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# THE CHALLENGES OF NORMALIZING RELATIONS BETWEEN BELGRADE AND PRISTINA: IMPLICATIONS OF THE “AGREEMENT ON THE PATH TO NORMALIZATION”

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*Abstract: The article analyzes the process of normalizing relations between Belgrade and Pristina after adopting the Agreement on the Path to Normalization. The analytical framework of neorealism was used to explain that the normalization process was accelerated due to the war crisis in Eastern Europe. The international legal aspects of the agreement were scrutinized, based on the method of content analysis and comparative studies, to argue that the agreement is a legally binding treaty between two sides that respect each other's international legal personality. The authors concluded that the European Union and the United States attempted to create new momentum in the decade-long and rather unsuccessful process by adopting the Agreement and the Annex on implementation. Thus, these documents were put in the context of relations between Belgrade and Pristina and broader European and regional levels of complex relations. In addition, the analysis concluded that the documents serve as new impulses in normalization as a continuous legal formalization of relations between the two sides based on international legal rules.*

*Keywords: Normalization; Serbia; Kosovo<sup>1</sup>; European Union; Agreement; Western Balkans; International Law*

## INTRODUCTION

The intensification of the dialogue between Belgrade and Pristina after the war in Ukraine started in February 2022 was caused by the substantial efforts of the European Union (EU) and the United States (US) to achieve a breakthrough in an over a decade-long process. In this phase, both the EU and the US opted for a realistic solution, which would exclude, for the time being, the all-encompassing legally binding agreement (the idea dating back to 2012) (Đukanović 2018, 113-146). Therefore, a provisional solution was attempted, based on the agreement between the German Democratic Republic and the Federal Republic of Germany that would not include recognition but would nevertheless imply, due to the facts on the ground, the necessity of advancement of complex relations (DW 2017). Additionally, the EU and the US focused on the war in Ukraine as they factored in the analysis of the necessity of preventing further conflicts in the Balkans. This involved strengthening regional stability and eliminating any possible incidents between Belgrade and Pristina.

<sup>1</sup> The expression “Kosovo” is cited as in the “Agreement on the Path to Normalization” and its Annex on implementation and does not prejudice the attitudes of the authors towards its status. In addition, the same expression is used in the Negotiation Framework between Serbia and the EU (2014) and the Resolution 1244 of the United Nations Security Council (1999).

This article, therefore, uses the analytical framework of neorealism (Queen and Gibson 2017, 34–48) to explore the contents of the “Agreement on the Path to Normalization” (APN). The neorealist framework in this context supposes that the strained relations between the US and Russia impact the situation in the Balkans and, therefore, every aspect of the normalization process (Ross Smith 2020, 9–24). A complex diplomatic initiative, coordinated by the EU and the US over several months, starting from August 2022, manifested in significant pressure on the authorities in Belgrade and Pristina and resulted in the creation of the “Franco-German” document, promptly supported by the US. Although the addressees had the opportunity to provide some comments to the draft document, it was a non-negotiable document. The visit of the “Five” (representatives of the EU, the US, Germany, France, and Italy) to Pristina and Belgrade on the 20 January 2023 was a turning point, followed by the summit meeting between Belgrade and Pristina in Brussels on 27 February. In this meeting, both sides orally accepted the APN (EEAS 2023a). Over the next few weeks, the negotiations on the modalities of implementation ensued, followed by the oral confirmation of the “Annex on implementation” (AI) on 18 March 2023 in Ohrid (EEAS 2023b). Although not formally on par with the EU as the mediator in the process, the US has since 2019 regarded the normalization process as an issue of direct interest to its foreign policy. Therefore, its role has been strengthened through a more substantial influence on the authorities in Belgrade and Pristina, as well as by the directions it gives to the EU concerning certain activities that would accelerate the adoption of the all-encompassing legally binding agreement (Carney 2020).

The existing literature concentrates on previous agreements in the normalization process (Ernst 2014), the general state of the dialogue (Đurić 2017; Stanicek 2021; Rrahmani, Bushi, and Gashi 2023), the role of the EU (Ćuković 2019; Bashota and Hoti 2021; Atakara 2022; Ginali 2023) and the US (Conley and Saric 2021) as mediators, contradictory foreign policy choices of Serbia regarding the status of Kosovo (Ejdus 2019); implications for regional security (Nemec and Stojarova 2023), and the international legal and constitutional consequences of the process (Dimitrijević, Lađevac and Vučić 2012; Mirović 2013; Đurić 2014; Simović and Jugović 2015; Đerić and Papić 2016; Vučić 2020; Milanović 2023).

This article purports to analyze several layers of issues created by the adoption of the APN and AI. The first issue discussed is the status of Kosovo as an entity in international relations. The second issue is Serbia’s implicit recognition of Kosovo’s independence. The third issue is the EU’s capacity to act as a facilitator and a guarantor of the implementation. Fourthly, the implications for the political and security situation in the Balkans are considered. Fifthly, the status of Serbs living in Kosovo might be enhanced under the agreements. Finally, the binding nature of the agreements is analyzed. This encompassing political and legal analysis sheds light on the continuity of the process and the acts of implementation by the parties themselves, thus providing new insights into the process’s dynamics.

Apart from the neorealist approach already mentioned, the article rests upon methods of content analysis and comparative approach when interpreting the agreements adopted in the process, as well as the deduction from general principles and rules of treaty interpretation on the particular case study of the APN and the AI.

## KOSOVO'S INTERNATIONAL LEGAL PERSONALITY

The first four articles of the APN are relevant to Kosovo's future status and international legal personality. The parties agree in Article 1 to develop normal, good-neighborly relations based on equal rights in connection with the previously signed "technical" agreements on the mutual recognition of passports, diplomas, registration plates, and customs stamps (EEAS 2023a). It can be argued that Article 1 gives an overview of so far adopted agreements and claims them as the result of the parties' will to establish normal good-neighborly relations, fully equal in their rights and obligations. There is no difference in the APN between Serbia and Kosovo, as if their relationship was not between a state and a part of its territory under provisional international administration.

Article 2 of the APN confirms in a way provisions already described in Article 1, with the effect of entirely nullifying the diplomatic position of the Republic of Serbia that claimed that all steps that lead to the complete independence of Kosovo can be tolerated, as long as Kosovo remains outside the UN membership. Article 2 provides that the parties will be guided in their mutual relations by the aims and principles of the UN Charter and especially by sovereign equality of states, respect for independence, autonomy, and territorial integrity, right to self-determination, protection of human rights, and non-discrimination (EEAS 2023a). The consequence of this article is that Serbia and Kosovo are obliged to behave towards each other under the rules applicable to sovereign states since the UN membership is reserved for sovereign states and not for dependent provinces. In addition, if one doubts the validity of such an interpretation, the word "especially" is intentionally inserted to accentuate that such a relationship includes mutual respect for sovereignty, territorial integrity, and the right to self-determination.

Article 3 of the APN follows the previous one and confirms the undisputable principle among the UN members that all disputes between the parties should be settled only by peaceful means, excluding the threat or use of force (EEAS 2023a). Recent activities by the Belgrade authorities at the end of 2022 and in the second half of May 2023 concentrated on raising combat preparedness, which can be treated as the threat of using force in breach of the APN.

Article 4 is the one that will probably cause the most substantial changes in Serbian foreign policy shortly. The parties recognize that none can represent the other in international relations or act on its behalf. The second point only emphasizes the concrete aim of this provision – "Serbia will not object to Kosovo's membership in any international organization" (EEAS 2023a). Kosovo never wished to represent Serbia in any international organization. Still, Serbia rightfully wanted to retain its right to represent this part of its territory in its relations with other states and international organizations of which it is a member. From now on, Serbia renounces its right to represent this part of its territory, which means Kosovo will represent itself or through another party of its choice (UNMIK, which is less probable, or another state).

In this manner, Serbia agrees to discontinue maybe the only aspect of its foreign policy fight against the secession of Kosovo that has given results - diplomatic efforts to persuade countries that have recognized Kosovo to cancel such decisions. In addition, Serbia renounces its right to prevent Kosovo's membership in international organizations whose members are

states only and where Serbia has already acquired the right to represent the whole of its territory. The past campaigns of lobbying with the members of UNESCO or INTERPOL by Serbian diplomacy to stop Kosovo from gaining access to these organizations shall now stop.

## KOSOVO ON THE PATH TO RECOGNITION

Diplomatic efforts of this kind can be characterized as active efforts to regain control over the territory (Vučić 2020, 274). However, now we have a situation where Serbia, under Article 4, implicitly accepts Kosovo's right to represent itself and thus apply for membership in all international organizations. The International Court of Justice (ICJ) has indicated that: "Under certain circumstances, sovereignty over territory can be ceded based on the failure on the part of the titular sovereign to respond to the acts *à titre de souverain* of another state (...) the lack of reaction can represent an implied acceptance of the titular sovereign state" (ICJ 2008, 12).

Since the mediators in the negotiations between Belgrade and Pristina are primarily states that have recognized Kosovo's independence and treat it as a sovereign state, it can be concluded, based on the ICJ's cited argument, that by agreeing to such a provision, Serbia opened the door to the interpretation that its future abstention from prevention of Kosovo's membership in international organizations can be implicit recognition of its independence. We believe this is precisely the idea behind the efforts of the mediators since this scenario would sideline the issue of their illegal involvement in the secession process (armed intervention in the internal armed conflict contrary to the UN Charter, see Vučić 2020). After all, a waiver of territorial sovereignty is a legal mode of sovereignty cession (Mirović 2013). Therefore, it would be best if Serbia waived its sovereignty and ceded it to Pristina.

On the other hand, it can be argued that Serbia managed to insert in the APM preamble a formulation that somewhat disputes such interpretation: "Proceeding from the historical facts and without prejudice to the different views of the Parties on fundamental questions, including on status questions..." (EEAS 2023a ). The "without prejudice to the status questions" formulation can be interpreted as a safety net against any interpretations claiming that Serbia renounced its sovereign prerogatives over Kosovo and recognized its independence. It seems that the whole foreign policy of Serbia at the moment, at least in the part presented to domestic audiences, is contained in such an argument. It can be summed up approximately as "any paper signed, any act made, cannot be interpreted as recognition so long as the highest state officials do not expressly state that Kosovo is independent" (OKM 2022). However, this is not supported by international law. The interpretation of the will of parties to a treaty is not a one-sided issue; on the contrary, the Vienna Convention on the Law of Treaties provides for several methods of interpretation of a treaty text, and for our discussion, the most relevant is the one that takes into consideration "any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions; and any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation" (VCT 31(3)(a,b)).

Let us remind ourselves that the Constitutional Court of Serbia declared that the First Agreement of 2013 is not eligible for constitutional revision "since it fails to fulfill conditions to be regarded as an international treaty, and in itself does not represent a general act of internal

law" (CCS 2014). Although we disagree with the Constitutional Court, what is more, we argue that it was this body's wish to evade any discussion of the possible recognition of Kosovo by Serbia and the potential breach of the Constitution (see also Đurić 2014, 167; Simović and Jugović 2015; Čavoski 2014), ten years later there exists an established practice of conclusion of ever more advanced agreements on mutual relations between the parties that taken together represents a legal framework for the "all-encompassing normalization of relations", as formulated by the Chapter 35 of the Negotiation Framework between Serbia and the EU (MEI 2015).

It should be pointed out here that the Vienna Convention on the Law of Treaties gives a possibility, based on the 31(3)(b) paragraph, for the subsequent practice in implementing a treaty to influence the meaning of its provisions. It remains to be seen how Serbia will approach the implementation of the APN. However, the decade-long experience has taught us that the Republic of Serbia implements all the provisions agreed upon with Pristina.

Two more provisions of the APN are worth mentioning in this context. The first concerns the obligation to mutually respect national symbols related to flags, coats of arms, and anthems of Kosovo and Serbia (EEAS 2023a, Article 1). The Second is concerned with diplomatic missions. Former liaison officers, exchanged at the start of the dialogue in 2012, are to be substituted under the APN with permanent missions, another identical provision from the "two Germanies" agreement (EEAS 2023a, Article 8). In the German case, permanent missions were established with the governments, namely the Ministries of Education. The concrete provisions on their establishment, opening, and jurisdiction shall be separately agreed upon (Article 8). It remains to be seen what the final solution will be; however, it should be pointed out that the Vienna Convention on diplomatic relations is very flexible in this regard, providing that all official business of the mission should be conducted with the Ministry of Foreign Affairs of the recipient country, "or such other ministry as may be agreed" (VCDR Article 41(2)).

## THE EU AS A FACILITATOR AND GUARANTOR OF IMPLEMENTATION

The broader European context (EU and Council of Europe) is another layer through which the APN can be observed. In the Preamble of the APN is provided that it contributes to the broader "European security", and the EU acts as the facilitator of the dialogue between Belgrade and Pristina, although its results so far have been meager in this regard (EEAS 2023a, Preamble). These general formulations resurface multiple times in the plethora of documents, including from the EU-Western Balkans summits and the Berlin process. Article 5 of the APN binds both parties so they do not block each other in the context of future EU membership, similar to the provision of the "First Agreement on the Normalization of Relations" (2013, Article 14).

This predominant role of the EU is supposed to be confirmed through the Joint Committee, which will have a key role in monitoring implementation (EEAS 2023a, Article 10). It might be concluded that the EU attempts to continue to play an essential role in the process and will try to realize it by utilizing the financial and integration conditionality policies of both Serbia and Kosovo. How these tools motivate both parties is questionable since, although interested in economic incentives, they visibly lag in the integration process. Therefore, Article 9 provides for the donation conference (to be organized by the EU five months after the APN's



adoption) and the utilization of financial resources for infrastructural connectivity, economic development, and green transition (EEAS 2023, Article 9). Article 5 of the APN includes the provision that both parties will respect the EU values referred to in the Treaty on EU. A special mention is given to the EU Common Foreign and Security Policy, which might imply, given that Serbian foreign policy has a low percentage of alignment with the EU's, the adoption of restrictive measures against the Russian Federation, successively implemented since 2014, and especially after February 2022 (The Treaty of the EU, Article 21).

Strict schedules are provided for forming the future Joint Committee and organizing the EU donor conference to secure the funds for the ambitious projects, 30 and 150 days, respectively. The Committee was formed on 18 April 2023 (EEAS 2023d). However, it was pointed out that the financial and investment support package will not be realized until the EU establishes that the parties have fulfilled their obligations under the APN and AI. This is a blatant example of the EU's conditionality policy in the Western Balkans. In addition, at the end of the AI, the parties recognize "that any failure to honor their obligations from the Agreement, this Annex, or the past Dialogue Agreements may have direct negative consequences for their respective EU accession processes and the financial aid they receive from the EU" (EEAS 2023b, point 12). This is an additional obligation for the parties, but it should be borne in mind that their future relations with the US will depend on the success of the implementation of the agreement. In this regard, the US's role proved indispensable for accelerating the normalization process and adopting the agreements.

It is worth pointing out that the parties recognized in the AI that "all Articles will be implemented independently of each other" and that "Kosovo and Serbia agree not to block implementation of any of the Articles" (EEAS 2023b, points 2 and 8). The implementation of previous agreements from Dayton to the Ohrid and Prespa in the post-Yugoslav space indicated that it is vital to define implementation as strictly as possible since the political elites and its mentors often tried to evade the previously agreed obligations. The EU had in mind, according to some sources, an even more detailed implementation time framework. However, the parties disagreed on this in Ohrid for specific reasons.

A rather ambitious plan for the five-month implementation of the agreements is tied to the elections (Presidential in the US, Parliamentary in the EU) over the period 2024/2025 that might result in the change of focus of new administrations from the Western Balkans and its crucial issue of Belgrade-Pristina relations. Namely, all former attempts at a solution, starting from the "Ischinger's plan" on "two Germanies" (2007) over the Ahtissari's "Comprehensive Proposal for the Kosovo Status Settlement" (2007) to the current normalization process (started in March 2011), failed to contribute to the stabilization of the regional situation (Đukanović 2018, 113–146).

## **POLITICAL AND SECURITY CONTEXT IN THE BALKANS**

This context is referenced in some manner in the Preamble, accentuating "the contribution to the fruitful regional cooperation" (EEAS 2023a, Preamble). The regional perspective is indeed of the essence since the context of the APN adoption is tied to the broader European instability caused by the war in Ukraine and the need of the US in the first

place to put the Western Balkans firmly inside its sphere of influence in the wider trans-Atlantic space (RTV 2023). The regional cooperation presently achieved through the Berlin process and the Regional Cooperation Council is an essential precondition for stabilizing the situation in this part of Europe, as seen by the creators of the APN. Thus, the EU and the US insist on security issues, digitalization, connectivity, and creating a regional common market (Chair's Conclusions 2022). In addition, the revitalization of the Berlin process at the end of 2022 puts on the regional agenda numerous new issues that must be realized to accelerate the region's integration process. The Berlin Process is an inclusive initiative powered by a common regional market. Therefore, the future connection between a common regional market and the EU's single market is a first step that will lead to other forms of connectivity between the Western Balkans and the EU (Đukanović 2022).

Thus, the activities of these forums are essential, as well as the potential entry of Kosovo in the "Mini Schengen", promised by the authorities in Pristina already in September 2020 in the Washington agreement. (Economic Normalization 2020, point 5) The current government in Pristina is vehemently opposed to the Open Balkan initiative. This is part of a more comprehensive picture of bilateral problems between the Western Balkan and South-Eastern European countries.

As an urgent provision concerned with regional stability and security, parties must adopt the Declaration on Missing Persons, a subject of several dialogue rounds over the past years. During negotiations on this Declaration, certain linguistic misunderstandings between the parties became visible (KOSSEV). The DMP was nevertheless adopted on 2 May 2023 in Brussels by the Serbian President and Kosovo's Prime minister (EEAS 2023c). 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 (RFE). The Declaration offers such an understanding since the obligation to provide information on missing persons is a part of customary international law (ICRC(a)), 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 (EEAS 2023c). 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 (ICC, 7(1); ICTY, Kupreskić et al. 2437; ICRC(b)).

## STATUS OF THE SERBIAN COMMUNITY IN KOSOVO

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). However, Kosovo is not a member of this organization.<sup>2</sup> In addition, "European models"

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<sup>2</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 (EEAS 2023a).

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 (BA 2013; BA 2015; Blinken 2023). 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 (CCK 2015). 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 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 (Taylor 2023).

Moreover, the authorities in Pristina have to formalize the Serbian Orthodox Church's status. Although the APN lists the obligation as mutual, this is not a realistic expectation (EEAS 2023a, Article 7). This obligation was partially provided for in the Ahtisaari plan (2007), and the following special law on the specially protected areas" (2008), and a particular unit of Kosovar police was formed to preserve the objects of religious heritage. Nevertheless, under the APN, more robust and precise guarantees were given to protect Serbian cultural and spiritual heritage, following the existing European models (EEAS 2023a, Article 7).

## THE ASTERISK AFFAIR

The asterisk behind Kosovo's name that indicates its status, at least when regional representation is concerned, is regulated following Resolution 1244, and the ICJ's Advisory opinion has seemingly disappeared in the APN (Dijalog 2012). Until now, the position of the Republic of Serbia was 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 of a regional and any other international organization, while any symbol has not designated its special status. The only remaining reservation is that Kosovo is not mentioned in the APN under its constitutional name "Republic of Kosovo" (EEAS 2023a).

In addition, this is the first agreement of the two sides that expressly mentions the "accession of Kosovo to the EU" (EEAS 2023a). 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 using a formal legal term for EU membership mean that Kosovo has now indisputably attained the elements of statehood needed for a candidate? This is only a hypothetical question as long as five EU Member States refuse to recognize Kosovo's independence.

## THE WILL TO BE (UN)BOUND

In the end, let us touch upon the failure of both parties to sign the APN and whether this leads to its non-binding nature. Pristina 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 were willing to implement it fully. The doctrine of international law recognizes many examples of unsigned international agreements that remained, especially because of sensitive contents, from the point of view of political images of representatives that signed them (Aust 2013, 87-113). 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 (Vesti 2022).

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>3</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 specific 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" (VCT 2(1)(a)). Yet there remains in the doctrine a minority strand of opinion that all these agreements should be interpreted only as given word, lacking any international legal consequences (Milanović 2023).

The APN lacks explicit 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.

## CONCLUSION

The intensification of the war in Ukraine accelerated the dialogue process between Belgrade and Pristina in the last two years. Specific former models for the stabilization of European affairs, in particular the model of "two Germanies" of 1972, were called upon to prevent and suppress a potential new European crisis. In addition, the APN is, in the context of previously achieved results of the dialogue, only a temporary solution, which will stay in power until the adoption of an all-encompassing legally binding agreement just before the accession of both parties to the EU.

Considering numerous statements by the European and the US officials, the final agreements would have to insist on the definition of the relationship between the authorities in

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<sup>3</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" (Đerić and Papić 2016, 211).

Belgrade and Pristina to round off completely the process of normalization of this relationship, started under the EU auspices in 2011. Unsuccessful attempts at normalization existed already after the NATO military operation in the Federal Republic of Yugoslavia, and especially in the middle of the 2000s during the negotiations on the Kosovo status. Judging by the evolution of former solutions on the normalization proposed by the EU and the US over the last two decades, they would undoubtedly insist on the full mutual, *de jure* recognition between Belgrade and Pristina.

In light of the previously signed agreements between Belgrade and Pristina, political or technical, the implementation process of previous agreements, formulations of the APN and the AI, and statements by the negotiating parties about their will to implement the provisions of these two newest texts as well, it can be concluded, from the international legal point of view, that the APN is an international treaty between two equal sides that partially regulates specific issues of mutual interest. As such, it represents a step towards the future development of relations based on international law, UN Charter principles on good-neighborly relations, equal rights and peaceful settlements of disputes, mutual desire to accede to the EU, and the will to regulate the issue of formal recognition in the mutually acceptable manner. The critical international legal obligation of the Republic of Serbia under the APN is to abstain from preventing Kosovo from freely conducting its international relations. On the other hand, the critical international legal obligation of Kosovo is to find a solution that would enable an undefined measure of self-management for the Association of Serbian majority municipalities on its territory, based on previously accepted agreements of 2013 and 2015, which can lead either to the Kosovo's Constitution amendments or the finding of a new and creative solutions based on the decision of the Constitutional Court of Kosovo, acceptable at the same time for the Serbian party.

Therefore, this study has provided new insights into the dynamics of the normalization process by connecting the legal intricacies of the agreements with the neorealist motivations of the actors involved. Based on the study's findings, some new research can go deeper into the practice of concluding agreements between the parties involved in the status dispute, the role of the EU as a guarantor of such agreements, and the obstacles and opportunities of implementing existing agreements.

### **CRedit AUTHOR STATEMENT**

**Mihajlo Vučić:** conceptualization, methodology, writing - original draft preparation, reviewing and editing. **Dragan Đukanović:** conceptualization, methodology, writing - original draft preparation, reviewing and editing.

All authors have read and agreed to the published version of the article.

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