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The Brussels Agreement “generated by conversations, not by relentless pressure”

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The leaders of Kosovo and Serbia are due to meet in Brussels next week to resume the dialogue which produced an agreement on normalising relations in 2013. Sir Robert Cooper, one of the lead EU negotiators in the process, talks to LSEE's Joanna Hanson about the logic behind the talks, his surprise at the 2013 agreement, and the prospects for reaching true normalisation between both parties.



Sir Robert Cooper

Kosovo was one of the main foreign policy issues which the EU's High Representative, Catherine Ashton, took up when she entered office. Why was it prioritised?

It was prioritised because it was an opportunity at that particular moment. There was and still is an unsolved problem around Kosovo, and in particular in relations between Kosovo and Serbia. A little while after the High Representative arrived, we had a coincidence of two things happening. One was the International Court of Justice at The Hague was going to report to the UN General Assembly its findings on the question which had been put to it by the General Assembly a year before by the Serbs.

Around the same time Serbia's President, Boris Tadic, put in an application to join the European Union. This application was being blocked by two or three member states who said they wanted to see a more forthcoming, positive attitude from Serbia on the question of Kosovo. So we put those two things together and it looked like an opportunity. Here was an unsolved problem, here was perhaps an opportunity to do something.

We had, by the way, other ideas beyond dialogue. We originally wondered whether we could get the two presidents to make a joint statement, or something like that, but none of those things worked, so we came down to proposing a resolution which was in the end adopted by consensus, calling for dialogue facilitated by the EU.

What did you personally believe needed to be achieved? There were various issues, so did you put more emphasis on one than the others?

There was a whole list of unsolved problems of which there were some very simple ones about the absence of civil registry books in Kosovo. It was probably the simplest and most straightforward of all. Then there was the question of the customs stamp, which again ought to have been solved very quickly. So we had a whole range of issues, which other people had tried to solve before and had come very close to solutions.

But we now had a better opportunity because Serbia wanted to move towards negotiating with the EU, so there was leverage there. And because Kosovo's only future was in the EU there was a bit of leverage there as well. Maybe leverage isn't a very nice term to use, but there we are. We are trying to get people to do things which are actually good for them.

Can you say something about the atmosphere around the table, about the style of negotiation, the blocks and movements?

It was quite tense and difficult to begin with, but it became quite friendly in the end. After all they had dinner together about 20 times. I wasn't there myself but I have been told that the atmosphere was good, even though there were arguments particularly when they tried to write something down, something sensitive.

I thought that Catherine approached it very well, in a very political way, very different from the way in which we had done the first part of the dialogue. She did it much better than I would have done because my approach was often to produce a paper very early in our discussions, but we would soon start to argue about that.



Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the EC, went to Pristina, two years after the declaration of independence of Kosovo. (Photo: consilium.europa.eu)

I suggested to put forward a take-it or leave-it agreement on North Kosovo. She very wisely didn't do that. Instead, after the first six or seven dinners, she said well I think we are beginning to reach an understanding on this. Maybe we can start writing it down. The agreement that was signed in the end was not very different from what we had put down initially. That was how it was done. I admired very much the way she did it.

At the end of the talks which Baroness Ashton facilitated, did you feel there was anything fundamentally lacking there?

Was there anything that was missing? Well, I can tell you, the thing that we hadn't really thought about ourselves was the elections. That was a bit of a surprise – that was something that we, being officials rather than politicians, didn't immediately think of.

So you are saying that the cooperation between Serbia and Kosovo over elections is key because without that you couldn't unlock the rest of the agreement?

Yes, I thought this was a demonstration of our limited imagination because I think that both sides had an interest in solving the problem in the north. Because this is, as far as the Prime Minister of Kosovo is concerned, the part of their national territory over which they don't have control. Half of the objective was to bring this under Kosovo law.

The other half of the objective was to provide security in all kinds of ways for the people who are living there: the security primarily of living in a place which is governed by law, with proper courts, with proper police and courts, and things like that, which it certainly didn't have at the time. There were informal courts, but they were informal and, therefore, invisible and the police was pretty ambiguous because there were police there but they were receiving in many cases two salaries and orders from two different places. So again there was uncertainty.

In the long run, Kosovo has a history of ethnic cleansing and it seemed to me that these people were at risk, and the only way in which one could secure their future was to have a good relationship between Belgrade and Pristina. Belgrade has an interest because these are Serbs. Belgrade has an interest in them being allowed to lead their lives without undue interference or without security problems. Pristina has an interest in them being brought formally under Kosovo law as a part of the Kosovo state. That's the basis of the agreement. The main objective of it is eventually to provide security for the people who lived there. I don't see how else that can be done.



Round of negotiations between Belgrade and Pristina held by Mr Robert Cooper, Director General for External and Political and Military Affairs with Ms Edita Tahiri, Deputy Prime Minister of Kosovo, and Mr Borko Stefanovic, Political Director of the Serbian Ministry (Photo: consilium.europa.eu)

Macedonia’s Ohrid Framework Agreement hasn’t worked brilliantly so far, but there was definitely some spirit there, a whole concept of moving forward to a civic future. Do you see any such spirit in the Brussels agreement?

I do. Catherine tells me that between the two prime ministers the atmosphere was really good by the end, as they knew each other well, they had done something together – which is always the key to getting to know people.

The reason why this was called a ‘first agreement’ was because they thought there were going to be more, as they had realised that there was unfinished business. So I think that this is an indication of the fact that yes, there is certainly a specific spirit to it. This was not an agreement that was beaten out of the two of them by relentless EU pressure. It was instead generated by conversations, through discussions on what was the common problem.

The Serbs had an interest there: their government held some responsibility for the Serbs in the north of Kosovo and there were certainly very large quantities of money flowing from Belgrade there, but they also didn’t have control over the people because there were probably still some criminal elements there, the lives of those who were mostly in the hands of people on that kind of margin between politics and crime. In Kosovo, as I have said before, there was an interest of national territory and a vulnerability for the Prime Minister that has no control there. And this was still a place in the Balkans where violence was likely and there were some incidents from time to time.

Are there any specific lessons which you think have been learnt from this process for future discussions?

I was extraordinarily surprised at the reaching of the agreement, and so were almost all those who knew the region. Nothing has suddenly turned into paradise, of course, but there is now a basis of legal certainty on which people can found their aspirations and, I hope, an increasing atmosphere of security and freedom of movement. I think this is a long way ahead of where we were when we started in 2011.

The first real lesson is that everything is always more difficult than you think. When we went into the first round of the dialogue we thought that there were several things we could do straight away because they seemed so obvious. Well, it turned out to be more difficult than that.



From left to right: Mr Ivica Dacic, Prime Minister of Serbia; Ms. Catherine Ashton, High Representative of the EU for Foreign Affairs and Security Policy; Mr Hashim Thaci, Prime Minister of Kosovo. (Photo: consilium.europa.eu)

My other takeaway is that the role of the EU is a relatively easy one because it doesn't have a domestic public to hold it to account. Both of the prime ministers in this case had domestic political pressures to deal with. They were the ones who got blamed when things went wrong, while they are actually the ones who deserve all the credit. In fact, some credit should go to Catherine Ashton as well because getting two people who have never spoken to each other to reach an agreement on one of the most difficult issues in the Balkans – that's really something. Of course it is not perfect, and of course it needs to be followed up and implemented and we are a long way from real normalisation.

This interview was first published in its [Serbian](#) and [Albanian](#) versions on the website [New Perspektiva](#).



Sir Robert Cooper is a diplomat who has been a Counsellor of the European External Action Service and a Special Advisor at the European Commission. He was also formerly Director General of Political and Military Affairs of the EU's Council of Ministers, and former chief foreign policy adviser to British Prime Minister Tony Blair. He is currently a Visiting Professor at LSE IDEAS.

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