prema trećim oštećenim licima, u pogledu upotrebe motornih vozila u nadležnosti svake pojedninačne strane, koja je izdala polisu osiguranja (AO) za vozilo čijom upotrebom je prouzrokovana šteta.

II UZAJAMNO POKRIĆE – AO (OBAVEZNO OSIGURANJE OD AUTO ODGOVORNOSTI ZA ŠTETU PRIČINJENU TREĆIM LICIMA):

1. Korisnici motornih vozila registrovanih u okviru jedne od nadležnosti navedenih strana, koji poseduju validno osiguranje za teritoriju koja je u nadležnosti druge

strane, mogu slobodno ući i putovati na teritoriji te nadležnosti. Kopija primerka svake polise osiguranja (AO polisa izdata od UOS-a i AO polisa izdata od KIB-a) nalazi se u prilogu ovog Memoranduma kao Aneks 1.

2. U slučaju da korisnici motornih vozila jedne od strana ne pokažu validno osiguranje prilikom ulaska na teritoriju pod nadležnošću druge strane, oni će biti u obavezi da zaključe ugovor o obaveznom osiguranju na administrativnom/graničnom prelazu.

3. Kontrola posedovanja i važenja osiguravajućeg pokrića vršiće se na integrisanim administrativnim prelazima (IBM). Obe strane će uspostaviti kontrolne tačke kako bi odmah izvršile proveru osiguravajućeg pokrića u slučaju bilo kakve sumnje. Elektronska provera/verifikacija će biti uspostavljena na administrativnim IBM prelazima, a radi provere postojanja i važenja osiguravajućeg pokrića.

4. Šteta prouzrokovana upotrebom motornih vozila bez validnog osiguranja u okviru nadležnosti druge strane biće refundirana od strane garantnih fondova one strane na kojoj je saobraćajna nezgoda nastala. Ukoliko jedna od strana ne obezbedi gore navedenu elektronsku verifikaciju, ta strana će garantovati za refundaciju svih odštetnih zahteva proisteklih iz saobracajnih nezgoda prouzrokovanih neosiguranim vozilima iz njene nadležnosti.

5. Prema zahtevima oštećenih lica poreklom iz neke treće države postupaće se isto kao prema zahtevima domaćih oštećenih lica.

6. Limiti za naknadu štete (videti Aneks II) smatraće se važećim sve do prestanka važenja ovog Memoranduma ili do dostavljanja obaveštenja neke od strana u slučaju izmena i promena zakona.

7. Svaka strana će obavestiti drugu stranu sa dovoljnim vremenskim rokom unapred u vezi sa bilo kakvim izmenama i promenama zakona koje se odnose na predmet ovog Memoranduma.

III OBRADA I REFUNDACIJA ODŠTETNIH ZAHTEVA:

1. Inicijalni spisak naziva i adresa osiguravajućih organizacija, članica predmetnih Biroa, nalazi se u prilogu ovog Memoranduma (vidi Aneks III). Svaka strana će hitno obavestiti drugu stranu o bilo kakvim promenama, u roku od petnaest (15) dana po saznanju o nastalim promenama.

2. Svi zahtevi će biti obrađivani od strane Obrađivačkog Biroa u skladu sa zakonskim i regulatornim odredbama koje se primenjuju na teritoriji pod nadležnošću strane gde se saobraćajna nezgoda dogodila, a koje se odnose na odgovornost i refundaciju oštećenim licima.

3. Ovaj Memorandum obuhvata obaveštavanje, obradu i isplatu odštetnih zahteva za pretrpljene telesne povrede ili materijalnu štetu nastalu kao rezultat saobraćajne nezgode na teritoriji u okviru nadležnosti jedne strane, prouzrokovanih vozilom koje je uredno registrovano u okviru nadležnosti druge strane i poseduje validno osiguranje kao u Aneksu I.

4. U slučaju nezgode, Obrađivački Biro je u obavezi da što je brže moguće obavesti Garantni Biro/Osiguravača o svim odštetnim zahtevima kao i da postupa u najboljem interesu Osiguravača, kao da je zapravo on zaključio osiguranje.

5. Nakon što se isplati refundacija, Obrađivački Biro je u obavezi da dostavi Garantnom Birou/Osiguravaču svu neophodnu dokumentaciju kako bi opravdao isplatu. Dokumentacija bi trebalo da sadrži policijski zapisnik sa informacijama o učesnicima u konkretnoj saobraćajnoj nezgodi (uključujući i izjave direktno pribavljene od učesnika kao dodatak policijskom zapisniku), fotografije mesta nezgode i oštećenog vozila, profesionalno mišljenje/veštačenje u pogledu visine štete, medicinsku dokumentaciju (u skladu sa pravilima relevantnih regulatornih tela i uz poštovanje principa zaštite podataka), zajedno sa kopijom dokaza o postojanju validnog osiguranja, kao u Aneksu I. Policijski zapisnik će biti dostavljen u skladu sa važećim propisima, uključujući i upotrebu jezika u nadležnosti svake od strana potpisnica. Obrađivački Biro će obavestiti Garantni biro/Osiguravača ukoliko korisnik motornog vozila nije potpisao policijski zapisnik.

Za nezgode koje se dogode u okviru od pedeset (50) km (prema GPS koordinatama) od administrativne linije/granice, biće naznačeno da li je vozač zatražio dodatno prisustvo policijskog službenika koji govori njegov maternji jezik i da li je isti potpisao policijski zapisnik.

6. Odredbe ovog Memoranduma neće se primenjivati na uzajamno dogovorene izveštaje o saobraćajnoj nezgodi (evropske izveštaje o saobraćajnoj nezgodi).

IV OBRADA ODŠTETNIH ZAHTEVA

1. Garantni Biro/Osiguravač je obavezan da refundira Obrađivačkom Birou druge strane, pun iznos naknade isplaćene od strane Obrađivačkog Biroa u pogledu odštetnih zahteva koji su predmet ovog Memoranduma, kao i obrađivačku proviziju i sve druge troškove koji su nastali u okviru procesa obrade, kao što je navedeno u donjim pasusima broj 2 i 3.

2. Obrađivačka provizija Obrađivačkog Biroa izračunava se po stopi od 15% od ukupnog iznosa naknade, u opsegu minimalne obrađivačke provizije od 200 € i maksimalne provizije od 3.500 €

3. Iznosi plaćeni za spoljne usluge u okviru obrade i isplate svakog zahteva kao i svi troškovi nastali u svrhu zakonskog delovanja koji bi bili isplaćeni u sličnim uslovima od strane osiguravača osnovanog u okviru nadležnosti kojoj pripada mesto nezgode, u skladu sa procedurama propisanim u okviru člana 5.1.2 Internih Regulativa Saveta Biroa.

4. Minimalna obrađivačka provizija će biti obračunata i u slučajevima kada je zahtev obrađivan bez ikakve isplate trećem licu.

5. Za konverziju valuta, u vezi svih isplata koje su predmet ovog Memoranduma, primenjivaće se zvanični srednji kurs, na dan kada je zahtev za refundaciju ispostavljen od strane Obrađivačkog Biroa prema Garantnom Birou/Osiguravaču.

6. Nakon kompletiranja procesa obrade zahteva, pribavom potpisanog Sporazuma o vansudskom poravnanju/Saglasnosti za isplatu naknade štete od podnosioca zahteva kao dokaza o punoj i konačnoj naknadi, ili prihvaćenoj naknadi nespornog dela odštetnog zahteva i izvršenju odštetne isplate:

Za zahteve prostekle iz saobraćajnih nezgoda u nadležnosti jedne strane, Obrađivački Biro te nadležne strane, korespondent ili agent koji obrađuje zahtev će u roku od najviše 12 meseci od datuma poslednje isplate podnosiocu zahteva, direktno obavesti-

ti Garantni biro/Osiguravača u nadležnosti druge strane o obrađenoj i isplaćenoj šteti, dostavljajući obračun štete i punu propratnu dokumentaciju, kao što je gore navedeno. U slučaju kada je o zahtevu za refundaciju Garantni Biro/Osiguravač obavešten nakon isteka propisanog perioda od 12 meseci, takav zahtev za refundaciju može biti odbijen od strane Garantnog Biroa/Osiguravača i neće biti predmet garancija koje pruža Garantni Biro.

Garantni Biro/Osiguravač će nakon prijema zahteva za refundaciju u okviru 60 dana od dana prijema, izvršiti isplatu po zahtevu za refundaciju Obrađivačkom Birou.

Ukoliko zahtev za refundaciju nije rešen u roku od 60 dana od datuma prvog zahteva, Garantni Biro/Osiguravač će platiti kaznenu kamatu po stopi od 12% godišnje, obračunatom od datuma prvog zahteva do datuma prijema plaćanja od strane Obrađivačkog Biroa.

Ukoliko u periodu od šezdeset (60) dana od datuma prvog zahteva za refundaciju Osiguravač ne plati iznos zahtevan od strane Obrađivačkog Biroa, Obrađivački Biro može posredstvom UOS-a odnosno KIB-a, u periodu od najviše dvanaest (12) meseci od datuma slanja zahteva za refundaciju, zahtevati od Garantnog Biroa refundaciju potraživanih iznosa. U slučaju aktivacije predviđene uloge Garantnog Biroa posle isteka predviđenog perioda od dvanaest (12) meseci, Garantni Biro može odbiti takav zahtev.

Garantni Biro će nakon prijema zahteva za refundaciju u roku od trideset (30) dana od datuma prijema zahteva, izvršiti isplatu zahteva za refundaciju Obrađivačkom Birou.

Ukoliko u predviđenom roku od trideset (30) dana od datuma prvog zahteva za refundaciju Garantni Biro ne plati iznos zahtevan od strane Obrađivačkog Biroa, Obrađivački Biro može, posredstvom UOS-a odnosno KIB-a, zatražiti od Saveta Biroa intervenciju koja uključuje aktivaciju garancija ukoliko je to neophodno.

7. Razmena dokumentacije će se vršiti u elektronskom formatu i/ili u originalnoj, papirnoj formi.

V KORESPONDENT

1. Garantni Biro može u ime jedne od svojih članica zahtevati da Obrađivački Biro prepusti obradu i isplatu zahteva, uključujući i obrađivačku proviziju, korespondentu koji može biti:

- Član Obrađivačkog Biroa
- Organizacija osnovana na teritoriji Obrađivačkog Biroa i specijalizovana, u ime osiguravača, za obradu i isplatu zahteva koji proizilaze iz saobraćajnih nezgoda prouzrokovanih motornim vozilom.

2. Ukoliko Obrađivački Biro odobri zahtev, na taj način daje ovlašćenje predloženom korespondentu da obrađuje i isplaćuje zahteve u njegovo ime. Na sebe preuzima odgovornost da obavesti Treća lica o ovom ovlašćenju i da prosledi korespondentu sva obaveštenja u vezi s takvim odštetnim zahtevima.

3. U skladu sa članom 4.1 Internih Regulativa Saveta Biroa, saglasnost na imenovanje korespondenta daje se automatski kada je zahtevana u ime člana Garantnog Biroa za bilo koje povezano lice tog člana u okviru nadležnosti Obrađivačkog Biroa, pod uslovom da je tako osnovano pravno lice ovlašćeno da obavlja poslove osiguranja protiv građanske odgovornosti u vezi sa upotrebom motornih vozila.

4. Ukoliko Obrađivački Biro ne odgovori u periodu od tri (3) meseca od datuma prijema zahteva za imenovanje, imenovanje korespondenta će se smatrati važećim i stupiće na snagu.

5. Član Garantnog Biroa, koji je zatražio imenovanje korespondenta, preuzima na sebe da poveri obradu svih odštetnih zahteva na teritoriji pod nadležnošću druge strane imenovanom korespondentu i da mu prosledi svu dokumentaciju od značaja za procesuiranje takvih zahteva.

6. Kao uredno ovlašćen agent Obrađivačkog Biroa, imenovani agent postaje odgovoran ovom Birou za obradu zahteva i mora da uzme u obzir sva uputstva i smernice, bilo opšte ili posebne, primljene od strane Obrađivačkog Biroa.

7. Član Garantnog Biroa će se obavezati Obrađivačkom Birou da će njegov korespondent obraditi odštetne zahteve u potpunosti u skladu sa odredbama Zakona o obaveznom osiguranju od automobilske odgovornosti prema trećim licima važećem na teritoriji pod nadležnošću Obrađivačkog Biroa.

8. Obrađivački Biro može, u bilo koje vreme i bez obaveze da obrazloži svoju odluku, preuzeti proces obrade nekog zahteva i opozvati ovlašćenje dato korespondentu, u slučaju nekog konkretnog zahteva ili uopšte uzev.

9. Uloga korespondenta ne dovodi u pitanje učešće Saveta Biroa u rešavanju odštetnih zahteva.

VI SAVET BIROA

1. Na zahtev UOS-a, KIB-a, ili u slučaju primedaba trećih lica, Savet Biroa će obezbediti pomoć, medijaciju ili arbitražu tokom implementacije ovog Memoranduma.

2. UOS i KIB saglasili su se da povere Savetu Biroa rešavanje njihovih sporova u vezi sa odštetnim zahtevima u skladu sa pravilima Saveta Biroa koja se odnose na medijaciju i u skladu sa odredbama Internih regulativa. U slučaju nepoštovanja odluka Saveta Biroa sa ozbiljnim finansijskim posledicama, strana ima pravo da raskine ovaj Memorandum u skladu s članom IX.2.

3. UOS i KIB su se saglasili da u slučaju spora dostave svu potrebnu dokumentaciju na engleskom jeziku, uključujući i dokaze o plaćanju i kopije zahteva za refundaciju.

4. UOS i KIB su se saglasili da prihvate odluke donete u skladu sa pravilima medijacije i arbitraže Saveta Biroa kao konačne i da postupaju u skladu sa njima.

5. Sporovi kod iznosa nižih od 500 € neće se iznositi pred Savet Biroa.

6. Na inicijativu Saveta Biroa biće preispitano sprovođenje ovog Memoranduma i, posebno, odgovornosti Saveta Biroa.

7. Savet Biroa može pozvati UOS i KIB da preispitaju delove Memoranduma i može jednostrano otkazati deo ili svoju celokupnu odgovornost u okviru ovog Memoranduma, sa otkaznim rokom od šest (6) meseci, u kom slučaju se Memorandum raskida po isteku otkaznog roka.

VII GARANCIJE

1. UOS i KIB će obezbediti garancije Savetu Biroa.

2. Savet Biroa potvrdiće UOS-u i KIB-u prijem datih garancija.

3. U slučaju prestanka važenja ovog Memoranduma, garancije nastavljaju da važe sve do poravnanja svih odštetnih zahteva.

VIII ODBOR ZA IMPLEMENTACIJU

1. Osniva se Odbor za implementaciju koji se sastoji od sledećih članova:
– Predsednik svakog Biroa/Udruženja;
– Generalni sekretar svakog Biroa/ Udruženja
– Maksimalno po tri dodatna eksperta iz svakog Biroa/Udruženja

2. Sastanci Odbora za implementaciju sazivaju se na zahtev bilo koje od strana, najmanje jednom godišnje. Vreme i mesto održavanja sastanka će biti zajednički dogovoreni.

3. Na zahtev UOS-a, KIB-a ili na sopstvenu inicijativu, Savet Biroa može prisustvovati sastancima Odbora za implementaciju. Strane će obavestiti Savet Biroa o sastancima Odbora za implementaciju, dnevnom redu i dostavljaće zapisnike o zaključcima sa sastanaka.

4. Razmena dokumenata se vrši u elektronskom formatu i/ili u originalnoj, papirnoj formi.

IX STUPANJE NA SNAGU I PRESTANAK VAŽENJA MEMORANDUMA

1. Ovaj Memorandum će stupiti na snagu nakon potpisivanja i primenjivaće se nakon 30 dana od datuma potpisivanja.

2. UOS i KIB mogu okončati ovaj Memorandum po upućivanju obaveštenja o prestanku važenja drugoj strani sa najmanje šezdeset (60) dana otkaznog roka. Kada je obaveštenje o prestanku važenja poslato poštom, smatraće se da je obaveštenje poslato onog datuma kada je overeno zvaničnim poštanskim pečatom.

3. Odštetni zahtev koji proizilazi iz saobraćajne nezgode koja se desila pre isticanja osiguranja nad vozilima učesnicima, biće obrađivan i isplaćen u skladu sa odredbama ovog Memoranduma samo ukoliko se nezgoda dogodila pre prestanka važenja Memoranduma.

X NADZOR I SUPERVIZIJA

1. Nadzor i superviziju primene ovog Memoranduma vršiće nadležni organi u skladu sa važećim zakonskim propisima.

XI JEZIK

1. Svaka prepiska između strana potpisnika ovog Memoranduma, usmena ili pisana, u vezi sa odredbama ovog Memoranduma, vršiće se na engleskom jeziku.

Potpisano u Briselu, 23. juna 2015. godine, u tri (3) originalna primerka na engleskom jeziku.

DODATAK BROJ 6

Zaključci Radne grupe za slobodu kretanja/most, 25. Avgust 2015/2

1. Obe strane su zatražile od EU da revitalizuje most u Mitrovici i njegovo okruženje, u skladu sa preporukama tehničke procene i na osnovu arhitektonskog projekta od 29. juna 2015. godine oko kog su se složile obe strane.

2. Izvođač radova će 15. oktobra 2015. godine zatvoriti obe strane mosta nepokretnim bankinama i građevinskim ogradama. Građevinski radovi na mostu će se vršiti pristupanjem građevinskoj lokaciji južnim pristupnim putem. Most će biti otvoren za saobraćaj do leta/najkasnije do kraja juna 2016. godine.

3. U skladu sa istim rasporedom, opština će revitalizovati glavnu ulicu (ulica Kralja Petra) tako što će je pretvoriti u pešačku zonu. Ulica će biti otvorena za pešake do leta/najkasnije do kraja juna 2016. godine.

4. Radna grupa će zajedno sa oba gradonačelnika tokom procesa revitalizacije redovno pratiti i preispitivati preovlađujuće političke i bezbednosne uslove u opštinama.

5. Do 10. oktobra 2015. godine će biti rešeno pitanje mapa administrativnih linija katastarskih oblasti u Suvom Dolu i Brđanima putem Memoranduma o razumevanju o planovima razvoja opština, Opštinske mape zoniranja i detaljnog Regulatornog plana između relevantnih ministarstava i dveju opština.

(http://www.kim.gov.rs)

DODATAK BROJ 7
Dogovoreni zaključci u vezi sa IBM*

1. U skladu s Lisabonskim ugovorom i relevantnim zakonodavstvom EU**, i uzimajući u obzir da su obe strane deo Agende EU za zapadni Balkan, od njih će se zahtevati da postepeno harmonizuju svoje zakonodavstvo sa EU tekovinama, a posebno da primene koncept IBM.

2. U interesu brže i efikasnije obrade, strane će pod opštim smernicama EU, primeniti koncept IBM.

3. Strane nameravaju da postepeno uspostave zajedničke integrisane punktove na svim njihovim zajedničkim IBM prelazima. Ova saradnja će pratiti najbolju evropsku praksu kako je dalje bude progresivno unapređivala Evropska komisija. Posao će imati najveći prioritet, projekti će se zajednički identifikovati i implementirani čim to praktično bude moguće.

4. Zajednički, integrisano, jedinstveni i bezbedni punktovi biće locirani u granicama zajedničkog područja IBM prelaza, zajednički određeni, na kojima će zvaničnici svake strane obavljati odgovarajuće kontrole. Izuzetno, i ograničeno samo na zajednički IBM područja, strane neće isticati simbole svoje jurisdikcije.

5. Aranžmani će uključiti izbalansirano prisustvo, u skladu sa zahtevima, svih relevantnih organa obe strane, kao što su carina, policija itd, i obuhvatiće pitanja, kao što su lokacija prelaza, priroda obejkta, radno vreme it.d. U skladu sa i za vreme trajanja njegovog mandata***na prelazima Jarinje / Rudnica i Brnjak, ovo prisustvo uključuje zvaničnike EULEX-a. EULEX će, takođe, biti prisutan i na prelazima Končulj, Mutivode i Mučibabe.

6. U osnovu aranžman biće jasan zadatak prenosa važećih zakonskih odgovornosti i obaveza na jurisdikcije svake od strana.

7. Biće osnovana tripartitna grupa za implementaciju kojom predsedava EU, radi implementacije gore navedenog aranžmana čim to praktično bude moguće. U tom ci-

lju, biće sačinjen i potpisan Tehnički protokol, prema potrebi odvojeno sa EU, koji će uzeti u obzir različite poglede strana na pitanje statusa. Implikacije ovih zaključaka biće uzete u obzir prilikom implementacije slobode kretanja.

8. Ovaj dogovor ne obuhvata bilo kakva opšta ili specifična carinska ili fiskalna pitanja.

*Jedna strana prepoznaje liniju kao granicu, druga strana prepoznaje liniju kao administrativnu liniju.

** Kako je definisano posebno u Šengenskom graničnom zakoniku, „Frontex propisu", Propisu o transgraničnom saobraćaju, VIS propisu i Zakoniku zajednice o vizama.

*** Kako je definisano u Zajedničkim akcijama Saveta 2008/124 CEFSP, član 3, stav a *(Izveštaj, 2012).*

DODATAK BROJ 8
Carinski pečat

- Strane će učiniti sve kako bi obezbedile slobodno kretanje robe u skladu sa CEFTA sporazumom;
- Prihvata se carinski pečat sa natpisom 'Kosovo Customs' / „Kosovska carina", kao što je potvrđeno svim članicama CEFTA;
- Ovakva upotreba biće deo i celokupne prateće dokumentacije i komunikacije.

DODATAK BROJ 9
Briselski sporazum o prikupljanju carinskih prihoda 17. januar 2013. godine

Zaključci predsedavajućeg, sa sastanaka radne grupe za pitanje carina od 10-17. januara 2013. godine:

U skladu sa ranije dogovorenim relevantnim zaključcima (posebno u vezi sa IBM)[1], CEFTA sporazumom, Lisabonskim ugovorom i relevantnim zakonodavstvom EU[2], i uzimajući u obzir da su obe strane deo Agende EU za zapadni Balkan, strane su se složile sa sledećim:

A. Prikupljanje prihoda od carina, akciza i PDV-a:

1. Sva roba, bez obzira na vrstu, količinu i vrednost, može da uđe na Kosovo* preko IBM prelaza Jarinje/Rudnica i Brnjak/Tabalije.

2. Prikupljanje prihoda od carina, akciza i PDV-a od privrednih subjekata/firmi registrovanih u Leposaviću, severnoj Mitrovici, Zubinom Potoku i Zvečanu, i/ili fizičkih lica sa prebivalištem u ovim opštinama, za robu koja se pušta u slobodan promet, obavljaće se u skladu sa stavom 3, u objektima na prelazima unutar zajedničke zone IBM (u daljem tekstu: zajednička zona prelaza), za robu koja je ušla preko prelaza Jarinje/Rudnica i Brnjak/Tabalije. Sva ostala roba koja se uvozi preko prelaza Jarinje / Rudnica i Brnjak/Tabalije, upućuje se na carinski terminal u južnom delu Mitrovice radi puštanja u slobodan promet.

3. Postupci vezani za puštanje robe u slobodan promet, kao i sve potrebne kontrole, obavljaće pripadnici kosovskih organa, na kosovskoj strani, u skladu sa zakonskim odgovornostima i obavezama u svojoj nadležnosti (uključujući carinjenje robe sa akcizom i PDV-om), uz puno poštovanje evropskih i međunarodnih standarda u oblasti ljudskih prava; Predstavnici EULEX-a će biti prisutni na prelazima Jarinje / Rudnica i Brnjak/Tabalije, u skladu sa i za vreme trajanja njegovog mandata, kako je dogovoreno sporazumom u vezi sa IBM.

4. U svrhu ovog sporazuma, obavljaće se registracija privrednih subjekata/firmi iz stava 2. Registracija će se obavljati na osnovu postojeće dokumentacije i u skladu sa stavom 3.

5. Za potrebe registracije, postojeća dokumentacija korišćena za registraciju privrednih subjekata/firmi u Leposaviću, severnoj Mitrovici, Zubinom Potoku i Zvečanu, osnovanih pre stupanja na snagu ovog sporazuma, smatra se automatski validnom.

Nakon stupanja na snagu ovog sporazuma, registraciju novih privrednih subjekata obavljaće pripadnici kosovskih organa, na kosovskoj strani, u skladu sa zakonskim odgovornostima i obavezama u svojoj nadležnosti (uključujući carinjenje robe sa akcizom i PDV-om), uz puno poštovanje evropskih i međunarodnih standarda u oblasti ljudskih prava; Predstavnici EULEX-a će biti prisutni na prelazima Jarinje / Rudnica i Brnjak/Tabalije, u skladu sa i za vreme trajanja njegovog mandata[4]. Za registraciju i prikupljanje carinskih prihoda može se koristiti sva relevantna dokumentacija.

6. U skladu sa dogovorenim zaključcima u vezi sa IBM, strane će međusobno razmenjivati sve informacije i dokaze prikupljene prilikom obavljanja navedenih radnji, kao što je predviđeno Tehničkim protokolom, kao i Tehničkim aranžmanom.

[1] Jedna strana prepoznaje liniju kao granicu, druga strana prepoznaje liniju kao administrativnu liniju.

[2] Posebno Uredba Saveta (EZ) broj 2007/2000 od 18. septembra 2000. kojom se uvode autonomne trgovinske mere za države i teritorije koje učestvuju u ili povezane sa Procesom stabilizacije i pridruživanja, u skladu sa izmenama. * Ovaj naziv je bez prejudiciranja statusa i u skladu je sa Rezolucijom Saveta bezbednosti Ujedinjenih nacija 1244 i mišljenjem Međunarodnog suda pravde o deklaraciji o nezavisnosti Kosova.

[3] Kako je definisano Zajedničkim akcijama Saveta 2008/124 CEFSP, član 3, stav a.

[4] Kako je definisano Zajedničkim akcijama Saveta 2008/124 CEFSP, član 3, stav a.

B. Fond za razvoj:

7. Osniva se Fond za razvoj (u daljem tekstu: Fond) s ciljem da promoviše društveni i ekonomski razvoj, kao i za dobrobit lokalnog stanovništva u Leposaviću, severnoj Mitrovici, Zubinom Potoku i Zvečanu.

8. Fondom rukovodi Upravni odbor. Upravni odbor ima tri člana koji čine jedan predstavnik srpskih opština iz Leposavića, severne Mitrovice, Zubinog Potoka ili Zvečana, jedan predstavnik Vlade Kosova i predstavnik EU – Specijalni predstavnik Evropske unije na Kosovu (SP EU). SP EU poziva na sastanak druga dva predstavnika nakon konsultacija sa stejkholderima Fonda. Upravni odbor odluke donosi konsenzusom. Ukoliko nije moguće postići konsenzus nakon ponovljenog pokušaja, glas SP EU je odlučujući u pogledu delovanja Fonda, uključujući usvajanje okvirnog delokruga rada.

9. Prihodi prikupljeni na prelazima Jarinje/Rudnica i Brnjak/Tabalije biće uplaćivani na račun Fonda, otvoren u nekoj od komercijalnih banaka u Prištini, o kojoj će odlučiti EU.

C. Prelazne odredbe:

10. Strane su dalje saglasne da će u roku od 3 dana nakon stupanja na snagu ovog sporazuma, predstavnicima kosovskih vlasti i EULEX-a biti omogućen neometan pristup prelazima, uključujući prilaz sa puta, u pogledu primene ovog sporazuma i ranijih zaključaka u vezi sa IBM. U tom će cilju biti uloženi svi mogući napori, uključujući izjave na najvišem političkom nivou. .

11. Fond će se osnovati na inicijativu SP EU, u roku od 7 dana nakon stupanja na snagu ovog sporazuma. SP EU će otvoriti račun u poslovnoj banci.

12. Prikupljanje prihoda od carina, akciza i PDV-a na prelazima Jarinje/Rudnica i Brnjak/Tabalije počeće odmah nakon osnivanja Fonda.

Obaveza kosovskih organa je da obezbedi da dokumentacija koja se izdaje privrednim subjektima/firmama (na privremenoj osnovi) sadrži konkretne informacije o tome gde se slivaju prihodi.

13. U roku od 30 dana nakon stupanja na snagu ovog sporazuma, dve strane će usvojiti propise neophodne za njegovo sprovođenje i ukinuti propise koji su u suprotnosti sa sporazumom.

14. Sredstva se ne mogu povlačiti iz Fondu bez odluke dve strane.

15. Aranžmani o registraciji privrednih subjekata/firmi su na privremenoj osnovi.

D. Završne odredbe:

16. Ovaj sporazum stupa na snagu 19. januara 2013. godine.

17. Primenu ovog sporazuma pratiće tripartitna grupa za implementaciju kojom predsedava EU. Grupa za implementaciju će prvenstveno obezbediti da se proces registracije iz člana 4 i članu 5 koristi isključivo u svrhu primene ovog sporazuma.

DODATAK BROJ 10
Matične knjige

1. Strane će zajednički uložiti sve napore u pogledu uspostavljanja potpuno pouzdane matične službe na Kosovu.

2. Tripartitna 'zajednička komisija', koju čine stručnjaci iz oblasti matičnih knjiga obe strane i EULEKS-a, pri čemu će ovaj biti na mestu predsedavajućeg, biće oformljena radi utvrđivanja praznina u nestalim originalima matičnih knjiga iz perioda pre 1999. godine.

3. EULEKS će overiti kopije svih originalnih matičnih knjiga građana sa Kosova, po opštinama, po potrebi uz konsultacije sa stručnjacima obe strane. EULEKS će obraditi overene kopije s ciljem uspostavljanja potpuno pouzdane matične službe na Kosovu.

4. Na zahtev, EULEKS će biti spreman da dostavi konkretne informacije sa Kosova. (*Izveštaj, 2012)*.

DODATAK BROJ 11
Katastar

Radi zaštite prava lica sa legitimnim imovinskim zahtevima, strane će zajednički uložiti sve napore u pogledu uspostavljanja potpuno pouzdanog katastra na Kosovu.

2. Tripartitna grupa za sprovođenje, koju čine katastarski stručnjaci obe strane i kojoj predsedava EU, nadgledaće rad stručne agencije (koju će odabrati EU nakon konsultacija sa obema stranama), a čija će uloga biti da utvrdi praznine u originalnoj katastarskoj evidenciji iz perioda pre 1999. godine.

3. Specijalni predstavnik EU dobiće skenirane kopije originalne katastarske evidencije iz perioda pre 1999. godine, koja je uklonjena sa Kosova. Na zahtev, Specijalni predstavnik EU dostaviće konkretne informacije sa Kosova.

4. Stručna agencija pomenuta u tački 2. uporediće sve kopije originalne katastarske evidencije privatne svojine[97] iz perioda pre 1999. godine sa rekonstruisanim katastrom Kosova. Tripartitna grupa za sprovođenje preneće na mehanizam za rešavanje sporova na Kosovu one slučajeve u kojima se na osnovu poređenja utvrdi da evidencije nisu istovetne. Ovaj mehanizam doneće konačnu odluku o tome koji je katastarski zapis tačan.

5. Prvi stepen mehanizma za rešavanje sporova predstavljaće Komisija sastavljena od međunarodnih i stručnjaka za katastar i imovinu sa Kosova. Većinu stručnjaka imenovaće Specijalni predstavnik EU, uzimajući u obzir interese svih zainteresovanih zajednica.

6. Vrhovni sud Kosova delovaće kao drugostepeno žalbeno telo ovog mehanizma. Odluke Vrhovnog suda Kosova donosiće sudsko veće u kome će međunarodne sudije imati većinu, a one će biti konačne, izvršne i neće moći da budu osporavane.

7. O odlukama napred navedenog mehanizma biće obavešteni svi zainteresovani činioci. Katastarska agencija Kosova sprovodiće konačne odluke napred navedenog mehanizma za rešavanje sporova tako što će unositi neophodne promene u kosovski katastar.

8. Tripartitna grupa za sprovođenje nadgledaće brzu realizaciju i funkcionisanje gore navedenog aranžmana i redovno će Dijalogu podnositi izveštaje o napretku. *(Izveštaj, 2012)*.

DODATAK BROJ 12
Univerzitetske diplome

1. Na osnovu operativnih zaključaka od 2. jula 2011. godine o prihvatanju univerzitetskih diploma, strane su se dogovorile da zamole Evropsku univerzitetsku asocijaciju da overi univerzitetske diplome koje izdaju univerziteti svake strane kako bi ih druga strana koristila u svrhe nastavka obrazovanja i/ili zapošljavanja u javnom sektoru.

[97] Ovo će se odnositi na katastarsku evidenciju privatne svojine, privatne komercijalne svojine i privatne crkvene svojine.

2. Nakon provere da li su univerzitetske diplome izdate od strane ovlašćenih institucija u skladu s najboljom evropskom praksom, sertifikaciju vrši Komitet evropskih akademskih stručnjaka, koji je osnovala Evropska univerzitetska asocijacija.

3. Dodaci uz diplome i transkripti ocena u formatu u kakvom su podneti tokom dijaloga i predstavljeni u prilogu ovih zaključaka prilagaće se uz univerzitetske diplome. Organi svake od strana odlučiće koji od dokumenata su validni za ovaj proces, pod uslovom da je rezultat prihvatanje kvalifikacije stečene na osnovu diplome.

4. EU će uložiti sve napore da obezbedi sprovođenje gore pomenutih zaključaka od 1. januara 2012. godine. *(Izveštaj,* 2012*).*

DODATAK BROJ 13

Dogovor o regionalnom predstavljanju i saradnji

1. Obe starne potvrđuju svoju posvećenost delotovornoj, inkluzivnoj i reprezentativnoj regaionalnoj saradnji.

2. U tom smilsu, „Kosovo"* je jedini naziv koji će se koristiti u okviru regionalne saradnje.

3. Fusnota koja će se primenjivati u vezi sa zvezdicom u gore navedenom paragrafu 2, će glasiti: *This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.* „Ovaj naziv je bez prejudiciranja statusa i u skladu je sa Rezolucijom Saveta bezbednosti Ujedinjenih nacija 1244 i mišljenjem Međunarodnog suda pravde o deklaraciji o nezavisnosti Kosova."

4. „Kosovo"* učestvuje za svoj račun i govori za sebe na svim regionalnim skupovima.

5. Kada se novi sporazumi parafiraju i/ ili potpisuju, predstavnik „Kosova"* će se potpisati pod nazivom iz gore navedenih paragrafa 2 i 3.

6. U pogledu izmena postojećih sporazuma potpisanih od starne UNMIK-a, ovi zaključci neće biti tumačeni tako da prejudiciraju zakonska prava UNMIK-a. Predstavnik Misije Ujedinjenih nacija na Kosovu (UNMIK) biće pozvan na susrete organizovane u okviru dogovora u kojima je on jedan od ugovornih strana. Na UNMIK-u je da odluči da li će prisustvovati nekom sastanku.

7. Domaćini sastanka biće podstaknuti da izbegavaju prikazivanje nacionalnih simbola osim simbola svojih organizacija i organizacija EU, uzimajući u obzir statute relevantnih organizacija.

8. EU kao posrednik će obaveštavati relevantne regionalne organizacije i entitet o ovom aranžmanu koji se tiče naziva, predstavljanja i načina potpisivanja. Oni bi trebalo da se odraze u praktičnoj organizaciji regionalnih susreta. EU će nadgledati implementaciju ovih dogovora.

9. Obe strane potpisnice i EU će podsticati partnere da podrže ove dogovore i da pomognu u njihovoj implementaciji.

10. Pod Regionalnim organizacijama iz ovog aranžmana smatraju se postojeće i buduće međuvladine organizacije ili dogovori čiji je cilj da promovišu sradanju ili integraciju u regionu Balkana. „Regionalni susreti" uključuju susrete ovih organizacija,

kao i *ad hoc* tela i neformalne susrete sa sličnim ciljem. Takođe, ovo uključuje i susrete sa institucijama EU u kontekstu Evropske agende.

11. Ovi dogovori su prihvaćeni na privremenoj osnovi.

DODATAK BROJ 14

Prvi sporazum o principima koji regulišu normalizaciju odnosa

1. Postojaće Asocijacija/Zajednica opština u kojima Srbi čine većinsko stanovništvo na Kosovu. Članstvo će biti otvoreno za svaku drugu opštinu pod uslovom da se o tome saglase članovi.

2. Ova Zajednica/Asocijacija će biti uspostavljena na osnovu Statuta. Do njenog raspuštanja može doći samo na osnovu odluke opština učesnica. Pravne garancije će pružiti merodavno pravo i ustavno pravo (uključujući i pravilo dvotrećinske većine).

3. Strukture Asocijacije/Zajednice će biti uspostavljene na istoj osnovi na kojoj počiva postojeći Statut Asocijacije kosovskih opština, npr. predsednik, potpredsednik, Skupština, Veće.

4. U skladu sa nadležnostima dodeljenim Evropskom poveljom o lokalnoj samoupravi i kosovskim zakonom, opštine učesnice će imati pravo da sarađuju u kolektivnom sprovođenju ovlašćenja kroz Zajednicu/Asocijaciju. Asocijacija/Zajednica će imati pun nadzor nad oblastima ekonomskog razvoja, obrazovanja, zdravstva, urbanizma i ruralnog razvoja.

5. Asocijacija/Zajednica će vršiti i druge dodatne nadležnosti koje joj mogu delegirati centralne vlasti.

6. Zajednica/Asocijacija će imati reprezentativnu ulogu prema centralnim vlastima i u tom cilju biće predstavljena u konsultativnom veću zajednica. U cilju ispunjavanja ove uloge predviđena je funkcija monitoringa.

7. Na Kosovu će postojati jedinstvene policijske snage koje se zovu Kosovska policija. Sva policija na severu Kosova će biti integrisana u okvir Kosovske policije. Plate će isplaćivati samo Kosovska policija.

8. Članovima drugih srpskih bezbednosnih struktura biće ponuđena mesta u ekvivalentnim kosovskim strukturama.

9. Postojaće regionalni komandant policije za četiri opštine na severu u kojima Srbi čine većinsko stanovništvo (severna Mitrovica, Zvečan, Zubin Potok i Leposavić). Komandant ovog regiona biće kosovski Srbin koga imenuje Ministarstvo unutrašnjih poslova sa spiska koji dostavljaju četiri gradonačelnika u ime Zajednice/Asocijacije. Sastav KP na severu će odslikavati etnički sastav stanovništva ove četiri opštine. (Postojaće još jedan regionalni komandant policije za opštine južna Mitrovica, Srbica i Vučitrn). Regionalni komandant četiri severne opštine će sarađivati sa drugim regionalnim komandantima.

10. Sudske vlasti biće integrisane i funkcionisaće u okviru pravnog sistema Kosova.

Apelacioni sud u Prištini će uspostaviti veće koje će biti sastavljeno od većine sudija kosovskih Srba, koje će biti nadležno za sve opštine u kojima su Srbi većinsko stanovništvo.

11. Odeljenje Apelacionog suda, koga čine administrativno osoblje i sudije, imaće stalnu kancelariju u severnoj Mitrovici (Okružni sud u Mitrovici). Svako veće spomenutog Odeljenja će biti sastavljeno od većina sudija kosovskih Srba. U zavisnosti od prirode slučaja o kome je reč, veće će činiti odgovarajuće sudije.

12. Plan za implementaciju, uključujući vremenske rokove, biće sačinjen do 26. aprila. Prilikom implementacije ovog Sporazuma, poštovaće se princip transparentnog finansiranja.

13. Dve strane će intenzivirati razgovore o energetici i telekomunikacijama i okončati ih do 15. juna.

14. Dogovoreno je da nijedna strana neće blokirati, ili podsticati druge da blokiraju napredak druge strane na njenom putu ka EU.

15. Dve strane će, uz pomoć EU, osnovati Komitet za implementaciju.

DODATAK BROJ 15

Članovi Sporazuma o principima posvećeni ZSO

(1) Zajednica će se fokusirati na većinski srpske opštine na Kosovu, ali će biti otvorena za bilo koju drugu opštinu ukoliko se njeni članovi sa tim slažu (član 1);

(2) Zajednica će biti stvorena statutom (član 2);

(3) Strukture Zajednice biće uspostavljene na istim principima kao postojeći statut zajednice kosovskih opština (član 3);

(4) Opštine koje sudeluju imaće pravo da sarađuju u ostvarivanju svojih prava u skladu sa nadležnostima dodeljenim Evropskom poveljom o lokalnoj samoupravi i kosovskim zakonom i Zajednica će imati potpuni nadzor nad domenima ekonomskog razvoja, obrazovanja, zdravstva, urbanog I ruralnog planiranja. (član 4);

(5) Druga ovlašćena mogu biti dodeljena od strane centralne vlasti (član 5);

(6) Zajednica će imati predstavničku ulogu pred centralnom vlašću i mesto u savetodavnom veću za zajednice sa funkcijom nadzora (član 6).

DODATAK BROJ 16

Asocijacija / zajednica opština sa većinskim srpskim stanovništvom na Kosovu – Opšte odredbe / ključni elementi

Zakonski okvir

1) Asocijacija/Zajednica opština sa većinskim srpskim stanovništvom na Kosovu se osniva kao Asocijacija/Zajednica opština sa većinskim srpskim stanovništvom, kao što je predviđeno Prvim sporazumom, Zakonom o ratifikaciji Prvog sporazuma i zakonom Kosova.

2) Na osnovu Prvog sporazuma koji priznaje njen poseban karakter, Vlada Kosova usvojiće ukaz koji će se direktno primenjivati i koji će razmatrati Ustavni sud. Asocija-

cija/Zajednica će biti pravno lice definisano Statutom, koji će sadržati najmanje dole navedene elemente.

3) Konstitutivna skupština, koju će činiti i u kojoj će glasati izabrani članovi skupština opština-članica, će usvojiti Statut.

Ciljevi

4) U skladu sa Prvim sporazumom, ključni ciljevi Asocijacije/Zajednica su vršenje javnih funkcija i usluga u cilju:

a) Jačanja lokalne demokratije;

b) Vršenja punog nadzora radi razvoja lokalne ekonomije;

c) Vršenja punog nadzora u oblasti obrazovanja;

d) Vršenja punog nadzora u primarnoj i sekundarnoj zdravstvenoj i socijalnoj zaštiti;

e) Vršenja punog nadzora u koordinaciji urbanog i ruralnog planiranja;

f) Usvajanju mera za poboljšanje lokalnih uslova života povratnika na Kosovu;

g) Sprovođenja, koordinisanja i omogućavanja istraživačkih i razvojnih aktivnosti;

h) Unapređenja, razmene i zagovaranja pitanja od zajedničkog interesa opština-članica, kao i njihovo predstavljanje, uključujući i pred centralnim vlastima;

i) Pružanja usluga svojim članicama u skladu sa zakonima Kosova;

j) Procene pružanja javnih usluga svojim članicama i njihovim stanovnicima radi pružanja podrške Zajednici/Asocijaciji u formiranju stavova od zajedničkog interesa za učešće u radu centralnih vlasti;

l) Vršenja potrebnog nadgledanja radi sprovođenja svojih ciljeva;

m) Uspostavljanja odnosa i sklapanja ugovora o saradnji sa drugim asocijacijama opština, domaćim i međunarodnim;

5) Asocijacija/Zajednica će obavljati i druge dodatne nadležnosti koje joj mogu delegirati centralne vlasti.

Organizaciona struktura

6) Asocijacija/Zajednica ima sledeća tela:

a) Skupština je vrhovno telo sastavljeno od predstavnika koje imenuje svaka skupština opština-članica iz redova izabranih poslanika. Skupština ima pravo da usvoji izmene Statuta, Pravilnika o radu i svih neophodnih uredbi i administrativnih odluka u skladu sa svojim statutom i shodno svojim ciljevima.

Sve izmene Statuta, Pravilnika o radu i svih neophodnih uredbi, kao i odluke koje je usvojila Skupština se primenjuju na sve članove sem ukoliko neka opština-članica formalno izrazi drugačiju odluku.

b) Predsednik, koji predstavlja Zajednicu/Asocijaciju, uključujući i pred centralnim vlastima i van Kosova. Predsedniku pomaže potpredsednik. Predsednika i potpredsednika bira skupština iz redova odbornika opština-članica i njihovih gradonačelnika.

c) Savet koji je sastavljen od maksimalno 30 članova od stanovnika opština-članica, uključujući sve gradonačelnike opština-članica; Savet je savetodavno telo koje daje smernice za rad Zajednice/Asocijacije.

d) Odbor, koji se sastoji od sedam članova koje bira Skupština iz redova gradonačelnika i stanovnika opština-članica; tačan sastav određuje Statut, sa pravom donoše-

nja neophodnih odluka za svakodnevno upravljanje Asocijacijom/Zajednicom. Članove Odbora u radu podržava Profesionalni kolegijumi koje čine stručnjaci koji pokrivaju oblasti koje spadaju u ciljeve i obaveze Asocijacije/Zajednice. Statut određuje broj Profesionalnih kolegijuma i njihove obaveze prema članovima Odbora.

e) Administracija, na čelu sa šefom Administracije koga bira Odbor i koji podnosi izveštaje Odboru, pruža podršku u radu Asocijacije/Zajednice, a posebno Odboru i Predsedniku. Administrativno osoblje će imati povlastice u skladu sa statusom zaposlenih lica, u skladu sa zakonom Kosova, uključujući i Zakon o radu i Zakon o državnoj upravi, što im omogućava da obavljaju administrativne poslove. Članovi Asocijacije/Zajednice mogu da odluče da uposle izvestan broj zaposlenih na pružanju podrške Asocijaciji/Zajednici u sprovođenju njenih ciljeva.

f) Kancelarija za žalbe, koja će imati mandat da se bavi žalbama u vezi sa ciljevima.

7) Sedište Zajednice/Asocijacije se određuje Statutom.

Odnosi sa centralnim vlastima

8) Asocijacija/Zajednica radi sa centralnim vlastima na osnovu međusobne saradnje i razmene informacija

9) Asocijacija/Zajednica promoviše interese srpske zajednice u odnosu sa centralnim vlastima.

10) Asocijacija/Zajednica ima pravo da predlaže, u skladu sa zakonom Kosova, izmene zakona i drugih propisa koji su od važnosti za ostvarivanje njenih ciljeva.

11) Asocijacija/Zajednica ima pravo da pokrene ili učestvuje u postupcima pred nadležnim sudovima, uključujući i pred Ustavnim sudom, protiv svih akata ili odluka svake inistitucije koji utiču na obavljanje nadležnosti Asocijacije/Zajednice, u skladu sa njenim Statutom.

12) Asocijacija/Zajednica ima pravo da predlaže predstavnike u nadležnim organima/telima centralnih vlasti, uključujući i u Savetodavnom veću zajednica. U cilju ostvarenja nadzora koji je predviđen Prvim sporazumom, predstavnici Asocijacije/Zajednice imaju pravo na pristup i na dobijanje informacija od centralnih organa u skladu sa zakonom Kosova.

13) U ime Asocijacije/Zajednice, četiri njena gradonačelnika severnih opština dostavljaju MUP-u spisak kandidata za imenovanje na mesto regionalnog Komandanta policije, kako je naznačeno u članu 9 Prvog sporazuma.

Pravni kapacitet

14) Asocijacija/Zajednica ima neophodni pravni kapacitet prema zakonima Kosova, kako bi ostvarivala svoje ciljeve, uključujući i pravo na posedovanje pokretne i nepokretne imovine, suvlasništva nad kompanijama koje pružaju lokalne usluge iz delokruga Asocijacije/Zajednice, i sklapanja ugovora, uključujući i ugovora o radu.

15) Na osnovu Prvog sporazuma, Asocijacija/Zajednica se smatra osnovanom po usvajanju ukaza, za potrebe njenih ciljeva.

Budžet i podrška

16) Asocijacija/Zajednica ima svoj budžet, kojim se upravlja u skladu sa principima transparentnosti i odgovornosti, kao i odredbama Zakona o javnim nabavkama.

Ovi principi se naročito primenjuju na usmeravanje sredstava, uključujući i shodno članu 17.d.

Troškovi podležu reviziji nadležnih organa, uključujući i generalnog revizora.

17) Asocijacija/Zajednica se finansira preko:

a) priloga njenih članica;

b) prihoda i sredstava od usluga koje pruža Asocijacija/Zajednica, njenih preduzeća ili iz sredstava proisteklih iz njene pokretne i nepokretne imovine;

c) transfera centralnih vlasti;

d) priloga, bespovratnih zajmova, donacija kao i preko finansijske podrške drugih asocijacija i organizacija, kako lokalnih tako i međunarodnih, kao i preko Republike Srbije; Asocijacija/Zajednica je izuzeta od plaćanja carine i poreza u realizaciji svojih ciljeva, po istoj osnovi kao i opštine-članice.

Opšte i završne odredbe

18) Asocijacija/Zajednica je otvorena za svaku drugu opštinu pod uslovom da se opštine-članice o tome slože.

19) Asocijacija/Zajednica se može raspustiti samo donošenjem odluke Skupštine koju je usvojila dvotrećinska većina opština-članica.

20) Asocijacija/Zajednica ima pravo na zvanične simbole (grb i zastava) u skladu sa zakonima Kosova.

21) Statut Asocijacije/Zajednice sastavlja Upravljački tim i predstaviće ga tokom dijaloga na visokom nivou za četiri meseca od datuma potpisivanja sporazuma o ovim principima/elementima, uz posredovanje ukoliko bude neophodno, uključujući i Ministarstva za lokalnu samoupravu. Statut će biti potvrđen ukazom nakon postizanja sporazuma u okviru dijaloga. Sve izmene predstavlja Asocijacija/Zajednica, potvrđuju se ukazom, a razmatra ih Ustavni sud.

22) Godinu dana od usvajanja Statuta Asocijacije/Zajednice, sprovešće se revizija njegove implementacije, uključujući i u odnosu na član 5 Prvog sporazuma.

http://www.kim.gov.rs/lat

DODATAK BROJ 17

Pravosuđe

1. Pravosudne institucije će primenjivati kosovske zakone u skladu sa Prvim sporazumom.

2. Postojaće jedan Osnovni sud i jedno Osnovno tužilaštvo za region Mitrovice.

3. Osnovni sud u Mitrovici će se nalaziti u više objekta.

4. Osnovni sud u Mitrovici ima 4 ogranka u regionu Mitrovice (Zubin Potok, Leposavić, Srbica, Vučitrn).

5. Najveći deo predmeta iz opština gde se ogranci nalaze, sudiće se u ovim ograncima, u skladu sa zakonom.

6. Na Kosovu, predsednik Osnovnog suda odlučuje o raspodeli predmeta.

7. Raspodela predmeta tužiocima je bazirana na ekspertizi, specijalizaciji, ličnom iskustvu i poznavanju lokalne sredine, u skladu sa kosovskim zakonom.

8. U najvećem broju predmeta u Osnovnom sudu sudi sudija pojedinac, u skladu sa kosovskim zakonom.

9. Obe strane će biti zastupljene u svim objektima Osnovnog suda Mitrovice, Kancelarije osnovnog tužilaštva i odeljenju Apelacionog suda u Mitrovici.

10. U delu Osnovnog suda Mitrovica u Severnoj Mitrovici većinu će činiti Srbi.

11. Osnovni sud, deo u Severnoj Mitrovice, će se sastojati od:

– Odeljenja Apelacionog suda u Mitrovici, koje će činiti 5 kosovskih srpskih i 2 kosovskih albanskih sudija,
– Odeljenja za teška krivična dela za ceo region Mitrovice, koje će činiti 4 kosovskih srpskih i 4 kosovskih albanskih sudija,
– Dela opšteg odeljenja za suđenje za sva krivična dela za severni deo Mitrovice, južni deo Mitrovice i Zvečan.

12. Drugi deo Osnovnog suda Mitrovica u južnoj Mitrovici, će se sastojati od:

– Odeljenja za maloletnike za ceo region Mitrovice,
– Dela opšteg odeljenja za suđenje u parničnim postupcima, nespornim zahtevima, prekršajima za severni deo Mitrovice, južni deo Mitrovice i Zvečan.

Ovaj deo Osnovnog suda u južnom delu Mitrovice će se nalaziti u zgradi takozvane „Jugobanke", ili nekoj drugoj zgradi na osnovu dogovora obeju strana.

13. Predsednik Osnovnog suda u Mitrovici je kosovski Srbin iz severnog dela Kosova.

14. Glavni tužilac u kancelariji Osnovnog tužilaštva u Mitrovici je kosovski Albanac. Prostorije se nalaze u Administrativnoj kancelariji Severne Mitrovice (MNAO), u Bošnjačkoj Mahali ili nekoj drugoj zgradi na osnovu dogovora obeju strana.

15. Kosovski Srbin će biti šef odeljenja Apelacionog suda koji se nalazi u severnom delu Mitrovice. Potpredsednik Apelacionog suda će biti kosovski Srbin u Prištini. (Izvor: *„Dokument: Šta sadrži sporazum o pravosuđu", Blic, Beograd, četvrtak, 12. februar 2015, 4*).

DODATAK BROJ 18
Civilna zaštita

I. Integracija osoblja Civilne zaštite (CZ):

Proces integracije pojedinaca će biti sproveden u skladu sa Briselskim sporazumom i kosovskim Zakonom o civilnoj službi.

1. Beograd je predao spisak od 751 člana CZ koji treba da se integrišu u kosovske institucije.

2. Priština je ponudila ukupno 483 radnih mesta na severu, od kojih je 80 u Agenciji za upravljanje vanrednim situacijama i 25 u Kazneno-popravnoj službi Kosova; i 50 mesta koja je se isplaćivati iz Fonda za nepredviđene izdatke, što znači da će ti ljudi primati platu ali će konačna radna mesta u javnom sektoru biti utvrđena u roku od tri godine.

3. **Podobnost**: Od 751 lica, samo će oni koji poseduju važeću kosovsku ličnu kartu ili dokaz da su podneli prijavu za dobijanje kosovske lične karte, oni koji još uvek nisu na platnom spisku neke od kosovskih institucija i oni koji prođu bezbednosnu prove-

ru, biti podobni na integraciju. Bezbednosnu proveru će vršiti KP i EULEX, a u slučaju negativnog mišljenja, komisija će kandidatu dati obrazloženje na individualnoj osnovi.

4. Nakon utvrđivanja podobnosti, komisija će izvršiti odabir pojedinačnih kandidata za određena mesta na osnovu iskazane zainteresovanosti (više od jedne opcije), obrazovanja i profesionalnog iskustva.

5. U principu, komisija će biti sastavljena od četiri člana. Dva člana iz kosovskih institucija; jedan predstavnik bivše Civilne zaštite, i jedan predstavnik EU. Konkretno, za radna mesta koja se odnose na versku i kulturnu baštinu (ukupno 20), Srpska pravoslavna crkva (SPC) sa Kosova i kosovsko Ministarstvo za kulturu, omladinu i sport će biti konsultovani pre konačnog izbora. Imena članova komisije će biti dostavljena EU posredniku do 8. aprila 2015. godine.

6. Gore navedena komisija će biti formirana 27. aprila 2015, kada će biti održan i prvi sastanak. Sastanci komisije će se održavati u Prištini, u prostorijama koje će odrediti prištinska strana.

7. Komisija će svoj rad zaključiti najkasnije do 14. avgusta 2015, a svi ugovori o radu će biti potpisani do 1. septembra 2015, kada će biti okončan i ceo proces integracije.

8. Komisija će odlučivati o načinu izbora, uključujući i moguće intervjue koje će voditi sa određenim kandidatima, ako i kada to bude potrebno. Obaveza kandidata i njihovog aktuelnog poslodavca je da na zahtev komisije dostave sve dodatne podatke.

9. Komisija će najpre odlučivati o izboru kandidata u oblasti upravljanja vanrednim situacijama (80 radnih mesta) i kazneno-popravnoj službi (25 radnih mesta). Izbor za ova mesta će biti završen do 15. juna 2015, a ugovori potpisani do 1. jula 2015. godine.

10. Nakon pojedinačnog izbora i pismenog obaveštavanja od strane komisije, kandidati će imati 15 dana da potpišu ugovor o radu i izjavu (nacrt u aneksu). Prištinska strana će učiniti sve što je potrebno da ubrza izdavanje dokumenata. U slučaju da izabrani kandidat ne potpiše ugovor o radu i izjavu u roku od 15 dana od dobijanja obaveštenja od komisije, radon mesto će biti ponuđeno drugom kandidatu, a osoba će biti uklonjena sa spiska osoba koje ispunjavanju kriterijume za integraciju. U slučaju da kandidati izabrani od 15. jula do 14. avgusta 2015. godine ne potpišu ugovor o radu i izjavu, biće omogućeno dodatnih 30 dana (do 15. septembra) da komisija izvrši novi odabir i ponudi nepopunjena radna mesta drugim podobnim kandidatima.

11. **Sva ponuđena mesta** biće popunjena podobnim kandidatima, bivšim članovima CZ.

II. Postupanje sa prostorijama i opremom CZ-a:

12. Beogradska strana je EU posredniku dostavila spisak lokacija prostorija i „osmatračkih punktova" na kojima su trenutno članovi CZ-a.

13. Tri osmatračka punkta na putu između Mitrovice i Jarinja će biti uklonjena sa puta do 20.04.2015, a punkt koja se nalazi na severnoj strani glavnog mosta u Mitrovici će biti predat KP-u, takođe do 20.04.2015. Proces će nadgledati i verifikovati KP i EULEKS.

14. Na osnovu predatog spiska prostorija, prištinska strana će izvršiti procenu koje će prostorije nastaviti da se koriste u svrhe otvaranja relevantnih kosovskih institucija, a u kojima će raditi integrisano osoblje. Prištinska strana snosi odgovornost kada je reč

o obezbeđivanju, opremanju i renoviranju ovih i ostalih neophodnih dodatnih prostorija najkasnije do 01.09.2015. godine. Predaja prostorija će početi nakon što komisija bude mogla da EU posredniku potvrdi potpunu integraciju 105 članova CZ-a. Proces će se odvijati postepeno, a okončaće se najkasnije do 20.07.2015.

15. Svaki vid prismotre, uključujući i tehničku opremu i situacioni centar, će biti uklonjen i/ili predat KP-u do 20.04.2015.

16. Beogradska strana je obavestila da CZ poseduje oko 500 zvaničnih jakni. Beogradska strana će u pisanoj formi obavestiti EU posrednika o prekidu zvaničnog korišćenja ovih jakni na dan integracije 105 odabranih kandidata. Tokom i nakon integracije, bivšim članovima CZ-a neće biti dozvoljeno da nose bilo kakve uniforme niti civilnu odeću koja nalikuje uniformama sa oznakama CZ-a. Nakon integracije, poslodavac će odlučiti o pravilima odevanja, uključujući i o nošenju uniforme kada i ako je to prikladno, u zavisnosti od institucije u koju se osoblje integrisalo.

17. Beogradska strana će do 24.04.2015. godine dostaviti EU posredniku popis sve opreme koju CZ trenutno koristi i poseduje. Prištinska strana će odlučiti koju opremu će nastaviti da koriste kosovske institucije u severnim opštinama, a preostala oprema će biti prebačena beogradskoj strani, što će potvrditi KP i EULEKS.

18. Beogradska strana je dostavila pisanu potvrdu da CZ i njeni članovi ne poseduju nikakvo zvanično oružje. Ukoliko prištinska strana bude mogla da dostavi pouzdane dokaze da CZ poseduje zvanično oružje, ona će o tome obavestiti EU posrednika, a EULEKS i KP će zajedno sprovesti operacije pretresa bez prethodne najave.

III. Obaveštenja

19. Beogradska strana će do 24.04.2015. godine u pisanoj formi obavestiti EU posrednika o prekidu isplate zarada i pružanja bilo kakve finansijske pomoći CZ-u na Kosovu do 01.09.2015, izuzev osoba koje potpadaju pod tačku 10 do 15.09.2015, i usvojiti neophodnu internu uredbu radi sprovođenja ove odluke. Kopija ove uredbe će biti dostavljena EU posredniku do 01.09.2015.

20. Beogradska strana će do 24.04.2015. pisanim putem obavestiti EU posrednika da od 01.09.2015. godine CZ na Kosovu više neće postojati unutar srpskog sistema.

DODATAK BROJ 19

Sporazumi u vezi sa energetikom

1. Obe strane potvrđuju svoju posvećenost u ispunjavanju svih obaveza predviđenih Ugovorom o osnivanju Energetske zajednice i da će primenjivati pravne tekovine EU koje se tiču energetike. Ovi dogovori su u potpunosti u skladu sa oba ova akta.

2. KOSTT i EMS će potpisati bilateralni operativni sporazum u roku od 3 meseca koji će uspostaviti i urediti odnose između dva operatora prenosnog sistema. Osim toga, nekadašnji Privremeni sporazum o razmeni energije i Privremeni tehnički sporazum biće stavljeni van snage.

KOSTT će biti priznat kao operator prenosnog sistema za teritoriju Kosova u cilju učestvovanja u svim relevantnim mehanizmima (ITC, regulisanje zagušenja, itd).

EMS će pružati podršku KOSTT-u da postane član Evropske mreže operatera prenosnih sistema električne energije (ENTSO-E).

3. Regulatorni organi obe strane u oblasti energetike otvoriće direktne kanale za komunikaciju za diskusiju o pitanjima od zajedničkog interesa.

Regulatorni organi obe strane će, nakon prijavljivanja, bez odlaganja i u skladu sa zahtevima postojećeg okvira za licenciranje u njihovoj nadležnosti, izdavati licence koje obuhvataju trgovinu (uvoz, izvoz, tranzit) i snabdevanje KEK-u, KEDS-u i EPS-u.

4. Obe strane će ubrzati proces otvaranja tržišta do 1 jula 2014, u skladu sa rasporedom koji je utvrđen Ugovorom o osnivanju Energetske zajednice, čime će dozvoliti da se osnuje novo preduzeće za snabdevanje potrošača električnom energijom. Obe strane su takođe saglasne da će ovo preduzeće biti osnovano u skladu sa kosovskim pravnim i regulatornim okvirom.

5. To novo preduzeće će snabdevati potrošače električnom energijom i može pružati usluge distribucije (kao što je izdavanje i naplata računa, održavanje i fizičko povezivanje novih potrošača) potrošačima u četiri opštine na severu sa većinskim srpskim stanovništvom, i moći će da kupuje i prodaje električnu energiju na otvorenom tržištu. Kako bi moglo da posluje u skladu sa tačkom 4, ovo novo preduzeće će potpisati sporazume sa KOSTT-om kako bi moglo da učestvuje na kosovskom tržištu električne energije i kako bi postalo strana sa jednakom odgovornošću.

Odmah nakon osnivanja ovog novog preduzeća, ona će nastaviti razgovore sa KEDS-om i KOSTT-om o svim ostalim pitanjima od zajedničkog interesa, uključujući i obezbeđivanje pristupa trećoj strani. Zaposleni u JP Elektrokosmet će ili biti uključeni u ovo novo preduzeće ili će im se ponuditi zaposlenje u KEDS-u.

KOSTT će ponovo povezati dalekovod od 110 kV do mesta Valač. Trenutni operateri u podstanici u Valaču će poštovati uputstva koja budu dobijali iz kosovskog dispečerskog centra.

6. Obe strane su se dogovorile da će postići zajedničko rešenje za namirivanje potraživanja KOSTT-a i EMS-a. KOSTT smatra da se ova potraživanja odnose na neplaćenu naknadu za tranzit električne energije i prihode od međuveznog raspoređivanja i potraživanja EMS-a za sekundarnu regulaciju. EMS smatra da se ova potraživanja odnose na usluge za sekundarnu i tercijarnu regulaciju. Ako ne bude bilo moguće da se u roku od 6 meseci postigne zajednički dogovor, obe strane se slažu da iznesu ove zahteve za potraživanja pred međunarodnom arbitražom.

7. Obrazovaće se grupa za sprovođenje u cilju izrade potpunog Akcionog plana za sprovođenje budućeg Sporazuma. Potpun proces sprovođenja će započeti nakon prijema pisanog usvajanja Akcionog plana.

DODATAK BROJ 20

Zaključci EU posrednika o sprovođenju Sporazuma o enregtici iz 2013. goidne

Radi izvršenja obaveza prema „Dogovorima o energetici", koji su dvojica Premijera potpisala septembra 2013. godine, obe strane saglasne su sa sledećim:

Osnivanje nove kompanije za trgovinu

1. Kosovo će dozvoliti EPS-u da osnuje kompaniju za trgovinu električnom energijom na Kosovu, u skladu sa svojim nediskriminatornim obavezama u okviru Energetske zajednice, kao i sa pravnim i regulatornim okvirom Kosova.

2. EPS će kosovskoj Agenciji predati dokumente za registraciju biznisa radi podnošenja zahteva za potvrda o registraciji poslovanja pre kraja avgusta 2015. godine.

3. U skladu sa pravilima i rokovima koji važe na Kosovu, ova potvrda o registraciji poslovanja će biti odobrena u roku od 7 dana.

4. Ova kompanija će podneti zahtev za licencu koja obuhvata uvoz, izvoz i tranzit, i ta će joj licenca biti odobrena.

Osnivanje nove kompanije za usluge snabdevanja i distribucije

5. Kosovo će dozvoliti EPS-u da osnuje kompaniju za snabdevanje na Kosovu, u skladu sa svojim nediskriminatornim obavezama u okviru Energetske zajednice, kao i sa pravnim i regulatornim okvirom Kosova.

6. EPS će predati dokumente kosovskoj Agenciji za registraciju biznisa radi podnošenja zahteva za potvrdu o registraciji poslovanja pre kraja avgusta 2015. godine.

7. U skladu sa pravilima i rokovima koji važe na Kosovu, ovaj sertifikat o registraciji poslovanja biće odobren u roku od 7 dana.

8. Naziv ove kompanije biće „ElektroSever".

Licenca za snabdevanje

9. Ova kompanija će aplicirati Regulatornom uredu za energetiku (ERO) za potrebnu licencu za snabdevanje potrošača, kupovinu i prodaju električne energije na otvorenom tržištu, te uvoz i izvoz električne energije. Ova licenca će biti izdata u skladu sa pravnim i regulatornim okvirom Kosova.

10. Licenca za snabdevanje će važiti od trenutka kada KOSTT postane član organizacije ENTSO-E.

11. ElektroSever će potpisati sporazume sa KOSTT-om da bi mogao da učestvuje na tržištu električne energije Kosova i postane balansno odgovorna strana.

12. ElektroSever će imati pravo na izdavanje i naplatu računa, pošto su to uobičajene aktivnosti jedne kompanije za snabdevanje.

13. KOSTT, KEDS i ERO će imati pristup infrastrukturi za prenos i distribuciju, kao i podacima o potrošačima. Ti podaci biće dostavljeni posredstvom EU.

14. ElektroSever će otpočeti razgovore sa KEDS-om i KOSTT-om radi obezbeđenja pristupa trećoj strani.

Usluge distribucije

15. Obe strane će nastaviti, uz posredovanje EU, rade s ciljem omogućavanja ElektroSeveru da pruži usluge distribucije na osnovu principa iz „Dogovora o energetici".

Druga pitanja

16. Srbija i EMS podržaće zahtev KOSTT-a za potpisivanje sporazuma o interkonekciji sa ENTSO-E, uključujući i u žalbenom postupku.

17. Obe strane saglasne su da se sve tačke ovih Zaključaka sprovedu nezavisno od napretka po pitanju tačke 15.

Odricanje od odgovornosti

Kosovo smatra da je, u skladu sa Ustavom i zakonima Kosova i međunarodnim pravom, odnosno Rezolucijom SBUN 1244 i relevantnim Uredbama UNMIK-a, imovina na teritoriji Kosova u vlasništvu Kosova.

Srbija smatra da je, u skladu sa domaćim i međunarodnim pravom, odnosno Rezolucijom SBUN 1244, imovina na teritoriji Kosova u vlasništvu Srbije, prema posebnom pokrajinskom uređenju i u potpunosti u saglasnosti sa Ustavom Srbije.

http://www.kim.gov.rs/lat/

DODATAK BROJ 21
Telekomunikacije

1. U kontekstu dijaloga uz posredovanje EU, obe strane su se dogovorile da će ITU (Međunarodna unija za telekomunikacije) dodeliti Kosovu trocifreni pozivni broj u skladu sa ITU standardima, principima i vremenskim rokovima. Obe strane su se složile da će u naredna tri meseca biti iznađen obostrano prihvatljiv modalitet u vezi sa ovim procesom, uz posredovanje EU ukoliko to bude potrebno.

Cilj je da se period selidbe pozivnog broja okonča do januara 2015. godine. Nakon ovog datuma, ovaj pozivni broj dobijen od ITU će koristiti svi operateri na Kosovu. Operateri obeju strana će umanjiti cene usluga za građane na nivo lokalnih cena.

2. Regulatorna tela obeju strana će se dogovoriti o tehničkim sporazumima o usklađivanju upotrebe GSM sprektra i televizijskog signala, uključujući i emitovanje digitalnog zemaljskog signala, radi obezbeđivanja neprekinutog pružanja usluga u skladu sa principima ITU, kao i radi izbegavanja štetnog ometanja signala usluga. Svaka strana se obavezuje da neće namerno preklapati granicu/administrativnu liniju druge strane.

Regulatorna tela će takođe ohrabriti i omogućiti proces interkonekcija i sporazume o romingu između mobilnih operatera obeju strana sa ciljem smanjivanja cene usluge za građane. Takođe će započeti proces usklađivanja digitalnih frekvencija.

3. Po pitanju fiksne telefonije, puna licenca za fiksne telefonske usluge će se izdati NewCo, novoj kompaniji, kao filijali srpske kompanije registrovane u skladu sa kosovskim regulatornim okvirom.

4. Po pitanju mobilne telefonije, kosovske vlasti će izdati privremenu dozvolu novom preduzeću a u skladu sa kosovskim regulatornim okvirom, i to za aktuelne poslove i prema aktuelnoj infrastrukturi na terenu. Ova privremena dozvola neće isteći pre januara 2015. godine.

Privremena dozvola ističe onda kada kosovske vlasti izdaju punu, neograničenu licencu za mobilnu telefoniju prema rezultatima tendera/aukcije. Tender će biti organizovan u skladu sa EU standardima.

5. Iako poštanske usluge nisu bile deo ovih razgovora, obe strane će se o njima dogovoriti u kasnijoj fazi.

6. Formiraće se Grupa za implementaciju, uz posredovanje EU ukoliko to bude potrebno, kako bi izradila nacrt punog Akcionog plana za sprovođenje predmetnog spo-

razuma. Nakon što gore navedeni aranžmani stupe na snagu, Grupa za implementaciju može razmotriti, na zahtev bilo koje od strana, bilo kakva druga pitanja u vezi s ovim aranžmanima. Puni proces implementacije će otpočeti nakon dostavljanja pisane potvrde usvajanja Akcionog plana.

DODATAK BROJ 22

Aneks 1: tekst biltena Međunarodne unije za telekomunikacije (ITU)

Uz saglasnost administracije Republike Srbije, direktor Biroa za standardizaciju telekomunikacija (TSB) dodeljuje sledeće međunarodne pozivne brojeve za Kosovo:

E.164 pozivni broj (kao što je definisano u Preporuci ITU-T E. 164 odeljak 4.1): 383

E.212 pozivni broj (kao što je definisano u Preporuci ITU-T E. 212 odeljak 3.3): 221

Q.708 pozivni broj koji označava mrežno područje (SANC): 7-214

Datum aktivacije ovih pozivnih brojeva i datum prelaska sa pozivnih brojeva koji su trenutno u upotrebi na ove dodeljene pozivne brojeve će biti saopšten kasnije.

Aneks 2: tekst pisma Austrije Međunarodnoj uniji za telekomunikacije (ITU)

Poštovani Generalni sekretaru,

U okviru dijaloga između Kosova i Srbije uz posredovanje EU, čast mi je da zatražim u ime Srbije i Kosova da Međunarodna unija za telekomunikacije započne proces alociranja trocifrenog pozivnog broja Kosovu.

Kao deo gorepomenutog dijaloga, premijeri Kosova i Srbije su postigli sporazum u septembru 2013. godine po kome Kosovu treba dodeliti trocifreni pozivni broj u skladu sa standardima i principima i rasporedom Međunarodne unije za telekomunikacije (ITU). Obe strane su se takođe dogovorile da će međusobno prihvatljiv modalitet biti nađen u vezi sa ovim procesom, uz posredovanje EU prema potrebi. Hteo bih da vas obavestim da se taj međusobno prihvatljiv modalitet biti da Republika Austrija zatraži taj pozivni broj za Kosovo.

Bio bih vam zahvalan ukoliko biste što je brže moguće otpočneli sa alociranjem jednog od dva slobodna pozivna broja (+383 ili +384) na korišćenje kosovskim vlastima. Takođe bih vam bio zahvalan ako biste mogli da potvrdite da li je bilten Međunarodne unije za telekomunikacije (ITU) objavljen.

Aneks 3: oznaka Kosova u tehničkim aneksima Međunarodne unije za telekomunikacije (ITU)

U tehničkim aneksima biltena Međunarodne unije za telekomunikacije (ITU) Kosovo će biti pomenuto kao Kosovo* sa fusnotom „Ovaj naziv je bez prejudiciranja stavova o statusu, i u skladu je sa Rezolucijom 1244 Saveta bezbednosti UN i mišljenjem Međunarodnog suda pravde o deklaraciji o nezavisnosti Kosova".

(http://www.kim.gov.rs).

DODATAK BROJ 23
Izvod iz dokumenta delegacije Bundestaga

„I) … Bundestag podržava sve dosadašnje napore i postignute dogovore, ali i konstatuje da „postoji još dodatan broj koraka koje treba učiniti kako bi se donela principijelna odluka o otvaranju pristupnih pregovora sa Srbijom". Zbog toga je Bundestag mišljenja da pregovori na prvoj Međuvladinoj konferenciji mogu otpočeti ukoliko Savet utvrdi potpuno i održivo sprovođenje dospelih obaveza, i Evropski savet ga potvrdi. Napreci u sprovođenju dogovorenih mera moraju se dalje proveravati, na primer kroz sledeći izveštaj EK, do kraja novembra 2013…

1. Nemački Bundestag poziva Saveznu vladu da da saglasnost da pregovori mogu da otpočnu najranije na prvoj Međuvladinoj konferenciji u januaru 2014, ukoliko Savet potvrdi potpuno i održivo sprovođenje obaveza koje su Srbija i Kosovo dogovorile 26. maja u Planu sprovođenja, i daljih uslova od strane Srbije. Njih naročito čine sledeći:

– potpuno ukidanje srpskih paralelnih struktura u bezbednosnoj i pravosudnoj oblasti na Severu Kosova, i, umesto toga, uspostavljanje novih struktura u bezbednosnom i pravosudnom sektoru Kosova koje podležu samo političkoj kontroli i finansiranju kosovske vlade

– kompletan detaljan pregled svih srpskih plaćanja prema institucijama na Kosovu

– uspostavljanje kosovsko-srpske Zajednice opština i donošenje njihovih statuta

– održavanje slobodnih i fer komunalnih izbora na celom Kosovu

– potpuno sprovođenje svih prethodnih rezultata iz procesa dijaloga, naročito uspostavljanje neometanog pristupa kosovske granične policije i carinske službe na kopnenom putu ka graničnim mestima na Severu Kosova i zatvaranje zaobilaznica na Severu Kosova

– garancija slobode kretanja EULEX Kosovo.

Ukoliko Srbija po otvaranju pregovora o pristupanju odgađa ispunjavanje obaveza, obustavlja ili se povuče, pregovore o pristupanju treba zaustaviti;

2. Zahteva se da Bundestag bude konstantno informisan – pismeno – o svim naprecima, i podseća se da Bundestag ima svoje osnovno pravo zauzimanje stava, ukoliko dođe do zaključka da nisu ispunjeni svi uslovi za početak pregovora o pristupanju;

3. Srbiji i Kosovu učiniti jasnim da za normalizaciju njihovih odnosa moraju biti postignute dodatne mere koje će izgraditi poverenje. Ovo se naročito odnosi na što skorije otvaranje mosta preko reke Ibar, kao čin građenja poverenja;

4. obezbediti da se proces normalizacije između Srbije i Kosova prioritetno obrađuje u okviru odgovarajućeg poglavlja i da ovo poglavlje, zajedno sa temama vezanim za pravnu državu u smislu oblasti pobrojanih u tački br. 6, predstavlja težište pregovora o pristupanju. Bavljenje ovim poglavljem mora početi već na početku pregovora i sme se zatvoriti kada dođe do pravno obavezujućeg dogovora o normalizaciji odnosa između Srbije i Kosova, s perspektivom da obe države kao punopravne države članice u smislu Ugovora Evropske unije nezavisno i zajedno jemče svoja prava i obaveze. Pri tom, dalji proces normalizacije mora biti ukršten sa pregovorima o pristupanju, kreiranjem odgovarajućeg pregovaračkog okvira; treba obezbediti da napreci u dotičnim pregovaračkim poglavljima moraju biti uvezani sa naprecima u procesu normalizaci-

je. Potpuna normalizacija odnosa sa Kosovom treba biti navedena u pregovaračkom okviru kao preduslov.

Od Savezne vlade se zahteva da se založi, da se Srbija obaveže i u Ugovoru o pristupanju, da nakon svog pristupanja neće blokirati približavanje Kosova EU;

5. obezbediti, da okvir za pregovaranje bude tako kreiran, da konsekventan nastavak reformskog kursa i, pre svega, sprovođenja dogovoren reformi bude zagarantovano od strane Srbije. Otvaranje i zatvaranje pojedinačnih pregovaračkih poglavlja mora zavisi od jasnih kriterijuma;

6. razjasniti da Srbija, naročito u oblastima pravna država, reforma pravosuđa, borba protiv korupcije, borba protiv organizovanog kriminala, sloboda medija, zaštita manjina i sigurnost za investicije mora preduzeti značajne dodatne napore kako bi ispunila pristupne kriterijume;

7. obezbediti da poglavlja 23 (pravosudna vlast i osnovna prava) i 24 (pravosuđe, sloboda i bezbednost), isto tako već na početku pregovora budu otvorena, i da ostanu otvorena do kraja pregovora. Akcioni planovi koje je predložila Komisija Evropske unije za ova poglavlja moraju sadržati jasne rokove i ciljeve, čije je otvaranje uslov za otvaranje i zatvaranje ostalih poglavlja; ne smeju se – kao što se desilo u slučaju Crne Gore, protivno jasnoj odluci Bundestaga od decembra 2011 – prethodno otvarati druga pregovaračka poglavlja. Komisija EU mora izveštavati o sprovođenju akcionih planova redovno, kao dodatak svojim godišnjim izveštajima o napretku. U Ugovoru o pristupanju predviđena su specijalna pravila za slučaj da rezultati pregovaranja u poglavljima 23 i 24 nisu ispoštovani;

8. obezbediti da pristupni pregovori budu okončani tek kada nadležni srpski organi i sudovi svu svoju raspoloživu moć upotrebe za pravno raspoloživo potpuno objašnjenje paljenja Ambasade Nemačke u Beogradu, februara 2008, i pravosnažno optuže počinioce kao i, naročito, pozadinske ljude;

9. zagovarati, da pri prilagođavanju pravnim tekovinama EU bude dogovoreno što manje prelaznih rešenja i izuzetaka od pravnih tekovina Zajednice; Srbija želi da pristupi Evropskoj uniji i mora prihvatiti nerazdvodnjavanje *acquis communautaire*, kroz pregovaranje;

10. obezbediti da Srbija, pri pristupanju, političke i ekonomske kriterijume sveobuhvatno ispuni i da oni nisu povezani ni sa jednim pristupnim uslovima drugih kandidata. Striktno ispunjavanje Kopenhaških kriterijuma ostaje preduslov za pristupanje. Pristupni automatizam, na primer kroz navođenje datuma pristupanja pre zatvaranja pregovora, ne sme biti;

11. založiti se da se Srbija već u pregovaračkom procesu podvrgne odredbama evropskom Paktu za stabilnost i razvoj (SGP), i ispunjava kriterijume stabilnosti Ugovora iz Mastrihta, pre nego što se, nakon eventualnog pristupanja, oficijelno i priključi Monetarnoj uniji;

12. da se nemački Bundestag u skladu sa §§ 4 do 7 EUZBBG (Zakon o saradnji Savezne vlade i nemačkog Bundestaga po pitanjima Evropske unije) konstantno informiše o stanju pristupnih pregovora i pri tom svoj stav učini jasnim. Napreci na putu kao pristupanju ne smeju biti vrednovani samo do strane Komisije EU već redovno i od strane savezne vlade, uz uključivanje diplomatskih predstavništava"…

DODATAK BROJ 24

Dodatak zadovoljavajućim odgovorima na upitnik o Poglavlju 35 (Addition to satisfactory responses to Chapter 35 questionnaire)

1. Ukljanje „Parka mira" na mostu u Mitrovici.

2. Statut Zajednice opština: predstavljanje relevantnoj vlasti Kosova (Ministarstvo lokalne samouprave) kao nacrt tekst koji je u saglasnosti sa važećim zakonom Kosova.

3. Integracija svih/svih preostalih struktura lokalne samouprave države Srbije u jedinstveni institucionalni/ ustavnih okvir Kosova.

4. Telekom: potpisivanje Akcionog plana, omogućiti dobijanje preko ITU pozivnog broja na sledećoj ITU konferenciji sredinom oktobra 2014.

5. Energija: potpisivanje Akcionog plana, potpisivanje inter-TSO sporazuma između dve kompanije operatora prenosnog sistema (Transmission System Operators - TSO), uklanjanje ilegalno imenovanog menadžmenta jezera Gazivode na Severu Kosova.

6. Regionalna saradnja: nastaviti s promocijom inkluzivne regionalne saradnje; usredsređenje na učešće Kosova na regionalnim sastancima koji su posvećeni vladavini prava i bezbednosnim regionalnim inicijativama (od zajedničkog interesa) kao što su: SELEC, Law Enforcement Centre; PCC-SEE, Secretariat of Police cooperation convention for SEE (PCC-SEE);SEPCA, South East Europe Police Chiefs Association; RAI, Regional Anticorruption task force;

7. Oficiri za vezu: saglasnost o organizovanju zvaničnih poseta oficira za vezu u skladu sa sporazumom o Aranžmanima o oficirima za vezu (Liaison Arrangements).

8. IBM: potvrda da je izgradnja stalnih graničnih prelaza biti nastavljena, da su pripremni radovi završeni i da su ispunjeni zahtevi – nalazi EK u ovoj oblasti.

9. Ileglani prelazi (illegal bypasses) (na primer, u svetlu poslednjih incidenata oko ilegalne seče šume sa žrtvama na obe strane): stalna blokada ilegalnih prelaza od strane Srbije.

10. Sloboda kretanja: u skladu sa Sporazumom o slobodi kretanja, omogućiti da dokumenta Kosova budu prihvaćena na svim prelazima između Srbije i trećih zemalja (trenutno to se primenjuje samo na dva prelaza).

11. Razjasniti pitanja u vezi sa primenom onog što je u dijalogu dogovoreno, u svetlu poslednjih instrukcija Ustavnog suda Srbije.

DODATAK BROJ 25

Završna izjava predsedništva Konferencije o Zapadnom Balkanu 28. avgusta 2014. u Berlinu

100 godina nakon izbijanja Prvog svetskog rata sastali su se predsednici vlada, šefovi diplomatija i ministri privrede Albanije, Bosne i Hercegovine, Kosova, Hrvatske, Crne Gore, Bivše Jugoslovenske Republike Makedonije, Srbije i Slovenije kao i predstavnici Komisije Evropske unije, budući domaćini Austrija i Francuska u okviru prve „Konferencije o Zapadnom Balkanu" 28. Avgusta 2014. godine u Berlinu.

2014–2018.: Četiri godine konkretnog napretka

1. Saglasni smo da današnja konferencija treba da da podsticaj periodu od četiri godine, u kom ćemo zajedno ulagati pojačane napore da dođe do daljnjeg konkretnog pomaka u procesu reformi, u rešavanju otvorenih bilateralnih i nacionalnih pitanja, kao i u procesu pomirenja unutar i između društava u regionu. Takođe zajedno težimo cilju da ojačamo ekonomsku saradnju i da uspostavimo temelje za održivi razvoj.

2. Doneli smo zajedničku odluku da se sastajemo jednom godišnje u ovom sastavu naredne četiri godina do 2018. godine, kako bismo realizovali danas dogovorene stavke i potkrepili ih daljnjim konkretnim projektima. Savezni kancelar Austrije je danas pozvao na prvu narednu konferenciju u Austriji 2015. godine; to će biti prilika za prvi bilans. Na daljnjim konferencijama u godinama do 2018. želimo da kontinuirano nastavimo rad na pitanjima koja su ključna za budućnost Zapadnog Balkana.

Put u evropsku budućnost

3. Pre samo 15 godina vesti iz regiona su uglavnom govorile o ratu, raseljavanju i razaranju. Danas je vidan napredak u regionu što se tiče uspostavljanja stabilnosti, izgradnje dobrosusedskih odnosa i modernizacije država, društava i privreda.

4. Politika proširenja Evropske unije je tome značajno doprinela. Sve države Zapadnog Balkana su uverene da im budućnost leži u Evropskoj uniji.

5. Vlada Savezne Republike Nemačke izričito podvlači svoju rešenost da državama Zapadnog Balkana da pruže jasnu evropsku perspektivu. Sve države Zapadnog Balkana će imati mogućnost da pristupe Evropskoj uniji, kada ispune pristupne kriterije. Nemačka je svesna svoje odgovornosti za mirnu, stabilnu, demokratsku budućnost Zapadnog Balkana, utemeljenu na vladavini prava, i nadalje će regionu pružati podršku na tom putu.

Intenziviranje regionalne saradnje kao neophodna osnova

6. Svi učesnici ističu neophodnost da se otvorena bilateralna pitanja u regionu reše što pre u smislu dobrosusedskih odnosa i rasta stabilnosti. Predsednici vlada Srbije i Kosova ponovo su potvrdili svoju rešenost da ubrzaju proces normalizacije odnosa. Tu spada i pronalaženje rešenja u sporu oko naziva između Bivše Jugoslovenske Republike Makedonije i Grčke. Učesnici su se složili da ovaj spor hitno mora da se reši spremnošću obeju strana na kompromis. Tamo gde povoljan uticaj regionalnih suseda može pozitivno da utiče na rešavanje izazova unutrašnje politike, treba da se iskoristi. To u posebnoj meri važi za oživljavanje procesa sprovođenja reformi u Bosni i Hercegovini.

7. Države Zapadnog Balkana su se složile da intenziviraju međusobnu saradnju. U tom smislu regionalne organizacije kao što je „Poslovni savet" preuzimaju važnu ulogu.

8. Regionalna saradnja treba da obuhvata i nivo civilnog društva. Države učesnice su potvrdili svoju zajedničku želju da jačaju međunarodnu razmenu pre svega i mlade generacije.

Jačanje dobre vladavine

9. Poseban izazov za mlade demokratije Zapadnog Balkana ostaje daljnje poboljšanje vladavine.

10. Države učesnice su saglasne da treba preduzeti daljnje mere u borbi protiv korupcije i organizovanog kriminala. Države Zapadnog Balkana su ponovo izrazili volju da unaprede reforme u svojim državama u cilju uspostavljanja veće pravne sigurnosti, očuvanja i jačanja nezavisnosti sudstva i da intenziviraju međusobnu saradnju u regionalnim i bilateralnim strukturama.

11. U pluralističkoj demokratiji treba stvoriti uslove da i opozicija može i želi da preuzme svoju ulogu u parlamentarnoj strukturi. Politički aktivno civilno društvo takođe može na konstruktivan način da podrži dalje jačanje demokratskog društva u državama Zapadnog Balkana, a samim tim i njihovo približavanje Evropskoj uniji. To podrazumeva, između ostalog, raznovrsnost medijske scene, nezavisnost sindikata i privredu koja, oslobođena negativnog uticaja politike, može da preuzme svoju ulogu kao deo društvene zajednice. Nemačka i dalje vidi svoju obavezu u tome da unapredi slobodu medija u regionu. Ministarstvo spoljnih poslova Savezne Republike Nemačke sa tim ciljem organizuje u okviru pratećeg programa današnje konferencije radionicu za dvanaest vodećih novinara iz svih država regiona.

Porast standarda putem održivog privrednog rasta

12. Održiv privredni rast, a samim tim i održiv rast standarda stanovništva, biće moguć isključivo kroz otvorena tržišta i inostrane investicije. Odlučujuće pri tom je pozitivna klima za investicije, naročito za investicije malih i srednjih preduzeća. Pri tom su pravna sigurnost i intolerancija prema korupciji od centralnog značaja. Države učesnice žele da poboljšaju saradnju i razmenu iskustava postojećih agencija za investicije sa nemačkom agencijom „Germany Trade and Invest".

13. Države Zapadnog Balkana bi trebalo da pojačaju svoja nastojanja da prevaziđu postojeći deficit u uvozu i izvozu. Nemačka privreda će podržati dalje jačanje izvozne snage regiona pokretanjem inicijative za kupovinu proizvoda sa Zapadnog Balkana u proleće 2015. godine.

14. Regionalnim lancima za povećanje vrednosti proizvoda treba povećati konkurentnost. Inicijativa Nemačke privrede da se održi regionalna konferencija u septembru 2014. godine u Crnoj Gori i aktivnosti Regionalnog poslovnog saveta daće konkretan doprinos tim težnjama.

15. Države učesnice se slažu da evropska energetska politika dalje dobija na značaju za države Zapadnog Balkana. Regionalna saradnja u okviru energetske zajednice jugoistočne Evrope je bitan činilac, naročito u pogledu sigurnosti energetskog snabdevanja, ciljeva energetske efikasnosti kao i u oblasti zaštite klime je. Države Zapadnog Balkana će i nadalje intenzivno učestvovati u daljem razvoju energetske zajednice, i prevazići će nedostatke u procesu implementacije.

16. Države učesnice su zajedničkog mišljenja da bi stvaranje saobraćajne zajednice za Zapadni Balkan dalo pozitivne impulse za ekonomski razvoj država regiona zbog poboljšane logističke povezanosti celog regiona sa jakim evropskim tržištima gde vlada jaka potražnja.

Isto važi i za izgradnju informacione i komunikacione strukture pod pouzdanim okvirnim uslovima.

17. Države učesnice su zauzele zajednički stav da je neophodno stvoriti uslove za akademsko i profesionalno obrazovanje prema potrebama tržišta, kako bi se smanjio

broj nezaposlenih mladih ljudi. Projekti Nemačke privrede za unapređenje profesionalnog obrazovanja u državama Zapadnog Balkana služe tom cilju.

18. Nemačka je spremna da u okviru postojećih programa sprovede dodatne mere, kako bi podržala države regiona pri efikasnom korišćenju evropskih sredstava za približavanje Evropskoj uniji iz fonda „Instrument for Pre Accession Assistance" (IPA). Već 25 godina je nemačka razvojna saradnja pouzdan partner za države Balkana. Ona je sastavni deo nemačkih nastojanja da te zemlje približi Evropskoj uniji i evropskim standardima.

DODATAK BROJ 26

Pregled odluka USS o Prvom sporazumu o principima koji regulišu normalizaciju odnosa

Vlada je uputila Narodnoj skupštini Izveštaj o dosadašnjem procesu političkog i tehničkog dijaloga sa privremenim institucijama samouprave u Prištini uz posredovanje Evropske Unije, uključujući proces implementacije postignutih dogovora, a dana 26. aprila 2013. godine Narodna skupština razmotrila je ovaj izveštaj i donela „Odluku o prihvatanju Izveštaja o dosadašnjem procesu političkog i tehničkog dijaloga sa Privremenim institucijama samouprave u Prištini uz posredovanje Evropske unije, ukljucujuci proces implementacije postignutih dogovora".

Ustavnom sudu je 7. maja Srpska radikalna stranka podnela je inicijativu za ocenu ustavnosti Odluke Narodne skupštine Republike Srbije o prihvatanju izveštaja o dosadašnjem procesu političkog i tehničkog dijaloga sa Privremenim institucijama samouprave u Prištini, uz posredovanje EU, uključujući proces implementacije postignutih dogovora od 26. aprila 2013. godine.

Istom inicijativom zahtevalo se preispitivanje ustavnosti Odluke Vlade, kojom je prihvatila Prvi sporazum o principima koji regulišu normalizaciju odnosa, postignut u dijalogu o KiM u Briselu, 22. aprila 2013. godine. Narednog dana, Ustavnom sudu je podnet predlog za ocenu ustavnosti i zakonitosti parafiranog Prvog sporazuma o principima koji regulišu normalizaciju odnosa, od strane 21 poslanika Skupštine Srbije sa liste DSS – Vojislav Koštunica", kao i po jedan poslanik SNS i NSS, te dva samostalna narodna poslanika.

Ustavni sud je na 35. Sednici odbacio predlog za ocenu ustavnosti i zakonitosti parafiranog „Prvog sporazuma o principima koji regulišu normalizaciju odnosa" između Vlade Republike Srbije i Privremenih institucija samouprave u Prištini, od 19. aprila 2013. godine. (predmet IUo–247/2013) (Saopštenje sa 35. Sednice Ustavnog suda, održane 10. decembra 2014. godine, kojom je predsedavala Vesna Ilić Prelić, predsednica Ustavnog suda).

Uredba o posebnom načinu obrade podataka sadržanih u matičnim knjigama za područje Autonomne pokrajine Kosovo i Metohija

Vlada Republike Srbije donela je 14. novembra 2011. godine Uredbu o posebnom načinu obrade podataka sadržanih u matičnim knjigama za područje Autonomne po-

krajine Kosovo i Metohija („Službeni glasnik Republike Srbije", broj 86 od 18. novembra 2011. godine).

Na inicijativu Demokratske stranke Srbije 25 narodnih poslanika je u svojstvu ovlašćenog predlagača pokrenulo 24. oktobra 2012. godine postupak za ocenu ustavnosti pred USS, a 24. 10. 2012. doneto je Rešenje o pokretanju postupka. 24. 04. 2014. doneta je Odluka o utvrđivanju nesaglasnosti, kojom je utvrđeno da Uredba o posebnom načinu obrade podataka sadržanih u matičnim knjigama za područje Autonomne pokrajine Kosovo i Metohija („Službeni glasnik RS" broj 86/11) nije u saglasnosti sa Ustavom i zakonom i odbacuju se zahtevi za obustavu izvršenja pojedinačnih akata i radnji preduzetih na osnovu Uredbe (http://www.ustavni.sud.rs/).

Uredba o posebnom načinu obrade podataka sadržanih u katastru zemljišta za Autonomnu pokrajinu Kosovo i Metohija

8. decembra 2011. godine doneta je Uredba o posebnom načinu obrade podataka sadržanih u katastru zemljišta za Autonomnu pokrajinu Kosovo i Metohija („Službeni glasnik Republike Srbije", broj 94 od 14. decembra 2011. godine). Na inicijativu Demokratske stranke Srbije 25 narodnih poslanika je u svojstvu ovlašćenog predlagača pokrenulo 24. oktobra 2012. godine postupak za ocenu ustavnosti pred Ustavnim sudom Republike Srbije. 18. 06. 2013 donet je Zaključak o zastajanju sa postupkom („Službeni glasnik RS", broj 67/2013). Ustavni sud Republike Srbije je 26. 02. 2014. ovu Uredbu ocenio neustavnom (http://www.politika.rs).

Uredba o kontroli prelaska administrativne linije prema Autonomnoj pokrajini Kosovo i Metohija

23. decembra 2011. godine Vlada RS donela je Uredbu o kontroli prelaska administrativne linije prema Autonomnoj pokrajini Kosovo i Metohija („Službeni glasnik Republike Srbije" broj 98 od 23. decembra 2011. Godine). Na inicijativu Demokratske stranke Srbije 25 narodnih poslanika je u svojstvu ovlašćenog predlagača pokrenulo 24. oktobra 2012. Godine postupak za ocenu ustavnosti pred USS. USS je Uredbu proglasio neustavnom (http://dss.rs/neustavnost-briselskog-sporazuma).

Uredba o posebnom načinu priznavanja visokoškolskih isprava i vrednovanja studijskih programa univerziteta sa teritorije Autonomne pokrajine Kosovo i Metohija koji ne obavljaju delatnost po propisima Srbije

Vlada RS je 9. februara 2012. godine donela Uredbu o posebnom načinu priznavanja visokoškolskih isprava i vrednovanja studijskih programa univerziteta sa teritorije Autonomne pokrajine Kosovo i Metohija koji ne obavljaju delatnost po propisima Republike Srbije („Službeni glasnik Republike Srbije", broj 16 od 7. marta 2012. godine). Na inicijativu Demokratske stranke Srbije 25 narodnih poslanika je u svojstvu ovlašćenog predlagača pokrenulo 24. oktobra 2012. godine postupak za ocenu ustavnosti pred Ustavnim sudom Republike Srbije. 30.04.2014. Ustavni sud RS je doneo odluku o utvrđivanju nesaglasnosti (predmet IUo - 225/2013) („Službeni glasnik RS", br. 119/2014).

Sporazum o telekomunikacijama i Sporazum o energetici

Sporazum o telekomunikacijama i Sporazum o energetici je potpisan 13. septembra 2013. godine u Briselu (http://dss.rs/predlog-dss-za-ocenu-ustavnosti-sporazuma-

o-telekomunikacijama-i-enegretici). Demokratska stranka Srbije predala je 04.11.2013. godine Ustavnom sudu RS zahtev za ocenu ustavnosti sporazuma predstavnika Beograda i Prištine u oblasti energetike i telekomunikacija (http://www.naslovi.net/2013-10-04/rtv/dss-vlada-kapitulirala-samo-u-svoje-ime/7316036).

Zakon o potvrđivanju Sporazuma između Kraljevine Belgije i Republike Albanije, Bosne i Hercegovine, Republike Hrvatske, Bivše jugoslovenske Republike Makedonije, Republike Moldavije, Crne Gore, Republike Srbije i Misije privremene uprave Ujedinjenih nacija na Kosovu u ime Kosova u skladu sa Rezolucijom Saveta bezbednosti Ujedinjenih nacija 1244 o privilegijama i imunitetima Sekretarijata Sporazuma o slobodnoj trgovini u centralnoj Evropi

Narodna skupština je na Četvrtoj sednici Prvog redovnog zasedanja u 2009. godini, 13. Maja 2009. godine, donela Zakon o potvrđivanju Sporazuma između Kraljevine Belgije i Republike Albanije, Bosne i Hercegovine, Republike Hrvatske, Bivše Jugoslovenske Republike Makedonije, Republike Moldavije, Crne Gore, Republike Srbije i Misije privremene uprave UNMIK u ime Kosova u skladu sa Rezolucijom SB UN 1244 o privilegijama i imunitetima Sekretarijata Sporazuma o slobodnoj trgovini u centralnoj Evropi („Službeni glasnik RS – Međunarodni ugovori", broj 38/09). Pred USS je pokrenuta inicijativa za pokretanje postupka za ocenu ustavnosti odredaba cl. 1, 2. i član 33. st.3. .i 4. 31. 10. 2012. USS je doneo Rešenje o odbacivanju inicijative (http://www.ustavni.sud.rs/page/jurisprudence/35).

Zakon o potvrđivanju multilateralnog sporazuma između Evropske zajednice i njenih država članica, Republike Albanije, Bosne i Hercegovine, Republike Bugarske, Republike Hrvatske, Bivše jugoslovenske Republike Makedonije, Republike Island, Republike Crne Gore, Kraljevine Norveške, Rumunije, Republike Srbije i Misije privremene uprave UNMIK (u skladu sa Rezolucijom Saveta bezbednosti UN 1244 od 10. juna 1999. godine) o uspostavljanju zajedničkog evropskog vazduhoplovnog područja.

Narodna skupština Srbije je na četvrtoj sednici prvog redovnog zasedanja u 2009. godini, 13. maja 2009. godine, donela Zakon o potvrđivanju Multilateralnog sporazuma između Evropske zajednice i njenih država članica, Republike Albanije, Bosne i Hercegovine, Republike Bugarske, Republike Hrvatske, Bivše Jugoslovenske Republike Makedonije, Republike Island, Republike Crne Gore, Kraljevine Norveške, Rumunije, Republike Srbije i Misije privremene uprave UNMIK (u skladu sa Rezolucijom SB UN 1244 od 10. juna 1999) o uspostavljanju Zajedničkog evropskog vazduhoplovnog područja („Službeni glasnik RS – Međunarodni ugovori", broj 38/09). Pred USS je pokrenuta inicijativa za pokretanje postupka za ocenu ustavnosti odredaba čl. 1., 2. i 32. 17.10.2012. USS je doneo Rešenje o odbacivanju inicijative (http://www.ustavni.sud.rs) *(Gavrilović, 2015:16- 20).*

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PhD Dušan Janjić

THE FRAMEWORK FOR THE NORMALIZATION OF SERBIA-KOSOVO RELATIONS

Belgrade, September 2015

INTRODUCTION

This Policy Paper points out:
- The complexity of political and historical circumstances in which the Brussels Dialogue and normalization of Serbia-Kosovo relations are taking place;
- The most decisive factors influencing the normalization of Serbia-Kosovo relations;
- Interconnection between the processes of normalization and integration of Serbia and Kosovo into the European Union;
- Achievements in the Brussels dialogue until August 2015;
- Actions to be taken for the implementation of the agreements reached between Serbia and Kosovo, and
- Policies, actions and measures to be taken for improving circumstances for normalization of relations.

After examining different types of sources (analyses; articles in academic journals, newspapers and other publications; reports issued by relevant institutions, etc) about the Brussels dialogue and the normalization process, it appears that they give only partial insights, often neglecting the political, social and, in particular, security circumstances in which the dialogue and the normalization process are taking place.

A multidisciplinary approach was used in developing a methodological and thematic framework that enabled systematic and comprehensive analysis of the theme. Understanding the complexity of the dialogue and normalization process also required consideration of all important themes.

The Brussels dialogue is marked by a lack of transparency. Therefore, different sources had to be considered in order to reconstruct all agreements reached and the process of their implementation. Readers of this Policy Paper can access the full text of all publically available agreements reached within the "Brussels Agreement", in the Annexes.

The author of this Policy Paper relied heavily on the findings of the project ***"Consultative Discussions about the Institutional Solutions to the Issue of Relations Between Serbia and Kosovo"*** (hereinafter the KAS project), implemented through a series of consultative events organized by the *Rule of Law Program South East Europe,* Konrad-

Adenauer-Stiftung (KAS), Forum for Ethnic Relations (FER) and Kosovo Institute for Policy Research and Development (KIPRED) in: 1) Miločer-Montenegro (November 25-28, 2012); 2) Priština-Kosovo (April 18, 2013); 3) Niš-Serbia (25-26 June 2013), entitled: "*Normalization of relations between Belgrade and Priština: the first anniversary of the Brussels Agreement*"and Belgrade-Serbia (25 April 2014). This Policy Paper thus can be viewed as one of the KAS project outputs.

One of the most important outputs of the KAS project is the "*Basic/Framework Agreement between Serbia and Kosovo*" (hereinafter: *Framework Agreement)*. The *Framework Agreement* has been cited and used in this Policy Paper. Given the interest stirred within the Serbian public, the *Framework Agreement* is provided in its integral format (See: *Annex 1)*.

I) NORMALIZATION - THE PATH FROM CONFLICT TO A "EUROPEAN FUTURE"

a) The Historical and Political Circumstances which Preceded the Brussels Dialogue

Kosovo's area is 10,908 km2 and it is populated by over two million people, of whom 82 percent are Albanians. It is an area where people and communities of different ethnic backgrounds, cultures and religions live, work and clash with one another. Kosovo is marked by a distinctive process of ethnic homogenization, reflected on a territory level by the concentration of ethnic minorities living in territorial enclaves[1].

Milošević's regime tried to establish direct jurisdiction over Kosovo by restricting the rights of Albanians through a methodically pursued campaign for their marginalization, as well as discrimination and provision of social, economic and political "motives" for moving Albanians out of Kosovo. On the other hand, the Albanian leader Ibrahim Rugova and the *Democratic League of Kosovo (LDK)* made an effort to achieve independence for the Republic of Kosovo by building institutions of the Albanian "parallel state".

The war in Kosovo, which began on 28 February 1998, was yet another in the long line of armed conflicts waged on the soil of the former Yugoslavia. These wars were part of the process of disintegration of the former Yugoslavia and the inception of new states.

The war of 1998–1999 aggravated the unresolved problems from the past, and added the status of Kosovo as a new problem, including killings, dislodging and war devastation; further weakening of economy; the public sector in Kosovo is worse off after the war than it was before (*Maliqi, 2000: 26,27)*; opening up of the Albanian issue

[1] There are around 130,000 Serbs in Kosovo today. They populate over 250 enclaves with Serbian-majority, distributed accross the northern, central and southeastern part of Kosovo. The largest concentration of Serb population is in northern Kosovo, where 59,000 Serbs comprise 45 percent of total Serb population in Kosovo. The Serbs who make numerical majority live south of the Ibar river in villages, in scattered rural settlements. (*Mameli, 2007: 40*).

as both a regional issue and in terms of the possible unification of Albanian territories, and the changing of internationally recognized borders of states.

Milošević's control over Kosovo came to the end in June 1999 with the arrival of UNMIK, under the control of the Special Representative of the UN Secrterary-General (hereinafter: UNSG), thereby creating a "new reality" in Kosovo, while the UN Security Council Resolution 1244 created a new legal framework for managing the Kosovo crisis.

The status issue is key to the Kosovo crisis settlement and is an important element of peace stabilization and related state-building processes, as one of possible responses to the status issue.

The State–Building Process is a part of peace stabilization, but it does not need necessarily to be so.

In the case of Kosovo, the presence of the international peace keeping mission *de facto* separated Kosovo from Serbia and oriented towards building Kosovo as an independent and autonomous country (*Janjić, 2005:4*; *Steiner*, 2003). But, the international community's proclaimed goal of having stable, democratic and multiethnic Kosovo has not yet been achieved.

In recent years, Kosovo has experienced a fast-growing modernization of economy and society, but it has still remained the least developed area in the Balksns. Social-economic structures and micro-economic trends do not give reasons to be optimistic about Kosovo's future, while the social-economic uncertainty has a special place in a general feeling of uncertainty (See: *Chapter IV – Improvements of Economic Conditions toward Normalization*, for more detailed information about economy).

Kosovo does not have significant production. Economic life relies on trade and import activities. Kosovo faces lack of direct foreign investment and direct investment in the public sector, and a weak financial sector with expencive loans, low savings rate, etc. Kosovo's economy is dependant on international assistance. The inflows of cash remittances coming from the Kosovo diaspora are also significant. The International Monetary Fund estimated a level of annual remittance inflows to range between 370 and 187 million euro (*Del Re, 2007: 100, 101*).

Kosovo is poor and unstable. More than 50 percent of the population is poor, out of which 12 percent are barely subsisting. (*Cani, 2004*; *Farnam*, *2003*).

There has been an exodus of the population from villages into towns; from agriculture into industry. The towns, with their growth, have not been able to absorb the increase in population and have been especially unable to influence the change of ingrained habits and life styles (*Janjić, 2003*).

Kosovo has been extremely prone to emigration. People emigrate from Kosovo primarily for economic reasons and the search for a better life. Thus, the main target destinations of immigrants from Kosovo are: EU member countries within the Schengen area, Switzerland and the United States.

The efforts of Serbia and ethnic Serbs to organize a "parallel life" of Serbs in Kosovo, by enforcing the legal system and institutions of the Republic of Serbia in the part of Kosovo inhabited by the Serb majority, have not resulted in a sustainable solution.

As time went by, the reality started to change in favor of strengthening Kosovo's state institutions supported by the international organizations present on-site, resulting

in the weakening of economic, financial, human and other capacities of Kosovo Serbs and Serbia's capacity to support "parallel structures" and to ensure sustainable economic and social development for Kosovo Serbs. The commitment of Serbia to seek a future in the EU had a decisive influence on setting relations between Serbia and Kosovo towards normalization. This commitment directs the Serb community towards integration into the Kosovo structures. Serbia's strategic objective to join the EU had necessary implications on the Serbs in Kosovo, and in particular it had a direct and dramatic impact on the status of northern Kosovo.

Although a relatively small area that includes three predominantly Serb-inhabited Municipalities north of the Ibar River – Zubin Potok, Leposavić and Zvečan – and northern Mitrovica, northern Kosovo has become one of the most complicated issues for integration of Serbs in the Kosovo system.[2] Finding a solution for northern Kosovo has become a paramount issue for the state-building process in Kosovo and for the survival and development of the Serb community therein.

Despite the widespread belief that northern Kosovo has no economy, it is remarkable that nearly 60 percent of businesses reported long-term growth rates. Although the majority of businesses were founded after 1999, still most of the companies are older than 5 years and thus can be considered *long-term* and being stable market players.

The economic structure of northern Kosovo is made up almost entirely of Micro Small Medium Enterprises (MSME). Still there are considerable differences in size, sectors and turnover. Their focus is principally on commerce, agriculture and food processing, but also in construction, metal processing, tourism, IT services, textile manufacture, wood processing and other industries.

With regard to municipalities, their economic structures are different. While Zubin Potok is an agricultural municipality, Leposavić's economy is both agriculture and production based. Zvečan has a significant focus on production and technical the service while northern Mitrovica is dominated by services and retail sectors.

Regarding registration, until the end of 2014, 26 percent of businesses were not registered with any business registry, including the Serbian, Kosovo and UNMIK registry. The largest number of businesses were listed with the Serbian registry, while a much smaller number were registered with the UNMIK and only one fifth with the Kosovo business registry. A significant number of businesses were listed in two or three registries. Businesses that are not listed with the registry of Kosovo cannot operate south of the Ibar River, which significantly restricts their market and growth potential.

Despite the economic need to address the issue of registration and status of companies, resistance to this is still strong. Political refusal or extension of the period for the

[2] Northern Kosovo is a status question. For Albanians, it is about the completion of independence and establishment of effective sovereignty over the entire territory, and for Serbs living in northern Kosovo, it is about citizenship and their national status. A vast majority of Serbs in northern Kosovo regard themselves as citizens of Serbia and an integral part of the Serbian nation, whereas Kosovo offers them the status of "national community" or ethnic minority and acceptance of Kosovo citizenship. This leads them to fear that they will lose identity and present rights and freedoms. According to such radically opposed political aims, a significant influence of the extreme streams from both sides and high level of armed population, northern Kosovo and Mitrovica presents a serious security challenge. Therefore, it is no longer desirable to keep things the way they are. (*Perspektiva, 2013)*.

registration of companies is explained by the refusal to accept the "abolition of the state of Serbia" and rejection of the "self-proclaimed state of Kosovo." Behind this political position lay significant economic reasons, from defending the monopoly on business dealings with Kosovo, established in the era of Milošević by "tycoon" companies from Serbia and related political, business and criminal groups from Kosovo and Serbia. There is also the interest to maintain a high income collected from corruption. And, of course, people being "used to" isolation and lack of the rule of law. Because of all this, all sides (Belgrade, Priština and the EU) deal with the phenomena of violations of the laws of Kosovo on company registration and reporting by Kosovo authorities with a high dose of caution, believing that this will, in the long run, produce desired results, which is the establishment of the rule of law and a favorable economic environment in northern Kosovo.

The main target markets outside the local market are Serbia, Serbian enclaves in southern Kosovo and southern Kosovo (only 18 percent of companies trade with these markets and approximately 30 percent are preparing for market entry into these markets or are interested to trade with these).[3] There are a few companies that do business with EU countries.

All in all, the lesson is clear: Sustainable growth of entrepreneurship and economy in northern Kosovo requires massive investment in infrastructure and economy, and this requires new investments and a favorable business environment.

The system of educational institutions from the four municipalities of northern Kosovo is under the jurisdiction of the Ministry of Education in Belgrade, and in addition to primary and secondary schools in the north, the University of Kosovska Mitrovica (or "University of Priština" with temporary seat in Mitrovica) is also operational. The quality of education of Serbs in Kosovo is not satisfactory and needs to be reformed. However, the Serbian government and the leadership of the University and other educational institutions do not show initiative in this direction. For now, everyone is waiting to see whether this issue will form part of the Brussels dialogue. This behavior is a defense of the acquired old habits but it does not guarantee development. Namely, if one takes into account that education is the foundation for the survival and development of identity, that its significance for Serb and other communities are immeasurable, the initiatives for its improvement should come from the community itself.

A particular problem is the university. Many from outside of Kosovo now, work and study there. This, in turn, represents an incentive for the local economy and an important preservation factor. It is not realistic to expect that the Brussels Agreement, will allow more than what exists in similar cases and what is the standard of minority protection: an integrated university in Serbian language with no more than 1,200 students. Meanwhile, Belgrade and local communities have no restrictions to develop a

[3] In total 50 percent of companies agree that doing business with southern Kosovo will bring benefits in terms of market enlargement, turnover and profits. In contrast to Zubin Potok and Leposavić, few businesses from Zvečan and northern Mitrovica trade with southern Kosovo, i.e. with companies under the control of Kosovo authorities. Businesses with the substantial outward orientation are mainly found in agriculture, food processing, and machinery and construction material production. Only 20 percent of businesses associated trading with southern Kosovo with loss of reputation. It is interesting that as much as 75 percent of these opinions came from Zvečan and northern Mitrovica, where only few businesses trade with southern Kosovo.

strategy to reform the system of education in Serbian language and to explore the possibilities to maintain and increase the number of students through public - private partnerships.

As already indicated, one of the most important elements of the crises in relations between Serbs and Albanians – Serbia and Kosovo is related to deep and bitter division about the Kosovo status issue – including the status of the Albanian and Serb communities in Kosovo: the Serbs and Serbia claim that Kosovo is a part of their territory and ask for the full observance of the UN SC Resolution 1244, by virtue of which the UN Security Council has a decisive say in determining the status. On the other side, the Albanian leaders are not withdrawing from their request for Kosovo independence. After many years, the UN, US and EU took the view that Kosovo should become an independent state.[4]

The Decision adopted by the United Nations Security Council (UN SC) on 24 October 2005 to initiate the "Kosovo status process" has marked the beginning of a new phase in the Balkans. In addition to the talks, this stage of the Kosovo status process is also made up of a series of diplomatic, political and propagating and other activities of the key participants in the process[5].

Following the negotiations on the future Kosovo status in Vienna on 10 March 2007, and Ahtisaari's decision to send "the best proposal so far", as he himself described it, to the UN, the activities aimed at finding the solution to Kosovo's status and addressing the problems caused by the Vienna negotiations were intensified. At the beginning of the talks on the future status, Ahtisaari announced that when they come to the end, both sides will be able to see themselves as winners.

However, his *Comprehensive Proposal* is as such, that both sides rather see it as their loss, although the Albanians accept it with less trouble then Belgrade and Serbs. All in all, instead of facilitating the agreement, Ahtisaari created a problem by becoming actively involved, together with his deputy Rohan, in the fight against "Serbian – Ru-

[4] There is no uniform opinion in the EU. The main reasons for differences are: fear of EU member countries that "Kosovo virus" might spread; doubt that Kosovo institutions are able to contribute to stability of Kosovo and the region. At the same time, the international community, especially the EU, cannot escape this tangled situation, which it (for the most part) created. Kosovo is a unique case in the history of international interventions or "peace missions" in that the situation and its status are the result of a process which took place under international leadership, and approved and confirmed by the UN Security Council (Čeku, 2007:113).

[5] Talks about the future status which were lead in Vienna, conducted by Martti Ahtisaari in concerted efforts with UNOSEK and his deputy Albert Rohan and assistant Frank Wisner. In November 2005, the Special Envoy visited Priština, Belgrade, Tirana, Podgorica and Skopje. 15 rounds of direct talks were held between the negotiating teams of Belgrade and Priština during 2006. The talks dealt with decentralization, protection of cultural and religious heritage in Kosovo, economic issues and protection of community rights. From 26 January 2006, representatives of the expert mission from the United Nations Office of the Special Envoy for Kosovo (UNOSEK) visited Belgrade and Priština in order to hold talks with the sides on various issues separately. Also from November 2005, Ahtisaari and his deputy Albert Rohan had a number of meetings with other key players in the process: reporting to the Security Council (on 4 March, 13 July and 22 September 2006); meetings with the Contact Group (CG), EU diplomats and other international stakeholders, including NATO and the Organization for Security and Co-operation in Europe (OSCE). Apart from that, Ahtisaari presided over direct talks with the leaders of Serbia and Kosovo in Vienna on 24 July 2006. After a meeting with the UN Secretary General on 25 January 2007 in Paris, at which he informed him about the latest development of events in the process of solving Kosovo's status and submitted a proposal to him, Ahtisaari met with members of the Contact Group on 26 January 2007 in Vienna and presented the content of his proposal.

ssian obstruction". This is in line with his decision to (in addition to his obvious dissatisfaction expressed in public speeches after the completion of Vienna talks in February 2007) to leave the mission "with a Big Bang". This is why he changed his 2001 proposal of "conditional independence" into the proposal of "independence for Kosovo under international supervision in initial stage" (Item 1 of the *Report to Secretary General on Progress of Talks; Janjić, 2007*).

Ahtisaari's *Comprehensive Proposal* created a"minor war" of resolutions between the US and EU on one side and Russia and China on the other. Faced with the risk of Russian-Chinese veto of the *Comprehensive Proposal,* EU and the US accepted Russia's proposal to establish a UN SC mission that would provide the basis for approximation of positions.[6]

In an effort to overcome the deadlocked situation regarding the Kosovo status settlement in the UN Security Council, the US and EU have decided to recognize the unilaterally declared independence of Kosovo[7] and thus create a "new reality", with the ultimate goal of achieving complete independence of Kosovo. For achieving this goal, a *Council Joint Action 2008/124/CFSP* on launching the *European Union Rule of Law Mission in Kosovo – "EULEX Kosovo*" was adopted on February 4, 2008. From then on, the EU became a leading player in Kosovo and would seek the solution for Kosovo status and relations between Kosovo and Serbia in the "common EU future". Over time, the idea that the normalization process will bring the solution has been shaped through dialogue and diplomatic, political, economic and security actions carried out by the EU and US.

b) Normalization - the Way toward a Possible Solution

The EU facilitated dialogue between Serbia and Kosovo (the Brussels dialogue) moves along the path determined in the UN General Assembly Resolution of October 2013. This path can be described as "normalization with the aim of achieving peace, security and stability in the Western Balkans, and promoting cooperation and European integration to improve living conditions for all people. In reality, it is a long journey made of many steps that need to be taken by both sides" (*Is There A Way Forward, 2013: 32*).

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[6] At the proposal of Russia, the UN Security Council reached a decision on establishing UN SC mission to "inspect the application of standards in Kosovo", on its session of April 3, 2007.

Between May 25 and 28, 2007, UN SC mission conducted talks with all important participants in the Kosovo's future status process (Belgrade, Priština, UNOSEK, NATO and European Commission). This has actually initiated "technical consultations" and gave the UN SC extra time to decide on supporting or rejecting Ahtisaari's Report on Status Talks and attached Comprehensive Proposal. It seemed that there was a consensus that the UN Mission in Kosovo (UNMIK) should close its mandate and the EU should takeover. Thus, the solution should be to adopt new UNSC Resolution on Kosovo, since any unilateral action could destabilize Kosovo and the entire region. But, it turned out that there was no consensus in the UN SC and in the region for amending the UN SC Resolution 1244.

[7] In coordination with Washington and Brussels, the *Kosovo Declaration of Independence* was adopted on February 17, 2008 by the Assembly of Kosovo.

The declaration reflects the will of Kosovo people and is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his *Comprehensive Proposal for the Kosovo Status Settlement.* Kosovo is declared to be a "democratic, secular and multiethnic republic". The international presence established in Kosovo, and leading role of the EU and NATO, is also welcomed in the declaration.

Although there have been many interpretations of the dialogue in literature, most of them agree that it should be "achieving significant progress toward normal relations" or normalization of relations between Belgrade and Priština. Normalization of relations itself is seen as an objective. The ultimate goal is "full normalization" of mutual relations that is achieved through negotiations on EU association - through negotiations on a Stabilization and Association Agreement in the case of Serbia, and later through negotiations on EU membership in the case of Kosovo. Both Serbia and Kosovo share the ultimate goal of accession to EU, or "common European future".

The aim of the first stage of the dialogue is to achieve significant progress toward normal relations in 2012 and 2013, based on the following elements: overcoming the separation between northern part and the rest of Kosovo through arrangements for regional autonomy for northern part; providing international guarantees for Serb Orthodox monasteries; establishing a comprehensive framework for cooperation, including contractual agreements and diplomatic representation, that preserves the parties' differing legal positions on status and is modeled on the German-German agreement of 1972; ending Serbia's opposition to Kosovo's membership in international organizations and to further recognitions, etc. (*Lehne, 2012:1).*

After the signing of the "*First Agreement of Principles Governing the Normalization of Relations"* (hereinafter referred to as: *First Agreement of Principles)*, in April 2013, it became clear that the *First Agreement of Principles* encompassed most of these elements/themes, and went beyond them.

This only confirms that normalization is a complex process in which a solution must be found for a multitude of interrelated issues, including those inherited from the past and those arising from the Brussels dialogue and normalization process itself.

From this point of view, the *Framework Agreement,* produced within the "*KAS Project*", suggests a complete definition of all elements of normalization.[8] This brings the *Framework Agreement* closer to reality and to the true nature of the problem, as well as highlighting the need for development of Serbia, Kosovo and the Western Balkans in general.

However, the Brussels dialogue has been accompanied by a series of other activities instigated and supported by the EU, already resulting in positive outcomes. These activities are part of the initiative launched with the goal to achieve closer cooperation among the countries in the region, "Western Balkans Six", known as the Berlin Process, or the framework for cooperation of business organizations, SMEs and entrepreneurs with the support of Eurochambres, which will be discussed later.

It is especially important to observe that the *First Agreement of Principles* and *Framework Agreement* comply with the Germany's experience with reconciliation, as a useful one for the normalization of relations between Serbia and Kosovo. This is reflected in establishing liaison officers; advocating the decentralization and integration

[8] *The Framework Agreement* establishes the following principles/starting points: responsibility for peace and security on the bases of democracy, freedom, the rule of law, justice and the respect for human and minority rights; respecting the historical specifics and regardless of the different understandings of both sides of the agreement when it comes to the status issues; desire to act for the benefit of the people and for regional cooperation and stability, and development of good-neighborly relations.

model for the issue of northern Kosovo; facilitating cooperation of Serbia and Kosovo through international organizations, (with the exception that the *First Agreement of Principles* deals with regional cooperation only), leaving the issue of cooperation through the UN and other international governmental and non-governmental organizations for future talks, while the *Framework Agreement* provides a solution to this issue.

As indicated before, despite numerous differences and disagreements, the thing in which both sides agree is that the vast majority of citizens of Kosovo and Serbia want their countries to be part of European integration and are committed to a "European future". Rightfully relying on this commitment, the European Union has temporarily set aside the rule by which the countries have to resolve all open issues including border disputes before their accession to the EU. Serbia's[9] journey towards EU membership will be longer and more demanding than it was for other countries in previous enlargement.[10] Despite all the difficulties on their path to EU membership, including numerous objections and doubts, Serbia and Kosovo, just like other countries in the region, have not up until now demonstrated that there is a shorter, simpler and more efficient way to overcome problems set before each country, and to resolve their mutual problems and establish cooperation.[11] For that reason, it is important that Serbia and Kosovo agree on all issues concerning the normalization process (See: *www.mfa.gov.rs)*.

Irreconcilable conflict between Serbia and Kosovo and different approaches emerging fromBelgrade and Priština, as well as differences among Member States regarding Kosovo's status is the main challenge for the dialogue.

The experience with the dialogue so far shows that whenever the issue of Kosovo's status is raised, a political climate against the new agreements is created and the implementation of agreements reached in the dialogue is hindered. Progress towards the EU membership proved to be an effective means of creating favorable conditions for the dialogue and normalization of relations between Serbia and Kosovo. As it turned out,

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[9] For example, according to the European Commission Enlargement Strategy, before Kosovo can be granted full candidate status, it will have to comply with the conditions set by the EU, including the Copenhagen criteria. Kosovo is required to continue positive relations with Serbia and to implement all the agreements that were made in the dialogue. Other key priorities Kosovo needs to face include the rule of law, the priorities set out in the visa road map, organized crime and corruption, judicial and public administration reforms, rights of minorities, trade issues, unemployment, weaknesses in the labor market and promotion of democratic rights.

(See: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf, pg. 7).

[10] Serbia's EU accession negotiations started almost ten years before the process of normalizing relations with Kosovo was initiated by the UN General Assembly Resolution 64/298, on 13 October 2010, shortly after the International Court of Justice issued its opinion. This makes Serbia an exception or "special case" compared to the countries that have completed the EU accession process, including other Western Balkan countries with the status of candidate country and those that have already started accession negotiations. This is because none of these countries has a problem of secession and division of its territory.

Kosovo could be viewed as a "case for itself" in many aspects, including that its progress towards the "European future" will depend on its willingness to cooperate with Serbia, a country it has separated from.

[11] This EU policy in Kosovo is firmly opposed above all by *Levizja Vetevendosje,* or the *Movement for Self-Determination* and some CSOs among Albanians in Kosovo, who believe that the EU and EULEX obstruct the completion of Kosovo's independence and sovereignty; and in Serbia by some political parties (*Democratic Party of Serbia, Serbian People's Party, Third Serbia and Dveri*), including members of the ruling coalition (SPS, Socialist Movement,), numerous CSOs in Serbia and among the Kosovo Serbs, claiming that "the recognition of Kosovo's statehood by Serbia" is the EU requirement, while "there is no guarantee that Serbia will ever be a member of the EU".

progress has not been linear so far, and periods of progress are followed by eruptions of political and security challenges, resulting in stagnation or even deterioration of the process. The eruptions of challenges provide further fuel to opponents of the "European future" and at the same time a call for those who are committed to "European future" to strengthen their efforts. All in all, the approximation of joining the EU is not a "magic formula" that will resolve the issue of Kosovo's status by fixing Serbia's non-recognition of Kosovo's statehood.[12] Up until now, the opponents of the "European future" have not been able to demonstrate that there is alternative for Kosovo and Serbia but to join the EU.

A historical perspective of Serbia's path to the "European future" involves the following events**:**

As already indicated, the process of Serbia's EU accession was launched before the beginning of the normalization process, but these two processes are intertwined. The issue of normalization of relations under *Chapter 35* will open and close the negotiations on Serbia's membership in the EU. *Chapter 35* dealing with normalization of relations between Serbia and Kosovo will, together with *Chapters 23* and *24*, be opened at the start of the negotiations on Serbia's membership in the EU and be closed at the very end. *The European External Affairs Service* (*EEAS*) will be tasked to monitor and report on the fulfilment of the conditions under *Chapter 35*.

Chapter 35 is particularly important in the negotiations because it deals with the political, institutional, economic and security conditions that need to be fulfilled on the path towards the "European future". In the case of Serbia, *Chapter 35* further complicates and aggravates the already complex process other countries went through in the process of becoming members of the EU. *Chapter 35*, on 'other issues', is a tool for the long-term regulation of coexistence for Serbia and Kosovo and their equal participation in the EU. It means that Serbia should not block Kosovo's future membership into the EU by refusing to recognize its independence, and that Kosovo should not hinder Serbia on its path towards the EU by conditioning and obstructing the process of normalizing relations with Serbia. This suggests the need to have a legally binding document that keeps both countries obliged from acting against each other on the international scene, including in international organizations, in a way that would seriously harm the other's interests and internal policies. *(Lekvall, 2014: 1 - 3)*. This document is the *First Agreement of Principles* (which will be discussed later). It can be concluded that the level of importance of *Chapter 35* is higher than other chapters. This chapter even has the power to temporarily suspend negotiations on the association agreement and slow the pace of Serbia's entry into the EU (*Milivojević, 2015*).

Serbia's first step in the process of approaching EU membership was taken in April 2005, when the State Union of Serbia and Montenegro was positively assessed for its *Feasibility Study on the Commencement of Negotiations with the EU Concerning the Conclusion of the Stabilization and Association Agreement* (SAA).

[12] An example of Cyprus shows that the problem of the Turkish Republic of Northern persists, while Cyprus has joined the EU (*Simić, 2015; Perspektiva Severnog Kosova, 2013: 9, 10*).

The SAA negotiations were officially opened on 10 October 2005. In May 2006 the European Commission suspended SAA talks with Serbia-Montenegro[13] over its failure to arrest Ratko Mladić, stating that Serbia failed to fulfill its commitment to fully co-operate with the *International Criminal Tribunal for the Former Yugoslavia*. On 31 May 2007, the ICTY's chief prosecutor Carla Del Ponte gave a positive assessment of Serbia's co-operation and on 13 June, the SAA negotiations were resumed. In November 2007 the EU initialed the SAA in Brussels. Serbia signed its SAA *in* Luxembourg on 29 April 2008.

In November 2009, the Council of the European Union published a document on visa liberalisation for Serbia, Montenegro and Macedonia, on the basis of which visa-free regime with the European Union entered into force on 19 December 2009, resulting in abolishing visas for travel to EU member states that are part of the Schengen area. On 7 December 2009, the European Union decided, at its meeting in Brussels, to start the implementation of the *Interim Trade Agreement with Serbia*, which envisages gradual trade liberalization. The *Interim Trade Agreement* entered into force on 1 February 2010, and Serbia started to unilaterally implement it on 1 January 2009.

On 14 June 2010, EU foreign ministers decided at the meeting in Luxembourg to propose to their countries' parliaments to ratify the SAA with Serbia. The European Parliament ratified the SAA on 19 January 2011. The ratification process in the EU Member States was completed on 18 June 2013, when the SAA was ratified by Lithuania. The SAA between the Republic of Serbia and the EU entered into force on 1 September 2013. Following the entry into force of the SAA, Serbia became an associate member to the EU.

On 25 October 2010, the Council of the European Union (Foreign Affairs Council) requested the European Commission's opinion on Serbia's EU membership application. In November 2010, the Commissioner for Enlargement and Neighborhood Policy Stefan Füle delivered to Prime Minister Mirko Cvetković the *Questionnaire of the European Commission* sent in order to prepare an opinion on the request of Serbia for membership in the EU. On 31 January 2011, Mirko Cvetković handed over to Stefan Füle answers to the *Questionnaire on reforms implemented by Serbia in order to meet its obligations to be given the status of candidate for membership in the EU*. On 12 October 2011, the European Commission recommended that Serbia be granted the status of a candidate country for EU membership, "on the understanding that Serbia re-engages in the dialogue with Kosovo and is moving swiftly to the implementation in good faith of agreements reached to date". Furthermore, the European Commission recommended that accession negotiations be opened as soon as Serbia achieves "further progress in meeting the one key priority: further steps to normalize relations with Kosovo".[14] In

[13] Following its independence in June 2006, Montenegro sought close relations with the European Union, actively participating in the Stabilization and Association Process. The candidate status was officially granted to Montenegro on 17 December 2010 and the accession negotiations started on 29 June 2012.

[14] Because of the unstable situation in northern Kosovo, in 2011, mainly due to roadblocks and opposition to the agreement on freedom of movement and customs, Serbia was not given the candidate status for EU membership in December 2011, as planned. On 9 December, 2011, the EU leaders decided in Brussels to partially change the draft conclusions on Serbia and requested from the Council of EU Ministers to make an assessment in February 2012, to enable the EU leaders to definitely approve Serbia's candidate status for membership in the EU.

March 2012, the European Council decided to grant Serbia candidate status for EU membership, insisting on improved relations between Serbia and Kosovo before taking the final step. In December 2012, the foreign ministers of EU countries agreed to determine in the spring 2013 whether Serbia meets all the conditions for the start of negotiations on the EU membership. If the assessment is favorable, they will set the date for the start of negotiations by June 2013.[15]

On 21 June 2013, the High Representative Catherine Ashton and European Commissioner for Enlargements Stefan Füle sent a joint letter to the Foreign Ministers of the EU Member States, in which they made a positive recommendation to open accession negotiations with Serbia on its EU membership and to launch talks with Kosovo on the SAA, based on Serbia and Kosovo's progress achieved regarding the normalization of relations;[16] The European Commission in its annual progress report on Serbia published in mid-October, the European Commission has concluded that as a result of intensifying reforms, Serbia "sufficiently meets the political criteria" and partially the economic criteria for the EU membership. In this report the EC found that the decision to launch talks on SAA opened a "new phase in the EU-Kosovo relations". The decision of the EU Council of Ministers of 17 December 2013 to open accession negotiations with Serbia was confirmed at the meeting of EU heads of state and government in Brussels on 20 December 2013. EU leaders also concluded, after verifying the *EU Negotiating Framework – a mechanism and rules for membership negotiations with Serbia,* that both Serbia and Kosovo must reach a "legally binding agreement on the comprehensive normalization of relations before Serbia becomes a member of the EU". (See: http://ec.europa.eu). Such a position determines the nature of agreements reached during the Brussels dialogue. Agreements reached in Brussels are political documents which have binding legal consequences. At the end of the negotiation process, a legally binding agreement shall be adopted under *Chapter 35*, to legally verify all agreements reached in the process.

Accession negotiations will be held based on the *Negotiating Framework*, focusing on the conditions under which the candidate country will adopt, implement and apply the *acquis communautaire*, divided into 35 thematic chapters. On the other hand, Serbia has developed its own negotiating platform in the coming period, which includes its commitment to EU objectives, its readiness to comply with the EU *acquis*, and an

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[15] In a key paragraph of the conclusion reached by the EU leaders (European Council) on 14 December, it is stated that "With a view to a possible decision of the European Council to open accession negotiations with Serbia, the Council will examine on the basis of a report to be presented by the Commission and the High Representative in Spring 2013 the progress in the implementation of reforms and improvement of relations with Kosovo".

It is also emphasized in the conclusion that: "A visible and sustainable improvement in relations between Serbia and Kosovo is needed so that both can continue on their respective European paths, while avoiding that either can block the other in these efforts".

[16] On 25 June 2013, the Council of the European Union unanimously recommended to the European Council to start negotiations with Serbia by January 2014, at the latest, and that the European Commission should draft the *Negotiating Framework* and begin with an analytical review of the Serbian legislation harmonization with the EU legislation.

Three days later, heads of state or the government decided to open accession negotiations with Serbia, no later than January 2014. The decision to open accession negotiations sixteen months after receiving the candidate status for EU membership was a milestone for Serbia's EU integration process.

explanation of the manner and timescale for alignment with the EU *aquis* in a given sector.

The *Negotiating Framework with Serbia* is directed towards internal reforms (Serbia needs to continue improving the business environment, develop a competitive private sector and tackle high unemployment rates) (http://ec.europa.eu). However, it is explicitly demanded that "full normalization of relations" is a *conditio sine qua non* for Serbia's EU membership. The following paragraphs of the *Negotiating Framework* confirm this condition.[17]

With the aim of involving Serbia in the Brussels dialogue, the National Assembly of Serbia in the "*Declaration of the National Assembly of the Republic of Serbia on the Current Situation in Kosovo and Metohija Following the Unilateral and Violent Actions of the Provisional Institutions of Self-Government in Priština*"(31 July 2011), established key stands (paragraph 6) that should be used as "the framework of the state authorities' and other public actors' activities in defense of sovereignty, territorial integrity and the constitutional order of the Republic of Serbia".[18]

The Serbian authorities set the goals, designated as the Serbia's "national interests" to be achieved through the Brussels dialogue, as follows: improved international standing and the acceleration of Serbia's EU integration; the creation of an environment for

[17] Paragraph 23 of the Negotiating Framework states: "The issue of normalization of relations between Serbia and Kosovo will be addressed under *Chapter 35*: "Other issues" as a specific item". Also, "Serbia's continued engagement, in line with the Stabilization and Association process conditionality, towards a visible and sustainable improvement in relations with Kosovo".

Paragraph 24 of the *Negotiating Framework* sets out a special procedure for *Chapters 23* (*Judiciary and fundamental rights*) and 24 (*Justice, freedom and security*), should progress under these chapters significantly lag behind progress in the negotiations overall, given their importance for the implementation of the *acquis* across the board. The EC can on its own initiative or on the request of one third of the Member States propose to withhold the entire process based on relevant assessment and the report on progress stalls, until this imbalance is addressed.

The same power is given to EC in paragraph 25 of the *Negotiating Framework* in case progress in the normalization of relations with Kosovo, dealt with under chapter 35, "significantly lags behind progress in the negotiations overall, due to Serbia failing to act in good faith, in particular in the implementation of agreements reached between Serbia and Kosovo"

Article 38 contains the provision: "In all areas of the *acquis*, Serbia must ensure that its position on the status of Kosovo does not create any obstacle nor interfere with Serbia's implementation of the *acquis*… As part of its efforts to align with the EU *acquis*, Serbia shall in particular ensure that adopted legislation, including its geographical scope, does not run counter to the comprehensive normalization of relations with Kosovo" (*Milivojević, 2015*).

[18] This framework of activities includes the following:

Defense of legitimate interests of Serbia and the people living in Kosovo, until the compromise solution of the issue is adopted in line with UNSC Resolution 1244;

The National Assembly supports the Government to continue dialogue with Priština with the aim of finding solutions for actual problems the citizens of Kosovo are facing, and achieving a lasting compromise solution;

The National Assembly commits the Government to request international missions, to allow no unilateral activities carried out by the provisional institutions threatening peace, stability, possibility of reaching compromise solution and changing of the existing situation on the ground;

The National Assembly commits the Government to adopt concrete measures aimed at maintenance of all state activities of Serbia in Kosovo;

The National Assembly specially obliges the Government to make its utmost efforts in all circumstances that may arise, to protect the lives and property, rights and liberties of the citizens in the province, and especially the Serbian and other violence-theatened populations;

The National Assembly obliges the Government to adopt concrete and comprehensive measures plan to be taken in case of deterioration of the situation in Kosovo, etc. (*Declaration of the National Assembly of the Republic of Serbia on the Current Situation in Kosovo and Metohija Following the Unilateral and Violent Actions of the Provisional Institutions of Self-Government in Priština"Official Gazette of the Republic of Serbia, No. 44, Belgrade, 31 July 2011).*

better protection of Kosovo Serbs, and implementation of the Brussels Agreement without the explicit recognition of Kosovo (*Ejdus, 2014:1*).

The new government formed after the elections held in May 2012 was composed of former parties that were most influential during the reign of Slobodan Milošević when Kosovo escalated from conflict into the crisis.[19] These parties were, under changed circumstances in 2012, faced with the role of "peace builders". As a starting point for the Brussels dialogue the new government used the *Constitution of the Republic of Serbia* (Preamble and Articles 114 - 182), which treat Kosovo as one of the two autonomous provinces within the Republic of Serbia and the *2009 National Security Strategy*, which as the main security risk identifies "the attempts to sever the territory of the Autonomous Province of Kosovo and Metohija" (*National Strategy, 2009: 6; Ejdus, 2014: 2).*

The original plan was for the negotiations with Serbia to be led by the Serbian President Tomislav Nikolić, but in February 2013 he turned over this duty to the then Prime Minister Ivica Dačić.

Nikolić and his cabinet prepared the text of the *Platform* (See: *Annex 2*). The main objective of the *Platform* is to set the political framework for the Serbian government for the *Brussels Dialogue*, committing the Serbian government to use the Platform as the starting point in drafting a resolution, to be approved by the National Assembly. This concerns the division of responsibilities within the ruling coalition and institutions in Serbia. This "duality" of politics in Serbia is not new compared to the previous practice, dating back to the Milošević era. In Serbia there is a practice by politicians in power to "shift the responsibility to others". Behind this policy is the inability or unwillingness or lack of courage to make decisions. This leads to missed opportunities, loss of time and resources.

In some cases the *missing-out* and delays are used as an excuse that nothing can be done because "everything has already been decided." Essentially it is about a lack of a clear vision in leading the society and the state, weakness of political leadership and institutions that direct them to "improvise", producing reactive policy as the final result. However, the practice has also confirmed that only a "proactive policy" that recognizes reality and that draws from a clear vision and elaborate strategy can resolve extremely complex and important issues such as the issue of Kosovo. This kind of behavior by Serbia often made it easier for Kosovo to achieve its goals, and sometimes it forced the international community to side with Kosovo.

The *Kosovo Platform* insists that "every solution in the Serbia/Kosovo dialogue needs to be in accordance with the *Constitution* and the *Resolution 1244*, and with the fact that Serbia is not recognizing the independence of Kosovo". Moreover, Serbia's policy should aim to "overcome institutional parallelism" in Kosovo and "establish autho-

[19] The main party in the new government was the *Serbian Progressive Party, SNS*, which had split off from the *Serbian Radical Party* led by Vojislav Šešelj with the coalition partners: Movement of Socialists led by Aleksandar Vulin, one of the founders of the *Yugoslav Left, JUL*, once led by Mirjana Marković; the *Strength of Serbia Movement* led by Bogoljub Karić, and some of *DOS* members (such as, the *New Serbia* led by Velimir Ilić) and the *SPS – United Serbia – PUPS*, led by successor and spokesman of Milosevic's *SPS*. Ivica Dačić formed a coalition government and became prime-minister, whereas Aleksandar Vučić, first vice president, had the most influence in the government.

rities in the Province recognized by all stakeholders". Finally, the *Platform* calls for the establishment of a Community of Serbian Municipalities (CSM) (*Ejdus, 2014:4*). The vision of CSM, from the *Platform,* does not correspond to the Serbian Constitution[20] nor Kosovo's Constitution. It represents a political desire to establish a territorial – administrative autonomy of Serbs, which would serve to "institutionalize" Belgrade's influence in Kosovo.

This solution, viewed from the side of Kosovo, is reminiscent of the Brezhnev's doctrine of "limited sovereignty" or the concept of "divided sovereignty". Because of all this, the CSM, as envisaged by the *Platform*, seems unfeasible. This risk was partially mitigated by the Government of Serbia, which in its resolution alleviated certain positions and completely omitted the idea of a bicameral arrangement of the Kosovo Assembly[21] from the *Platform.*

Based on the *Kosovo Platform*, the Government of the Republic of Serbia proposed the text of the resolution to the National Assembly, which brought the "*Resolution of the National Assembly of the Republic of Serbia on the basic principles for political talks with the Provisional Institutions of Self-Government in Kosovo and Metohija*", on 13 January 2013. (*Official Gazette of the Republic of Serbia, No. 1, Belgrade, 13 January 2013*) (See: *Annex 3*). The basic principles for political talks determined by the Resolution are: "Serbia does not recognize and will never recognize Kosovo's unilateral declaration of independence; the aim of negotiations is to discuss the creation of conditions for the Serbian community and all other ethnic communities in Kosovo and Metohija, which guarantees safety and full protection of human rights … the protection of the rights guaranteed for Serbs… investigating the fate of missing persons and to follow court processes for those accused of committing ethnic violence against Serbs … All the powers entrusted to the PIS in Priština, as a result of the negotiations, will be confirmed in by constitutional law and transferred to the authorities of the Autonomous Province of Kosovo and Metohija, in accordance with the Constitution, laws and other regulations of the Republic of Serbia".

On the other side, the Assembly of Kosovo adopted a *Resolution for the commencement of a dialogue with Serbia*, which limited the Government to negotiate on "technical" issues only. A second resolution was necessary to enable the continuation of political dialogue, which was approved by the Assembly of Kosovo on 18 October 2012: "*Resolution on the normalization of relations between the Republic of Kosovo and Republic of Serbia*" and gave the green light for the signing of the *First Agreement on the Principles Governing the Normalization of Relations between Kosovo and Serbia* (*Monitoring, 2013: 43*).

[20] Through the interpretation of the existing *Constitution of the Republic of Serbia* and the part of the *Platform* dealing with the CSM, a conclusion can be drawn that the Constitution was not respected. The Constitution itself, at the time of enactment, did not reflect the reality but the political desires on the status of Kosovo. This is called a "dead norm", which acts on the entire constitutional and legislative system like a metastatic cancer acts on the health of a patient.

[21] Compared with the *Platform,* it is evident that the *Resolution* goes into details of a possible result of the dialogue and does not go into describing the CSM or other requests such as guaranteed autonomy of certain settlements inhabited by Serbs. It is certain that the solution from the *Resolution* is more in tune with the reality in Kosovo and the Government of the Republic of Serbia has tried to leave as much maneuvering space as possible, unlike the President of Serbia who drafted the *Platform* with the assistance of his cabinet.

The results achieved so far is the normalization process are positive, especially with signing the *First Agreement of Principles*, but it does not guarantee success of the final outcome of the dialogue. The following two challenges deserve special attention:

Firstly, Serbian authorities do not have a coherent strategy which takes into account the changed reality in Kosovo, the EU, as well as in Serbia itself, including the changes that have occurred through the initiation of the process of normalization. What is particularly worrying is that there is no correlation between the policy towards Kosovo and preparations for negotiations on EU membership, and *Chapter 35*, and

Secondly, even though in 2014 Serbia began preparations for negotiations on EU membership, that did not have much effect on many people in Serbia who still believe that Russian annexation of Crimea created "new geopolitical opportunities" that justify the idea of northern Kosovo remaining in Serbia, and see this as a chance to "play the card" of annexation of the Republic of Srpska to Serbia.[22]

In reality, dialogue and normalization are not short-term operations. However, "the Kosovo issue" should not be allowed to follow certain European examples (such as Cyprus or Ireland), where conflicts lasted for decades or even centuries.

II) BRUSSELS AGREEMENT

The EU facilitated dialogue between Serbia and Kosovo was initiated by the *UN General Assembly Resolution 64/ 298*. The first round of dialogue took place on 8-9 March 2011, and until 8 July 2012, it was referred to as "technical dialogue". After that the "political dialogue" of Kosovo and Serbia started at the level of the Prime-Ministers.

Numerous meetings have produced a number of "agreed conclusions", action plans, technical protocols, etc. In the public, the media, politicians' rhetoric, civil society activists, and among experts there is a widespread habit of referring to all these documents as the "Brussels Agreement" or "Brussels Agreements".

In this Policy Paper analysis the term "agreement" will be used for certain "agreed conclusions" and certain acts related to the issue. The reason for this, essentially, technical term, is the appreciation of the created "standard" but also an attempt to minimize the possibility of confusion and unproductive disputes, misunderstandings and ambiguities that may arise when proper names of the given documents are used (for example, *agreed conclusions*). However, when particular documents are cited in their entirety then the original names of these documents are used.

In this Policy Paper analysis, the term Brussels Agreement is used as a generic term for all documents that came out of the dialogue. For the purpose of clarity of presentation and respect for the nature of these talks and documents they have produced, these were divided into two groups: "*technical agreements*" for documents resulting from

[22] In reality, the Russian annexation of Crimea brings Kosovo into an active position because it may lead Russia to allow Kosovo to join UN in return for the "legalization" of annexation of Crimea (*Janjić, 2014*).

the "technical dialogue" and the "*First Agreement of Principles*" for documents resulting from the "political dialogue".[23]

In the Policy Paper, the categories of the agreements made for the purpose of solving and overcoming the problems that have occurred in the implementation of what has been agreed or in relation to certain issues will not be shown and analyzed in a separate chapter, as was the case in the report of the Government of Serbia. Instead, they will follow the topics and agreements which resulted from their implementation or non-implementation.

In the four years since Kosovo and Serbia began the complex and delicate process of technical dialogue, the situation on the ground relating to relations between Kosovo and Serbia has changed to some extent, but it is still far from normal. Until July 2015, a total of 27 agreements were concluded. Of all agreements, only four have been totally implemented. (*Lost in Stagnation, 2015:5,9*). The result achieved is rather modest.

As for the nature of the agreements reached during the Brussels dialogue this issue will be discussed in more detail later, in the chapter on the constitutionality, legality and legitimacy. However, based on the given analysis of the process of the establishment of a political and legal basis for conducting the dialogue (various declarations, resolutions and such) it can already be said that the dialogue and the achieved agreements by their nature first and foremost political, are producing not only political but also legal consequences.

a) Technical Agreements

Great efforts by negotiators and representatives of the EU and US during 2011 – 2013 led to a significant progress of the "technical dialogue".[24] Due to early parliamentary elections held both in Serbia and Kosovo, and drama about the formation of a new government of Kosovo which lasted until January 2015, further dialogue was placed on hold and therefore 2014 was a lost year.

The implementation of technical agreements allows the establishment of European standards that support the process of normalization of relations between Kosovo and

[23] This classification was also applied by the Government of Serbia. Nevertheless, the Government introduced a third cluster. According to the classification of the Government of Serbia: "The first cluster consists of the issues and processes stemming from the political segment of the dialogue, pursuant to the *First Agreement of Principles governing the Normalization of Relations*, and related documents. The second cluster encompasses issues stemming from the so-called Technical Agreements reached under the EU facilitation. The third cluster involves issues stemming from arrangements aimed at resolving and overcoming less important, daily problems, whose persistence decelerates the process of normalization" (*Izveštaj, 2015:2)*.

[24] From the beginning in 2011 until April 2013, a total of seven Technical Agreements were concluded on issues including cadastral records, civil registry books, freedom of movement, customs stamps, acceptance of university diplomas, integrated border management and arrangements for regional representation and cooperation. Among these, most important agreement reached in the framework of the technical dialogue is the freedom of movement of people and goods, supported by agreements on integrated border management, customs revenue collection and VAT and customs stamps. A *Development Fund for Northern Kosovo* (hereinafter referred to as the Fund) was established as a side result to promote the socio-economic development of northern Kosovo.

Serbia. For this reason these agreements play an important role in the context of resolving the issue of the Kosovo status. In addition, they create the prerequisites for the elimination of obstacles for a faster economic development of Kosovo, including northern Kosovo. (*A 'Peace Treaty', 2012: 6, 8, 10*).

Serbia fulfilled the perquisites for candidate country status at the end of February 2012, reaching the agreements on integrated border management/boundary management of the administrative crossing points and on Kosovo's regional representation. Serbia was granted the status of candidate country on 1 March 2012.

1. Freedom of Movement

The issue of freedom of movement was resolved by the "agreed conclusions" (See: *Annex 4*) in the fifth round of the dialogue on 2 July 2011, and on 2 December 2011 the *Operational Conclusions* related to the implementation of this agreement were harmonized.

The aim of the agreement is to enable free travel within and through the territories of Kosovo and Serbia. The implementation of the agreement which began on 26 December 2011 is going well.

The main points of the agreement are: the use of ID cards issued in Kosovo, driving licenses, vehicle registration plates, car insurance and new procedures for travelling in the two territories.

In the process of implementation of the Agreement, the Government of Serbia passed a series of acts[25] and has taken a number of actions in an effort to regulate the issue of insurance.[26]

Serbia's vehicles pay up to 40 euro for entrance into Kosovo, 368 euro for 6 months, and 603 euro for one year's car insurance.[27] Vehicles from Kosovo with KS and RKS vehicle plates have to pay 100 euro for a 30 day period, including 40 euro for temporary vehicle plates for Kosovo vehicles with RKS plates, including a 1 euro daily fee; and a border tax of 13 euro.

Such high fees make the travel between the two countries very expensive. This has also hampered the freedom of movement, extended the time necessary to cross the border, and caused additional costs for people and businesses, especially to those citizens and goods crossing from Kosovo to Serbia.

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[25] *Conclusion 05 no. 021-6653/2011 of 1 September 2011, Conclusion 05 no. 423-9394/2011 of 8 December 2011 on the insurance of motor vehicles with license plates issued by the Provisional institutions of Self-governance in Priština, Regulation on the Control of the Crossing of the Administrative Line Towards Kosovo and Metohija, brought on the meeting held on 22 December 2011, 05 no. 110 -9604/2011-3.*

[26] At the meeting in Vienna held on 20 December 2011, it was agreed to sign a *Memorandum of understanding* in order to prevent frauds in the area of insurance. There is no visible progress on this issue for now, and for the authorities in Kosovo it is particularly disputable the issue of deposit and providing stronger payment guarantees. Two meetings were held, one on 19 April 2012 in Brussels and one on 26 June 2012 in Belgrade, mediated by the EU, between representatives of the Serbian Association of Insurers and Kosovo Association of Insurers, dedicated to the reduction in price of car insurance (*Report, 2012*). No agreement has been reached so far, and the issue of "green card" also remains open.

[27] After being pressured by the public and Kosovo government, Kosovo insurance companies lowered the initial insurance fees, mostly due to complaints from ethnic Albanian from Preševo valley.

Despite the efforts to address this issue, the so called interim solution, by which the vehicle insurance was issued at the border during crossing, was in force for a long time.[28] After many meetings and mutual conditioning between insurance companies, agreement was reached on July 2015, and vehicle insurance was suspended in August 2015 (See*: Annex 5*).

The KS vehicle plates and ID cards are still not introduced in northern Kosovo for the ethnic Serbs. They use Serbia's vehicle plates and do not pay vehicle insurance fees. This situation is a violation of the agreement of freedom of movement, which explicitly stated that vehicle plate arrangements would be applied from 11 November 2011. In the implementation of this agreement, the Government of Kosovo has decided to apply the so-called soft approach – neither persons were penalized nor were private vehicles or shops searched for documents whose validity was terminated by the agreement *(Kosovo 2014).*

Regarding passports, it should be noted that the state of Serbia during the period between 1999 and 2007 issued 260,000 Serbian passports to Albanians from Kosovo, followed by 26,000 passports during the period from 2009 to 2011. Including the current application of the Kosovo "asylum seekers" for 60,000 Serbian passports, it can be concluded that the number of Kosovo Albanians who have Serbian passports, has exceeded more than 300,000.

Given that a large number of Kosovo citizens have and use personal and travel documents of Serbia, which are subject to the regime of visa liberalization, it is necessary to regulate the issue of recording of the change of residence, to establish data exchange between the authorities of Serbia and Kosovo, and to respond to the particularly delicate issue of "dual citizenship".

On 11 September 2014 in Brussels, the working group of Serbia and Kosovo agreed to allow persons who have identity cards issued by Kosovo to use additional border crossings when in transit, such as the Belgrade airport "Nikola Tesla", and crossing to Bulgaria and Macedonia. At the end of 2014, the agreement was extended to Kosovo passports, so that the Serbian Ministry of Internal Affairs issued provisional documents to owners of these passports for passing through Serbia. Crossings to Croatia and particularly important crossings to Hungary or the Schengen area were also included. After this the freedom of movement of people was improved.[29]

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[28] On 8 December 2011, the Government of Serbia adopted the *"Conclusion on the insurance of motor vehicles with license plates issued by the Provisional institutions of Self-governance in Priština"* by which it designated the Association of Serbian Insurers (UOS) to be in charge of organizing the issuing of insurance policies at border crossings with Kosovo. UOS designated "*Dunavosiguranje*" a.d. as the administrator, which together with UOS invested 60 million RSD towards creating technical conditions for establishing the system for issuing insurance policies on crossings with Kosovo. Starting from 26 December 2011, both sides enabled persons to buy insurance on border crossings to Kosovo (*Monitoring, 2013:60,61*). Vehicle insurance fees are high: when entering Kosovo vehicles registered in towns in central Serbia pay 20 euro per week. Vehicles with German or Swiss license plates pay the same amount. When going from Kosovo to central Serbia, car owners with "KS" license plates (these are mostly owned by Serbs) pay 100 euro for the insurance plus 11 euro tax and 500 RSD per day for the use of "provisional plates" (*Brussels Agreement Implementation, 2015: 20*).

[29] According to Kosovo Police, from December 2011 to January 2013 in total there were 292,889 persons travelling from Kosovo and vice versa – 148,284 persons entered Kosovo from Serbia. There were 122,742 passenger vehicles, 7,706 buses and 39,649 trucks, entering Serbia from Kosovo with RKS vehicle plates; while, there were 15,230 passenger vehicles, 2,514 buses and 8,205 trucks with KS vehicle plates.

A collateral result of the implementation of the agreement on freedom of movement was an increased number of illegal migrants from Kosovo, i.e. the number of "false asylum seekers" from Kosovo trying to get asylum in the EU.[30]

On 11 February 2015, the EC indicated that the number of illegal migrants from Kosovo who are seeking asylum without any grounds in the EU had increased by 40 percent in 2015, which exceeded the number of immigrants from Syria and Afghanistan. The increasing number of citizens of Kosovo who are heading towards the EU is a consequence of the lack of economic development, lack of development policies and jobs, but also the result of the overall crisis (*Grdžaliju, 2014*). There's room for an investigation on the involvement of organized crime and corrupt police officers and other officials, who influenced the mass number of Albanians who were illegally transferred through Serbia to EU,[31] primarily to Germany and Hungary.[32]

In order to manage migrations more successfully, the Government of Kosovo has adopted a *Migration Strategy 2103 - 2018*. The aim of the *Strategy* is to prevent illegal migration and strengthen regular migration, so as to promote and facilitate legal migration and, at the same time, turn migrations into a positive force for economic development.

The policy of promoting legal migration to the EU whatsoever is the result of the adoption of the *Hague Program* by the Council of Europe, and implementation of the *Lisbon Strategy* [33]

The Government of Kosovo is promoting regular migration in order to facilitate travel to the EU and uses "circular migration" of citizens between Kosovo and EU countries, including migrations for purposes of study, seasonal employment, exchange of experience and training.

The Government of Kosovo established rules and procedures for the readmission of persons who are citizens of Kosovo or foreigners who do not fulfill the conditions for entering or residing on the territory of the requesting State. So far, Kosovo has signed 19 bilateral readmission agreements with nineteen countries of the EU and the countries of the Schengen area and with two countries in the region: Albania and Montenegro.

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[30] In only two months at the beginning of 2015, more than 50.000 Albanians left Kosovo, among which 6.000 high school students. Media in Priština cite that since the middle of 2014, between 60.000 and 100.000 people have left Kosovo. This means that in the period October 2014 – February 2015 approx. 150.000 Albanian immigrants entered the EU zone, of which more than 120.000 have passed without any control (*Jovanović, 2015; Zečević, 2015*).

[31] Serbian foreign minister Dačić reminded that a wave of refugees is riding a wave called the agreement on the freedom of movement, which was insisted upon by the Brussels and called Europe to resolve this problem (*Dačić, 2015*).

[32] Statistics says that, since the beginning of January to 12 February 2015, approx. 18.000 people from Kosovo entered Germany (especially the regions of Lower Saxony, North Rhine, Westphalia, and Baden-Wuerttemberg, wanting to become asylum seekers. According to the Hungarian Chief Commissioner Karoly Papp, by March 2015, 23.200 persons crossed the border illegally, which is a great financial and security problem for Hungary. In addition to that, 40 persons have been arrested on charges of human smuggling.

[33] This migration policy aims to set up a framework for legal migrations, completely taking into account the importance of integration into the host society. EU measures for legal migrations also include conditions for entering and residing for certain categories of migrants, such as highly qualified workers who are subject to EU "Blue Card" directives, students and researchers.

Despite everything that has been done, there was a real "boom" of migrations of Albanians from Kosovo in the first half of 2015. This shows that in Kosovo and Serbia there is still no efficient migration management system, and that Serbia and the EU have not yet established effective cooperation in this matter; even though Serbia borders with four EU countries and is on the Schengen border through which (border with Hungary) a large number of illegal immigrants have passed and are passing. This, in turn, indicates that, in addition to a long-term goal of raising the level of development of Kosovo in order to reduce the motivation for immigration, it is necessary to implement certain short-term measures: starting from visa liberalization for Kosovo, through EU assistance to Kosovo and Serbia for capacity building for immigration, planning and management, to raising the technical and overall equipment capacity of services for monitoring borders and cooperation in combating organized crime in human trafficking.

1.1. Removal of barricade – Peace Park on the bridge in Kosovska Mitrovica

Belgrade version: In the night between 17-18 June 2014, heavy machinery was used to remove the previously existing barricade of piled soil, positioned on the northern approach to the main bridge over the Ibar River in Kosovska Mitrovica. This allowed for unobstructed and full usage of the bridge, which quickly led to a gathering of a large number of people on both sides of the bridge, and later to the crossing of vehicles and groups of pedestrians from the south to the north part of the city. Promptly reacting to this situation, a decision was taken to install the "Peace Park" on the bridge itself, followed by a quick and efficient placing of jardinières, benches and other park items, and the laying of a thin layer of soil and turf on the approach driveway thus again preventing the traffic of motor vehicles, given that it proved problematic in terms of security, according to Belgrade (*Izveštaj, 2015:22)*.

On the EU's initiative, on 11 July 2014, a meeting of a working group consisting of representatives of the Republic of Serbia, PISG, local authorities (mayors of the northern and southern parts of Kosovska Mitrovica) and EEAS officials was convened in Brussels, to discuss the future of the bridge, with the aim of deflating political and ethnic tensions. A proposal by Mr. Samuel Žbogar, Head of the EU Office in Priština, was adopted, by which a team of French construction experts was to be deployed to the bridge, the same one that performed restoration of the bridge a decade earlier, now tasked with examining technical capacities for a possible permanent installment of the park, after which they would inform the working group on their findings, and the working group would decide on the future of the bridge. In the meantime, concrete blockades in the form of jardinières were firstly placed and soon afterwards removed at the northern end of the bridge, followed by the cutting through the asphalt and creating a half a meter deep ditch, thus blocking access to motor vehicles in order to prevent potential unilateral removal of the Park and restoration of traffic before the political agreement is reached (*Izveštaj, 2015:22,23)*.

Priština was complaining that the implementation of "Žbogar's plan" for the removal of the barricade on Mitrovica Bridge and the revitalization of the bridge is behind the timeline set in the agreement reached in Brussels on 22 July 2014, and blamed Belgrade for that (*Brussels Agreement Implementation, 2015:15)*.

A solution was found on 25 August 2015. It was agreed to revitalize the Mitrovica bridge and and a pedestrian zone on both sides of the bridge. It was also agreed that by 10 October 2015 the maps of administrative boundaries of cadastral areas in Suvi Do and Brđani area would be solved through the Memorandum of Understanding on Municipal Development Plans, the Municipal Zoning Map and Detailed Regulaory Plan between relevant ministries and the two municipalities. *(See: Annex 6).*

2. Integrated Border Management (IBM)

An agreement on the Integrated Border Management (IBM) /boundary management (See: *Annex 5*) was reached during the 8th round of negotiations (30 November-2 December 2011). Its implementation started as of 10 December 2012. This was a major breakthrough concerning a highly delicate and controversial issue - borders.

The issue of the borders was of special importance for Kosovo's territorial integrity and sovereignty, increased collection of customs duty revenues and establishing control over smuggling and trafficking in human beings and goods (*Kosovo 2014).*

For Serbia it was a "bitter pill" to swallow as reality prevailed over the political desire. Serbia also needed to establish control over the movement of people and goods, to address smuggling and large-scale illegal trade in goods, and to increase VAT and customs duty revenues.

As regards the implementation of the IBM agreement, on 22 December 2011, the Government of Serbia adopted a series of regulations[34] and established a working group tasked with drafting a *Technical Protocol on the implementation of the conclusions reached in the IBM dialogue*, dated 2 December 2011. The *Technical Protocol* was concluded by Serbia and Kosovo's representatives at the meeting held in Brussels with the facilitation of the EU, on 23 February 2012.

The IBM agreement was met with sharp political opposition from Kosovo Serbs, which was expressed through political statements, gatherings and blocking of roads and border crossings. These protests took place throughout 2011 and 2012. The basic idea of political leaders from northern Kosovo who led the protests (and one part of the authorities in Belgrade) was to postpone the acceptance of the agreement as long as possible. This was justified by non-recognition of the territorial integrity of Kosovo and postponement of institutional and territorial separation of northern Kosovo from Serbia. This shows that the conflict over customs and IBM agreement was just one manifestation of dissention between Serbia and Kosovo over sovereignty (*Kosovo and Serbia, 2012).* Of course, there were also lucrative motives involved (making extra profits

[34] *Regulation on the Control of the Crossing of the Administrative Line towards Kosovo and Metohija*, 05, no: 110-9604/2011-3 ("*Official Gazette of the RS*", no. 98/11) and the *Conclusions regarding the Report on dialogue with interim institutions of self-government in Priština in the field of university diplomas and integrated control of the administrative line* 05, no: 021-9607/2011-1. *Decision to Establish a Working Group on the Implementation of Agreements Reached in the Field of Integrated Control of the Administrative Line Towards the Autonomous Province of Kosovo and Methija*, adopted by the Government on December 29, 2011; The Government of the Republic of Serbia adopted a *Decision to Abrogate the Decision 05,* no: 02-10076/2011 of 29 December 2011, disbanding the Working Group on the Implementation of Agreements Reached in the Field of Integrated Control of the Administrative Line Towards the Autonomous Province of Kosovo and Methija (05, no. 02-509/2012 of 26 January 2012, "*Official Gazette of the RS*", no. 6/12, of 27 January 2012").

by evasion of payment of customs and excise, and smuggled products) which united many business people, political leaders and "people from the world of organized crime."

Although the Serbian government, which was established after the elections in May 2012 elections, had promised to implement all previously reached agreements, it hampered the implementation of the agreement, just like the previous government. The most likely aim of this policy was to extend the Serbia's influence in Kosovo and narrow the maneuvering space for the integration of northern of Kosovo as envisaged by the *Ahtisaari Plan*. This allowed Serbia to renegotiate IBM and include the issue of collection of customs duties at the crossings in northern Kosovo into negotiations.[35]

In accordance with item 10 of the *Technical Protocol for Implementation of the IBM Agreed Conclusions of 2 December 2011*, it is anticipated, following the conclusion of the *Technical Protocol,* that a tripartite Technical Protocol Implementation Group (hereinafter: Implementation Group)[36] will be formed.

IBM was originally a Serbian proposal made to deflect pressure to accept Kosovo customs officials at the northern gates by bundling them into an "integrated" presence including EULEX and Serbian officials. In reality, Serbia did not believe in this "presence", and neither did Kosovo, which accepted the model with US encouragement as a way to get its officers on the border. When Serbs and Serbia realized that the model must be accepted, they delayed its implementation *(Serbia and Kosovo, 2013: 15)*.

For Serbia, this agreement was one of the most difficult to apply. In contrast to Kosovo's claims that the agreement represents recognition of the border between Kosovo and Serbia, Serbia, among other things, had to convince its public that the agree-

[35] Obstruction of the agreement by Serbia was tolerated by the guarantors of the Brussels dialogue (EU and US), while neglecting that in the resulting vacuum the presence of Russia in the north was growing stronger. Political support for the strengthening of Russian influence was first offered by the DSS political party, certain Serbian business groups and non-governmental organizations

[36] The Implementation Group consists of representatives of Serbia, Kosovo and EU as the mediator and chair, and its task is to propose concrete solutions and measures regarding the implementation of the *Technical Protocol.*

A meeting of the Technical Protocol Implementation Group took place on 31 October 2012, and during the 5 and 6 November 2012 the Rules of procedure and Action plan were adopted, which define further concrete steps in terms of implementation. Serbia and Kosovo have agreed to form interim common crossing points with a joint presence at all six crossing points, using existing facilities (the "concept 3 + 3" according to which it is defined that joint crossing points / joint zones of crossing points Merdare, Brnjak and Mutivode are on the side of Kosovo and Metohija while joint crossing point Jarinje, Končulj and Depce on the side of central Serbia), starting with four joint crossing points at this stage (Brnjak, Merdare, Jarinje and Končulj). Also, a joint visit of the Implementation Group of the above crossings was agreed, which was realized in the period from 14 to 15 November 2012.

The signing of the *Final Action Plan* with the EU, as of 10 December 2012, stipulates that the temporary joint zones of crossing points Rudnica and Merdare will become fully operational on 10 December 2012 at 08:00 hours, while Brnjak and Končulj will become operational on 31 December 2012 at 08:00 hours. Upon completion of the first four joint crossing points / joint zones of crossing points, operations will begin on establishing the two remaining joint crossing points / joint zones of crossing points, as defined by the *Technical Protocol.*

An integral part of the *Final Action Plan* are also the *Procedures for the Exchange of Information Regarding the Functioning of the Joint Zones of Crossing Points.* It is anticipated that Serbia and Kosovo exchange relevant information for the prevention, detection and investigation of criminal activities, as well as protection of lives and health of people, animals and plants.

An integral part of the *Final Action Plan* is also an *Agreement on the Electronic Exchange of Information related to Customs* through S.E.E.D in accordance with the established S.E.E.D. practice. It was anticipated for this exchange to begin no later than 31 December 2012 at 07:59.

The Technical Protocol for Implementation of the IBM Agreed Conclusions of the Dialogue of 2 December 2011, adopted on 23 February 2012, is an integral part of the *Action Plan (Izveštaj, 2012).*

ment does not mean recognition of the border between Kosovo and Serbia. In implementing the "status - neutral approach", Serbia was referring to the fact that the agreement uses the word "Boundary" ("administrative line"), and not the word "Border". The fact that words "Border" / "Boundary" and the acronym IBM are used in the agreement, allows different interpretations by each party.

A more visible progress in the implementation of the agreement on integrated border management took place at the end of April 2013. The first passengers with Kosovo identity cards began to travel through Serbia on 1 May 2013. Two border crossings, Mutivode and Mučibaba, linking Kosovo - Kosovo Pomoravlje with "Preševo Valley", were put into operation. In April 2015, it was agreed to open two more border crossings (between Kosovska Kamenica and Medveđa and Leposavić and Raška).

Trade growth was supported by the implementation of the Central European Free Trade Agreement (CEFTA). In fact, in 2006 Serbia effectively recognized Kosovo as a separate customs territory by signing of the Central European Free Trade Agreement - CEFTA 2006 (*Law on Ratification of the Agreement on Amendment of and Accession to the Central European Free Trade Agreement - CEFTA 2006, Official Gazette - International Treaties, No 88/2007*). UNMIK was then a signatory party, because the foreign trade policy was under UNMIK's jurisdiction and the EU as a Pillar IV.

3. Customs Revenue Collection and Customs Stamps

After Kosovo's declaration of independence in 2008, the role of UNMIK was marginalized and authorities in Kosovo took over the authority for foreign trade policies and introduced customs documents featuring the "Republic of Kosovo" insignia. In response to this, the Customs Administration of the Republic of Serbia refused to allow entrance of any type of goods with such accompanying documents into the territory of Serbia. Since then, the goods continued to enter Serbia through re-export via Montenegro and Macedonia with those countries' customs documents and an indication of Kosovo origin (*Monitoring, 2013:11, 12*).

The Mission of the European Union in Kosovo (EULEX) was established and in keeping with the United Nations Plan issued on 26 November 26 2008 UNMIK's authorities were partly transferred to EULEX, including issues relating to customs and border crossings in northern Kosovo. A customs post was established in southern Mitrovica. This was an indication that Kosovo was not functioning as a unified customs territory, because the customs territory of Kosovo was divided on the territory south and north of Ibar River. This is what made northern Kosovo *de facto* a free trade zone with big problems in the field of monitoring of the flow of goods (*Monitoring, 2013:11, 12*). It became a "haven" for trade with no record-keeping, or customs duty and VAT fraud, and smuggling and revenue collection without contributions to the state budget. Such an environment allowed smuggling, organized crime and corruption to flourish. Well-established Albanian-Serb networks, smuggled goods, free of duty and tax and developed services and trade which supported a criminal elite that, while small in the regional context, was still large enough to dominate northern Kosovo (*North Kosovo, 2011)*.

The agreement on Customs Stamps was reached on 2 September, 2011 (See: *Annex 7)*. The conclusions stated that the parties agreed to "ensure free movement of goods in accordance with CEFTA". The implementation of the agreement on Customs Stamps began in September 2011, initially by the Kosovo side. Later on, Serbia adopted Kosovo stamps.

In the area of the customs regime, Kosovo adopted new legislation, improved procedures and raised the level of administrative and organization capacity of the customs service.[37]

The exchange of customs data between Serbia and Kosovo is carried out within the "Systematic Electronic Exchange of pre-arrival Data" (SEED) program.

Serbia has invested considerable effort to establish alongside institutions in Priština, a licensing regime for companies trading with so-called controlled goods, and hence, according to the Government of Serbia, the Agreement is fully implemented.

Regulations of the Government of Serbia annulled some of the barriers to trade. For example, establishment of the integrated system of border management at the administrative checkpoints Brnjak and Jarinje, since February 2013, lessened the time and manipulative expenses of the trade of goods to Free on Board (FOB) buyer in southern Kosovo, to about 3-5 hours; Regulation of the Government of Serbia from 16 September 2011 reintroduced suspended VAT for gas, crude oil, automobiles and mobile telecommunications in northern Kosovo, which radically lessen the grey flow of gas and crude oil by up to 90 percent, while the trade flow of automobiles and services of mobile telecommunication of providers like *Telenor* and *MTS* ceased to exist as "the privilege for the citizens of northern Kosovo"; These regulations have also terminated the monopoly status of large producers from Serbia, such as *Knjaz Miloš* mineral water, *Guarana* energy drink and Rubin alcoholic beverages, which through their damping of practices and prices, (lower on average by 30–40 percent), directly exported their products in the northern Kosovo without excises and VAT (*Monitoring, 2013. 15*).

There are still restrictions on the free movement of goods. For example, there are still unequal conditions regarding trading with the northern and southern parts of Kosovo. Some goods are exempt from VAT, while the insufficiency of administrative and supervisory institutions in the Republic of Serbia (over the movement of goods of all kinds) means that goods without VAT and customs, are merely being recorded at the administrative checkpoints Jarinje and Brnjak and transported to the north part of Kosovo: favoring the existence of the gray market channels with Kosovo and impairs the budget of Serbia. Above all, payment operations with the south part of Kosovo are extremely expensive and are being treated as foreign trade; requiring the conversion of the euro into the dinars by unfavorable exchange rate; and lacking Bank guarantees or secured liabilities towards buyers in southern Kosovo, etc (*Monitoring, 2013, 26 - 32*). However, payment operations between Serbia and Kosovo are the biggest problem. The system of payment operations between the two countries practically does not exist, while banks in northern Kosovo are incorporated into the Serbian payment

[37] A new organizational structure and improvements of internal controls were important for prevention of corruption and trade facilitation. This resulted in an increase in revenue from trade.

system. Payments cannot be operated through foreign banks which have opened branches in Serbia and Kosovo either. Some commercial banks in Serbia are trying to overcome this problem by registering their branch offices in Kosovo.

Implementation of the IBM agreement, as well as the Agreement on Cutoms Revenue (See: *Annex 8)* and VAT has increased the legal flow of goods between Serbia and Kosovo. Serbia's total turnover with Kosovo in 2013 amounted to 550.7 million and was higher than the previous year by 40.7 percent, where shipments from Serbia amounted to 536.9 million, while purchases from Kosovo 13.8 million US dollars. Products from Serbia mostly sold in Kosovo are food and beverages, chemicals and chemical products, agricultural products, petroleum products, etc., while Serbia mostly buys from Kosovo base metals, recycling, food and beverages etc.

Regarding trade in agricultural and livestock products, producers from Serbia object to the EULEX requirement according to which all imported and exported products must meet EU standards. In Serbia, however, only six of the country's 30 slaughterhouses meet these requirements.

A visible result is the increased revenue from direct fees, in 2013, to 279 million euro, which makes 54 percent of total revenue collected *(Report, 2015: 19; Kosovo, 2014).*

A general assessment of implementation of the regime of free movement can be characterized as positive, because undoubtedly an increasing number of people are practicing their rights. There are a lot of open issues related to the trading goods between Serbia and Kosovo that need to be addressed (such as, the so-called "border insurance", as well as payment operations, printing instructions and documents in all languages). The existing system of trade flows with Kosovo is unsustainable, and efforts should be focused on the creation of a normal business environment. (*Monitoring, 2013, 33*).

4. Interim Fund for Economic and Infrastructural Development of Northern Kosovo

The fourth round of political dialogue - 17 January 2013, in Brussels, resulted in the agreement on the Interim Fund for Economic and Infrastructural Development of Northern Kosovo (hereinafter: the Development Fund) which will collect revenues from custom duties for goods intended for northern Kosovo. This was made based on the agreement of the IBM.

The Development Fund is managed by the Office and the Board of Directors consisting of a representative of each of the Government of Kosovo, the Serbian municipalities and the EU. Decisions on capital investments and infrastructure will be adopted by consensus, but if that is not possible, the vote of the EU representatives is decisive.

The Kosovo government has proposed an amendment to the law on the Kosovo budget for 2013 in order to carry out the agreement.[38]

[38] According to the amendment: "All public money collected from goods imported by businesses registered in northern Mitrovica, Zubin Potok, Leposavić or Zvečan, and are destined for consumption in these municipalities, upon entering into Kosovo through customs points Jarinje (gate 1) or Brnjak (gate 31) are required to be sent to the Development Fund and separately identified and accounted for in the KFMIS, are hereby appropriated to the Development Fund that is to be established by the EUSR in Kosovo in a commercial bank.

It is estimated that the inflow from the Kosovo budget to the Development Fund will bring about 6 million and another 10 million euro from the EU and Serbia,[39] a total of 16 million euro. It is planned that these funds provide a balanced development of the region that has historically been a unique economic space dependent on the work of the *Trepča* mine. This should also help reduce the deep ethnic divisions in northern Kosovo.

The Development Fund enables the establishment of European standards that support the process of normalization of relations between Kosovo and Serbia. Therefore it has an important role in the context of resolving the Kosovo status issue. By way of this agreement, the EU continues to view Kosovo as a single customs zone, while Kosovo Serbs from the north will start paying customs duties, tariffs and VAT.

It is estimated that the total amount of collected customs duties on the Jarinje and Brnjak administrative crossings (from 14 December 2013 to date) is over 5 million euro and this amount was transferred to the Development Fund but it is still not financing projects (July 2015). This behavior is seriously damaging the planned projects that are significant for the Serbian people in northern Kosovo and brings the usefulness and appropriateness of the Development Fund's operations into question. (*Brussels Agreement Implementation, 2015: 22, 25; Izveštaj, 2015:19,20).* The attitude towards the Development Fund and development of northern Kosovo can be measured by the quality of realized projects or whether they serve to give "impetus" to intensified development, and it is therefore necessary that the Development Fund becomes operational and to establish public monitoring, especially of the business community and NGOs, over the legality and effectiveness of financing from the Development Fund. Particular attention should be paid to preventing corruption.

5. Civil Registry Books

The issue of Civil Registry Books was resolved by conclusions reached on 2 July 2011, on the fifth round of the technical dialogue (See*: Annex 9*).

The implementation started with slight delays in October 2012, due to the three months preparatory phase in October, for staff training. The EU is financing the project with 1 million euro, while the Government of Kosovo provided the software, previously developed for a similar project carried out in Kosovo. The Serbian Government co-finances the project by covering the salary of 50 staff working on data processing (1 IT expert and 49 data processing assistants). Additionally, both delegations assigned coordinators, and scanning software respectively, worth 400,000 euro.

According to Kosovo, the implementation of this agreement is completed successfully. The Kosovo Civil Registry Agency in cooperation with Danish Refugee Council (DRC) has started the implementation of the EU-funded project of digitalization of certified copies of civil registry books. (*Brussels Agreement Implementation, 2015:26*).

Further, in October 2012, the Kosovo Ministry of Internal Affairs (MIA) issued a sub-legal act to implement the agreement. Specifically, the *Administrative Instruction*

[39] Serbia has the right to pay the money into the Development Fund, but Belgrade is obligated to publish the purpose of payments.

(AI) on the use of certified copies of original records of civil status of Kosovo was issued defining the procedures on how certified copies in particular cases should be considered as original based on the agreements reached.

Serbia reports that the agreement on Civil Registry Books is successfully implemented in its entirety.[40]

While the authorities claim that they are satisfied with the implementation of the agreement, only a slight improvement is noticeable in the field,[41] and the report from Brussels on the state of implementation speaks about the Serbian side lagging behind.

6. Cadastral Records

This agreement on Cadastral Records was reached on 2 September 2011 (See: *Annex 10*).

On 8 December 2011, the Government of Serbia adopted a *Regulation on the special manner of processing data contained in the land cadastre for the Autonomous Province of Kosovo and Metohija, 05, No: 110-9390/2011 ("Official Gazette of the RS", No. 94/11"*). On the same day the initial meeting of the Implementation Group was held in Belgrade (consisting of representatives of the EU, Kosovo, the Serbian Geodetic Institute and the Office of the Government of Serbia for Professional and Operational tasks in the negotiating process).

The project of registers is financed from IPA funds. Although it was planned that the full implementation of the agreement be carried out during 2014, this has still not happened (July 2015) *(Izveštaj, 2012)*. Until now some 40 percent of documents or 548,000 pages are scanned, using the existing installations (*Brussels Agreement Implementation, 2015: 25, 26)*.

Serbia objects that Kosovo approved the *Draft Law on Kosovo Agency for Comparison and Verification of Property* on February 5, 2015, and submitted it to the Assembly for adoption. The subject law directly violates the *Technical Agreement on Cadastre*, by creating conditions for legalization of unlawfully seized property of the Serbs. (*Izveštaj, 2015:13)*

7. University Diplomas

The conclusions on acceptance of university diplomas were agreed on 21 November 2011 *(Izveštaj, 2012;* (See: *Annex 11)*.

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[40] The Government of Serbia adopted the *Conclusion 05, no: 021-6653/2011* on 1 September 201- *Regulation on Special Manner of Processing Data Contained in Registers for the Autonomous Province of Kosovo and Metohija* 05, no. 110-8578/2011, of 14 November 2011; *Conclusion on Special Manner of Processing Data Contained in Registers for the Autonomous Province of Kosovo and Metohija* 05, no. 20-9272 / 2011, of 5 December 2011, and the *Conclusion on Special Manner of Processing Data Contained in Registers for the Autonomous Province of Kosovo and Metohija* 05, no. 200-2875/2013-1, of 12 April 2013.

[41] According to EULEX in January 2013, 972 certified copies of Civil Registry Books were handed over to the Civil Registration Agency of Kosovo. In total by July 2013, EULEX has handed over 3875 certified copies of Civil Registry books, covering the municipalities of Priština (1013), Lipljan (848), Obilić (264), Kosovo Polje (219) and Glogovac (425) and Podujevo (1066. This is only around 30 percent of the total of what it needs to be handed over to Kosovo, as it is estimated that Serbia is withholding approximately 12,036 registry books from Kosovo. (*Deda, 2013:5, 6*).

For the purpose of implementation of the *Agreement on Recognition of University Diplomas,* the government of Serbia adopted the *Conclusions regarding the Report on dialogue with interim institutions of self-government in Priština in the field of university diplomas and integrated control of the administrative line* 05, No: 021-9607/2011-1, on 22 December 2011 and the *Regulation on special manner of recognition of higher education certificates and valuation of curricula of universities from the territory of the Autonomous Province of Kosovo and Metohija which operate contrary to regulations of the Republic of Serbia* 05, No.110-969/2012, on 09 February 2012.[42]

The implementation of this Agreement began on 1 March 2012, by Kosovo authorities, with the opening of an implementation office in the Ministry of Education, Science and Technology (MEST) and in cooperation with SPARK and the Association of European Universities (AEU). By April 2015, the total number of the diplomas certified is 186. It is not certain whether the diplomas certified will be accepted in Serbia, as Serbian universities and employers are not obliged to accept them as valid. In cases when the Serbian side accepts the diplomas, officials of GoK have stated that in few cases, the denomination "Kosovo and Metohija" is added to the diploma (*Deda, 2013:9*).

According to a representative of Priština University seated in Kosovska Mitrovica, accreditation of diplomas issued by this University remains the main unresolved question. The Management of the Priština University seated in Kosovska Mitrovica wants to resolve it by means of accreditation at the international level, which would avoid accreditation a competent Kosovo institution. At the same time, Kosovo officials claim that there are no problems with acceptance of diplomas issued by the Priština University seated in Kosovska Mitrovica, claiming that in spite the fact that there around 300 applications were filed, Serbia did not recognize any of them to date. (*Brussels Agreement Implementation, 2015:26*).

The Government of the Republic of Serbia fully implements the Agreement on University Diplomas within Serbia, whereby diplomas issued by the universities in Kosovo and Metohija and subsequently certified by the European University Association from Brussels (EAU), are treated in the same manner as any other document issued by institutions of higher education that are not accredited in the Republic of Serbia. Diplomas issued by the universities from Kosovo and Metohija and certified by EAU, undergo the same procedure in the Republic of Serbia as diplomas issued by e.g. the University of Vienna, Oxford University, Cambridge University, etc. This approach to the issue of diplomas is full in keeping with the Agreement on University Diplomas and the European practice in this field. (*Izveštaj, 2015:5).* Nonetheless, it is true that the

[42] Although the Government of the Republic of Serbia's *Regulation on Recognition of Diplomas Issued by the Kosovo Institutions* was declared unconstitutional by the Constitutional Court, only two weeks later the Government of the Republic of Serbia adopted a new *Regulation on the Recognition of Diplomas by Kosovo Universities*, relating to Kosovo universities which operate in accordance with United Nations Security Council Resolution 1244. Under the new Regulation, university diplomas by Kosovo universities will be first recognized by the Committee of European Academic Experts, founded by the European University Association, and then considered by independent expert organs of higher education institutions of Serbia. The new Regulation by the Serbian Government has introduced a new procedure for recognition of diplomas issued by Kosovo universities, thus overcoming the problem of diploma recognition due to the previous regulation's unconstitutionality (*portal KoSSev 14.11.2014*).

practice in Serbia is customized to protect the monopoly of local universities and the excessive requirements for accreditation of foreign diplomas slows down the development of higher education in Serbia.

8. Regional Representation and Cooperation

The agreement on regional representation and cooperation was made in Brussels during 2011, and signed by means of the Technical protocol which was signed with the EU by each party (See: *Annex 12),* and which establishes the technical details relevant for the implementation of the agreement.

There are tensions in the implementation of the agreement: Kosovo is trying to expand the number of organizations in which to become a member, while Serbia insists on the so-called Cooper's list of regional organizations, which has been explicitly agreed upon in Brussels and which is shorter than the list desired by Kosovo. Sometimes Serbia is trying to make it difficult for Kosovo joining regional organizations. This was the case when Kosovo was joining the Regional Initiative for Migration, Asylum, and Refugees (MARRI), as well as the International Organization for the promotion of regional cooperation in the field of public administration in the Western Balkans (RESPA).

There are many examples of successful applications of this agreement, and there have also been individual instances of prevention of Kosovo's participation in regional cooperation (*Brussels Agreement Implementation 2015: 20, 21*).

According to the Government of the Republic of Serbia, the agreement is fully implemented (*Izveštaj, 2015:16).*

In reality, the agreement is respected in more ways than many others. This is confirmed by the frequently joint appearance of Serbia and Kosovo in these meetings, whether they are held in Kosovo or in Serbia.[43]

b) First Agreement of Principles Governing the Normalization of Relations

A major step forward in the Brussels dialogue was an agreement to continue talks between Serbia and Kosovo with the involvement of the EU and the US. The dialogue was raised to the highest level with the participation of Serbia's Prime Minister Ivica Dačić, Kosovo's Prime Minister Hashim Thaci, former US Secretary of State Hillary Clinton, and EU High Representative for Foreign Affairs and Security Policy Catherine Ashton. The participation of Tomislav Nikolić and Atifete Jahjage, presidents of Serbia and Kosovo, was also encouraged.

[43] A concrete demonstration is the constructive participation of the Republic of Serbia in the meeting held on August 28, 2014 in the framework of the "Berlin-Process" initiated by German Chancellor Angela Merkel, which involved topics such as the European path of the Western Balkans, consolidation of regional, and promotion of prosperity of the Western Balkans through sustainable economic growth. Another example is the "Western Balkans 6" meeting held in Priština on March 25, also attended by Serbia's representatives (*Izveštaj, 2015:16, 17).*

The dialogue was continued on October 19, with the convening of the meeting in Brussels between Prime Ministers Dačić and Thaci, under the auspices of Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy. The initial meeting of 19 October was followed by expanded discussions held on November 7 and December 5, 2012, and continued on January 17, throughout 2013, with breaks due to early parliamentary elections in both Serbia and Kosovo, and in the EU, which took place in 2014. The political dialogue continued on 8-9 February, through meetings held in May, June and July 2015, with participation of Serbian and Kosovo Prime Ministers Aleksnadar Vučić and Iso Mustafa, respectively.

This dialogue is merely an 'elite pact-making' rather than a peace-building process. (*Serwer; 2013; Mehmeti, 2014:2).* The purpose of such political dialogue is the normalization of relations between two countries and the resolution of the disputes in northern Kosovo. (*A 'Peace Treaty' 2012: 6,8, 10*). Serbs and Albanians still lead "parallel lives", have bad thoughts about each other and each side regard themselves as victims. They live in "parallel societies," next to each other, rather than together. With Slobodan Milošević's rise to power in the late 1980s and later in 1990s, the circumstances for the establishment of two "parallel societies" in Kosovo were created.[44]

The building and the existence of "parallel structures" (Albanian and Serb) are facilitated by the ethnic structure of the population of Kosovo and the large ethnic distance between Albanians and Serbs. Although a relatively small, in terms of area and population, northern Kosovo has become one of the most complicated issues in the Western Balkans at the beginning of 21st century, in addition to relations between Serbia and Kosovo (*Janjić, 2014).*

In the period from 1999 to 2010, this was considered a "frozen conflict" (*Morina, 2014: 3*). However, during 2010–2012 the issue of integration of northern Kosovo into the legislation and institutions of Kosovo was opened. This has led to a "heated political atmosphere" and northern Kosovo threatened to become a "hot conflict". During that period there were even human casualties, including two members of the German contingent of KFOR and one member of EULEX.

The issue of northern Kosovo is about the status and gaining control over territory. The positions of Serbia and Kosovo are different regarding the content of the "proper solution" of this issue. As for the Republic of Serbia, the proper solution for northern Kosovo means the determination of its borders and territory. For Kosovo, the proper solution means the implementation of Kosovo's full control over the territory in the north, and placing Serbia in the position to face the inevitable recognition of the Kosovo's independence (*Janjić, 2014:224).*

Kosovo and the international community determined that the survival of Serbian institutions or "parallel institutions" is the major challenge. Serbs from northern Kosovo and Serbia on their part have insisted that these institutions have been established

[44] First were the Albanians who built their "parallel structures", followed by the Serbs who did the same at the end of the war in 1999 (*Janjić 2014:222*). Since 1999, the Serbs from northern Kosovo were not under Priština's authority nor have they had intensive contacts with Kosovo authorities.They are formally under patronage of Special Representative of the Secretary-General and the UNMIK Administration in Mitrovica, but they are actually governed by the Belgrade (*Morina, 2014: 3*).

due to obvious ethnic divisions in Kosovo and the collapse of the "multi-ethnic" society as proclaimed by the United Nations; that these are the only institutions in which Serbs can participate to meet their political, social and other needs, and that they are of "vital importance" for the Serbs in Kosovo. (*Derand, 2009*).

The northern Kosovo Serbs perceive that Serbia offers more support on practical and emotional levels. From their point of view, the Albanians intend to separate northern Kosovo from Serbia and detach it to Kosovo. This opinion is supported by many Albanians who do not hide their desire to enter northern Mitrovica and expel the Serbs by force.

It is clear that in order to reach an agreement both sides have to give up something: Serbs have to accept that they live in the territorial framework of Kosovo, and Albanians that Serbs have adequate autonomy (*Lene, 2012a*).

The positive trend in the dialogue was reported in January and February 2013. During this period, compared to the previous course of talks, in addition to clarifying a number of issues that are important for the application of the agreements achieved (primarily related to the integrated management of crossings in northern Kosovo), two significant breakthroughs have occurred.[45] But the decisive step was made on 19 April 2013, when *the First Agreement of Principles* was initialed (See: *Annex 13*) and 22 May, when the plan for its implementation was agreed.

The *First Agreement of Principles* looks to arrange a power sharing mechanism in northern Kosovo that would be acceptable to both Kosovo and Serbia authorities. It would grant the Serb-majority municipalities' autonomy over health care, education, culture, as well as their police and judiciary under the formal authority of Kosovo (*Mehmeti, 2014:1*).

For Kosovo's and Serbia's officials, as well as for the EU, the *First Agreement of Principles* represents the cornerstone of the stability in the Western Balkans and a decisive step toward EU integration of both countries. The importance of the agreement lies in the fact that these are the first positive signs that both parties agree to look forward to easing the enmities. (*Mehmeti, 2014:9)*.

And while there is a relatively high degree of agreement about the nature of the *First Agreement of Principles,* this does not apply to the assessment of its implementation and contribution of the "other side" to the implementation of what has been agreed. According to the Kosovo's Government, poor progress has been made in implementation of the *First Agreement of Principles*[46] in general. Among the factors that

[45] At the meeting on January 17, 2013, the Prime ministers of Serbia and Kosovo agreed on establishment of liaison offices in Belgrade and Priština, exchange of liaison officers and clarified their status. This step has resulted in creating an important institution and channel of communication that will facilitate implementation of agreements and be an important instrument in further normalization of relations between Serbia and Kosovo.

The next breakthrough was the meeting between Serbia's President Tomislav Nikolić and his Kosovo counterpart, Atifete Jahjaga, which took place in Brussels on February 6, 2013, under the auspices of *EU* High *Representative*. This meeting raised the dialogue to the level that was at the very beginning formulated as a "high political level". During this meeting, they also agreed to continue dialogue with the main objective of normalizing relations between the sides and address outstanding issues, such as northern Kosovo at the next meeting of the two Prime ministers to be held on February 19, 2013.

[46] According to the Kosovo's Government, the state of play is as follows: "… **good progress has been made in**: Justice Agreement on implementation – reached on 9-10 February 2015; Licensing of companies from northern Kosovo on controlled goods - as part of Custom revenue collection agreement of January 2013, started the implementation

have most likely influenced the outcome, most relevant is the decline in dynamics of dialogue due to elections during 2014, and Serbia's strengthening and even establishing new parallel structures in Kosovo (*Brussels Agreement Implementation, 2015:6*).[47]

Serbian officials, on their part, point out that Serbia has done everything that was asked of it, and that Kosovo is constantly failing in its duties whenever possible and that EU keeps on setting "new conditions" for Serbia.[48]

An objective assessment of the implementation of the *First Agreement of Principles* is that during the 16-month period, April-December 2013 and February-25 August 2015 (twelve months of 2014 and Jaunuary 2015 were lost due to political confrontations and election), is that a lot has been achieved so far, and by signing the last four agreements (Telecommunications, Energy, "Peace Park" and CSM), the main

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on 1 January 2015; Liaison Offices – has expanded their responsibilities in administering requests for official visits between two states, implementation stated on 1 December 2015.

No progress has been made in dismantlement of Serbia's parallel structures in Kosovo; "Civil protection" - not yet dismantled, even though talks on this issue have been ongoing since December 2013; Telecom - international dialing code for Kosovo still unresolved since September; 2013 when agreement is reached; Energy – Kosovo authorities are yet not given control over the Valač power substations; Barricade/ so-called "Peace Park" placed on the bridge in Mitrovica – not yet removed, though the agreement is reached in Brussels in July 2014; Vehicle Insurance Agreement – still pending dispute; the issue of Community/Association (CSM) remains to be discussed, while the Statute of CSM will be in line with the existing Kosovo law. It means that CSM cannot have any executive and overseeing competences. Kosovo maintains that this issue can be addressed only after implementation of agreements in justice, "civil protection", dismantlement of all Serbia's parallel structures in Kosovo and removal of barricade in the Mitrovica Bridge and others around. **Some progress has been made in**, drafting the implementation plan on the issue of "civil protection" – work in progress since this February 2015; IBM Permanent Border Crossing – EU has made some progress in efforts of contracting the implementing partner (*Brussels Agreement Implementation, 2015:*7)".

[47] According to the Government of Kosovo, the **regressive trends** have been faced in:

– Serbia's support for illegal parallel structures (Brussels Agreement Implementation, 2015:8);
– Four northern municipalities failed to adopt legal municipal budgets(Brussels Agreement Implementation, 2015:9, 10);
– The parallel municipal structures and appointed people: for the municipality of northern Mitrovica, Aleksandar Spirić was appointed as the president of the so-called "interim body of the Kosovska Mitrovica municipal assembly" (he is also a legal Deputy Mayor of Northern Mitrovica). Other members of this body were also appointed: for the municipality of Zvečan, as the president of that illegal body was appointed Vučina Janković (he is also legally elected Mayor of the Zvecan Municipality); for municipality of Leposavić, as the president of that illegal body was appointed Dragan Jablanović (he was elected as Mayor of Leposavic); for Municipality of Zubin Potok, as president of that illegal body was appointed Stevan Vulović (he was elected as Mayor of Zubin Potok). The members of that body are: Nemanja Jakšić, Dragiša Jovanović, Bojan Perović and Latinka Utvić. Serbia has made these appointments to parallel municipal structures prior to the 3 November 2013 local elections in the Republic of Kosovo, and still continues to support them politically and financially.

On 31 December 2015, the Government of Serbia named Bratislav Nikolić, the legally elected mayor of the municipality of Štrpce, in the position of president of the so-called "municipal temporary body" of Štrpce.

– A decision on the "National Theatre in Priština", adopted on 19 February 2015;
– On 5 February 2014, the Government of Serbia appointed Acting Director of Health Centre in Peć and Acting Director of Health House in Dragaš. (*Brussels Agreement Implementation, 2015:11*).

[48] According to the Republic of Serbia's Report: "Despite the evident progress, the impression is that several vital circumstances are still significantly and adversely affecting the process of the dialogue: firstly, a deviation from the dynamics of implementing the First Agreement which is clearly set forth by the Implementation Plan; secondly, evident absence, on the ground, of the leading role by facilitators in the dialogue and other international missions in Kosovo-Metohija, in terms of the full implementation of the agreed; thirdly, Priština's incessant attempts to include the issue of status in each topic initiated in Brussels, thereby directly violating the status neutral format of the dialogue, as agreed at the very beginning of the process; fourthly, lack of clear incentives for the negotiating sides, primarily concerning the uncertainty of the dynamics in the process of European integrations" (*Izveštaj, 2015:2)*.

prerequisites for succesfull implementation of *the Framework Agreement* have been fulfilled.

The First Agreement of Principles sets the framework for resolving the issue of northern Kosovo and accepts that Serbia – which does not recognize Kosovo's independence – has a continued role in protecting the interests of Serbs in northern Kosovo (*Phillips, 2013)*.

This is the first step towards resolving the problem of northern Kosovo (*Morina: 204:3*). It is likely that next step will be full integration of northern part into Kosovo's institutional system. Present institutional system will be significantly changed with the first step: the establishment of CSM, but also due to the fact that the north of Kosovo will lose its currently dominant "ethnicized" meaning, which includes four municipalities predominantly inhabited by Serbs (Zubin Potok, Leposavic with the possibility to form another municipality - Lesak, Zvecan and Severna (North) Mitrovica), because in administrative and geographical sense it will include three municipalities predominantly inhabited by Albanians (Juzna (South) Mitrovica, Srbica and Vucitrn). To achieve this second step it is essential to supplement the concept of CSM, which is a basically a concept of decentralization, by "improving the rights and status of Serbs from Kosovo" (*Decentralization of Kosovo, 2002; Deda, 2012: 15).*

Northern Kosovo could become a generator of active regional cooperation of local communities in Serbia (Raška, Novi Pazar, Tutin and Sjenica) and Montenegro (Rožaje, Berane and Bjelo Polje), by applying a concept of "mini- European region".[49] It could have a strong influence on economic development and security (Šta misle Srbi sa severa Kosova, 2014: 5, 31, 41, 73), and open the European perspective to this least developed area not only in the Western Balkans, but also in Kosovo, Serbia and Montenegro (*Janjić, 2014*).

For the purpose of implementation of the *First Agreement of Principles* it is necessary to change dozens of laws, and constitutions of Kosovo and Serbia. In reality, there is a lot to be done and clarify. Additionally, one important rule, which has been defined on the basis of experience in managing ethnic and other conflicts should be observed, which reads: Basically, everyone is right but the devil is in the detail! By all accounts, 2015 will be a decisive year for giving a clear definition of the most delicate of issues from the *First Agreement of Principles* and that is the establishment of CSM and abolition of parallel institutions.

The state of implementation of the *First Agreement of Principles* to date:

1. The Amnesty Law

One of the requirements set down in the *First Agreement of Principles* was an amnesty for those who had broken Kosovo's laws in the north. It was the norm not to pay utility bills, for example, or not to comply with laws governing traffic and business activity. The logic of removing this impediment to the integration of the north with the rest of Kosovo was clear. But the stipulation was exploited by the Kosovo government

[49] The Ibar-Lim initiative which includes about 50 municipalities in Serbia, Kosovo and Montenegro could be of importance in defining a "mini-European region".

for its own purposes and was initially drafted to be far more inclusive than was required by the *First Agreement of Principles*. The effect would have been to amnesty serious crimes throughout Kosovo. The ruling party, the *Party for a Democratic Kosovo (PDK),* was catering to members and backers who would benefit from this amnesty, including nine serving mayors. Much of Kosovo's opposition would benefit, too (*Bassuener, Weber, 2013:* 7).

On 17 September 2013, the Assembly of the Republic of Kosovo adopted *the Law on Amnesty* for those who had violated Kosovo law.

The Law was voted by the majority in the assembly. Nonetheless, civil society organizations and the *Self-determination/Vetevendosje* movement expressed dissatisfaction regarding the substance of the law, and the President of Kosovo and the Constitutional Court required the law take different form. (*Morina*, 2014:4). The law is being implemented consistently by Kosovo's institutions (*Brussels Agreement Implementation, 2015: 25*).

The so-called soft approach is used in the application of the law, with occasional shift in deadlines in order to avoid the application of sanctions. For now there is no data that any person or legal entity was subject to sanctions, although there were references to additional fulfilment of conditions under the laws of Kosovo and people being brought in for questioning (mayor of the Zubin Potok municipality).

2. Municipal Elections and Constitution of Local authorities in Accordance with Kosovo Law

The municipal elections in Kosovo of 3 November 3013 were the first elections held in northern Kosovo in accordance with Kosovo law. For the first time Serbs from northern Kosovo participated in local elections. It was a litmus test for the *First Agreement of Principles* (*Ejdus, 2013:1*).

The social and political environment was not in favor of holding the local election in northern Kosovo's four Serb-dominated municipalities (*Sever Kosova, 2013*). On Election Day, the opponents of the *Brussels Agreement* created a climate of pressure and intimidation in northern Kosovo.[50]

Such a climate affected the election campaign, both in terms of the low turnout and election results.[51] Despite obvious irregularities, there was no strong reaction from Kosovo and Serbia and the international community to the behavior of OSCE during elections. It can be concluded from the above (along with the fact that the whole election process in the north was far from the criteria for fair and democratic elections), that "effectiveness" and "security" prevailed over the values of fair and democratic elections.

[50] Voting was disrupted at around 5 pm when a group of 30 masked individuals attacked and destroyed three polling stations in northern Mitrovica. Following the incident in Zvečan, where a crowd stoned some OSCE and EULEX vehicles, OSCE decided to close all polling stations in northern Mitrovica, Zvečan, Leposavić and Zubin Potok (in latter two the stations were closed earlier even though there were not reported similar incidents as in other two municipalities). OSCE took custody of election materials that were subsequently counted, without following the legal procedure.

[51] On 20 November and 1 December 201, the local elections were re-run in the three polling stations in northern Mitrovica in which irregularities were established. The Central Electoral Committee of Kosovo announced the final result and convincing victory of CI *Srpska* and their mayoral candidates (*Progres on Mirtrovica, 2014:12).*

The major winner of the municipal elections was *GI Srpska* which became a central organization in the Kosovo Serb political scene.[52] It was also a success for the Government of Serbia, which gained a legal and legitimate instrument for restoring the already-shaken influence of Serbia on Kosovo Serbs and overall political life in Kosovo. Priština showed no interest and was rather busy weighing its internal political situation, and was encouraged by international representatives to swallow this "bitter pill" for the sake of faster integration of Serbs into the Kosovo system.

The post-election period was marked by numerous difficulties related to the constitution of new municipal authorities in northern Kosovo. The first disagreement was over the symbols to be used in constitutive document. It was settled by placing the stickers on the document bearing the coat of arms and inscription of the Republic of Kosovo. After that, the mayors of northern municipalities agreed to sign the document.[53]

Following constitutional sessions, new problems emerged when it came to adoption of new statutes,[54] causing significant delays in meeting the agreed deadline (end of 2013).

According to the Government of Kosovo, Serbia's support for illegal parallel structures has dramatically undermined a remarkable progress in legal functioning and integration of four northern municipalities in the Kosovo system.[55]

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[52] In fact, local election results changed the political landscape across Kosovo. *Civic Initiative Srpska* (*Građanska Inicijativa Srpska – GIS*, known colloquially as *CI Srpska*) clearly became the third strongest player in Kosovo multi-party political scene, after the *PDK* and *LDK*. It won in 9 out of 10 Serb majority municipalities. The CI *Srpska* List was created, coordinated, and sponsored financially, logistically and media-wise by Belgrade. The first "victims" of *CI Srpska* emergence were the weaker and smaller Serb parties that represented Serbs before the local elections only in the Kosovo Assembly. These parties were portrayed by Serbian authorities, media propaganda and CI *Srpska* activists as "Thaqi's Serbs".

Only *SLS* (*Samostalna Liberalna stranka -Independent Liberal Party*) and new *Progressive Democratic Party* formed by Nenad Rašić managed to keep the governing position in one municipality and opposition in other municipalities (Morina, 2014: 4,5)

[53] The mayor of northern Mitrovica Krstimir Pantić who was elected at second round on 23 February 2014, refused to sign the document and was therefore revoked at expense of other candidate Goran Rakić. Otherwise, the victory of Krstimir Pantić, candidate of *GI Srpska*, was facilitated by the arrest of Oliver Ivanović, the *SDP* candidate for mayor of northen Mitrovica, who was arrested one month earlier in January 2014 (*Progress on Mitrovica, 2014: 15, 16)*.

[54] The main controversy was the question of status neutrality of the statutes. Namely, northern municipalities adopted the statutes for which they claimed to be status neutral over Kosovo final status and in accordance with *UN SC Council Resolution 1244*, while flags used during assemblies, were the ones of the Republic of Serbia. Albanians refused to vote because it was not in accordance with Kosovo law, as stipulated by the UN SC Council Resolution 1244 and Brussels Agreement. This was the position of the Kosovo government which had other objections related to municipal boundaries, competencies, relations *to Community/Association of municipalities (CSM)* and the proposal of municipal authorities according to which they can delegate certain competencies to future *CSM*. In the coming period that was longer than two months, series of marathon municipal assembly sessions in the north and consultations between major stakeholders, the American Embassy in Priština having the most decisive role, were taking place in order to reconcile the differences. Municipal authorities accepted certain suggestions by the Kosovo's Ministry of Local Self Governance (MLSG), whereas the MLSG interpreted flexibly some provisions of the statute. Amendments were made mostly in accordance to formal requirements made by MLSG, except in the part of formal procedures of adoption of statutes and insignia used. The compromise was that Kosovo Law on Local Self-Government was not mentioned in the statute in that form, but through its number in Kosovo Official Gazzete, nor was Republic of Kosovo mentioned as such. The Kosovo flag and insignia were not used during official ceremonies. Finally, statutes were verified by Ministry for Local-Self Government on 16 May, preventing dissolution of municipalities and new local elections in northern Kosovo. (*Progress on Mitrovica, 2014:17, 18; KosSev portal, "Negodovanjezbogneusvajanja statute", KosSev, May 14th, 2014, http://,www.kosSev.info*).

[55] According to Kosovo Government's opinion, since October last year, there has been a trend of dramatically undermined work of legal mayors and municipal assemblies in the four northern municipalities in Kosovo, which since 2013 local elections embarked in a legal governance of local affairs. Apart from that, Serbia interfered to

In reality, the municipalities in northern Kosovo still are not fully functional. There is overlapping of offices in the newly-established local self-governments in municipalities in the north with those in interim councils appointed by the Government of Serbia. In such conditions, it is almost impossible to determine jurisdictions and work/disposal of funds by both categories of officials, embodied by the same persons.[56]

Delegates of 26 municipal assemblies, who were elected and legally working in accordance with Serbian laws, established the *Assembly of the Community of Municipalities of the Autonomous Province of Kosovo and Metohija* (hereinafter: the *Community Assembly*), on 11 May 2008. They proclaimed a *Declaration on Establishing the Assembly of the Community of Municipalities,* stating that the *Community Assembly* is a representative body "of the citizens of the Republic of Serbia in the Autonomous Province of Kosovo and Metohija", which directs and coordinates the activities of Member-Municipalities of the Community and National Assembly of the Republic of Serbia the legislation of importance to the citizens.

The creation of the *Community Assembly* was silently consented to by Belgrade. To date, no significant activities have been conducted by the *Community Assembly*. Nonetheless, in March 2015, a joint meeting of representatives of Serb-majority municipal assemblies elected under Kosovo law was convened in Gračanica. This meeting created the possibility of annulling the *Community Assembly* of 2008. In any case, in the constitution of the Community of Serb Municipalities, a clear way must be found to annul the *Community Assembly* and the *Declaration*.

3. Association /Community of Serb Majority Municipalities in Kosovo' (CSM)

The full name: the Association/Community of Serb Majority Municipalities in Kosovo is often used in the short form: the Community of Serb Municipalities or CSM.

This abbreviation "ethicized" the meaning of the concept in question. The very concept of the CSM has emerged as a response to the challenge of the existing ethnic divisions of Kosovo society. This is a response that represents a combination of decentralization and minority cultural autonomy, but advantage given to decentralization. The realization of this concept remains, primarily in the area of decentralization, that is, a specific form of autonomy or a new level of administration, supervision and coordination is being created. This is a sort of "factory fault" given the task of organizing a functioning society in spite of strong ethnic divisions and conflict. The weakness is that it is insufficient attention has been paid to the instruments of minority protection and preservation of national development and protection of identity through cultural autonomy. This will be highly evident in areas with Albanian majority. Actually, accepting the *First Agreement of Principles* primarily implied the integration of the four

prevent adoption of legal budgets by those municipalities due to political reasons (by trying to prevent education and health sectors being integrated into the Kosovo system). As a result of non-adoption of legal budgets those municipalities were facing budget cuts from the beginning of March to end of April, 2015 (*Brussels Agreement Implementation, 2015:3*; *Priština, 2015*).

[56] The situation is the same with ministers and high government officials in Kosovo. The example of Aleksandar Jablanović, deputy in the Assembly of Serbia12 and Minister for Communities and Return in the Government of Kosovo (*Realizacija, 2015*).

municipalities in northern Kosovo. An additional problem is that the Agreement was subsequently interpreted to allow the inclusion of the other six municipalities with Serb majority.

As the debate concerns the implementation of this part of the *First Agreement of Principles* and that there is a deep division in positions between the parties, the abbreviation "CSM" has the meaning of "intensification of the position" or "prejudgment of solutions" in favor of Serbia. If only the first word "Community" is used as an abbreviation that could also mean "intensification of the position" or "prejudgment of solutions" in favor of the current attitude of Kosovo. Also, the "community" is a general term, and the insufficient to express the specificity of the solution from the *First Agreement of Principles*.

Six articles of the *First Agreement of Principles* refer to the CSM (See: *Annex 14*). The *Implementation Plan* foresees the establishment of the management team by May 2013. The team was established by the decision of the Government of Serbia on 14 June 2013.[57] Its work was planned to be completed by the end of October 2013, and for the management team to assume responsibilities and the representative role of future CSM up to the moment of election for CSM bodies (Articles 4 and 6).

According to the interpretation of the Serbian officials, the political coalition agreement of the list *"Srpska"* and DPK (*Democratic Party of Kosovo*) – DSK (*Democratic Alliance of Kosovo*) on the composition of the Government of Kosovo, "the establishment of the CSM should come in 3 to 5 months from the date of signature of this Agreement" (*Gavrilović, 2015: 9*). In July 2015, it is evident that this plan was not realized, and that it was unrealistic. Impracticable deadlines are characteristic for almost all implementation plans and demonstrate excessive "optimism" and superficiality the EU bureaucracy, as well "plodding" by politicians and bureaucrats in Belgrade and Priština. In political terms, "bureaucratic mind" is not "the main culprit" for unrealistic planning, there are also frequent electoral circles in Serbia and in Kosovo during 2013 and 2014 and political instability in Kosovo. But it is extremely important to know the reason for the complexity of the issues being tackled. This also concerns different positions of Kosovo and Serbia on the competences and structure of the CSM.[58] Lack of communication also concerns the public, which was completely uninformed about the anticipated competences and structure of the CSM.

In the view of Belgrade, the fact that the first six points of the *Brussels Agreement* are dedicated to the establishment of the CSM, clearly indicates the importance of this

[57] Members of the management team are representatives from the municipal administration in four municipalities. The management team for the founding of the Association includes: Igor Kalamar, Ljubomir Marić, Dragan Jablanović, and Dejan Radojković. The work of the management team is on voluntary basis, that is, it is just one of the functions of officials from the Serbian community in Kosovo. The management team does not have technical, financial and human resources, but uses the offices and resources of the Office for Kosovo and Metohija. It does not have its own internal normative structure *(Gavrilović, 2015: 9)*.

The management team relies on the government of Serbia, while its relations and communication with the Kosovo authorities were strained, to say the least.

[58] The fact that the management team included only representatives of four municipalities predominantly inhabited by Serbs and that it is in the north of Kosovo, suggests that the CSM under the *Agreement of Principles* is designed with the aim to integrate this part of Kosovo into Kosovo institutions. As for the other six municipalities predominantly inhabited by Serbs (Gračanica, Štrpce, Novo Brdo, Klokot, Ranilug and Partes) may, but do not have to be a part of the CSM.

matter *(See: Annex 15)*.[59] According to Serbian officials, establishing the CSM is "an absolute priority for us, it is the central point of the *Brussels Agreement*" and Serbia "will not be satisfied until the community of Serb municipalities is established to the extent and in the manner that will enable the Serbs to survive here in the long term by having collective political, cultural, economic and all other rights" (Đurić, 2015). On their part, Kosovo representatives are reluctant to accept the CSM.

One of the main points of contention is the issue of competence of the CSM. According to the *First Agreement of Principles*, the CSM has a "full overview" – the meaning of this term is unclear and can be interpreted as "insight", but also "jurisdiction" since this term is followed by the term "competencies". Serbia is clinging to the term "competences" and interprets "full overview" as possible jurisdictions (executive, administrative, etc.).

Kosovo claims that the CSM does not mean nor can be any political or territorial autonomy with executive powers. According to Kosovo, it is a voluntary and consultative mechanism of cooperation between municipalities, as provided by Kosovo law *(Maljazogu, 2015)*. Kosovo insists that the CSM is the same as the *Association of Kosovo Municipalities* which already exists as an association of local governments.[60] This

[59] "It should be noted that the CSM is a warranty to the remaining Serbian people in Kosovo and Metohija that fundamental human rights and freedoms would be observed, and also a prerequisite for establishing an elementary degree of trust that what was agreed in Brussels would be observed. … The establishment of CSM is both a necessary prerequisite and a toll to resolve the array of issues which are still pending, such as those concerning the structuring and operation of the local self-government system in the north of Kosovo ("parallel institutions"), education, health, social protection, economic development, etc" (*Izveštaj, 2015:5)*.

The importance of the CSM for Serbian officials was emphasized by Aleksandar Vučić, Serbian Prime Minister, in his speech at the session of the UN Security Council of 4 December 2014. He expressed Serbia's firm commitment to continuing its active and constructive participation in negotiations with Kosovo, stressing out the importance of preparations of the legal framework for effective implementation of the competencies of the future CSM. For its part, the CSM management team has made a CSM Draft Statute and is ready to send it to the Committee on the Implementation of the Brussels Agreement. According to him, the CSM will guarantee the Kosovo Serb community continued and transparent financial and structural support from the Republic of Serbia in domains that are central to the community's wellbeing and assure safety, stability and autonomy to decide on matters of concern, without too much interference from Priština (*www.tanjug.rs*).

[60] For the Serbian side, this is unacceptable interpretation of the provisions of the *Brussels Agreement*, for the following reasons:

a) Had the CSM been envisioned as a counterpart of the already existing Association of Kosovo Municipalities, there would have been no need to bring it up in the *Agreement of Principles* because the right to its establishment would have already existed, irrespective of the negotiation process taking place in Brussels. Quite the contrary, the arrangement on the establishment of the CSM came as a result of a written political agreement, reached under the EU mediation and guarantees. Also, the irrefutable fact is that Points 4, 5, 6, as well as Point 9 of the *First Agreement of Principles governing the Normalization of Relations*, provide for and clearly define the role of the CSM as significantly different from the role of any existing forms of associating recognized by the current Kosovo legal framework. That primarily pertains to the role of the CSM in the areas of economic development, education, health, urban and rural planning, participation in the police personnel matters, as well as the foreseen option of Priština transferring additional competences to it;

b) Should the CSM remain without a clearly defined role in terms of the collective exercise of competences of mutual significance for member municipalities, or the oversight option in the areas specified by the *Agreement of Principles* the existence of the CSM would be rendered utterly pointless for the Serb people in Kosovo and Metohija, and it could not be expected to safeguard their rights and assume the obligations set forth by the *Agreement of Principles*;

The primary objective for the establishment of the CSM is to provide the highest possible level of the quality of life, human rights and equality of all citizens, in the spirit of the fundamental purpose of the *Agreement of Principles* – to recognize the need to institutionalize the uniqueness of the position of the Serb people in Kosovo and Metohija, and to ensure conditions for their sustainable survival. This cannot be achieved if we are to accept

way, Kosovo's government aims to minimize concerns that the CSM might turn into an institution under direct control of the Serbian government that will govern an autonomous region within Kosovo which could block central-level Kosovo decision-making in order to prove that Kosovo cannot function as an independent state, in a style similar to Republika Srpska in Bosnia-Herzegovina (*Bajrami, 2013).*

Under the *First Agreement of Principles*, competences will be determined by the statute of the CSM, which will be based on the *European Charter on Local Government* and Kosovo law. Kosovo is against the possibility of having the competences of the CSM interfere with the legislative, judicial and executive authorities. Kosovo has the support for this in a part of the international community and the EU countries that have recognized Kosovo as well as from the United States (*Milivojević, 2015*).

In 2015, Serbia has expressed its dissatisfaction with the progress on this issue, pointing out at least three problems that make the establishment of the CSM uncertain: "The first problem is the discord among two sides about the nature of the CSM. The second one is conditioning the establishment of the CSM with resolving of other issues in the dialogue. The third problem is the need to adjust the Kosovo legal framework, in line with the *First Agreement of Principles* and *Implementation Plan*" (*Izveštaj, 2015:6*).

The Kosovo government wants to ensure the EU's support for the removal of "parallel structures". Serbia, on its part, is trying to keep these structures in order to strengthen its position. This way Serbia is showing a lack of trust in the government of Kosovo, with the aim to extend the international presence as well as to persuade the international community that the existence of the so-called "parallel institutions" is necessary.

Given that the existing Kosovo legislation does not recognize the possibility of creating association between municipalities neither on functional nor ethnic grounds, and especially the existence of joint bodies with executive powers, amendments to the laws and the Constitution of Kosovo is necessary for the establishment of the CSM *(Maljazogu, 2015).* Apparently the solution must be a "hybrid" (*Lost in Stagnation, 2015: 31),* and hiding behind the existing laws and lack of readiness to reform and improve the constitutional, legislative and institutional system in accordance with the needs of society, in fact, renders any dialogue pointless (*Janjić, 2015*).

The Government of Kosovo, on its part, has set the following conditions for the discussion on the CSM: Removal of all "parallel structures" of Serbia in Kosovo; implementation of the agreement on the judiciary; disbanding the Civil Defense and removal of barricades from the bridge in Mitrovica and other barricades *(Brussels Agreement Implemetaion, 2015: 15, 16).* Serbia, on its part, should accept the implementation plan that would introduce the gradual removal of "parallel institutions" and to link their removal with the progress of establishing the CSM.

The following issues have spawned great controversy:

– The issue of competences: Serbia is trying to grab as many competences as possible, primarily executive competences in order to create a sort of political – territorial entity in Kosovo and thus strengthen the protection and the position of Serbs in Koso-

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Priština's interpretation, which denies the CSM any possibility of protecting the minimum of legitimate interests of the Serb people in Kosovo (*Izveštaj, 2015:6).*

vo and through it the influence of Serbia on Kosovo's policy. Kosovo, on its part, has sought to give as little as possible, assuming that the CSM is non-governmental organization of special importance, knowing that they will compromise. This compromise is a *sui generis* functional autonomy, with competences over representation, supervision and coordination;

– The issue of organizational structure: Serbia sought to see the CSM with more institutions that resemble state institutions (assembly, president, executive council, civil servants etc.). This was in line with the Serbia's view of the previous issue related to the status and competences. Kosovo has sought to minimize any resemblance between the CSM and state entity. An example of this is the refusal of the institution "executive council" and insisting on the institution "committee";

– The issue of the basis for establishing the CSM: Serbia was seeking to make this happen by having Serbia adopt the constitutional law, creating a political show that it did not abandon its authority in Kosovo but only delegated it to the Serbs. Kosovo sought to make this happen within the framework of the existing constitution and laws of Kosovo by means of regulations. This approach was intended to confirm that the CSM is a form of organizing of the state of Kosovo. At the same time, Kosovo authorities tried to minimize the risks of not having the law passed by the Assembly as well as the risk of opposition gaining strength on this delicate issue. A compromise is possible on political level by having Serbia adopt a constitutional law and having Kosovo adopt a regulation. Each side would have its success and its own version of the grounds on which the CSM is established. This, however, does not change anything because the establishment of the CSM is important either way.

– The issue of financing the CSM: Serbia seeks to have the CSM financed from its own resources, as well as from those of Kosovo and the EU. Kosovo, on its part, seeks to put the financing under its control. The truth is that the CSM could represent a kind of trap for the Kosovo's central administration because it will probably have access to significant financial resources and be the main recipient of funds from Serbia and the EU.

A compromise was reached on August 25, 2015 with signing an agreement on Association / Community of Serb majority municipalities in Kosovo – General principles / main elements *(See: Annex 16),* stipulating its main objectives in delivering public functions and services to: Strengthen local democracy; Exercise full overview to develop local economy; Exercise full overview in the area of education; Exercise full overview to improve local primary and secondary health and social care; Exercise full overview to coordinate urban and rural planning; Adopt measures to improve local living conditions for returnees to Kosovo; Conduct, coordinate and facilitate research and development activities; Promote, disseminate and advocate issues of common interest of its members and represent them, including to the central authorities; Provide services to its members in accordance with Kosovo law; Assess the delivery of public services to its members and their residents as to support the CSA in forming positions of common interests for the participation to the work of the central authorities; Conduct monitoring as required for the implementation of its objectives; Establish relations and enter into cooperation arrangements with other associations of municipalities, domestic and international; and the Community/Association will exercise other

additional competences as may be delegated by the central authorities. According to its organizationsl structure the CSM will have the following organs: assembly, president, vice-president, council, board, administration and a complaints office. In the part governing the relations with the central authorities it is stipulated that the CSM will: work with the central authorities on the basis of mutual cooperation and information sharing; promote the interests of the Kosovo Serb community in its relations with the central authorities; the CSM will be entitled to propose, in accordance with Kosovo law, amendments to the legislation and other regulations relevant for the performance of its objectives; the CSM will have the right to initiate or participate in proceedings before the competent Courts, including to the Constitutional Court, against any acts or decisions from any institution acting the exercise by the CSM of its powers in accordance with its Statute; the CSM will have the right to nominate representa-ves in the competent organs/bodies of the central government, including the Consultative Community Council. In the pursuit of the monitoring function envisaged by the *First Agreement of Principles*, the representative of the CSM will have right to have access and information from central authorities in accordance with Kosovo law; acting on behalf of the CSM, the four mayors of the northern municipalities will provide the Ministry of Interior a list of candidates for nomination as regional Police Commander as specified in Article 9 of the *First Agreement of Principles*.

Based on the above, it might be concluded that the CSM is a *sui generis* institution for self-administration of Serb-majority municipalities. This form of autonomy can be an important instrument for guaranteeing the rights of the Serb community. However, this will be possible only if qualified people participate in the work of CSM, and in particular if members of its management, committees and administration.

Finally, it can be concluded that the agreement of 25 August 2015 is a good compromise for both sides. It is good for Kosovo, because the CSM is not a "state within a state" and it will provide the full integration of Serb institutions into the system in Kosovo. Belgrade can also be satisfied because the goal set by the *Resolution of the National Assembly of the Republic of Serbia* – to ensure additional protection of Serbs in Kosovo, has been accomplished. However, there is still a lot of work for Serbia and Kosovo. Firstly, it has been established that the CSM statute will be drafted within four months. If the normalization process continues without political obstructions and unforeseen interferences, the CSM could become functional in the next year's budget of Kosovo (*March 2016*).

4. Justice

In the first phase of implementing the *Agreement on Judiciary* (May-September 2013), an agreement on the termination of Serb "parallel structures" of justice was reached. The agreement was verified by EULEX in September 2013; In the second phase (December 2013 - February 2015), an agreement was reached on the establishment of Kosovo's single legal structures in the northern part as well as integration of Serb individuals (judges and prosecutors) into the Kosovo justice institutions (*Brussels Agreement Implementation, 2015:14,15*).

The implementation plan foresees the final integration of the Serbian judiciary by the end of 2013. Nevertheless, the integration was prolonged until 2015. The *Agree-*

ment on the Judiciary was reached and initialed at the first trilateral meeting of the EU High Representative for Foreign and Security Policy Federica Mogherini with prime ministers Aleksandar Vučić and Isa Mustafa in Brussels on 9-10 February 2015 (See: *Annex 17*). The agreement foresees vacancy notices for judges and prosecutors would to be published on 25 March 2015, and the procedure for selecting judges and prosecutors of basic level court and prosecutor's office to be implemented as of 1 October 2015 by the Kosovo Judicial Council. The number of judges to be appointed is 48. This number equals the number of judges employed in Serbian judiciary bodies – 24 in the north and 24 south of the Ibar River. As for prosecutors, Serbian judiciary bodies employ 15 prosecutors – 9 in the north and 6 south of the Ibar River. The agreement envisages the appointment of 16 prosecutors – one more than the number employed in Serbian judiciary bodies. By 1 October 2015, one Basic Court and one Basic Prosecution Office will start to operate for Mitrovica region *(Do 1 oktobra sud, 2015; Tanjug, 10 februar 2015)*.

5. Security Structures

Implementation of the *First Agreement of Principles* is a long and complex process, both at the technical and political levels. It essentially concerns efforts in gaining and strengthening *de facto* sovereignty of Kosovo over its full territory. Such a process cannot successfully be managed unless a certan degree of security and political stability is secured in Kosovo and Serbia. Currently, a number of security challenges are being encountered, in particular those concerning economic and political discontent; weak institutions and the public in general; political extremism; activity and the presence of paramilitary groups, such as "UCK"; Islamic extremism, high ethnic distance and distrust with ethnically motivated attacks *(Izveštaj, 2015:4)*.

So far, more emphasis has been given to the issues discussed in Brussels, rather than to developing a wider "security package" in order to facilitate the process of normalization. This "security package" should provide means for regulating the status of war veterans in Kosovo, regardless of ethnicity, followed by developing a joint response to challenges associated with terrorism that will involve Albanians and Serbs, as well as Kosovo and Serbia. It is of the utmost importance that Kosovo establishes a special court for war crimes that will at a later stage adjudicate cases involving organized crime. It is also necessary to establish cooperation and data exchange between the special courts.

There has been significant progress on implementation of the agreement on dismantling Serbian security structures in Kosovo.[61]

5.1. Police Structures

Implementation of the agreement started with closure of the Serbian Ministry of Internal Affairs (hereinafter: MoI) offices. This was done in early summer 2013, followed

[61] Given that a number of individuals suspected war criminals are military, police and government officials on both sides, every prolongation of the uncertainty about the future of their prosecution, give them an opportunity to obstruct and even stop the Brussels dialogue, or to undermine the influence of governments that are committed to dialogue and normalization.

by establishment of a Regional Police Directorate of northern Mitrovica and appointment of a regional Police Commander.

Up to now, out of 337 former MoI employees who took part in the process of integration, 287 are successfully integrated, having previously retired, 27 withdrew from the process or resolved their status in a different way, whereas the remaining 23 candidates have not yet been integrated, with their applications refused on the grounds of insufficiently explained "security reasons".

Integration of 74 former MoI administrative and technical staff has not yet been executed.[62] Similarly, 15 former employees of the MoI Directorate for Food and Accommodation are not involved in the process of integration at all. Despite the fact that this group of staff has not been discussed in the negotiations, a proper solution for their status must also be found.

Out of 64 employees in the Firefighting unit, the status of 30 in northern Mitrovica has been temporarily resolved, whereas integration solutions are still pending for the remaining 34. As agreed, the Republic of Serbia secured the funds and has been disbursing pension payments for 1,200 former MoI employees from Kosovo and Metohija. (*Izveštaj, 2015:7; Marinković 2014:10 – 12*).

The agreement and its implementation initiated regular communication between Kosovo and Serbia. Serbian Police director, Milorad Veljović met Kosovo's Police director, Shpend Maxhuni, accompanied by EULEX officials in Belgrade on 10 March 2015. The main topic of the meeting were the issues following the increased number of immigrants from Kosovo to EU member stated, travelling through Serbia. The police directors also discussed joint actions in combating all forms of organized crime and border security between Kosovo and Serbia (Source: *Beta, Tuesday, 10.03.2015, 17:00*). An example of progress is the participation of ministers of police in the regional security meeting held Tirana on 21 May 2015.

Aside from the fact that, formally speaking, the police and security staff have beed integrated into the Kosovo security structures, three questions/problems still remain open: the isue of management of the Kosovo Intelligence Agency (KIA) (*http://www.rtv.rs*); the issue of police officers' level of training for implementing procedures and law enforcement, and (non) bias in cases in which the parties are of different nationalities; the issue of the hitherto results of police work, considering the fact that no case of threat to personal safety, and especially felonies (murders, armed assaults, throwing bombs at natural persons' property, etc.) has resulted in the prosecution of suspects *(Gavrilović, 2015:14,15)*.

5.2. Civil Protection

The Civil Protection forces in northern Kosovo were formed and supported financially by the Government of Serbia,[63] after signing the *First Agreement of Principles*. According to Belgrade and northern municipalities, the main role of this force is swift

[62] There is an offer for 34 persons to be integrated in the KP, whereas remaining 40 will be on the Kosovo payroll until the municipal budgets in the north are adopted.

[63] The Government of Serbia, however, claims that the Civil Protection in northern Kosovo was established by local self-governments (*Izveštaj, 2015:23)*.

and strong reaction in protection of civilians and infrastructure from natural disasters (*Izveštaj, 2015:23).*

For Kosovo, the CP forces have been from the very beginning a "strong, equipped and trained paramilitary force" (*Progres on Mirtrovica, 2014:6).* The truth is somewhere in between. Namely, the CP forces are responsible for civil protection, but also perform some police tasks (traffic control), while its members are trained for other tasks, in particular related to "anti-terrorist" police and military operations. As such, once mobilized, they can form a small military formation.

The negotiation process on the issue of Civil Protection, raised by the *First Agreement of Principles,* was long and tiring (nearly two years in length). At the beginning of 2015, negotiations were continued "bilaterally between the EU and two countries" (*Tasić, 2015a*). On 26 March 2015, the Government of Kosovo announced that the agreement on Civil Protection had been reached between the three parties, Kosovo, Serbia and the EU.[64] The agreement envisages the integration process of CP personnel in line with the Brussels Agreement and the Kosovo *Law on Civil Service,* and handling of premises and equipment of the CP. (See: *Annex 18)*. It also envisages the disbandment of the CP in northern Kosovo and integration of CP personnel in Kosovo's institutions. Serbia will by 24 April 2015 inform the EU facilitator[65] in writing that CP in Kosovo will no longer exist within the Serbian system from 1 September 2015 on; CP will be disbanded and its premises, offices and warehouses in northern Kosovo will be closed (*Tahiri, 2015*).[66]

The issue of CP is also link to the transformation of the Kosovo Security Forces (KSF) into Kosovo Armed Forces (KAF). However, it has not yet been resolved and there are no visible results on the ground (*Brussels Agreement Implementation, 2015:12; Progress on Mirtrovica, 2014:*7, 13).

The Draft Law on Kosovo Armed Forces is waiting for agreement to be reached with Belgrade. In order to pass, this draft law must be supported by two-thirds of all members of the assembly, and by 50 + 1 of all Serb deputies (*Tasić, 2015*).

The talks on security and transformation of KSF into KAF are in progress since the beginning of 2013, and almost all of the issues of substance have been agreed. For example, in the initial period, there will be no KAF units or military barracks presence

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[64] The Serbian public learned for the first time that such agreement was reached from the *Progress Report on the Dialogue between Belgrade and Priština*, in early May 2015 (*Izveštaj, 2015:24).* The text of the agreement was not announced on the official website of the Serbian government's Office for KiM, until July 2015.

[65] The author was not aware at the time of writing this policy paper whether Belgrade has done this.

[66] Intensive negotiations with the EU delegation who came to Priština regarding these issues were held on 26 November 2014 and continued this year on 3, 4 and 6 February and 18 March 2013 (*Brussels Agreement Implementation, 2015:12*). The matter of CP integration has been a topic of discussion for a prolonged period of time, and a more substantial arrangement was reached between the representatives of EEAS and the Office for Kosovo and Metohija in the town of Kuršumlija on February 4-5, 2015. The discussion was resumed on March 25-26, 2015, when the final agreement was reached and signed by two sides on the same day (*Izveštaj, 2015:23).*

The agreed text of the arrangement elaborates integration of 483 members of the Civil Protection (in the institutions in the north), out of a total of 751 persons, as follows: 80 persons in the Kosovo Agency for Emergency Management, 25 persons in the Kosovo Correctional Service; 50 persons receiving salaries from the PISG contingency funds until job positions have been determined for them in the public sector in the municipalities in northern Kosovo; 328 persons in the branches of the Kosovo institutions to be established in northern Kosovo (*Izveštaj, 2015:24).*

in four northern municipalities.[67] As for the organization and operation of KAF in northern Kosovo, similar arrangements as those applied for integration of police and justice system will be followed. The structure and command of the armed forces will be based on ethnic parity, with the appointment of a regional commander.

This is a very delicate issue primarily because KAF is a successor of KLA, which established itself through armed conflict with the FRY Army and Serbia. Aside from this, Kosovo's commitment to join NATO is demonstrated in its constitution and real behavior, whereas in Serbia, political leaders and the public face an uphill battle regarding NATO, in which the opponents to NATO accession take the lead, in particular those who have influence and who support the concept of "military neutrality", seen by most of them as another name for "full military cooperation" with Russia.

6. Liaison Offices

The established system of Liaison Officers in Belgrade and Priština operates in the agreed and satisfactory manner.

Making use of this system has resolved several issues, and starting from 1 December 2014, organization of so-called "official visits" was fully transferred under the competence of Liaison Officers (*Izveštaj, 2015:18, 19).* The implementation of the agreement on Liaison Offices still has pending issues such as official stamps of the respective Liaison Offices, which are still operating without stamps (*Brussels Agreement Implementation, 2015: 21, 22*).

7. Energy

The *Energy Arrangement (Agreement)*, governing future relations between the Transmission System Operator of Serbia (EMS) and the Electricity Transmission System and Market Operator of Kosovo (KOSTT) was initialed in Brussels on 08 September 2013, within the framework of the political dialogue (See: *Annex* 18).

The *Agreement* provides that the EMS should support the efforts of KOSTT in becoming a member of the ENTSO-E Association and in becoming a separate control area, Priština, in turn, would facilitate registration of two new companies to deal with the wholesale electricity trade and the supply and the distribution services.

After years of a bitter dispute between Serbia and Kosovo over the electricity supplier to northern Kosovo, the two countries reached an agreement reached in 2013. In accordance with this agreement, the company *"Elektrokosmet"* will be transformed into a supplier and distributor of electricity for four municipalities in northern Kosovo, under Kosovo legal framework. The employees of *"Elektrokosmet"* will either be incorporated into this new company or might be offered employment with KEDS. EMS

[67] For example, in April 2013, Serbian officials, including the current Prime Minister Vučić, on several occasions stated that Serbian government was issued a "verbal" assurance from NATO that the KAF will not expand to northern Kosovo (*Tasić, 2015*).

In the spring of 2015, Serbian officials opposed the formation of KAF, stating it is not mentioned in the Brussels Agreement, on the contrary, the agreement clearly stipulated that no type of armed forces can enter the north of Kosovo without the consent of the Serb community (**Đurić, 2015a**).

bound itself to the agreement that KOSST will be recognized internationally as the only Transmission System Operator for the territory of Kosovo and that it will support KOSTT to become a member of the European Network of Transmission System Operators (ENTSO-E). KOSTT will be responsible for the transmission of electric power in the main electric networks, outside and through Kosovo (See: *http://www.balkaninsight.com).* KOSTT will reconnect the 110 kv lines to Valač and take full control over the Valač substation on the border between Serbia and Kosovo. With this, KOSST will gain full control over the transmission system of Kosovo. The regulatory authorities of both sides shall issue licenses covering trade (import, export, transit) and supply to Kosovo Energy Corporation (KEK), Kosovo Energy Distribution and Supply Company (KEDS) and Electric Power System of Serbia (EPS), respectively.

The Framework Agreement Regulating Operation and Market Relations between KOSTT (Kosovo) and EMS (Serbia) was signed on12 February 2014. Based on its provisions, among other things, further arrangements will be made to ensure that KOSTT joins ENTSO-E as an independent control area and participates in the European-wide compensation mechanism among transmission system operators (ITC). This framework agreement signed between EMS and KOSTT was designed to resolve long-standing issues, including the issue concerning electricity distribution and supply in northern Kosovo (*http://www.balkaninsight.com*). Then, KOSTT (Kosovo) and EMS (Serbia) signed the so-called *Inter-TSO Agreement for network and system operation management* on 14 September 2014. Among the things, this agreement provides acceptance of KOSTT as a control area and KOSTT membership in ENTSO-E (European Network of Transmission System Operators) (*Brussels Agreement Implementation, 2015: 16, 17*).

On energy, progress has been good in some aspects in general, while on others it has been blocked (*Brussels Agreement Implementation, 2015:16*). According to Kosovo, the implementation process has been blocked due to Serbia's tendencies of retaining competencies of distribution of power, while Serbia claims that the aim of Kosovo is to take over property only and not to resolve problems.

The issue of electricity supply and transmission to northern Kosovo and the assets ownership issue have been the subjects of a long-standing negotiation. When Prime Minister Vučić joined the negotiation process on behalf of Serbia, the issue of property ownership emerged, after being neglected and hidden from public eye for decades.[68] At the same time, Serbia is facing a hearing with the regional energy regulator, the Energy Community, concerning what Kosovo claims is the theft of 5 million euro a year from Kosovo in tax revenues. Kosovo also maintains that Serbia's energy operator is leveling illegal fees, costing Kosovo energy consumers 10 million euro a year and raising the price of electricity by 20 percent. According to Kosovo officials only the KEK has licenses to supply electricity across Kosovo's territory, and users of electricity sho-

[68] This subsequent initiative is facing the fact that many companies have been sold under UNMIK administration and that many production facilities, formally managed by Serbia or its "parallel institutions", are in reality controlled by bureaucratic / private monopolies, which are producing losses and reducing the value of assets in order to gain wealth for themselves. Part of this money has been used for bribing politicians and officials among Kosovo Serbs, Serbia and Kosovo government and international representatives, to be cooperative and close their eyes.

uld not be making payments to *"Elektrokosmet"* or EPS. On its part, Serbia and EPS claim that EPS was not breaking the treaty and that it lost 100 million euro in unpaid bills in northern Kosovo, due to the fact that people had not been paying their electricity bills for 10 years.

The energy sector was one of the topics addressed in the Brussels dialogue, which opened the way to finding solutions for: regulating the relationship between the two operators - EMS and KOSTT, and creating conditions for: cooperation between two transmission systems,[69] management of the "*Valač*" snd the substation on Gazivode lake,[70] the control of energy flow in both electricity systems; a new electricity company to supply customers in northern Kosovo, consumption control and billing. Kosovo agreed to register the company "*EPS Trgovina Ltd Kosovska Mitrovica*", and requested additional documentation. On the other hand, registration of the company "*Elektrodistribucija Sever Zubin Potok Ltd*" was rejected as illegal. Serbia has repeatedly insisted on registration of the company established by the Municipality of Zubin Potok.

On March 24, 2015, the Kosovo side informally announced its consent to have *EMS* as the founder of the electricity supply company and to grant this company the license for the supply of electricity. It was also suggested that said company should negotiate the distribution services with the KEDS. Serbia did not accept this proposal, repeatedly requesting from Kosovo and EU representatives that PISG should carry out their obligations assumed under the *Arrangement* and *Action Plan* (*Izveštaj, 2015:9, 10).*

In order to perform their respective obligations under the "*Energy Arrangement (Agreement)*" of September 2013, the two parties agreed with the "*Conclusions of the EU Mediator on the Implementation of the 2013 Energy Arrangement/Agreement*. (*See: Annex 20*). Kosovo will allow EPS to establish a power trade company in Kosovo, in line with its non-discriminatory obligations under the Energy Community and in accordance with the Kosovo legal and regulatory framework.This company will apply for, and be granted a license that covers import, export and transit. Regarding the Establishment of new supply and distribution services company, Kosovo will allow EPS to establish a supply company in Kosovo, in line with its non-discriminatory obligations under the Energy Community and in accordance with the Kosovo legal and regulatory framework. The name of the company will be "ElektroSever".

It is of special importance that the two parties agreed on the issue of property[71] in a "*Disclaimer*". By means of this, the preconditions have been created to meet Serbia's

[69] In keeping with this *Arrangement,* the Contract on Interconnection and Contract on Service Provider was signed between the EMS and KOSTT on 15 September 2014. Closure of these contracts, in accordance with the Arrangement, facilitated the initialing of the Action Plan on 19 September 2014, and the latter was then handed over to the EU representatives

By providing active support, the EMS has fully performed the obligations stemming from both the Agreement and Action Plan and enabled for KOSTT to establish the control area1 as of 1 June 2015, expecting that Kosovo would fulfill its part of obligations elaborated in detail in the Action Plan.

[70] A small portion of electricity is produced in "*Gazivode*" HPP (38 KW). It covers about 2 percent of total need. Experts suggest that, in the context of the diversification of supply sources, Kosovo should secure the supply from hydroelectric sources in two ways – through a system of small hydro power plants, in particular in northern Kosovo, and through the construction of a large HPP in the village Žur near Prizren. Its hydropower potential represents about 43 percent of Kosovo's total capacity.

[71] "Kosovo considers that, in accordance with Kosovo Constitution and Laws, and international law, namely UNSCR 1244 and respective UNMIK Regulations, the property within the territory of Kosovo is ownership of Kosovo.

request to start discussions on property, and Kosovo's efforts to highlight its pretention on disputed property, and yet to reach the agreement.

The agreements reached between Serbia and Kosovo for settling the long-standing issues and progress made over the period from 2013 and 2015 in the field of energy will facilitate the achievement of common objectives:

- Creating transparent common/regional energy market;
- Jointly solve the problems of financing construction, including access to loans under favorable conditions from international financial institutions;
- Effective cooperation in the construction of a gas pipeline network in the region;
- Jointly examine the implementation of the Energy Community directives on environment and assess the causes of dramatic increase in electricity production cost in our impoverished region; construction of renewable energy sources, taking into account security of supply and influence on cost; cooperation between the energy regulators.

8. Telecommunications

Whereas, the *International Telecommunication Unio*n assigns country calling calls only to UN member states, Kosovo still does not have *its own country* code.[72]

The *Agreement on Telecommunications* (See: *Annex 21)* was reached between Serbia and Kosovo in 2013. As provided for by this agreement, Kosovo will have its own country code +383, but will apply through a mutually accepted EU member country. Within the scope of the Draft Action Plan, Belgrade requests guaranties for the "inter connection" between the existing dialing code +381 and the new one, +383, during and after the transitional period as foreseen by the *Action Plan*. This agreement has not been signed as of July 2015; but the two parties agreed that Telekom Serbia can legally operate in Kosovo and that price for calls from Kosovo to Serbia will be charged at local tariff.

In accordance with the *Action Plan* and the *Law on Business Organizations of Kosovo*, Serbia expects that the registration of the company in Priština by the Telecom Serbia JSC will be facilitated. Similarly, the Serbian side expects to receive clear written guaranties by Priština and the EU that this company will be granted licenses, as proposed in the *Action Plan*, on the same day of approval of the dialing code for the "Kosovo territory", following Belgrade's consent (*Izveštaj, 2015; 11, 12)*.

The two parties agreed on drafting a *Technical Agreement* to harmonize the use of spectrum for GSM and television signals, with the aim of ensuring mutually uninterrupted provision of services. Each party undertakes not to intentionally interfere with the border / administrative line.

Serbia and Kosovo agreed on three agreements in Brussels on 25 August 2005 *(See: Annex 22)*. According to *Annex 1: The International Telecommunication Union (ITU)*

Serbia considers that, that in accordance with domestic and international law, namely UNSCR 1244, property within the territory of Kosovo is ownership of Serbia, under specific provincial regulation and in full accordance with the Constitution of Serbia".

[72] The code used for fixed line services in Kosovo is +381, which is the code used by Serbia, whereas for mobile networks, it uses either the Monaco code +377 or the Slovenian code +389.

Bulletin, with the consent of the Administration of the Republic of Serbia, and based on the text of the Austria's letter to ITU *(Annex 2*), the Director of TSB has assigned the following international codes to Kosovo: "+383". The *Action Plan in the Field of Telecommunications* was also adopted. By means of this, the preconditions have been created for Kosovo to become part of the international telecommunication system directly, not through Serbis code for fixed line services, and Monako and Slovenia codes for mobile networks. This will certainly encourage the development of the teleccomunication market and enable cheaper services to citizens.

9. EU Integration

Point 14 of the *First Agreement of Principles* envisages that neither side will block, or encourage others to block, the other side's progress in their respective EU paths.

According to Serbia, since the key requirement for the opening of negotiating chapters is the implementation of the signed agreements, by not implementing the subject agreements Kosovo is directly blocking Serbia's European agenda and bringing it to a halt. Examples of such obstruction abound in the areas of energy and telecommunications. However, the biggest problem in terms of Kosovo's non-compliance with the *First Agreement of Principles* concerns the formation of the *Community of Serbian Municipalities* (CSM); this procrastination effectively renders it impossible to resolve problems in a number of areas that CSM is supposed to be administering, and on whose resolving, in turn, depends the pace of Serbia's progress in the process of its EU accessions *(Izveštaj, 2015:12,13)*

III. INFLUENCE AND PERSUASION

The Brussels dialogue about the normalization of relations is challenging for Kosovo and Serbia, countries in the region, in particular for Macedonia, Albania and Montenegro, but also for EU, the US, Russia and the UN Security Council.

The EU acts as a facilitator for the dialogue in the process toward normalization of relations between Serbia and Kosovo, on the way toward a "common European future". At the same time, the EU (with the US and NATO) is directly involved in institution building and economic development in Kosovo.

The EU was responsible for reconstruction and economic development, through Pillar IV of UNMIK, from the very beginning of an international presence. When the responsibility for enforcement of other UNMIK pillars and competencies were transferred to the provisional Kosovo institutions, EULEX continued to function on the ground and the EU became a facilitator. The EU has the capacity to reward and punish, in the framework of the European future only, i.e. to slow down or speed up the processes, such as: visa liberalization, SAA, candidate status and accession negotiations. It has the status of *de facto* involved party, with an obligation to intervene. Nonetheless, the EU has a problem with its "status neutral" stance towards Kosovo because five of its members have not recognized Kosovo's independence. In fact, the EU's "status neutral" stance towards Kosovo makes its position and leverage even more questionable,

compared to Serbia, when it comes to the results it wants to achieve in the northern part of Kosovo (*Deda, 2013:19*).

The way the EU dealt with its problems, the growing economic and political crisis of 2008, EU losing its attraction for Serbia and Kosovo and the reluctance of some members states to welcome new countries and "new problems", followed by Euroscepticism in the Western Balkans, including in Kosovo and Serbia, has led to excessive bureaucratization and has slowed down the EU intervention. The need to take responsibility and a leading role in the normalization process has emerged. This role has been taken over by Germany, since the second half of 2012, and above all by German Chancellor Angela Merkel and the ruling coalition CDU/ CSU. A series of economic initiatives and CSO activities implemented with the support of German foundations such as KAS, have contributed to progress on the ground in Serbia and Kosovo.[73] Clearly, it can be concluded that Germany is not just *another one* of the EU member states due to its strong role in backing the Brussels dialogue on normalization of relations.

The German awakening changed the dynamic. Despite being reactive, this policy was resolute, making the EU's assumption of the undisputed Western leadership role in Kosovo possible. The United States curtailed its role as the dominant international player, shifting to a role centered on backing the EU agenda. Germany, with strong support from the United Kingdom, redefined the terms of the EU's engagement (*Bassuener, Weber, 2013:1)*.

In September 2012, German Ambassador to Belgrade Wilhelm Heinz said, Germany had negative expectations of the new Serbian government's future Kosovo policy. The dialogue had changed German perceptions of Serbia. The Ambassador noted that the dialogue would proceed as a process parallel to the accession negotiations, and referred to the public debate in Serbia on the German-British "*non-paper*" on the accession framework, especially in relation to the discussion on whether Kosovo would be covered by *Chapter 35* only or should be covered by other chapters as well (*Weber, 2013:3,4*). The developments so far have confirmed the key role of Germany and Britain and their so called "*non-paper*" in the preparation of the EU's *Negotiating Framework* for Serbia's accession (as previously discussed in this Policy Paper).

The "*non-paper*", lists a number of necessary endpoints for the Kosovo -Serbia dialogue and the EU's approach to the two countries through the accession process. These include the following elements:

"Full normalization" guaranteed by the end of the accession process;

- Conditionality on normalization must be hardwired through each chapter negotiation, including through relevant chapter opening/closing benchmarks;
- *Chapter 35* will lock in Serbia's overall progress towards full normalization, across the board and throughout its negotiations;
- A watertight, binding mechanism to prevent either Kosovo or Serbia blocking the other's EU path (likely taking legal form in Serbia's accession treaty);
- A strong role in the process for EEAS/HR.

[73] One example is previously mentioned KAS project and one of its outputs, the *Framework Agreement*. Many ideas proposed in the *Framework Agreement* have been verified in German and EU policy.

Clearly, Berlin and London envision a detailed and robust set of criteria for both countries. Among these is a proposal, jointly agreed with Enlargement Commissioner, to add all Kosovo-related issues to *Chapter 35* of Serbia's EU accession negotiations.

The CDU/CSU fraction in the Bundestag was particularly active and effective in clarifying and monitoring the implementation of German and EU policies. This is demonstrated by the Resolution adopted by the German Bundestag on 25 June 2013 (See: *Annex 23*).

The *First Agreement of Principles* opened the door to the resolution of the status dispute between Serbia and Kosovo and unblocked both countries' path toward integration in the EU. This unprecedented development was made possible by a re-ignition of a previously frozen conflict, reactive but consistent German leadership – with strong British and US support – and political change in Serbia (*Bassuener, Weber, 2013:I).*

In the preparation of the *Negotiating Framework,* it has been agreed at a multilateral and bilateral level that negotiations with Serbia would be opened and closed with *Chapter 35*. During 2014, Germany made an overall assessment of progress in implementation of the agreements reached in the dialogue, in particular the implementation of the *First Agreements of Principles*, in order to establish conditions which should be fulfilled for the opening of the first chapter's in Serbia's pre-accession negotiations with the EU, based on the results of implementation. These conditions are drafted in a "*List of 11 points Serbia is required to meet prior to opening Chapter 35",* referred to by the public as "German conditions" or "11 points". Nonetheless, the way of assessment if the conditions from "11 points" are fulfilled remains unclear. One possibility is the adoption of a *Second Agreement of Principles,* or "*Brussels 2"*, as referred to in the public. The *Second Agreement of Principles* is a good solution because it can serve two purposes – to ascertain whether the conditions are fulfilled, and to determine future obligations concerning the implementation of agreements. It can also directly contribute to defining the content of *Chapter 35* and the *Action Plan* for this chapter.

IV. CHALLENGES OF DEVELOPING THE INSTITUTIONAL FRAMEWORK FOR NORMALIZATION

a. Constitutionality, Legality and Legitimacy of the Brussels Agreements

In order to legalize Kosovo's government political decision to enter into dialogue with Serbia, Kosovo Assembly voted on two different resolutions.[74] Kosovo has not ratified any of the agreements. The Government of Kosovo is bound by the Constitution

[74] On 10 March, 2011 the Assembly adopted the first *Resolution on the dialogue between Republic of Kosovo and Republic of Serbia*, supporting the dialogue on "practical" issues and confining the dialogue only to "technical" issues, although the first round of talks was held on 8 and 9 March, 2011. The second *Resolution on normalization of relations between Republic of Kosovo and Republic of Serbia* was adopted on 18 October, 2012, supported by all political parties, except *Vetevendosje*, effectively giving the green light for the meeting between Prime Minister Thaci with his Serbian counterpart in Brussels the next day.

to put such agreements before the Assembly of Kosovo and ratify them. However, the legal nature of the agreements with Kosovo will have to be determined at the end of the negotiations process and by analyzing accordingly the legal context of Kosovo, based on the *Negotiating Framework* - a "legally binding document" will be signed by Serbia and Kosovo. This solution is in line with the EU's status neutral stance towards Kosovo. (T*he Kosovo-Serbia dialogue, 2012*). Until then, the Kosovo Assembly legalized the agreement by ratifying the resolution in supporting the *First Agreement of Principles,* in late May 2013. (*Deda, 2013:14-16*).

In the case of Kosovo, limiting factors of the legal and political nature are the five non-recognizers of its sovereignty and the fact that Kosovo is not a member of the UN. Other significant limitations are caused by strong political resistance to the normalization process in Kosovo. This resistance has only slowed down the process for the time being, but if it continues to grow the normalization of relations could be jeopardized. To judge by the institutional structure and legislature, Kosovo could be categorized as a "weak state" with an extremely underdeveloped economy.

As for Serbia, current constitutional, legislative and institutional arrangements impose partial limitations for the dialogue and links between the institutions of Serbia and Kosovo.[75]

An example of the limitations imposed by the Constitution are contained in its *Preamble* which caracterizes Kosovo as integral part of Serbia; determines its status of a substantial autonomy within the sovereign state of Serbia, and imposes obligation for all state bodies (it is not specified which bodies) to uphold and protect the state interests of Serbia in Kosovo in all internal and foreign political relations.

Given that the Serbian Constitution does not specify the legal nature and effect of the *Preamble*, the question remains whether it should be considered to be legally binding. Provided that the provisions of the *Preamble* are binding, the question on penalties for volating these provisions is open.

Article 8 of the *Constitution Principles* states that the territory of Serbia is inseparable and indivisible. From the perspective of the dialogue in Brussels, such provisions have the limiting effects.

The Constitution contains two different rules concerning the authority to change the borders of the Republic of Serbia. In fact, there is a conceptual incoherence between the *Constitution Principles* and normative provisions governing territorial organization, as stated by the Venice Commision in its opinion about consitutional provisions on territorial organization which do not guarantee the right to provincial authonomy and local self-government, but rather leaves it to a special law to be adopted. (*Pajvančić, 2012*).

Articles 176 – 182 of the Constitution of Serbia governong teritorrial autonomy and local self-government are of particilar importance for this Policy Paper. For example, according to Article 182, there are two autonomous provinces in Serbia: Vojvodi-

[75] Euroscepticism and resistance to EU integration that have continued to grow over the past two years, have adverse effect and slow down the dialogue and noramlization process.

In spring of 2015, the Assembly of Serbia started a dialogue on the political system. The dialogue involves practical problems and solutions, including proposals for constitutional changes.

na i Kosovo. The two autonomous provinces are given different constitutional status. The Constitution leaves the definition of the "substancial economy" of Kosovo to a special law to be adopted in accordance with the proceedings envisaged for amending the Constitution. It should be a kind of constitutional law, even though constitutional laws are unknown in Serbian constitutional practice. The law has yet been passed, and there is no information about whether it is being drafted.

According to the Constitution, new autonomous provinces may be established, and already established ones may be revoked or merged following the procedure required for amending the Constitution. The proposal to establish new, or revoke or merge the existing autonomous provinces must be approved by citizens in a referendum. The law shall set forth the terms under which a decision to establish new, or revoke or merge the existing autonomous provinces may be reached. However, the law has not yet been passed and is not being drafted. (*Pajvančić, 2012*).

In the answers to the *EU Questionnaire* sent to Serbia in order to prepare an opinion on the request of Serbia for membership in the EU, Serbia agreed to exclude the territory of Kosovo from its answers, and later that the *EU acquis* is directly applicable in Kosovo. However, the *Negotiating Framework* stipulates that Serbia shall in particular ensure that adopted legislation, including its geographical scope, does not run counter to the comprehensive normalization of relations with Kosovo. In order to comply with this requirement, Serbia will have to change its Constitution and remove its references to Kosovo. (*Ejdus, 2014:7*).

Furthermore, according to the *Negotiating Framework*, the normalization of relations between Seerbia andKosoco is expected to lead to a "legally binding agreement" by the end of Serbia's accession negotiations, with the prospect of accepting Kosovo's sovereignty and territorial integrity, and/or resolving the border issue. Such a solution is not in accordance with the Serbian constitution, which again points to the need for changing the Constitution and adjusting it to the reality.

Those who challenge the constitutionality of agreements reached by Serbian authoritise during the talks in Brussels, suggest that the *First Agreement of Principles* has been signed as a special bilateral agreement. According to them, the *First Agreement of Principles* is an international agreement signed between the EU and Serbia, with participation of a "legaly non-existant party" – Kosovo. By being adopted by the Serbian assembly, the government's report on the *First Agreement of Principles* does not have a legal force, it is still a political act. Despite being accepted in the Assembly of Serbia, the government's report on the *First Agreement of Principles* still has no legal force and is still in fact a political act.[76]

[76] The *Agreement of Principles* is not in accordance with Art. 97, para. 3 in conjunction with Art. 189 para. 1, because the provisions governing teritorrial organization of the Republic of Serbia and system of local self-government fall within jurisdiction of the Republic of Serbia. The same applies to the establishement, organization, jurisdicition, system and structure of courts (Article 180, para. 3, the Constitution of the Republic of Serbia); defence and security (organization of the police force) is within the sole jurisdiction of the Republic of Serbia (Art. 97 para. 4 of the Constitution of the Republic of Serbia); organization and conduct of elections at all levels of government is governed by law of the Republic of Serbia (Art. 180, para. 3 of the Constitution of the Republic of Serbia).

According to this interpretation, Serbian officials did not follow constitutional obligations of all state bodies to "uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political

To this day, the Constitutional Court of the Republic of Serbia (hereinafter: CCRS) has repeatedly issued rulings on the results of the Brussels process, specifically on: regulations adopted based on agreements that were reached in the technical part of the dialogue; and on the *First Agreement of Principles* itself (See: *Annex 26*).

Regarding the *First Agreement of Principles*, to this day CCRS has determined that some regulations adopted for the implementation of this agreement[77] to be in violation of the Serbian Constitution and the law. However, the publishing of decisions by means of which CCRS has determined these inaccuracies and, thus, their legal force, has been delayed, and all petitions for stay of enforcement of individual acts and procedures undertaken based on such regulations were dismissed. Essentially, CCRS ruled that such decisions are unconstitutional but took no action to rectify the said unconstitutionality, although it remains unclear how the existing unconstitutional state can be formalized without alterations to the Constitution itself.

As for the *First Agreement of Principles*, CCRS has dismissed the motion for assessment of its constitutionality and legality. Such a decision, even though it seems to be the opposite of the one applied to regulations from the "first package" is, in fact, based on the same standpoint. Namely, the *First Agreement of Principles* was treated as a political act. The CCRS has also dealt with acts pertaining to the implementation of the *First Agreement of Principles*, such as the *Regulation on conditions for fulfilling the right to special pension by MUP employees on the territory of the Autonomous Province of Kosovo and Metohija*. However, CCRS stopped short of going any further than ruling on the implementation's unconstitutionality.

In the process toward the normalization of relations, apart from much-needed reforms, such as improvements in the business environment, development of competitive private sector, reduction in the unemployment rate, and continuation of regional cooperation, Serbia should implement institutional reforms and amend its constitution. Namely, the Constitution of Serbia adopted in 2006, does not reflect the real needs of the state and its citizens. It was an octroyed constitution and part of the political compromise of the largest political parties, which was imposed through the citizens' referendum abuse. As such, the constitution represents one of the major barriers on a path of faster recovery of Serbia. It is as obstacle to much-needed reforms of economy, establishing fully functional democratic state and achieving proclaimed human rights and freedoms.

The main reasons for the amenment to the present Constitition:

– To create constitutional, legislative and institutional conditions for improving the business environment, increased investment, accelerated sustainable development

relations" (*Preamble* to te Constitution of the Republic of Serbia), thus violating the constitutional principle of the rule of law (Art. 3, para 2, of the Constitution of the Republic of Serbia) (*Ivošević, 2014*).

[77] Regulation on the special manner of recognition of higher education certificates and valuation of curricula of universities from the territory of the Autonomous Province of Kosovo and Metohija which operate contrary to regulations of the Republic of Serbia, adopted for the purpose of implementation of the agreement on recognition of university degrees; Regulation on the special manner of processing data contained in registries for the territory of the Autonomous Province of Kosovo and Metohija, adopted for the purpose of implementation of the agreement on registries; Regulation on special manner of processing data contained in the land cadastre for the Autonomous Province of Kosovo and Metohija, adopted for the purpose of implementation of the agreement on cadastre.

and the elimination of private and bureaucratic monopoly control over national resources;
- To ensure all kind of forms of ownership and the inviolability of property (private, public, cooperative);
- To put all businesses on an equal footing, while ensuring the protection of their rights and interests, with the aim to enhance the competitiveness of domestic private and public sectors;
- To modernize and raise the level of equipment, education and skills; raise the level of afficiency and eliminate unnecessary and redundant state administration;
- To boost the effectiveness of the fight against corruption and public authority control, by strengthening judicial independence and anti-corruption bodies;
- To ensure equal access and effective protection of all rights guaranteed by law;
- To provide conditions for self-organization of citizens at the regional level and organize Serbia into regions;
- To ensure that Serbia's committment to EU membership is acknowledged in the constitution as required in the EU accession process and normalization of relations; and to consolidate and harmonize the national legislation, currently in chaos, with EU legislation;
- To create constitutional and institutional conditions for the normalization of relations between Serbia and Kosovo to protect the interests of Serbia and Serbs in Kosovo.

The previous analysis has confirmed that preference is given to legitimacy over constitutionality, legality. Legitimacy is derived from the following elements:
- Firstly, dialogue is conducted and agreements are reached by legal and legitimate representatives of Serbia and Kosovo;
- Secondly, the facilitation role of the EU is legalized through the acceptance of both sides, as well by the UN resolution;
- Thirdly, the goal to be achieved: resolving issues which are the source of the conflict between the parties is a legitimate aim;
- Fourthly, the values that guide the process: normalization, peace and regional collaboration as well as "common European future" are legitimate.

b. Improvement of Economic Conditions toward Normalization

1. Macroeconomic Environment

Since the beginning of reforms being implemented in Kosovo since 1999, and in large part thanks to foreign donations and remittances, Kosovo's economy recorded signs of progress: the growth rate of gross domestic product since 2007, is over 2% or 4.5% on average; the eurization has helped in maintaining low inflation rates as well as the creation of budget surplus, and its orientation towards development.

Kosovo's economy is one of four European economies which, in the period 2008 - 2012 was spared the consequences of the global financial crisis, that is, the consequen-

ces appeared later in the form of absence of investments, rise of unemployment, deepening poverty, massive outflow of employable population, primarily to the EU, and so on. In this aspect, Kosovo and Serbia are in a similar position. This delayed impact of the crisis and its heightened socio - economic manifestation testifies to the low intensity of trade and financial exchanges with the countries affected by the crisis, and the low level of economic activity. A low level of economic activity is evidenced by the structure of GDP, where remittances account for about 14%, donor assistance to about 10%, industry 22.6%, agriculture 12.9% and as high as 64.5% of the value is created in the service sector.

According to the World Bank report, in the past three years the rating of Kosovo in terms of starting a business has recorded a steady growth: in 2012 it was ranked 126th out of a total of 189 countries, 96th in 2013 and 2014. But that is not enough to encourage investors.

Attracting investments is unfavorable due to: unfinished privatization process, difficult access to capital, especially for micro, small and medium enterprises; dominance of commercial banks in the Kosovo financial system, the capital market being in the early stage of development; despite the low costs and high mobility the labor has weak educational structure; favorable tax environment can not compensate for the negative effects of the poor conditions in the energy sector, which leads to frequent power failure.

With a poverty rate of 29.7% and the gross national income of 1,760 euros per capita the economy of Kosovo is one of the weakest in Europe. The Corruption Perceptions Index ranks Kosovo at the 111th place out of 176 (according to the Transparency International). Interplay of corruption and organized crime is weakening the already weak state yielding the absence of the rule of law. All of this is significantly increasing the risks and costs of business operations, but also of life in Kosovo *(Kosovo 2014)*.

The lack of economic activity has resulted in the highest unemployment rate in the region, which is around 45%; this is increasing the shadow economy and the emigration trends of younger population, (which has seen a strong trend of 2014), and it also increases the volatility of the internal social and political scene. This was discussed in the part of this Policy Paper dealing with the freedom of movement.

Regarding the northern Kosovo municipalities with Serb majorities (Leposavić, northern Mitrovica, Zvečan and Zubin Potok), the lack of administrative and economic integration in the system of Kosovo on the one hand, and the lack of effective support measures from Serbia for the sustainable development of the economy in these municipalities on the other, additionally impedes economic conditions. Only 20% of local companies traded outside the limited market of these four municipalities, while 75% of registered business entities have no legal status that would allow operations in the whole territory of Kosovo. Among other things, this complicates the planning of municipal budgets and funds required for the operation of local enterprises (*Gavrilović, 2015:8*).

At the same time, the economic and social ambience in today's Kosovo underlines the necessity of changes and reforms, but it is also very unfavorable for these to take place. It shows that the Brussels dialogue and normalization will burdened by a series of risks from the economic and social life. The above situation is similar in Serbia.

This environment is giving out controversial signals: those that encourage the advancement and progress of normalization, and others that complicate and hinder the dialogue and normalization. This, in turn, indicates that the economic, political and state leadership have the key role and that the speed and quality of decisions depend on their capacities.

In relation to overall economic and social reforms in Kosovo and Serbia, dialogue and normalization have immediate positive effects i.e. they facilitate and accelerate them. First, the implementation of the agreed solutions represent adoption of the new European standards in areas of vital interest to the people in Kosovo and Serbia (for example, improvement and digitalization of the public register, increasing the mobility of the population, goods, services and ideas, raising the capacity of customs and other services, etc.).

Ever since the Milošević's era until May 2015, Belgrade has led a policy of budgetary support to economic activities in Kosovo or those enclaves inhabited by Serbs. Also, through state interventions various public and private companies were directed toward financing the Serbs and maintenance of the so-called parallel institutions. Since 2005, this type of support was reduced to the territory south of the Ibar River, and since the proclamation of Kosovo's independence, (due to the narrowing of the area of political influence in Kosovo and devastating consequences of the crisis on the Serbian economy), this type of support was also reduced in the north of Kosovo. As part of the reform efforts the Serbian government is trying to change this approach and support only those projects and institutions that can realize a self-sustainable development. This approach was announced at the round table "The Region of Success", held on 29 May 2015, organized by the Office of the Government of Serbia for Kosovo and Metohija. The basic idea of this approach is adaptation to the newly created circumstances. For example, the establishment of the so-called *daughter companies* that would be registered in Kosovo, according to the laws of Kosovo, and their operations supported by the state of Serbia. One form of support is that for each employee in Kosovo, the company would be released from contributions for an employee in Belgrade or for each 1 euro sold in Kosovo to receive an additional 30 cents in Serbia and so on.

2. Infrastructural Environment

2.1. Transportation

Although Kosovo is not on the route of the pan-European corridors it is linked with them via corridor VIII - the "Ibrahim Rugova" highway, which connects Priština and Tirana, and there are ongoing works linking Priština with Skopje and Corridor X (Tirana - Priština - Niš). Regarding the north, Kosovska Mitrovica is located at the crossroads of trade routes between north and south - the main road that crosses lake Gazivode links Kosovska Mitrovica with Montenegro and the Adriatic Sea. The main Priština-Mitrovica road connects the north with the rest of Kosovo and is currently in the phase of reconstruction, (financed from a loan from the *Saudi Development Fund)*. Despite capital investments in road infrastructure since 1999, the road network in the north is underdeveloped, and because of its topographical characteristics does not provide fast connection with the region.

Railway connection with Serbia and Macedonia exists, but not with Albania and Montenegro. Since the autumn of 2013, Serbian Railways again service the line Belgrade - Kraljevo - Kosovska Mitrovica, while the line from Mitrovica is still serviced by the "Kosovo Railways". Since May 2014 transportation exists only to Zvečan. This is justified by the damage caused by the floods and torrents of May 2014. In accordance with the directives of the EU, during 2011 Kosovo restructured the railways and separated the enterprise engaged in infrastructure (INFRAKOS) from companies that are engaged in operations (InfraTrain). The *European Bank for Reconstruction and Development* recently approved the extension of a loan to the Government of Kosovo for the rehabilitation of railway lines north-south, from Lešak to the Macedonian border (the area around the administrative border is scheduled for the last phase). This is a project of strategic importance because that railway is part of the Railway Corridor X, but due to the damage caused in the 1990s some of its parts almost unusable.

Kosovo has two national airports (in Đakovica and Podujevo) and one international in Priština, which was given over in 2010 to Turkish – French consortium to be managed for the next 20 years. The national airline is "Kosova Airlines", flies to eleven destinations, with direct flights to cities in Albania, Croatia, Slovenia, Austria, Switzerland, Germany, France, Sweden, Norway and Turkey.

Kosovo has nine border crossings of which six are with Serbia: Brnjak, Jarinje, Merdare, Mutivoda, Bela zemlja and Mučibaba. As part of the technical dialogue between Kosovo and Serbia, in 2011 and 2012 an agreement was signed, and then a technical protocol on joint border management, but Serbia has delayed their implementation until the autumn of 2012.[78] Serbia is late in fulfilling its obligations, and instead of the end of October 2012, all crossings were finally open in March 2013. The second phase of the agreement, which includes construction of permanent facilities at the crossings, was not concluded upto the summer of 2015. The construction started in 2013, and the construction of permanent facilities was entrusted to the contractor engaged by the EC. The marking of points on the basis of the agreed co-ordinates, which will serve as reference points for the construction of permanent facilities at customs crossings, is regarded as success achieved by the mixed Group for the Implementation of the Agreement (which consists of representatives of Serbia, Kosovo and the EU).

2.2. Water and Wastewater Management, Land and Environment Management

In relation to the total water demand in Kosovo, the reserves are relatively small and unevenly distributed territorially at the expense of the eastern and southeastern parts. There is not enough research on groundwater reserves, which are mainly used for private wells. According to last year's report of the EBRD, there is no wastewater treatment system in Kosovo, while only 40% of the population, and less than 10% of the rural population has access to the national sewage system. The drinking water supply system is undeveloped; it suffers significant technological and commercial lo-

[78] The agreement anticipated the opening of six temporary crossings, three on the territory of Serbia and three on the territory of Kosovo, as well as the responsibility of the authorities of the respective territory for the security of customs authorities of the opposite side.

sses, and does not reach the majority of the population. Fees for water supply do not match the high costs and investment needs of the sector.

With the Ibar River and the artificial lake Gazivoda which are partly situated in the municipality of Zubin Potok (and partly in the municipalities of Tutin and Novi Pazar), the north of Kosovo is rich in water resources. However, regardless of that, the water supply is far from satisfactory because it is carried out through an old network and suffers from technical losses, while illegal connections and a low rate of bill collection generate commercial losses. The situation concerning waste water treatment is unfavorable because the sewage water from urban and rural areas is discharged directly into the Ibar River or other open channels without treatment. This activity is contaminating the soil surface and ground water and increases the risk of flooding, which in turn exposes the areas that are not connected to the public network (and which are supplied from their own sources) to an increased risk of contamination.[79]

In terms of the environment, the key problems are air pollution, water shortage and pollution, land degradation and loss of the role of the ecosystem.

When it comes to waste, increase in the urban population and level of economic activity leads to increased environmental risk to the entire Kosovo territory. Very little has been achieved in the field of separation, recycling and processing of waste. The payment collection rate for garbage collection was slightly increased in 2010, but is still low.

In northern Kosovo, solid waste disposal is carried out at the landfill in Banjska. Waste sorting and recycling process are in their early stages and it is necessary to do much more in order to reach EU standards. Waste management in urban areas has been further hampered by high population density and increased economic activity. As a result of previous mining activities the region is contaminated with lead, zinc, cadmium, arsenic, mercury and other materials.

The poor state of the environment in Kosovo is the result of uncontrolled construction of residential and industrial buildings, the use of outdated technologies, especially in the exploitation of natural resources, pollution of watercourses, complete absence of water treatment systems, and the accumulation of solid and industrial waste. The biggest threats to the environment in Kosovo come from mining – the metallurgical complex "Trepča", Thermal Power Plan "Obilić" and concrete plants in Priština.

The territory of Mitrovica, Zvečan and Leposavić are especially vulnerable after the shutting down of "Trepča", because of the tailings scattered all over the place as well as the accumulated scrap metal and ash in the abandoned plant, directly threatening human health through the pollution of air, soil and the food chain.

Land management, improvements in landholdings and raising their values are important preconditions for attracting investment. Successful land management requires the existence of cadastral records. The first step in this direction is for Serbia to surrender to Kosovo the cadastral documents for the territory of Kosovo which, since 1999, are located in the municipalities in central Serbia.

[79] In recent years, pollution has particularly affected Gazivode, which supplies water to several neighboring municipalities and the city of Priština (via a channel that leads through Gračanica), and also provides water for irrigation of land in the central part of Kosovo.

3. Telecommunication and Media

Kosovo is poorly covered by fixed telephony, and the rate of coverage is among the lowest in Europe. In 2010 it was registered that about 74% of Kosovo's population was subscribed to mobile phone services.

In Kosovo, the competition in the telecommunications sector has been introduced, and there are two licensed operators of fixed telephony – Post and Telecommunications of Kosovo (PTK) and IPKO Telecommunications. The same operators also provide mobile telephony services and the Internet. Licensed operators for virtual mobile networks are Z Mobil and Mobil D3. According to data from 2010 about a quarter of Kosovo households are connected to the Internet.

Postal services are provided by Post and Telecommunications of Kosovo (PTK), which has not yet been privatized.

Kosovo has 22 television stations (including 3 national), 9 newspapers and 92 radio stations. This number is expected to drop due to declining donor funding.

Regarding information for residents of Serb origin, in 2013 the Independent Media Commission licensed a Serbian TV channel of Radio Television Kosovo (RTK 2).

Five private TV stations from northern Kosovo were receiving the support of the Republic of Serbia, but this has declined over time, and their owners fear that in case they have to rely solely on funding from the proceeds of marketing, they will be forced to close down their stations.

And while the situation in electronic media is still such that almost every municipality has its own radio station or even a TV station, when it comes to print media, Serb-majority communities are informed in their native language solely from dailies based in Belgrade.

4. Industry

4.1. Energy

The main source of energy in all Kosovo is electricity. In spite of the significant potentials for electricity production,[80] Kosovo has serious problems in meeting the growing electricity needs and is forced to import between 10 and 15% of total electricity needs.

Of the total electricity produced, 90% is produced by the Kosovo Energy Corporation KEK, "Kosovo A", which is built using Soviet technology of the 1960s, and "Kosovo B", built in the 1980s. Both power plants use coal to generate electricity, and since "Kosovo A" is a big polluter of the environment some parts were decommissioned, while complete shutdown is planned to be carried out by 2017. It is planned to construct a new power plant - TPP "New Kosovo", also known as "Kosovo C".

In order to meet the requirements of the EU standards, Kosovo will have to significantly increase the use of renewable energy. That means that 20% of the energy must come from renewable sources, wind energy production must be increased by 20% and carbon dioxide emissions reduced by the same percentage.

[80] Brown coal (lignite) deposits, which are estimated at between 11 billion and 14 billion tons, are one of the richest in Europe.

Kosovo has no gas resources, nor is it connected to gas lines, and gas is only used from butane gas cylinders. About half a million tons of petroleum products are imported annually, while there is only one refinery, which covers less than 4% of the total needs.

As far as alternative energy sources, on the Goleš hill near Priština airport, a German investor is currently building a wind farm. The potential for the construction of these farms are in central Kosovo.

Given the number of hours of sunshine per year, Kosovo should consider solar energy. The same goes for obtaining energy from biomass and geothermal sources.

Energy systems of Serbia and Kosovo were developed within the framework of a single Yugoslav state. These systems have natural sources of energy: coal, oil, gas, water, and share geographic location of Serbia for transit of electricity, oil and gas. Only by connecting the power systems of Kosovo and Albania via a 400 kV power line can that system gain in importance as a transit potential.

Existing energy systems are not able to meet the challenges and uncertainties in ensuring a secure energy supply for its consumers. Since energy security can be only be ensured through cooperation in the region, it is necessary to identify the possible forms of cooperation between the energy systems of Serbia and Kosovo.

At this moment, both systems must purchase electric power. It is therefore important to establish transit from Serbia to Kosovo via a 400kV line. At this moment this line is important for Kosovo because it creates the possibility for electricity supply from the market. As for Serbia, this route will gain on importance after completion of the 400 kV transmission line Kosovo–Albania. All transit for the supply of electricity to Kosovo and Albania will go through Serbia's network, which means the collection of transit fees.

Kosovo faces serious risks, including months of restrictions, due to its energy weakness and inability to produce enough electricity.

Kosovo has a serious problem with the development of its energy resources due to the very poor condition of the existing infrastructure; significant investments are needed as a precondition for the operation of existing energy sources whilst the legal status of almost all locations is unclear. However, there is a particular interest of foreign companies to develop mines in Kosovo, while Macedonia has offered Kosovo an exchange of coal for electricity.

A comprehensive development plan was created aimed at improving the Kosovo's energy sector, and its privatization is recognized at the key solution *(Energy, 2011)*. However, as long as there is a dispute regarding the status of Kosovo there cannot be any significant progress in terms of energy developments in Kosovo and its immediate vicinity. Even in the case of a very successful privatization of the energy sector, high investment risks will slow down restructuring, development and optimization of the energy sector of Kosovo.

The implementation of the Brussels agreement can significantly contribute to mutual relations and cooperation in the long run. Cooperation should be based on the economic interests of equal partners; commercial agreements on exchange / purchase / transit of electricity and commercial agreements on gas pipeline construction and use / transit / sale of gas.

4.2. Mining and Metal Processing Industry

An important potential for Kosovo's economic growth are abundant mineral resources. Currently, Kosovo has the fifth largest lignite deposits in the world; largely untouched. Also, the launch of exploitation of rich deposits of lead, zinc, silver and magnesium would contribute to the increase of employment and economic growth. This also applies to reserves of asbestos, chrome, marble and quartz. The obstacle to this is unfinished privatization process, which hampers investments, without which it is impossible to run these capital-demanding industries.

Most metallurgical industry plants in Kosovo of the Yugoslav era do not exist anymore, or are replaced by smaller ones, while several large plants have been privatized. Today the metallurgical industry is comprised of about 80 companies that have a total turnover of about 80 million euros (of which only two are large - former "Zastava - Ramiz Sadiku" today "Kosova Steel Group," and "Ferronikel" in central Kosovo), employ around 2,500 people and exporting products to 15 countries.

In the metal processing industry in Kosovo, the vast majority of companies are engaged in primary production and processing of metals (forgings, reinforcement, roof trusses, etc.), production of sheet metal, wrought iron, stairs and other building components, HVAC equipment, tools and machine equipment etc. Since Kosovo is importing metal goods worth about 180 million euros, there is a great potential for development, which can be of particular importance for northern Kosovo.

4.3. Engineering and Construction Industry

Within the engineering industry the following plants play important roles: shock-absorber plant in Priština, (whose privatization is still the subject of investigation by the commission of Kosovo Assembly); and in northern part of Kosovo, roller bearings plant "Prva Petoletka" in Leposavić, (whose privatization was recently initiated); machinery, parts and components plant "Lola-Fot" in Lešak (which was operating well until May 2015, but came under attack by "local tycoons" which led to the resignation of the leadership and closing down). This was most probably done in order to stop the illegal privatization process and "takeover" of the factory; Tool manufacturing plant "Lola" in Gazivode and "Gradac" plant from Brnjak (which manufactures solar panels and springs).

In recent years the construction industry has become one of the most important sectors in the Kosovo economy. It represents an important economic potential for Kosovo, bearing in mind the need to build new housing and road infrastructure. Cement plant Šarcem, owned by the Greek Titan Group. It is the largest cement plant in Kosovo (although there are allegations that Titan Group will withdraw, since the Kosovo Government abolished the 35% tax on imports of cement in 2012). However, the plant does not meet the domestic needs for cement, which may give space for development.

4.4. Wood, Paper and Furniture Industry

Forests cover about 40% of the territory of Kosovo and represent an important resource - for the woodworking, paper, furniture, and firewood industries, as a source for medicinal plants etc.

The wood and paper industries are located in areas rich in forests - Peć, Dečani, Istok, Priština and Podujevo. Products manufactured are boards, panels and chipboard, flooring, doors, windows, chairs, tables, other furniture, paper, and more. In northern Kosovo, the Simpo factory of laminated furniture operates in Zubin Potok. This was a present from Simpo in Vranje to the Diocese of Raška and Prizren.

Expert studies show that, with proper management, Kosovo could benefit far more from this resource.

4.5. Textile Industry

In the time of former Yugoslavia, the textile industry was the second largest sector in Kosovo, with 15 companies that employed more than 1,000 workers and sales reached the amount of 35 million dollars.[81]

In this sector, there is room for investors to help Kosovo renew its production of finished textile products and sell them regionally. In the field of the textile industry especially attractive for investors are low labor costs and highly skilled workers and an adequate level of technological equipment in the existing plants and small workshops, and a variety of options for the engagement of subcontractors in the region and beyond.

5. Agriculture and Animal Husbandry

About 60% of Kosovo's population is rural, and agriculture accounts for 25% to 35% of the total employment, and agricultural arable land accounts for about 53% of the entire territory. However, agriculture accounts for only 12.9% of GDP. Agricultural production is largely of mixed type, utilizing very old, traditional methods and is very inefficient. Livestock has almost disappeared, farm machinery is damaged, and production equipment is unfit for purpose.

In northern Kosovo, there is great potential for the development of all types of agriculture. Problems include a low level of education of farmers, fragmented agricultural land, insufficient or very poorly maintained irrigation systems, limited capacity for processing and marketing of agricultural products, low level of use of natural resources and potentials, and a low level of development of rural infrastructure, as well as a large number of unregistered farms.

Animal husbandry, like agriculture, is faced with the difficulty of obtaining raw materials, insufficient application of animal husbandry technology, poorly developed infrastructure and outdated approach. In order to move from the individual to highly efficient production it is necessary to invest in specialized farms, mini-farms, which have self-sustaining resources; it is necessary to establish a network of control and veterinary care, as well as to search for solutions through associations of farmers.

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[81] The most famous textile plants were "Kosovka" (today "Kosovatex") from Priština, "Polet" from Vučitrn, "Emin Duraku" (today "Jatex") from Đakovica and others, manufacturing cotton, wool and synthetics products. In northern Kosovo, in Zubin Potok there is a shirt manufacturing plant "Javor", a sub-operation of the same plant from Ivanjica, employing 57 workers who make shirts and send them to Ivanjica, which are then exported to Holland.

6. Tourism

Kosovo has considerable potential for both winter and spa tourism, neither of which is sufficiently exploited.

Located in the Šar Mountain Range, Brezovica ski resort stands shoulder to shoulder with famous European ski centers and is the most attractive tourist center in Kosovo. All ski slopes have FIS certificates and are suitable for organizing ski competitions. It is located in the northwest side of Šar Mountain, in the municipality of Štrpce, 60 km from both Priština and Skopje, at altitudes between 900 and 2,500 meters. Despite the fact that it is the most important resource for the Kosovo tourism industry, in recent years during the winter season Brezovica had just over a few hundred guests, all due to unresolved ownership relations regarding hospitality facilities and the lack of maintenance of infrastructure.

The latest efforts of the Government of Kosovo in relation to the development of this tourist center include the adoption of the spatial plan by the Kosovo Assembly and, together with the municipality of Štrpce, the launch of the Brezovica development project, as well as an invitation to foreign investors with the promise of support from the Government of Kosovo. The Government of Kosovo estimates are that this development project will attract investments in the neighborhood of 250 million euros, and 4,000 new jobs.

Northern Kosovo should be more oriented toward the spa (thermal springs in Zvečan), mountain (Leposavić), cultural, educational and hunting tourism and tourism related to water sports (Zubin Potok). But for now, in northern Kosovo this industry is almost non-existent, and tourism infrastructure is extremely modest.

7. Foreign Trade and Exchange

Data for March 2013 indicated that only 11.4% of Kosovo's imports are covered by exports, and these exports mostly include metals and metal products, products from other minerals, food products, beverages, tobacco, textiles, rubber and herbal products. Exports are mainly directed toward Italy, Albania, Macedonia and Germany, and most imports come from Macedonia, Germany, Serbia and Turkey. The negative trade balance, in addition to the previously mentioned gray economy and black market, is an aggravating factor for the development of Kosovo's economy. In addition, the low competitiveness of Kosovo's manufacturing and export oriented mainly on raw materials have a negative impact on the economy's prospects. Kosovo is a member of CEFTA, and since 2009 it has become a member of the World Bank and the International Monetary Fund. The trade regime in Kosovo is neutral and simple, but without an increase in productivity and competitiveness, trade liberalization alone is not sufficient to reduce the trade deficit.

In order to improve the trade balance of Kosovo, the Government of Finland, through the UNDP program, helped the development of trade in the amount of about a million and a half euros, and on that occasion defined the possible directions of development of Kosovo's trade, that would be beneficial for the population living in poverty. In this respect, a Guarantee Fund for Micro-Loans was established, training pro-

grams and networking for business development of small entrepreneurs for business development were implemented, and a portion of these funds were allocated to the Ministry of Trade to promote exports.

8. Labor Market

The most important comparative advantage of the Kosovo's labor market, when it comes to labor-intensive activities, is that it represents the lowest labor costs in the region (as in Albania). However, this advantage is applicable only to low-skilled labor, while highly-skilled labor is more expensive. The conclusion is that in terms of attracting short-term and medium-term foreign investments, the focus should be on attracting production that requires a low-skilled workforce, while in the longer term the aim should be the engagement of highly skilled workers.

Today, unemployment in Kosovo is about 45%, and in northern part, according to some statistics, up to 70%. Despite the fact that some of the formally unemployed still work in the grey sector, this rate is alarming and unemployment particularly affects women and young people. The pressure on the labor market will be further increased by the fact that the population of Kosovo is the youngest in Europe, and since the market will not be unable to absorb that many employees, a large number of young people is sentenced to life in poverty.

The main cause of unemployment is low demand for labor. In fact, the private sector in Kosovo is weak, the majority of employees work in micro-enterprises in the sectors that do not have a high rate of added value or preform jobs that require low skills. Most enterprises are in stagnation, and the prospects for an increase in the demand for labor are not high.

9. Privatization

On the basis of UNSC Resolution 1244, administration in the territory of Kosovo was entrusted to the UN Interim Administration Mission on 10 June 1999, which is acting under the authority of the Resolution and in accordance with the Regulation on the Authority of the Interim Administration in Kosovo and the Regulation on the Law applicable in Kosovo issued by the UN General Assembly in 1999. The Regulation on the Law applicable in Kosovo, established that the applicable law was the Regulation of the Special Representative of UN Secretary General and the laws that were in force in Kosovo until 22 March 1989,[82] as well as laws that came into force after that date, pro-

[82] This provision relates to the privatization of socially owned enterprises in Kosovo that took place after the adoption of the amendments to the Constitution of Serbia in March 1989 provided those procedures were discriminatory, and the same rule applies to the socially owned enterprises that were registered again and integrated.

It is a fact that after the Assembly of the AP of Kosovo on 23 March 1989 (after the vote whose procedural validity is a subject of controversy) approved the amendments to the Constitution of FRY (which were adopted in the Serbian parliament five days later, limiting the autonomy of the autonomous regions), laws with discriminatory provisions were passed. For example, it was the *Law on Special Conditions applicable to Real Estate Transactions* (*Official Gazette FRY* 30/89 and *Official Gazette FRY* 22/91), which authorized Administration for Property and Legal Affairs to approve the transfer of ownership in the territory of the Republic of Serbia, excluding Vojvodina. Approval of a transaction was granted in cases where it is judged that "the state transaction will not cause modifications in the national structure of the population or lead to emigration of members of a particular nation or

vided they are not discriminatory on any grounds, and if they are in accordance with internationally established standards for human rights.

By means of the Regulation of June 2002, the Special Representative of the UN General Assembly established the Kosovo Trust Agency (KTA), an independent body, whose authority is to administer public and socially owned enterprises, as well as companies established by such enterprises.

The KPA's jurisdiction included registered companies whose effective control is in the territory of Kosovo, as well as assets that such enterprises have in the territory of Kosovo (if it is located in Kosovo and if it is managed independently of the assets located outside of Kosovo as of 10 June 1999). In addition to the above, under the jurisdiction of KPA were also industrial and trading companies which were, based on the decision of the Special Representative of the UN Secretary General, entrusted to the interim administration of UNMIK (which does not affect their future status and does not restrict natural and legal persons to prove their right to property), public utilities in municipalities, as well as land and real property owned by municipalities, postal and telecommunication enterprises, air, road, and rail transportation enterprises, and businesses in the field of agriculture and veterinary medicine, forestry and rural development.

Regarding the former social enterprises, which under the Law on Ownership Transformation of the Republic of Serbia have been transformed into another form of ownership, this transformation is considered to be legally valid only if it was made before 22 March 1989 or after that date only if carried out in accordance with the applicable law and non-discriminatory manner.[83]

The process of privatization was carried out by the KPA, authorized to establish shareholding subsidiary companies and transfering assets to them, and liquidating social enterprises – the so called *spin-off* privatization model. In this way, the KPA has formed the so-called *new companies*, new joint-stock companies to which it transferred only "healthy" capital of the company, while liabilities remained in the old company, which is liquidated. Revenues from privatization are directed to the Privatization Fund, established with the primary goal to settle all potential property claims as well as claims of creditors, including former employees, who are entitled to a fifth of total revenue. The Privatization Fund is managed by KPA (now KAP); it is not a budget beneficiary and it is not aimed at development.

The privatization process in Kosovo is legally grounded on the following acts: the *Regulation* on the establishment of the Kosovo Trust Agency and its powers; the *Regulation* on the establishment of the Appelate Panel of the Special Chamber of the Supre-

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nationality". There was also a law which similar restricted trade in agricultural land. The *Law on Transactions of Real Estate in the Autonomous Province of Kosovo* (*Official Gazette of the Autonomous Province of Kosovo*, no. 45/81, 29/86, 28/88) was also discriminatory. Under the provision of its Article 32a it prohibited the transfer of real estate '' that is carried out for the purpose of emigration of nations and nationalities from the territory of Kosovo".

[83] In the period 1989-99, the Republic of Serbia introduced "interim measures", by which it changed the directors and workers' councils, as well as the composition of employees in public companies, thus enabling the transformation of socially owned companies in Kosovo i.e. privatization to the persons (most often Serbs) who were in the position to carry it out, thanks to their position within such companies, to which they came by means of the "interim measures" which were discriminatory in nature.

me Court of Kosovo on disputes arising in connection with the privatization process and the administrative rules governing its operation; the *Regulation* on the change of the right to use immovable socially-owned property; as well as internal documents of the KPA which further define the above acts. The *Regulation* on the change of the right to use immovable socially-owned property amends the right to use immovable property registered in the name of socially owned enterprises, that has been transferred to branches of socially-owned enterprises, into the right to 99 year-lease (including the right to possession, use, sublease, even to introduce a mortgage, but not to transfer, except in case of inheritance for individuals, and some types of succession for legal persons, similar to *leasehold* in the tradition of the Anglo-American legal system). The introduction of 99 year-lease has to some extent cleared certain objections by Belgrade and representatives of the Kosovo Serbs that UNMIK exceeded its managing powers by freely disposing of property.

After adoption of the Constitution of the Republic of Kosovo, the Privatisation Agency of Kosovo (hereafter the "PAK") was established as the successor of the Kosovo Trust Agency (which is not recognized by the government of the Republic of Serbia). Out of eight PAK offices, three are located in the area inhabited predominantly by Serbs (Štrpce, Leposavić and Gračanica). The Serb community is represented in the PAK Board of Directors. 2011 was a significant year for the privatization related legal framework in Kosovo, during which three laws were passed: *the Law on the PAK; the Law Governing the Operation of the Special Chamber of the Supreme Court; and the Law on Reorganization of Certain Enterprises and their Assets, kown as the Trepča Law, which provides for the establishment of public - private partnerships and concessions.*

In the course of the privatization process almost 70% of socially-owned enterprises have been privatized. While the privatization of state-owned enterprises started in 2010, and is being carried out extremely slowly, especially in the northern part. Privatization revenues of about 650 million euros have been "frozen" in the Privatization Fund due to unresolved ownership structures.[84]

In terms of **contribution to the economic development** of Kosovo, the privatization process has been criticized due to selection of the *spin-off* privatization model, sales effectuated at much lower prices, and because the international community has applied the "universal" standards, without any adaptation to local needs and circumstances.

Serbia, on its part, is contesting the privatization process in Kosovo emphasizing that its claim to ownership of the socially-owned and state-owned enterprises is not being respected. Also, Belgrade is expressing a concern for the rights of the Serb community in Kosovo. However, the aspirations of Serbia to the right of ownership of the socially-owned and state-owned enterprises in Kosovo are brought into question by Priština and international representatives due to the lack of a clear definition of the titular holder of the socially-owned property. Also, the actors in the privatization process in Kosovo have worked very hard to ensure legal completeness of privatization, and the respect of property rights.

[84] Some estimates state that there are between 50 and 60 thousand claims for damaged or illegally obtained property in Kosovo.

10. Regional Cooperation

The conference on the Western Balkans and priorities for future development in the light of EU accession, which was held in Berlin on 28 August 2014, activated many important issues primarily focused on investments, infrastructure, competitiveness, transparency and predictability of the business environment (See: *Annex 25*). This was the beginning of the so- called "*Berlin Process*" which led to active participation of the governments and business associations (chambers of commerce).

Within this process, many very important projects related to road and railway networks have been agreed; in particular the investment projects in energy security and ensuring greater level of skills, professionalism and transparency in the fight against corruption.

Organization and acceleration of the so-called "Berlin Process" was enabled through the discussions on the implementation of the *Action Plan for Western Balkans 6* (WB6 Action Plan) that was reached at the Western Balkans Summit Vienna on 27 August 2015.[85] Most important results of this forum were: the establishment of a Chambers of Commerce Investment Forum for Western Balkans (CCIF WB); support to the inclusion of the presidents of chambers of commerce in the work of the National Investment Commissions (NIC); the establishment of a joint forum of chambers of commerce of the Western Balkans for the programming of regional projects in the areas of infrastructure, energy and power efficiency; secondary vocational education and lifelong learning; investments in green technologies, anti-corruption, availability of sources of funding; the Regional Vocational School - RVS) based in Kosovo; the forum for innovation and excellence and others.

For the immediate improvement of the economy, great importance is placed on the initiatives for the formation of a consortium of regional construction companies for a joint appearance on third markets; the development of regional long-term strategy for the Western Balkans for agricultural research and innovation and the development of agricultural information center. Also, projects for the improvement of electricity and gas infrastructure and a set of projects for the construction of road and railway infrastructure along Corridors VIII and X. It is estimated thatmthe projects with a total value of 550 million euros were agreed in Vienna.

To improve the economy and create conditions for regional cooperation between Serbia and Kosovo the following projects are particularly important: the construction of the highway between Niš - Priština - Tirana, and between the Black Sea - the Adriatic Sea; modernization of the railway line Niš - Doljevac - Merdare - Priština; electrification of railway routes X (Lapovo - Kraljevo - Kosovo Polje - Uroševac - Skopje; and the re-establishment of the air traffic.

[85] The Western Balkans Summit in Vienna was attended by Johannes Hahn, the EU Commissioner for European Neighborhood Policy and Enlargement Negotiations; Prime Ministers of the Western Balkan countries and EU member states as well as ministers of economic affairs; representatives of international investment institutions (European Investment Bank, European Bank for Reconstruction and Development and the World Bank); Representatives of investors from the EU and representatives of chambers of commerce of the Western Balkans and the EU.

The importance of implementation of projects within the Balkan Six, apart from the immediate benefits in linking countries in the region, has long-term effects of raising the importance of the Western Balkan markets and investments in the region for the European and other investors. From a political and institutional standpoint, this program requires frequent meetings and joint work of politicians and governments which, among other things, can lead to the harmonization of legislation, as well as institutional and procedural solutions.

Regular cooperation between companies, business people and their associations is of major importance.

V. RECOMMENDATIONS FOR IMPROVEMENT OF NORMALIZATION OF RELATIONS BETWEEN SERBIA AND KOSOVO

The EU facilitated dialogue between Serbia and Kosovo (the Brussels dialogue) moves along the path determined in the UN General Assembly Resolution of October 2013. This path can be described as a "normalization with the aim of establishing peace, security and stability in the Western Balkans, and promoting cooperation and European integration; all aimed at improving the conditions in which all people live. In reality, it is a long journey made of many steps that need to be taken by both sides".

The general trend of talks in Brussels dialogue is good, but it does not guarantee success of the final outcome. The complexity of the normalization process obliges the parties to identify and manage risks that could jeopardize the success of the normalization process. Neither side should lose sight of the fact that integration in ethnically divided societies brings up deep, emotional questions, in this case among Serbs and Albanians. In such circumstances even the slightest misunderstanding can easily provoke violence (*Rashiti, 2015: iii*). In order to achieve success of final outcome, there are many issues to be taken into account, among them the following:

– Difficult economic and social situation in Kosovo, which affects both Albanians[86] and Serbs,[87] as well as all other Kosovo citizens;

[86] Results of the survey within the project "*Kosovo Early Warning System*", show that more than 40% of Kosovo Albanian population wants to leave Kosovo, regardless of their status. The reason for this is linked to the fact that for most of them, standard of living is far below that of ten years ago. (*Hajdari, 2015*).

[87] Most Serbs from northern Kosovo are dissatisfied with the current situation and have a pessimistic view of the future. Citizens are more often worried about economic than political issues. A very small number of citizens feel that they are responsible for the current condition, explaining that they do not participate in political life. Serbs from northern Kosovo are very ill-acquainted with provisions of the *Brussels Agreement* (77% are either not at all or very little familiar with the Agreement), passing the blame for that over to authorities in Belgrade. Nevertheless, the majority feels that the Agreement had no significant impact on their lives or that it even had a negative impact, mostly in terms of safety. Most benefits are expected in the sphere of economy and employment. The creation of the Community of Serb Municipalities (CSM), is expected to solve most difficult problems, especialy in terms of economy. There is also concern that the formation of CSM will increase the influence of Kosovo (*What do Serbs from Northern Kosovo Think, 2014:5,25*).

– Instability of political life and governments, which could be increased by the progress of negotiations;
– Aggravated political struggle, with the rise of radicalism and extremism, both in Serbia, Kosovo and in the EU;
– Resistance to the change of the *status quo,* coming from political and interest groups that have benefited from the current situation;
– Risks from strengthening and interconnecting or fueling organized crime, extremism, and even terrorism;
– Lack of trust by Serbs, especially those from northern Kosovo, in Kosovo institutions and the international community, which is the result of past bad experiences (especially legal and financial, such as termination of UNMIK's administration in Mitrovica, when people were just sent home without explanation and were never paid 6 monthly wages – 2006);
– In the opinion of the Kosovo government "unlawful interference by Serbian authorities in Kosovo", which is manifested through appointment of interim councils of Serbian authorities in Kosovo municipalities[88]

The beginning of 2015 was a turbulent period in Kosovo with the return of the Kosovo issue at the top of the political agenda in Serbia.[89] In addition, the situation in Kosovo is unstable and complex, that is, political and social conflicts have worsened, and in Serbia the Kosovo issue has been increasingly politicized. This has created tensions between Serbia and Kosovo, which does not provide a favorable background neither for dialogue nor implementation of the agreed.

[88] At the end of 2014, the Serbian government decided on the continuation of operations of the interim committees in municipalities with the Serb majority in Kosovo. In some of those municipalities, such as Leposavić, Štrpce, Zvecan and Zubin Potok, these committes are headed by the presidents of municipalities who won the elections organized by the authorities in Pristina (*Tahiri wrote to the EU because of Serbia 2015;Tahiri, 2015a; Pismo, 2015; Realizacija, 2015).*

[89] In the TV show "Teška reč" on Pink television, Serbian president Nikolić reminded us that Vučić is expecting a difficult meeting with the new Kosovo authorities during his visit to Brussels in early February, adding that the Prime Minister will have to have the opinion of the Assembly on which points he may and may not represent. Nikolić also added that the Brussel's request for the abolishment of all parallel institutions in northern Kosovo should not be accepted. According to him, the solution for Kosovo is a referendum by which the people would say what is the line which cannot be crossed in the Brussels negotiations. He said that if the people would say yes to Kosovo independence he would resign. He also added that he is preparing a new *Political Platform* that he will submit to the Government, which would serve to draft the resolution of the Assembly. (*Jelovac 2014*). Since then until today (April 2015) Nikolić has been announcing his *Platfrom* but hasn't presented it to the public yet. He sensationalized the issue of borders and status of Kosovo and managed to impose it as one of the most important issues in 2015. This creates an impression that the government and the president are disagreeing on this issue (in newspaper interviews) idea from from his Platform (*Jelovac, 2014; Nikolić sensationalized the recognition of Kosovo and Metohija, 2014),* which was previously discussed in this analysis. Nikolić, actually, did not offer any essentially new solution for Kosovo, neither then nor later, but he did bring a few new political and procedural novelties: first, the Prime minister should address the Assembly before traveling to Brussels (this happened once before when Nikolić, Dačić and Vučić took over the negotiations from Boris Tadić and Borislav Stefanović); second, oppositions to the implementation of has been agreed in Brussels – the abolition of parallel institutions; third – proposing the idea of holding a referendum when Belgrade is requested something that is beyond the scope of Nikolić's Platform. Incidentally, that was the move resorted to by Slobodan Milošević in 1999 when he tried to shift his political responsibility for failures in Kosovo and Rambouillet onto the "people".

Even though he did not offer anything substantially new, Nikolić managed to impose the Kosovo issue as the most important one in 2015. Considering all the other problems in Serbia, this will be a heavy burden for the Government and the prime minister Vučić *(Jelovac, 2014).* At the same time, this corresponded with the strengthening of anti-EU and pro-Russian right wing in Serbia.

In the first half of 2015, it became evident that there was a strong frustration on all sides, but there were three particularly important events: the opening of a dispute over the ownership of "Trepča" Mines; freezing the postion of Serb representatives in the Kosovo government and the so-called exodus of Albanians from Kosovo.

The first reason for the political confrontation between Kosovo and Serbia concerns the Mining - Chemical – Metal complex "Trepča" (hereinafter referred to as the Trepča).[90] At the end of the nineties, through a network of sub-contractors Trepča employed more than 22 thousand employees, today it employs around 1,500 Albanian and 1,200 workers of Serb nationality, these workforces are divided in two segments of the company: one being located in the southern and other in the northern part of Mitrovica. In 1999, "Trepča" was divided along ethnic, not technology lines, by which about 70% of the capacity was in the southern part - four mines, including the largest one *Stari Trg*. Due to the non-functioning of the lead and zinc smelting plants in Zvečan in the northern part, production stops at the concentrate phase.

The Government of Kosovo has not privatized "Trepča" which is being managed by the Kosovo Privatization Agency (KPA) and the Special Chamber of the Supreme Court. The unresolved situation is not conducive to the revival of the company.

Given the number of people it employs, and given that salaries range from approx. 350 euros to 900 euros for highly skilled workers, "Trepča" is important for the population of northern Kosovo. For the same reason the Government of Serbia demands that the issue of "Trepča" be put on the agenda of the Brussels negotiations as soon as possible.

After years of hesitation, the Serbian government has decided to take a more serious step. The response by the Kosovo government came on 17 Jaunary 2015 with a decision to draft a law on the takeover of "Trepča". The Serbian government's Office for Kosovo and Metohija answered that it will not accept a "unilateral takeover" because the majority owner of "Trepča" is the Development Fund of the Republic of Serbia.[91]

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[90] "Trepča" industrial complex played a leading role in the economy of Kosovo at the time when Kosovo and Serbia were part of the former Yugoslavia. For example, in 1986 "Trepča" employed 10,000 workers and 9,000 industrial workers were employed in social enterprises associated with "Trepča". Therefore, "Trepča" played an important social role in interethnic relations. In "Trepča" 64% of its employees were Albanians and 29% Serbs. The number of Albanians was reduced significantly at the end of the eighties, when Milošević's administration took over. However, observed economically, during its entire existence "Trepča" was unsustainable: it absorbed large investments but huge amounts of money were spent uncontrollably, which produced losses. In the period 1985 – 1990, 82% of all investments disbursed from the Fund for the Accelerated Development of the Underdeveloped for Kosovo went to "Trepča", which employed only 9% of all employees in public companies in Kosovo.

Milošević's rise to power was accompanied by the reduction of Kosovo's autonomy, to which the "Trepča" miners responded by going on strike. After that many of them were dismissed or arrested and until 1995 the total number of Albanians employed in "Trepča" was reduced to 1,200.

In 2003, the international administration closed the "Trepča" complex citing economic and ecological reasons. However, the Republic of Serbia had continued to finance the part of "Trepča" located on the territory of municipalities in northern Kosovo inhabited mostly by Serbs. "Trepča" became a source of income for 15,000–20,000 Serbs living in these municipalities, of which about 3,000–4,000 as full-time employees. Through "Trepča", the Republic of Serbia has financed various "parallel structures" (health, education and administration). It is estimated that this funding has reached over 24 million euros. However, despite these vast amounts of money, the total loss of "Trepča" is estimated at over 400 million euros, and Mitrovica has become a dying city *(Järvenpää Minna, 2014: 2, 3)*.

[91] According to the opinion of Belgrade officials, the Development Fund of the Republic of Serbia is a majority owner in "Trepča" mines with 56 percent stake. A special problem for Serbia is the fact that Trepča employs 4000 Serbs. This means that 20,000 members of their families, dependent on Trepča. In addition, "Trepča" has around USD 400 million of debt.

Serbian Minister of Economy Željko Sertić confirmed that four letters of interest were received, from Hungary, Canada, Switzerland and the United States, and said that the government of Serbia, if Kosovo Government does not revoke its decision, will continue the privatization process of "Trepča" (*Source: Audio. "Press conference of the Office for Kosovo and Metohija on the issue of Trepča, at* www.tanjug.rs).

The dispute over the "Trepča" complex has engaged politicians, employees and other citizens from northern Kosovo by participating in the protest rallies.

Another reason was the inappropriate public appearance by the Minister for Communities and Returns Aleksandar Jablanović in Đakovica, and his subsequent dismissal by the Kosovo Government.[92] These events led to the protests organized by opposition groups to the ruling government, first and foremost Kosovo's Self-Determination Movement (*Vetëvendosje*), on January 10, 17, 23 and 27, 2015, against Jablanović and the Government of Kosovo. In these protests, the opposition condemned the government for failing to take over, or "nationalize" "Trepča", claiming that all this was because the government was giving in to all demands of Serbs and Serbia.

Protests organized from 23 January 2015, led to clashes between the police and protesters. The media and the government have condemned the "vandalism" of protesters, which further motivated the opposition parties to organize an even larger protest on 27 January 2015. The response of the police was fierce and 107 people were injured and more than 200 protesters were arrested.

On February 3, 2015, under public pressure, Prime Minister Isa Mustafa announced that he had removed Jablanović from office and that the draft Law on Trepča will be sent to the Assembly of Kosovo (*Deda, 2015*). In response, *Serb List* and Belgrade agreed to suspend the work of representatives of Serbs in the Kosovo government.[93] On 5 February 2015 at the meeting between the Serbian Prime Minister and Serbian members of the Kosovo Government a temporary boycott of Kosovo institutions by Serbian representatives was agreed, which lasted from February until 30 April 2015, when six members of the Serb caucus returned to the Assembly of Kosovo. However, three representatives of the Serb List from northern Kosovo did not follow the agreement on the return to Kosovo institutions. In any case, during the first half of 2015 only two Serbs - Members of Assembly (Nenad Rašić and Slobodan Petrović) fully participated in the work of the Assembly of Kosovo (*Lost in Stagnation, 2015: 16).*

In a tense atmosphere that preceded the trilateral meeting of the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini with dele-

[92] During the celebration of Orthodox Christmas, Aleksndar Jablanović went to Đakovica accompanied by Đokica Stanojević, who was the mayor of this town during the rule of Slobodan Milošević, and who is believed to be directly linked in crimes against the Albanians. During 1998 – 1999, Đakovica was the scene of a fierce conflict between Serbian forces and the UCK and hundreds of civilians were massacred.

Citizens who protested against Serbian pilgrims visiting Đakovica, threw rocks on the buses transporting Serbs. Jablanović who was the minister in Kosovo government called the protesters "savages".

[93] The Government of Serbia challenged the decision of the Government of Kosovo to dismis Aleksandar Jablanović, in the statement of Marko Đurić, Director of the Government Office for Kosovo and Metohija, on 3 February 2015, who said that Jablanović was not to blame for the points he was being accused of by Albanian public. Đurić also said that "Serbia does not allow" anyone to humiliate Serb representatives in Kosovo institutions and that concrete measures would be taken.

gations from Serbia and Kosovo in Brussels on 8 and 9 March 2015, the agreement on the judiciary was initialed. It was the first meeting in nearly ten months, and delegations were led by Serbia's newly elected Prime Minister Aleksandar Vučić and Isa Mustafa. It was also the first meeting with the new commissioner Frederica Mogherini. After a series of meetings at the highest level (April, June and July 2015) several other agreements were prepared (opening of new crossing points, abolition of insurance payments on crossings, energy, telecommunications, and the Community of Serbian Municipalities (CSM), which could be signed during the summer – autumn of 2015, most likely, before the harmonization and signing of the *Second Agreement of Principles*. This would provide grounds for the most effective response to the existing risks: for Kosovo, this response entails visa liberalization and the opening perspectives to the *Stabilization and Association Agreement*; for Belgrade, entails the opening of the first negotiating chapter, which is *Chapter 35*; For both sides, these agreements mark the establishment of an appropriate "security package", which includes the intensification of cooperation between Serbia and NATO, on the one hand, and the strengthening of cooperation between security institutions of Serbia and Kosovo, on the other. With regard to the fact that the socio - political framework in which the dialogue and the normalization process will be carried out during 2015 is extremely unfavorable, it is important to move the dialogue to the framework of the "association sector" as soon as possible, that is, make it part of negotiations on individual chapters.

Previous reviews of political (in) opportunities confirms that in a situation of growing political instability, the leadership on both sides must make additional effort to maintain the dialogue, much like pedaling a bicycle. When the pedaling stops, one falls off the bicycle. It is a lesson that should be kept in mind. Therefore, there is an obligation to increase capacities and invest additional energy in order to maintain the course towards "European future". These (in) opportunities have confirmed that a "European future" in itself is not a sufficient motivation. Therefore, a revolution in current policies is required, which entails adopting the attitude that problems in relations between Serbia and Kosovo are primarily resolved because of Serbia and Kosovo themselves, not because the EU or the United States demand it or because they are going to "reward" it (which has been the predominant manner of behavior demonstrated by the leaderships of Serbia and Kosovo to date).

To this end, it should be mentioned that past experience has shown that the higher the level of dialogue, the lower is the level of **transparency** (*Deda, 2013: 17-18*). Therefore, the governments and other authorities responsible for the implementation of the *Brussels Agreement* should enable regular provision of information to the public and submission of reports to local governments and assemblies (*Realizacija, 2015).* The behavior of Serbia, Kosovo and Brussels, is often not in accordance with this definition of the normalization process. Namely, instead of opting for a proactive policy of acquiring allies in political and social groups between Albanians and Serbs in Kosovo, and Serbia, they opted for a policy of "bureaucratic secrecy". The public is extremely scarcely and superficially informed about the dialogue and the process of implementation of what has been agreed. The public is forced to accept the methodology of "installing

of the democracy" or the creation of the so-called new reality.[94] An uninformed public is an inactive public, and observed from this point of view, the work of bureaucrats is easier, but such public is susceptible to manipulation. This in turn hinders the application of the agreed solutions, and causes unnecessary and often dangerous security and political problems and resistance. So far, the price of this approach has been procrastination, nurturing doubt in the dialog and the normalization process and opening confrontation with the "European future".

Information and public debate are at the heart of communication in a divided society such as Kosovo. Therefore support should be given to the **free exchange of information** (news, analysis, photos, videos, etc.) regarding Serbian - Albanian relations and the dialogue and the process of normalization.

In order to prevent temporary obstruction or permanent abandonment of the Brussels dialogue, Kosovo, Serbia and the international community should change the manner of informing public on the course of the dialogue, the achieved agreements as well as the results of changes in these agreements. An **Information campaign** should be designed, coordinated and intensive. The aim of such a campaign should be to activate the public in Serbia and Kosovo, to put forward ideas, suggestions and views on the ways and means of normalization of relations between Serbia and Kosovo as well as the promotion of dialogue. A special place in this campaign should be given to the non-governmental sector, the media and the public.

It is especially important that negotiators and the facilitators fulfill their obligation of **providing timely and objective information** to the public on the progress of the dialogue and the normalization process. It is particularly important that the leading negotiators avoid unnecessary radicalization and daily politicization of attitudes, problems and solutions generated through the dialogue. This obligation, so far, was not fully respected, and the parties have, almost as a rule, interpreted the results of the dialogue only in accordance with their own visions and interests (*Janjić, 2012:19*).

Until now, the **notion of "normalization"** was interpreted and used as a "bureaucratic technical term" that is interpreted according to the starting point of interest of those who are interpreting. This does not lead to the essence of this idea and that is the "normalization" of relations between Serbia and Kosovo, as well as the "normalization" of societies of Serbia and Kosovo. Also, the connection of these relations with the "European future" was always missing. The interpretation was too general, which made the normalization process "a sea without shores."

It is necessary to narrow this interpretation and thus facilitate the dialogue and the normalization process. To this end it is important that Serbia and Kosovo, with the support of the EU and the US, identify the criteria of visible and sustainable progress in their relationship. It is about a kind of a "table" where all the "benchmarks" of all interrelated sections and *Chapter 35* intersect.

[94] An example for this is that some key documents, such as British – German "non-paper", "Negotiating Framework" and the so called "German conditions" or "The list of 11 points Serbia is required to meet prior to opening Chapter 35", have been marked as "official secret".

The parties should view the implementation of the agreement **as an integral part of the dialogue, and not as collateral damage**. It is necessary to enable *ad hoc* coordination and sorting out of problems that arise during implementation. Among other things, parties should assume a proactive role, particularly by reactivating the European Commission which, under the leadership of Federica Morgenrini relies too much on the appeal of the "European future" for Serbia and Kosovo. Also, it is necessary to raise the capacity of negotiating teams and intensify the activities of liaison officers and their offices. We recommend considering the possibility of establishing a joint body comprised of representatives from Serbia and Kosovo, under the auspices of the European Commission, whose task would be to oversee and coordinate the implementation of the agreement.

It is recommended to **intensify the contacts between decision-makers and creators of public opinion in Kosovo and representatives of local communities in northern Kosovo**. This should be carried out with the involvement of organizations and initiatives of civil society, media, and expert public representatives. If necessary, it is desirable to also involve representatives of government and civil society in Serbia.

Given the current circumstances in Serbia and Kosovo, the **necessary constitutional changes** should not be expected, but more issues should be resolved on the so-called technical level along with amendments to the law and relevant regulations. At the same time, the existing legal and institutional framework in Serbia and Kosovo, which are important to the implementation of the agreement, should be examined comprehensively and carefully. Opening of a public debate on the need to change the legal and institutional framework should also be encouraged, and the public in both Serbia and Kosovo should be prepared to establish a political consensus for changing the constitution and the law.

Particular attention should be paid to **building** a kind of a "**security package**". This package should contain complex measures regarding the safety of people and security in general. Among other things, it should include the monitoring of legal, political and security activities of each of the parties, the development of cooperation between the institutions of Serbia and Kosovo, as well as their cooperation with EULEX and KFOR. It is particularly important to enhance the trust and cooperation between Serbs from Kosovo, EULEX and KFOR.

The promotion of cooperation with NATO is of particular importance. It is therefore recommended to open a public debate, primarily in Serbia, about the **benefits that NATO membership provides** with regard to the risks posed by relations between Serbia and Kosovo, as well as the deterioration of security conditions in the region, but also in Europe and its neighborhood.

The implementation of the *Brussels Agreement* and the **advancement of the process of integration of Serbs into the legal and institutional framework of Kosovo** reinforces the need for Serbs in Kosovo to work together, to put aside differences and seek to combine their political power with the support of the entire Serbian community (*Gallucci, 2015).* This should be demonstrated through effective management of municipalities, community of municipalities, as well as other institutions that are significant for the maintenance and development of the Serbian national community. This requi-

res putting aside all general political issues as much as possible, such as the issue of status and accept the reality in which the first issue is the survival in Kosovo and preservation of the Serbian identity.

CSM is a significant achievement that came out of the dialogue and an important instrument of integration of Serbs in Kosovo. Therefore it is necessary to apply consistent and complete change of the agreed solutions. The obligation and the right of Kosovo, Serbia and the EU is to actively support the establishment and effective functioning of CSM. To this end it is necessary direct the attention to capacity building and training of the people who will work in the bodies of CSM. This imposes the need to strengthen the capacity of local communities for their cooperation within CSM.

Since CSM does not provide sufficiently **effective instruments of guaranteeing minority rights** of Serbs it is necessary to seek appropriate solutions for this problem.

Certain solutions from the *Ahtisaari's package* could be of help in this endeavor. These concern the strengthening of representation of Serbs in public and political life, the preservation and development of its cultural and ethnic identity, as well as the status and protection of the Serbian Orthodox Church. It is recommended to make these issues part of the Brussels dialogue, which would confirm existing, sound solutions and allow for the development of strategies of the minority policy of Kosovo and the establishment of legal guarantees for the Serbian community to exercise its right to self-organization and self-governance.

It is necessary to commence **the integration of the "divided city" of Mitrovica,** because its present status only feeds the inter-ethnic tensions and causes serious economic and security problems. The future of Mitorvica is critical for the integration of Serbs from northern Kosovo as well as for achieving security and accelerated development of both Serbs and Albanians, but also all other local communities in the north. An integration strategy for Mitrovica must be developed, which includes active participation of the EU. In the first phase, the focus should be on joint projects, coordination and oversight bodies. In the second phase, Mitrovica should be organized as a city community of municipalities (southern and northern Mitrovica and Zvečan), which would have common institutions (assembly of the city community, a president and a deputy president, as well as city council). It is recommended to support the activities of citizens, political parties, non-governmental organizations, expert and other associations with the aim of raising awareness on the need and benefits of cooperation in the fields of education, healthcare, security, improvement of the environment, water and energy management, and development of infrastructure and public transport. It is of special importance to resolve the issue of "Trepča", the source of development in this city and in the northern region.

Starting from the present constitutional solution, it is possible to improve the **position of the Serbian and other communities** in Kosovo. It is particularly necessary to organize self-government of ethnic communities the way it was done in Serbia. Therefore, it is recommended to **harmonize the legislation in Serbia and Kosovo related to the rights and freedoms of minority communities and their members**, including the right on minority self-government.

It is recommended to harmonize the legislations of regional countries concerning minorities (Albania, Montenegro, Kosovo, Macedonia and Serbia). Engaging with the

Office of the High Commissioner for National Minorities of the OSCE, and the Council of Europe in this endeavor would be beneficial.

Mining, energy and agricultural potentials of Kosovo should be activated in order to strengthen and accelerate economic development. Kosovo can and must become an exporter of finished products, and not just raw materials. **Economic and technical assistance** is necessary for the development and implementation of feasible and sustainable projects of a self-sustaining economic nature. The dependence of Kosovo on external funding should not be supported or strengthened because it would lead to degeneration in a closed circle of dependence on external aid. It is necessary to ensure a better **investment climate and transparent privatization**, to vigorously tackle corruption at all levels, to strengthen the rule of law and to ensure expertize and effectiveness of public administration.

Kosovo, Serbia and the EU are recommended to develop a **comprehensive strategy for the sustainable economic development of northern Kosovo and cooperation between municipalities within Kosovo and across the border.** It is necessary to begin the allocation of funds for projects from the *Interim Fund for Economic and Infrastructural Development of Northern Kosovo*, as soon as possible. Representatives of municipalities from northern Kosovo should be supported and encouraged to form a joint working group for the preparation of the study on priority issues and necessary solutions in the field of environmental protection, waste management and water supply, as well as the activity plan to address the accumulated problems, in cooperation with Kosovo relevant ministries, civil society organizations dealing with environmental protection and with international donors. These working groups should, where appropriate, include representatives of southern Mitrovica, Vučitrn and Srbica.

It is recommended to resolve the issue of **integration of the payment systems in Kosovo as well as payment transactions between Serbia and Kosovo** as soon as possible through the Brussels dialogue.

It is time to open and discuss the issue of mutual claims between Serbia and Kosovo. Since 2001, Serbia has been making regular loan payments for Kosovo companies inherited from the SFRY. In fact, Serbia has taken over 858 million euros of Kosovo's debt to foreign creditors of Kosovo as public debt. It is a debt to the World Bank, Paris and London Club of creditors, the Bank Council of Europe Development CEB), the European Investment Bank (EIB), the European Company for the Financing of Railroad Rolling Stock (Eurofima), the Government of Kuwait, unresolved debt to Libya and clearing debt towards Czechoslovakia.

Since 2002 until 31 December 2014, Serbia has repaid part of Kosovo's debt of 547.95 million euros, as follows: in respect of principal 154.76 and interest 393.19 million. Given that for the period 2015 - 2041 years, a loan will become due that only on the basis of the principal amounts to 351.26 million euros (*Srbija i dalje otplaćuje kosovke dugove, "Politika", Beograd, 20 januar 2015*), it would be good for the budgets and economies of Serbia and Kosovo to resolve this issue as soon as possible. This also applies to mutual claims on other grounds: privatization, energy, telecommunications, property, life, pension, social and health insurance, etc.

Having "clean accounts" can only strengthen the trust, facilitate agreements and promote economic cooperation as well as trust between people. This is why it is impor-

tant to find a model, outside the succession model, which would allow for these issues to be resolved.

Regional cooperation should be strengthened so as to raise awareness of the need for cooperation in order **to implement concrete projects** of cross-border cooperation at the local level, which would allow northern Kosovo to **become a generator of regional cooperation**. These projects should encourage joint meetings and dialogue, and exchange of cultural and other goods. Also, special attention, financial, media and other, should be given to cooperation in tourism, agro-tourism, cooperation between small and medium enterprises, and support to the promotion of women in business and young entrepreneurs, as well as to meeting specific social needs, such as supporting people with disabilities, the elderly and disadvantaged individuals in engagement through social enterprises and in other ways. For the purpose of achieving these objectives it should be considered to take advantage of the opportunities provided by the concept of a "mini-European region", as an instrument of Europeanization of municipalities in northern Kosovo, and the two neighboring municipalities in the so-called triangle of Mitrovica (Kosovo) - Novi Pazar (Serbia) - Bijelo Polje (Montenegro). This concept could be achieved by encouraging and supporting cooperation between citizens and local communities over the current boundaries of the division.

In order to create a favorable environment for the development of each individual country, as well as for the preparation of the Western Balkans for regional cooperation and future cooperation within the EU, most issues related to economic cooperation should be resolved in direct contact between businesspeople, offering financial and other support (transfer of knowledge) to the development of infrastructure, and projects of small and medium enterprises, especially the development of cooperatives in agriculture and services. It is necessary to encourage and support meetings between representatives of business associations and government representatives aimed at defining joint projects within the framework defined by the Berlin process or by establishing Balkan Benelux or the Balkan six.

Cooperation between Serbs and Albanians in the Western Balkans is an essential element of stability and development in each of the countries in which the members of these nations live and of the entire region of the Western Balkans. Achieving stability and improving the development of the Western Balkans will complete the expansion of the EU and NATO over the entire territory of Europe. To start with, achieving this goal requires for the political leadership of Serbs and Albanians to lead the process of cooperation. They can find inspiration for this cooperation in the experiences of French - German reconciliation in Europe after World War II. Also, we recommend that they use the experience of German - Polish reconciliation. For the purpose of coordination and support, it is recommend to establish an Institute for the Serbian - Albanian cooperation that would initiate key projects toward wider Serbian - Albanian cooperation, but also to financially support the expansion of this cooperation. It is recommended that Belgrade and Tirana lead in this initiative and governments and companies in these countries set up the startup fund for the establishment and operations of the Institute. In its projects, the Institute would include support to Serbian - Albanian cooperation in Serbia and Albania, but also in Kosovo. We call upon the EU and the US, and other stakeholders, to get involved in the realization of this cooperation.

The cooperation between **civil sectors** in Kosovo and Serbia at the level of individual organizations existed throughout the time of crisis, and has been intensified in the last few years. The effects of communication and cooperation between civil sectors in Serbia and Kosovo have been largely symbolic. It is necessary to encourage and increase the number of joint projects of civil society organizations from Serbia and Kosovo. As a fresh start, a large joint conference of NGO's from Serbia and Kosovo should be organized, which would draw from past experiences in order to adopt a common framework platform for further cooperation.

Communication between media and journalists from Kosovo and Serbia has been insufficient and generally poor. It is therefore necessary to find a way to establish regular and open communication between them. It is necessary to support the creation of a network that would connect the media from Kosovo and Serbia. This way more objective and comprehensive information could be provided to the public, especially regarding the situation and opinions of the *other side*. Media and journalists must assume responsibility on their part for the influence which they have on the creation of public discourse and point to the positive side of the dialogue.

In the context of normalization of relations between Serbia and Kosovo, and bearing in mind the influence of economic development and economic cooperation on the reduction of political tensions, the following recommendations are presented to the **Government of the Republic of Serbia:**

Special attention should be paid to **young people**, meetings among them should be initiated, and educational and informational projects concerning their own society and community, as well as those concerning the "*Others*", in particular in relation to: the values of preserving ethnic identity in the environment of regional and European cooperation; on national and European values; paths toward developing, maintaining and strengthening those values. To these ends, implementation of various projects should be supported: internet cafes, joint radio and TV shows, theatre plays, concerts, exhibitions; promotion of physical culture, amateur and university sports, joint regional sport camps and competitions, such as regional leagues of university sports; cooperation between universities through joint educational subjects and programs and regional mobility of teachers and students; increased number of scholarships for regional mobility etc.

In order to increase effectiveness in the conduct of the dialogue as well as in the implementation of what has been agreed, on 5 March 2015 the Government of Serbia established an Office for Coordination Affairs in the Negotiation Process with PISG in Priština and a Coordinating Body for the Negotiation Process (See: *Tanjug, 05.03.2015-13-43h*). This was a necessary measure. After signing the *First Agreement of Principles* there was need to clearly separate teams for technical and political dialogue, which was done by Kosovo. As far as Serbia is concerned, the situation is objectively more complex compared to Kosovo but also needlessly more chaotic.[95] Therefore, the upcoming

[95] The Office for Kosovo and Metohija, which changed its status several times - from the Coordinating Body to the Ministry and the office, has the following functions: participate in the management of institutions of the Republic of Serbia in Kosovo, coordinate political and even partisan organization of Serbs, prepare political dialogue and participates in the technical dialogue and implementation of the agreement.

reconstruction of the Serbian Government should **also take into account this part of the Serbian government**, and in particular to separate the operations of teams for political and technical dialogue from operations for support and management of the Serbian community in Kosovo. Also, teams for dialogue should be linked with those participating in negotiations on *Chapter 35*;

Providing **advisory and technical assistance to CSM**: (a) when defining institutional mechanisms of inter-municipal cooperation and cross-border cooperation with neighboring municipalities, (b) development of strategies for economic development and action plans for municipalities, with special attention to professional training,[96] (c) in creation of public database of companies – a trilingual portal that will facilitate their presentation to potential partners, investors and donors.

International presence to remain strong. This presence is essential for crisis management and resolving problems. But this presence should be much more effective. It should be reduced in correlation with the strengthening of the capacity of Kosovo for democratic governance.

The EU should use all available diplomatic means within the process of accession of Serbia to the EU and Kosovo's attempts to negotiate visa liberalization and SAA, in order to integrate Serbs and northern Kosovo into Kosovo but also to achieve normalization of relations between Belgrade and Pristina (*Jackson, 2011: 7).*

In order to ensure success of the normalization process, **proactive and synchronized action by the EU and USA** are necessary. The international community, especially the EU, should continue their role as a facilitator, but also, unlike now, they should assume a proactive role to prevent obstructions of the process, offer possible solutions and respect obligations assumed in the process of implementing the solutions agreed. The only formula for successful intervention of the EU and USA is for them to speak in one voice.

VI ANNEXES

ANNEX 1.

Basic/Framework Agreement between Serbia and Kosovo

∗ draft ∗

The English version is the original version of this Agreement, and it is the only version valid for interpretation

Both sides to the agreement,

– having in mind their responsibility for peace and security on the bases of democracy, freedom, the rule of law, justice and the respect for human and minority rights,
– starting from the historical specifics and regardless of the different understandings of both sides of the agreement when it comes to the status issues,

[96] In defining measures, the existing strategic documents related to the economic development of the region should be taken into account – development strategy of the Government of Kosovo, strategy of the Government of Serbia, strategy of Kosovo's Regional Development Agency, as well as strategies of international development institutions (USAID, EBRD, and others)

– led by the desire to act for the benefit of the people and for regional cooperation and stability,
– in the endeavor to develop good-neighborly relations with each other,
Agree upon the following:

Article 1

Both sides to the agreement shall develop good-neighborly relations with each other on the basis of non-interference in internal issues and respect for mutual territorial integrity.

Both sides to the agreement commit themselves to fully implement the agreements reached under the auspices of the European Union (listed in Annex A).

Article 2

In conformity with the United Nations Charta both sides to the agreement shall settle any disputes between them exclusively by peaceful means and they will refrain from threats or use of force.

Article 3

Both sides to the agreement proceed on the assumption that neither of the two can represent the other in the international sphere nor act on its behalf and that their authority is limited to their own territory.

Article 4

Both sides to the agreement declare their readiness to regulate further practical and humanitarian questions, especially to resolving the fate of missing persons, the return of refugees and Internally Displaced Persons, and to work together in resolving property issues, economy, science and technology, transport, judicial relations, posts and telecommunications, environmental protection, education, media and culture, health and sport, tourism and in other important fields.

Article 5

Both sides to the agreement shall seek cross-border cooperation between municipalities and communities; will foster the twinning of municipalities; will facilitate free movement between neighboring communities and will foster mutual relations. (lower barriers)

Article 6

Both sides to the agreement will enter negotiations about the establishment of new border crossings. They shall also promote better road, air and rail traffic between the two territories.

Article 7

Both sides to the agreement commit themselves to establishing liaison offices at each other's seat of government / on the other territory liaison offices.

Article 8

Both sides to the agreement are respecting all national communities (minorities) in their own territories, they guarantee and protect all the rights belonging to the natio-

nal communities (minorities), in compliance with highest international standards, and rights already achieved. Education, culture, religion, religious denominations and language of the national communities (minorities) will enjoy special incentives.

Democratically elected bodies of national communities (minorities) or other forms of representing national communities (minorities) on both sides shall contribute to the solution of practical issues of national community (minority) protection.

Article 9

Having in mind the aspirations to become part of the European Union both sides to the agreement will respect the principles of decentralization and subsidiarity in working on the harmonization of their legislation with the European standards.

Article 10

Both sides to the agreement agree that the membership of both Parties in the United Nations Organization and in other international organizations will not implicate an acknowledgement on the basis of the International Law (of the other Party).

Article 11

Both sides to the agreement commit themselves to supporting each other in the efforts to become members of the European Union.

Article 12

This agreement shall become effective on the date of its signing by authorized representatives of both sides to the agreement.

ANNEX 2.
A Political Platform for Talks with the Provisional Institutions of Self-Government in Priština

The Republic of Serbia, with the aim of protecting its state interess in further agreements with the Provisional Institutions of Self-government, starts from the fact that any solution, whether on a general or specific issue, on a temporary, transitional or final status of the Autonomous Province of Kosovo and Metohija, on the position of Serbs in the province or the protection of the Serbian religious and cultural heritage, must be in accordance with the Constitution of the Republic of Serbia and the resolution of United Nations Security Council Resolution 1244.

The Republic of Serbia, in good faith (bona fide), strives forwards continuing the talks with representatives of PIS, convinced that lasting and sustainable solution for Kosovo and Metohija is achievable through sincere dialogue between the two sides.

The Government will, in order to establish the basic framework for the talks with representatives of the Provisional Institutions of Self-government (PIS), propose a Resolution on Basic Principles for Political Talks with Representatives of Provisional Institutions of Self-Government in Kosovo and Metohija:

The Resolution shall be based on the following elements:

– The basic starting point for the talks with PIS in Priština at the high political level is that the Republic of Serbia, pursuant to international law, and further to its Constitution and the will of the people, does not recognise and will never recognise the unilateral declaration of the "independence" of Kosovo;
– All rights and competencies that may be awarded to PIS as a result of the negotiations will be merely transferred onto the organs of AP KiM in accordance with the Constitution, laws and other regulations of the Republic of Serbia;
– The basic idea of the continuation of the talks with representatives of PIS is to strive towards finding a comprehensive settlement, and to have all individual agreements conclusions in line with the objectives of state policy established by the Resolution;
– Proceeding from the fact that the Republic of Serbia has through its actions, in the hitherto conduct of the political process, despite and after the illegal unilateral declaration of the "independence" of Kosovo, offered to PIS limited legal and international personality and legitimacy, the talks on the high political level should be held with regard to overcoming institutional parallelisms in the territory of AP KiM, not encroaching on the question of the international and statehood status of PIS, with the goal of establishing authorities in the territory of the Province that would be recognized by all sides involved in the process, and establishing strong legal and political guarantees at the provincial and international community levels, for political, territorial and other rights of national communities throughout the entire territory of the Province;
– The Republic of Serbia particularly insists on:

A) The establishment of an Autonomous Community of Serbian Municipalities in Kosovo and Metohija (CSM), comprised of the territorial autonomy of four municipalities from the northern part of Kosovo and Metohija and other municipalities with a majority Serbian and minority population (e.g. Gracanica, Strpce. Gora, etc.), on the basis of a special Statute on the Autonomy of the Community of Serbian Municipalities of Kosovo and Metohija (CSM) that shall be guaranteed by the Constitution of the Province and by a public declaration of the representatives of the international community involved in the process;

– Authentic competences and other elements of internal organization of the Autonomous Community of Serbian Municipalities in Kosovo and Metohija will be harmonized through political dialogue.
– The Republic of Serbia holds a position that this autonomy should presuppose the existence of authentic competencies in the fields of:
– Education (elementary, secondary and higher education);
– Healthcare (all levels of healthcare);
– Sports;
– Culture;
– Public information services;
– Environmental protection, formulation and management of policies for the protection of the environment and sustainable development;

- Urban planning; the exclusive authority of regulating urban planning and management instruments of the entire process, as well as in the procedures for processing requests and their approval; the exclusive authority of regulating the system for development of urban (public) land, which includes the determination of the criteria for the different kinds of land and land use; the exclusive authority of managing the mechanism for the determination of the legality of ownership over land and property; the exclusive authority of creating a development policy for land and housing, management of public areas with the existence of a system of efficient administrative intervention in the process of building, urban planning and use of land.
- Agriculture;
- Forestry;
- Waterpower engineering;
- Hunting and fishing;
- Judiciary (public prosecutors of first instance and courts of first and second instance, the courts in the region of the CSM would be established by law on the provincial level; however it would be determined in the agreement that shall result from the political process, that the law must envisage a mechanism whereby the citizens of the CSM could, through their representatives, influence the election and composition of the courts. These courts would have the authority in the region of the CSM, pursuant to the regulations enforced in the Province, to decide in litigations relating to basic personal relationships, rights and duties of citizens, to pronounce sentences and other measures against the perpetrators of criminal offences and other punishable acts determined by law; to decide on the legality of individual acts of organs and organizations that exercise public authority; to settle cases relating to property matters or labor law matters and decide on other issues in accordance with the enacted laws);
- Internal Affairs (The Autonomous police would be, in a formal sense, a part of the Kosovo police forces, although it would function under the authority of the Executive Council of the CSM in the territory of the Autonomy and pursuant to the competencies defined by laws in accordance with the highest legal act of AP KiM and the Statute of the CSM).
- Mining;
- Energy;
- Telecommunications;
- Trade and economic policy; The Executive Council has the exclusive authority in matters relating to trade and the organization of fairs, including the administrative planning of trade activities as well as regulating fair activity in the territory of the CSM:
- Fiscal policy and finances;
- Special competencies of the CSM relating to the uniform register of companies, socio-political organizations and religious communities;
- The authorities of the CSM should have, in accordance with the Constitution of AP KiM, a guaranteed possibility of establishing direct cooperation with the aut-

horities of the Republic of Serbia, as well as a right of supplemental funding from the means allocated by the budget of the Republic of Serbia.

– CSM shall independently decide on the appearance and use of its symbols (coat of arms, flag, anthem etc.), while the law on the provincial level shall determine more precisely the usege of the symbols of the Province and the common use of the symbols of the Province and territorial autonomy;

CSM will have an Autonomous community Assembly and an Executive Council of the Autonomous community that would be tasked with executing tasks from the scope of the CSM competencies, as envisaged by the Statute.

B) establishment of a special status for the village enclaves in which Serbs and other non-Albanians form the majority population, and possibly for the region of the Gora municipality (the latter is merely a possibility, in case that the majority of the population in Gora does not wish this municipality to enter into the composition of the CSM);

– When determining the territory of the regions encompassed by the special status, especially outside the city areas, the starting point wherever possible should be the ethnic structure that existed before the ethnic cleansing (considering that it would be unacceptable for the international community as well if the results of such ethnic cleansing should be the starting point of finding a given political solution in Europe in the 21st century);
– The original competencies of the regions with special status would be narrower in comparison to the competencies of the CSM, but would necessarily have to encompass the influence on the selection of personnel and structure of the internal affairs authorities for the given regions, judiciary of first instance, education, healthcare as well as issues that pertain to the field of basic political and economic rights;
– The agreement can determine that the regions enjoying special status may exercise some of the foregoing competencies in cooperation with the authorities of the CSM, in accordance with the laws and other regulations that are enforced in the Province;

C) The establishment of a special contractual relationship between the Serbian Orthodox Church and PIS;

– With this agreement, which should take into account the experiences regarding the status of the Roman Catholic Church in Italy, an internationally valid guarantee should be granted in respect to the premises belonging to the Serbian Orthodox Church, church property and the activity of the Serbian Orthodox Church in the territory of the province;
– The details relating to the negotiating position on this matter must be harmonized with the representatives of the Serbian Orthodox Church.

G) The political solution adopted as a result of the negotiations envisages that the highest legal act of AP KiM shall proclaim a lasting guarantee for the return of the persons that were displaced from Kosovo and Metohija as well as of their descendants;

– The adoption of a law is needed on the return at the level of the Province, which will determine the duty of the authorities of AP KiM, the CSM, and the units of the local self-government in respect to the return of refugees and internally displaced persons;

– It is necessary to secure and guarantee rights and conditions, in the territory of the CSM, for the sustainable return of those persons that were expelled from Kosovo and Metohija, whose return was made impossible to their homes and other parts of AP KiM;

D) The negotiations must also result in the creation of an efficient legal and organizational mechanism that would enable the inclusion of the representatives of the Serbian and other non-Albanian population in the working and decision-making of all of the institutions and authorities of AP KiM, in such a way so as to preclude any form of majorization by the Albanian representatives in these institutions and authorities.

– The Serbian side proposes the division of AP KiM into several regions, of which a distinct one would be the CSM;
– The Serbian side proposes the formation of a bicameral Assembly of AP KiM, in which the upper house would represent the House of Regions and Religious Communities, while the lower house would be the House of Citizens;

In accordance with this proposal, all regions and main religious communities would be equally represented in the House of Regions and Religious Communities, while in the House of Citizens, the Serbian and non-Albanian population would be represented pursuant to the guaranteed quotas and election results;

The presiding chairperson of one of the two Houses, as well as the Vice-president of the other of the two Houses, should be representatives of the Serbian and non-Albanian population chosen by the majority of the representatives elected from the ranks of the Serbian and non-Albanian population in that House;

Efficient procedural mechanisms must exist that would preclude the rendering of decisions by way of outvoting in matters that directly impact the competencies of the CSM and the rights of Serbian and other non-Albanian population in AP KiM.

E) Property issues must be definitively settled in accordance with applicable international conventions, the generally accepted legal principles and standards, and certainly to establish legal certainty and a stable business and investment environment in the territory of the Autonomous Province of Kosovo and Metohija;

F) This political platform for the talks with representatives of the Provisional Institutions of Self-government is adopted by the Government at the proposal of the President of the Republic of Serbia.

ANNEX 3.

RESOLUTION
Of the National Assembly of the Republic of Serbia on the basic principles for political talks with the Provisional Institutions of Self-Government in Kosovo and Metohija

1. The National Assembly of the Republic of Serbia, on the basis of the political platform for talks with the Provisional Institutions government in Pristina, establishes the basic principles for political talks with the Provisional Institutions of Self-Government (PIS) in Pristina:

a) The Republic of Serbia, in accordance with international law, the Constitution and the will of the citizens, does not recognize and will never recognize Kosovo's unilateral declaration of independence;

b) The aim of negotiations is to discuss the creation of conditions for the Serbian community and all other ethnic communities in Kosovo and Metohija, which guarantees safety and full protection of human rights. The Government of the Republic of Serbia requires the protection of the rights guaranteed for Serbs in Kosovo and Metohija, the right of return and property rights. The Government of the Republic of Serbia is obliged to continue investigating the fate of missing persons and to follow court processes for those accused of committing ethnic violence against Serbs;

c) The Serbian government authorizes itself to proceed with the implementation of agreements and arrangements already reached with PIS representatives in Prishtina. Representatives of the Republic of Serbia commit to reaching future agreements, in the continuation of the dialogue solving technical and political issues with PIS representatives in Pristina and representatives of the international community, in accordance with the attitudes and basic objectives of this resolution, aiming to reach an overall agreement with PIS representatives in Pristina;

d) All the powers antrusted to the PIS in Prishtina, as a result of the negotiations, will be confirmed in by constitutional law and transferred to the authorities of the Autonomous Province of Kosovo and Metohija, in accordance with the Constitution, laws and other regulations of the Republic of Serbia;

e) Discussions with the PIS representatives in Pristina should give contribution to the improvement of living standards in Kosovo, peace and stability and a European future of Serbia and the region;

f) Negotiating with the PIS representatives in Pristina should be obtained alongside a constant dialogue with representatives of Serbs from Kosovo and Metohija.

2. The government of Serbia will strive towards finding a consensual and comprehensive settlement for Kosovo and Metohija through negotiations. This solution must be a sound basis for building lasting peace and achieving full security for all the people who live in the southern Serbian province.

3. The Republic of Serbia is willing to make further concessions for overcoming the current state of relations between the Serbian and Albanian people. At the same time, the Republic of Serbia is not willing to make further concessions that could jeopardize its national and national interests.

4. The Republic of Serbia approaches the dialogue with PIS in Pristina aware of the importance which reaching a mutually acceptable solution for Kosovo would have in the context of further and accelerated integration the entire region of the Western Balkans into the European Union.

5. The National Assembly of Serbia demands from the government to regularly report on developments, during negotiations with PIS representatives in Pristina on Kosovo and Metohija, as well as on the implementation of the goals, activities and measures to protect sovereignty, territorial integrity and constitutional order Republic of Serbia set forth here.

6. This resolution, and the direction, policies and objectives of state policies set by it are binding for all state agencies and organizations and may be amended only by a new resolution of the National Assembly of the Republic of Serbia.

7. This resolution shall be published in the "Official Gazette of the Republic of Serbia".

ANNEX 4.
Freedom of Movement

1. Residents of each party should be able to travel freely within or through the territory of the other;

2. Each party will apply, as soon as operational feasible, an ID card system for cross border/boundary travel of residents from the other party;

3. Each party may apply a system whereby ID cards will be accompanied by written 'entry/exit' documents1 for persons from the other party who wish to transit to a third country;

4. As an interim solution, each party will enable residents of the other to purchase border/boundary insurance. Under the auspices of the EU, the parties will continue to work for a commercial arrangement on mutual vehicle insurance cover so that all vehicles are covered on both sides of the border/boundary as soon as possible;

5. Each party will take all necessary measures to enable residents of the other party to travel freely within or through the territory of the other using driving licences issued by their own authorities;

6. As an interim measure, the authorities in Kosovo will extend the validity of KS vehicle licence plates for an initial period of five years at the end of which the issue will be reviewed by the two parties (with the facilitation by the EU if required);

7. All car owners residing in Kosovo will use either RKS or KS (as per bullet 6 above) vehicle licence plates. These will be issued by the relevant authorities in Kosovo and distributed with facilitation by EULEX where required. Each party will do its best to ensure the implementation of above;

8. As an interim measure, the authorities in Belgrade will enable vehicles from Kosovo bearing KS vehicle licence plates to travel freely in or through its territory;

9. As an interim measure, for every car owner who wishes temporary vehicle licence plates will be made available at the relevant border/boundary crossings;

10. With regard to readmission, and taking account of Priština's obligations in this area the arrangements agreed above will not create new obligations for Belgrade to accept readmission requests for persons holding Kosovo documents within the context of the existing readmission agreement between Belgrade and the EU;

11. An implementation group will be set up, chaired by the EU, by mid July, that will start preparing implementation in order to ensure that all arrangements above and any necessary follow up will be applied as soon as operationally feasible, bullet 7 arrangements will be applied from 1 November 2011 *(Izveštaj, 2012)*.

ANNEX 5.

In the spirit of the Brussels agreement from 19 April 2013 and

Between the Association of Serbian Insurers (UOS) and the Kosovo Insurance Bureau (KIB) as authorized entities responsible for vehicle insurance issues in the jurisdiction of each Party with the facilitation of the Council of Bureaux (COB), and

On the Mutual Recognition of Motor Third Party Liability Insurance (MTPL) and arrangements for the processing and payment of claims.

WHEREAS:

UOS and KIB wish to provide arrangements for:

a) The reciprocal recognition and acknowledgement of valid MTPL, and

b) The processing and payment of claim damages as a result of accidents caused by vehicles with valid insurance coverage in the jurisdiction of each party.

c) The implementation of this MoU under the jurisdiction of each party.

UOS and KIB agreed as follows:

I. DEFINITIONS

For purposes of this Memorandum of Understanding (MOU):

"Handling Bureau" means UOS, KIB or any authorized member – insurance company or any other legal entity, which is allowed to handle and settle claims under the provisions of this MOU and which requests reimbursement from an insurance company member of UOS or KIB under the terms of this MOU.

"Guaranteeing Bureau" means the bureau, whether UOS or KIB, which guarantees for reimbursing claims paid out by the Handling Bureau according to the procedures set forth in this MOU and claims on behalf of its members under liquidation or bankruptcy.

"The Insurer" means any insuring company member of KIB or UOS which is authorized/licensed to conduct the business of compulsory third party liability insurance in respect of the use of motor vehicles in the jurisdiction of each party, who issued the policy of insurance for the vehicle causing damage.

II. MUTUAL COVERAGE – MTPL

1. Users of motor vehicles registered in one Party who are in possession of a valid insurance for the territory of the other Party may freely enter and travel in that jurisdiction. A copy of a specimen of each insurance policy (MTPL issued by UOS, MTPL+ issued by KIB) is attached to this Memorandum as Annex I.

2. In case the users of motor vehicles of one Party do not present a valid insurance upon entry into the jurisdiction of the other Party, they will be obliged to contract mandatory border/boundary insurance.

3. The control of possession and validity of the insurance coverage will be made at the IBM crossing points. Both parties will establish point of contacts in order to immediately verify the insurance coverage in case of doubt. An electronic verification may be established at the IBM crossing points for the control of possession and validity of the insurance coverage.

4. Damage caused by the use of motor vehicles without valid insurance in the other party's jurisdiction will be reimbursed by the guarantee funds of the party where the accident took place. If one of the Parties fails to provide above mentioned electronic verification, that Party shall guarantee for the reimbursement of claims arising from the accidents caused by the uninsured vehicles from its jurisdiction.

5. Claims by third state injured parties will be treated as claims by domestic injured parties.

6. Limits of insurance compensation (see Annex II) will be considered valid until the termination of the MOU or otherwise notified by a party, in case of legislative amendments.

7. Each party will inform the other party with sufficient notice of any legislative amendment pertaining to the scope of this MOU.

III. HANDLING AND CLAIMS COMPENSATION

1. An initial list of names and addresses of insurance companies member of the respective bureau is annexed to this MOU (see Annex III). Each party shall promptly notify the other party of any changes within 15 days of their knowledge of any change.

2. All claims should be handled by the Handling Bureau in respect of legal and regulatory provisions applicable in the jurisdiction, where the accident occurred, relating to liability and compensation of injured parties.

3. This MOU shall cover the reporting, handling and payment of claims for personal injury or for property loss or damage sustained as a result of an accident in the jurisdiction of one Party, caused by vehicles duly registered in the other Party with a valid insurance as per Annex I.

4. In case of accident, the Handling Bureau is obliged to notify as soon as possible the Guaranteeing Bureau/Insurer of all claims and shall act in the best interests of the Guaranteeing Bureau/ Insurer as if it had issued the insurance.

5. After the compensation has been paid, the Handling Bureau is obliged to submit to the Guaranteeing Bureau/Insurer all the necessary documents to justify the payment. This should include the police report containing information of the participants in the said accident (including statements directly provided by the parties as annexes to the police report), photographs of the accident scene and the damaged vehicle, professional expertise regarding the damage value, medical documentation (as required in the rules of the relevant regulatory bodies and with due respect to data protection principles) ,along with a copy of the proof of the valid insurance as per Annex I. The police report will be provided in accordance with the applicable legislation, including on the use of language in each party's jurisdiction. The Handling Bureau will inform the Guaranteeing Bureau/Insurer if the motor vehicle's user has not signed the police report.

For accidents occurring within the limit of 50 kilometers (as per GPS coordinates) of the border/boundary, indications will be made as to whether a driver has requested the additional presence of a native speaker police officer and whether the latter has signed the police report.

6. The provisions of this MOU will not apply to mutually agreed vehicle accident reports (constat amiable).

IV. HANDLING OF CLAIMS

1. The Guaranteeing Bureau/Insurer is obliged to reimburse the Handling Bureau of the other party, the full amount of compensation paid by the other party's Handling Bureau in respect of a claim within the scope of this MOU, as well as handling fees and all other costs incurred during the claim handling, as set out in paragraphs 2 and 3 below.

2. The handling fees of the handling bureau are calculated at the rate of 15 %of the total amount of compensation, subject to a minimum handling fee of EUR 200.00, and a maximum fee of EUR 3,500.00.

3. The sums disbursed for external services in the handling and settlement of each claim and all costs specifically incurred for the purposes of a legal action which would have been disbursed in similar circumstances by an insurer established in the jurisdiction of the accident, in accordance with the procedures set out in the Article 5.1.2 of Internal Regulations of the Council of Bureaux.

4. The minimum handling fees shall be made even when the claim is handled without payment to the third party.

5. The exchange between currencies, for any payments due under this MOU shall be the official middle exchange rate, at the date on which the demand for reimbursement was presented by the handling bureau to the Guaranteeing Bureau/Insurer.

6. After completion of the handling of the claim by obtaining a signed "Discharge Form" from the claimant evidencing full and final settlement or an approved settlement of the indisputable part of the claim and executing payment indemnifying the claim:

For claims arising from accidents in one jurisdiction, the Handling Bureau of that jurisdiction, the correspondent or agent which handles the claim shall, within maximum twelve (12) months from the date of last payment to the claimant, directly notify the Guaranteeing Bureau/Insurer about the processed and paid claim, along with the damage calculation and full set of pertaining documentation, as set forth above. In case reimbursement demand is communicated to the Guaranteeing Bureau/Insurer past twelve (12) months, such reimbursement demand may be refused by the Guaranteeing Bureau/Insurer and shall not be subject to guarantees by the Guaranteeing Bureau.

The Guaranteeing Bureau/Insurer shall after receipt of the reimbursement demand within 60 days from the date of submission, execute the payment of the reimbursement demand to the Handling Bureau.

If the reimbursement demand is not settled within 60 days from the date of the first reimbursement demand, the Guaranteeing bureau shall pay penalty interest at the rate of 12 % per annum, calculated from the date of the first such demand to the date of receipt of the remittance by the Handling Bureau.

If within a period of sixty (60) days from the date of the first demand for reimbursement the Insurer has failed to pay the amount due to the Handling Bureau, the Handling Bureau may through UOS or KIB respectively, within the period of maximum twelve (12) months from the date of submission of reimbursement demand, request from the Guaranteeing Bureau reimbursement of the amount in question. In case activation of Guaranteeing Bureau's involvement is requested past twelve (12) months, such request may be refused by the Guaranteeing Bureau.

The Guaranteeing Bureau shall after receipt of the reimbursement demand within thirty (30) days from the date of submission, execute the payment of the reimbursement demand to the Handling Bureau.

If within a period of thirty (30) days from the date of the first demand for reimbursement the Guaranteeing Bureau has failed to pay the amount due to the Handling Bureau, the Handling Bureau may, through UOS or KIB respectively, seek from the COB an intervention including activation of guarantees, if necessary.

7. The exchange of documentation shall be done in electronic format and/or hard copies.

V. CORRESPONDENT:

1. The Guaranteeing Bureau on behalf of one of its Members may request the Handling Bureau to leave the handling and settlement of claims, including the handling fees, to a correspondent who may be:

– a Member of the Handling Bureau;
– an organisation established in the territory of the Handling Bureau and specialised, on behalf of the insurers, in the handling and settlement of claims arising out of accidents caused by a motor vehicle.

2. If the Handling Bureau approves the request, it thereby gives authority to the nominated correspondent to handle and settle the claims in its name. It undertakes to inform Third Parties of this authority and to forward to the correspondent all notifications relating to such claims.

3. As per article 4.1 of COB Internal Regulations, the approval of a correspondent shall be granted automatically when requested in the name of a member of the Paying Bureau for any establishment of this member in the jurisdiction of the Handling Bureau, provided that such establishment is authorized to transact insurance against civil liability in respect of the use of motor vehicles.

4. If the Handling Bureau has not responded within 3 months from the day of receiving the request for nomination, the nomination of the correspondent shall be considered as valid and in force.

5. For its part the Member of the Guaranteeing Bureau, in requesting the appointment of a nominated correspondent, undertakes to entrust all claims in the territory of accident to that correspondent and to forward to that correspondent all documentation relevant to such claims.

6. As a duly authorised agent of the Handling Bureau, the nominated agent becomes responsible to this bureau for the handling of the claim and has to take into account any directions, whether general or specific, received from the Handling Bureau.

7. The Member of the Guaranteeing Bureau shall undertake to the Handling Bureau that its correspondent shall settle claims in full compliance with the Third Party provisions of the compulsory Motor insurance Law of the Handling Bureau.

8. The Handling Bureau may, at any time and without being required to give a reason, take over the handling of any claim and revoke the correspondent's authority for the particular claim or generally.

9. The role of the correspondent is without prejudice to the involvement of COB in the settlement of claims.

VI. COUNCIL OF BUREAUX – COB

1. At the request of UOS, KIB or in case of complaints by third parties, COB shall provide its assistance, mediation and arbitration during the implementation of this MOU.

2. UOS and KIB agree to entrust COB with the settlement of their claim disputes in accordance with COB mediation and Internal Regulations rules. In case of non-compliance with COB decisions with serious financial consequences, a party has the right to terminate the MoU in accordance with article IX.2.

3. UOS and KIB agree to provide in English all necessary documentation in case of dispute, including proofs of payments and a copy of the reimbursement demand.

4. UOS and KIB agree to consider decisions in comformity with COB Mediation and Arbitration Rules, as final and to act accordingly.

5. Disputes for an amount below 500€ will not be presented to COB.

6. At the initiative of COB, the implementation of this MOU and, in particular, COB responsibilities will be reviewed.

7. COB may invite UOS and KIB to review parts of the MOU and may unilaterally end parts or all of its responsibilities under this MOU, with a six (6) months notice period, in which case the MoU shall be terminated at the end of the notice period.

VII. GUARANTEE

1. UOS and KIB will provide guarantees to COB.

2. COB will confirm to UOS and KIB the reception of the guarantees provided.

3. In case of termination of this MOU, the guarantees will remain in place until the settlement of all claims.

VIII. IMPLEMENTATION COMMITTEE

1. An implementation committee comprising of the following members will be established:

– The Chairperson of each bureau/assocation;

– The Secretary General of each bureau/association;

– A maximum of three additional experts of each bureau/association.

2. Implemention committee meetings shall be convened on request of either party, and should take place at least once a year. Time and venue of the meetings shall be mutually agreed.

3. At the request of UOS, KIB or at its initiative, COB may attend the implementation committee. The parties will inform COB of the meetings of the implementation committee, its agenda and will provide a copy of the outcome of proceedings.

4. The exchange of documentation shall be done in an electronic form and/or in hard copy.

IX. ENTRY INTO FORCE AND TERMINATION OF MOU

1. This MOU shall enter into effect thirty (30) days after signature by UOS and KIB.

2. UOS or KIB may terminate this MOU by giving at least sixty (60) days notice of termination in writing to the other bureau. When written notice is sent by mail, it is

deemed to have been given on the date the notice was sent as verified by the official mail stamp.

3. A claim arising from an accident, occuring before the expiry date of the insurance of the motor vehicle's user involved,shall be handled and paid in conformity with the provisions of this MOU, only if the accident occurred before the date of termination of this MOU.

X. MONITORING AND SUPERVISION

1. Monitoring and supervision of the implementation of the MOU shall be made by the authorized bodies in compliance with the applicable legal regulations.

XI. LANGUAGE

1. Any correspondence between parties to this MOU, wether oral or written, related to provisions of this MOU, shall be conducted in English.

Signed in Brussels, on [23 June 2015], with three original copies in English.

On behalf of the Association of Serbian Insurers (UOS)

Annex 6.
WG Freedom of Movement / Bridge Conclusions, 25 August 2015 / 2

1. Both sides asked the EU to revitalize the Mitrovica bridge and its surroundings, as per the recommendations of the technical assessment and based on the architectural design of 29 June 2015 agreed between the two sides.

2. On 15 October 2015 the contractor will close both sides of the bridge by fixed bridge barriers and construction site fence. The construction work on the bridge will be carried out by accessing the construction site through the southern acces road. The bridge will open for all traffic by summer/not later than end of June 2016.

3. In line with the same timetable, the municipality will revitalize its main street (King Peter Street) into a pedestrian zone. The street will open for pedestrians by summer/not later than end of June 2016.

4. The WG will regularly monitor and review together with both mayors the prevailing political and security conditions in municipalities during the revitalization process.

5. By 10 October 2015 the maps of administrative boundaries of cadastral areas in Suvi Do/Suhadoli and Kroi I Vitakut/Brdjani area will be solved through the Memorandum of Understanding on Municipal Development Plans, the Municipal Zoning Map and Detailed Regulaory Plan between relevant ministries and the two municipalities.

(http://www.kim.gov.rs)

ANNEX 7.
IBM Agreed Conclusions*

1. In line with the Lisbon Treaty, and relevant EU legislation**, and given that both parties are part of the EU's Western Balkans agenda, they will be required gradually to

harmonise their legislation with the EU acquis and in particular to apply the concept of IBM;

2. In the interest of faster and more effective processing, the parties, under the overall guidance of the EU, will apply the concept of IBM;

3. The parties intend gradually to set up joint integrated posts at all their common IBM crossing points. This cooperation will follow the best European practice as it is progressively further developed by the European Commission. The work will be given a high priority; the projects will be identified jointly and will be implemented as soon as practically possible;

4. The joint, integrated, single and secure posts will be located within a 'common area of IBM crossing points', jointly delineated, where officials of each party carry out relevant controls. Exceptionally, and limited to the common IBM areas, the parties will not display symbols of their respective jurisdictions;

5. The arrangements will include a balanced presence, in line with requirements, from both parties of all related services such as customs, police etc. and will cover matters such as the location of the crossing points, the nature of the facility, opening hours etc. In line with its mandate (fn3) at the crossing points Jarinje/Rudnica and Tabalije/Brnjak, this presence will include EULEX officials. EULEX will also be present at crossing points Bela Zemlja/Konculj, Merdare/Merdare, Mutivode/Mutivode and Depce/Mucibaba;

6. At the core of the arrangement there will be a clear assignment of applicable legal responsibilities and liabilities to each party's jurisdiction;

7. A tri-partite implementation group, chaired by the EU, will be established to implement above arrangement as soon as practically possible. For that purpose, a technical Protocol will be developed and signed, if necessary separately with the EU, which will take account of the parties' different views on the question of status. The implications of these conclusions will be taken into account in implementing freedom of movement;

8. This agreement does not cover any general or specific revenue or fiscal matters;

** One party recognises the line as a border; the other party recognises the line as an administrative boundary.*

*** As defined especially in the Schengen Borders Code, Frontex Regulation, Local Border Traffic Regulation, VIS Regulation and Community Code on Visas.*

**** As defined by Council Joint Action 2008/124 CEFSP Section a. (Izveštaj, 2012)*

ANNEX 8.
Customs Stamp

- The sides will make every possible effort to ensure free movement of goods in accordance with CEFTA;
- The Customs stamps, stating 'Kosovo Customs', as confirmed to all CEFTA parties, will be accepted;
- All accompanying documents and communication will also reflect this usage. *(Izveštaj, 2012)*

ANNEX 9.

Brussels Agreement on Customs Revenue Collection, 17th January 2013

Conclusions of the Chair, Customs WG, 10-17 January 2013:

In line with previous relevant Agreed conclusions, (in particular on IBM)[1] , with CEFTA agreement, the Lisbon Treaty, and relevant EU legislation[2] and given that both Parties are part of the EU's Western Balkan agenda, the Parties have agreed to the following:

A. Collection of customs duties, excises duties and VAT:

1. All goods, regardless of type, quantity and value, may enter Kosovo* through the IBM CPs in Jarinje/Rudnica-Jainjë and in Tabavije/Bërnjak - Tabalije/Brjnak.

2. For goods released into free circulation and destined for companies and undertakings registered and/or individuals residing in Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zveçan/Zvečan, all applicable customs and excise duties as well as VAT will be collected in accordance with paragraph 3 at the facilities located at the CPs in the common IBM zone (hereinafter referred to as " ZCP") if these goods entered via the Jarinje/Rudnica-Jainjë and Tabavije/Bërnjak - Tabalije/Brjnak CPs. All other goods entering via the Jarinje/Rudnica-Jainjë and Tabavije/Bërnjak - Tabalije/Brjnak CPs will be directed to the Mitrovicë/a south Terminal for release.

3. The release procedures, including all necessary controls, will be done on the Kosovo side by Kosovo authorities in accordance with their legal responsibilities and liabilities under their jurisdiction (including Customs, Excise and VAT rates), with full respect for human rights guaranteed by European and international standards; EULEX will be present, in line with and for the duration of its mandate3 , and in accordance with the IBM agreement.

4. Registration of companies and undertakings referred to under paragraph 2 will be undertaken for the purpose of this agreement. Registration will be based on existing documentation and in accordance with paragraph 3.

5. For companies and undertakings in Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zveçan/Zvečan established before the entry into force of this agreement, all previously existing registration documents will be automatically considered valid for the purpose of the registration.

Following the entry into force of this agreement, new company/ undertakings registrations will be carried out on the Kosovo side of the ZCP by Kosovo authorities in accordance with their legal responsibilities and liabilities under their jurisdiction, with full respect for human rights guaranteed by European and international standards; EULEX will be present, in line with and for the duration of its mandate[4].. All relevant documentation can be used for the registration and collection of revenues. 6. As agreed in the IBM conclusions, all information and evidence collected in the implementation of the aforementioned operations will be mutually shared by the Parties and shared in accordance with IBM Agreed documents, including the Technical Arrangement.

[1] One party recognises the line as a border; the other party recognises the line as an administrative boundary.

[2] in particular Council Regulation (EC) N0 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's

Stabilisation and Association process, as amended. * This designation is without prejudice to positions on status, and is line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo Declaration of independence

[3] As defined by Council Joint Action 2008/124 CEFSP, Article 3, Section a

[4] As defined by Council Joint Action 2008/124 CEFSP, Article 3, Section a

B. Development Fund:

7. A Development Fund (hereinafter the Fund) is to be established to promote the socio-economic development, and for the benefit of the local population in Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zveçan/Zvečan.

8. The operation of the Fund will be decided by a Management Board. The Management Board will be composed of three members, one representative of the Serb community who is residing in either Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zveçan/Zvečan, one representative of the Kosovo authorities and one representative of the European Union Special Representative for Kosovo (EUSR). The EUSR will invite the aforementioned representatives after consultations with the stakeholders of the Fund. The Management Board will decide by consensus. In case of repeated inability to reach consensus, the EUSR may use a casting vote to uphold the purpose of the Fund, including the adoption of provisional Terms of Reference.

9. The revenues collected at the CPs in Jarinje/Rudnica-Jainjë and in Tabavije/Bërnjak - Tabalije/Brjnak will be transferred into an account of the Fund established in a commercial bank in Priština determined by the EU.

C. Transitional provisions:

10. The Parties further agree that within 3 days of the entry into force this agreement, Kosovo and EULEX officials should have an unimpeded access to the CPs, including by road, in respect of this agreement and previous IBM conclusions. Every possible effort, including through public statements at the highest political level, will be made to that extent.

11. Within 7 days of the entry into force of this agreement, the Fund will be established at the initiative of the EUSR who will open the aforementioned deposit account.

12. The collection of the customs and excises duty as well as VAT at the CPs in Jarinje/RudnicaJainjë and in Tabavije/Bërnjak - Tabalije/Brjnak will start immediately after the establishment of the Fund.

The Kosovo authorities will ensure that the documentation issued (temporary form) to the companies and undertakings will contain specific information about the destination of the revenues.

13. Within 30 days of the entry into force of this agreement, the Parties will have adopted the necessary regulations to implement this agreement and will have repealed regulations in contravention with the aforementioned.

14. There will be no disbursement of the revenues deposited into the Fund until the Parties decide otherwise.

15. Arrangements on registration are on a temporary basis.

D. Final provisions:

16. This agreement enters into force on 19 January 2013 at 00.00.

17. The implementation of this agreement will be reviewed by a monitoring working group (WG) chaired by the EU and composed of the Parties. The WG will primarily concentrate on ensuring that the registration process as per paragraphs 4 and 5 will be of use for this agreement only.

ANNEX 10.
Civil Registry Books:

1. The parties will jointly make every possible effort to establish a fully reliable civil registry in Kosovo;

2. A tripartite 'joint committee', consisting of civil registry experts from the two parties and EULEX, the latter acting as a chairperson, will be established to identify gaps in missing original pre-1999 civil registry books;

3. EULEX will certify copies of all original civil registry books from Kosovo, municipality by municipality, in consultation with experts from both sides if required. EULEX will process the certified copies in order to establish a fully reliable civil registry in Kosovo;

4. Upon request, EULEX will be ready to provide specific information from Kosovo (*Izveštaj, 2012)*.

ANNEX 11.
Cadastral Records

1. In order to protect the rights of people with legitimate claims to property, the parties will jointly make every effort to establish a fully reliable cadastre in Kosovo;

2. A tripartite implementation group, consisting of cadastral experts from the two parties and chaired by the EU will monitor the work of a technical agency, (selected by the EU after consultation with both parties), whose role will be to identify gaps in original pre-1999 cadastral records;

3. The EUSR will receive scanned copies of all original pre-1999 cadastral records removed from Kosovo. Upon request, the EUSR will provide specific information from Kosovo;

4. The technical agency, mentioned in bullet 2, will compare all copies of the original pre-1999 private property cadastral records[97] with the reconstructed Kosovo cadastre. Cases where the comparison shows the records not to be the same will be transferred by the tripartite implementation group to an adjudication mechanism in Kosovo. This adjudication mechanism will make a final determination as to which cadastral record is correct;

5. The first instance in the adjudication mechanism will be undertaken by a Commission consisting of International and cadastral and property experts from Kosovo.

[97] This will include private property, private commercial property and private church property cadastral records.

The majority of the experts will be appointed by the EUSR, taking into account the interests of all communities concerned;

6. The Kosovo Supreme Court will act as the second, appeal, instance of this adjudication mechanism. Decisions by the Kosovo Supreme Court will be taken by a panel in which international judges will hold the majority and will be final and enforceable and not subject to challenge;

7. Decisions resulting from above adjudication mechanism will be notified to all stakeholders concerned. The Kosovo Cadastre Agency will implement the final decision resulting from above adjudication mechanism by effecting the necessary changes in the Kosovo cadastre;

8. The tripartite implementation group will monitor the quick implementation and functioning of the above arrangements and will regularly brief the Dialogue on progress *(Izveštaj, 2012)*.

ANNEX 12.
Acceptance of University Diplomas

1. On the basis of the operational conclusions of 02 July 2011 on the acceptance of university diplomas, the parties agree to ask the European University Association to certify university diplomas issued by universities of each party for use by the other in connection with further education and/or public employment.

2. Upon verification that university diplomas are issued by authorized institutions in line with European best practices, the certification will be done by the Committee of European academic experts, established by the European Univeristy Association.

3. Diploma supplement and transcript of records in the format of those tabled during the Dialogue, and annexed to these conclusions, will be attached to the university diploma. It will be for the authorities of each party to decide which of the documents are valid for this process, provided that the effect is the acceptance of the qualification represented by the diploma.

4. The EU will make every effort to ensure the implementation of above conclusions from January 1, 2012. *(Izveštaj,* 2012*)*.

ANNEX 13.
Arrangements Regarding Regional Representation and Cooperation

1. Both parties confirm their commitment to effective, inclusive and representative regional cooperation.

2. To this effect "Kosovo*" is the only denomination to be used within the framework of regional cooperation.

3. The footnote to be applied to the asterisk in para 2 above will read: *"This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence."*

4. "Kosovo*" participates on its own account and speaks for itself at all regional meetings.

5. Where new agreements are to be initialed and/or signed, a representative of "Kosovo*" will sign under the designation in paras 2 and 3 above.

6. As concerns modifications to existing agreements signed by UNMIK, nothing in these conclusions will be interpreted as prejudicial to UNMIK's legal rights. A representative of the United Nations Mission in Kosovo (UNMIK) will bi invited to meetings organized within the framework of arrangements for which it is a signatory. It is for UNMIK to decide whether to attend any particular meeting.

7. Hosts of meetings will be encouraged to avoid the display of national symbols except for their own and those of the EU, taking into account the statutes of relevant organizations.

8. The EU as Facilitator will inform relevant regional organizations and entities of these arrangements for denomination, representation and signature. They should be reflected in the practical organization of regional meetings. The EU will monitor the implementation of these arrangements.

9. Both parties and the EU will urge partners to support these arrangements and to assist in their implementation.

10. The regional organizations referred to in these conclusions are existing and future intergovernmental organizations or arrangements whose aim is to promote cooperation or integration in the Balkan region. "Regional meetings" includes meetings of these organizations and also ad-hoc or informal meetings with similar aims. It also includes meetings with EU institutions in the context of the European agenda.

11. These arrangements are adopted on an interim basis.

ANNEX 14.

First Agreement of Principles Governing the Normalization of Relations

1. There will be an Association/Community Serbian-majority municipalities in Kosovo (CSM). Membership will be open to any other municipality provided the members are in agreement.

2. The CSM will be created by statute. Its dissolution shall only take place by a decision of the participating municipalities. Legal guarantees will be provided by applicable law and constitutional law of Kosovo (including the 2/3 majority rule).

3. The structures of the CSMwill be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, vice President, Assembly, Council.

4. In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the CSM collectively. The CSM will have full overview of the areas of economic development, education, health, urban and rural planning.

5. The CSMwill exercise other additional competences as may be delegated by the central authorities in Priština.

6. The CSM shall have a representative role to the central authorities and will have a seat in the communities' consultative council for this purpose. In the pursuit of this role a monitoring function is envisaged.

7. There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the KP.

8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.

9. There shall be a Police Regional Commander for the four northern Serb majority municipalities (northern Mitrovica, Zvečan, Zubin Potok and Leposavić). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Interior from a list provided by the four mayors on behalf of the CSM. The composition of the KP in the north will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the municipalities of southern Mitrovica, Srbica and Vučitrn). The regional commander of the four northern municipalities will cooperate with other regional commanders.

10. The judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Priština will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities.

11. A division of this Appellate Court composed both by administrative staff and judges will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed by a majority of K/S judges. Appropriate judges will sit dependant on the nature of the case involved.

12. An implementation plan including timeframe shall be produced by 26 April. In implementing this agreement the principle of transparent funding will be addressed.

13. Discussions on Energy and Telecoms will be intensified by the two sides and completed by June 15.

14. It is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU path.

15. An implementation committee will be established by the two sides, with the facilitation of the EU.

ANNEX 15

Articles of the First Agreement of Principles Governing the Normalization of Relations relating to the Association/Community Serbian-majority Municipalities in Kosovo (CSM)

(1) The CSM shall focus on the Serbian-majority municipalities in Kosovo, but the embership will be open to any other municipality provided the members are in agreement (Article 1).

(2) The CSM will be created by statute (Article 2).

(3) The structures of the CSMwill be established on the same basis as the existing statute of the Association of Kosovo municipalities (Article 3).

(4) In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the CSM collectively. The CSM will have full overview of the areas of economic development, education, health, urban and rural planning (Article 4).

(5) The CSM will exercise other additional competences as may be delegated by the central authorities (Article 5).

(6) The CSM shall have a representative role to the central authorities and will have a seat in the communities' consultative council for this purpose. In the pursuit of this role a monitoring function is envisaged (Article 6).

ANNEX 16
Association / Community of Serb majority municipalities in Kosovo – General principles / main elements

Legal framework

1) The Association/Community of Serb majority municipalities in Kosovo is established as an association/ community of municipalities as foreseen by the First Agreement, the Law on ratification of the First Agreement and Kosovo law.

2) On the basis of the First Agreement which recognises its distinct character, the Kosovo Government will adopt a decree directly applicable, which will be reviewed by the Constitutional Court. The Community/Association will be a legal entity defined by its Statute, which will comprise at least the elements set out below.

3) The Statute will be adopted by a constituent assembly composed of the voted members of the assemblies of the participating municipalities.

Objectives

4) In accordance with the First Agreement, the Association/Community will have as its main objectives in delivering public functions and services to:

a) strengthen local democracy;

b) exercise full overview to develop local economy;

c) exercise full overview in the area of education;

d) exercise full overview to improve local primary and secondary health and social care;

e) exercise full overview to coordinate urban and rural planning;

g) adopt measures to improve local living conditions for returnees to Kosovo;

h) conduct, coordinate and facilitate research and development activities;

i) promote, disseminate and advocate issues of common interest of its members and represent them, including to the central authorities;

j) provide services to its members in accordance with Kosovo law;

k) assess the delivery of public services to its members and their residents as to support the Community/Association in forming positions of common interests for the participation to the work of the central authorities;

l) conduct monitoring as required for the implementation of its objectives;

m) establish relations and enter into cooperation arrangements with other associations of municipalities, domestic and international.

5) The Community/Association will exercise other additional competences as may be delegated by the central authorities.

Organisational structure

6) The Association/Community will have the following organs:

a) an Assembly as a supreme body composed of representatives appointed by each assembly of the participating municipalities, among their elected members. The Assembly will have the right to adopt amendments to the Statute, rules of procedure and all necessary regulations and administrative decisions as per its Statute and related to its objectives.

All amendments to the Statute, rules of procedure and all necessary regulations and decisions adopted by the Assembly will be applicable to its members unless one of its members formally expresses a different decision.

b) a President, who will represent the Community/Association, including before the central authorities and outside Kosovo. The President will be assisted by a Vice-President. The President and the Vice-President will be elected by the Assembly from among the members of the participating municipalities assemblies and their mayors.

c) a Council composed of a maximum of 30 members among residents of the participating municipalities, including all mayors of the participating municipalities; the Council is an advisory body which provides guidance to the work of the Association/Community.

d) a Board composed of 7 members voted by the Assembly from among the mayors and residents of the participating municipalities, the exact composition to be defined in the Statute, with the right to take the necessary decisions for the daily management of the Community/Association. The members of the Board will be supported in their work by professional collegia composed of experts, divided into and covering those areas falling under the objectives and tasks of the Association/Community. The Statute will define the number of professional collegia and their assignment to the members of the Board.

e) an administration, headed by a Chief of Administration appointed by and reporting to the Board, supporting the work of the Community/Association, in particular the Board and the President. The staff of the administration will benefit from an employment status, in accordance with Kosovo Law, including the Law on Labour and the Law on Civil Service, enabling them to perform their administrative duties. The members of the Association/Community may decide to use a number of employees to support the Community/Association in the execution of its objectives.

f) a complaints office with a mandate to examine complaints in relation to its objectives.

7) The seat of the Community/Association will be determined in the Statute.

Relations with the central authorities

8) The Association/ Community will work with the central authorities on the basis of mutual cooperation and information sharing.

9) The Association/Community will promote the interests of the Kosovo Serb community in its relations with the central authorities.

10) The Association/Community will be entitled to propose, in accordance with Kosovo law, amendments to the legislation and other regulations relevant for the performance of its objectives.

11) The Association/Community will have the right to initiate or participate in proceedings before the competent Courts, including to the Constitutional Court, against any acts or decisions from any institution aecting the exercise by the Association/ Community of its powers in accordance with its Statute.

12) The Association/Community will have the right to nominate representa-ves in the competent organs/bodies of the central government, including the Consulta-ve Community Council. In the pursuit of the monitoring function envisaged by the First Agreement, the representative of the Association/ Community will have right to have access and information from central authorities in accordance with Kosovo law.

13) Acting on behalf of the Association/Community, the four mayors of the northern municipalities will provide the Ministry of Interior a list of candidates for nomination as regional Police Commander as specified in Article 9 of the First Agreement.

Legal capacity

14) The Association/Community will be endowed with the legal capacity necessary under Kosovo law to perform its objectives, including the right to own moveable and immoveable property, to co-own companies that provide local services within the scope of the Association/Community and to conclude contracts, including employment contracts.

15) On the basis of the First Agreement, the Association/Community is considered established, upon the adoption of the decree, for the purposes of its objectives.

Budget and support

16) The Association/Community will have its own budget, which will be administered in accordance with the principles of transparency and accountability, and the provisions of the law on public procurement.

Those principles will in par-cular apply to the channelling of funding, including under 17.d

The expenditures shall be subject to audits by the competent authorities, including by the Auditor General.

17) The Association/Community will be funded from:

a) contributions from its members;

b) income and revenue from the services provided by the Association/ Community, its companies or drawn from its moveable or immoveable assets;

c) transfers from the central authorities;

d) contributions, grants, donations as well as financial support from other associations and organisations, domestic and international as well as from the Republic of Serbia; the Community/Association will be exempt from duties and taxes in the pursuit of its objectives, on the same basis as the participating municipalities.

General and final provisions

18) The Association/Community will be open to any other municipality provided the members are in agreement.

19) The Association/Community can only be dissolved by decision of its Assembly adopted by a 2/3 majority of its members.

20) The Association/Community will be entitled to have its own official symbols (coat of arms and flag), in accordance with Kosovo law.

21) The statute of the Association/Community will be drabed by the Management Team and presented to the High-level Dialogue within 4 months from the date of agreement of these principles/elements, with facilitation if necessary, including with the Ministry of Local Government. The Statute will be endorsed by decree upon agreement in the Dialogue. Any amendments will be presented by the Association/Community, will be endorsed by decree and will be reviewed by the Constitutional Court.

22) Within one year of the adoption of the Statute of the Association/ Community, a review of its implementation shall be conducted, including with regard to Article 5 of the First Agreement.

(http://www.kim.gov.rs)

ANNEX 17.

Agreement on Judiciary:

1. Kosovo laws shall apply to judicial institutions in accordance with the *First Agreement of Principles Governing the Normalization of Relations;*

2. There shall be one Basic Court and one Basic Prosecution Office for the Mitrovica region;

3. The Mitrovica Basic Court shall have multiple premises;

4. The Mitrovica Basic Court shall have four branches: Zubin Potok, Leposavić, Srbica i Vučitrn;

5. Most of the cases from the municipalities in which the branches are situated shall receive judgements made in these branches, in accordance with law;

6. In Kosovo, president of the Basic Court is responsible for the distribution of cases.

7. Allocation of cases to prosecutors is based on expertise, specialization, and personal background knowledge, in accordance with Kosovo law;

8. Most of the cases before the Basic Court shall be decided by a single judge, in accordance with Kosovo law;

9. Both sides shall be represented in all premises of the Mitrovica Basic Court, the Basic Prosecution Office, and the division of the Court of Appeals in Mitrovica;

10. The Mitrovica Basic Court premises in northern Mitrovica shall host a majority of Kosovo Serbs;

11. The Mitrovica Basic Court premises in northern Mitrovica shall comprise of:
- The division of the Court of Appeals division in Mitrovica, composed of five Kosovo Serbs and two Kosovo Albanian judges,
- The department for serious crimes for the entire Mitrovica region, composed of four Kosovo Serba and four Kosovo Albanian judges,
- The part of the general department adjudicating over all criminal offences for northern Mitrovica, southern Mitrovica, and Zvečan.

12. The Mitrovica Basic Court premises in southern Mitrovica shall comprise of:
- The department for minors for the entire Mitrovica region,
- The department adjudicating on civil matters, uncontested claims, and minor offenses for northern Mitrovica, southern Mitrovica, and Zvečan.

The premises in Mintovica south are located in the "Jugobanka" building or another building to be agreed by both sides.

13. The President of the Mitrovica Basic Court shall be a Kosovo Serb from northern Kosovo.

14. The chief prosecutor of the Mitrovica Basic Prosecution Office is a Kosovo Albanian.

The premises are located in the southern Mitrovica Administration Office, situated in the "Bosniak Quarter", or another building to be agreed by both sides.

15. A Kosovo Serb shall head the division of the Court of Appeals sitting in northern Mitrovica. The vice-president of the Court of Appeals shall be a Kosovo Serb sitting in Priština (Source: *"Dokument: Šta sadrži sporazum o pravosuđu", Blic, Beograd, četvrtak, 12. februar 2015, 4*).

ANNEX 18.
Agreement on Civil Protection

I. Integration of personnel of the Civil Protection (CP):

The integration process of individuals will be in line with the Brussels agreement and the Kosovo Law on Civil Service.

1. Belgrade party submitted a list of 751 members of the CP to be integrated into KVO institutions.

2. Priština party offered in total 483 positions in the north, out of which 80 in the Agency for Emergency Management and 25 in the Kosovo Correctional Service; and 50 positions on contingency funds, meaning that they would receive salaries but final workplaces would be determined in the public sector within 3 years.

3. **Eligibility**: Out of 751 only the persons who are in possession of a valid KVO ID or a proof of application for a KVO ID, who are not yet on the payroll of any of the KVO institutions and who will pass the security check will be eligible for integration. Security check will be done by the KP and EULEX, and in case of a negative opinion justification will be given on individual basis to the candidate by the panel.

4. After establishing eligibility a panel will select individual candidates for specific positions based on expressed interest (more than one option), their education and professional experience.

5. In general, the panel will be composed of 4 members. Two members from KVO institutions; one representative of the former CP, and one representative of the EU. Specifically, for positions related to religious and cultural heritage (20 in total) the Serbian Orthodox Church (SOC) from Kosovo and the KVO Ministry for Culture, Youth and Sports will be consulted before final selection. By 8 April 2015 names for the panel members will be notified to the EU facilitator.

6. The above mentioned panel will be established on 27 April 2015, when the first meeting will take place. Meetings of the panel will take place in Priština in the premises to be decided by the PR party.

7. The panel shall conclude its work no later than 14 August 2015, and all employment contracts shall be signed until 1 September 2015, when the whole process of integration shall be finished.

8. The panel will decide on the method of selection, including possible interviews to be conducted with specific candidates, if and when necessary. It is the obligation of the candidates and their current employer to provide all additional information as requested by the panel.

9. The panel will first decide on the selection of candidates in the field of emergency response (80 positions) and correctional service personnel (25 positions). Selection for these positions is to be concluded by 15 June 2015 and contracts signed by 1 July 2015.

10. Following individual selection and written notification by the panel, the candidates will have 15 days to sign the employment contract and declaration (draft in annex). PR party will do everything necessary to expedite issuance of documents. In case a selected candidate does not sign the employment contract and declaration in 15 days after receiving the panel notification the position will be offered to another candidate and this person will be removed from the list of persons eligible for integration. In case candidates selected between 15 July and 14 August 2015 fail to sign the contract and the declaration additional 30 days (until 15 September 2015) will be given to the panel to make a new selection and offer unfilled positions to other eligible candidates.

11. **All offered positions** will be filled with eligible candidates, former members of the CP.

II. Handling of premises and equipment of the CP:

12. BG party provided to the EU facilitator a list and locations of premises and "observation points" currently manned by the members of the CP.

13. The three observation points on the road between Mitrovica and Jarinje will be removed from the road by 20 April 2015, and the observation point located on the northern side of the Main Bridge in Mitrovica will be handed over to the KP also by 20 April 2015. The process will be monitored and verified by the KP and EULEX.

14. Based on the provided list of premises, PR party will make an assessment which premises can continue to be used for the purpose of opening relevant KVO instituti-

ons, where integrated personnel will be working. It is responsibility of PR party to provide, equip and renovate these and other necessary additional premises until 1 September 2015 at the latest. The handing over of the premises will start after the panel can verify to the EU facilitator full integration of 105 members of the CP. The process will be gradual, concluding not later than 20 July 2015.

15. Any surveillance, including technical equipment and situation centre, will be removed and/or handed over to the KP by 20 April 2015.

16. The BG party informed that the CP is in possession of around 500 official jackets. The BG party will in writing inform the EU facilitator about discontinuation of official use of these jackets on the day of the integration of the first 105 selected candidates. During and after integration the former members of the CP will not be allowed to wear any kind of uniforms or civilian clothes resembling uniforms with insignia of the CP. After integration the employer will decide on a dress code, including uniforms when and if appropriate, depending on institution into which personnel is integrated.

17. BG party will provide an inventory of all equipment currently in use and possession of the CP to the EU facilitator by 24 April 2015. The PR party will decide which equipment will continue to be used by KVO institutions in the northern municipalities, remaining equipment will be transferred to the BG Party, which will be verified by the KP and EULEX.

18. BG party provided a written confirmation that the CP and its members are not in possession of any official weapons. In case PR party is able to provide credible evidence that the CP is in possession of official weapons it will inform the EU facilitator and EULEX and the KP will jointly conduct search operations without pre-notification.

III. Notifications:

19. BG Party will by 24 April 2015 inform in writing the EU facilitator about discontinuation of paying salaries and providing any financial means for the CP in Kosovo by 1 September 2015, except for person falling under point 10 until 15 September 2015, and adopt necessary internal regulation to implement this decision. A copy of this regulation will be provided to the EU facilitator by 1 September 2015.

20. BG Party will by 24 April 2015 inform the EU facilitator in writing that CP in Kosovo will no longer exist within the Serbian system from 1 September 2015 on.

ANNEX 19
Arrangements regarding Energy

1. Both parties confirm their commitment to meeting all their obligations under the Energy Community Treaty, and to apply the EU energy acquis. These arrangements are fully compatible with both.

2. KOSTT and EMS will sign a bilateral operational agreement within 3 months, establishing and regulating relations between the two Transmission System Operators. In addition, the former Temporary Energy Exchange Agreement and Temporary Technical Agreement will be repealed.

KOSTTT will be recognised as the Transmission System Operator for the territory of Kosovo for the purpose of participation in all relevant mechanisms (ITC, Congestion Management, etc).

EMS will support KOSTTT to become a member on ENTSO-E.

3. The energy regulatory authorities of both parties will open direct channels of communication to discuss subjects of mutual interest. The regulatory authorities of both sides shall, upon applications, without delay, and in line with the requirements of the existing licensing framework in their jurisdiction, issue licences covering trade (import, export, transit) and supply to KEK, KEDS and ESP, respectively.

4. Both parties will accelerate the process of market opening by July 1st 2014, in accordance with the timetable fixed by Energy Community Treaty, therefore allowing a new electricity company to supply customers to be established. Both parties also agree that such a company will be established under the Kosovan legal and regulatory framework.

5. This new company will supply electricity and may provide distribution services (such as billing, collecting, maintenance and physical connection of new customers) to customers in the four northern Serb majority municipalities, and will be able to buy and sell power on the open market. This new company, in order to operate as per point 4 will sign agreements with KOSTT in order to participate in the Kosovo power market and to become balance responsible party.

Immediately after the establishment of this new company, it will enter into discussions on all other issues of mutual interest with KEDS and KOSTT, including ensuring third party access.

The employees on JP Elektrokosmet will either be incorporated into this new company or might be offered employment with KEDS.

KOSTT will reconnect the 110 kV line to Valac/q. The current operators at the Valac/q substation will respect instructions from the Kosovo dispatch centre.

6. Both parties agree to try to find a common settlement solution as regards KOSTT's claims and EMS claims. KOSTT consider that these claims are for unpaid transit and interconnection allocations revenue and EMS's claims for secondary regulation. EMS considers that these claims are for services for secondary and tertiary regulation. Should it not be possible to reach a common settlement within 6 month, both parties agree to submit these claims to international arbitration.

7. An implementation group will be formed in order to draft a full Action Plan for the implementation of the future Agreement. The full implementation process will commence upon receipt of written acceptance of Action plan.

ANNEX 20.

Conclusion of the EU facilitator on the implementation of the 2013 Energy Agreement

In order to implement obligations under the "Arrangements regarding energy", signed by the two Prime Ministers in September 2013, both parties agree to the following:

Establishment of new trade company

1. Kosovo will allow EPS to establish a power trade company in Kosovo, in line with its non-discriminatory obligations under the Energy Community and in accordance with the Kosovo legal and regulatory framework.

2. EPS will deposit documents to the Kosovan Business Registration Office to apply for a business registration certificate before the end of August 2015.

3. In line with Kosovo's own rules and deadlines, this business registration certificate will be granted within 7 days.

4. This company will apply for, and be granted a license that covers import, export and transit.

Establishment of new supply and distribution services company

5. Kosovo will allow EPS to establish a supply company in Kosovo, in line with its non-discriminatory obligations under the Energy Community and in accordance with the Kosovo legal and regulatory framework.

6. EPS will deposit documents to the Kosovan Business Registration Office to apply for a business registration certificate before the end of August 2015.

7. In line with Kosovo's own rules and deadlines, this business registration certificate will be granted within 7 days.

8. The name of this company will be "ElektroSever".

Supply license

9. This company will apply to the Energy Regulatory Office (ERO) for the necessary license to supply customers, to buy and sell power in the open market and to import and export electricity. This license will be delivered in accordance with Kosovo's own legal and regulatory framework.

10. The supply license will be operational when KOSTT becomes a member of the ENTSO-E.

11. ElektroSever will sign agreements with KOSTT in order to participate in the Kosovo power market and to become balance responsible party.

12. ElektroSever will be entitled to carry out billing and collection, since these are the normal activities of a supply company.

13. Access to KOSTT, KEDS and ERO to the transmission and distribution infrastructure as well as customer data will be provided. This data will be provided via the EU.

14. ElektroSever will enter into discussions with KEDS and KOSTT, to ensure third party access.

Distribution services

15. Both parties will continue to work, with EU facilitation, with a view to allowing ElektroSever to provide distribution services based on the principles of "Arrangements regarding Energy".

Other issues

16. Serbia and EMS, will support KOSTT's application to sign an interconnection agreement with ENTSO-E, including in the appeal process.

17. Both parties agree that all points of these Conclusions will be implemented independently of progress on point 15.

Disclaimer

Kosovo considers that, in accordance with Kosovo Constitution and Laws, and international law , namely UNSCR 1244 and respective UNMIK Regulations, the property within the territory of Kosovo is ownership of Kosovo.

Serbia considers that, that in accordance with domestic and international law, namely UNSCR 1244, property within the territory of Kosovo is ownership of Serbia, under specific provincial regulation and in full accordance with the Constitution of Serbia.

http://www.kim.gov.rs/eng

ANNEX 21.
Arrangements regarding Telecommunications

1. In the Context of the EU-facilitated dialogue, both sides agree that Kosovo shall be allocated a 3-digit dial code from the ITU in line with the standards and principles and time table of the ITU. The two sides agreed that a mutually accepted modality will be found regarding this process within three months, with EU facilitation as necessary.

The aim is that the migration period relating to the dial code should end by January 2015. After this date, this dial code from the ITU will be used by all operators in Kosovo. Operators from both parties will reduce costs to local charges for citizens.

2. Regulators in both sides will agree Technical Agreements to harmonise the use of spectrum for GSM, and television signal, including digital terrestrial broadcasting, with the aim of ensuring mutually uninterrupted provision on services based on the principles on ITU and avoiding harmful interference between services. Each Party commits not to cover the border/boundary of the other Party intentionally.

The regulators will also encourage and facilitate the process of interconnection and roaming agreement between the mobile operators of both sides with a view to reducing costs to citizens. They will also enter into harmonization process for digital frequencies.

3. On fixed telephony, a full license for fixed telecommunications services will be issued to a NewCo, subsidiary of a Serbian company registered in accordance with Kosovan regulatory framework.

4. On mobile telephony, the Kosovo authorities will permit the new company a temporary authorisation, under Kosovo regulatory framework, for current operation, limited to the current infrastructure on the ground. This temporary authorization will not expire before January 2015.

The temporary authorization will expire once the Kosovo authorities issue a new full unrestricted, mobile telephone license as a result of a tender / auction. The tender will be organised in line with the EU Standards.

5. Although Postal services were not part of these discussions, both sides agree to discuss them at a later stage.

6. An implementation group will be formed, with EU facilitation as necessary, in order to draft a full Action plan for the implementation of the Agreement. Once the above arrangements have entered into force, the implementation group may discuss, at the request of either side, any other issues relating to these arrangements. The full implementation process will commence upon receipt of written acceptance of Action plan.

ANNEX 22.

Annex 1: text of ITU bulletin

With the agreement of the Administration of the Republic of Serbia, the Director of TSB has assigned the following international codes to Kosovo:

E.164 Code (as defined in Recommendation ITU-TE. 164 section 4.1): 383

E.212 Code (as defined in Recommendation ITU-TE. 212 section 3.3): 221

Q.708 signalling area network code (SANC): 7-214

The Activation dates of these codes and the transition from the currently-used codes to these assigned codes will be advised later.

Annex 2: text of Austrian letter to the ITU

Dear Secretary-General,

In the framework of the EU-facilitaded Dialogue between Kosovo and Serbia, I have the honour of requesting, on behalf of Serbia and Kosovo, that the International Telecommunications Union begins the process of allocating a 3 digit dial code to Kosovo.

As part of the aforementioned dialogue,the Prime Ministers of Kosovo and Serbia reached an agreement in Septembar 2013 that Kosovo should be allocated a 3 digit dial code, in line with the standards and principles and timetable of the ITU. Both sides also agreed that a mutually accepted modality would be found regarding this process, with EU facilitation as necessary. I would like to inform you that this mutually accepted modality be that the Republic of Austria requests this code for Kosovo.

I would be grateful if you could proceed, as quickly as possible, to allocate one of the two unallocated codes (+383 or +384) for use by the Kosovo authorities. I would also be grateful if you could confirm that the ITU bulletin has been published.

Yours sincerely,

Annex 3: denomination of Kosovo in the ITU's technical annexes

In the technical annexes to the ITU's bulletins, Kosovo will be referred to as Kosovo* with the footnote "This designation is without prejudice to positions on status, and is in the line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence."

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ANNEX 23.
Excerpt from the Resolution of the German Bundestag

"I) … the Bundestag supports Serbia's European aspirations and commends the country's reform efforts, recognizing that "There are still, however, major implementing measures to be taken by Serbia before it can be said to have met all of its obligations under the agreements referred to above. For this reason, the Bundestag takes the view that the first accession conference initiating the negotiations cannot begin until the Council has concluded that the obligations incurred by Serbia are being fully and consistently honoured and the European Council has endorsed that conclusion. Progress in the implementation of the agreed measures must be further reviewed, for example by means of another report to be presented by the European Commission by the end of November 2013…..

1. The Bundestag calls on the Federal Government to approve accession negotiations with Serbia with the provison that the first accession conference should not take place until January 2014 at the earliest and only be held if the Council concludes that Serbia has been fully and consistently honouring the obligations arising from the implementation plan concluded between Serbia and Kosovo on 26 May and fulfilling the conditions set out below and if the Council has adopted the negotiating framework and the European Council has endorsed both the conclusion and the framework;

These conditions include:

- the complete dissolution of the parallel Serbian security and judicial structures in northern Kosovo and the establishment in their place of new security and judicial structures that are politically overseen and funded by the Kosovo Government alone,
- the production of a full and detailed schedule of all Serbian payments made to institutions in Kosovo,
- the establishment of an association/community of Kosovo Serb-majority municipalities and the adoption of its articles of association,
- the conducting of free and fair local elections throughout Kosovo,
- the full implementation of all previous agreements reached in the course of the dialogue process, including the establishment of unhindered overland access by Kosovo border police and customs officers to the border posts in northern Kosovo and the closure of the bypass routes in northern Kosovo, and
- guaranteed freedom of movement for EULEX Kosovo;

If Serbia delays, suspends or reneges on the fulfilment of any obligations after accession negotiations have opened, the accession negotiations must be halted;

2. To keep the Bundestag informed in writing until the obligations have been honoured; the Bundestag reserves the right to make use of its entitlement to deliver an opinion if it reaches the conclusion that the conditions for the opening of accession negotiations have not been fulfilled;

3. To make it clear to Serbia and Kosovo that additional confidence-building measures must be taken if their relations are to be normalised; in particular, these measures must include the earliest possible opening of the bridge over the River Ibar as a

building block in the confidence-building process;

4. To try to ensure that the normalisation process between Serbia and Kosovo is dealt with as a matter of priority in an appropriate chapter and that this chapter, together with the rule of law and the related issues listed in item 6 below, is one of the main focal points of the accession negotiations; deliberations on this chapter must take place from the very start of the negotiations and must not be concluded until a legally binding agreement has been achieved on the normalisation of relations between Serbia and Kosovo, offering the prospect that both countries will be able, on acceding to full membership, to exercise their rights and responsibilities independently and jointly; the negotiating framework must be designed in such a way as to tie the continuing normalisation process into the accession negotiations; care must be taken to ensure linkage between progress in the relevant negotiating chapters and progress in the normalisation process; complete normalisation of relations with Kosovo should be identified in the negotiating framework as a prerequisite for Serbia's accession; the Federal Government is called on to press for an undertaking by Serbia in the accession treaty too not to obstruct Kosovo's convergence with the EU after its own accession;

5. To try to have the negotiating framework structured in such a way as to ensure Serbia's systematic continuation of the reform process, and particularly its implementation of adopted reforms; the opening and closure of individual negotiating chapters must depend on clearly defined criteria;

6. To emphasise clearly that Serbia must make considerable additional efforts if it is to meet the accession criteria, particularly in the areas of the rule of law, judicial reform, combating corruption, fighting organised crime, guaranteeing freedom of the press, protecting minorities and guaranteeing the security of investments;

7. To try to ensure that chapter 23 – judiciary and fundamental freedoms – and chapter 24 – justice, freedom and security – are also opened at the start of the negotiations and remain open until the negotiations end; the action plans proposed by the European Commission for these chapters must prescribe clearly defined time limits and targets, compliance with which will be a prerequisite for the opening and closing of other chapters; no other chapters must be opened before these, as happened in the negotiations with Montenegro in spite of the clearly formulated decision adopted by the Bundestag in December 2011; the European Commission must report regularly on the implementation of the action plans in addition to its annual progress reports, and specific rules must be laid down in the accession treaty for the eventuality of non-compliance with negotiated obligations arising from chapters 23 and 24;

8. To try to ensure that the accession negotiations are not closed until the competent Serbian authorities and courts have done everything in their power to investigate fully the arson attack carried out on the German Embassy in Belgrade in February 2008 by due process of law and to convict the perpetrators and particularly the instigators;

9. To press for the adoption of as few transitional arrangements and exemptions from the established body of Community law and practice (the acquis communautaire) as possible when Serbian law is adapted to incorporate the acquis; Serbia wishes to accede to the European Union and must accept that the acquis communautaire will not be watered down through negotiation;

10. To try to ensure that Serbia, in the event of accession, fully meets the political and economic criteria and that no conditions of accession relating to other candidate countries are linked to these criteria; strict fulfilment of the Copenhagen criteria remains the prerequisite for accession; nothing must be done to render accession automatic, such as the naming of an accession date before the negotiations are completed;

11. To press for Serbia to submit to the provisions of the European Stability and Growth Pact during the negotiating process and fulfil the stability criteria introduced by the Maastricht Treaty before it is able to sign up officially to monetary union in the event of its having acceded to the EU;

12. To inform the Bundestag continuously in accordance with sections 4 to 7 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union and, in so doing, to make its own position clear; progress towards accession should not be assessed by the European Commission alone but also on a regular basis by the Federal Government in consultation with its diplomatic missions".

ANNEX 24.

List of actions that can be undertaken by Belgrade in the current period – 11. points (In addition to satisfactory responses to Chapter 35 questionnaire)

1. Removal of "peace park" on Mitrovica bridge.

2. Statute of Association/Community: presentation to relevant Kosovo authorities (Ministry of Local Self Government) of a draft text that is in accordance with current Kosovo Law.

3. Integration of any/all remaining Serbian state structures of local self- government in a single Kosovo institutional framework.

4. Telecom: signature of Action Plan, enable the issuance by ITU of dialling code in next ITU conference in mid-October 2014.

5. Energy: signature of Action Plan, signature of inter-TSO agreement between the two companies (Transmission System Operators), removal of illegally appointed management of Gazivode reservoir in northern Kosovo.

6. Regional cooperation: continued promotion of inclusive regional cooperation; look into Kosovo participation in the following regional fora that focus on rule of law and security related regional initiatives/fora (a mutually shared interest) such as: SELEC, Law Enforcement Centre; PCC-SEE, Secretariat of Police cooperation convention for SEE (PCC-SEE);SEPCA, South East Europe Police Chiefs Association; RAI, Regional Anticorruption task force;

7. Liaison officers: agreement on handling of official visits by LOs in line with Liaison Arrangements.

8. IBM: approval on the building of permanent crossing points now that all the preparatory work is complete and the funding from the Commission is there.

9. Illegal bypasses (esp. in light of latest incidents of illegal woodcutting with casualties from both sides): block permanently from the Serbian side all illegal bypasses .

10. Freedom of movement: in line with the Freedom of Movement Agreement, allow Kosovo documents to be accepted in all crossing points between Serbia and third states (currently this applies only to two crossing points).

11. Address issues regarding the application of dialogue agreements, In light of Serbian Constitutional Court rulings.

ANNEX 25.
Final Declaration by the Chair of the Conference on the Western Balkans, Berlin, 28 August 2014

A hundred years after the outbreak of the First World War, the heads of government, foreign ministers and economics ministers of Albania, Bosnia and Herzegovina, Croatia, Kosovo, the FYR of Macedonia, Montenegro, Serbia and Slovenia, as well as representatives of the European Commission, the future host Austria, and France, met in Berlin on 28 August 2014 for the first Conference on the Western Balkans.

2014–2018: four years of real progress

1. We agree that today's conference should provide a framework for a period of four years, during which we will further our endeavours to make additional real progress in the reform process, in resolving outstanding bilateral and internal issues, and in achieving reconciliation within and between the societies in the region. We are also united in the aim of enhancing regional economic cooperation and laying the foundations for sustainable growth.

2. We have jointly decided to meet in the same format each year during the next four years in order to implement the agenda agreed at today's meeting and to support this aim through other specific projects. The Federal Chancellor of Austria has offered to host the first follow-up conference in his country in 2015. This will provide an opportunity to evaluate the initial results. We plan to continue our work on questions of key importance to the future of the Western Balkans on an ongoing basis during further conferences to be held until 2018.

The path to a future in Europe

3. Just fifteen years ago, the news from the region was dominated by war, expulsions and destruction. It is now apparent that the region has already made great achievements as regards creating stability, developing good neighbourly relations, and modernising government, society and the economy.

4. The European Union's enlargement policy has played a crucial role in these achievements. All of the countries in the Western Balkans firmly believe that their future lies in the European Union.

5. The German Government expressly underlines its support for the prospect of European integration for the countries of the Western Balkans. All of the countries of

the Western Balkans will have an opportunity to join the European Union if they meet the conditions for accession. Germany is aware of its responsibility for a peaceful, stable and democratic future based on the rule of law, and will continue to support the region on its path to this future.

Intensifying regional cooperation as an essential basis

6. All of the participants underline the need to resolve outstanding bilateral questions as quickly as possible in the interests of good neighbourly relations and increased stability in the region. The prime ministers of Serbia and Kosovo reiterated their determination to revitalise the process of normalising relations. The naming dispute between the FYR of Macedonia and Greece is one of the outstanding bilateral issues. The participating States agreed that this dispute must urgently be resolved by a willingness to compromise on all sides. Where possible, the countries should make use of the positive influence of regional neighbours on overcoming internal political challenges. This applies in particular to the revitalisation of the reform process in Bosnia and Herzegovina.

7. The countries of the Western Balkans therefore stress their willingness today to increase their cooperation among one another. Regional organisations such as the Regional Cooperation Council will play an important role in this.

8. Regional cooperation shall also include the civil society level. In this context, the participating States underlined their unanimous wish to expand transnational exchange, particularly among young people.

Strengthening good governance

9. Further improving governance remains a particular challenge for the young democracies of the Western Balkans.

10. The participating States agree that further measures must be taken to tackle corruption and organised crime. The countries of the Western Balkans reiterated their willingness to carry out further reforms aimed at increasing legal certainty in their countries, to uphold and reinforce the independence of their judiciary, and to work more intensively together across borders in regional and bilateral structures.

11. In a pluralistic democracy, the opposition must also be able to play its role in the parliamentary framework, and it must also want to do so. A politically active civil society can also provide constructive support as regards the further strengthening of democratic communities in the countries of the Western Balkans, thus also bringing these states closer to the EU. The prerequisites for this include a pluralistic media landscape, independent trade unions, and an economy that can fulfil its role as part of the community, free from political interference. Germany remains committed to fostering freedom of the media in the region. To this end, the Federal Foreign Office is holding a workshop for twelve leading journalists from all countries of the region as part of the conference framework programme.

Increasing prosperity via sustainable economic growth

12. Sustainable economic growth and thus the sustainable increase of prosperity for the good of citizens will only be possible via open markets and foreign investment. A positive investment climate is particularly crucial to the activities of small and me-

dium-sized enterprises. Legal certainty and a zero-tolerance policy on corruption are vital in this context. The participating States aim to improve cooperation among the investment agencies, as well as the way they communicate with Germany Trade & Invest.

13. The countries of the Western Balkans shall reinforce their endeavours to overcome their current account deficits. German business will support the enhancement of the region's export strength by launching a purchasing initiative for the Western Balkans in 2015.

14. Competitiveness must be further increased via regional value chains. In this context, the initiative by the German business community to hold a regional conference in Montenegro in September 2014 and the activities by the Regional Cooperation Council in this area will make a concrete contribution.

15. The participating States agree that European energy policy is of increasing importance to the countries of the Western Balkans. Regional cooperation within the framework of the Energy Community for South East Europe is an important component, particularly as regards energy security, energy efficiency targets and climate protection. The countries of the Western Balkans will continue to work intensively on further developing the Energy Community and on overcoming shortcomings in implementation.

16. The participating States share the view that a transport community for the Western Balkans could provide a positive impetus for economic development by improving the region's logistical connections to the European markets where demand is high. This is also the case as regards the expansion of information and communications technology infrastructure under reliable conditions.

17. The participating States believe that needs-based academic and vocational training is essential in order to reduce youth unemployment. Projects by the German business community to support vocational training in the countries of the Western Balkans are helping to meet this aim.

18. Germany is willing to carry out further measures within the framework of existing programmes on economic cooperation and development in order to support the region's countries in making the most effective use of European measures for bringing them closer to the EU via the Instrument for Pre-Accession Assistance (IPA). German development cooperation has provided reliable support to the countries of the Western Balkans for 25 years and is an integral part of German endeavours to bring the countries closer to the EU and European standards.

ANNEX 26.
Decisions of the Constitutional Court of the Republic of Serbia (CCRS) concerning the First Ageement of Principles Governing the Normalization of Relation

The National Assembly received from the Government a Report on the current process of political and technical dialogue with the provisional institutions of self-government in Priština with the mediation of the European Union, including the process of implementation of the agreements reached. After the debate, the National Assem-

bly adopted the "Decision to accept the Report on the current process of political and technical dialogue with the provisional institutions of self-government in Priština with the mediation of the European Union, including the process of implementation of the agreements reached", on 26 April 2013.

On 7 May 2013, the Serbian Radical Party filed a motion before the Constitutional Court of the Republic of Serbia (CCRS) for assessing the constitutionality of the National Assembly's Decision to accept the Report on the current process of political and technical dialogue with the provisional institutions of self-government in Priština with the mediation of the European Union, including the process of implementation of the agreements reached" of 26 April 2013.

The same motion contained a request for assessment of the constitutionality of the Government's Decision to adopt the First Agreement of Principles Governing the Normalization of Relations reached in the Brussels Dialogue on 22 April 2013. The following day, a motion for assessing the constitutionality and legality of the initialed *First Agreement of Principles Governing the Normalization of Relations*, was filed by 21 parlamenatians from the DSS - Vojislav Kostunica Electoral List, together with one parliamentarian from SNS, one from NSS, and two independent MPs.

The CCRS has dismissed the motion for assessing the constitutionality and legality of the initialed *First Agreement of Principles Governing the Normalization of Relations* between the Government of the Republic of Serbia and the Provisional Institutions of Self-Government in Kosovo, of 19 April 2013 (case IUo–247/2013) (P*ress Release - 35th Session of the Constitutional Court*, of 10 December 2014, chaired by Vesna Ilić Prelić, President of the Constitutional Court).

Regulation on special manner of processing data contained in registries for the territory of the Autonomous Province of Kosovo and Metohija

The Government of the Repulic of Serbia adopted a Regulation on special manner of processing data contained in registries for the territory of the Autonomous Province of Kosovo and Metohija, on 14 November 2011 ("*Official Gazette of RS*", No. 86 of 18 November 2011).

A motion for assessing the constituality of the Regulation was filed with the CCRS by 25 parlamenratians at the initiative of the Democratic Party of Serbia, on 24 October 2012. The ruling on initiating the procedure was issued on 24 October 2012. The CCSR determined the Regulation on special manner of processing data contained in registries for the territory of the Autonomous Province of Kosovo and Metohija ("Official Gazette of RS", No. 86/11) to be in violation of the Constitution and the law and all petitions for stay of enforcement of individual acts and procedures undertaken based on the Regulation were dismissed (http://www.ustavni.sud.rs).

Regulation on special manner of processing data contained in the land cadastre for the Autonomous Province of Kosovo and Metohija

A Regulation on special manner of processing data contained in the land cadastre for the Autonomous Province of Kosovo and Metohija was adopted on 8 December 2011 ("Official Gazette of RS", No. 94 of 14 Deceber 2011). A motion for assessing the constituality of the Regulation was filed with the CCRS by 25 parlamenratians at the

initiative of the Democratic Party of Serbia, on 24 October 2012. The Conclusion for discontinuation of the procedure was issued on 18 June 2013 ("*Official Gazette of RS*", No. 67/13). The CCSR determined the Regulation to be in violation of the Constitution, on 26 February 2014) (http://www.politika.rs/).

Regulation on the Control of Crossings along the Administrative Line with the Autonomous Province of Kosovo and Metohija

The Government of the Repblic of Serbia adopted the Regulation on the Control of Crossings along the Administrative Line with the Autonomous Province of Kosovo and Metohija on 23 December 2011 ("Official Gazette of RS", No. 98 of 23 Deceber 2011). A motion for assessing the constituality of the Regulation was filed with the CCRS by 25 parlamenratians at the initiative of the Democratic Party of Serbia, on 24 October 2012. The CCSR determined the Regulation to be in violation of the Constitution (*http://dss.rs/neustavnost-briselskog-sporazuma*).

Regulation on special manner of recognition of higher education certificates and valuation of curricula of universities from the territory of the Autonomous Province of Kosovo and Metohija which operate contrary to regulations of the Republic of Serbia.

The Government of the Repblic of Serbia adopted the Regulation on special manner of recognition of higher education certificates and valuation of curricula of universities from the territory of the Autonomous Province of Kosovo and Metohija which operate contrary to regulations of the Republic of Serbia, on 9 February 2012 ("Official Gazette of RS", No. 16 of 7 March 2012). A motion for assessing the constituality of the Regulation was filed with the CCRS by 25 parlamenratians at the initiative of the Democratic Party of Serbia, on 24 October 2012. The CCSR determined the Regulation to be in violation of the Constitution, on 30 April 2014 (case IUo – 225/2013) ("*Official Gazette of RS*", No. 119/2014).

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The Agreements on Telecommunications and Agreements on Energy were reached on 13 September 2013 in Brussels (http://dss.rs/predlog-dss-za-ocenu-ustavnosti-sporazuma-o-telekomunikacijama-i-enegretici). On 4 November 2013, the Democratic Party of Serbia filed a motion with the Constitutional Court of the Republic of Serbia (CCRS) for assessment of the constitutionality of the agreement concluded between the representatives of Belgrade and Priština representatives in the energy and telecommunications sectors (http://www.naslovi.net).

The Law on Ratification of the Agreement between the Kingdom of Belgium and the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, the Republic of Serbia and the United Nations Interim Administrative Mission in Kosovo, on behalf of Kosovo, in line with the Resolution 1244 of the United Nations Security Council on the Privilegies and Immunities of the Secretariat of the Central European Free Trade Agreement.

At the Fourth Sitting of its First Regular Session on 13 May 2009, the National Assembly of the Republic of Serbia, adopted the the Law on Ratification of the Agreement between the Kingdom of Belgium and the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, Mol-

dova, Montenegro, the Republic of Serbia and the United Nations Interim Administrative Mission in Kosovo, on behalf of Kosovo, in line with the Resolution 1244 of the United Nations Security Council on the Privilegies and Immunities of the Secretariat of the Central European Free Trade Agreement ("Official Gazette of RS" - International Treaties, No. 38/09). A motion for assessment of the constitutionality was filed with the CCRS of Articles 1, 2 and Article 33, para. 3 and 4 on 31 October 2012. The CCRS has dismissed the motion for assessment of the constituality. (http://www.ustavni.sud.rs/).

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At the Fourth Sitting of its First Regular Session on 13 May 2009, the National Assembly of the Republic of Serbia, adopted the the Law on Ratification of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (in line with the Resolution 1244 of the United Nations Security Council of 10 June 1999) on the Establishment of a European Common Aviation Area ("Official Gazette of RS" - International Treaties, No. 38/09). A motion for assessment of the constitutionality of Articles 1, 2 and 32, was filed with the CCRS, on 17 October 2012. The CCRS has dismissed the motion for assessment of the constituality. (http://www.ustavni.sud.rs/) *(Gavrilović, 2015:16- 20).*

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