

## **BETWEEN GEOPOLITICS AND LEGAL OBLIGATIONS: THE EU AND THE CONTINUATION OF THE NORMALIZATION PROCESS BETWEEN BELGRADE AND PRIŠTINA**

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### ***ABSTRACT***

*The article deals with the challenges in the implementation of the Agreement on the path to normalization of relations between Kosovo and Serbia signed on February 27, 2022, and its Implementation Annex from March 2022. There has been no significant application of these documents so far, in addition to the similar lackluster fate of numerous other documents concluded in the normalization process. Therefore, the authors argue that the EU's image of the mediator in the process, intending to bring democracy and rule of law through these agreements to both parties, is increasingly brought into question.*

*In relation to this, the first part of the article explains how the European Union, in the context of its policy of conditionality, increasingly exerts significant influence on Belgrade to accelerate this process. The opening of new clusters according to the Union's new methodology concerning Serbia depends on the continuation and acceleration of this process, which is now an integral part of its negotiation framework (Chapter 35). Similarly, for Kosovo, within the broader framework of conditions for future candidate status and future membership negotiations, this question of the successful normalization of relations with Belgrade is a priority. Also, in the New Growth Plan for the Western Balkans presented in November, the withdrawal of significant financial resources by the authorities in Belgrade and Pristina will depend on the further dynamics of the implementation of all previous agreements between the two parties, especially the last year's Agreement on the path to normalization of relations between Kosovo and Serbia.*

*This Agreement was primarily the result of the joint initiative of Germany and France, with significant diplomatic support from the United States of America.*

*The second part of the article deals with the issue of the legality of such EU actions. The authors argue that despite a certain objective inability to accelerate the implementation process of all the agreements reached during the thirteen-year normalization process, the European Union can condition Belgrade and Pristina regarding additional donor funds—that is, an investment and financial aid package—in line with the fact that the parties themselves have accepted and committed to it. Simultaneously, through this Agreement, in principle, the parties committed in Article 5 to harmonize their foreign policy actions with the EU's Common Foreign and Security Policy, which is particularly important for Serbia.*

*In conclusion, the authors point out that the EU credibility in the Western Balkans will largely depend on the successful implementation of everything agreed in the dialogue between Belgrade and Pristina. As noted in the Agreement, the issue of these relations is fundamental and closely connected to the context of broader European security. The European Union has assumed a dominant role in implementing all agreed-upon aspects between Belgrade and Pristina, thereby leaving a realistic possibility that there could be serious consequences for their EU accession process and the financial aid they are expected to receive.*

**Keywords:** *Conditioning, European Union, Kosovo, Normalization, Serbia, Western Balkans*

## 1. INTRODUCTION

The unsettled relations between Belgrade and Pristina, the most important regional issue in Southeast Europe, will continue to be extremely difficult to address in the near future. In light of the broader geopolitical and global background, the resolution of this issue in the mid-2000s generated a serious rift between the West and Russia.<sup>1</sup> Western and Russian policies on Balkan affairs began to sharply differ as early as 2006, especially in how they approached settling the status of Kosovo and the conflict between Pristina and Belgrade. In parallel with such international relations, communication between Belgrade and Pristina has also become strained. The attempt by Martti Ahtisaari, the special envoy of the United Nations Secretary-General, to formulate a joint proposal regarding Kosovo's status within the United Nations in 2007, faced significant obstacles due to the substantial worsening of relations and divergence between the West and Russia. In such a constellation, Serbia rejected the Comprehensive Proposal for the Kosovo Status Settlement (2007), relying on the support it received from the Russian Federation.<sup>2</sup> That has determined Serbia's future foreign policy position, introducing a considerable reluctance, especially towards the previously declared goal of NATO membership (from late 2007).

<sup>1</sup> Kosovo Contact Group Statement, 31 January 2006, London.

<sup>2</sup> Comprehensive Proposal for the Kosovo Status Settlement, United Nations Security Council S2007/168.

Moreover, the issue of European integration was brought up in a declarative manner without a clear indication of its priority. Concurrently, in 2008, the concept of the “four pillars” of Serbia’s foreign policy emerged, which, in modified forms, persists to this day.<sup>3</sup> This development led to a shift in Serbia’s foreign policy orientation from the EU integration framework, a distinctive feature of its foreign policy since the early 2000s, towards other actors, primarily Russia and China. Consequently, instead of NATO and the EU, the dominant framework of Serbia’s foreign policy trajectory in the second half of that decade gradually shifted towards relations with Russia and China while preserving a somewhat fragile framework for European aspirations without substantial commitments on this matter.<sup>4</sup>

The article explores the role that the EU plays as a mediator of this complicated dispute, using its diplomatic, financial and legal instruments. Reflecting on contemporary global and European geopolitical events in the Western Balkans, we can observe that neoclassical realism remains the dominant theoretical paradigm through which the relations between Belgrade and Pristina and the EU’s role can be analyzed, especially since the start of the Russian invasion of Ukraine in February 2022.<sup>5</sup> The heightened tensions between the West and Russia have, in a way, brought negotiations for the normalisation of relations between Belgrade and Pristina to the forefront. As a result of these tensions, the West insisted on reaching an agreement on the Path to the Normalisation of Relations between Kosovo and Serbia on the anniversary of the beginning of the war in Ukraine.<sup>6</sup> This Agreement is a specific legal instrument used to condition the process going forward. Its provisions will be detailed and commented upon in the course of the article to discern the methods the EU uses to successfully mediate between the two sides.

Furthermore, the extremely strained relations and competition between the West and Russia in certain parts of the Western Balkans, particularly in Serbia and the Bosnian-Herzegovinian entity of Republika Srpska, are pertinently reflected through neoclassical realism.<sup>7</sup> This entails the reinforcement of a particular type

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<sup>3</sup> Petrović, D.; Đukanović, D., *Stubovi spoljne politike Srbije – EU, Rusija, SAD i Kina*, Institut za međunarodnu politiku i privredu, Beograd, pp. 183–227.

<sup>4</sup> Elena G. Ponomareva, *Quo Vadis, Serbia?: A Multi-Vector Policy as a Way to Retain Political Agency, Russia in Global Affairs*, 18(1), 2020, pp. 158–179.

<sup>5</sup> Ross Smith, N.; Dawson, G., *Mearsheimer, Realism, and the Ukraine War*, *Analyse & Kritik*, Vol. 44, No. 2, 2022, pp. 175–200.

<sup>6</sup> *Belgrade-Pristina Dialogue: EU Proposal – Agreement on the path to normalization between Kosovo and Serbia*. Brussels, February 27, 2023, [[https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia_en)], Accessed 15 March 2024.

<sup>7</sup> Veselinović, G., *Jačanje ruske 'meke moći' u Republici Srpskoj: 'Ruski svijet' u Republici Srpskoj*, *Radio Slobodna Evropa*, Prag, 26. oktobar/listopad 2023,

of confrontation through political and security influence in this part of Europe, often tied to the adoption of illiberal governance patterns and influence in the media realm.<sup>8</sup> Therefore, it is crucial to note that the People's Republic of China has joined this complex geopolitical game in the Western Balkans. China will surely exert a great deal of political influence in the near future, mostly through Serbia.<sup>9</sup>

After Kosovo's unilateral declaration of independence in mid-February 2008, Serbia's relations with the West experienced a new escalation, leading to a further shift in the focus of its foreign policy towards Russia and, increasingly and more rapidly, towards China.<sup>10</sup> These shifts were tied to the expectation that global political/international relations related to the status of Kosovo would undergo substantial and drastic changes, with the anticipation that the situation would *de facto* return to the period before NATO's intervention in the former Federal Republic of Yugoslavia in 1999. Concurrently, especially after 2008 and 2013, there was a process of effectively consolidating special political, economic, and security control over the entire territory of Kosovo by the authorities in Pristina.<sup>11</sup>

After the failure of Ahtisaari's plan, it appeared that the United Nations would take the lead in regulating relations between Belgrade and Pristina, based on the United Nations General Assembly resolution (2010).<sup>12</sup> However, the EU assumed moderation, only to prove ineffective in leading the dialogue that began in 2011, as had happened numerous times before. Over the past thirteen years, the process of normalising relations between Belgrade and Pristina has shown no significant breakthroughs, particularly regarding the implementation of earlier agreements.<sup>13</sup> Despite frequent mentions of toughening conditionality policies towards the dialogue parties, the EU has failed to build a clear and effective strategy to initiate the unblocking of the normalisation process.

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[<https://www.slobodnaevropa.org/a/rusija-republika-srpska-ruski-uticaj/32653764.html>], Accessed 15 March 2024.

<sup>8</sup> *Ibid.*

<sup>9</sup> Rogers, S., *Illiberal capitalist development: Chinese state-owned capital investment in Serbia*, Contemporary Politics, Vol. 28, No. 3, 2022, pp. 347–364.

<sup>10</sup> Andrić, G., *Šta je Beogradu donela inicijativa Pojas i put, a šta znače novi sporazumi sa Pekingom*, BBC na srpskom, Beograd, 30. oktobar 2023, [<https://www.bbc.com/serbian/lat/srbija-67221186>], Accessed 15 March 2024.

<sup>11</sup> First Agreement of Principles Governing the Normalization of Relations, Brussels, 20 April 2013.

<sup>12</sup> UN General Assembly Resolution 64/298 (2010).

<sup>13</sup> Đukanović, D., *Kako do uspešnog okončanja normalizacije odnosa između vlasti u Beogradu i Prištini*, u: Kljajić, V. (ed.), *Kosovo i Metohija kao nacionalno i državno pitanje Srbije*, Fakultet političkih nauka, Beograd, 2018, pp. 113–146.

Furthermore, the EU grapples with contemporary geostrategic challenges related to future enlargement, continuously seeking realistic excuses to delay actual expansion—from the Berlin Process in 2014, the new methodology in 2020,<sup>14</sup> to the announcement of the creation of various circles of integration but with weaker forms of real internal integration (2023).<sup>15</sup> All of this is essentially used as a way to postpone EU enlargement until the situation in the Western Balkans fundamentally changes. However, it appears that the Western Balkans is experiencing democratic regression, and the lingering negative sentiments stemming from the dissolution of the Socialist Federal Republic of Yugoslavia continue to have significant consequences. Relations between the Serbian and Albanian factors in the Balkans remain strained overall, despite some apparent improvements between the governments in Belgrade and Tirana from 2017 to 2023.<sup>16</sup> Despite these developments, many unresolved issues persist in the Western Balkans, which will likely prove difficult to overcome, even with the potential complete resolution of relations between Belgrade and Pristina. The intensity and dynamics of these issues will undoubtedly impact the realistic prospects for accelerating the EU enlargement process in the Western Balkans. So, since 2011, the EU's policy of gradually pushing Belgrade and Pristina to address outstanding issues has yielded no visible results, much like other previous processes. For example, the normalisation of Serbian-Croatian relations has remained incomplete since 1996, and the EU's pressure on the parties to resolve their accumulated open issues step-by-step until the conclusion of a comprehensive, legally binding agreement has proven ineffective.<sup>17</sup>

The article is thus, structured in two components. In the first part is given the current geopolitical context of the EU's mediator role in the process. In the second, mechanisms of the EU's legal, financial and diplomatic influence on the normalization process between Belgrade and Priština are analyzed, with the case studies of the Agreement on the Path to Normalization and its Annex as the examples.

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<sup>14</sup> A more credible, dynamic, predictable and political EU accession process – Commission lays out its proposals, European Commission, Press Release, Brussels, 5 February 2020. [[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_181](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_181)], Accessed 15 March 2024.

<sup>15</sup> Report of the Franco-German Working Group on the EU Institutional Reforms, *Sailing on the High Seas: Reforming and Enlarging the EU for the 21<sup>st</sup> Century*, Paris-Berlin, 18 September 2023, pp. 18–40. [[https://www.diplomatie.gouv.fr/IMG/pdf/20230919\\_group\\_of\\_twelve\\_report\\_updated14.12.2023\\_cle88fb88.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/20230919_group_of_twelve_report_updated14.12.2023_cle88fb88.pdf)], Accessed 15 March 2024.

<sup>16</sup> Pavlović, A.; Gazela, D.; Halili, R., *Rethinking Serbian-Albanian Relations*, Routledge: London, 2019.

<sup>17</sup> Ponoš, T., *Kako smo se normalizirali - 25 godina od Sporazuma o normalizaciji odnosa između Republike Hrvatske i Savezne Republike Jugoslavije*, Tragovi: časopis za srpske i hrvatske teme, Vol. 4, No. 2, 2021, pp. 122–145.

## 2. KEY GEOPOLITICAL CHALLENGES OF THE PROCESS OF NORMALISING RELATIONS BETWEEN BELGRADE AND PRISTINA

Although the goal of the Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia from February 2023,<sup>18</sup> along with its implementation annex,<sup>19</sup> should serve as a transitional framework between the First Agreement on Normalisation in 2013 and the future comprehensive agreement on normalisation of relations (potentially in 2033), its implementation process has, for now, remained completely blocked.<sup>20</sup> Therefore, the predominant issue related to the further course of normalising relations between Belgrade and Pristina involves several different elements and previous conditions:

## 3. FLAWED IMPLEMENTATION

The entire series of documents agreed upon during the normalisation of relations has yet to be successfully implemented. This has raised significant questions about how to proceed in a process where the parties have been unable to fulfil the commitments made in 2013 as part of the First Agreement of Principles Governing the Normalization of Relations, particularly the creation of the Community of Serb-Majority Municipalities.<sup>21</sup> Numerous unresolved issues were reiterated across several articles of the Agreement on the Path to Normalisation of Relations between Kosovo and Serbia (Articles 1 and 7).<sup>22</sup> Article 7 of the APN references the norms and practices of the Council of Europe on the status of minorities in its member states (the self-management of the Serbian community in Kosovo), although Kosovo is not a member of this organization.<sup>23</sup> In addition, „European models“

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<sup>18</sup> Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia, *op. cit.*, note 6.

<sup>19</sup> Belgrade-Pristina Dialogue: Implementation Annex to the Normalisation of Relations between Kosovo and Serbia, Ohrid, 18 March 2024, [[https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en)], Accessed 15 March 2024.

<sup>20</sup> *Albanian Post*: 'Novi okvir': Sporazum 2023, priznanje za deset godina, Prištini članstvo u UN, Beogradu finansijska pomoć, Kossev, Severna Mitrovica, 18 September 2022, [<https://kossev.info/albanian-post-novi-okvir-sporazum-2023-priznanje-za-10-godina-pristini-clanstvo-u-un-beogradu-finansijska-pomoc/>], Accessed 15 March 2024.

<sup>21</sup> Art. 1–6 of the First Agreement of Principles Governing the Normalization of Relations, *op. cit.*, note 11.

<sup>22</sup> Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia, *op. cit.*, note 6.

<sup>23</sup> In the theory and practice of the local and regional self-government the expression self-management is not widely established. It should be pointed out that the key documents of the Council of Europe on minorities are the „Framework Convention on the protection of the national minorities“ (*FRY official gazette – Treaties*, no. 6/98) and the European Charter on regional and minority languages (*SAM official gazette – Treaties*, no.18/2005).

are referenced in connection with the status of the Serbian Orthodox Church in Kosovo.<sup>24</sup> The leading mediators in the negotiations, EU member states, the US, and the UK interpret the adequate level of self-management as similar to a previously accepted obligation to form an Association of Serbian majority municipalities under the agreements of 2013 and 2015.<sup>25</sup> In this context, Kosovo has to find a way around the internal legal dilemma created by the decision of its Constitutional Court that annulled the Agreement of 2015.<sup>26</sup> The Court did not find the idea of the Association *per se* unconstitutional but required some of its elements to be rehashed. It should be repeated that the APN requires the parties to respect all previously adopted agreements, which might indicate that the future solution would be in the form of constitutional amendments in Kosovo in line with the 2015 Agreement. However, the First Agreement of 2013 does not indicate how the self-management model should finally look and it is obvious that various models are in play. Even the EU Special Representative for the dialogue noticed that Kosovo institutions were presented with 15 various models of self-management for the Serbian community.<sup>27</sup> What is more, the authorities in Priština have to deal with the formalization of the Serbian Orthodox Church status. Although the

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<sup>24</sup> European External Action Service, “Belgrade-Pristina Dialogue: EU Proposal – Agreement on the path to normalization between Kosovo and Serbia.” Brussels, February 27, 2023. Available at [[https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia_en).], Accessed 10 May 2023.

<sup>25</sup> The two previous agreements are the First Agreement on the normalization of relations from 2013, and the Agreement on the Basic Principles for the Association on Municipalities: Prvi sporazum o principima normalizacije odnosa, tekst na engleskom jeziku dostupan na sajtu Vlade Republike Srbije, [<https://www.srbija.gov.rs/cinjenice/en/120394>; Osnovna načela/glavni elementi] Zajednice opština sa većinskim srpskim stanovništvom na Kosovu, [[https://eeas.europa.eu/archives/docs/statements-eeas/docs/150825\\_02\\_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements\\_en.pdf](https://eeas.europa.eu/archives/docs/statements-eeas/docs/150825_02_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements_en.pdf)], Accessed 10 May 2023.; The US Secretary of State, Anthony Blinken, is of the opinion that the implementation of these agreements will lead to the full recognition of Kosovo by the EU: “Accord leads off to Kosovo’s recognition by 5 EU countries”, [<https://www.rtklive.com/en/news-single.php?ID=22965>], Accessed 10 May 2023.

<sup>26</sup> Constitutional Court of the Republic of Kosovo, Case No. K0130/15, Concerning the assessment of the compatibility of the principles contained in the document entitled “Association/Community of Serb majority municipalities in Kosovo general principles/main elements” with the spirit of the Constitution, Article 3 [Equality Before the Law], paragraph 1, Chapter II [Fundamental Rights and Freedoms] and Chapter III [Rights of Communities and Their Members] of the Constitution of the Republic of Kosovo, [[https://gjk-ks.org/wp-content/uploads/vendimet/gjk\\_ko\\_130\\_15\\_ang.pdf](https://gjk-ks.org/wp-content/uploads/vendimet/gjk_ko_130_15_ang.pdf)], Accessed 10 May 2023.

<sup>27</sup> Taylor, A., 2023. *EU Envoy Lajcak: Internationals won't repeat Balkan mistakes in Kosovo*, [<https://www.euractiv.com/section/politics/news/eu-envoy-lajcak-internationals-wont-repeat-balkan-mistakes-in-kosovo/>], Accessed 10 May 2023.

APN lists the obligation as a mutual one, this is not a realistic expectation.<sup>28</sup> This obligation was partially provided for in the Ahtisaari plan (2007), and the following special „Law on the specially protected areas“ (2008), and a special unit of Kosovar police was formed to protect the objects of religious heritage. Nevertheless, under the APN stronger and more precise guarantees were given to protect Serbian cultural and religious heritage, following the existing European models.<sup>29</sup>

### 3.1. The Moscow Influence

Geopolitical pressures, primarily from official Moscow, to slow down, delay, or halt the normalisation process between Belgrade and Pristina, linked to the expectations of the outcomes of its two-year operation in neighbouring Ukraine, have also significantly impacted the dynamics of this process. Russia has endeavoured to provide Serbia with unwavering assurances that the matter of restoring relations with Pristina will be brought back onto the UN agenda.<sup>30</sup> However, the latest developments in the UN concerning the worsening situation for the Serbian community in Kosovo after the Central Bank of Kosovo regulation made the Euro, not the Serbian dinar, the only currency allowed for cash transactions,<sup>31</sup> do not leave too much room for optimism on the Serbian side. In the words of the Special Representative of the UN Secretary-General, the new regulations will affect tens of thousands of Kosovo-Serbs living in four northern municipalities and, more broadly, the economy, which depends on their purchasing power.<sup>32</sup> The Security Council failed to issue any resolution condemning this act, however.

### 3.2. The issue of recognition

The positions and attempts by certain states within the EU that have not recognised Kosovo's independence (Romania, Spain, Cyprus, Greece, and Slovakia) to

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<sup>28</sup> European External Action Service, „Belgrade-Pristina Dialogue: EU Proposal – Agreement on the path to normalization between Kosovo and Serbia.” Brussels. February 27, 2023. Available at [[https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia_en)], Accessed 10 May 2023.

<sup>29</sup> *Ibid.*, Article 7.

<sup>30</sup> *Bocan-Harčenko: Rusija Rusija podržava inicijativu da se pitanje Kosova vrati pred Savet bezbednosti Ujedinjenih nacija*, Blic, Beograd, 20. februar 2024. [<https://www.blic.rs/vesti/politika/bocan-harcenko-pitanje-kosova-vratiti-pred-savet-bezbednosti-un/g57k98e>] Accessed 15 March 2024.

<sup>31</sup> Oxford Analytica, Dinar ban will damage EU-led Kosovo-Serbia dialogue, [<https://www.emerald.com/insight/content/doi/10.1108/OXAN-DB285888/full/html>], Accessed 15 March 2024.

<sup>32</sup> UN News, Security Council debates Kosovo's new rules on Serbian currency, [<https://news.un.org/en/story/2024/02/1146382>], Accessed 15 March 2024.



prolong this process are ambiguous. Some countries that have recognised Kosovo, such as Hungary, have a similar stance, arguing that the 2023 agreement should not be part of the EU negotiation framework.<sup>33</sup> The EU's approach to future enlargement and the method of its acceleration are insufficiently defined, revealing a certain need to keep the Western Balkans at a distance. Any potential exclusion of this part of Europe from future EU enlargements will contribute to further misunderstandings, a factual rise in Euroskepticism among the local public, and the complete marginalisation of the European idea. Additionally, it will deepen latent antagonisms existing between dominant ethnic communities in the Western Balkans and strengthen the regional aspirations and tendencies of the most numerous nations (such as “Greater Albania”, “Serbian World”, “Orthodox and Slavic Brotherhood”, etc.).

### 3.3. Electoral Uncertainties

The United States is entering a period of rather uncertain presidential elections (November 2024) and the potential reshaping of its policy towards the Western Balkans in general, as well as its most significant unresolved issue—the relations between Belgrade and Pristina. The Kosovo authorities believe in the revival of the discourse on partition and demarcation in the case of a renewed victory for Donald Trump. Therefore, they have adopted particularly firm positions, including the rejection of the Statute of the Community of Serb-Majority Municipalities, risking further escalation of tensions with the EU.<sup>34</sup>

### 3.4. Mediator Credibility

The supervisory mechanism overseeing the implementation of all agreements reached in the dialogue between Belgrade and Pristina is deemed irrelevant, and the influence of the mediator, Slovak diplomat Miroslav Lajčák, appointed by the EU, lacks the desired credibility. Conversely, it is evident that this process only began to progress after the engagement of the United States. Consequently, the EU's credibility has been tarnished due to the slow and generally unsuccessful nor-

<sup>33</sup> *RSE: Varhelji pokušao da blokira predloge za izmenu poglavlja 35 u pregovorima EU sa Srbijom*, Danas, Beograd, 3. februar 2024.  
[<https://www.danas.rs/vesti/politika/rse-varheji-pokusavao-da-blokira-predlog-za-izmenu-poglavlja-35-u-pregovorima-eu-sa-srbijom/>], Accessed 15 March 2024.

<sup>34</sup> The European Union proposal – Statute Establishing the Association of Serb-Majority Municipalities in Kosovo, 11 November 2023,  
[[https://usercontent.one/wp/www.burimramadani.com/wp-content/uploads/2023/11/www.burimramadani.com\\_EU-Draft\\_Statue\\_October-2023.pdf](https://usercontent.one/wp/www.burimramadani.com/wp-content/uploads/2023/11/www.burimramadani.com_EU-Draft_Statue_October-2023.pdf)], Accessed 15 March 2024.

malisation process. Therefore, it is unreasonable to anticipate that the unfulfilled agreements from the first decade of the normalisation process will be enacted in the following decade.

### 3.5. Serbia's Foreign Policy Position

The political conditioning outlined in the instruments of the New Growth Plan for the Western Balkans, presented on November 8, 2023, is insufficient to motivate the involved countries to exhibit further collaboration.<sup>35</sup> Namely, the genuine geopolitical commitment of official Belgrade to join the EU of official Belgrade remains questionable due to its very intense relations with the Russian Federation, its strategic partner since 2013, and the ongoing and accelerated deepening of ties with the People's Republic of China, elevated to the level of an enhanced strategic partnership since 2016.<sup>36</sup> The challenging acceptance of Serbia's current geostrategic environment, given that almost all neighbouring states are NATO and EU members, coupled with the subtle nurturing of anti-Western and Euro-skeptic sentiments in the public sphere, does not indicate that the West will be the geostrategic choice in the foreseeable future. This is especially true in anticipation of drastic geopolitical changes in Europe, primarily due to the Russian invasion of Ukraine. One must bear in mind that the polls show an overwhelming majority of Serbian citizens (80 %) regard the Russian Federation as Serbia's main ally.<sup>37</sup> Traditional Serbian foreign policy has for a while struggled to accommodate these contradictions, starting from former President Tadić's "four pillars of Serbian foreign policy".<sup>38</sup>

### 3.6. The Regional Environment

The current regional environment in the Western Balkans is also unfavourable, creating a challenging atmosphere for improving broader relations on the Balkan Peninsula. The strengthened Russian presence and the growing role of the People's Republic of China have a special bearing on this. While China currently

<sup>35</sup> New Growth Plan for the Western Balkans, COM(2023) 691 final, Brussels, 8 November, 2023. [[https://neighbourhood-enlargement.ec.europa.eu/system/files/2023/11/COM\\_2023\\_691\\_New%20Growth%20Plan%20Western%20Balkans.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023/11/COM_2023_691_New%20Growth%20Plan%20Western%20Balkans.pdf)], Accessed 15 March 2024.

<sup>36</sup> *Srbija i Kina potpisale ugovor o slobodnoj trgovini*, Radio Slobodna Evropa, Prag, 17. oktobar/listopad 2023. [<https://www.slobodnaevropa.org/a/srbija-kina-slobodna-trgovina-sporazumi/32641003.html>], Accessed 15 March 2024.

<sup>37</sup> National(s), *Kako građani vide nacionalne interese Srbije*, Istraživanje, avgust 2022, [<https://nationals.rs/wp-content/uploads/2022/11/NationalS-1.pdf>], Accessed 15 March 2024.

<sup>38</sup> Petrović, D.; Đukanović, D., *Stubovi spoljne politike Srbije: EU, Rusija, SAD i Kina*, Beograd: Institut za međunarodnu politiku i privredu, 2012.

lacks a clearly discernible political agenda and influence on political elites in the Western Balkans, it is poised to assume such a role in the relatively near future. The Chinese investments in the Balkans may conflict with the obligations of the candidate countries assumed under the accession process, especially in the field of environmental protection, labor relations and fight against corruption.<sup>39</sup> Additionally, numerous unresolved bilateral issues among the Western Balkan actors pose a significant obstacle to achieving complete normalisation of relations between Belgrade and Pristina.<sup>40</sup>

## 4. ROLE OF THE EU: IS THE EXISTING FRAMEWORK OF EU INFLUENCE ON BELGRADE AND PRISTINA SUFFICIENT?

### 4.1. Inflated Expectations and Disappointing Implementation

The EU has failed to establish accelerated dynamics in this process through its mediation and facilitation role in the dialogue between Pristina and Belgrade. At the beginning of the process, optimistic suggestions argued that the EU's approach has yielded concrete results, but nevertheless posited that such a top-down approach, which leaves considerable room for divergent and conflicting interpretations of key provisions, bears risks.<sup>41</sup> It was pointed out as well that parties regard the process as the opportunity to profit politically and economically from the EU's support, rather than the fundamental transformation of the underlying rationale of the conflict.<sup>42</sup> Thus, it was usually concluded in the doctrine that "fundamental differences among the two parties to the conflict and their diametrically opposed positions undermine the real perspective for lasting peace and EU integration, despite the fact that Serbia and Kosovo prepare to engage in new phases of dialogue".<sup>43</sup>

With Belgrade and Pristina accepting the Agreement on the Path to Normalisation of Relations in late February 2023, the expectations once more inflated, however the process nearly ground to a halt within a few months. That led to the

<sup>39</sup> See more on this in Vučić, M., European Union integration and the belt and road initiative: A curious case of Serbia, *Međunarodni problemi*, Vol. 72, No. 2, pp. 337-355.

<sup>40</sup> Đukanović, D., *Balkan na posthladnoratovskom raskršću (1989–2020)*, Drugo izmenjeno i dopunjeno izdanje, JP Službeni glasnik, Institut za međunarodnu politiku i privredu, Beograd, 2020, pp. 171–199.

<sup>41</sup> Bieber, F., The Serbia-Kosovo Agreements: An EU Success Story?, *Review of Central and East European Law* Vol. 40, No. 3-4, 2015, p. 289.

<sup>42</sup> Economides, S.; Ker-Lindsay, J., Pre-Accession Europeanization: The Case of Serbia and Kosovo, *Journal of Common Market Studies*, Vol. 53, No. 5, pp. 1027-1044.

<sup>43</sup> Hajrullahu, A., The Serbia Kosovo Dispute and the European Integration Perspective, *European Foreign Affairs Review*, Vol. 24, No. 1, 2019, p. 101.

escalation in northern Kosovo, areas with a majority Serbian population, during May and June,<sup>44</sup> and particularly in the second half of September due to the events surrounding the Banjska Monastery.<sup>45</sup>

The only visible success of the agreements so far has been the adoption of the Declaration on Missing Persons on the 2<sup>nd</sup> of May 2023 in Brussels by the Serbian President and Kosovo's Prime minister.<sup>46</sup> The DMP provides that the expression „missing persons“ includes the persons who were forcibly disappeared following the understanding of the International Committee of the Red Cross.<sup>47</sup> The Declaration offers such an understanding since the obligation to provide information on missing persons is a part of customary international law (ICRC(a)),<sup>48</sup> where the state detaining the prisoners of war or civilians of the opposing side is obliged to collect the information on them and relate it to the opposing side, or if those persons are killed to provide the information on their places of burial. The difference between the two terms is in the fact that missing persons' human rights are not necessarily infringed on – these can be legally captured combatants (prisoners of war), whose location is presently unknown, or legally killed combatants or civilians whose burial places are unknown.<sup>49</sup>

## 4.2. The Ability of the EU to impose Sanctions for Non-implementation

In addition to the aforementioned developments, the authorities in Pristina faced certain sanctions from the EU due to inadequate cooperation in the de-escalation

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<sup>44</sup> *Serbia and Kosovo must work to de-escalate the situation in northern Kosovo*, European Parliament, Press Releases, 19 October 2023.

[<https://www.europarl.europa.eu/news/en/press-room/20231013IPR07135/serbia-and-kosovo-must-work-to-de-escalate-the-situation-in-northern-kosovo>], Accessed 15 March 2024.

<sup>45</sup> Molonay, M., *Kosovo monastery siege ends after heavy gun battles*, BBC News, 24 September 2023. [<https://www.bbc.com/news/world-europe-66905091>], Accessed 15 March 2024.

<sup>46</sup> “Belgrade-Pristina Dialogue: Statement of the high Representative on the Political Declaration on Missing Persons”. 2 May 2023, [[https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-statement-high-representative-political-declaration-missing-persons\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-statement-high-representative-political-declaration-missing-persons_en)], Accessed, 22 May 2023.

<sup>47</sup> Radio Slobodna Evropa, „Tekst Deklaracije o nestalim osobama koju su usvojili Kurti i Vučić“, [<https://www.slobodnaevropa.org/a/32389639.html?nocache=1>], Accessed 17 May 2023.

<sup>48</sup> International Committee of the Red Cross Rule 117: Accounting for Missing Persons, International Humanitarian Law Databases, [<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule117>], 17 May 2023.

<sup>49</sup> Rome Statute of the International Criminal Court, Article 7(1), [<https://www.icc-cpi.int/sites/default/files/Publications/Rome-Statute.pdf>]; International Criminal Tribunal for the former Yugoslavia, Kupreškić *et al.* (IT-95-16), para. 2437; International Committee of the Red Cross Rule 98: Enforced Disappearance, International Humanitarian Law Databases, [[https://ihl-databases.icrc.org/en/customary-ihl/v1/rule98#Fn\\_78FB8E2F\\_00010](https://ihl-databases.icrc.org/en/customary-ihl/v1/rule98#Fn_78FB8E2F_00010)], 17 May 2023.

of tensions in northern Kosovo in mid-June 2023. However, the local authorities in the region ignored these restrictive measures, which included the suspension of meetings with EU officials and potential reductions in financial aid. Prime Minister Albin Kurti undertook these sudden actions to secure new positions effectively ahead of the 2024 US elections. The potential return of former US President Donald Trump to the presidential position is a possibility, and this may lead to the reopening of discussions about the demarcation or division of Kosovo, as was prominent during his previous term.<sup>50</sup> Following the events in the Banjska Monastery and the attack on Kosovo Police members, Prime Minister Albin Kurti called for similar restrictive measures against the authorities in Belgrade due to, as he often stated, their involvement in the incidents.<sup>51</sup> However, there was no significant interest within the EU in imposing such measures.

Despite the visible blockage of the implementation of the Agreement on the Path to Normalisation of Relations between Belgrade and Pristina (see Table 1), the EU has not yet used the possibility of reducing or suspending financial aid for the parties. This could be attributed to the lengthy process of amending the negotiation framework for the Republic of Serbia regarding Chapter 35 (Other). As the parties are expected to conclude a crucial process related to accessing funds from the EU New Growth Plan for the Western Balkans, aligned with the mechanisms for its implementation, the success of this endeavour remains uncertain, given the very complex conditioning procedure for the Western Balkan actors.<sup>52</sup> On the other hand, Serbian authorities often assert that these funds are not essential to them, emphasising another significant issue besides relations with Pristina: the low alignment of Serbia's foreign policy with the Common Foreign and Security Policy of the EU. This is especially evident in the absence of restrictive measures against the Russian Federation since 2014 and particularly since the Russian invasion of Ukraine in 2022.<sup>53</sup>

It should be emphasised that an integral part of the Agreement on the Path to Normalisation of Relations between Kosovo and Serbia is Article 5, wherein the parties committed to adhering to Article 2 and Article 21 of the Treaty on Europe-

<sup>50</sup> *Trampova administracija za podelu Kosova*, Radio-televizija Vojvodine, Novi Sad, 26. jul 2018. [[https://rtv.rs/sk/politika/trampova-administracija-za-podelu-kosova\\_937587.html](https://rtv.rs/sk/politika/trampova-administracija-za-podelu-kosova_937587.html)], Accessed 15 March 2024.

<sup>51</sup> *Kurti: Sanctions on Serbia as punishment, to prevent repeat of violence*, N1, Belgrade, 24 November 2023. [<https://n1info.rs/english/news/kurti-sanctions-on-serbia-as-punishment-to-prevent-repeat-of-violence/>] Accessed 15 March 2024.

<sup>52</sup> New Growth Plan for the Western Balkans, *op. cit.*, note 35.

<sup>53</sup> Tuhina, G., *Ne tako laki kriterijumi da Zapadni Balkan dobije novac iz budžeta EU*, Radio Slobodna Evropa, Prag, 11. mart/ožujak 2024, [<https://www.slobodnaevropa.org/a/eu-zapadni-balkan-plan-rasta/32856758.html>] Accessed 15 March 2024.

an Union, which can be interpreted as acceptance of aligning their foreign policies with the Common Foreign and Security Policy of the EU.<sup>54</sup> In this regard, the authorities in Pristina have largely aligned themselves with the EU, unlike Belgrade, which has consistently declared its refusal to join this policy for the past two years. Hence, it is evident that a significant disparity persists between the two sides—Belgrade and Pristina—in their fundamental geostrategic perspectives.<sup>55</sup> While Serbia continues to remain very close to the authorities of the Russian Federation, Kosovo insists primarily on accelerated entry into NATO. Unless Serbia makes a major shift in its foreign policy approach, there is a considerable likelihood that the strategic divergence between Belgrade and Pristina will further widen.

The EU is attempting to employ a strategy similar to the one used immediately before the breakup of the Socialist Federal Republic of Yugoslavia in 1991, aiming to alleviate tensions in this part of the Balkans and Europe through economic incentives and a certain degree of additional engagement. However, it seems that conditioning financial and investment support for Belgrade and Pristina will remain a highly ineffective mechanism for implementing everything envisioned by both previously agreed frameworks and the Agreement on the Path to Normalisation of Relations between Kosovo and Serbia. In accordance with the Implementation Annex of the Agreement on the Path to Normalisation of Relations, reached in Ohrid on March 18, 2023, it was anticipated that within 150 days, a special donor conference would be held, where the EU would offer a special investment and financial aid package for Serbia and Kosovo.<sup>56</sup> However, that deadline expired in the middle of the past year, and it seems that none of the agreed-upon measures will be implemented soon. The precondition for organising this conference was for the EU, as the dialogue moderator, to verify that the agreement had been fully implemented.<sup>57</sup> However, given that less than a third of the agreement has been implemented thus far, it is unrealistic to expect that the donor conference for the funds presented in the New Growth Plan for the Western Balkans, introduced in November 2023, will be realised.<sup>58</sup>

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<sup>54</sup> Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia, *op. cit.*, note 6.

<sup>55</sup> See: Serbia 2023 Report — Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023: Communication on EU Enlargement policy”, SWD(2023) 695 final, Brussels, 8 November 2023, p. 148. [[http://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_695\\_Serbia.pdf](http://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_695_Serbia.pdf)], Accessed 15 March 2024.

<sup>56</sup> Point 7. – Belgrade-Pristina Dialogue: Implementation Annex to the Normalisation of Relations between Kosovo and Serbia, *op. cit.*, note 19.

<sup>57</sup> *Ibid.*

<sup>58</sup> Tuhina, G., *op. cit.*, note 53.

Another concrete framework outlined in the Implementation Annex is the mutual commitment and understanding of Belgrade and Pristina that non-compliance with their commitments “may have direct negative consequences for their EU accession processes and the financial assistance they receive from the EU.”<sup>59</sup> However, this mechanism is potentially problematic because, *via facti* membership in the EU has not been a priority for the authorities in Belgrade for several years. Conversely, for Pristina, the primary goal is membership in NATO. Moreover, Belgrade relies on the expectation that Hungary will potentially block any decision related to the suspension of financial aid from the EU.<sup>60</sup> In this regard, both Belgrade and Pristina feel relatively unburdened and lack clear motivation to engage in resolving their mutual relations in line with the agreement. Furthermore, Serbia still believes that, with the help of Russia and potentially China, it could bring the issue of relations with Pristina back to the United Nations, although this expectation is rather unrealistic.

When discussing the binding nature and possible sanctions for the failure to perform the Agreement and the Annex, it must be borne in mind that both parties failed to sign the documents and that this fact opens the issue of whether the documents are legal at all. Priština insisted on signing, but Belgrade refused it. The EU as a mediator, via its High Representative for foreign and security policy, interpreted that both parties accepted the APN and are willing to fully implement it. The doctrine of international law recognizes many examples of unsigned international agreements that remained such especially because of sensitive contents, from the point of view of political images of representatives that signed them.<sup>61</sup> Furthermore, as far as 1933, the doctrine accepted that unilateral oral declarations might be of the same legal quality as the formally signed treaties.<sup>62</sup> In recent times, in his seminal work on the concept of treaty in international law, Klabbers reiterated the same position.<sup>63</sup> Klabbers follows the logic of the Vienna Convention on the Law of Treaties, that the intent to be bound by the parties is a constitutive element of the concept of a „treaty“, regardless of the specific form that the intent

<sup>59</sup> Point 12 – Belgrade-Pristina Dialogue: Implementation Annex to the Normalisation of Relations between Kosovo and Serbia, *op. cit.*, note 19.

<sup>60</sup> *Mađarska potvrdila da neće dozvoliti uvođenje sankcija Srbiji, izjavio Dačić*, Radio Slobodna Evropa, Prag, 9. oktobar 2023. [<https://www.slobodnaevropa.org/a/dacic-sijarto-orban-sankcije-srbija-madjarska-eu/32630136.html>], Accessed 15 March 2024.

<sup>61</sup> Aust, A., *Modern Treaty Law and Practice*. Cambridge: Cambridge University Press, 2013, pp. 87-113.

<sup>62</sup> Garner, J. W., The International Binding Force of Unilateral Oral Declarations, *American Journal of International Law*, Vol. 27(3), 1933, pp. 493-497.

<sup>63</sup> Klabbers, J., *The Concept of Treaty in International Law*, Martinus Nijhoff Publishers, 1996.

takes in the issue at hand.<sup>64</sup> As far as it can be noticed, although the Serbian side refused to sign the APN, nowhere was it publicly stated that its provisions would not be implemented, except for Kosovo's membership in the UN, which the President declared unacceptable.<sup>65</sup>

What is more, the formulation of treaty provisions leads one to conclude that they are of hard legal quality, since the language used is characteristic of international treaties (the expression „shall“ is used in the English language for norms of a commanding nature),<sup>66</sup> the provisions are detailed enough, the agreement is implemented in good faith and with the support of mediators. The term „agreement“ itself does not presuppose the legal nature of the text. International law does not require a certain form of the treaty for it to be binding, except when parties expressly agree on this matter. Vienna Convention on Treaties defines the international treaty as „an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation“.<sup>67</sup>

The APN lacks clear provisions on sanctions for failure to perform a treaty. However, the freezing of resources from the accession funds and discontinuation of the accession negotiations are certainly some of the possible mechanisms of pressure by the EU on the parties to fulfill this agreement, and as such they are listed in the AI and signify why the EU does not have any dilemma about its binding nature.

### 4.3. Expectations of the Parties regarding the Accession to the EU

On the other hand, the authorities in Pristina expect that, with significant support from Albania and the United States, particularly after the accelerated transformation of the Kosovo Security Forces since 2018, a mechanism will be found for NATO membership, despite the fact that its independence has not been recognised by four NATO member states. This possibility seems realistic, especially considering that Bosnia and Herzegovina's path to NATO membership is almost entirely halted and the regional situation requires the Alliance to find solutions

<sup>64</sup> *Ibid.*, p. 169.

<sup>65</sup> Vučić: Priznanje Kosova i članstvo u UN ne dolazi u obzir, [https://www.vesti.rs/Vesti/CLANSTVO-U-UN-I-PRIZNANJE-TZV-KOSOVA-NE-DOLAZI-U-OBZIR-Vucic-se-obraatio-gradjanima-Teski-dani-tek-dolaze-FOTO.html], 23 May 2023.

<sup>66</sup> Compare with the 2013 Agreement where the expression “will” was used, “not an ordinary expression for obligations of a legal nature, that usually use the form shall”, Vladimir Đerić, Tatjana Papić, „Međunarodnopravni aspekti odluke Ustavnog suda Srbije o ustavnosti i zakonitosti Briselskog sporazuma“. *Anali Pravnog fakulteta u Beogradu* 2, 2016, p. 211-.212.

<sup>67</sup> Vienna Convention on the Law of Treaties, United Nations, Treaty Series, Vol. 1155, p. 331.



for further expansion.<sup>68</sup> The NATO expansion process in the Western Balkans excludes Serbia, which has been militarily neutral since 2007 and has been regarded by some influential NATO member states as a “Russian proxy”.<sup>69</sup> Additionally, since 2013, Serbia has been the only country in the Western Balkans with observer status in the Collective Security Treaty Organization (CSTO), which operates under the control and supervision of the Russian Federation.

Kosovo is already a member of the IMF, the World Bank, the EBRD, the International Olympic Committee and several regional initiatives. The asterisk behind Kosovo’s name as a member of these international organizations so far has indicated that its status, at least when regional representation is concerned, is regulated following Resolution 1244 of the Security Council of the United Nations, which means it is a territory under international supervision by the UNMIK (United Nations Mission in Kosovo).<sup>70</sup> In addition, it confirmed that Kosovo’s status is in international relations regulated in accordance with the International Court of Justice’s Advisory opinion on the issue of the legality of the Declaration of Independence (although the ICJ’s opinion is not really meaningful for the purpose).<sup>71</sup> The asterisk has seemingly disappeared in the APN. With it, changes the position of the Republic of Serbia as well. Previously, it argued that Kosovo could be a member only of regional international organizations (Council for Regional Cooperation, CEFTA, etc.), but with a clear designation of its special status in international relations marked by the asterisk. Now, Kosovo can be a member not only of regional but any other international organization, while its special status is not designated by any symbol. The only remaining reservation is that Kosovo is not mentioned in the APN under its constitutional name „Republic of Kosovo“.<sup>72</sup>

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<sup>68</sup> Đukanović, D., Bosna i Hercegovina na neizvesnom putu ka članstvu u NATO, *Međunarodni problemi*, vol. LXXI, No. 3, 2019, pp. 335–361.

<sup>69</sup> Vučić on Cameron’s statement: Serbia is not Russia’s proxy in the Balkans, *Vijesti*, Podgorica, 10 January 2024. [<https://en.vijesti.me/world/balkan/689256/vucic-about-Cameron%27s-statement-that-Serbia-is-not-Russia%27s-proxy-in-the-Balkans>], Accessed 15 March 2024.

<sup>70</sup> See S/RES/1244, 1999, available at: [<https://unmik.unmissions.org/united-nations-resolution-1244>]. The Agreement on the Regional Representation of Kosovo signed under the auspices of the EU is available at: [<https://dialogue-info.com/wp-content/uploads/2011/02/Sporazum-o-regionalnom-predstavljanju-i-saradnji-24.02.2012.pdf>], 5 June 2023.

<sup>71</sup> ICJ, Accordance with international law of the unilateral declaration of independence in respect of Kosovo, 2010, [<https://www.icj-cij.org/case/141>].

<sup>72</sup> Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia, *op. cit.*, note 6. See more in Vučić, M., Đukanović, D., The Challenges of Normalization of Relations between Belgrade and Priština: Implications of the “Agreement on the Path to Normalization (2023)”, *Journal of Liberty and International Affairs* Vol. 10, No. 1, 2024, pp. 20-36.

In addition, this is the first agreement of the two sides that expressly mentions the „accession of Kosovo to the EU“. <sup>73</sup> So far, the used expressions were more descriptive than legally meaningful, such as „road of Kosovo to the EU“, „convergence“, „the future of Kosovo in the EU“, etc. Does the use of a formal legal term for EU membership mean that Kosovo has now indisputably attained the elements of statehood needed for a candidate? This is indeed only a hypothetical question as long as five EU member states refuse to recognize Kosovo’s independence.

The EU is progressively losing legitimacy in the Western Balkans, particularly in countries where tendencies towards reliance on the East are growing (Ukraine and Moldova), such as in a significant part of the public in Serbia and Bosnia and Herzegovina and increasingly in North Macedonia and Montenegro. <sup>74</sup> The ambitious goals of the EU, which should have been achieved through the policy of conditionality within the Stabilization and Association Process over the past two and a half decades, are now being questioned to some extent. <sup>75</sup> Therefore, we can conclude that its strategy to implement all agreements reached in the dialogue between Belgrade and Pristina since 2011 is entirely inadequate and ineffective. Restoring the EU’s credibility would require providing full guarantees related to EU membership to the authorities in Belgrade and Pristina. However, at the moment, that seems highly unrealistic. <sup>76</sup>

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<sup>73</sup> *Ibid.*

<sup>74</sup> Already back in 2009 Noutcheva was arguing the EU’s normative power was unable by itself to bring about reforms in the region, Noutcheva, G., Fake, partial and imposed compliance: the limits of the EU’s normative power in the Western Balkans, *Journal of European Public Policy*, Vol. 16, No. 7, 2009, pp. 1065-1084.

<sup>75</sup> Richter, S.; Wunsch, N., *Money, power, glory: the linkages between EU conditionality and state capture in the Western Balkans*, *Journal of European Public Policy*, Vol. 27, No. 1, 2020, pp. 41-62.

<sup>76</sup> Indeed, the very concept of the “Western Balkans” is “often associated with the pejorative concept of balkanization”, while the other countries from the geographical region that have already joined the EU “are no longer qualified as Balkan but as European”, see more in Lika, L., The meaning of the Western Balkans concept for the EU: genuine inclusion or polite exclusion?, *Southeast European and Black Sea Studies*, Vol. 24, No. 1, 2024, pp. 63-78.

**Table 1:** Overview of the specific obligations of the authorities in Belgrade and Pristina assumed by the “Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia” and the “Annex on Implementation” (Brussels, February 27, 2023/Ohrid, March 18, 2023)

JOINT OBLIGATIONS	SPECIFIC OBLIGATIONS-BELGRADE AUTHORITIES	SPECIFIC OBLIGATIONS-PRISTINA AUTHORITIES
<b>Article 1</b> - “normal, good-neighbourly relations... The parties will recognise relevant documents and national symbols...”	—	—
<b>Article 2</b> - “act according to the purpose and principles of the UN Charter...”	—	—
<b>Article 3</b> - “the parties shall resolve any disagreement...by peaceful means and shall refrain from the threat or use of force”	—	—
<b>Article 4</b> - The parties “shall not represent the other in the international sphere”	“Serbia will not oppose Kosovo’s membership in any international organisation”	—
<b>Article 5</b> - absence of mutual blockade on the way to EU membership; respecting the values from Articles 2 and 21 of the Treaty on the European Union	Serbia has not harmonised its foreign policy with the Common Foreign and Security Policy, which is implied by Article 21 of the EU Treaty (primarily related to EU restrictive measures towards the Russian Federation)	The authorities in Pristina have an almost complete degree of compliance with the EU CFSP
<b>Article 6</b> - joint work on a future comprehensive legally binding agreement; conclusion of numerous mutual agreements in the following period	—	—
<b>Article 7</b> - The parties undertake to work to achieve “the appropriate level of self-governance of the Serbian community in Kosovo”; “formalize the status of the Serbian Orthodox Church in Kosovo”	—	Establishment of “self-governance” for Serbs – Communities of Serb-Majority Municipalities and dialogue on the status of the Serbian Orthodox Church with the leaders of this religious community
<b>Article 8</b> - establishment of permanent missions to the Governments in Belgrade and Pristina and related agreements	—	—
<b>Article 9</b> - The parties note the efforts of “the EU and other donors to establish a special package of investments and financial support”; condition - full implementation of everything agreed	—	—
<b>Article 10.</b> - Establishment of the Joint Committee under the presidency of the EU; Enforcement of prior binding agreements	—	The focus is primarily on the establishment of the Community of Serb-Majority Municipalities in Kosovo in accordance with earlier agreements
<b>Article 11</b> - The annex on implementation is a part of the agreement ((adopting the “Declaration on Missing Persons”; the Agreement becomes part of the negotiation framework; conditionality of financial and investment assistance; establishment of the Joint Implementation Commission; EU donor conference;	—	Pristina immediately begins with the formation of the Community of Serbian Majority Municipalities.
<b>Source:</b> The author of the table is Dragan Đukanović. The table was created based on the content of the Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia and the Annex on Implementation, as well as a review of the obligations performed so far (18 March 2024).		

## 5. CONCLUSION

Considering the upcoming European Parliament elections in June 2024, it is evident that the EU's short-term focus on relations between Belgrade and Pristina will diminish. The current administration in Brussels will primarily prioritise preventing potential open conflicts. Any new dynamics in the normalisation process can be expected in the second half of the year, after the establishment of new European institutions. However, if the EU fails to achieve significant results in this process within a relatively short period, it will find itself in a rather precarious situation, thus weakening its capacity to influence the Western Balkans. Moreover, there is a risk that, with the strengthening roles of Russia and China, it could be largely marginalised as an actor in the long term. Therefore, a specific test of success for the EU is the comprehensive regulation of relations between Belgrade and Pristina, primarily the implementation of everything agreed upon in the normalisation dialogue since March 2011. These relations have indeed become a vital question for broader European security, as confirmed in the preamble of the Agreement on the Normalisation of Relations between Kosovo and Serbia.<sup>77</sup> However, the effectiveness of the concept of financial and investment conditioning for Belgrade and Pristina is highly questionable, both in the context of the broader Stabilisation and Association Process and the November 2023 New Growth Plan for the Western Balkans.

On the other hand, the potential dismissive attitude of the authorities in Belgrade and Pristina concerning financial and investment relations with the EU could leave them on the margins of European events, in a state of partial or reinforced isolation, which would weaken their position in regional and European frameworks. Therefore, waiting for a more favourable status for themselves would effectively deprive them of the opportunity to leverage the potential for accelerated economic growth, especially in the challenging economic situations in most European countries. This would also imply a simultaneous and drastic change in the demographic structure in Serbia and Kosovo, exacerbated by the already significant number of their citizens emigrating, primarily to Western European countries.<sup>78</sup> Additionally, it should be noted that the EU and the US have not fulfilled an earlier promise to assist the parties regarding infrastructure connectivity through the construction of roads and the reconstruction of railway networks. This has been reiterated several

<sup>77</sup> Preamble of the Agreement on the Path to the Normalisation of Relations between Kosovo and Serbia, *op. cit.*, note 6.

<sup>78</sup> Vučković, B., 'Mladi odlaze trajno': *Migracije sa Zapadnog Balkana*, Radio Slobodna Evropa, Prag, 7. januar/siječanj 2023, [<https://www.slobodnaevropa.org/a/mladi-zapadni-balkan-odlazak/31642674.html>], Accessed 15 March 2024.

times within the Berlin Process and the Washington Agreement as of September 2020.<sup>79</sup> Moreover, the establishment of air routes between Belgrade and Pristina, agreed upon earlier in the normalisation process under the auspices of the former administration of US President Donald Trump, has not been revived.<sup>80</sup>

The research has shown that the EU credibility in the Western Balkans will largely depend on the successful implementation of everything agreed in the dialogue between Belgrade and Pristina. As noted in the Agreement, the issue of these relations is fundamental and closely connected to the context of broader European security. The EU has assumed a dominant role in implementing all agreed-upon aspects between Belgrade and Pristina, thereby leaving a realistic possibility that there could be serious consequences for their EU accession process and the financial aid they are expected to receive.

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