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QUESTIONING TERRITORIAL AUTONOMY: FAILED ATTEMPTS TO INSTITUTE
THE ASSOCIATION/COMMUNITY OF SERB MUNICIPALITIES IN KOSOVO

MA Thesis

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Questioning Territorial Autonomy: Failed Attempts to Institute the Association/Community of Serb Municipalities in Kosovo

Abstract

This thesis analyses the official statements of Kosovo, Serbia and the EU and examines how the issue of territorial autonomy for minorities, more precisely the Association/Community of Serb Municipalities has been approached during the most active episodes of debate over 10 years. The focus is on the two research questions: Why has the Association of Serb majority municipalities not been formally established in Kosovo? and How do Serbia, Kosovo and the EU articulate their positions around the Association? The thesis is designed as a process-tracing single case study focusing on three different episodes in the Brussels Dialogue during which the debate of the ASM has been especially prevalent: The Brussels Agreement (01.06.2012-01.06.2013), the Second Agreement (01.01.2015-31.12.2015) and the Ohrid Agreement (01.11.2022-01.11.2023). Qualitative Content Analysis is applied to analyse the official statements of all three actors across the episodes. Over the more than 10 years of negotiations in the Brussels Dialogue, Kosovo and Serbia expressed considerable incompatibilities in their arguments related to the ASM, which had to do with the extent of powers it should hold, the legal obligation to implement it, its compatibility with Kosovo's constitution and the effect it would have on the security situation in Kosovo. Furthermore, the thesis shows how the EU went from being a normative mediator to taking a tougher stance on the issue, gathering resentment from Serbia and Kosovo.

Table of Contents

1. Introduction.....	6
2. Theoretical Framing: Majority-minority Relations and Quest for Territorial Autonomy .9	
2.1 Multiculturalism and Minority Rights	10
2.2 Dealing with Ethnic Minority Issues and the Triadic and Quadratic Nexus	12
2.3 Territorial Autonomy	15
2.3 Majority-minority Relations and Territorial Autonomy in Kosovo’s Context.....	25
3. Methodology	27
3.1 Research Questions and Expectations	27
3.2 Research Design: Process-tracing.....	27
3.3 Timeline for Process-tracing.....	28
3.4 Operationalisation: Qualitative Content Analysis	30
3.5 Sources.....	32
3.6 Generating the Coding Frame.....	33
4. Setting the Scene: The Serb Minority in Kosovo	34
4.1 The Rights of the Serb Minority in Kosovo After 2008	35
4.2 Political Representation	36
4.3 Parallel structures.....	37
4.4 The ASM.....	38
5. Empirical Analysis.....	40
5.1 Episode I: Brussels Agreement.....	40
5.2 Episode II: The Second Agreement	51
Episode III: The Ohrid Agreement	63
6. Conclusion	74
Primary sources:.....	79
Reference List	117

1. Introduction

Kosovo is a multiethnic state, where the majority ethnic group is Albanian and the largest ethnic minority group are the ethnic Serbs, who make up an estimated 5% of the whole population and most of whom live in the North in the four Serb-majority municipalities (Sekularac and Bytyci, 2023). Kosovo is also a contested territory- since its declaration of independence in 2008, Serbia has not recognised it and has actively campaigned against Kosovo's representation in international institutions and further recognitions of independence, connected to the role Kosovo's territory plays in both actor's national myths and identity-building. For Kosovo Albanians, the territory marks the birth of Albanian nationalism with the creation of the League of Prizren during the Russo-Ottoman war in 1878 (Maloku et al., 2016) and some even go as far as to claim that current Albanians are descendants of the Allyrians, a people living in the territory before the Roman empire (Demjaha, 2017). The territory of Kosovo is also important to the Serb national myth- they consider it to be the territory of Old Serbia and the cradle of Serbian culture (Demjaha, 2017), as the territory of Kosovo holds many of their oldest holy churches and monasteries (Maloku et al., 2016). The Serb national myth emphasises and romanticises the mediaeval Serbian state and its defeat in Kosovo territory by the Ottomans in 1389 (Johnson, 2020). The relevance of the historical holy homeland myth to the identity of Serbs and their approach to Kosovo can also be seen by the fact that the ministry that deals with Kosovo issues in Serbia, the Ministry of Kosovo and Metohija refers to the history, as metohija translates to 'church lands' (Johnson, 2020). These myths are relevant to both Kosovo Albanians and Serbs, as both the Kosovo and Serb political elites have at different points in history glorified them and constructed the territory of Kosovo as the birthplace of their culture and statehood, and "homeland", becoming indivisible and resulting in the viewing of the territory as an existential part of their identity.

The status and organisation of the municipalities in Kosovo, where ethnic Serbs constitute the majority, especially those in the North has been a subject of debate for decades. Since the Vienna Talks, the international negotiations between Serbia and Kosovo mediated by the UN, which preceded the Ahtisaari Plan and Kosovo's independence, minority rights in Kosovo have been at the forefront (Zdravkovski and Ramet, 2019; Landau, 2017). This means that the independence of Kosovo and its constitution was negotiated hand-in-hand with minority

rights. The nature of the way that both Serbia and Kosovo approach the Serb minority, the emphasis has been on group rights based on territorial solutions rather than proposals based on individual rights for the members of ethnic minorities (Landau, 2017). This is also facilitated by the territorial concentration of the Serb minority- even before the redrawing of some municipality borders as proposed by the Ahtisaari plan, they were already concentrated in the North and in some Southern enclaves. Therefore the Ahtisaari plan, serving as the basis for Kosovo constitution and the outcome of these high-level talks, also approached the decentralisation in territorial terms and ensured a high level of self-rule to the Serb majority municipalities (Keil, 2017).

To this day, the contested idea of the extent of territorial autonomy the Serb minority in Kosovo should have creates tensions and protests (Prelec, 2023). The EU facilitated Brussels Process was once praised as being the tool to normalise relations between Pristina and Belgrade, but the non-implementation of the Association of Serb Municipalities (ASM) has proved to be one of the most pressing issues that destabilises the situation on the ground (Prelec, 2023). The situation has gotten to the point where the ICG states that unless checked, the situation is likely to escalate to more serious fighting (Prelec, 2023). Therefore, it is relevant to study the reasons why one of the most important aspect of the disagreements between Serbia, Kosovo and Kosovo Serbs, the ASM's implementation, has reached a stalemate and where the opinions on it have differed.

The Serb majority municipalities were given the right to form partnerships and associations already under the Ahtisaari plan (International Crisis Group, 2013). Furthermore, as a result of the EU negotiated normalisation process, Pristina agreed to form the "Association/Community" of Serb municipalities in the North twice: firstly in 2013 and then in 2015 (International Crisis Group, 2021), and more recently, during the verbal endorsement of the Ohrid Agreement (Mucznik, 2023). In addition, there are already parallel structures in place, where schools, hospitals and other public structures are financed by Belgrade (International Crisis Group, 2012). Therefore, it is puzzling that the ASM has not been formally implemented yet, even though Kosovo became independent under the circumstances that it would grant territorial autonomy to the Serb majority municipalities and it has signed internationally binding agreements that obligate it to do so. There are two research questions for this thesis, derived from the research puzzle: Why has the Association of Serb majority

municipalities not been formally established in Kosovo? and How do Serbia, Kosovo and the EU articulate their positions around the Association?

The thesis starts by laying out the theoretical framework of majority-minority relations, then provides a more narrow discussion on the links between territories and ethnic minorities and gives an overview of different approaches to territorial self-government arrangements and finally brings it to the Kosovo context. Then it introduces the research design and operationalisation of sources. This thesis analyses the official statements of Belgrade, Prishtina and the EU during different episodes in the Brussels Dialogue where the ASM has been a subject of debate in a single-case process-tracing study. The statements are analysed using Qualitative Content Analysis (QCA), which allows for systematic interpretive analysis of the data at hand. The empirical chapter unfolds in three different episodes during the Brussels Dialogue, each of which is relevant in terms of the issue of the ASM: The Brussels Agreement (01.06.2012-01.06.2013), the Second Agreement (01.01.2015-31.12.2015 and the Ohrid Agreement (01.11.2022-01.11.2023). Finally, the thesis concludes by presenting the most important findings.

2. Theoretical Framing: Majority-minority Relations and Quest for Territorial Autonomy

This chapter will provide a theoretical basis for the thesis at hand and begins with a discussion of majority-minority relations in order to provide a basis for the question of how a state can approach its ethnic minorities. Within states, two main approaches are recognised: assimilation theory, where an ethnic group is expected to integrate by assimilating with the majority culture, and multiculturalism theory, where the minority group maintains their distinct culture and identity, diversifying the core state. However, minority claims for multiculturalism and recognition of their difference often create a sense of insecurity in the core state, leading to minority rights being looked at through the lens of security and the denial of multiculturalism. Furthermore, the question of minority rights is of interest to international players, who advocate for the rights of minorities within nationalising states and try to steer the policies regarding them to a multicultural path, recognising its potential to avoid ethnic tensions within societies. As ethnic groups are often tied to a specific territory they consider their "homeland", their claims also frequently include some form of self-government over that territory that is to some extent independent from the core state. Territorial autonomy as a way to ease ethnic tensions between the majority and minority groups is contested and tied to issues of secession, especially in the case of a neighbouring kin-state. It can also be counterproductive for integration, as it reinforces divisions along ethnic lines. However, it can also increase participation and the feeling of inclusion within the ethnic minority and let them make decisions about issues that affect them. The success of territorial autonomy as a way to mitigate ethnic tensions is conditional on the strength of ethnic political parties, the history of ethnic conflict and its combination with other power-sharing mechanisms, thus its effectiveness is usually analysed in a case-by-case manner.

2.1 Multiculturalism and Minority Rights

Almost no state is completely ethnically homogenous, most nations have an ethnic majority, usually the ethnicity of the titular nation, and at least one ethnic minority. Minority is a relational term, it exists only in relation to dominant majorities (Nimni, 2015). Therefore, as they exist, states need to take into account their ethnic minorities, they need to generate an approach. The general theoretical background to the question of how a state approaches its minorities is usually categorised into two: the policies of the core nation strive for either assimilation or multiculturalism. Assimilation theory, which has been prevalent in the field of minority integration for close to 100 years sees integration and its direction as a process where over multiple generations, ethnic minorities and core nation majorities reach a common culture through the minority assimilating with the majority culture (Park, 1930; cited in Alba and Nee, 2012). On the other hand, multiculturalism theory, which has been formulated more recently, follows a logic of the minority groups retaining their distinct identities and cultures, thus diversifying the core state culture (Kymlicka, 1996; cited in Kuzio, 2005).

Modern liberal democracies are no longer seen as accommodating to ethnic minorities by some scholars of ethnic issues and multiculturalism. They criticise the notion of procedural egalitarian citizenship of liberal democracies (Nimni, 2015). They stipulate that by approaching all citizens in the same universal way, the state misrecognises cultural diversity and therefore becomes oppressive to outsiders of the titular nation (Nimni, 2015). The neutral approach to all citizens fails to recognise that minorities in liberal nation states often face disadvantages that majorities do not and they have different problems from them (Kymlicka, 1999; in Nimni, 2015). Because of that, Kymlicka states that minority demands raise a deep challenge to the architecture of the liberal democratic nation state (Kymlicka, 1999; in Nimni, 2015). He argues that the modern state sovereignty of territorially bounded nation-states creates endemic risks for those who are not perceived as belonging to the nation, they are often not trusted to govern themselves or to be part of the shared governance of the larger society (Kymlicka, 2018).

As an answer, Kymlicka proposes an idea of multicultural liberalism, arguing that not only are liberalism and multiculturalism compatible, with the latter constituting further its basic

ideas like of democracy and human rights, but multiculturalism could also be seen as a “higher form” of liberalism (Stjernfelt, 2012, pp. 49). In multicultural liberalism public institutions take into account the belief that individuals have legitimate interests in their culture, language, and identity (Kymlicka, 2018). Various substate groups all over the world have been advocating for a more multicultural model of the state and even though the precise details of a multicultural state vary from country to country, there are some general principles that states meet when trying to accommodate minority rights and struggle for a multicultural state (Kymlicka, 2009). The first is that a multicultural liberal state renounces the earlier idea that the state is in possession of a single national group and should instead be seen as belonging equally to all its citizens (Kymlicka, 2009). Secondly, it must renounce assimilationist nation-building policies that exclude non-dominant groups and instead include all in participation of state structures. The state has an obligation to recognise and accommodate the history, language and culture of minority groups. Fourth, and perhaps the most difficult in many cases, is the multicultural state’s obligation to acknowledge historic injustice done to minority groups by policies of assimilation and exclusion, and to manifest a willingness to “offer some sort of remedy or rectification for them.” (Kymlicka, 2009, pp.66). The notion of historical injustice is problematic, as history and memory often become intertwined with identity while changing over time and becoming romanticised, mythicised, exaggerated and it turns into something fundamental and sacred to the groups (Kattago, 2008; Kattago, 2010; Melchior and Visser, 2011). Therefore, more often than not, multiple groups feel a sense of victimhood and injustice, and the notion of competitive victimhood leads to a lower support of joint decision making and political reconciliation (Storz et al., 2021).

Often, ethnic minorities and policies regarding them are looked at through the security-rights nexus. Kymlicka argues according to that nexus that securitizing minority issues could lead to ignorance and neglect underlying issues of minority rights (Kymlicka, 2004). In his influential book, Kymlicka states that “security trumps justice” (Kymlicka, 2009; pp. 191), claiming that the needs, rights and desires of minorities are often neglected when the issue of minorities becomes part of security discourse. Moreover, in the cases where minorities have a kin-state, there is a much higher likelihood for ethnic relations to be perceived as a threat to state security (Kymlicka, 2009). Securitizing minority rights themselves could have security implications, as the lack of integration of minorities undermines social cohesion and possibly will give rise to political mobilisation against the host polity (Kymlicka, 2004; cited in Sasse, 2005). This renders the securitization of minorities counterproductive and as a response to

and further development of this argument, Sasse has argued that expanding minority rights can be an effective response to security concerns (Sasse, 2005). Sasse concludes that the security-rights nexus itself is not intrinsically negative, but that the policies states adopt need to take the linkages between minority issues and security into account, calling for further integration to foster cohesion in the society and avoid security issues (Sasse, 2005). In the questions of minority rights, the actors are usually the host state, the ethnic minority and in most cases, a kin state. However, an increasingly important role is being taken by international institutions who advocate for minorities.

2.2 Dealing with Ethnic Minority Issues and the Triadic and Quadratic Nexus

Brubaker's triadic nexus has been a framework and a tool for analysing ethnic minority issues across the world (Galbreath, 2005). The triadic nexus refers to the relations between three continuously contested political fields: the nationalising state, the national minorities and the external national homelands (Brubaker, 1996). The national minorities in Brubaker's model have three characteristic elements of their political stance. The first is the public claim of belonging to an ethnocultural nation that is different from the numerically or politically dominant ethnocultural nation, a kin state. The second is the demand for the state to recognise this distinct ethnocultural nationality and the third is the assertion of certain collective cultural or political rights (Brubaker, 1996). The demands range from "far-reaching territorial and political autonomy verging on full independence" (Brubaker, 1996, pp. 112) and more modest cultural and political demands. Although there are complexities in conceptualising an ethnic group, he states that as long as a group refers to themselves as a national minority, he treats them as one.

The nationalising state in Brubaker's triadic nexus model used to analyse the relationships between the state, minority and the external homeland is different from the classic nation-state. As the triadic nexus is used to analyse dynamic processes, he also uses the term nationalising state to highlight that even the state is not a "static condition" (Brubaker, 1996, pp. 114). The nationalising state is conceptually connected with the national minority, as treating a national minority as mobilised, demanding for recognition and rights, we also have to treat the host state as a nationalising or, in more extreme cases, a nationally oppressive one. There is sometimes a discord between the perceived oppression of the nationalising

state, either by the external homeland or the national minority, and the real situation, in which the level of nationalisation might be quite low.

The external national homeland of the national minority refers to the notions of shared nationhood that go beyond the boundaries of state and citizenship. It suggests that a state is responsible, or perceives itself to be, not simply for its own citizens but also for ethnic co-nationals who might live in other states and might even possess other citizenships (Brubaker, 1996). The degrees to the involvement of external homelands vary across empirical cases, ranging from a strong sense of responsibility and taking the form of interfering in another state's sovereignty within its borders to more modest cultural ties with the ethnic minority. Brubaker also notes that according to international law, states are responsible for their citizens even when they reside in other states, whereas a state cannot have a legitimate claim of protection to its ethnic co-nationals living in another state and holding a citizenship of the other state (Brubaker, 1996). The struggle is thus to what extent the state approaches its role and responsibility towards its ethnic co-nationals.

The triadic nexus is a useful tool in analysing minority issues and has been used widely (eg. Pettai, 2006; Oka and Ieda, 2004; Koska, 2013), however, it has also been criticised as not fitting all cases and there have been attempts to bring in the international factor. For example, Kuzio finds that Brubaker's work is implicitly grounded in the long-standing stereotypes of differentiating between "good civic western" and "bad ethnic Eastern" nationalisms (Kuzio, 2001; in Smith, 2002). Smith also argues that by looking at all Central and Eastern European states as nationalising, which he reads as intolerant, the analysis loses subjectivity (Smith, 2002). International institutions and conditionality play a large role in the internal politics of a state which wants to join said institution (Haughton, 2007). Thus, it should also be considered for the analysis of ethnic minority issues. By adding an international dimension to the interrelated three points of the nexus, the triadic nexus becomes a quadratic one.

The argument for a quadratic nexus has been made by Pettai and Smith, claiming it a more useful tool in some contexts to analyse ethnic issues. Smith analysed post-communist ethnic relations and came to the conclusion that the institutions of the expanding "Euro-Atlantic space" affect the inter-ethnic and inter-state relations (Smith, 2002, pp. 3) and that nation-building in Central and Eastern Europe has been a process where national self assertion and Europeanisation have gone hand in hand (Smith, 2002). There are two main ways the

international community is able to influence the inter-ethnic and inter-state relations in the quadratic nexus: normative pressure and conditionality (Pettai, 2006). Kelley's main argument, after testing a range of countries in Central and eastern Europe, is that conditionality of international institutions is a more effective tool in causing nationalising states to alter their ethnic minority policies than merely normative pressure (Kelley, 2001; in Smith, 2002).

Even though inter-governmental institutions are a key player in many states' nation-building efforts in the sphere of minority rights and their role should not be understated, a hindrance to the analysis of their efforts has been the failure of the organisations to fully agree on some important questions of minorities and their respective rights (Smith, 2020). An example is a document published by the OSCE in 1990, where it tried to find a phrasing that could work and set conditions for minority rights in the most scenarios possible. It approached ethnic issues through territorial means and recommended "the establishment of appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances" as "one of the possible means to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities." (OSCE, 1990; in Smith, 2020). This suggestion was deeply controversial for many states, as it created a divisive line between actors who prioritise the collective right of minority communities to have some form of self-governance in order to maintain them in their historic communities, and actors who are insistent on prioritising the territorial stability of existing nation states (Dembinska et al., 2014; in Smith, 2020). Overall, international organisations have thus avoided general statements and approaches and adopted a more pragmatic case-by-case perspective on minority issues. Therefore, the international actors in the context of minority rights can take many roles: it can provide a normative field for states to change or adopt integration policies; it can interfere more directly through conditionalities; it can also prove to be a stage for minorities who might feel it to be easier to voice their concerns with the help of international institutions, and many more roles, all of which are in relationship with the other axes of the quadratic nexus.

2.3 Territorial Autonomy

Territorial autonomy is conceptually the most important framing element in the given thesis. The whole debate and discourse around the Association of Serb Municipalities (ASM) circles around the question of how much territorial autonomy should be granted to the Serb ethnic minority and the different understandings of its implications and meaning. Thus, the theoretical approaches to the connection between territory and ethnic minorities need to be discussed, which are inherently complicated: “The link between ethnicity and territoriality is, [...], well established, but it is also complex” (Coakley, 2002, pp. 1). This complex link provides a basis for further discussion and complexities around territorial autonomy itself, which has many differing understandings among academic circles- firstly around the reasons why the ethnic minorities want territorial autonomy to begin with, but even more debate has been around the question of how effective granting territorial autonomy to ethnic minorities is in resolving conflict or tensions.

Territory and ethnic minorities

Ethnic communities often feel a strong sense of affiliation with a relatively clearly defined and particular piece of territory. The claim to this territory by the ethnic minority is usually backed by historical, pseudo-historical or even fabricated arguments (Coakley, 2003). The theories of how to deal with ethnic minorities and their sense of ownership or claim to a territory are multifold and have been discussed for decades.

Territory at first glance seems like a straightforward term- a well-defined and demarcated piece of land. In this sense, when considered as merely a physical object, territory is divisible, it can be divided and redivided, borders can be redrawn, people moved within it and place names changed (Toft, 2006). However when analysed in the context of ethnic minorities, territory gets a chance to acquire agency in influencing the formation of identity (Malloy, 2015). Malloy references Connolly’s description of the twofold functions of territory (Connolly, 1995; in Malloy, 2015). The first function of territory to building and sustaining identity is that it can have a positive effect on people’s self-identification with belonging to a certain place, becoming a part of a myth of descent. The second function territory has for identity implies othering, borders and exclusion, it serves as a border between the in-group

and the out-group and determines who belongs and who does not. Thus, Connelly states that territory is an explicit part of identity, which does not necessarily have to be only national or ethnic. This is when territory takes on a meaning and agency that exceeds its material description and becomes an important component of a group's identity, and thus, consequently, becomes indivisible (Toft, 2006). When territory for ethnic groups becomes indivisible, inseparable from their past and essential for their continued existence as a distinct group, is when the sense of threat to it becomes larger and the likelihood for ethnic conflict becomes greater (Toft, 2006). Therefore we can see how territory in the context of ethnic relations and conflict has taken on an identity-building meaning which in turn makes dealing with ethnic minority and territorial issues inherently difficult.

When it comes to the definition of ethnic groups, then there have been numerous options throughout the literature. Wolff references Smith and gives his definition of an ethnic group—a cultural collectivity, emphasising myths of descent and historical memories (Smith, 1991, pp. 20; in Wolff, 2003). Thus, ethnic groups are self-defined groups that are distinguishable by “a collective proper name, a myth of common ancestry, shared historical memories, one or more differentiating elements of common culture, the association with a specific homeland and a sense of solidarity for significant sectors of the population.” (Wolff, 2003, pp. 4). Therefore ethnic groups are, among other things, inherently defined by territory, and not just any territory, but one they consider their homeland. Homelands contain the “fundamentals of culture and identity. [...] The Other is always and continuously a threat to the security and integrity of those who share a common home.” (Toft, 2006; pp. 18). Therefore a homeland is not just a territory, but a space without which an ethnic group cannot see itself existing. Moreover, the homeland territory also defines the Other for an ethnic group, as the Other is the one threatening this part of their identity.

Ethnic groups come in many forms and are difficult to generalise. There have been attempts to identify categories of ethnic subordinate groups, such as the one by Schermerhorn, where he divided them into five distinct groups (Schermerhorn, 1978; in Coakley, 2003, pp. 3). Without analysing all of the attempts to identify commonalities and differences between ethnic groups and thus dividing them into distinct categories, one can say that most of the classifications have been based on two dimensions: the group's socio-economic and political status, and geopolitical history (Coakley, 2003). Even when using these dimensions, the

range of ethnic groups present in the world is extremely large, thus ethnic groups tend to be either generalised and abstract in theoretical literature, or instead, very case-specific in other scholarly works.

When do territorial ethnic struggles lead to mobilisation?

The tension between territory and ethnic groups arises from the essential territorial nature of the state itself (Coakley, 2003). A state's border is almost always clear-cut and distinctly defined, whereas those of different social groups are often not. Most states include members that are not associated with the ethnic community it is associated with (minorities). There is an assumption that the larger the gap between the territory that is actually occupied by the majority ethnic community and the territory of its state, the larger the possibility for ethnic conflict (Coakley, 2003). In other words, the larger the territory occupied by the minority, the more probable the rise in tensions, usually coming from the feeling like their needs are not sufficiently or proportionately represented. The second reason for tensions is the case made in the last section, where it is apparent that most ethnic groups feel a strong sense of affiliation with a particular piece of territory, it is important for their identity and usually rooted in some myths of ancestry or historical narratives that enforce this claim.

Ethnic mobilisation as analysed by Coakley is divided into two phases. The first phase is characterised by a demand for equality of all citizens and is kickstarted by a sense of economic and social grievance and allegations of discriminatory treatment of the ethnic group by the state authorities (Coakley, 2003). This phase is often precluded by a period where the dominant group highlights and maintains the ethnic boundary, thus the subordinate ethnic group's identity becomes other-defined. The first phase is characterised by discrimination by the dominant group and the subordinate group demanding equality. The response of the dominant group in most cases is giving extra rights and freedoms and appealing to the demands of the subordinate group (Coakley, 2003). Some subordinate groups may be content with the gains they acquired in the first phase, however for others, there might emerge a new set of demands on the agenda. This time, the demands tend to be characterised by recognition of its separateness. They rest on the claim that ethnic minorities are different and that difference should receive institutional recognition. Thus, the demand for equal individual rights (the first phase) has been followed by a demand for ethnic group rights (the second phase).

Territorial Autonomy

Control of the apparatus of the state, regarded as the most powerful organisation in almost all countries in the world, provides access to social status, distribution of economic and financial resources and political power in the society (Benedikter, 2009). Therefore, the permanent competition for control over the state has its roots in the struggle for a decisive share of power. If a group has no representation or power in state structures, fears for the survival of group culture, physical existence or the possibility of downward mobility and a denial of respect come to the forefront, and these existential issues are not easily negotiable (Rothchild and Hartzell, 1999). These types of conflicts and issues can be prevented or regulated by the redistribution of resources, changing or reforming the state structure, recognising minority rights and allowing participation and representation of all groups in state institutions (Benedikter, 2009). Therefore, the whole question around territorial autonomy and self-rule circles around the state and its approach to a territorially concentrated minority, who feel that the lack of representation and participation in political life is hindering their cultural and socio-economic rights, regardless of whether the question of autonomy emerges as a result of ethnic conflict or just ethnic political mobilisation.

The conceptualisations of territorial autonomy have been numerous, with almost every academic having their own specific normative view. Autonomy has been looked at as a template for accommodating minority rights claims without ceding to give up a state's sovereignty and integrity, usually taken to imply legal rights of self-government or self-rule that go beyond the scope of simple local self-administration (Smith, 2014). Smith considers the minimum from a whole spectrum of powers granted to autonomous minorities to be an elected legislative body with competences in some core domains along with an elected executive tasked with implementing this legislation (2014). Others claim that there is a difference to be made between governmental and territorial power sharing (Cederman et al., 2017). The governmental type of power sharing allows group representatives to engage in shared decision making through accommodation within the central executive, whereas territorial power sharing calls for granting a territorially concentrated group regional autonomy, meaning that an ethnic group enjoys autonomy in at least one region predominantly settled by itself (Cederman et al., 2017). A more holistic approach is adopted

by Ghai, who states that territorial autonomy is “a device to allow ethnic or other groups claiming a distinct identity to exercise direct control over affairs of special concern to them, while allowing the larger entity those powers which cover common interests.” (Ghai, 2000: in Barter, 2018). This definition shows the more cooperative and balancing scope of territorial autonomy, where it is seen as a tool to balance both the minority ethnic group’s as well as the majority’s interests in a legal manner, whereas others see autonomy as a sometimes incomplete answer to issues between the state and minority (Smith, 2014). When looking at territorial autonomy as an instrument for ethnic conflict prevention and settlement, territorial autonomy needs a healthy mix of judicial, executive and legislative powers to be ceded to a group, so that they are able to manage the affairs most important to them independently from the central government (Wolff, 2003). Moreover, territorial autonomy in terms of identity consolidation is meant to help minority groups not see themselves as national minorities, but regional majorities able to manage their own affairs (Barter, 2018). This shows that territorial autonomy itself does not have a single definition or formula, but rather its content and meaning is constantly contested and debated upon.

Territorial autonomy as a concept has also been theoretically challenged and debated upon. One of these debates has been whether the groups are granted autonomy *for* or autonomy *of* (Palermo, 2015). All forms of minority self-government do have a territorial dimension (Palermo, 2015), therefore however intense the overlap between a territory and its “ownership” by a specific group is, the legal instruments to address minority issues are overwhelmingly territorial. Autonomy *for* is what we usually consider when thinking about territorial autonomy. When an ethnic group is granted autonomy, it means that the control over the territory or some of its issues is conferred to that group, albeit the control is limited by constitutional rules, but nevertheless frames as exclusive sovereignty (Palermo, 2015). However, this form of self-government is sometimes seen as not being able to answer the complexity of ethnic problems and the management of territory. This is because it works in the constraints of the logic of majority-based democracy. Granting autonomy to national minorities turns them into territorial or sub-national majorities, which could work well, but turning the majority-minority relations upside down does not resolve them, as the system that is at odds with minority rights still persists: majority rule (Palermo, 2015). This is where autonomy *of* comes to the forefront. Autonomy *of* calls for looking at autonomy as an instrument of good governance, which in turn suggests looking at the territory as a whole instead of only the dominant group, its majority, within it (Palermo, 2015). He suggests that a

better and more fair approach to territorial autonomy is to embrace the diversity within territories and divide territories not based on ethnic lines, claiming that if a territory, irrespectively of its ethnic composition, is able to autonomously decide on issues, it is likely that the quality of the decisions will be better and the territory will be able to develop more cooperatively with benefits extending to all groups living there (Palermo, 2015). This type of approach that attempts to ignore the role of a single piece of territory in the identity maintenance of an ethnic group raises questions also in terms of multiculturalism theory, as it fails to take into account the distinct issues minority groups face.

An approach similar in nature is formulated by Renner, who deals with the idea of national-cultural autonomy (Renner, 2005; in Smith, 2020), also suggesting that the best way to approach ethnic minorities residing in a state's territory is to grant them a variety of organisational forms and practices, allowing each community the possibility to establish institutions with self governing power in relation to education and some other spheres that are connected to the preservation of language and culture (Smith, 2020). These powers would not be granted based on a territorial basis, thus not being tied to an ethnic homeland, but to whichever community or people who identify as a part of it, regardless of where they live within the state's territory. However, these kinds of approaches fail to recognise the extent to which in some cases, territory and the ethnic homeland has through myths and history become extremely important to a group's identity, to the point where it feels like an existential question whether they are able to self-govern or not.

Does granting territorial autonomy to ethnic groups resolve ethnic tensions?

Territorial autonomy and its effectiveness in easing ethnic tensions in a given territory has also been debated upon. Territorial autonomy as a form of power sharing and decentralisation providing a territorially concentrated ethnic minority group self-government has been a subject of many studies. It has been noted that granting territorial autonomy to ethnic minorities has been described as the most effective way in Europe to solve ethnic tensions (International Crisis Group, 2021). However, there have been more critical voices, which doubt the effectiveness of territorial autonomy to solve divisions along ethnic lines. A discussion on criticisms and advantages of territorial autonomy and under which conditions it is thought to ease ethnic tensions will follow.

Participation and inclusion

Territorial autonomy and decentralisation is sometimes seen as a way to reinforce democracy, increase participation and bring the government closer to the people (Brancati, 2006).

Territorial autonomy is also seen as a chance to achieve local resolutions to local problems (Benedikter, 2009). Giving ethnic minorities decision-making powers over issues related to them has the chance to give them political agency and certain rights to decide on issues that affect them. Kymlicka understands territorial autonomy as a means of addressing minority concerns mainly related to culture, language, land, representation etc. (Kymlicka and Norman 2003; in Beha, 2015). Although culture and language are important factors in ethnic identity, the need for minority groups to feel like their security, property, healthcare and other rights are being protected on the national level can have positive impacts, making them feel confident that their most vital concerns are being protected (Lustick, Miodownik and Eidelson, 2004). Increasing minority representation and opening the way for them to have greater participation in the public life of the state has the chance to integrate the minority group and increase their sense of inclusion. Moreover, if the state takes into account the voices of its national minorities in the sense that they have institutional representation, resulting in greater participation and integration, it can also affect the functionality of the state, as ethnic issues move away from the forefront to give room for greater cooperation in resolving issues that affect the whole population of the state (Palermo, 2015). Therefore, when looking at territorial autonomy through the lens of minority accommodation, it is compatible with or can be a part of multicultural liberalism. This is because the devolution of power to minority bodies offers important guarantees against cultural assimilation, providing ontological security for the ethnic minority's sense of self and guarantees that their culture and language or other symbols important for their identity, like religion, will survive (Smith, 2014). Therefore, one of the positive effects territorial autonomy is believed to have has to do with political representation, the feeling of participation and inclusion that follows and the improvement of democracy and pluralism and the functioning of the state.

Territory

The second set of positive effects of territorial autonomy is connected to the first one and brings to the forefront the territorial aspect. In societies where ethnic tensions are present or on the rise, power sharing and granting territorial autonomy can ease those tensions (Lustick,

Miodownik and Eidelson, 2004). Granting institutional guarantees to ethnic minorities that their most vital concerns are being protected results in feeling included in the state that they are living in and feeling a sense of responsibility for it. This is especially useful in cases where minorities have felt like they have been discriminated against or left behind by the titular majority of the state, and the result of granting territorial autonomy in these cases can significantly reduce secessionist voices (Lustick, Miodownik and Eidelson, 2004). This is connected to the security-rights nexus discussed above: if minorities are not integrated and do not feel properly represented in the state, it undermines social cohesion and increases the chances of political mobilisation against the host polity (Kymlicka, 2004; cited in Sasse, 2005). An answer to this can be expanding minority rights, which can be an effective response to a state's physical security concerns (Sasse, 2005). The state then, in a paradoxical way, can reinforce and maintain its stability, security and territorial integrity by granting away some of its absolute sovereignty over its territory (Anderson and Keil, 2021). For the ethnic minority, the territorial aspect is connected to the notion of the homeland. Ethnic groups often feel like a particular piece of territory is essential to their identity, either through historical facts or pseudo-historical myths of ancestry. If the ethnic group's concerns over that piece of territory and life within it are not represented, it seems like a direct threat to their existence and perseverance as an ethnic group (Hannum, 1996; in Cederman et al., 2015). Therefore, by granting them these rights, it can contribute to a sense of ontological security, that the group's ethnic identity will survive (Hannum, 1996; in Cederman et al., 2015). Autonomy as seen by scholars defending it is a tool of state-formation, not of dissolving the state (Beha, 2015)

Secession

The criticisms of territorial or regional autonomy are usually based on the fact that rather than uniting the multiethnic society, they reinforce divisions along ethnic lines. The claims for self-determination among ethnic minorities has been linked to territorial autonomy in the literature (Wolff and Welle, 2005; in Beha, 2015). If the state grants the ethnic minority group calling for increasing self-determination powers that expand their autonomy, there is a risk of that becoming a stepping stone for more extreme secessionist claims (Kymlicka, 2005). This is due to the fact that the success of territorial autonomy in accommodating self government claims also affirms the sense of distinct ethnic identity of the minority group and can strengthen their political confidence, rendering secession likely (Kymlicka, 2005). If

secession is refused by the host state and the demands of the minority group grow stronger, the chance of secessionist conflict becomes greater (Cederman et al. 2015). Usually the fear of territorial autonomy as a step towards secession as the end goal is particularly emphasised when a minority group lives in its territory that is contiguous with its kin-state (Benedikter, 2009).

Ethnic divisions

Especially in post-conflict societies, where ethnic identities are deep-rooted and collective memory of the conflict fresh, autonomy as a way of managing ethnonational differences does not solve the incompatibility of identities. Moreover, it often reinforces them and gives ethnic entrepreneurs the means to win votes based on these incompatibilities. They can invent and reinforce historical narratives and myths, other the opposing group and mobilise the population along ethnic lines, making granting territorial autonomy more likely to lead to ethnic conflict (Chapman and Roeder, 2007). As territorial autonomy means that the ethnic groups need their own political representation, it encourages the growth of regional ethnic parties, which in order to win votes, reinforce the differences between the majority and minority ethnic groups rather than unite them in working for the state they both reside in, or in the worse case, mobilise the groups in order to engage in ethnic conflict (Brancati, 2006). The answer to the risk of divisions across ethnic lines or even secession from the scholars of territorial autonomy can be divided into two. The first ones take a more concrete and straightforward approach and argue for partition as a way to solve ethnic tensions and create long-term stability (Chapman and Roeder, 2007). These scholars claim that a more stable settlement is likely to be reached in divided societies when the opposing demographic groups are separated into defensible enclaves (Kauffmann, 1996; in Cederman et al., 2015). However, this does not take into account the wish for the host state to maintain its territorial integrity.

Conditions under which territorial autonomy might work

The second group of scholars acknowledges the fact that there is no definitive answer to the question whether territorial autonomy works in solving ethnic tensions and attempts to propose some conditions under which it might mitigate ethnic tensions and under which it is probable that it does not. There are those who agree with criticisms that territorial autonomy

deepens ethnic divisions and might turn into secessionism, but state that reconciliation and a stable environment can be reached when territorial autonomy is combined with the implementation of functional democratic structures and consociational power-sharing mechanisms (Anderson and Keil, 2021). The best chance of long-term stability being reached is when the power-sharing institutions that go along with territorial autonomy are designed with long-term functionality and flexibility in mind (Anderson and Keil, 2021). Because the risk of autonomy leading to secession when the ethnic minority is being bordered by a kin-state is especially large, in these cases territorial autonomy can be granted along with some bilateral agreements between the two states in order to build trust and confidence that territorial integrity will be maintained (Benedikter, 2009). In the context of war-torn societies, territorial autonomy in its very nature suggests a compromise between the warring parties and signals intent from the victor side (Cederman et al., 2015). If negotiated civil war settlements feature a territorial autonomy provision, this has a significantly positive effect on settlement stability because both sides feel like they have taken steps to reach this settlement, as has the other side (Hartzell, Hoddie and Rothchild, 2001). However, it is also noted that in situations where ethnic conflict has already turned violent, territorial autonomy on its own might be “too little, too late” and should be combined with power sharing mechanisms on the national executive level (Cederman et al., 2015). Therefore the very creation of territorial autonomy can have the effect in post-conflict societies to bring the sides closer together, but is more likely to succeed in combination with other power-sharing mechanisms.

Similarly, Brancati argues that even though political decentralisation decreases ethnic conflict and secessionism, regional parties, in turn, increase ethnic conflict and secessionism, as they reinforce regionally based ethnic identities, produce legislation that favours some groups over others, and mobilising groups to engage in ethnic conflict and secessionism (2006). Thus, the strength and activity of regional parties can determine whether territorial autonomy turns out to be a stable and peaceful settlement. Even more conditions for the success of territorial autonomy in mitigating ethnic tension have been laid out by Rothchild and Schoeder, claiming that it only works under restrictive and relatively unlikely conditions, like a robust democracy, moderate group leadership, mixed settlement patterns, and absence of ethnic dominance (Rothchild and Schoeder, 2005; in Cederman et al. 2015). Therefore it can be concluded that the effectiveness of granting territorial autonomy to ethnic groups is a contested subject rich in literature and research, with many theories about the conditions under which it might succeed in mitigating ethnic tensions and under which it might fail, but

with inconclusive answers overall. Even though different forms of territorial autonomy are similar in essence, the details are context-specific. In order to study how these details affect whether territorial autonomy is successful in mitigating tensions or not, the study of territorial autonomy is often done by case.

2.3 Majority-minority Relations and Territorial Autonomy in Kosovo's Context

The ethnic Serbs in Kosovo are regarded to hold extensive minority rights according to the Kosovo constitution (Landau, 2017, Rossi, 2014; Doli and Korenica, 2013; Keil, 2017). This has been described to be a result of international pressure: Kosovo self-defining as a multiethnic state with extensive rights for its Serb minority is firstly hoped to legitimise Kosovo in the eyes of international actors and secondly, to comply with the conditions under which it has been granted independence (Landau, 2017; Rossi, 2014; Lončar, 2016). This is connected to Kosovo's history of ethnic conflict, where the inclusiveness and high representation of the ethnic Serbs in its constitutional framework was hoped by international actors to mitigate ethnic tensions and avoid ethnonationalism (Beha, 2023). Therefore, even now, the international factor is evident and important in the analysis of minority issues in Kosovo.

However, it has been stated that the challenge to the notion of a multiethnic Kosovo is twofold. The first problem in ethnic relations is the refusal of the Serb minority to take part in Kosovo's decision-making and use its rights of being meaningfully represented in its institutions, tied to the fear of losing their distinct identity and its strong patrocatic relationship with its kin-state Serbia (Beka, 2022; Landau, 2017; Fort, 2018; Clark, 2014; Johnson, 2020). The second factor hampering peaceful majority-minority relations in Kosovo is part of the Albanian majority having rejected the multiethnic practice and discourse over years and further reinforcing ethnic divisions (Landau, 2017; Calu, 2018). The combination of these two factors challenges Kosovo's international and domestic sovereignty, as it signals the failure to manage its ethnic minorities (Calu, 2018). Therefore, the question of the ethnic Serbs in Kosovo is seen as detrimental for the question of its status, and any plausible solution should involve Kosovo Albanians, Kosovo Serbs and Serbia (Semenov, 2022).

Moreover, the ethnic Serbs have been studied in the framework of the process of ethnic enclavisation, and it has been noted that this was a reaction to the ethnic Albanians' rejection of the multiculturalist model of statebuilding (Dahlman and Williams, 2010). Therefore, the Serb minority has become territorially concentrated into distinct municipalities, further contributing to the division of the ethnic Albanians and Serbs (Fort, 2018). Because the ethnic cleavage between the Albanian majority and Serb minority in Kosovo is eminently deep, and the rift is further increased by the actions of Serbia (Jackson, 2023), it is deemed unlikely that the Serb municipalities would submit to Prishtina's authority (Rossi, 2014). A possible answer to the prevailing ethnic tensions and the hindrances to effective political representation of the Serb minority in Kosovo is seen in decentralization beyond the internationally supported measures in the Ahtisaari Plan, which has been consistently argued for by Serbia (Rossi, 2014; Dembinska, Márac and Tonk, 2014, Clark, 2014).

Territorial autonomy for the northern part of Kosovo has firstly been studied in relation to ethnic tensions. It has been noted that it is not the ideal solution and has a chance of leading to secession, but being the most viable option of the table (Rossi, 2014; Surlić, 2015; Clark, 2014). Territorial autonomy for the northern part of Kosovo is seen by the Serbs as a way to live their life with minimal input from Prishtina, a power they do not recognise and gain a sense of participation and control over issues that concern them (Clark, 2014; Beka, 2022). Territorial autonomy is also endorsed by international actors like the EU, as it could signal a concession to Belgrade, who in turn could decide to not block Kosovo's membership in international institutions (Clark, 2014, Rossi, 2014). A hindrance to a territorial autonomy solution to ethnic Serbs is the sentiments of Kosovo Albanians who see it infringing on their sovereignty (Clark, 2014; Zeqiri et al., 2016; Beha, 2015; Bashoviq and Haziri, 2023). Therefore, the research suggests that a territorial autonomy solution may be a viable answer to accommodate the deep ethnic divide in Kosovo. However, a level of discord can be seen in the sentiments towards territorial autonomy being endorsed by international players, the Serb minority and Serbia as a kin-state on the one side and ethnic Albanians on the other. Moreover, any solution to the status question of Kosovo goes hand-in-hand with minority issues. This thesis aims to contribute to the field by providing a systematic research into the sentiments of Kosovo, Serbia and the EU towards territorial autonomy over multiple episodes where the issue has been especially prevalent.

3. Methodology

3.1 Research Questions and Expectations

This research aims to identify the reasons and the arguments used by the three actors, the EU, Kosovo and Serbia, on the issue of the ASM in Kosovo, which has resulted in a stalemate. Kosovo was granted independence with the condition of granting territorial autonomy arrangements for the ethnic Serb minority. Furthermore, the formation of the ASM has been a clause in internationally binding agreements signed between Kosovo and Serbia. The thesis seeks to answer the research question: **Why has the Association of Serb majority municipalities not been formally established in Kosovo?** My research expectation to that question is that the actors in the negotiations have, over time, had different views on the nature of the Association, therefore there has not been a consensus on the issue, which has led to the stalemate we see today.

The second research question is tied to the first one, but goes more into detail: **How do Serbia, Kosovo and the EU articulate their positions around the Association?** My research expectation to this question is theoretically informed and I expect to find the EU as a mediator consistently advocating for the ASM on normative grounds. I expect Kosovo's arguments to be mainly against the ASM to feature themes of territorial integrity, legality and Serbia's influence in the area and overall sentiments against the ASM growing stronger with each episode. For Serbia, I expect the arguments to be mainly for the formation of the ASM and feature normative themes like integration and I also expect Serbia's sentiments to grow stronger over time.

3.2 Research Design: Process-tracing

Process-tracing is a suitable choice for an approach where one sets out to explain a puzzling historical outcome. Instead of studying several mechanisms that lead to a phenomenon as such, process-tracing sets a focus on one particular event (Beach and Pedersen, 2016). Its aim is to find causal mechanisms that have led to a particular outcome (Bennett and Checkel, 2014), in our case such as the enduring stalemate over the formation of the ASM in Kosovo.

As process-tracing requires finding diagnostic evidence that is a basis for descriptive and causal inference then one has to study political arguments of Kosovo, Serbia and the EU across the “hottest” episodes of ASM and territorial autonomy evolving over time.

Three episodes (the Brussels Agreement, the Second Agreement, the Ohrid Agreement) were the most active phases in the Brussels Dialogue between Pristina and Belgrade and thus reflected also in political and public discourse. The analysis of statements of the key actors during these specific episodes enabled to grasp the causal mechanisms explaining why the process produced a negative outcome.

3.3 Timeline for Process-tracing

The starting point for this process-tracing research is 2008, as this sets the context for the entire negotiations process. The negotiations happened in a diametrically different environment than that of pre-2008, as Kosovo had declared independence. This context is important, as it completely changed the whole situation of how Kosovo would be approached, especially by Serbia. After the ICJ released its advisory opinion that Kosovo’s unilateral declaration of independence did not breach international law, the UN adopted a resolution that called for a dialogue between Pristina and Belgrade. The EU was able to influence the UN General Assembly so that it would become the facilitator of the negotiations and help them progress their path towards EU membership (Rrahmani, Bushi and Gashi, 2023). The combination of those conditions at that specific episode: the ICJ ruling that Kosovo’s declaration of independence was lawful, the UN adopting a resolution calling for dialogue and the EU signalling that the outcome of these talks could be EU candidature; completely changed the situation and context in which Kosovo and Serbia would interact, and this is why I consider this a critical juncture. A critical juncture is: “(1) a major episode of institutional innovation, (2) occurring in distinct ways, (3) and generating an enduring legacy.” (Collier and Munck, 2017; pp. 2). For point (1) and (2), the major episode of institutional innovation that happened in distinct ways was the fact that the EU was able to influence decision-makers in the UN to be able to facilitate the talks, as the outlook of EU membership was an important incentive for the two sides to come around the table together, without that, Kosovo and Serbia have indicated that the negotiations would have never taken

place (Dempsey, 2014). The whole Brussels Dialogue, which has been going on for more than a decade, is the enduring legacy specified by point number (3).

This research studies three different episodes in the Brussels Dialogue, during which the debate of the ASM has been especially prevalent. All three episodes are around the process of formulating one of the three agreements facilitated by the EU that specifies some conditions or has in some other way a connection to the ASM. This is organised in a manner that data could be collected both on the debates and statements leading up to the signing of agreements, as well as in the aftermath of these agreements. The process is presented in 3 episodes during the Brussels Dialogue, each of which is relevant in terms of the issue of the ASM:

- 1) The Brussels Agreement, or the First Agreement of Principles Governing the Normalisation of Relations, was signed on the 19th of April in 2013. This was the first international document in which the ASM was mentioned, written as the Association/Community, as the wording for every point of the agreement was debated during the Brussels dialogue. This agreement is the previously most studied episode in my thesis, as I highlighted above, there have been many studies into how this agreement fits into the constitutional framework of Kosovo and to which extent its implementation is a legal obligation for Kosovo. At this episode, I will be analysing data from the 1st of June 2012, when the technical dialogue was concluded and the high-level one not yet begun, but it was known that it would come shortly, thus the themes were already discussed publicly. The end point will be the 1st of June 2013, as the agreement was reached on the 19th of April and therefore I will have a sufficient time frame to analyse the aftermath of the agreement and statements and discourse regarding its signing as well.
- 2) The Second Agreement, or the Agreement on General Principles/Main Elements of the Association of Serb Municipalities was signed in August 2015, and provided details about the implementation of the ASM. This resulted in political turmoil in Kosovo. The time frame I will use to analyse the statements connected to the ASM and the Additional Agreement on General Principles/Main Elements of the Association/Community of Serb Municipalities will be from the 1st of January 2015 (as the talks started in early January) until the 31st of December 2015, as on the 23rd

of December, the Constitutional Court of Kosovo ruled that it was not in violation of its constitution, which to an extent, ended or decreased the debate around the issue.

- 3) The Ohrid Agreement, or the Agreement on the path to normalisation between Kosovo and Serbia, was verbally agreed to by Kurti and Vucic in February 2023. The background to the Ohrid Agreement was the so-called Franco-German Proposal, which was an answer to the political turbulence that had intensified since October of 2022. The time slot for this section will be November 1st 2022 until November 1st 2023, as I attempted to include the most widely covered protests and events in the time frame, while also being realistic about the scope of data that is available and that I need to analyse, as the events were recent, therefore there are more interviews and statements available for analysis.

It is important to note that as of the time of writing this thesis, the events are still developing and the story continues, therefore the answers this thesis provide might not be suitable to consider all-encompassing. However, it still gives an idea of arguments used by the actors during the most fierce times of debate over 10 years.

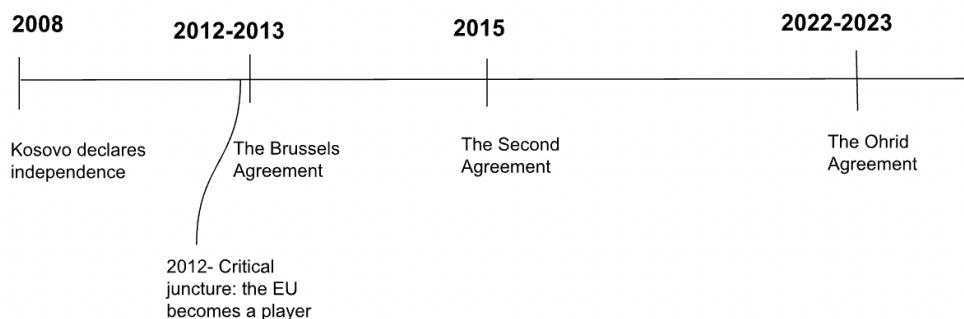


Figure 1: Timeline for Process-Tracing

3.4 Operationalisation: Qualitative Content Analysis

Qualitative content analysis (QCA) has its roots in quantitative data analysis, it grew out of it as researchers realised that by analysing meanings instead of numbers, one can learn aspects of the social world that numbers are not able to explain (Dey, 2005). However, qualitative data analysis retains an important aspect of its quantitative counterpart: it is highly systematic (Schreier, 2013). It allows for the research's independent interpretation of data, while at the

same time retaining a rigorous set of rules from quantitative data analysis (Dey, 2005). The three aspects used to characterise QCA are, it “reduces data, it is systematic, and it is flexible.” (Schreier, 2013; pp. 170). In this respect, QCA is a suitable approach in this thesis, as the data on how the official statements have explained their stance towards the ASM can be divided into categories, thus giving us a view of how, over time, the arguments of all sides have changed and whether there are incompatible views over different negotiations episodes of its establishment.

QCA reduces data, in this sense it is a narrow approach, as it does not allow the researcher to describe the material in full and in every aspect; instead, in QCA the research question determines the way the researcher examines the data (Schreier, 2012). This has to be kept in mind when designing a research that applies QCA and in some cases, it can be very useful. When looking through hundreds of pages of data, it is easy to get lost, however, if one limits their analysis to those aspects that are relevant with a view to the research question, the research becomes more focused (Schreier, 2012). As the range of data in this thesis is also wide, as was highlighted in the previous section- with official statements, local and international media being analysed for each four axis of the quadratic nexus, QCA is a suitable approach, as it requires the analysis of selected aspects of the material and provides a system for approaching a large amount of data. The second way QCA reduces data is that the categories of the coding frames usually have a level of abstraction, they require the researcher to make sense of the data, its context and wording to categorise it (Schreier, 2012). Of course, one needs to be careful in this step: the categories need to be sufficiently abstract to allow for comparison and at the same time concrete enough to preserve as many specifics as possible (Schreier, 2012). This requires a good theoretical and empirical knowledge of the issue one is studying so as to not lose important aspects in the process, which has to be kept in mind throughout the research process.

There have been debates around how much inference researchers should derive from selected aspects (Schreier, 2012). This thesis does not aim to make wide inferences about how territorial autonomy for minorities is usually discussed by the actors of the quadratic nexus, rather, it aims to find the answer to the narrow research question. QCA also allows one to see how the chosen data and its meanings compare and relate to each other (Schreier, 2013), which will be necessary in this thesis- to see how the arguments for and against the ASM and territorial autonomy for the Serb minority in Kosovo for the different actors change between

different episodes. This is a major benefit of using a systematic coding approach in this thesis, as it allows one to make conclusions across time. Furthermore, as QCA and systematic coding can reveal patterns and themes that might not be obvious.

This thesis methodologically follows the steps specified by Schreier (2013): 1) Deciding on a research question; 2) Selecting material, 3) Building a coding frame, 4) Segmentation, 5) Trial coding, 6) Evaluating and modifying the coding frame, 7) Main analysis, 8) Presenting and interpreting the findings. The research question emerged from the research puzzle and the material choices were presented above. When it comes to building a coding frame, another feature used to characterise QCA needs to be highlighted: it is flexible. This means that the categories can be derived from the theoretical literature, such as secession, participation, integration, Republika Srpska, but the list of categories can also be modified during the research, first in the trial coding and then during the process of the empirical research as well. Therefore, the researcher has the power to alter and improve the coding frame deriving from the data, therefore the final list of categories is a combination of theory-driven and data-driven ones.

In order to make the process more systematic and decrease the chances to miss codes and avoid human mistakes while organising the documents analysed, this thesis uses the Maxqda program designed for conducting Qualitative Data Analysis. This tool allows for a systematic organisation of codes and their sources, which, albeit, can be done using other programs as well, but is more comfortable and suited for researchers doing QCA. This is beneficial, as it decreases the time spent on importing and sorting through data, leaving more time as a resource for the thorough analysis of the findings.

3.5 Sources

The sources for my thesis are the statements by representatives of the actors that are represented in the quadratic nexus. The three actors, whose statements I will analyse are Kosovo, Serbia and the EU. The reason why this thesis will not analyse the statements from the Serb ethnic minority in Kosovo is a combination of the fact that their lack of agency has been brought out as a criticism of the Brussels process and that I do not have access to their statements, which are not available online, but might be in a local newspaper.

I will be analysing the official statements of the actors. For the international axis, I analyse the statements of the EU and its representatives regarding the ASM and territorial autonomy of the Serb minority in Kosovo. For the EU, I have decided to use the European Council statements from their web page, the EU External Action online press archives (which have archived versions of their web pages dating back decades) and the European Commission press page. For the Serb axis, I will analyse statements of ministries and government statements from their official web pages, as well as the statements on the Government office for Kosovo and Metohija news page. For Kosovo official statements, I will be looking into the archives of the Prime minister's office statements and President's official statements. A limitation of this research is that it relies on how well the actors have been able to archive their statements and materials on official web pages, but even when an actor has more statements, it is the patterns I am looking for. The limitation for this thesis is the fact that Serbia in the first episode did not publicise all statements on their official government web page, thus for the first episode, I also included quotes from Serbia's largest political news outlet, Politika. This allowed me to have enough data to conduct a meaningful analysis of Serbia's sentiments. In the later episodes, Serbia's official outlets had enough archived official statements for analysis.

3.6 Generating the Coding Frame

To analyse the positions of Kosovo, Serbia and the EU regarding the ASM, the codes came from either theory, the trial coding, or during the further process of coding and empirical research. To make sense of the codes at different episodes, I decided to create sets, or parent codes, where the general approach to the ASM would be stated- therefore there are five sets of wide codes for each episode. They were generated by analysing whether the statement was arguing for the ASM or against and they were named accordingly: for both Serbia and Kosovo, I created Positive set and Negative set. These were generated intuitively, and the same code could have segments that fit into either the Positive or Negative set, for example, under the code "*Compatibility with Kosovo constitution*", Kosovo at some points argued for and at other points against the ASM. This was taken into account. During the trial coding, it appeared the EU did not have any negative or very concrete statements, rather more normative ones. Later on, the EU advocated more strongly for the creation of the ASM, but

did not argue against it. The other codes are within the five overarching sets that give us an idea of what the overall approach to an entity of territorial autonomy was among the actors.

The codes that are theory-driven are *“Integration”*, *“Executive powers/participation”*, *“Security and stability”*, *“Third layer of government/Republika Srpska”*, *“Compatibility with Kosovo constitution”* and *“Minority rights”*. The other codes were generated during the trial coding and the empirical research. As the episodes provided different context to the negotiations, some codes were only apparent in one episode, while some codes were represented in each one. This gave an idea on which arguments were used the most consistently and can thus be perceived as the most important arguments for the actors themselves.

4. Setting the Scene: The Serb Minority in Kosovo

The Serb minority is the largest one in Kosovo, where the majority is ethnically Albanian (Minority Rights Group, n.d.). There are different sources estimating the number of ethnic Serbs in Kosovo. The last census was in 2011, which provided entirely unreliable data on the minority situation in Kosovo, as the census was carried out during a situation in which the census was boycotted by the Serb minority in the North, where they are most densely populated (European Centre for Minority Issues in Kosovo, 2012). By 2023, the Serb population is estimated to have dipped below 100 000 and the exact number is still unknown (International Crisis Group, 2024).

The Serbs in Kosovo are simultaneously territorially concentrated as well as dispersed around Kosovo, as the municipalities in Kosovo have been drawn along ethnic lines in the process of decentralisation specified in the Ahtisaari Plan (Zeqiri, Troch and Kabashi, 2016; Johnson, 2020). The northern municipalities where the concentration of Serbs is the highest are North Mitrovica, Leposavić, Zvečan and Zubin Potok (Zeqiri, Troch and Kabashi, 2016), where the concentration of Serbs is estimated to make up 90% of the population (Domènech, 2023). In addition to the northern municipalities, there are also Serbian enclaves in Kosovo, which are dispersed around the territory of Kosovo and have minimal contact with their Albanian neighbours (Maloku et al., 2016; Zeqiri, Troch and Kabashi, 2016). As Prishtina is growing more assertive in the North under the leadership of Kurti, some expect the existing

trend of ethnic Serbs leaving for Serbia proper to accelerate, as already in 2023, 10% of Kosovo Serbs emigrated (International Crisis Group, 2024).

4.1 The Rights of the Serb Minority in Kosovo After 2008

2008 and the unilateral declaration of independence changed the position of the Serb minority in Kosovo: before, they were an ethnic minority in a territory under international rule, now they found themselves as an ethnic minority in a state, which at the moment is recognised by 104 other states. Kosovo's constitution, based on the Ahtisaari plan, does not frame Kosovo as a nation-state of the titular ethnicity, nor was an approach blurring group divisions, the so-called "colour-blind" or "integrative" one, chosen (Landau, 2017). Instead, Kosovo's independence was brokered by the US and key EU member states and a conditionality for them was the guarantee of extensive group minority rights for the Serb minority living in Kosovo (Johnson, 2020; Keil, 2017). The Serb minority in Kosovo therefore has its political representation written out in the Kosovo constitution, based on the Ahtisaari plan- the Serb minority reserves 10 seats out of 120 in the Kosovo parliament (Maloku et al., 2016). In the government, one minister and two deputy ministers must be from the Serbs minority (Johnson, 2020; Keil, 2017). There are also committees in place to protect Serbs' interests (Demjaha, 2017). The decentralisation specified in the Ahtisaari plan also laid out the ethnic rights in the structure of the state: in the ten Serb majority municipalities, the assemblies are Serb-dominated and mayors are supposed to be Serb (Johnson, 2020). Also, Serbs reserve the position of police chief and most subordinate positions in Serb majority municipalities in the Kosovo Police (Johnson, 2020).

However, the effectiveness of the provisions in place on actual minority life has been called into question. When Serbs in the south of Kosovo, mainly living in enclaves, have over time started to cooperate with the government of Kosovo, the Serbs in the North show no willingness to integrate and consider the state illegal (Keil, 2017). As most of Kosovo's Serbs live in the North, that means that most of the minority does not participate in political life, mainly shown through low voter rates in elections (Keil, 2017). The combination of traditionally low voter turnout of the Serb minority and the guaranteed seats in the assembly, results in Kosovo-Serb lawmakers relying on a significantly lower number of votes than their majority peers, which raises questions about representation and accountability (Landau,

2017). The level of representation is also called into question because as a consequence of a large number of Serbs not recognising the independence of Kosovo, the guaranteed seats are often filled by ethnic Serbs that run on the list of the major Albanian parties, therefore not directly representing the interests of the Serb community (Keil, 2017). It has also been argued that instead of furthering the interests of minorities in Kosovo, the overrepresentation and low political participation of the community as a whole has led to rent-seeking and the use of public office for private gain (Capussela, 2015; in Landau, 2017).

4.2 Political Representation

As was outlined above, the question of political representation of Kosovo Serbs poses a question both meaningfully and practically, and the main reason for that is the fact that the Serb minority stays divided on the issue of participation in Kosovo's versus Serbia's political structures, retaining strong political and economic links to Serbia (Jackson, 2023). The main challenge for state-builders has not been finding ways to make sure Serbs have the option of representation, rather the challenge has been to induce Serbs to fill those posts (Landau, 2017). Since 2013, the main political representation has been the party Srpska Lista, as the Brussels Agreement acted as a catalyst for the creation of the party (Jackson, 2023). It was formed ahead of the 2013 elections with the backing of Serbia and it has been participating in all local and national level elections since, albeit sometimes boycotting, but returned to government without its preconditions being met (Jackson, 2023). The Srpska Lista is seen as a tool of Belgrade's projection of influence in Kosovo's politics, and it has been noted that it acts in the interests of Belgrade (Jackson, 2023).

The Srpska Lista has been called the "De facto Kosovo branch" of the Serbian Progressive Party (SNS), led by Vučić (Johnson, 2020, pp. 175). Nevertheless, it has achieved monopoly in collecting the Serb votes (Johnson, 2020; Jackson, 2023). The Helsinki Committee of Human Rights has also noted the control the Serbian SNS party has over Srpska Lista, as well as the day-to-day lives of Kosovo Serbs, as most jobs and incomes are controlled by them (Helsinki Committee for Human Rights in Serbia, 2018; in Johnson, 2020). Therefore, it can be said that the political agency of the Serb minority, whose views diverge from those of Serbia proper, have diminished over time, especially in the last ten years. Their voices have been diminished through repression, intimidation, corruption and even violence (Johnson,

2020). There persist independent Serb majority NGOs that operate in Kosovo and are funded by Western governments and foundations and whose goal is to organise civic projects and promote independent thinking, however, they currently do not have significant political influence (Johnson, 2020).

4.3 Parallel structures

Especially in the Northern Serb majority municipalities, but also to an extent in the enclaves, Belgrade continues to support so-called “parallel structures” (Johnson, 2020). These are mainly social welfare and administrative structures, for example, in the four northern municipalities, the Serbian government in Belgrade appoints the heads of schools, hospitals and clinics and directly finances them (Johnson, 2020). The responsibility of the maintenance of the parallel structures falls on the Serb Government Office for Kosovo and Metohija (Johnson, 2020). Moreover, most of the ethnic Serb members of the Kosovo parliament are also appointed to positions in Serb parallel structures, which means that these officials are paid directly from the Serbian state budget as well as the Kosovo one, getting two salaries (Johnson, 2020). It has been estimated that nearly half of the total Kosovo Serb minority population receives salaries directly from Belgrade (Johnson, 2020). Overall, the parallel structures are divided into three categories: judicial, security and public services.

The judicial parallel structures refer to the courts set up by Serbia, they apply the laws applicable in Serbia which differ from laws in Kosovo and their ultimate appellate body for final judgements is the Supreme Court of Serbia (OSCE, 2007). Serbia courts claiming jurisdiction in Kosovo still persist despite of international pressure (Rod and Chraščová, 2019). Furthermore, the activity of Serbian security structures persists, as Serbia has maintained its presence through administrative and police, as well as security structures (Selimi, 2013). The Serbian Ministry of Internal Affairs reports that there are 7 directorates and police stations realising their mission in Kosovo (Selimi, 2013).

The most prevalent are the public services parallel structures, which include schools and hospitals. The education system in Serb majority municipalities is supported financially and in terms of content by Serbia (Rod and Chraščová, 2019). The healthcare system also operates under similar parallel conditions and as most of the parallel structures, it is most well

organised and prevalent in the northern municipalities (Selimi, 2013). The healthcare institutions are funded by the Ministry of Health of Serbia and the largest hospitals are mainly located in Mitrovica (Rod and Chraščová, 2019). The reasons for the persistence of these parallel structures has to do with Serbian national interest to keep and foster tensions and polarisation in Kosovo's society (Johnson, 2020). However, that goes hand in hand with the already existing mistrust in the society: the Serb minority does not trust the security services in Kosovo, feeling that they treat their community unfairly; they do not trust Albanian healthcare providers and there is a sense that Kosovo operated schools are unsafe and teach Serb children a twisted view of history, which is why still many Kosovo Serb students travel out of their municipalities to attend school in other Kosovo Serb enclaves (OSCE, 2007). The effect of these parallel structures is argued to handicap the meaningful integration of Kosovo Serbs by providing them normative and financial incentives of not becoming a part of Kosovo state structures, thus serving the interests of Serbia in the territory (Nimani et al., 2023; Johnson, 2020).

4.4 The ASM

Territorial autonomy in Kosovo's context is mainly approached in relation the Association of Serb Municipalities (ASM), as this has been the most politically relevant debate in the society in the past decade. The compatibility of the ASM with Kosovo constitution (Fazliu, 2017) and the extent to which the formal creation of the Association is an obligation for Kosovo under international and constitutional law (Mucaj and Gruda, 2020) have been researched. The reason for the focus on Kosovo's constitution in the existing knowledge is that during Kosovo's final status talks with Serbia, mediated by UN special envoy Martti Ahtisaari, the main arguments were around granting Serb majority municipalities special self-governing rights- autonomy. The Ahtisaari plan stipulated the creation of six municipalities where the majority were Serbs and that had special status and enhanced municipal competencies: North Mitrovica, Novo Brdo, Ranilug, Partesh, Gracanica and Klokot (Ahtisaari Plan, 2007 Annex III; in Mucaj and Gruda, 2020).

The Ahtisaari plan also allowed for all Kosovo municipalities to form associations and encouraged inter-municipal cooperation. The main object of contestation has been the North of Kosovo. In the Ahtisaari plan, it was advised that Mitrovica be administratively divided

into two based on ethnic concentration, but this was never realised, even though it is de facto divided (Beha, 2015). In 2013, the Brussels Agreement was signed, in which the creation of the ASM was specified (Beha, 2015). The study of territorial autonomy in Kosovo since then has mainly considered the legal dilemmas regarding the 2013 Brussels Agreement and the 2015 Second Agreement, which laid out the implementation plan for the ASM (Bashoviq and Haziri, 2023; Mucaj and Gruda, 2020; Beha, 2015). When strictly interpreting the Ahtisaari plan, it does not provide the space for the creation of an autonomous Serb majority region in northern Kosovo, but flexible reading of the constitution allows room for it (Beha, 2015). Therefore the 2013 Brussels Agreement calls for a more lenient reading of the Ahtisaari plan. However, because the 2013 agreement was ratified in Kosovo, making it an international and constitutional obligation, the reasons for non-implementation are political decisions (Beha, 2015; Bashoviq and Haziri, 2023).

The Brussels Agreement, if it was implemented, would give the ASM a full overview of the areas of economic development, education, health, urban and rural planning, meaning that municipalities can in exercising these powers through the ASM (Prelec and Rashiti, 2015). It would also be entitled to direct relations with Serbia (Prelec and Rashiti, 2015). The Brussels Agreement says that the ASM could be formally implemented on the same basis as the Association of Kosovo Municipalities, therefore its statute serves as an example of what the ASM could be: it has the status of a legal person: it can buy, own and sell moveable and immovable property, initiate and appear in legal cases (Prelec and Rasiti, 2015). It would have two main leadership bodies: an Assembly of members delegated from member municipalities and a Council of Mayors, a rotating president and a deputy and several other officials and informal bodies. Some think that the establishment of the autonomous ASM would lead to a larger interest and participation of the Serb community in the political and social life in Kosovo, therefore contributing to integration (Prelec and Rashiti, 2015)

In addition to legal interpretations, the ASM has also been researched in terms of whether and to what extent it would change the political representation and integration of the Serb minority in Kosovo. These state that the existence of the parallel structures and the lack of chances for representation and participation for the Serb minority, along with Belgrade's active part in deepening polarisation, the Serb minority in Kosovo has found itself completely separated from the Albanian minority and the political sphere (Surlić, 2015). This has created a downward spiral of isolation for both the Serb minority and the Albanian majority and

leaves Kosovo as a whole weaker into a situation where ethnic tensions can be mobilised and explode easily (Surlić, 2015). Establishing the ASM would also make the “Serb problem”, which has been at the political forefront for decades, to be solved or at least neutralised, therefore Kosovo could focus solely on statebuilding (Surlić, 2015). However, it is also noted that as a result of historical events and the political choices of the past, there is no desire for interethnic mingling or for Serbs and Albanians to live together, thus the main objective of the ASM should be to facilitate the peaceful coexistence of the two ethnic groups on the territory of Kosovo (Surlić, 2015). Territorial autonomy in the form of the ASM is seen as the only way to establish a multiethnic society in Kosovo (Surlić, 2015). The fear of a third layer of government and secession is the main argument on Kosovo’s side on why the ASM has not been formally instituted (Zeqiri et al., 2016; Beha, 2015; Bashoviq and Haziri, 2023).

5. Empirical Analysis

5.1 Episode I: Brussels Agreement

The first episode in this process-tracing thesis, the Brussels Agreement, features results which indicate that all the three actors analysed expressed in their official statements mainly a positive approach regarding the ASM, the arguments in the statements analysed largely argued for the establishment of the ASM. In this episode, the number of statements analysed was 64 and within them 132 relevant segments were coded by the principles of interpretive study- I determined where there was mention or reference to the ASM. Only 4 out of the 14 codes that emerged from the 132 segments analysed for this episode express the reasons against the creation of the ASM. Three were from the Kosovar side: “*Third layer of government/Republika Srpska*”, “*No executive or legislative powers*” and “*Territorial integrity*”. The arguments against the ASM from the Serbian side generally expressed the sentiment of “*Unfair transaction*”. However, the frequency of these positive and negative codes already give us an idea of why the negotiations for the Brussels Agreement took a long time and multiple rounds, as out of the 132 segments coded, “*Kosovo Positive*” code set had 40 segments, “*Kosovo Negative*” had 19, “*Serbia Positive*” had 56 segments and “*Serbia Negative*” had 4 segments. This small statistical overview already shows that granting

territorial autonomy to the Serbs in the North of Kosovo was an idea strongly pushed by Serbia and Kosovo being more apprehensive of it. Moreover, the EU had only 13 coded segments, but all the segments there fit into either “*Serbia Positive*” or “*Kosovo Positive*” code sets.

Kosovo Positive: 40

Kosovo Negative: 19

Serbia Positive: 56

Serbia Negative: 4

Kosovo- main arguments

As highlighted above, the codes from the statements of Kosovo divided into 40 expressing positive views on the formation of the ASM and 19 expressing negative ones. For the positive, the code with the most numerous segments was “*Compatibility with Kosovo constitution*” with 11 segments in this code. This shows that the compliance with the Ahtisaari plan was recognised by the representatives of Kosovo and was used as an argument to legitimise the creation of the ASM. Furthermore, as the Brussels Agreement caused some controversy in Kosovo, one can interpret this code as the Kosovo political elite attempting to calm the voices in the society that had argued against the creation of the ASM, either proactively or retrospectively. This is also shown in the fact that the negative code with the most segments was “*Third layer of government/Republika Srpska*”, also with 11 segments in it. “*Compatibility with Kosovo constitution*” can be seen as a direct answer to “*Third layer of government/Republika Srpska*”, as it is meant to debunk the thought that the Kosovo government would let the ASM to hold more powers than specified in the Ahtisaari plan. An example of a common wording is “We will work to establish an association of Serb majority municipalities, always according to the Constitution and laws of Kosovo (Office of the Prime Minister, 2013e). Therefore, the statements of Kosovo regarding the ASM were most concerned with signalling that the granting of territorial autonomy to its ethnic Serbs would only happen in a format that is in line with their constitution and would be under the control

and legislature of the Kosovo government, a group of arguments institutional and practical in their nature.

Table 1: Kosovo's Codes from the First Episode

Name	Frequency	Percentage
Territorial integrity	1	1,7%
Needs of the local population	1	1,7%
Minority rights	1	1,7%
Voluntary basis	1	1,7%
Livelihood/non-discrimination	2	3,4%
Security and stability	3	5,1%
International supervision	3	5,1%
Unity of Kosovo	4	6,8%
Parallel structures	5	8,5%
No executive powers	7	11,9%
Integration	9	15,3%
Compatibility with Kosovo constitution	11	18,6%
Third layer of government/ Republika Srpska	11	18,6%
TOTAL (valid)	59	100,0%

Serbia- main arguments

The official statements of the representatives of Serbia that mentioned or referred to the ASM in the given time frame were overwhelmingly positive: only 4 out of the 61 coded segments were against the formation of the ASM, but even these can be seen as a negotiating tactic to push its own view of the way Serbia would approach Kosovo internationally and which powers the ASM would hold- “*Unfair transaction*”. The other 57 coded segments expressed various views why territorial autonomy for the Serb population in the North of Kosovo would be an improving factor for their own livelihoods, the security situation locally and in the region as a whole, increased participation and integration. However, a strength of an interpretive study is that the researcher is able to look at the wider context and interpret the findings, therefore later I will demonstrate why in some cases one cannot take all statements at face value and needs to add context to them. Therefore, if one analyses the content of segments by different actors under the same code, even codes where there is apparent consensus about the ASM, under the surface the incompatibility of views is still evident.

Table 2: Serbia's Codes from the First Episode

Name	Frequency	Percentage
Integration	1	1,6%
Voluntary basis	1	1,6%
With or without the approval of local Serbs	1	1,6%
Unity of Kosovo	1	1,6%
Needs of the local population	1	1,6%
Livelihood/non-discrimination	2	3,3%
Minority rights	2	3,3%
International supervision	3	4,9%
Unfair transaction	4	6,6%
Parallel structures	6	9,8%
Security and stability	10	16,4%
Executive powers/participation	29	47,5%
TOTAL (valid)	61	100,0%

The EU- main arguments

The EU had less statements than the other actors during this time period, given the fact that it acted as a facilitator of the talks, therefore it refrained from giving concrete opinions, but rather stressed the normative effects and guidelines about territorial autonomy. This was done to refrain from making statements that could be perceived by either Kosovo or Serbia as the EU losing its neutrality in the process and choosing sides. Therefore, the EU was mainly the actor to talk about the need for a solution to the “Serb issue” in the context of the everyday lives of the Kosovo Serbs. The EU’s coded segments all stressed the importance of finding a solution that is best for the Serb minority living in the North. The EU’s code with the most segments was “*Needs of the local population*”, which had 4 segments in it and “*Livelihood/non-discrimination*”, which had 3. The “*Needs of the local population*” code had segments which emphasised the need to bring a solution to the North that is not only concerned with the demands of Kosovo and Serbia, but one that would focus on advancing the lives of the people living there. This is a theme that is already highlighted in this thesis: the Brussels Dialogue largely ignored the voices of the local Serbs whose lives the agreement would touch the most and they lacked agency in the process. The other themes in the EU’s statements during the Brussels Dialogue also had to do with more normative and overarching ideas rather than the practicalities of the ASM: “*Integration*” and “*Voluntary basis*” being

two of them. Overall, the EU mainly argued for the ASM and tried to bring normative ideas about the advancement of life on the ground into the debate around the agreement.

Table 3: The EU's Codes from the First Episode

Name	Frequency	Percentage
Territorial integrity	1	7,7%
Unity of Kosovo	1	7,7%
Voluntary basis	1	7,7%
International supervision	1	7,7%
Integration	2	15,4%
Livelihood/non-discrimination	3	23,1%
Needs of the local population	4	30,8%
TOTAL (valid)	13	100,0%

Commonalities

“*Integration*” was the second largest set of arguments for the ASM by Kosovo with 9 coded segments in it. This approach is concerned with the local people on the ground and features themes that emphasise the need for all citizens to feel like a part of the state and its institutions in Kosovo as a multiethnic state. In this code, there are segments from the statements of all three actors. Integration was approached by all three actors as institutional representation, especially in the police force, and the resulting feeling of inclusion within the Serb minority. In this code, Kosovo and Serbia generally took more concrete stances and the debate was around institutions and practical issues, and the EU made more general normative statements. A characteristic quote by Kosovo in this code is by Thaçi: “The agreement will help in the consolidation and functionality of the state of Kosovo, in the functioning of all state institutions at every corner of the country, as well as provide for the full integration of Serbs in the north.” (Office of the Prime Minister, 2013c). Similarly, the EU approached the theme of “*Integration*” as the need for the Serbs living in the North “Feeling part of a community, feeling part of society.” (European Commission, 2012c). The issue with “*Integration*” as a code is the fact that even though it seems to present a level of commonality between the three actors, as all their statements had segments in this code, the way it was approached was still disparate. As a comparison, Dačić stated that: “It is necessary to make an assessment of how many people will be integrated into the structure [the police and judiciary], and it is essential that their composition reflects the ethnic composition in Serb

municipalities. (Government of the Republic of Serbia, 2013n). This statement uses strong phrasing and does not mention the effect on the local ethnic Serbia. This shows that “*Integration*” was approached by Kosovo and Brussels connected to inclusion and the societal positive effects of representation in institutions, whereas the one by Serbia resembles a political demand. Furtherly illustrative is that when Kosovo had 9 segments under this code and the EU 3 (out of 13 in total), Serbia only had 1. Therefore, we can also quantitatively conclude that even though this code was apparent in the statements of all three actors, it was more of an argument for the ASM for Kosovo and Brussels.

However, as “*Integration*” did not fill the role of a common ground for Prishtina and Belgrade, “*Parallel structures*” did. In this code, 5 segments are from statements by Kosovo and 6 from Serbian ones and the segments talk about the dismantling Serbia’s parallel structures in the Serb municipalities in transaction of the formation of the ASM. In this episode, this is the only code in which some real cooperation or at least a willingness to discuss and compromise on the ASM can be seen. Kosovo, in segments in this code, mainly talked about the parallel security and judicial structures, stipulating that the ASM would come into life only after these structures were dismantled: “Parallel structures will be dismantled and local elections will be organized in the second half of this year, with the facilitation of the OSCE and according to the laws of the Republic of Kosovo.” (Office of the Prime Minister, 2013d). Serbia, in comparison, did not see the ASM as a tool to decrease its own influence in the area. Rather, it clearly saw the ASM as a substitution for its influence which by 2012 was mainly upheld by the parallel structures: “The Serbian side laid out a proposal to establish a community of Serbian municipalities, our country will not allow any dismantling of institutions until it is agreed what they will be substituted by.” (Government of the Republic of Serbia, 2013t). Even though the ASM was seen by Prishtina as a way to decrease the influence of Belgrade in the North and by Belgrade as a way to keep its influence, the transactional elements shows that this is a point where the issues that were important to both sides were discussed and debated upon and readiness to make concessions was present, which differs from most of the codes, where the statements by both sides were largely of an opposing nature. Therefore, this code represents the two sides expressing a level of willingness to compromise.

The other two noteworthy codes in which some overlap of arguments towards the forming of the ASM between the actors can be seen is in codes “*Security and stability*” and

“International supervision”. *“Security and stability”* had 3 segments from Kosovo official statements and 11 segments from Serbian ones and *“International supervision”* 3 by both Serbia and Kosovo and 1 by the EU. The overlap of opinions in this case is also limited, as even though all actors agreed that the ASM was important for regional stability, Serbia framed the ASM as essential for the survival and the very existence of Serbs in the North of Kosovo, emphasising also the fact that it allows them to represent their interests, whereas Kosovo framed it as a way to decrease the agency of Serbia in the area and for the local people to be able to make their decisions without Serbia, who had “held the situation in the north hostage for the last 14 years (Office of the Prime Minister, 2013d). This shows that a source of the insecurity in the area was seen by Serbia as Kosovo discriminating against its northern Serbs and by Kosovo as Serbia destabilising efforts of Kosovo to integrate the North. Even though the *“International supervision”* code also signals some compatibility, one can interpret that the calls by both Kosovo and Serbia for the OSCE, the EU, KFOR and NATO forces to oversee the creation and elections of the ASM exhibit the lack of trust between the two players. It also shows that Serbia refused to hint in any way to the status of Kosovo, seeing it still as its own territory under international rule, whereas based on the statements analysed, Kosovo saw international supervision of these processes legitimising its actions as an international player. The EU called for cooperation with international supervisors, hoping that this axis would help Serbia to trust the actions of Kosovo more, and for Kosovo to recognise the importance of the international obligation it took upon itself when signing upon the creation of the ASM.

Incompatible views

I have outlined above the viewpoints in which the actors had compatible views at least to a certain extent, but which nevertheless upon further analysis showed some elements of deeper mistrust and differences in understanding the role the ASM would play both for Kosovo and Serbia, as well as the Serb minority in the North. The most illustrative incompatibility was the understanding of the powers the ASM would hold: during the research, two new codes were generated based on the data: code *“No executive powers”* derived from statements by Kosovo and *“Executive powers/participation”* from statements by Serbia. The Kosovo code had 7 segments in it and the Serbian one 29. This is almost half of all coded segments from the official statements from Belgrade, which goes to show the extent to which this was an important factor that Serbia was set on during the Brussels Dialogue. Even though Kosovo

had only 7 coded segments that opposed the granting of executive or legislative powers to the ASM, the Kosovo code “*Compatibility with Kosovo constitution*” also relates to this topic. The argument that the ASM would have to be in line with the constitution of Kosovo was often brought up by Kosovo representatives in the context of an answer to Serbia’s demands for executive powers to the ASM: “With regard to the association of municipalities, I would like to stress that it must be in accordance with Kosovo’s Constitution and laws. The association of Serb majority municipalities will not have executive or legislative competences, and it will not constitute a third layer of government.” (Office of the Prime Minister, 2013). Therefore, if we look at the “*Compatibility with Kosovo constitution*” code as being expressing opposition to Serbian demands for legislative and executive powers, the balance of arguments becomes clearer: if we add “*Compatibility with Kosovo constitution*” and “*No executive powers*”, we get 18 coded segments, which is about a third of all coded segments from Kosovo’s statements. Therefore, the issue of the exact powers of the ASM was the most important part of the whole debate around it. This shows that Belgrade wanted the ASM to have a large degree of powers within Kosovo institutions, whereas Kosovo was strongly against it. This is the main incompatibility of stances regarding the ASM that appeared from this time frame.

To illustrate the extent to which the views on this issue differed with the statements by Serbia, I will provide the following quote: “Serbia is not looking for an ideal solution and is not rejecting anything in advance, but it is unacceptable for Belgrade anything below the demand that citizens of the Community of Serbian municipalities decide on the judiciary and the police.” (Government of the Republic of Serbia, 2013z). Once again, the issue of diametrically different and opposing views towards the powers the ASM would have are highlighted. During the negotiations process, faced by strong Kosovo opposition, Serbia tempered its claims: “The union of Serbian municipalities in Kosovo does not need to have legislative powers, but it must have executive powers in order to have anything to deal with.” (Politika, 2013k). Here, one can detect a degree of compromise and withdrawal of certain demands, which could be seen as a prospect of cooperation by Serbia. However, the context of the talks is important in this case to analyse the reasons why there appeared some willingness to budge on the issue. It became clear while analysing the data that every step of the negotiations process was tied to the hope of getting a candidate status by the EU. Therefore, the building up of trust and confidence that was hoped by the EU to appear from these talks, is not apparent based on this analysis. Therefore, what can be seen as a

compromise, can also be looked at as the rushing of signing a document whose content is fully not agreed upon, while still having incompatible views on the powers of the ASM.

One of the most prevalent fears of Kosovo regarding the ASM was that it would turn into an entity resembling Republika Srpska in Bosnia, therefore the most numerous negative code for Kosovo was “*Third layer of government/Republika Srpska*”, which had 11 segments in it, as much as “*Compatibility with Kosovo constitution*”. In the beginning of the high level talks, in one of the first press conferences after the start of negotiations, Kosovo’s Prime Minister Thaçi said: “Serbia has dreamed of the division of Kosovo, the formation of autonomy, a special status, and Republika Srpska, but all these are unrealized dreams of Serbia on the territory of Kosovo.” (Office of the Prime Minister, 2013b). This is a view also apparent in the literature- Kosovo understood the state interests of Serbia in destabilising Kosovo’s internal politics and holding influence in the northern and southern Serb enclaves to keep the “Serb issue” alive and hinder the statebuilding processes of Kosovo. However, as the negotiations went on and Serbia conceded on some of its demands, like legislative powers, the statements from the Kosovo side became more compliant and highlighted the difference of the ASM from Republika Srpska, and started to talk more about the general wellbeing and livelihood of the local Serbs: “Circumstances in Kosovo differ from those of the Republika Srpska. In the beginning, Belgrade wanted to partition Kosovo, to create a territory similar to that of the Republika Srpska. There were claims for autonomy and for a special status, but all of this has not been, is not and will not be achievable. The difference between me and the leaders of Belgrade is my commitment and a creative way of thinking about creating living conditions for Serbs in the north, greater security so that they integrate into local and central government.” (Office of the Prime Minister, 2013a). This shows the slow movement of arguments from Kosovo’s side moving towards the needs of the local population, which at first was not present in its arguments.

Another signal of incompatibility is presented in the code “*Transaction- terms for Serbia unacceptable*”. There, two themes are featured. During the Brussels Dialogue and the high-level talks, the formation of the ASM was offered as a transaction to Serbia where in return, Kosovo would acquire seats in international organisations. This is one of the two things that Serbia in its statements deemed unacceptable and stood strongly against. The second arguments had once again to do with the powers that the ASM would hold, where Serbia found unacceptable some proposals by Kosovo: “Serbia cannot accept that the community of

Serbian municipalities should have an informal form, which may even be close to an NGO.” (Government of the Republic of Serbia, 2013q). This once again shows the wish of Serbia for the ASM to hold more autonomy in Kosovo than Kosovo itself was ready to grant it, with both sides holding a maximalist stance.

The Needs of the Ethnic Serbs

All three actors expressed the need for a stable agreement for the bettering of the life of the Kosovo Serbs, however, the incompatible views of Kosovo and Serbia also penetrated this debate. For example, the code “*Livelihood/non-discrimination*” had 3 segments from the statements of the EU, and 2 from both Serbia and Kosovo. The segments in this code were linked to the everyday lives of the ethnic Serbs in northern Kosovo, their jobs and access to services. However, some nuances should be stressed here too. The EU segments under this code mainly emphasised the need for a solution for the Serbs in the North to be able to lead normal lives without being a pawn in political games: “It's about normalising life, so that the people who live in the north can go about their daily lives feeling part of a community, feeling part of society.” (European Commission, 2012c). The segments collected from the statements of the representatives of Kosovo and Serbia also featured employment. However, Serbia mentioned the importance that the local Serbs keep their jobs, as a very large part of Kosovo Serbs’ salary comes directly from Serbia’s state budget. Therefore, these statements can be interpreted as Serbia aiming to preserve the parallel structures in place. A Kosovo statement in comparison states that: “We want to serve all citizens there, to open up new jobs and to create welfare so that they feel like citizens of this country.” (Office of the Prime Minister, 2013a). The “opening up of new jobs and creating welfare” indicates that the statement talks about the abolition of the parallel structures under Serb control and the creation of a unified system with the rest of Kosovo. Therefore, even the statements under such a code as “*Livelihood/non-discriminaton*”, in which both Kosovo and Serbia at first glance mention the same ideas, when looking further and taking into account the context of the Brussels Dialogue in which the statements were published, one can see that the premise of the statements is different and incompatible.

In the analysed statements, there was a surprisingly small amount of segments that mentioned minority rights. Even though the debate around the powers the ASM would have is connected to minority representation and participation, therefore their political rights, the term

“*Minority rights*” was not used in those cases. The debate around the competences of the ASM was more connected to Serbia’s influence and Kosovo attempting to reject it. “*Minority rights*” as a code only appeared 3 times, twice by Serbia and once by Kosovo. Therefore, it can be seen that minority rights as a normative framework or a legitimising phrase did not play a large role in the debates around the ASM.

Outlier

It is also necessary to outline one of the most surprising finds from the statements that followed the signing of the Brussels Agreement in April of 2013. The Serb statements in the earlier rounds stressed that they will not sign anything the local Serbs do not agree to and their views and opinions will be taken into account when making decisions that affect them, expressed by all three actors under the code “*Voluntary basis*”. This point was stressed by all three actors, that the agreement is signed among other things also in order to make the lives of the local Serbs better, albeit Kosovo and Serbia having differing understandings of how that would function. However, after the signing of the Brussels Agreement, there were protests by the local Serbs in front of the Belgrade government building as well as in Mitrovica, as the local Serbs saw it as Belgrade abandoning them or selling them out in order to acquire EU candidature. This led to an interview with Serbian Prime Minister Dačić by the popular newspaper in Serbia, Politika, in which he claimed that Belgrade would implement the Brussels Agreement whether the Serbs from the North of Kosovo agree with it or not, as "the presidents of the municipalities in the north of Kosovo cannot decide on the fate of the entire nation". (Politika, 2013d). This illustrates the point made above that the main aim that Brussels hoped for: to normalise the relations between Kosovo and Serbia and make the lives of the Kosovo Serbs better was not the main aim of Kosovo and Serbia. For them, the Brussels Dialogue was a means to an end for Serbia to get candidature status and Kosovo to strengthen its ties with the EU. Therefore, the incompatible views that were still present during the signing of the agreement were ignored in order to move forward on the European path.

Summary of the findings

In sum, deriving from the data gathered, during the time frame of 01.06.2012-01.06.2013, the ASM as a topic was on the forefront of public debate and official statements by Kosovo and

Serbia, whereas the EU made more general statements about minority political rights and the livelihood of the people on the ground. Kosovo and Serbia had diametrically opposing views of how much autonomy the ASM should have and what powers it should hold. This is the main incompatibility that appeared even when the codes were similar and there was an interest in, for example, the creation of jobs. Even in that case we could see that the way they viewed the way territorial autonomy would affect the local population and what role Kosovo and Serbia played in it was completely in opposition between the two. Therefore, from the first episode of this process-tracing thesis, a conclusion can be drawn that the Brussels Agreement, which specified the creation of the ASM, was a document signed by the parties while they were still not entirely agreed on what the ASM should do and had incompatible views on the role of the ASM. The signing of the Brussels Agreement was rushed by the parties in order to move forward on their European path and appease to international pressure, which can also be seen in the lack of interest to meaningfully include the ethnic Serbs in Kosovo themselves into the talks, to even outright claiming that their needs and views are not as important as the whole of Serbia's.

5.2 Episode II: The Second Agreement

In the second episode of this thesis, from 01.01.2015 to 31.12.2015, the time around the signing of the Second Agreement or the Agreement on General Principles/Main Elements of the Association of Serb Municipalities in August 2015, the context in which the discussions around the ASM took place had changed from the first episode. Now, on one hand, the arguments circled around the idea of the need to implement the Brussels Agreement and on the other hand, the emphasis on which points of the agreement needed to be implemented varied. In this episode, the scope of cooperation, even if seeming, was lower, and the arguments about the ASM had become more mutually exclusive, or- incompatible. Even though the formation of the ASM had been signed upon, domestically in Kosovo, the topic created a political crisis which resulted in sending it for review to the Constitutional Court, which decided that the implementation of the ASM was not against the constitutional order of Kosovo. For Kosovo, out of 122 coded segments, 65 were under the “*Kosovo positive*” code set and 57 were under “*Kosovo negative*”. The large percentage of positive arguments for the creation of the ASM need to be looked at while taking into account the context, where the political elite of Kosovo attempted to calm the domestic political turmoil that accompanied

the signing of the Second Agreement, do “damage control” to let the public know that the ASM would not threaten Kosovo’s statehood and assure the opposition and their supporters of the conditionality of the agreement. Overall, Serbia once again argued for the formation of the ASM, now on more legal grounds, and of its 15 codes in total, only 2 argued against it. Or, from 91 coded segments, 4 segments argued against the ASM. As was the case in the last episode, this had mostly to do with the terms being unacceptable for Serbia. Therefore, the “*Serbia positive*” code set had 87 coded segments and “*Serbia negative*” only 4. The EU had the least coded segments with 15 statements from the time frame referring to the ASM and minority rights. The difference with the last episode can be seen: the EU had become more critical of Kosovo, all of its statements still called for the implementation of the ASM, however now more directly and legally, whereas in the last episode, the normative side was prevalent.

Kosovo positive: 63

Kosovo negative: 56

Serbia positive: 87

Serbia negative: 4

Kosovo- Main Arguments

Kosovo’s main arguments had to do with the compatibility of the ASM with the Kosovo constitution and the legal obligation Kosovo had taken upon itself with the Brussels Agreement. The signing of the Second Agreement caused large-scale political turmoil in the Kosovo Assembly, where the opposition deployed smoke bombs and physically attacked Prime Minister Mustafa. To calm these voices, the most numerous code “*Compatibility with Kosovo constitution*”, which had 33 segments coded under it, argued that the creation of the ASM will only be done in accordance with the constitution of Kosovo. The second most numerous code “*Legal obligation/need to implement*” had 24 segments under it and overall and they refer to the fact that it is a legal obligation for Kosovo to formally implement the ASM, as the Brussels Agreement had been signed and ratified by the Kosovo Assembly. The

segments under the “*Parallel structures*” code went hand-in-hand with the last one and took a more transactional tone, emphasising the points of agreements that Serbia violates, making Kosovo’s inaction towards the issue of the ASM a reciprocal measure. This shows how the three codes with the most coded segments are both aimed at calming the political opponents domestically and reminding them that the last Government made the creation of the ASM a legal obligation of Kosovo, around which there is no other way than to actually implement it. Kosovo also emphasised that the topic needs a public debate domestically, with the code “*Need for public debate*” having 7 coded segments under it. However, this illustrates a problem with the ASM- it did not have a large domestic public debate in Kosovo before the Brussels Agreement was signed, and it is difficult to see what could be achieved in having a public debate over an issue that is already signed upon and legally binding. During this episode, there was also some reference to the ethnic Serb minority and their “*Integration*”, “*Livelihood/non-discrimination*” and “*Empowerment*”, however these codes did not have many segments under them and can not be seen as a legitimate interest in the needs of the local population.

Table 4: Kosovo’s Codes from the Second Episode

Name	Frequency	Percentage
Financed by Serbia	1	0,8%
Empowerment	1	0,8%
Executive powers/participation	1	0,8%
Best for both Serbs and Albanians	2	1,6%
Livelihood/non-discrimination	3	2,5%
Third layer of government/ Republika Srpska	3	2,5%
Supported by EU and US	4	3,3%
No executive powers	4	3,3%
International supervision	4	3,3%
Unity of Kosovo	4	3,3%
Integration	6	4,9%
Mutual recognition	6	4,9%
Security and stability	6	4,9%
Need for public debate	7	5,7%
Parallel structures	13	10,7%
Legal obligation/need to implement	24	19,7%
Compatibility with Kosovo constitution	33	27,0%
TOTAL (valid)	122	100,0%

Serbia- Main Arguments

Serbia argued strongly for the formation of the ASM. Its main argument in this time frame was that it is already signed upon in the Brussels Agreement, which is a binding document, therefore it is Prishtina’s legal obligation to implement it. The “*Legal obligation/need to implement*” code had 18 coded segments in it, making up about a fifth of the coded segments overall. The second code with the most segments under it was “*Executive powers/participation*”. The segments under this code often emphasised the powers the ASM should hold as having “political significance” or “political teeth”. Serbia also argued for the ASM not being under Prishtina’s jurisdiction, both with the code set “*Financed by Serbia*” with 8 coded segments in it and “*Independent from Prishtina*” with 4 coded segments in it. Serbia emphasised the need to include the local Serbs in the process and its own connection and dialogue with the local Serbs, as well as the divisive rhetoric used by Prishtina attempting to make the issue a source of contention domestically, making it into something threatening

for the local Albanian population. Overall, the Serbian side mainly called for the implementation of what had already been signed upon in the Brussels Agreement.

Table 5: Serbia's Codes from the Second Episode

Name	Frequency	Percentage
Mutual recognition	1	1,1%
Minority rights	1	1,1%
Empowerment	3	3,3%
Livelihood/non-discrimination	3	3,3%
Lack of EU leadership	3	3,3%
Best for both Serbs and Albanians	4	4,4%
Independent from Pristina	4	4,4%
Dialogue with the local Serbs	5	5,5%
International supervision	5	5,5%
Divisive rhetoric	6	6,6%
Needs of the local population	8	8,8%
Financed by Serbia	8	8,8%
Security and stability	9	9,9%
Executive powers/participation	13	14,3%
Legal obligation/need to implement	18	19,8%
TOTAL (valid)	91	100,0%

The EU- Main Arguments

In this episode, the EU focused less on its normative role as the mediator, refraining from statements that focused on minority rights, integration or participation. Rather, the EU's rhetoric, as is the case with Kosovo and Serbia, had become more legalistic and demanding, reminding Kosovo and Serbia that the time for negotiations about the essence and powers of the ASM should have been before the signing of the Brussels Agreement and now was the time to implement what had been agreed upon. Out of 15 coded segments by the EU, 6 were under the code "*Legal obligation/need to implement*", stressing the need and urgency to implement the signed agreements. It is also noteworthy that the EU was more critical of Kosovo about the slow pace of moving forward with the implementation of the Brussels Agreement.

Table 6: The EU's Codes from the Second Episode

Name	Frequency	Percentage
Divisive rhetoric	1	6,7%
Best for both Serbs and Albanians	2	13,3%
International supervision	2	13,3%
EU criticism of Kosovo	4	26,7%
Legal obligation/need to implement	6	40,0%
TOTAL (valid)	15	100,0%

Commonalities

The first code that at first glance seems to be strongly represented in all of the three actors' official statements and thus present a common view is "*Legal obligation/need to implement*", which is the code with the most segments for all three actors. Serbia's segments that are under this code, unsurprisingly, refer to the fact that Kosovo needs to implement the ASM because the Brussels Agreement obliges it to: "Our side is waiting for Priština to promptly implement the hitherto agreed, [...] it would be inconceivable that someone in Belgrade negotiated something and then started making fun of the other side and the international community." (Office for Kosovo and Metohija, 2015h). This shows the sentiment of Serbia, it saw the ASM as a concrete promise that had been given in a binding document and the fact that Prishtina continued to present new proposals to alter its organisation and implementation was insulting to Belgrade. Similarly, the EU called for the rapid implementation of agreements already reached in order to move on with the normalisation process: "Existing agreements need to be implemented in full and new agreements reached, no matter how challenging this may seem." (European Commission, 2015c). This also hints at the inaction of Kosovo in formally establishing the ASM, and in other statements, the EU also expressed that even though the domestic political situation hinders Kosovo's ability to formally establish it, the stalemate needs to be resolved, as the ASM is no longer a question of whether it can or should be implemented or not. From Kosovo's side, 24 codes referred to the same fact. As the statements analysed in this thesis were ones of the Prime Minister and the President of Kosovo, most of these came from domestic speeches to the Assembly or general press statements to the public of Kosovo to emphasise the fact that fulfilling international agreements is not voluntary, illustrated by this quote from Prime Minister Mustafa at a

domestic press conference: “The establishment of the Association is not a matter of will, nor mine or someone else. The establishment is the result of which is derived from the law that the Parliament of the Republic of Kosovo was adopted in 2013, which the first agreement on normalization of relations with Serbia was ratified by two-thirds vote of members of the Assembly of Kosovo even with the votes of those who today oppose the establishment of this association” (Office of the Prime Minister, 2015p). This shows the Kosovo’s political elite’s attempts to reason with the opposition and remind them of the obligations Kosovo’s previous governments had taken upon the country and how it would affect Kosovo’s international standing. Therefore, this code implies a commonality that the political elite of Kosovo, Serbia and the EU all understood and argued for the formation of the ASM with an emphasis on legal obligation to implement international agreements.

Another commonality from the three sides of the agreement was expressed in the code “*International supervision*”, where the EU was called to act as a guarantor. This was also a claim that was apparent in official statements of all three sides in the given time frame. According to Đurić: “Priština has an obligation to fulfill what was agreed, but the responsibility also lies with the international community who is the guarantor of the implementation of the Brussels Agreement.” (Office for Kosovo and Metohija, 2015m). However, even though at first glance this seems like a commonality, the sentiments of the statements were different. Serbia, in segments under this code, called strongly for the implementation of the ASM and wanted the EU to oversee that it would actually be done. The EU, in its single segment under this code, signalled readiness to be a guarantor to all agreements reached in order to bridge the lack of trust apparent between Prishtina and Belgrade and push the implementation of past agreements. Kosovo statements under this code called for the EU monitoring of the parallel structures that were still in place in the North, signalling that in the case that these were dismantled, the ASM would be formally instituted. Prime Minister Mustafa asked “The EU to undertake all measures to prevent Serbia to intervene with parallel structures in Kosovo, and stressed that Serbia is continuing to violate the Brussels Agreement on Normalization of Relations between the two states, Kosovo and Serbia, with EU guarantees, by establishing illegal Serbian bodies in the Republic of Kosovo.” (Office of the Prime Minister, 2015l). Therefore, this code can not be taken as a full commonality of views, as the content of what was actually being asked for the EU to be overseeing was different for Prishtina and Belgrade, while the EU was ready to oversee the implementation of all agreements.

The code with the most substantial common views of the ASM was “*Best for both Serbs and Albanians*”. Kosovo statements under this code, similarly to others, tried to legitimise the creation of the ASM to the domestic opposition and public, emphasising it as a tool for all communities to make their voice heard and minimise the ethnic focus of the ASM: “The Association doesn’t either have an ethnic nature, as there are attempts to present it, because the demographic composition of these municipalities is not entirely mono-ethnic due to the reason that 15% of the Albanian majority community lives in these municipalities. Multi-ethnic nature of these municipalities will reflect the structures of the association.” (Office of the Prime Minister, 2015p). Serbia emphasised the fact that it would ease tensions between the Albanians and Serbs, as it would allow the Serbs “to institutionally communicate with the Priština institutions, be part of the system in the province and exercise their rights through the CSM.” (Office for Kosovo and Metohija, 2015m). The EU refrained from making more concrete statements on how it would be the best solution for both Serbs and Albanians, but rather stressed the importance of a lasting agreement and its immediate implementation for the benefit of all communities living in Kosovo.

Incompatible views

The first incompatibility that became apparent in the analysis of statements during this time period was the perceptions of both Belgrade and Prishtina towards the intentions of the opposite party in the negotiations process. Vučić, based on the fact that Prishtina proposed agreements that included a series of modified versions of the ASM that did not match the ideas of Belgrade, declared at a press conference; “I fear that Priština did not come to Brussels with the intention to sign any agreements” (Office for Kosovo and Metohija, 2015r). Therefore, Serbia’s mistrust came from the fact that it saw Kosovo’s proposals as not adhering to the Brussels Agreement that was already signed. Kosovo’s reservations in the intentions of the Serb side came from its dual approach on the one hand, calling for the formation of the ASM and on the other hand, refusing to dismantle the illegal structures. Kosovo viewed this as unfair and giving Belgrade a seemingly cooperative image, while on the ground, the situation was different: “Serbia on the one hand working for the implementation of the Brussels agreements, on the other hand continues to support its illegal parallel structures in Kosovo. This damaging approach of Serbia has led to a paradoxical situation where the two structures such as both legal and illegal operating in the northern part

of Kosovo and beyond. Therefore, Serbia presents itself before the EU as a party that is respecting agreements of Brussels, while on the ground it continues with its interventions in Kosovo. [...] the establishment of the association cannot happen before Serbia to fully remove its illegal structures in Kosovo.” (Office of the Prime Minister, 2015n). Therefore, Prishtina and Belgrade, going into the talks, did not display a trust in the other’s intentions and perceived the other as not sincerely working towards the normalisation of relations. In this episode, the EU also presented for the first time its own perception of the actions of one of the parties- Kosovo. The EU did not offer criticism towards Belgrade, but did criticise Kosovo, which had to do with the political deadlock that the Second Agreement caused in the Kosovo Assembly, calling for the respect of democratic structures and obedience of international agreements.

In addition to the large level of mistrust, the substantial views of Kosovo and Serbia on what the ASM should look like when formally instituted were still completely divergent, and this was the main source of tensions during this episode. The main difference with the last episode is the fact that the creation of the ASM had already been signed upon, therefore the EU also took a slightly more assertive role in the negotiations and allowed room for criticism and concrete calls for action towards the two sides. The first divergent view, as has already been mentioned, is apparent in the segments coded as “*Legal obligation/need to implement*”. For Serbia, 18 coded segments under this code refer to the obligation of Prishtina to deliver on the signed agreements, especially the ASM. For Prishtina, the 24 segments were compatible with the Serbian view, expressing that as the Brussels Agreement was signed by the previous government, this government has to implement it, thus presenting a level of commonality. However, the code “*Parallel structures*” with 13 segments is set as a precondition for this to avoid doubling Belgrade’s influence in the area.

In addition to perception of the other side’s intentions and divergent views on the starting point of what would be the context into which the ASM would be created, still, Belgrade and Prishtina had incompatible views in the powers the ASM should hold and the extent to which the Serb minority should be granted territorial autonomy from Prishtina. This is exemplified from Belgrade with the codes “*Executive powers/participation*”, “*Independent from Prishtina*” and “*Financed by Serbia*”. These together made up over a quarter of the coded segments of official statements by Belgrade, showing that similarly to the last episode, Belgrade continued to advocate for wide-ranging territorial autonomy and powers to the

ASM. Belgrade saw the ASM as a state apparatus, where the employees were civil servants, therefore, it would also be financed from the Serbian state budget, as Kosovo-Metohija is a province of Serbia (for Belgrade). “*Executive powers/participation*” was still the most important argument regarding the ASM by Belgrade, and when Kosovo came forward with its own proposals that did not match the Serbian view of the extent of powers the ASM should hold, Duric expressed his dissatisfaction: “Apparently, the plan is to reduce the CSM to a mere non-governmental organisation, which is absolutely unacceptable” (Office for Kosovo and Metohija, 2015). The corresponding codes to Belgrade’s ideas of the ASM and its powers are Prishtina’s statements that fall in the codes “*Compatibility with Kosovo constitution*”, “*Third layer of government/Republika Srpska*” and “*No executive powers*” which together made up about a third of segments analysed from Kosovo’s official statements. The segments under the code “*Compatibility with Kosovo constitution*” signal to the domestic public as well as Belgrade and Brussels that the ASM would need to be under the jurisdiction of Prishtina and to assert its sovereignty to Belgrade: “The Government of the Republic of Kosovo re-emphasizes that the agreements reached in Brussels are in accordance with the laws and the Constitution of the Republic of Kosovo and that they will strengthen the sovereignty of the Kosovo state.” (Office of the Prime Minister, 2015a). Segments under “*Third layer of government/Republika Srpska*” and “*No executive powers*” strongly emphasised that under no condition would the ASM be granted executive powers by Prishtina and that “The objectives of the Association for which we have agreed in this agreement fall at the local level.” (Office of the Prime Minister, 2015p). Once again, this shows the great incompatibility of the actors, where Belgrade is actively campaigning for wide powers for the ASM, mainly executive powers, and claiming that accepting anything less would be an insult and a source of humiliation to the local Serbs, from which Belgrade protects them. Kosovo, on the other hand, sees the ASM as an addition to Belgrade’s influence in the area and refuses to give Kosovo Serbs executive power, fearing that this would give Belgrade means to increasingly affect Prishtina and create instability.

Incompatible views are also apparent in the code “*Security and stability*”, where Kosovo had 9 coded segments and Serbia 6. As has become a pattern in this thesis, at the surface level this looks as if the two actors agree that the formation of the ASM would have a positive effect on the security and stability in the North of Kosovo, as well as in the region as a whole. Once again, however, this exemplifies the importance of interpretation of data, not just dividing by keywords, as the image of what security and stability means for both of these actors is

apparently quite different. For Belgrade, the creation of the ASM would: “Give political and economic power to the Serbian people in Kosovo and Metohija and enable them to survive.” (Office for Kosovo and Metohija, 2015m). The theme of survival of the Serbs in Kosovo was one strongly emphasised by Serbia, indicating that if things continue the way they are, this would create an existential threat to the Serb minority in Kosovo. From Kosovo’s statements, security was approached from the viewpoint that the large Serbian influence in Kosovo is the source of instability, and giving the Serbs more political rights and self-government would diminish that: “We consider that these agreements contribute to peace, to good relations with neighbouring countries, regional stability and put an end to Serbia’s interferences in Kosovo matters, through dismantling the parallel structures in the North and removal of obstacles to the integration of Serbs in the Kosovo’s state system and social institutions, which would be in favour of political, economic and security of our citizens.” (Office of the Prime Minister, 2015p). This shows that Serbia sees its role as a guarantor of stability and security to the Kosovo Serbs and Prishtina as a source of threat, whereas Kosovo perceives the situation as the opposite.

Dialogue with the local Serbs

A feature that is different from the last episode is the fact that Belgrade had started to emphasise the fact that they are holding regular dialogue with the local Serbs living in Kosovo. The code “*Dialogue with local Serbs*” had 5 coded segments in it, all from the official statements of Serbia. The reason this is noteworthy is that in the last episode, Belgrade expressed itself as the representative and protector of the local Serbs based solely on the fact that they are of Serb ethnicity, therefore Belgrade had an obligation before them. However, in this episode, Belgrade attempted to legitimise its claims for the Kosovo Serbs to acquire territorial autonomy through the ASM by emphasising that Belgrade is closely cooperating with the representatives of the Serb minority in Kosovo and is aware of their needs. Belgrade even claimed that the Kosovo Serbs were represented in the negotiation delegation: “Serbian delegation, which will include representatives of Serbs from Kosovo-Metohija, has the goal to enable that the Community of Serbian municipalities gets all the rights that are essential so that the Serbian people could be strong in the political sense.” (Government of the Republic of Serbia, 2015e). By directly involving the local Serbs and granting them agency to decide on the issue that affects their political representation in Kosovo, Belgrade legitimised its claims for the ASM. It is noteworthy that the Kosovo

official statements did not mention talking to the local Serbs even once, moreover, even when referring to the municipalities in which Serbs constitute the majority, they decided to focus on the Albanian minority in these municipalities: “The Association doesn’t either have an ethnic nature, as there are attempts to present it, because the demographic composition of these municipalities is not entirely mono-ethnic due to the reason that 15% of the Albanian majority community lives in these municipalities.” (Office of the Prime Minister, 2015p). This shows the approach of Kosovo to its Serb ethnic minority, focusing on the notion of procedural egalitarian citizenship, where the theme of difference of ethnic minorities and their needs is being avoided.

Summary of the findings

Overall, in statements from this episode, the incompatibility of views towards the ASM were still prevalent. The largest commonality of all three sides was the fact that Serbia, Kosovo and the EU all recognised that the creation of the ASM had been signed upon in 2013 and therefore it is a legal obligation for Kosovo that it needs to fulfil. The three sides all also augmented that the creation of the ASM would be best for both Serbs and Albanians living in Kosovo. Even though Kosovo had a large percentage of positive coded segments, they need to be analysed in the context of the Kosovo political elite attempting to calm domestic tensions around the ASM. The incompatibilities were present in most arguments and started with the perception of the intentions of the other side in coming to the negotiations table, where Kosovo and Serbia both perceived the other of not being a sincere negotiations partner, but having an ulterior motive. Similarly to the last episode, the powers of the ASM were also a large point of contention, where Belgrade advocated for executive powers and Kosovo emphasising that granting them would not fit under the constitutional framework of Kosovo. From the EU, a tougher stance was taken during this episode, calling for the parties to reach a conclusion and stressing the need to implement already signed agreements, as well as explicitly criticising Kosovo for not moving forward with the implementation. As in the last episode, the need to qualitatively analyse the data was also reaffirmed, as segments under the same code for different actors actually presented incompatible views because the way terms like security and thus the sources of insecurity were seen were completely opposite.

Episode III: The Ohrid Agreement

In October 2022, Kosovo saw domestic political turbulence that was tied to the local elections and resulted in another round of protests by the Serb minority and calls for the creation of the ASM. There were attempts to calm the situation on the ground by international players, the most notable of which was the so-called Franco-German proposal. Another round of talks between Belgrade and Prishtina followed and was mediated by the EU, as a result of which, the Ohrid Agreement, or the Agreement on the Path to Normalisation Between Kosovo and Serbia was verbally agreed upon by Kurti and Vucic in February 2023. This further caused political turbulence in Kosovo, mainly by the Albanian opposition that was strongly against the formation of the ASM. This section includes official statements by Belgrade, Prishtina and Brussels from the time 01.11.2022 to 01.11.2023. The statements from this episode were characterised by divisive rhetoric and back and forth blaming of the other party, mainly from Serbia and Kosovo, but the EU also took a stronger stance in the need to finally implement the ASM, notably for the first time not only referring to it, but also outright stating that the ASM should be formally instituted. Therefore, the time point has more direct and divisive discourse than the last ones and a more tough stance from both Serbia and Kosovo, illustrating the disappointment of the slow advance on their respective roads towards EU integration and moving away from trying to cooperate in order to create a positive image in the eyes of international partners. Overall, Serbia had 166 segments in the “*Serbia positive*” code set and 8 in the “*Serbia negative*” one, but these had to do with the fact that Kosovo demanded mutual recognition in the transaction of implementing the ASM, a condition which was unacceptable for Belgrade. For Kosovo, the “*Kosovo positive*” code set had 19 coded segments, which came from the codes “*Legal obligation/need to implement*” and “*Reciprocity- minorities in Serbia as well*”. In the first one, Kosovo agreed that a form of the ASM needs to be implemented to respect the Brussels Agreement of 2013 and in the latter one, Kosovo emphasised the situation with the ethnic Albanian minority in Serbia, mainly in the Pershevo valley, claiming that they should be granted the same level of autonomy if the ASM was to be formulated. The most ambivalent in this case were the codes “*Parallel structures*”, but the decision to put them under the “*Kosovo negative*” set came from the fact that the rhetoric around these topics was tied to why the ASM can not be formed.

Kosovo positive: 19

Kosovo negative: 201

Serbia positive: 166

Serbia negative: 8

Kosovo- Main points

Overall, Kosovo had 220 coded segments from its official statements in the time period of 01.11.2022 to 01.11.2023. An overwhelming part of them were negative and argued against the formation of the ASM in the shape that was agreed in 2013, as the widely regarded populist leader Albin Kurti came to the EU with his own new proposals. A large part was also played by the domestic situation and protests in the country, which provided the context for most of the statements of the three actors during this time point. The main code was “*Divisive rhetoric*” with 42 coded segments in it. The segments in this code mainly highlighted the need for the local Serbs to distance themselves from Serbia’s rhetoric of them being discriminated against by Prishtina and emphasising its position that Serbia’s strategy is to provoke the local Serbs in order to destabilise Kosovo. In this episode, Kosovo drew a very clear line between the local Serbs and Serbia, claiming that Serbia is holding the local Serbs hostage to advance its own national interest, hindering them from living normal lives. Unsurprisingly, the code with the second most segments under it was “*Compatibility with Kosovo constitution*”, under which the segments referred to the unconstitutional nature of the ASM. The largest difference with the last episode are the codes “*Dialogue with local Serbs*” and “*Serb minority privileged*” with 9 and 15 coded segments respectively. “*Dialogue with local Serbs*” needs underlining, as this is the first time Kosovo recognises the agency of the local Serbs and the need for Prishtina to foster a dialogue with them, rather than treating them as any other Kosovo citizen. “*Serb minority privileged*” is also an influential argument from this time point, as it illustrates the populist style of Kurti, and the content of its segments mainly refers to the fact that the Serb minority in Kosovo already has a large degree of autonomy and the consociational power sharing mechanisms in the Ahtisaari plan disproportionately advantages the Serb minority in comparison to the Roma, Turkish, Egyptian etc. Notable is also the fact that Kosovo criticised the EU in being unfair and biased

as a mediator. Overall, a change in sentiment and discourse can be seen in the statements of Kosovo in this time point, arguing more fiercely against the formation of the ASM.

Table 7: Kosovo's Codes from the Third Episode

Name	Frequency	Percentage
Serbia and Croatia	3	1,4%
Security and stability	4	1,8%
Integration	5	2,3%
Parellel structures	6	2,7%
Reciprocity- minorities in Serbia as well	6	2,7%
Minority rights	8	3,6%
Dialogue with the local Serbs	9	4,1%
Livelihood/non-discrimination	11	5,0%
Serbia's demands for Association	11	5,0%
Legal obligation/need to implement	13	5,9%
Serb minority privileged	15	6,8%
Third layer of government/ Republika Srpska	15	6,8%
Mutual recognition	16	7,3%
EU biased	16	7,3%
Refusal to cooperate	17	7,7%
Compatibility with Kosovo constitution	23	10,5%
Divisive rhetoric	42	19,1%
TOTAL (valid)	220	100,0%

Serbia- Main points

Overall, Serbia had 174 coded segments from their official statements and Belgrade's main points were similar in essence, but in order to show the difference in the sentiment, I coded them differently. The first code was "*Legal obligation/need to implement*" with 43 segments under it, in which Serbia verbalised the need to respect agreements already signed and talked about the ASM in terms of it being an obligation the Kosovo government took upon itself 10 years ago when signing the Brussels Agreement. The second largest code was "*Serbia's demands for the ASM*" with 29 segments under it, which illustrates the more hard stance of insisting very strongly on the formation of the ASM. Under that code, the segments were interpretively analysed as demands, deriving from the wording of the official statements. The

third noteworthy code was “*Security and stability*” with 23 coded segments under it. The segments in this code had to do on the one hand, similarly to the last time points, with the ASM being necessary for the “survival” of the Kosovo Serbs overall and on the other hand, on the claims that the new and more hard-line stance of Kosovo is endangering the local Serbs. The incidents of violence during the political crisis and protests fuelled Belgrade’s arguments that the Serbs need a larger level of autonomy in order to sustain the attacks of Kosovo Albanians on the Kosovo Serbs, both physical and political. In connection, Serbia also had statements on the divisive rhetoric of Kosovo, where the Kosovo political elite molded the ASM into something dangerous and threatening, claiming that Kosovo does this deliberately in order to collect public opposition to the ASM and hide behind that as the reason for its non-implementation. Another diversion from the earlier rhetoric can be seen in the code “*EU biased*”, which mainly called on the EU to support the ASM and the local Serbs in light of Serbia’s perceived provocations by Kosovo.

Table 8: Serbia’s Codes from the Third Episode

Name	Frequency	Percentage
Executive powers/participation	1	0,6%
Last resort for local Serbs	2	1,1%
Livelihood/non-discrimination	3	1,7%
Refusal to cooperate	4	2,3%
Dialogue with the local Serbs	5	2,9%
Mutual recognition	8	4,6%
EU backs the ASM	8	4,6%
EU biased	11	6,3%
Divisive rhetoric	18	10,3%
Minority rights	19	10,9%
Security and stability	23	13,2%
Serbia's demands for Association	29	16,7%
Legal obligation/need to implement	43	24,7%
TOTAL (valid)	174	100,0%

The EU- Main Points

The EU had 76 coded segments from its official statements in this episode and similarly to Serbia and Kosovo, its statements had become more concrete as well. 31 of the coded segments are under the code “*Legal obligation/need to implement*”, which, like in the last

episode, focused on the fact that the ASM was a feature of the Brussels Agreement which is a legally binding document, therefore, Prishtina should stop procrastinating and bring the ASM to life. The code “*EU backs the ASM*” with 21 segments is similar to the “*Legal obligation/need to implement*”, but with harsher language and the EU outright calling for the creation of the ASM, not talking about it in the context of minority rights or international law, but concretely saying that it needs to be done. The code “*Flexibility*” with 8 segments coded under it have to do with the fact that the Kosovo Constitutional Court did not rule out the formation of the ASM, like Kosovo presented it, but simply affirmed some points that have to be considered in order for the ASM to have a solid legal footing in Kosovo. The segments call for the flexible reading of Kosovo’s Constitution and the legal framework in which the ASM would exist in order to fit it in there. The EU also criticised the back and forth divisive rhetoric of Belgrade and Prishtina and called for the continuation of meaningful dialogue, not a populist war of public statements.

Table 9: The EU’s Codes from the Third Episode

Name	Frequency	Percentage
Refusal to cooperate	1	1,3%
Dialogue with the local Serbs	1	1,3%
Mutual recognition	1	1,3%
Livelihood/non-discrimination	2	2,6%
Security and stability	5	6,6%
Divisive rhetoric	6	7,9%
Flexibility	8	10,5%
EU backs the ASM	21	27,6%
Legal obligation/need to implement	31	40,8%
TOTAL (valid)	76	100,0%

Commonalities

As was highlighted above, common views on the ASM in this episode were scarcer than in the last ones and the rhetoric of all three parties had grown stronger since the last episode from 2015. 2023 marked 10 years since the signing of the Brussels Agreement, which is the main source for the common views, represented by the code “*Legal obligation/need to implement*”. The segments under this code are similar to the last episode, as here also Kosovo specified that the ASM can not be implemented without Serbia respecting the agreement on

its own end, mainly connected to the parallel structures but also to the security situation connected to the political turmoil: “[...] the implementation should be in a consecutive manner where Kosovo does something and Serbia does something. For every measure, for every action that is required by Kosovo, we have asked to know what is the counteraction from the side of Serbia, and I think it will be problematic for the Serbian side to argue that they do not want to implement any part of the agreement or want that move the main part of the agreement to the end, for the reason that the criterion of actions where both parties do something must be fully respected (Office of the Prime Minister, 2023b). What had also changed from the last episode was the rigidity of the EU in calling for the implementation of the ASM, which had taken a considerably more stern tone with Kosovo.” The EU also calls on Kosovo to start immediately steps to establish the Association/Community of Serb Majority Municipalities. The Kosovo Assembly has ratified the Brussels Agreement and Kosovo’s Constitutional Court ruled that the Association/Community needs to be established. Therefore, its establishment is a binding legal obligation for Kosovo. Continued failure to implement this obligation undermines the principle of Rule of Law and damages Kosovo’s reputation and credibility.” (EEAS, 2023o). This shows that even though the sides agree that the ASM remains a commitment and obligation for Kosovo, Prishtina has a deep mistrust towards the Serbian side and wants guarantees that when Prishtina takes steps to form the ASM, Belgrade would take steps to dismantle the parallel structures.

Another code that is represented in the statements of all three actors is “*Divisive rhetoric*” which is represented in Serbia’s statements with 18 coded segments, Kosovo’s statements with 42 coded segments and the EU’s statements with 6 coded segments. All three sides recognise that the rhetoric had become increasingly divisive around the ASM. From Serbia’s statements, the segments under this code referred to Belgrade’s view that the political turmoil and the escalation of ethnic issues towards conflict serves Kurti, which is why he constantly provokes the Serb minority: “Albin Kurti is trying to find a space to escape from the Community of Serb Municipalities and that is why he needs crises, because then there is no dialogue.” (Government of the Republic of Serbia, 2023ac). Kosovo’s statements under this code painted Serbia as the agitator and pleaded with the Serb minority to not fall prey to the attempts of Belgrade to divide the population of Kosovo among ethnic lines: “It has been and still is Serbia’s aim to portray Kosova as a failed state and its institutions as unable even unwilling to integrate the Serb minority, which is simply not true. In this regard, Serbia does not refrain from sacrificing Kosova Serbs to try to make this point.” (Office of the Prime

Minister, 2023d). The EU attempted to calm the tensions and called for an end to provocations from both sides: “We urge both Kosovo and Serbia to immediately and unconditionally take measures to de-escalate, stop using divisive rhetoric and refrain from any further uncoordinated actions. Calm needs to be restored urgently.” (EEAS, 2023o). This is also an illustrative Brussels Dialogue feature that we have seen in this thesis, where Kosovo and Serbia blame each other for various errors, while the EU is attempting to stay in the middle and calls on both of them to continue the negotiations constructively.

Incompatible views

In this episode, incompatible views were represented more strongly than in the last two ones, mainly due to the fact that Belgrade and Prishtina were frustrated that 10 years had gone by since the Brussels Agreement and they both felt that the other side had not been sufficiently implementing what had been agreed upon. Another reason was their slow progress on their respective European paths, therefore there was also more criticism towards the EU in this episode. As was highlighted above, the rhetoric of the sides had grown stronger, as is exemplified in the code “*Serbia’s demands for Association*”, which had 29 coded segments from Serbia’s official statements and 11 coded segments from Kosovo’s official statements. In this code, Serbia created a red line out of the ASM, making its formation a precondition for any further talks: “Pristina must implement the Brussels Agreement and join the formation of the Community of Serb Municipalities, because without that there is no point in discussing other proposals.” (Government of the Republic of Serbia, 2022c). The segments under this code exemplify the way the ASM is approached as a key issue by Belgrade and how Belgrade demands that the ASM be finally instituted. For Kosovo, the segments under this code argue against making the ASM the conditionality for further talks or implementing other parts of agreements between Belgrade and Prishtina, as was strongly argued by Kurti: “I cannot accept that the community of municipalities and the creation of an association is a prerequisite for the execution of our agreement.” (Office of the Prime Minister, 2023y). The fact that the ASM’s importance was of different valences to the sides was also exemplified by the fact that in statements from Belgrade ahead a round of talks, the main issue outlined as the essence of the upcoming talks was almost always the ASM, whereas the corresponding Kosovo statements did not mention it at all and rather talked about the upcoming negotiations

about telecommunications, licence plates or roadblocks. This shows that Kurti's government avoided the issue of the ASM and wanted to work around it.

Kurti did offer a transaction to the creation of the ASM, one that was considerably stronger than the dismantling of the parallel structures that was represented in the last episodes. Now, Kosovo tied the creation of the ASM to "*Mutual recognition*", which had 16 coded segments by Kosovo and 8 by Serbia. Kosovo's coded segments campaigned for de facto recognition of Kosovo by Serbia, claiming that without that condition, the ASM would never be instituted. It should also be noted that the language had become less diplomatic and more direct: "Serbia wants Kosova, like Bosnia, to have a state within a state with Republika Srpska, i.e. to become non-functional. I told Vucic that if he really wants to do something for the Serbian minority, he should recognize Kosova. He cannot say that Kosova is a "fake state" and at the same time stand up for municipal autonomy within this state. It's like ordering tea without a cup. We are not stupid." (Office of the Prime Minister, 2023w), "I told Vucic that I got the impression that he does not want the association of municipalities, because you cannot want an association of municipalities and say every week: I will not recognize the state of Kosovo. You can't serve a coffee macchiato without a cup of coffee" (Office of the Prime Minister, 2023q). Therefore, as is explicitly outlined by Kurti in this episode, the formation of the ASM had been politically tied to the de facto recognition of Kosovo by Serbia. Serbia, as is expected, found these terms unacceptable and now-president Vucic claimed that Serbia: "[...] will not recognise Kosovo or give up on the demand for the formation of the Community of Serbian Municipalities." (2022h) and the Prime Minister "[...] our red lines are the non-recognition of "Kosovo" [...]" (Government of the Republic of Serbia, 2023m). What is different from the last two episodes is the fact that now, the EU, even though with only one coded segment under this code, still took a stance on the fact that Serbia should de facto recognise Kosovo: "And we have discussed the topic together that Kosovo could launch the procedure to establish the Association of Serb-majority municipalities – that is the draft statement of last week. Serbia should deliver on de facto recognition." (European Commission, 2023c). Even though this was said by the President of the EU Commission, Von der Leyen at a press conference with the Kosovo President, therefore likely catering to the audience and what they want to hear, this is the first time the EU has not only talked about the normalisation of relations and easing of tensions, but concretely given instructions on what the sides should agree to.

The EU taking a stronger stance on issues important to Belgrade and Prishtina did not go without consequences, as this hindered the negotiations process by the two sides now not only distrusting each other, but the EU as well. This is exemplified in the code “*EU backs the ASM*” with 21 coded segments by the EU and 8 codes by Serbia, and in the code “*EU biased*” with 16 coded segments by Kosovo and 11 coded segments by Serbia. The EU in this episode took a strong stance on the ASM being implemented: “The work to establish the Association / Community of Serb Majority Municipalities needs to start without any further delay or precondition.” (EEAS, 2023g) and called for immediate action from Kosovo regarding the issue. The corresponding statements from Kosovo’s side to these calls for action were under the code “*EU biased*”, where Kosovo voiced its concerns that the EU is no longer a normative and unbiased mediator but reflecting the talking points of Serbia: “The first rule of any mediation process is impartiality. What we saw today from Mr. Borrell was blatantly biased, appeasing the aggressor and presenting a completely distorted reality. If Mr. Borrell respected the basic principles of neutrality, instead of accusing Kosovo, he would at least mention some of the following violations of the Brussels Agreements to Serbia [...]” (President of the Republic of Kosovo, 2022b). Prishtina’s sense of injustice, discrimination and favouritism was further fuelled by punitive measures by the EU after criticism that Prishtina was not advancing on the issue of the ASM or attempting to meaningfully de-escalate the situation in the North, to which Prime Minister Kurti answered that “The EU’s punitive measures against Kosovo are unfair and make the dialogue asymmetrical.” (Office of the Prime Minister, 2023h). During this episode, however, Serbia also accused the EU of being unfair, mostly on the grounds of taking on the role of the guarantor of the Brussels Agreement, but failing to guarantee its implementation by Kosovo, and in Serbia’s view, even rewarding Prishtina: “Prishtina did not fulfil anything from the Brussels Agreement and that it is contradictory and unprincipled that it is now rewarded for that with support for starting the procedure of admission to the Council of Europe.” (Government of the Republic of Serbia, 2023k). The other arguments by Belgrade on why the EU was unjust were connected to Serbia emphasising that Kosovo is under international rule, not an independent state, therefore one of the reasons the ethnic tensions in the North got as violent as they did in 2022-2023 was because the EU failed to act. Overall, this episode showed that even though the EU had the most coded segments and statements of all the episodes, the more it voiced its opinion and called the sides for action and moving forward, the more criticism for favouritism it got.

By now, it has become a pattern in Belgrade's arguments under the code "*Security and stability*" that: "In Kosovo and Metohija there is constant and daily repression against Serbs and all non-Albanians." (Government of the Republic of Serbia, 2023e), however, the segments under this code also took on a stronger rhetoric, using words like "terror" "torture" and "persecution". When in the last episodes, the counterargument of Kosovo to why the security situation is poor was that Serbia does not let the Serb minority to integrate and live full lives, which was also the case in this episode, but now, Prishtina also took a completely opposite approach signified by the code "*Serb minority privileged*" with 15 coded segments. In that code, the segments mostly refer to the fact that there are other minorities in Kosovo as well, who do not even have the level of institutional representation that the Serb minority has, but live peacefully in a multi-ethnic Kosovo because there is not another actor constantly painting their situation as discriminatory to them, therefore the Serbs should be content with the powers given to them in the Ahtisaari Plan: "In Kosovo, 4% of the population are Serbs. But they have 10 out of 38 municipalities, they have 10 reserved seats out of 120 in the Parliament and they have 17% of the municipal assembly members in our municipalities. Likewise, the Serbian language is the official language throughout Kosovo at all levels of administration. It means, there is positive discrimination in Kosovo, but Belgrade wants Republika Srpska within Kosovo." (Office of the Prime Minister, 2023c). This can be taken as a method of Kurti in trying to also talk to the Serb minority and explain to them that their institutional minority rights are more substantial than in many countries across Europe, nevertheless Serbia. Connected to this, for the first time the code "*Dialogue with local Serbs*" was also represented in Kosovo's official statements with 9 coded segments, making up almost twice the share of segments this code takes than Serbia. There, Kosovo assured that they are in regular contact with the local Serbs, but because of the intolerant views towards cooperation created in the community by Serbia's years of influence, they happen behind closed doors: "And as for the dialogue with local Serbs, I met 10 Kosovo Serbs who lead different organizations yesterday. You must understand one thing. They don't want photos from the meeting. They don't want photos from the meeting. Dialogue with local Serbs is taking place. But I can't protect them yet." (Office of the Prime Minister, 2022j). These developments signal the fact that Kosovo had let go of the idea of the ASM and instead emphasised the fact that the Serb minority are sufficiently represented in the Ahtisaari plan and should be treated according to that. Moreover, in the 3 segments under the code "*Serbia and Croatia*", Prishtina argues for a similar agreement with Serbia, where there are self-government provisions for the Serb minority that do not reach the level of the Association.

Therefore, one can see that in this episode, the ASM was more contested, but also the chances to get it done were sufficiently lower.

Summary of the findings

In sum, this episode showed the strongest incompatibility of Prishtina and Belgrade on the issue of the ASM. The compatible view expressed the strongest in this episode was the fact that the ASM is a legal obligation of Prishtina, however Prishtina tied its formation to the dismantling of Serbia's parallel structures so as to not double its influence in the area, claiming that for every step Prishtina takes to fulfil the agreements, Serbia should take a corresponding step. The other compatible view was that the use of divisive rhetoric should be stopped, but neither of the sides accepted responsibility for stirring up tensions and kept blaming the other side for continuous provocations. Overall, the rhetoric of all three parties had grown stronger, which is illustrated by Serbia demanding the formation of the ASM, Kosovo advocating for mutual recognition in return and the EU for the first time explicitly calling for the formal institution of the ASM. The stronger role the EU took upon itself had consequences in how the sides viewed its role as the mediator, complaining about the EU becoming unfair and biased. It should also be highlighted that Prishtina mentioned for the first time some dialogue with the local Serbs, but even then blamed Serbia for hindering the chances of meaningful public dialogue with the ethnic Serb minority due to influence and pressure within the community.

6. Conclusion

This thesis set out to identify the reasons and the arguments used by the three actors, the EU, Kosovo and Serbia, on the issue of the ASM in Kosovo that have resulted in the stalemate we see today. Kosovo was granted (supervised) independence with the caveat of granting territorial autonomy arrangements for the ethnic Serb minority. Furthermore, the formation of the ASM has been a clause in internationally binding agreements signed between Kosovo and Serbia. The research aimed at exploring why had the Association of Serb majority municipalities not been formally established in Kosovo; and how did Serbia, Kosovo and the EU articulate their positions around the Association?

To answer these research questions, the thesis relied on the general theoretical framework of majority-minority relations, showing that the widely recognised way to deal with minorities, multiculturalism, can create a sense of insecurity in the core population of the state and how international players try to mitigate these challenges from the outside. Theoretical literature also informed the link between territory and ethnic minorities, presenting one solution to their claim for right some form of territorial autonomy arrangement. This was brought into the Kosovo context, showing the contested ideas around territorial autonomy providing enhanced representation and participation or having the chance to lead to secession. The thesis fits into the existing knowledge on territorial autonomy in Kosovo's context, as it provides a systematic analysis of the "hottest" episodes in which the ASM has been a subject of debate of the host state, kin state, as well as the international actor, which was highlighted as especially relevant in this case. The theoretical literature was also a basis for generating codes that would be used further in the research, derived from themes that were often used in generally analysing territorial autonomy and more specifically in the Kosovo context: *"Integration"*, *"Participation/executive powers"*, *"Security and stability"*, *"Third layer of government/Republika Srpska"*, *"Compatibility with Kosovo constitution"* and *"Minority rights"*.

This thesis utilised a process-tracing single case study focusing on three different episodes in the Brussels Dialogue during which the debate of the ASM has been especially prevalent. This was organised in a manner that data could be collected both on the debates and statements leading up to the signing of agreements related to the ASM, as well as in the aftermath of these agreements: The Brussels Agreement (01.06.2012-01.06.2013), the Second Agreement (01.01.2015-31.12.2015 and the Ohrid Agreement (01.11.2022-01.11.2023). This

thesis applied the method of Qualitative Content Analysis for analysing the official statements of the three actors during the episodes. A weakness of the thesis should be brought out on this subject. During the first episode, Serbia had not archived all of their official statements on their official government page, supplementary data was gathered from the largest domestic newspaper online archives, Politika. This might have brought in a difference of the statements, as the ones published in Politika were meant for the domestic public. However, this helped to balance the quantity of the statements, and as I utilised only direct quotes from Serbian politicians, this still gives the information of their arguments towards the ASM.

Most of the codes in the three episodes were data-driven, and there were some that were apparent and prevalent in all three episodes, and some changed over time. Overall, Qualitative Content Analysis allowed to identify the themes and patterns of arguments used by all three sides on the issue of the ASM and to systematically analyse large amounts of data.

The analysis identified that the main arguments of Serbia across different episodes changed from arguing for the powers of the ASM represented by the code “*Executive powers/participation*” to more legal arguments under the code “*Legal obligation/need to implement*”. The prevalent argument in the first two episodes was the need for the local Serbs to have greater chances for participation and making their own decisions, however, in the third episode, it was represented by only one coded segment, as the arguments had shifted to more legal demands on implementation, not what it should look like. Serbia emphasised its role as the kin-state and its responsibility to protect the local Serbs from Prishtina’s policies. After the signing of the Brussels Agreement, the main argument for Serbia concerning the ASM became “*Legal obligation/need to implement*” which emphasised the fact that the Brussels Agreement is binding by international law. It has to be also noted that another one of the main arguments used by Serbia for the ASM was “*Security and stability*”, where the coded segments usually emphasised mainly the need for an institutional organ protecting the ethnic Serbs to allow them to survive, with the rhetoric also using more extreme terms like “terror” and “persecution” by Prishtina towards the local Serbs in the third episode. Overall, in all three episodes, Serbia attempted to legitimise its claim to the local Serbs in the negotiations process, emphasising its kin-state status and being the only one out to protect their interests.

The main arguments of Kosovo benefitted from the interpretive methodological approach to this research, as the context and tone of the official statements was important. This was exemplified by the code “*Compatibility with Kosovo constitution*”. In the first two episodes, most of the arguments under this code were arguing for the formation of the ASM, claiming that it would be formed fully in line with the Kosovo legal framework and were meant to ease the voices against the ASM domestically, emphasising its domestic sovereignty and control over its policies. However, in the third episode, the segments under the same code argued against the ASM, as Albin Kurti regarded the ASM to be unconstitutional. Overall, it can be seen from different codes how during the first and second episode, Kosovo was arguing for the creation of the ASM, mostly doing so to calm the domestic resistance to forming it. In the first and second episode the EU was a source of legitimacy for Kosovo and it tried to not go against the expectations the EU had in regards of minority rights. Therefore, the prevailing arguments in the second episode were under the code “*Legal obligation/need to implement*”, which emphasised that the ASM is already signed upon, therefore it is a legal obligation for Kosovo, showing the dedication for the international pressure as a source of legitimacy for Kosovo. The third episode presented a change in course for the Kosovo arguments, now fiercely against the ASM, claiming that it is unconstitutional and the only reason the Kosovo Serbs demand it is because of Serbia’s agitation. It also took a different approach to the Serb minority itself: if during the first two episodes it had argued for “*Integration*”, “*Minority rights*” and even “*Empowerment*” then in the third one the code “*Serb minority privileged*” emerged. Therefore, it can be concluded that the narratives against the ASM grew stronger with each episode by Kosovo and presented the move from appeasing to the international actor for legitimation of statehood towards the rejection of multiculturalism and international influence on its decisions on minority issues.

In regards to the EU’s statements, the tone shift between the episodes was also apparent. During the first episode, the code most represented was “*Needs of the local population*”, and the other codes were similarly connected to how the ASM would benefit everyone and the arguments were made on normative grounds. In the second episode most of the EU segments were under the code “*Legal obligation/need to implement*”, but also “*EU criticism of Kosovo*”, which were connected as the main criticism was about Kosovo not moving forward fast enough with the formation of the ASM. The EU also argued from a legal viewpoint in the third episode. Overall, the EU’s more explicit stance on the issues between Serbia and

Kosovo also led to the code “*EU biased*” which was represented in both Belgrade’s and Prishtina’s statements. The EU’s approach represented the multiculturalist norms of minority rights and showed how the involvement of the international actor in questions of minority rights can be rejected if perceived too strong by the local actors.

The empirical research also found that most statements by Kosovo and Serbia presented a degree of incompatibility. This was firstly exemplified through codes like “*Security and stability*”, “*Integration*”, “*Legal obligation/need to implement*”, “*International supervision*”, where the sentiment of what was being said and the perceived source of problems for Kosovo and Serbia was completely in opposition of the other, both blaming the other side for various problems. In addition, there were many codes which presented straightforwardly completely incompatible views, such as “*Executive powers/participation*”- “*No executive powers*”, “*Legal obligation/need to implement*”- “*Compatibility with Kosovo constitution*”, “*Third layer of government/Republika Srpska*”.

Coming back to the first research expectation that the actors in the negotiations have, over time, had different views on the nature of the Association, therefore there has not been a consensus on the issue, which has led to the stalemate we see today, is confirmed in the research. One of the main themes for the prevailing incompatibilities that can be derived is the fact that the Brussels Agreement was signed prematurely, as Kosovo saw this as a legitimization of its statehood, but the arguments over the nature and implementation of the ASM continued even though it was agreed upon. The stalling talks gave rise to more divisive and direct rhetoric from all sides, driving the wedge between them even larger and hindering compromise and cooperation. The second research expectation was confirmed to an extent. I expected the EU to mainly argue on normative grounds, which was the case for the first episode, but less so for the second and third ones. For Kosovo, the research expectation was confirmed, as the arguments overall were against the ASM and grew stronger with each episode and the legality of the ASM was one of the main themes. For the Serb arguments, the research expectations were confirmed fully, as most of them did argue for the ASM and featured themes of integration, participation, the need to respect prior commitments and the rhetoric also grew stronger over the episodes. Therefore, it can be said that majority-minority issues in Kosovo persist between ethnic Albanians and Serbs and territorial autonomy as a solution is advocated by Serbia and the EU based on existing ethnic cleavages. Kosovo,

however, has increasingly rejected multiculturalism and the role of the EU as a legitimator of its statehood and advocates for assimilationist integration instead.

It must be noted that the thesis only focused on three time periods during the more than 10-year long Brussels Dialogue, therefore, to get a definitive conclusion for why the ASM has not been formally implemented, a study into the official statements and also local media over the whole time period might provide more answers. However, taking into account the time restraint and the format of a Master's thesis, this research has been able to analyse large amounts of data and provided an overview of the arguments of Serbia, Kosovo and the EU during the "hottest" times of debate. Further focus in future research should also be given to the ethnic Serb minority in Kosovo and their views and arguments. This was not done in this thesis for two reasons: firstly, logistical issues of the data not being available online, as well as the literature suggesting that, at least during the first two episodes, they did not have a large level of independent agency from Serbia. For more precise answers, all four axes of the quadratic nexus should be analysed through the whole time of the negotiations.

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Pristina, November 9, 2022 To discuss the situation in the country, the relations between Kosovo and Serbia, the Berlin Process and other current issues, the Prime Minister of the Republic of Kosovo, Albin Kurti, received in his office the German Emissary for the Western Balkans, Manuel Sarrazin, accompanied by the German ambassador in Kosovo, Joern Rohde and the Special Envoy of Slovenia for the Western Balkans, Anže Frangeš, accompanied by the Ambassador of Slovenia in Kosovo, Minca Benedejčič. In this meeting, Prime Minister Kurti was accompanied by the Minister of Internal Affairs, Xhelal Sveçla, and the Ambassador of Kosovo to Germany, Faruk Ajeti. Prime Minister Kurti said that the government's decision a.... [online] Zyra e Kryeministrit. Available at: <https://kryeministri.rks-gov.net/en/blog/premijer-kurti-primio-emisare-nemacke-i-slovenije-za-zapadni-balkan-manuela-sarazina-i-anzeja-frangesa/>.

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