





FROM BRUSSELS TO OHRID, BELGRADE AND PRISTINA ON A CROSSROAD

Uncovering divergent narratives in Kosovo and Serbia about the EU-facilitated normalisation process

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Uncovering divergent narratives in Kosovo and Serbia about the EU-facilitated normalisation process¹

From Brussels to Ohrid, Belgrade and Pristina on a crossroad

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Executive Summary

The aim of this research was to gather and analyse the stances of relevant stakeholders in the EU-led Belgrade-Pristina dialogue and the normalisation of the relations process between Kosovo and Serbia. The paper revealed there are four distinctive narratives of the dialogue and expectations for the final outcome among the different actors in Kosovo and Serbia. Most of actors in Kosovo perceive dialogue as a method of state-building and expect mutual recognition as the final outcome of the normalisation process. On the contrary, in Serbia, most of the stakeholders in the process do not see the dialogue and normalisation in the same vein. Especially for the government of Serbia, the final outcome does not include the recognition of Kosovo's independence. Rather, the dialogue is settled within the UNSC 1244 (1999) and does not question Serbia's sovereignty. These two diametrically opposite stances create tension in the dialogue, which has been only stimulated by the EU's constructive ambiguity approach. Ohrid Agreement (2023) brought new developments in bilateral relations, thus creating a third narrative focused on functional recognition. This narrative is supported mostly by stakeholders from Kosovska Mitrovica but received significant support in Belgrade and Pristina as well. The fourth narrative revolves around de facto recognition but denies Kosovo's membership in all international organisations. This narrative receives the most support in Belgrade only. Understanding different narratives is absolutely necessary to overcome the ongoing dialogue crisis and enable progress in the normalisation process. Settling an actor in one of the narratives can explain and predict its behaviour. Alongside narratives of the outcome, the research found that the dialogue itself faces a crisis. At the same time, the future of the Ohrid Agreement might be questionable. Association/Community of Serb Majority Municipalities is a necessary step for moving forward in the dialogue, yet at the same time, it is a stumbling block and burdens the dialogue. Finally, the Banjska incident served as a warning, all the while, potential for conflict should not be neglected.

Keywords: Belgrade-Pristina Dialogue, Normalisation of Relations, Normalisation Narratives, Kosovo, Serbia

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I Introduction

Kosovo's unresolved status remains one of the greatest security and political challenges in the Western Balkans, often burdening regional and European integration. Kosovo² unilaterally declared independence from Serbia in 2008, but Serbia and five EU member states do not recognise its independence. To bring the parties closer to a settlement, the UN Resolution³ mandated the EU-mediated talks to normalise relations in 2011.

While the ruling party expects immediate or short-term recognition, the opposition is aware that such expectation may be too ambitious at this stage. However, mutual recognition remains a central point of the process.

Over the past 11 years, the EU managed to broker a series of agreements between the two, including two landmark agreements: First Agreement of Principles Governing the Normalisation of Relations in 2013 and the Agreement on the Path to Normalisation in 2023. However, both Belgrade and Pristina are failing to advance the dialogue and integrate the provisions of these and other agreements reached with the facilitation of the EU. The underlying cause for the lack of progress in the dialogue is the fact that there is a certain distance between political elites from Belgrade and Pristina. This has been embodied in different understandings of the normalisation process and its expected outcome. These understandings can be mapped and synthesised in four key narratives on Kosovo-Serbia normalisation. Acknowledging and understanding these narratives is a precondition for moving forward in the normalisation process. It also explains behaviour and predicts different stakeholders' moves in the normalisation context. The lack of a final resolution and a different understanding of the process between political elites and other actors has helped maintain the distance between the Albanian and Serb communities in Kosovo.

From the outset of the EU-facilitated dialogue process, the two parties have had different views on the dialogue and how it should be concluded. For Kosovo, the dialogue represented a mechanism of international affirmation, a state-building process, with the hope that the process would ultimately lead to mutual recognition with Serbia. For Serbia, the dialogue meant something very different. Serbia viewed the dialogue as a mechanism to improve relations with the West, expedite its EU integration process and improve the socio-economic and political situation of Serbs in Kosovo. Serbia was willing to negotiate almost everything but de jure recognition.4

Although this narrative is predominantly present in ethnic Albanian population in Kosovo, some Serbs also believe that recognition of Kosovo's independence is a goal of the normalisation.

Consequently, for over a decade, both parties engaged in talks in Brussels, attempting to achieve different objectives and creating different narratives. The EU contributed to this situation by employing its infamous "constructive ambiguity," which provided a fertile ground for the development of two distinct narratives in the negotiations. The existence of two distinctive narratives in the dialogue has proven increasingly difficult,

² This designation is without prejudice to the status and is in line with UNSC Resolution 1244 (1999) and ICJ Opinion on the declaration of independence.

³ UN General Assembly, A/RES/64/298, 13. October 2010.

⁴ Radio Televizija Vojvodine (RTV), Vučić: Nema bele zastave, nema priznavanja, 11. June 2020.

and over the years, the parties have moved away from the resolution. Despite these challenges, the EU has continued pursuing a similar strategy in the dialogue process. Since the dialogue is a complex and multifaceted process, the EU's approach led to the emergence of multiple narratives which complicated the process even more.

To effectively pursue the normalisation of relations, it is crucial to understand the reasons behind the development of these varying narratives by both sides. Hence, this research aims to uncover distinctive narratives among the stakeholders from Belgrade and Pristina, synthesise them, and categorise them to provide a basis for overcoming them. The overall goal of the research is to penetrate in the core of the normalisation problem. Only by understanding the diverging narratives can the EU hope to reconcile them in the future and adapt its facilitation strategy. For that purpose, interviews were used as the key method of obtaining information. Accordingly, drawing from the findings of the research and analysis, this paper will offer a set of recommendations for all three actors in the dialogue, namely the EU, Serbia and Kosovo, in order to improve the normalisation process and overcome existing challenges.

Following the desk research which preceded the field research, this study has preset five thematic topics as a baseline for qualitative research:

- 1. Current state of play in the Belgrade-Pristina dialogue;
- 2. Diverging narratives on the outcome of the normalisation process;
- 3. Agreement on the Path to Normalisation and the challenges ahead;
- 4. Association/Community of Serb-Majority Municipalities;
- 5. Ongoing tension in Kosovo and potential for conflict.

These five thematic areas are the key stumbling blocks in the Belgrade-Pristina dialogue that stand in the way of normalising relations between Kosovo and Serbia. Finding common language and solutions for the main problems within these five areas is a necessary step towards successfully completing the process of normalisation started by the EU in 2011. The EU's credibility and desire to become a relevant geopolitical player hinges upon this process. Therefore, this study aims to provide a way forward for peaceful and good neighbourly relations between Kosovo and Serbia, and a roadmap for the EU to boost its international and geopolitical standing.

II Research methodology

This research paper is based on a qualitative analysis of the data collected through 24 interviews conducted with relevant stakeholders from Belgrade, Pristina and North (Kosovska) Mitrovica, including both Kosovo Albanians and Kosovo Serbs. The author used semi-structured interviews to collect data from various perspectives. This means that all interviewees were posed with the same set of pre-determined open questions, while the interviewer used the interview to explore additional questions on the spot. Interviewees have been carefully selected in order to secure balanced representation, including political parties, government representatives, civil society, academia, and journalists. Interview questions covered various topics starting from the general assessment of the state of play in the Belgrade-Pristina dialogue, Association/Community of Serb Majority Municipalities, Agreement on the Path to Normalisation, Kosovo's membership in the Council of Europe and other international organisations, importance of various agreements for the normalisation process, role of Kosovo Serbs and potential for conflict.5

⁵ Full list of questions is provided in the Annex.

Two software programs were used for this paper. The author used Otter.ai, an Artificial Intelligence software, to transcribe the interviews. MAXQDA was used to systematise and map the key data collected through interviews. These enabled precise transcription, quality mapping, and categorisation of content, as well as a good basis for qualitative analysis. As part of the analysis, the author developed a mapping matrix for a better understanding of how different stakeholders perceive the dialogue in terms of its final outcome. All stakeholders' views are divided into four key narratives, mapped as part of the interview analysis. Afterwards, each of them is settled within one of four potential categories. The results of the mapping process are visually represented in Infographic 1. The identity of the interview participants is withheld, while only affiliation is displayed in the table and infographic (for instance, representative of the ruling party in Kosovo or civil society representative from Belgrade). The reason behind choosing anonymity is mainly because of the political sensitivity of such categorisation, but for the research itself, the identity of participants is not the focus.

This research enabled better insight into the main viewpoints of different stakeholders in the process. It included those who are directly involved in dialogue, i.e., government representatives, but also those who are directly affected and those who are closely monitoring the normalisation process. Interviews served as a tool for mapping key themes that burden the normalisation process, or more precisely, the Belgrade-Pristina dialogue. After a careful analysis of all interviews, five thematic areas have been mapped. Each of them is examined and analysed in this section.

III Main findings – Five thematic areas of the Belgrade-Pristina dialogue

The research has culminated in a multitude of findings arranged in groups, each of which corresponds to a thematic area of the Belgrade-Pristina dialogue. These findings provide a structured overview of the current state of the dialogue and the challenges it faces (3.1). It delves deeply into narratives of the normalisation outcome (3.2), maps them out and cross-references key stakeholders following key identified narratives. The findings of interviews reveal challenges in front of the Agreement on the Path to Normalisation (3.3), as well as in front of the Association/Community of Serb Majority Municipalities (3.4), which are analysed in two separate sections. Finally, the fifth thematic area analyses interview findings with regard to potential escalation between Kosovo and Serbia (3.5).

3.1 Dialogue in crisis - A unison stance

Various stakeholders in Serbia and Kosovo have described the current state of the Belgrade-Pristina dialogue using phrases such as "dead dialogue", "dialogue in a coma", "no dialogue", "denormalisation process", "unsatisfactory", "clinically dead dialogue", "factually dead process", "finished dialogue", "frozen status quo", "failed dialogue", "wasted opportunity", "dialogue in deadlock" and "deteriorated dialogue," among others. These descriptions convey a clear message about the normalisation process: the dialogue is in a deep crisis.

The EU-led dialogue between Kosovo and Serbia was initially assessed as very successful in the early years, however, at a later stage, the initial progress started declining leading to almost a complete stall. Its biggest achievement was in the first place to gather two sides on a negotiating table just three years after Kosovo unilaterally declared independence. This was followed by the First Agreement on Principles of Normalisation (Brussels agreement) and the subsequent integration of the Serbian community in the north of Kosovo into the political and legal system of Kosovo was a major milestone. The EU took the credit, and rightfully so. However, things started changing in 2018 with the introduction of 100% tariffs on the import of Serbian goods imposed by the then-Haradinaj government.⁶ With the arrival of Albin Kurti and Vetevendosje (Self-Determination Movement) to power, relations between Belgrade and Pristina continued to deteriorate. In this period, the enlargement fatigue of the EU reduced Serbia's commitment to the dialogue, while the lack of visa liberalisation for Kosovo frustrated the government and ordinary people in Pristina. It marked the beginning of unilateral actions, a lack of political will for negotiations and no commitment whatsoever to the implementation of previously reached agreements within the dialogue. These factors pushed the dialogue process into a crisis.

There is no dispute, neither in Belgrade nor in Pristina, that dialogue is in crisis. Stakeholders from civil society, government, and academia share a similar stance. According to Arber Fetahu, a civil society activist in Kosovo, the dialogue is "slightly dying", but there is a slight chance to wake it up. However, especially after the Banjska crisis or, better say, the Banjska attack, we could see that the progress was somehow stalled. Fetahu added that "in the eyes of the Serb community in Kosovo, the dialogue has ended unsuccessfully even before the Ohrid Agreement". A sceptical stance towards the dialogue could be heard from the high politi-

cal officials in Pristina as well. "The dialogue went through very difficult stages. But the actual stage in which we are finding ourselves is not the easiest for sure"9, said the Speaker of Kosovo Assembly. He added that the dialogue is in "a kind of deadlock already". 10 All the while, the same option is shared in Belgrade and North Mitrovica¹¹ within the Serb community. The dialogue is "just a formal process maintained due to the EU's mandate, but in essence, it is the dialogue without trilateral meetings, without agreement and without implementing on what was agreed".12 This is not an isolated opinion in Belgrade, on the contrary, government representatives are of the opinion that "there is no progress in the dialogue, state of play is getting worse"13 or "unsatisfactory".14 Considering the testimonies presented, the obvious conclusion is that there is a unison stance regarding the condition of the dialogue.

While different communities and representatives are concomitant when it comes to assessing the current state of play in the dialogue, there are diverging stances on why this is the case. One of the explanations is the structural problem in the dialogue, as seen by the expert and academic community in Pristina. "The first reason is a structural one, that the dialogue is an open-ended process, it has no clear goal." This refers to the fact that Polgrade and

This refers to the fact that Belgrade and Pristina have diametrically opposing views when it comes to the final outcome of the dialogue. On the other hand, the poor state of play of the dialogue is "the result of an accumulation of failures from the dialogue".¹⁶

⁶ BBC, Kosovo hits Serbia with 100% trade tariffs amid Interpol row, 21. November 2018.

⁷ Interview conducted with Arber Fetahu in April 2024.

⁸ Interview conducted with Milica Andrić Rakić in April 2024.

⁹ Interview conducted with Glauk Konjufca in April 2024. 10 Ibid, Konjufca.

¹¹ For Serbs, the full name of the city is Kosovska Mitrovica, while Pristina authorities refer to it only as "Mitrovica".

¹² Interview conducted with Stefan Surlić in September 2024.

¹³ Interview conducted with an anonymous representative of the Government of Serbia in September 2024.

¹⁴ Interview conducted with another anonymous representative of the Government of Serbia in September 2024.

¹⁵ Interview conducted with Mehdi Sejdiu in April 2024.

¹⁶ Interview conducted with Mehdi Sejdiu in April 2024.

This is related to another observation regarding the EU's Special Representative for the Dialogue, Miroslav Lajčak, who "missed the opportunity to control in a much better way the dialogue process and insist on the change of rhetoric and nationalistic narratives of Belgrade and Pristina". 17 One of the key reasons for current developments in the dialogue, from the point of view of the Kosovo government, is the state in the north of Kosovo, which "after 2000 became a machine for money laundering, while the EU turned a blind eve on criminal activities that in the meantime, after 2013, became closely intertwined with politics".18 Seeing different reasons for the current crisis by different actors only makes it more complex to navigate the dialogue and bring it back to the path of progress.

Views from Belgrade showcase further divergence when looking at reasons for the current crisis. Currently, there is no political will, neither in Pristina nor in Belgrade, to implement the agreements, as both sides have an interest in the process remaining stagnant.¹⁹ Political representatives of different opposition parties in Belgrade listed a number of reasons for the dialogue deadlock. There is doubt, mistrust, and insecurity between parties in the dialogue, which prevents reaching permanent solutions20. "Governments in Belgrade and Pristina use dialogue as a bargaining chip for many different developments that are on the agenda at a given moment."21 Additionally, electoral cycles on both sides affect parties in the dialogue, as bilateral relations are always a hot topic in public.²² The fact that each stakeholder in the process sees reasons for its crisis quite differently points out the high level of complexity and

depth of the crisis. Finally, none of them is wrong; on the contrary, most probably all of the enlisted causes work in synergy and in parallel, which ultimately leads to an impasse.

The current state of play of the dialogue has recorded a unison stance among all interviewees. This speaks in favour of the fact that the EU-led dialogue is in a deep crisis. However, there is no clear consensus among different stakeholders when it comes to the actual causes of the crisis. They range from the lack of political will, improper facilitation by the EU Special Representative, structural deficiencies, no clear end goal of the dialogue, and high levels of mistrust between chief negotiators accompanied by frequent electoral cycles and worsening bilateral relations. None of these are mutually exclusive and have probably been in synergy, leading to the current unsatisfactory state of play within the normalisation process.

3.2 Four distinctive narratives on the final outcome of the normalisation process

When it comes to the potential outcome avenues of the normalisation process, stances among different actors in the process start shifting. Depending on who is asked, four different narratives²³ regarding the final outcome of the normalisation can be observed. The first narrative is centred around the mutual recognition and international affirmation of Kosovo as an independent state. The second narrative relies primarily on the economic normalisation of relations followed by political normalisation, yet without de jure recognition by Serbia. The third narrative is situated somewhere in between the first two. It implies de facto recognition of Kosovo by Serbia accompa-

¹⁷ Interview conducted with Miodrag Milićević in April 2024.

¹⁸ Interview conducted with Nenad Rašić in April 2024.

¹⁹ Interview conducted with Ksenija Marković in October 2024.

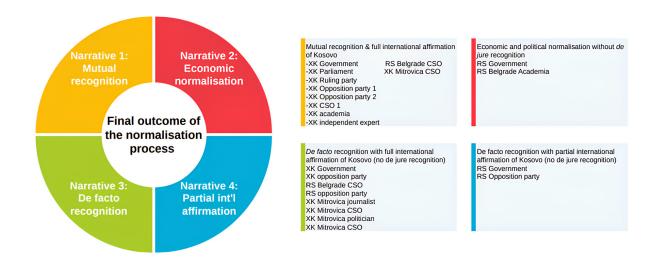
²⁰ Interview conducted with Aleksandar Ljubomirović in November 2024.

²¹ Interview conducted with Luka Petrović in October 2024. 22 Ibid, Petrović.

²³ Narrative refers to the specific perspective that a government constructs and communicates to explain, justify, or interpret its stance, actions, or outcomes in the bilateral negotiation. It is a structured way of presenting information that aligns with the government's strategic objectives, cultural values, and domestic political considerations.

nied by the full international affirmation of Kosovo, however, without *de jure* recognition. Finally, the fourth identified narrative includes *de facto* recognition of Kosovo's independence with only partial international affirmation (regional and EU integration, without UN membership).

of Kosovo's Assembly, and "as Mahatma Gandhi said, while you are not solving the core, setting the problem on the periphery won't improve bilateral relations". ²⁶



Infographic 1: Distribution of stakeholders across four narratives

3.2.1 Narrative 1: Mutual recognition and full international affirmation of Kosovo

The majority of stakeholders from Kosovo, excluding Kosovo Serbs, share the opinion that the final outcome of the Belgrade-Pristina dialogue should be mutual recognition and full international affirmation of Kosovo. When U.S. President Biden sent a letter²⁴ to President Vučić back in 2021, pointing out the mutual recognition between Serbia and Kosovo, the Kosovo government received this move with great satisfaction, considering that this is also the official stance in Pristina.²⁵ Recognition is a central question of the whole process, according to the Speaker

Recognition is an existential issue for Kosovo, and there will be no compromise on it. A similar stance is shared by members of the expert community and civil society representatives in Pristina. "The final idea of the comprehensive legally binding agreement is for Kosovo and Serbia to recognise each other and somehow restore the relationship between each other and enter a new phase of relationship".27 The process needs to end with an agreement on mutual recognition, which would open the doors for Kosovo's membership other international organisations.²⁸ "The final agreement for the Kosovo side means mutual recognition of independence, territorial integrity and friendly relations afterwards".29 Despite all difficulties and

²⁴ Orlando Crowcroft, President Joe Biden says 'mutual recognition' key to Kosovo, Serbia talks, Euronews, 20. April, 2021.

²⁵ Interview conducted with Glauk Konjufca in April 2024.

²⁶ Ibid, Konjufca.

²⁷ Interview conducted with Arber Fetahu in April 2024.

²⁸ Interview conducted with Visar Ymeri in April 2024.

²⁹ Interview conducted with Mehdi Sejdiu in April 2024.

opposing stances in Belgrade, key Kosovan political actors are firm in their stance that the only possible outcome of the dialogue is mutual recognition.

Representatives of opposition political parties in Kosovo also believe that recognition of Kosovo's independence by Serbia is a goal of the normalisation of relations. "I think that finishing or agreeing on the full normalisation of relations between Kosovo and Serbia, which in my mind includes, if not, the sort of outright recognition by Serbia, then agreeing on the process to recognising is a cornerstone of addressing all issues".30 Other opposition leaders in Pristina argue in the similar tone: "it should be a general agreement on which both countries recognise each other, directly or indirectly".31 More importantly, they point out key arguments for the recognition: "I think that for Kosovo and Serbia, the mutual recognition should happen for the sake of the children of our children, otherwise, we will just lose time."32

When it comes to Kosovo politicians, the only difference regarding the normalisation outcome is when the recognition should happen. While the ruling party expects immediate or short-term recognition, the opposition is aware that it may be too ambitious to expect outright recognition at this moment. Despite the slight differences, all Albanian political actors in Kosovo agree that mutual recognition is a central point of the dialogue process. Although this narrative is predominantly present among Kosovo Albanians, some Serbs, both in Kosovo and in Belgrade, also believe that the recognition of Kosovo's independence is a goal of the normalisation process.

3.2.2 Narrative 2: Economic and political normalisation without de jure recognition

The Serbian government is open to talking about everything in the dialogue except for the recognition of Kosovo's independence. According to a Serb official who spoke under the condition of anonymity, "the primary goal of the dialogue is to stimulate the return of Serbs to Kosovo and their inclusion in the work of institutions".33 Mutual recognition is not a desirable outcome of negotiations. Instead, Serbia should focus on financing return of Serbs to Kosovo as part of normalisation.³⁴ The highest political representatives in Belgrade have often stated that Serbia will never recognise Kosovo, that recognition is a red line, etc.³⁵ Normalisation should focus on the free movement of people, business cooperation, addressing technical issues, etc. This is summed up in the 2020 Washington Agreement36 which is often characterised as an economic one, avoiding sensitive political and status questions. Thus, from this point of view, Serbia sees the dialogue as an opportunity to strengthen its own position and pursue national interests, avoiding at all costs the recognition of Kosovo's independence. With Donald Trump winning another presidential mandate, there is a potential that this narrative will be brought back to life with the new administration in Washington. This might deepen the crisis of the EU-led dialogue and open a parallel process by the US and even withdrawal from the Ohrid Agreement.

Normalisation should focus on the free movement of people, business cooperation, addressing technical issues, etc. This is summed up in the 2020 Washington Agreement which is often characterised as an economic one, avoiding sensitive political and status questions.

³⁰ Interview conducted with Bernard Nikaj in April 2024. 31 Interview conducted with Jehona Lushaku in April 2024. 32 Ibid, Lushaku.

³³ Interview conducted with an anonymous representative of the Government of Serbia in September 2024.

³⁴ Interview conducted with another anonymous representative of the Government of Serbia in September 2024.

³⁵ See for instance: N1, Vučević: Nikada nećemo priznati Kosovo, makar nas tamo nijedan ne ostane, 31. January 2024. or Radio Slobodna Evropa, Vučić rekao da neće biti "ni faktičkog ni de jure" priznanja Kosova, 11. March 2023.

³⁶ The President of the Republic of Serbia, Agreement on normalisation of economic relations, 04. September 2020

The EU was never clear on what was the goal of the normalisation of relations between Kosovo and Serbia. "Whether it is a formal recognition, recognition of the existence of something that is called "The Republic of Kosovo", or something third, it remained for us to guess"

Some elements of the Kosovo Serb community share the vision of normalisation without recognition of Kosovo's independence. Since Kosovo Serbs became aware that there would be no Association/Community of Serb-Majority Municipalities (A/CSM) or that the competences of this Community would be very limited, their stance is that there should not be recognition of Kosovo's independence, as the Community was a cornerstone of the normalisation set back in 2013.37 The EU was never clear on what was the goal of the normalisation of relations between Kosovo and Serbia. "Whether it is a formal recognition, recognition of the existence of something that is called "The Republic of Kosovo", or something third, it remained for us to guess".38 In any case, it seems like Kosovo Serbs are inclining more towards normalisation without recognition, driven primarily by the antagonistic and escalatory measures taken currently by the Kosovo government.

3.2.3 De facto recognition with full international affirmation of Kosovo, without de jure recognition

When visiting Belgrade in June 2022, German Chancellor Olaf Scholz, for the first time, directly stated that Germany expects recognition of Kosovo by Serbia.39 A year later, in October 2023, in a joint statement, Scholz, together with Italian Prime Minister Georgia Meloni and French President Emmanuel Macron, called Serbia to de facto recognise Kosovo.40 This joint statement officially introduced the notion of de facto recognition. The European Commission President, Ursula von der Layen, repeated this message, explaining that de facto recognition represents the implementation of the Ohrid Agreement.41 Since then, there have been many interpretations of what de facto recognition essentially means as it was supported by main European political leaders. However, it has been without clear explanation.

If one carefully analyses the letter of the Ohrid Agreement, this scenario is the closest to the Agreement, which envisages functional recognition of Kosovo.

³⁷ Interview conducted with Milija Biševac in April 2024. 38 Interview conducted with Miodrag Milićević in April 2024.

³⁹ Slobodan Maričić and Aleksandar Miladinović, Olaf Šolc u Beogradu: Priznanje Kosova nemački uslov za ulazak Srbije u EU, predsednik Vučić tvrdi da to "čuje prvi put", BBC News na srpskom, 10. June 2022.

⁴⁰ European Western Balkans, Macron, Scholz and Meloni call Kosovo to launch establishment of ASM and Serbia to deliver on de-facto recognition, 27. October 2023

⁴¹ Radio Slobna Evropa, Lajen u Beogradu: Sprovođenje Ohridskog sporazuma je de facto priznanje Kosova, 31. October 2023.

Although there are various opinions, key elements of this scenario that most agree on are the recognition of Kosovo as a separate political and legal entity, tand subsequent recognition of its documents and symbols, recognition of Kosovo's territorial integrity and right for international representation. However, formal or de jure recognition is not part of this narrative due to various reasons. "The final outcome is, in essence, that Serbia and Kosovo have relations that look alike as relations of the states in all, except in looking for a formulation that in the eyes of Serbia will make it acceptable. Since Serbia cannot explicitly recognise Kosovo, even formulations which are some sort of an implicit recognition, Serbia tries not to interpret it in that way".42 Other stakeholders coined the term "functional" or "silent" recognition for this scenario, where everything but formal recognition is present.⁴³ They insist that "explicit recognition of Kosovo would be political suicide for any politician in Serbia", which is why they deem it impossible to happen.⁴⁴ Given such circumstances, stakeholders believe that there is a need to strive towards a middle solution, which should include territorial autonomy for Serbs in Kosovo, while recognition and membership of Kosovo in international organisations should depend on Belgrade's negotiation skills.45 If one carefully analyses the letter of the Ohrid Agreement, this scenario is the closest to the Agreement, which envisages functional recognition⁴⁶ of Kosovo.

3.2.4. De facto recognition with partial international affirmation of Kosovo, without de jure recognition

This scenario or narrative represents a maximalist approach to the dialogue from the point of view of Belgrade without abandoning the Ohrid Agreement. In this scenario, Serbia de facto recognises Kosovo as a state, as per the *Ohrid Agreement*, which allows only partial international affirmation of Kosovo. Multiple stakeholders from Belgrade share this stance, as it would enable Serbia to progress towards membership in the EU without necessarily formally recognising Kosovo's independence. Moreover, red lines such as Kosovo's membership in the UN would not be crossed. Membership in the UN is often in Serbian public equated with recognition of Kosovo's independence, while membership in regional and European organisations is part of already signed and accepted agreements within the dialogue. That is why this scenario is appealing to many in Belgrade.

This scenario represents a slight deviation from the 2023 Ohrid Agreement, as it clearly envisions membership of Kosovo in all international organisations. However, the Serbian side often points out the lack of formal signing of the Agreement and the verbal reservations of officials in Belgrade regarding Kosovo's potential membership in international organisations.⁴⁷ In this scenario, Serbia would maximise possibilities for territorial autonomy reflected in A/CSM while at the same time minimising the potential for international affirmation of Kosovo, both provided in the Ohrid Agreement.48 "The final outcome of the normalisation process should be full and successful enforcement

⁴² Interview conducted with Marko Savković in September 2024.

⁴³ Interview conducted with Ramadan Illazi in April 2024.

⁴⁴ Interview conducted with Ana Marija Ivković in April 2024.

⁴⁵ Interview conducted with Luka Petrović in October 2024.

⁴⁶ Functional recognition would include the following elements: mutual recognition of national symbols, respect for territorial integrity and sovereignty, good-neighbourly relations, international representation of Kosovo in all international organisations, continued EU-led dialogue and deepening cooperation in the future, protection of human and minority rights, including appropriate level of self-management for the Serbian community in Kosovo, establishment of permanent missions, and refrain from blocking each other's EU membership.

⁴⁷ Miloš Pavković & Stefan Vladisavljev, Key Challenges for Serbia in the Implementation of the Normalisation Agreement and How to Overcome Them, National Convention on the European Union Working Group for Chapter 35, 2023.

⁴⁸ It will be hard to circumvent this part regarding the UN of the Ohrid Agreement, but these red lines could be part of behind-the-door arrangement and some sort of a gentleman's agreement.

of the Community of Serbian Municipalities, realisation of all special rights for Serbian community in Kosovo, and, in return, membership of Kosovo in some international organisations".49 When it comes to partial international affirmation, there is no clear consensus among stakeholders who support this scenario on which organisations are acceptable for Kosovo to join. There is unanimity that Kosovo cannot join the UN or its affiliated organisations and agencies. On the other hand, membership of Kosovo in regional European organisations can be accepted. In that sense, the EU, Council of Europe, CEFTA, or other organisations in which Kosovo already participates are organisations interpreted as part of this narrative of normalisation.

3.3 Agreement on the Path to Normalisation – Legally binding yet unimplemented in reality

The Agreement on the Path to Normalisation Between Kosovo and Serbia⁵⁰⁵¹ and its Implementation Annex,⁵² reached in early 2023, represent an important milestone in the Belgrade-Pristina dialogue and Kosovo-Serbia relations, as well as their relationship with the EU. It is often compared with the Brussels Agreement⁵³ from 2013 in the sense of its importance for the normalisation process. Although there is no consensus on whether the Ohrid Agreement has been successful so far, focusing narrowly on its articles, the 2023 agreement overcomes the

one from 2013 as it potentially opens the status question.⁵⁴ However, interviews with all stakeholders reveal that challenges arising from the 2023 *Ohrid Agreement* include issues about whether the Agreement is legally binding and whether it is going to be implemented.

The first question arising when discussing the Ohrid Agreement is whether it is legally binding for both parties. This question is present as Serbian officials expressed reservations about the Agreement and especially some of its articles.⁵⁵ On the other hand, the Kosovo government is firm in its stance that the Association/Community of Serbian Majority Municipalities is not in line with the Constitution, and thus, it will not be formed.⁵⁶ These opposing stances and reluctance from both Belgrade and Pristina to implement the 2023 Ohrid Agreement in good faith have caused concern and differing opinions when it comes to the sustainability of the Agreement. The comprehensive legally binding agreement "means that you avoid all obstacles and challenges to its implementation", considers one of the stakeholders from Kosovo.⁵⁷ A similar interpretation can also be seen in Belgrade. The Ohrid Agreement is an "agreement which regulates all questions between the two sides, and which has clear consequences in the case of the sides not respecting it."58 Although the "Ohrid Agreement may, in theory, fulfil all the elements of the comprehensive legally binding agreement, the situation on the ground shows that both sides are far away from put-

⁴⁹ Interview conducted with Stefan Surlić in September

⁵⁰ EEAS, Agreement on the path to normalisation between Kosovo and Serbia, 27. February 2023.

⁵¹ This document is often referred to as the "Ohrid Agreement", "Normalisation Agreement", "Basic Agreement", and even the "Second Brussels Agreement". In this paper, the Ohrid Agreement is used to refer to the document.

⁵² EEAS, Implementation Annex to the Agreement on the Path to Normalisation of Relations between Kosovo and Serbia, 18. March 2023.

⁵³ Government of Serbia, First Agreement of Principles Governing the Normalization of Relations, 2013.

⁵⁴ Miloš Pavković, Reading between the lines of the EU-facilitated deal between Kosovo and Serbia, Sbunker, 02. May 2023.

⁵⁵ See more at: Miloš Pavković and Stefan Vladisavljev, Key Challenges for Serbia in the Implementation of the Normalisation Agreement and How to Overcome Them, National Convention on the European Union, Working Group for Chapter 35, 2023.

⁵⁶ Al Jazeera Balkans, Kurti: Formiranje zajednice srpskih opština nije moguće, 01. February 2023.

⁵⁷ Interview conducted with Visar Xhambazi in April 2024.

⁵⁸ Interview conducted with an anonymous representative of the Government of Serbia in September 2024.

ting the Agreement into effect".⁵⁹ Considering the passage of time since the Agreement was reached and the lack of implementation of its key provisions for an extended period, even its binding nature may be brought into question.

Although all sides agree that the Ohrid Agreement is legally binding, most also agree that it has not been implemented yet. The sole fact that the agreement is reached should by itself mean that it is binding.⁶⁰ Additionally, the EU has changed its Negotiating Position with Serbia, officially including the *Ohrid Agreement* in Chapter 35 for Serbia. 6162 The Agreement and the period following its conclusiond can be described as "a process used by the politicians in order to postpone tangible results", and it is a result of the lack of political will "to achieve concrete things".63 Political leadership in Pristina and Belgrade are not ready to take on the commitments outlined in the Ohrid Agreement and the Implementation Annex. "My understanding is that it is impossible to have normalisation in the right direction with the current governments of Kosovo and Serbia".64 While Kosovo is not ready to establish an A/CSM and provide an appropriate level of self-management for the Serbian community, as envisioned by the Brussels (2013) and Ohrid (2023) agreements, Serbia continues to block Kosovo's membership in international organisations. By doing this, parties are in breach of Article 7 and Article 4 of the *Ohrid Agreement*,65 producing a vicious circle of mutual distrust and backsliding in the dialogue.

Finally, a pertinent issue that stakeholders recognised in the *Ohrid Agreement* is the continued use of the "constructive ambiguity" approach by the EU. Although to a lesser extent than in previous agreements, the EU still has not abandoned this principle. "It was, so to speak, a forced agreement that, according to my information, was initially conceived as an integral text, but eventually underwent a significantly revised final version. That version represented a kind of necessary compromise in order to reach some sort of agreement at that moment".66 The best example is the term used to depict the obligation of Kosovo to provide some sort of autonomy for the Serbian community. "Appropriate level of self-management"67 leaves a lot of space for interpretation. This term was a result of the creativity of the EU Special Representative for the Belgrade-Pristina Dialogue as a facilitator, but comparatively, it is not present in similar cases around the world.⁶⁸ Therefore, it has the potential to cause more problems for implementation in the future since two sides may have, and probably will have, different interpretations of what is the appropriate level of self-management for Serbs in Kosovo.

3.4 Association/Community of Serb Municipalities – A way forward or a stumbling block?

Association/Community of Serbian Majority Municipalities (A/CSM)⁶⁹ represents a power-sharing mechanism built on the Assembly of Community of Municipalities of the Autonomous Province of Kosovo and Metohi-

⁵⁹ Interview conducted with Aleksandar Ljubomirović in November 2024.

⁶⁰ Interview conducted with Miodrag Milićević in April 2024.

⁶¹ Ibid, Milićević.

⁶² European Western Balkans, Chapter 35 in Serbia's EU accession process is being amended based on the Ohrid Agreement, 29. February 2024.

⁶³ Interview conducted with Jehona Lushaku in April 2024.

⁶⁴ Interview conducted with Ramadan Illazi in April 2024. 65 See: EEAS, Agreement on the path to normalisation between Kosovo and Serbia, 27. February 2023.

⁶⁶ Interview conducted with Miodrag Milićević in April 2024.

⁶⁷ EEAS, Agreement on the path to normalisation between Kosovo and Serbia, 27. February 2023, Article 7.

⁶⁸ Interview conducted with Miodrag Milićević in April 2024.

⁶⁹ There is a dispute regarding the name: the Serbian side favours the Community (srb. Zajednica), while the Kosovo side insists on Association. The dispute is a result of the constructive ambiguity that the EU used during the drafting of the First Agreement on Principles Governing the Normalisation of Relations (2013).

ia that existed from 2008 until 2013.70 After signing the Brussels Agreement (2013), this Assembly was disbanded, as the Agreement envisaged the establishment of the A/ CSM in ten municipalities where Serbs represented the majority of the population. In 2015, another agreement was reached that outlined the competences and responsibilities of A/CSM in more detail.⁷¹ However, the Constitutional Court of Kosovo has declared this agreement unconstitutional, thus delaying the establishment of A/CSM.⁷² Finally, the 2023 Ohrid Agreement repeated the necessity of providing self-management for the Serb community in Kosovo and the implementation of all previously reached agreements.

A/CSM is the most sensitive topic, yet the most important issue of the whole normalisation process between Kosovo and Serbia. Back in 2013, the promise of the A/CSM was a central point of the *Brussels Agreement*⁷³ and integration of the Serbian community and Serbian-run institutions in Kosovo's political and legal system. Over the years, different Kosovo governments have been hesitant to establish A/CSM, thus creating a fear of a new "Republika Srpska" in Kosovo and a threat to its functionality. Thus, this section aims to explore the views of different stakeholders regarding the question of A/CSM.

A/CSM is problematic for stakeholders in Pristina due to various reasons. "The Association of Serb Majority Municipalities is the most important point of contention".⁷⁴ The official stance of the Kosovo government is that firstly, Serbia needs to recognise Kosovo as an independent state, after which A/CSM can be established. "I don't think that it's

A/CSM is the most sensitive topic, yet the most important issue of the whole normalisation process between Kosovo and Serbia.

going to be established without being convinced or hearing from Serbian politicians that Kosovo exists, that Serbia has to come to terms with the reality that Kosovo was lost".75 Often, the legality of A/CSM as a monoethnic structure is questioned.⁷⁶ This concern is shared by representatives of opposition parties in Kosovo as well: "One element is very risky if you build a pure structure based on ethnicity".77 This is the case mostly due to the verdict of the Constitutional Court from 2015,⁷⁸ which declared that some parts of the Agreement on General Principles/Main Elements of A/CSM⁷⁹ are not in line with Kosovo's Constitution. Finally, A/CSM "somehow makes the governing of Kosova more difficult as it builds more layers of governance, and this can complicate the functionality of the country".80 It is evident that the political elite in Kosovo is not ready to move towards providing autonomy for the Serbian community.

On the other side, A/CSM is conditio sine qua non for the integration of the Serbian community in Kosovo and for Belgrade to engage constructively in the dialogue. However, for integration of the Serbian community, the first step would be for them to return to Kosovo institutions as Serbs withdraw in November 2022. Serbian political representatives are of the opinion that the condition for return in institutions is clear: "It is the Community [of Serbian Majority Municipalities] and all other concessions guaranteed but not respected". Political actors in Belgrade also see the A/CSM as a central part of the solu-

^{70 &}quot;Sl. glasnik RS", br. 114/2008, Statut skupštine zajednica opština Autonomne pokrajine Kosovo i Metohija, 2008.

⁷¹ Kancelarija za Kosovo i Metohiju, Vlada Republike Srbije, Asocijacija/Zajednica opština sa većinskim srpskim stanovništvom na Kosovu – opšti principi/glavni elementi, 2015.

⁷² Ustavni sud Kosova, Presuda u slučaju br. K0130/15, 2015.

⁷³ Government of Serbia, First Agreement of Principles Governing the Normalization of Relations, 2013.

⁷⁴ Interview conducted with Visar Xhambazi in April 2024.

⁷⁵ Interview conducted with Glauk Konjufca in April 2024.

⁷⁶ Interview conducted with Nenad Rašić in April 2024.

⁷⁷ Interview conducted with Jehona Lushaku in April 2024.
78 Constitutional Court of Kosovo, Judgement in Case No.

⁷⁸ Constitutional Court of Kosovo, Judgement in Case No. K0130/15, 23. December 2015.

⁷⁹ Government of Serbia, Association/Community of Serb majority municipalities in Kosovo – general principles/main elements, 2015.

⁸⁰ Interview conducted with Jehona Lushaku in April 2024.

⁸¹ Predrag Vujić, Srbija i Kosovo: Srbi se povukli iz svih institucija, policajci poskidali uniforme, EU poziva na razum, BBC na srpskom, 5 November 2022.

⁸² Interview conducted with Milija Biševac in April 2024.

tion but also point out to the powers of future A/CSM. "If we are looking for a compromise solution, serious reforms of the political system in Kosovo would be required."83 At the very least, A/CSM must be formed, but what will be the responsibilities of such a community is also important. "We should not run away from solutions that would include territorial autonomy as these are not things that are unknown in comparative practice when we have communities that are deeply divided along ethnic lines."84 However, with the current government in Pristina, it is very hard to expect the formation of A/ CSM. "Prime-Minister Kurti wishes A/CSM which would represent a 'copy-paste' of the Joint Council of Municipalities (Serbian Zajedničko vijeće opština) in Croatia, which is a set of beautiful regulations and rights that, in practice, mean nothing and are worthless because there are no Serbs who will implement them."85 Therefore, when talking about the A/CSM, there are two key issues. The first one is its establishment, however, the second one is its competences, or more precisely, the level of autonomy of the Serbian community in Kosovo.

All the while, political options in Belgrade are uncertain as to whether A/CSM will ever be created. "Having in mind the fact that A/CSM has not been established for so long, it raises a question of whether A/CSM is an adequate solution". 86 On the other hand, the view from Mitrovica is that "without executive competences, A/CSM does not represent anything". 87 But at the same time, Serbs in Mitrovica are sceptical when it comes to the formation of A/CSM. "I really don't see any way that anyone in the Kosovo government, not Kurti, but anyone, whoever is at the head

of that government, will allow the A/CSM to have some kind of executive powers."88 This creates an odd or, to say, impossible situation where A/CSM is at the same time necessary for the process to move forward, but at the same time is a stumbling block.

3.5 Where is the escalation leading – Is there room for concern?

The Banjska incident that occurred in September 2023 was a stark warning to Belgrade, Pristina, and the international community of how quickly things can escalate. Unresolved sensitive political issues, accompanied by nationalistic rhetoric and actions from Pristina, resulted in an armed group clashing with the Kosovo Police in the north of Kosovo, leaving four persons dead—one police officer and three Serbs..⁸⁹ This development raises the question of how much escalation Serbia and Kosovo can bear, and is there room for concern that another Banjska or a conflict of a bigger scale might happen?

There are diverging opinions when it comes to the potential for conflict. According to experts from Belgrade, Serbia does not want a conflict. The main reason lies in the fact that any conflict in Kosovo would not only be a conflict with the Kosovo security forces but also with NATO. Despite the fact that the Serbian government is often reckless, "it is smart enough not to enter such an adventure". Although this type of solution is not on the agenda of the Serbian government, it should not be completely dismissed, as these things are unpredictable. Pristina

⁸³ Interview conducted with Luka Petrović in October

⁸⁴ Interview conducted with Luka Petrović in October 2024.

⁸⁵ Interview conducted with anonymous representative of the international mission in Pristina in September 2024.

⁸⁶ Interview conducted with Ksenija Marković in October

⁸⁷ Interview conducted with Ana Marija Ivković in April 2024.

⁸⁸ Ibid, Ivković.

⁸⁹ Radina Gigova, Josh Pennington, Eve Brennan and Alex Stambaugh, Kosovo police kill at least 3 armed attackers during hours-long standoff, CNN, 25. September 2023.

⁹⁰ Interview conducted with Marko Savković in September 2024.

⁹¹ Interview conducted with Glauk Konjufca in April 2024.

⁹² Ibid, Petrović.

⁹³ Ibid, Petrović.

are also of the opinion that the "concern is always there".94 On the other hand, there are those who think that "Serbia has learned a lesson not to go to war against NATO once again".95 "Potential for armed conflict is limited as both sides, but especially Serbia, are aware of consequences of starting a conflict",96 concludes the interlocutor from Belgrade. On the other hand, by building police and military bases in the north of Kosovo, the Pristina government is sending the message that it is preparing for an inevitable conflict.97 Additionally, a terrorist attack on the Ibar-Lepenac canal98 in November 2024 has once again destabilised the fragile security situation in the north of Kosovo. Despite the "lesson learned" argument and refraining from escalating conflict, the current security situation is unsustainable. The small and limited incidents, if multiplied, represent a slow-burning conflict and have the potential to lead to escalation if left unaddressed.

There is room for concern, as parties might start a limited armed conflict to change the reality on the ground. A considerable number of stakeholders do not dismiss this option or even assess it as highly likely.⁹⁹ Political representatives of the Serbian community in Kosovo interpret Pristina's unilateral and escalatory measures as perfect for setting the stage for conflict.¹⁰⁰ "If Serbia and Kosovo continue on this path, with the same actors and same tactics, I am afraid that both will find a common compromising solution which is some variant of limited conflict."¹⁰¹

There is a potential for conflict, "but if it happens, it means that the majority of actors present on the ground wanted it due to higher, geopolitical reasons",102 is another interpretation from a university professor from Belgrade. The high official from Pristina believes that the potential for tension is high across the region, not only in Kosovo but in Bosnia and Herzegovina and Montenegro as well.103 What needs to be kept in sight is that "the division of Kosovo, or redefining borders, is the most clearly communicated goal of Serbia so far". 104 However, for this to happen, "the great security escalation on the ground is a necessary precondition which eventually leads to border adjustment, which is by time passing accepted by the West".105 These stances should serve as a warning for political actors, especially keeping in mind the recent history of the Balkans and how easily conflicts can start.

Conclusion

According to this research, key issues regarding the Belgrade-Pristina dialogue facilitated by the EU were the crisis of the dialogue and normalisation process, as well as different understandings of the process's outcome, the establishment of an Association/Community of Serb Majority Municipalities, the lack of implementation of the *Agreement on the Path to Normalisation*, and the considerable potential for conflict in Kosovo. This analysis revealed weak spots in the process and tried to find causes and solutions to identified challenges.

One of the central points of the research was the identification of different narratives on

⁹⁴ Interview conducted with Visar Ymeri in April 2024.

⁹⁵ Interview conducted with Bernard Nikaj in April 2024. 96 Interview conducted with an anonymous civil society

representative from Belgrade in October 2024. 97 Kosovo Online, New police stations in the north: Does it smell like 'rain or a storm'?, 15. October 2024.

⁹⁸ N1, US Ambassador: FBI investigating terrorist attack on lbar-Lepenac canal, 21. December 2024.

⁹⁹ See: Besar Gergi, The Quiet Power Broker: China in Serbia and Its Effect in the Dialogue with Kosova, Group for Legal and Political Studies (GLPS), Policy Analysis, No. 08/2024, December 2024, pp. 22-24

¹⁰⁰ Interview conducted with Milija Biševac in April 2024. 101 Interview conducted with Ksenija Marković in October 2024.

¹⁰² Interview conducted with Stefan Surlić in September 2024.

¹⁰³ Interview conducted with Glauk Konjufca in April 2024.

¹⁰⁴ Interview conducted with Milica Andrić Rakić in April

¹⁰⁵ Ibid, Andrić Rakić.

the final outcome of the normalisation process. Based on the findings and analysis of interviews, four diverging narratives have been established. The first narrative, centred around mutual recognition and full international affirmation of Kosovo, is mostly present among politicians and experts in Pristina, though it is shared by a small number of actors in Kosovska Mitrovica and Belgrade. The second narrative is based exclusively on economic normalisation with political aspects, without opening the status question. It is mostly present in Belgrade, promoted by the government and some opposition politicians and experts. The third narrative can be described as functional recognition, which includes Serbia's de facto recognition of Kosovo, and is closest to the 2023 Ohrid Agreement. It is supported mostly by representatives of the Serb community in Mitrovica but has significant support in Belgrade and Pristina as well. Finally, the fourth narrative provides for de facto recognition with a limited international affirmation of Kosovo, which is supported by several stakeholders in Belgrade in the government and in the opposition. The narratives of land swap, division of Kosovo or reintegration of Kosovo back to Serbia were marginally represented among stakeholders.

This research discussed a series of challenges and shortcomings in the Belgrade-Pristina dialogue. At the same time, it showed that the EU has taken over a very sensitive and problematic issue. Despite the EU's undeniable mistakes and failures, it is important to acknowledge its role in maintaining the normalisation discourse over a period of 13 years, as well as certain milestones that it has reached. At the same time, the EU was and is still evolving, with the aim of positioning itself as an important foreign policy and geopolitical player. If the EU succeeds in normalising relations between Kosovo and Serbia and integrating both as its members, it will undoubtedly open the door to being recognised as an important geopolitical player.

Recommendations

The normalisation dialogue between Serbia and Kosovo is a complex process, and the analysis above confirms it. In that context, with the aim to improve the normalisation process and offer concrete guidelines to three key stakeholders, namely the EU, the government in Belgrade and the government in Pristina, the last section provides actionable recommendations for future actions of all key stakeholders. This section builds upon the authors' analysis of the findings in the previous sections and on direct proposals by interviewees.

5.1. Recommendations for the EU

Bearing in mind the EU's role as facilitator of the Belgrade-Pristina dialogue, according to the 2010 Resolution of the UN General Assembly and all identified challenges, there is room for the EU to improve in this role on multiple fronts. Firstly, although the EU is mandated as a facilitator, in practice, the EEAS has been timidly stepping out of this role in an attempt to become a mediator.106 Mediation involves a more directive role where the mediator actively helps shape the negotiations, addresses root causes, and ensures the inclusion of relevant stakeholders. 107 On the other hand, facilitation is based on providing a venue and third-party assistance to support the communication between conflict parties.¹⁰⁸ Drafting and proposing the Statute of the ASM for which Belgrade and Pristina were unable to strike a deal represents an example of good prac-

¹⁰⁶ For a more detailed distinction between the roles of facilitator and mediator please check: Ramadan Illazi et al., *Policy Options and Analysis on Central Issues of Concern in Kosovo-Serbia Dispute Resolution*, The Joint Civil Society Mechanism for Normalization, September 2024, p. 28.

¹⁰⁷ Council of the European Union, EU Concept on Mediation, 13951/20, 11. December 2020.

tice in how the EU can step up from facilitating to moderating dialogue. With this in mind, the first recommendation for the EU would be to **take a proactive approach towards the parties in the dialogue** and elevate its role from facilitator, which was more passive, to mediator. It should do this by proposing concrete solutions and holding parties accountable. This may prove to be crucial for breaking the current impasse in the dialogue.

Secondly, the incoming EUSR, Peter Sørensen, will need a strong support of the EU Council, Commission, European Parliament and the EU member states. An undisputed support for his facilitation within the EU needs to translate into Sørensen's strong authority in Belgrade and Pristina - something that was lacking in the case of Miroslav Lajčak. Furthermore, the new EUSR should involve the High Representative for Foreign Affairs more directly in the dialogue process in order to secure continued progress and implementation of obligations by the parties in the dialogue. Prior to appointment of Lajčak as EUSR, the High Representative of the EU was directly in charge of facilitating the Belgrade-Pristina dialogue. HR/VP Catherine Ashton and Federica Mogherini directly facilitated the dialogue reaching and implementing milestone agreements. Since direct involvement of HR/VP Borell was often lacking or was very limited, this was a key challenge of the EU's facilitation role in previous years. The new EUSR and HR/VP should avoid repeating the same mistakes and work more closely on this issue.

Thirdly, the return of Donald Trump to the White House may pose a challenge to the mediator role of the EU in the case of Kosovo and Serbia. Given the tendency of the previous Trump administration to open paral-

lel processes with Belgrade and Pristina¹⁰⁹, it would be a smart and necessary move for the EEAS to **engage early on with the new American administration regarding Kosovo-Serbia normalisation**. This way, the EU needs to prevent the creation of a new parallel process and coordinate activities, aims, and results of the Belgrade-Pristina dialogue with Washington.

Fourthly, considering the lack of commitment of Belgrade and Pristina and the crisis of dialogue over an extended period of time, the EU should develop instruments and mechanisms for stimulating dialogue and awarding progress. This step can be concretised through establishing a special investment and financial support package for joint projects of the Parties in economic development, connectivity, green transition and other key areas as envisioned by Article 9 of the *Ohrid Agreement*. Having the instrument operational is a much better stimulation than an agreement provision, which can easily become a dead letter. On the other hand, when there is stimulation, there should be a sanction as well. Therefore, the EU should also develop a clear tool for addressing any violations, such as suspension of financial support from the Reform and Growth Facility in line with Article 5.110

Finally, the EU and the EUSR have often been criticised by both Belgrade and Pristina for being biased, unfair and too strict towards one side. In order to avoid such accusations, the EU should increase the Dialogue monitoring transparency. More concretely, the EEAS and the EUSR need to start the practice of publishing the annual report

¹⁰⁹ In 2020, Serbian President Vučić and Kosovo Prime Minister Hoti signed the Agreement on normalisation of economic relations, also known as the Washington Agreement. Negotiations and the Agreement itself were largely done without the knowledge and consultation of the EU, which caused a rift between Brussels and Washington and opened a space for the crisis in the dialogue that has not been overcome since then.

¹¹⁰ European Parliament and Council, REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing the Reform and Growth Facility for the Western Balkans, 2023/0397(COD)

by the Joint Monitoring Committee (JMC) established in 2023 as per the *Implementa*tion Annex.111 Since its establishment, JMC has been largely inactive, and there is no evidence of any meetings held. All the while, none of the interviewed interlocutors within this research were familiar with JMC's work. The Monitoring Committee needs to clearly point out in its regular reports what progress has been made by each side in the dialogue and clearly state if one or both sides are behaving contrary to established principles. Using contributions from civil society organisations can prove useful in drafting well balanced and objective reports and improving monitoring transparency.

5.2 Recommendations for Serbia

The Serbian Government, or more precisely, the Office for Kosovo and Metohija, is the main contact point and policy creator when it comes to all issues in the Belgrade-Pristina dialogue, Serbian-run institutions, and Serbian citizens living in Kosovo. Having that in mind, as well as the results of this research, a set of recommendations are laid out for the Serbian Government with the aim of making progress in the dialogue and preserving Serbian interests.

First, the Serbian government has not adopted a coherent strategy or policy document for Kosovo in the last couple of decades. ¹¹² On the contrary, the Office for Kosovo and Metohija (as well as the Ministry for Kosovo and Metohija previously), reacts *ad hoc* depending on the situation on the ground. Developments in Kosovo in the last decades have often been very dynamic, making it hard to prepare any meaningful strategy,

Second, bearing in mind that Serbia does not exercise any control in Kosovo, in order to fulfil its objectives primarily concerning remaining Serbs living on this territory, as well as Serbian cultural heritage, Serbia needs to improve its standing and relationship with international civilian and military missions in Kosovo. The aim of the Serbian government should be to make arrangements to send permanent representatives to the headquarters of relevant missions in Pristina and maintain continued communication. Then, indirectly, through these missions, Serbia can support its citizens residing in Kosovo. Alternatively, Serbian Liaison Officer in Pristina could be used to more actively engage with international

but the aim should be to enter a more predictable stage of relations. Therefore, the Government of Serbia should adopt a comprehensive and coherent strategy to guide all future policies and negotiations with Pristina. The strategy needs to cover all open questions in relations with Pristina, such as matters of return of internally displaced persons, property issues, infrastructure and communication, transport, economic cooperation, academic collaboration, but also inter-institutional cooperation, recognition of court decisions, police cooperation, notaries, cultural heritage, and agreements reached within and outside the EU-led dialogue. The future strategy needs to be realistic, feasible to implement, and it should avoid putting the normalisation process in jeopardy by setting too rigid red lines. The development of such a strategy needs to be open for the public, but also to overcome mistakes of the Internal Dialogue¹¹³ (2017), focusing only on wide societal debate on the matter which yielded limited results. The consultative process of adoption needs to involve civil society and other non-state and non-government actors in the process alongside key political and institutional representatives, resulting in a binding strategy.

¹¹¹ EEAS, Implementation Annex to the Agreement on the Path to Normalisation of Relations between Kosovo and Serbia, 18. March 2023.

¹¹² The only document adopted was Strategy of Sustainable Survival and Return to Kosovo and Metohija, "Sl. Glasnik RS", br. 32/2010-11. However, this Strategy focuses mainly on the return and sustainable stay of Serbs and other national minorities in Kosovo. Adopted 15 years ago, by a different government and in different context, this strategy remains largely unrealised and outdated.

¹¹³ Radna grupa za pružanje podrške vođenju Unutrašnjeg dijaloga o Kosovu i Metohiji, Vlada Republike Srbije, 2017.

missions in Pristina.

Third, conserving territorial integrity is often perceived as Serbia's main foreign and internal policy goal. In the current geopolitical context this goal becomes increasingly hard to maintain, especially with another strategic objective of Serbia – membership in the EU. Resolving the Kosovo issue without recognising secession while joining the EU may prove to be mutually exclusive objectives. Therefore, Serbia needs to establish attachés within existing diplomatic missions in Brussels and all other EU capitals in order to advocate for a normalisation process, which would be in line with the above-mentioned strategy and Serbian national interests. These specialised missions should be mandated to keep open communication with the EU institutions and member states and objectively and continuously inform them of developments in Kosovo.

Fourth, the multi-vector foreign policy of Serbia has been adopted and maintained by multiple governments of Serbia in the past two decades. The foundation for the hedging between the East and the West is primarily driven by economic pragmatism, international law, limited aligning with dominant and foreign policy balancing.114 Similar to the lack of a national strategy for Kosovo, Serbia also lacks a foreign policy strategy. Thus, Serbia should formulate and adopt a foreign policy strategy which would be aligned with the strat**egy for Kosovo** with the aim to maximise its gains. Any future measures and policy directions that are not guided by these two aligned strategies bear a risk of too much of a disconnect, leading to inefficiencies, conflicting objectives, and potentially undermining the achievement of intended outcomes.

Five, the delegation of Serbia in the Belgrade-Pristina dialogue is led by the Director of the Office for Kosovo and Metohiia. while it includes other technical personnel and advisors from the Office. Exceptionally, when the dialogue is organised at a high political level, the President of the Republic is representing Serbia at the negotiating table. The Government of Serbia should consider the possibility of expanding the negotiating team to include representatives of the Serbian community from Kosovo as well as legal and political experts outside the government. Having in mind that most topics discussed in Brussels directly concern and affect people living in Kosovo, it is more than reasonable to include one or two of their representatives in the team. At the same time, legal and political experts can offer their advice and expertise during negotiations, with the aim to improve Serbia's position and maximise the outcome. The National Convention on the European Union (NCEU) Working Group for Chapter 35 possesses proven expertise and experience in monitoring the normalisation process and developing policy solutions. Thus, the NCEU could provide a representative to expand the Serbian negotiating team.

Six, the Office for Kosovo and Metohija used to maintain a very good practice of publishing six-month and/or annual reports on the progress in the dialogue with Pristina. Between 2015 and 2020, the Office published seven reports. Although reporting probably stopped due to the lack of progress, this **prac**tice of regularly publishing reports on the state of play in the dialogue should be reinstated. These reports would certainly increase the transparency of the work of the Office and the negotiating team, and could be used to clarify to the wider public any deadlock or regression in the dialogue, especially if the blame lies on the other side. These documents would also be important for the Serbian diplomatic missions in the EU as well as for its representatives in the international missions in Pristina to draw information and create communication plans and strategies.

Finally, Serbian is the official language of the administration in Kosovo, while Serbia is considered the motherland and protector

¹¹⁴ Kristina Nikolić, Serbia Hedging its Bets Between West and East, Journal of Balkan Studies, Vol. 3, Issue 2, July 2023.

of the Cyrillic alphabet and the Serbian language. Therefore, the Government of Serbia should offer its support in terms of translation services to the Government in Pristina. This way, inter-institutional cooperation could be established, thawing relations between the two administrations, while Kosovo's laws and other regulations could receive high-quality translations, which are currently either non-existent or of very poor quality. At the same time, this would allow Serbia to pursue its role of preserving the Serbian language and Cyrillic alphabet in Kosovo.

5.3 Recommendations for Kosovo

For the Government of Kosovo, dialogue with Belgrade represents a painful process that has often not led to the expected results. Given the still fresh war wounds and a lack of a proper reconciliation process, every step of Belgrade is seen as hostile. This has burdened every government since the inception of the EU-led dialogue. However, the following recommendations can serve the government in Pristina to unlock the dialogue with Belgrade and complete the long and complicated process of normalisation, as it is in the interest of people living in Kosovo.

First, the most problematic issue for Pristina is the Association/Community of Serb Majority Municipalities. Political elites have frequently cited the judgement of the Kosovo Constitutional Court, which declared parts of the 2015 Agreement unconstitutional, to justify avoiding implementation. The Government of Kosovo should align its internal normative framework with the agreements stemming from the **dialogue**, working in cooperation with the Assembly and as part of a comprehensive political package involving political representatives of the Serb community in Kosovo, Belgrade, and the EU. This would be a bold move from any government, but it would resolve the ongoing debate on the constitutionality of the ASM, and It will also send a strong political message to Kosovo Serbs on the government's willingness to integrate them into Kosovo's legal and political system.

Second, given the heightened tensions and a series of unilateral measures by the Kosovo Government, the Kosovo Serb community is currently living in fear and has no trust in the Kosovo institutions. Kosovo is a multiethnic country by its constitution, and its institutions must reflect the composition of the local communities. Therefore, **the Gov**ernment of Kosovo needs to provide a safe and stable political environment for the Serb community and display a commitment to its reintegration and implementation of all minority rights envisaged by the laws and constitution of Kosovo and international agreements and conventions, including the promise of the Kosovo government for a domestic/local dialogue with Kosovo Serbs made in 2021. It is essential that Serbs and other ethnic communities in Kosovo feel like equal citizens of Kosovo, as this is a prerequisite for reconciliation, integration and normalisation of relations.

Third, the main driver of normalisation of relations is not always political dialogue and political solutions. More often than not, even with heightened political tensions, economic and cultural cooperation between individuals, business entities, and even institutions, remains operational. Therefore, the Government of Kosovo should commit to enhancing economic cooperation and cultural exchanges instead of blocking them. In line with that, Pristina should enable free movement of goods from and to Serbia across all administrative/border crossings without restrictions. It should also stimulate cultural cooperation as a method of reconciliation, focusing primarily on non-sensitive cultural topics and events.

Fourth, the use of Serbian as an official language in Kosovo is not respected. Although Serbian is the official language of the Kosovo administration, its availability and quality are dropping dramatically. Central and even some local institutions often fail to provide government services in Serbian language due to the lack of personnel speaking Serbian. On the other hand, laws and other docu-

ments that are translated and published in Serbian are often of very low quality, with many grammatical errors and even mistranslations which can create legal obstacles. Therefore, the Kosovo Government needs to step up efforts to improve the usage of the Serbian language both by the administration and in translation services. This includes hiring Serbian-speaking staff and including Serbian lessons classes and Albanian lessons classes in primary, secondary and tertiary education for all students. The long-term effects of Albanians learning Serbian and Serbs learning Albanian in schools and universities will facilitate integration and contribute to lasting reconciliation.

Fifth, unilateral measures, tensions, incidents, and even terrorism have severely destabilised Kosovo in the last three years, creating a pressing security concern which must be addressed urgently. On the one hand, Pristina accused Belgrade of equipping and financing armed groups connected with the Baniska and Ibar-Lepenac canal incidents, while on the other hand, Belgrade accused Pristina of occupying north Kosovo and bullying the majority Serbian community. Additionally, Serbia is afraid that the creation of the Kosovo Armed Forces, an ongoing process, will change the balance of power in the region, violate relevant international legal norms and prove to be hostile towards Serbs in Kosovo and Serbia. In order to overcome the security dilemma, Kosovo and Serbia need to sign a security agreement within the EU-led dialogue, which would define the role of the Kosovo Security Force (KSF) and future Armed Forces, its usage and potential membership of Kosovo in military organisations. In accordance with the Constitution, Kosovo needs 2/3 of minority representatives in the parliament to transform KSF into armed forces, and since 10 seats are reserved for Serb members, they need to be on board. Thus, the Serbian community needs to be consulted as part of the internal dialogue between the Kosovo government and Kosovo Serb politicians, with certain guarantees that benefit the local community. As part of the agreement, engagement or deployment of the Serbian Armed Forces near the administrative/border line can be defined as well. This agreement would ease the tensions when it comes to security and potentially even open the space for future defence cooperation between Serbia and Kosovo. Although reaching such an agreement at this point might look too ambitious, it should be taken as a long-term recommendation.

Annex

Interview questions list

- 1. Can you tell me more about your role in the party/organisation?
- 2. How often/closely do you monitor the Belgrade-Pristina dialogue?
- 3. How would you assess the state of play in the dialogue?
- 4. What does the notion of "a comprehensive legally binding agreement" represent to you? Is the Ohrid Agreement comprehensive and legally binding?
- 5. What should be the final outcome of the normalisation process? Are we in the right direction to achieve it?
- 6. Do you think that the Association/ Community of Serb Majority Municipalities will be created? Will there be an exchange, recognition for the Community?
- 7. Is Kosovo's potential membership in the Council of Europe a direct consequence of the Ohrid Agreement?
- 8. How do you see the dialogue in the future? What will be the role of the EU? Will it change compared to what it is today? Is there a potential change of format?
- 9. What is the most important agreement/document for the normalisation of relations?
- 10. What is the role of Kosovo Serbs in the normalisation process and Serbo-Albanian relations?
- 11. How do you assess the security situation? Is there potential for conflict?

Interviewees

- 1. Arbër Fetahu, independent expert (Pristina)
- 2. Aleksandar Šljuka, New Social Initiative (K. Mitrovica)
- 3. Aleksandar Ljubomirović, People's Party (Belgrade)
- 4. Ana Marija Ivković, journalist (K. Mitrovica)
- 5. Bernard Nikaj, Democratic Party of Kosovo (PDK) & university professor

- (Pristina)
- 6. Glauk Konjufca, Kosovo Assembly Speaker & Self-Determination Movement (Pristina)
- 7. Ilir Vitija, Youth Initiative for Human Rights (Pristina)
- 8. Anonymous civil society representative (Belgrade)
- 9. Stefan Surlić, University of Belgrade (Belgrade)
- 10. Jehona Lushaku, Pristina Mayor & Democratic League of Kosovo (LDK) (Pristina)
- 11. Ksenija Marković, Democratic Party (Belgrade)
- 12. Marko Savković, Belgrade Centre for Security Policy (Belgrade)
- 13. Mehdi Sejdiu, PhD Candidate (Pristina)
- 14. Milica Andrić Rakić, New Social Initiative (K. Mitrovica)
- 15. Milija Biševac, Serbian National Movement (K. Mitrovica)
- 16. Miodrag Milićević, NGO Aktiv (K. Mitrovica)
- 17. Nenad Rašić, Kosovo Ministry for Communities and Return (Pristina)
- 18. Ramadan Ilazi, Kosovar Centre for Security Studies (Pristina)
- 19. Anonymous representative of the Government of Serbia
- 20. Anonymous representative of the Government of Serbia
- 21. Anonymous representative of the international mission in Pristina
- 22. Luka Petrović, Green-Left Front (Belgrade)
- 23. Visar Xhambazi, Sbunker (Pristina)
- 24. Visar Ymeri, independent expert (Pristina)

*The Serbian List did not answer the invitation to the interview.

*The Serbian Progressive Party (SNS) did not answer the invitation to the interview.

*The Office for Kosovo and Metohija did not answer the invitation to the interview.

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