

## **Following Through: Assuring Successful Implementation**

The Swiss Federal Department of Foreign Affairs (FDFA) and the Council for Inclusive Governance (CIG) convened another roundtable for senior officials of main political parties from Serbia and Kosovo. The participants discussed the challenges in the process of implementation of the Ohrid Agreement between Kosovo and Serbia reached in March 2023. The discussions were held on May 4-6, 2023 in Küsnacht, near Zurich, Switzerland. Miroslav Lajcak, EU's Special Representative for the dialogue between Kosovo and Serbia, took part in one discussion session where he explained ongoing challenges in the process of implementation between the two parties and outlined support that is needed for the process to be successful.

The majority of the participants concluded that at present the Ohrid Agreement has no viable alternative and represents a good basis for normalization but that a lot of work needs to be done by the parties to agree to implement it according to the agreed timelines. A few participants, however, expressed their reservations about the agreement and said they and their parties are rather cautious about the implementation. One participant's party does not support the agreement but supports the normalization of relations in general.

This brief report does not necessarily represent the views of individual participants, CIG, or FDFA. It simply reflects the discussion as a whole. The roundtable is part of a larger CIG project on the normalization of relations between Kosovo and Serbia supported by FDFA.

### **Discussions between the EU dialogue representative and roundtable participants**

During the discussion session in which EU Special Representative Miroslav Lajcak took part there was consensus that the public should be engaged more in the debate and the negotiating parties should explain the agreements and their benefits more thoroughly. There was consensus that public support is fundamental to successful implementation. Some participants said that the dialogue has lost credibility in the past few years, when it produced little results, and that is why the public does not fully support it now. Many agreed that the governments should support publicly what they agree to and highlight the benefits of the agreements for the citizens more forcefully.

Worries about this stage of the implementation were expressed. Appreciation of the normalization as irreversible is lacking as well as the fact there will be no EU membership for either party without normalizing their relations, implementing all agreements to date, and signing a final agreement. The current atmosphere is not conducive to a successful implementation. There is little appreciation for the acts that both leaders take to reach difficult agreements, no change of behavior, negative rhetoric continues as well as unilateral actions. The sides still do not see the process as a win-win.

Some participants had doubts about the Ohrid Agreement, saying it undermines the interests of their countries in a number of areas. The main problems for Serbia regarding the Ohrid Agreement are committing “not to oppose Kosovo’s membership in international institutions” while for Kosovo the main challenge is the formation of the Association/Community of the Serb-Majority Municipalities in Kosovo (Association/Community).

Some participants suggested that the Serb community in Kosovo should be included directly in the implementation of the agreement, especially in the discussions over the formation of the Association/Community.

During the discussions, the majority of the participants agreed that the implementation of the Ohrid Agreement is a good step forward. They suggested that Serbia’s and Kosovo’s leaderships gradually assume higher responsibilities in finding solutions and implementing them. But they pointed out that the EU and the US, for the time being, remain the key driver for the process of normalization.

- There was broad support that Serbia and Kosovo should honor their commitments of the Ohrid agreement. Many participants said that all agreements should be implemented. If fully implemented, the Ohrid Agreement would resolve a number of problems and potentially break the impasse in the relations between Kosovo and Serbia.
- A number of participants said the EU and the US should help the parties with the drafting of the statute of the Association/Community of the Serb-Majority municipalities in Kosovo.
- There was agreement that the political leaderships should promote a more reconciliatory narrative with the goal of shifting public opinion in favor of normalization.
- There was consensus that the international community, Pristina, and Belgrade should find a way to help the Serbs in Kosovo’s north to return to institutions.
- Participants agreed that normalization is essential both for relations between Serbia and Kosovo and for their relations with the EU. Normalization of relations remains one of the requirements for EU integration.
- The participants were asked to support the implementation loud and clear and engage in a societal dialogue with the goal of shifting the public opinion in favor of normalization.

## **Recommendations for stakeholders**

In an exercise, the participants individually offered three recommendations each for the three stakeholders: EU/US, Serbia, and Kosovo. The list of recommendations below has been consolidated and some have been combined. Some of the recommendations were supported by a majority, some had consensus, and some were supported only by individual participants. The recommendations were not endorsed or approved by the group. They reflect the diverse positions of this politically inclusive group of participants.

### *Recommendations for the EU and the US*

- The EU should set clear timelines about what each party should do and when. They should also put a mechanism in place to make sure the implementation is done on time.

- The EU and the US should be clear on the Association/Community, especially about its powers, clarifying all ambiguities, and perhaps offering its own draft when the parties are unable to agree. The EU and the US should maintain its determination and continue its “take-it-or-leave-it” approach when the parties disagree as it is most effective.
- The EU and the US should offer more ‘carrots’ to Kosovo: an EU candidate status and better relations with EU’s five non-recognizers.
- EU should offer a new vision for the region, clarifying the integration process for Serbia and Kosovo and introducing a staged integration. The EU should continue to demand the rule of law but become a bit more generous with rewards, essentially see the process as a political/technical one, not just a technical and merit-based.
- The EU and the US should offer their middle-ground solutions for difficult problems.
- The EU and the US should be more generous with ‘sticks’ when things get stuck and with ‘carrots’ when parties cooperate.

#### *Recommendations for Serbia*

- Serbia should state clearly it backs the Ohrid Agreement.
- Serbia should agree with Kosovo to set a date for a new local election in the north.
- Serbia should consider, in the spirit of the Ohrid Agreement, voting for Kosovo’s membership in the Council of Europe and stop lobbying against Kosovo. Consider a reset in its relations with Kosovo.
- Serbia should remove pressure on Kosovo Serbs, give them more space to act politically and choose themselves what they want. Serbia should allow Kosovo Serbs to cooperate with Kosovo’s institutions.
- Serbia should agree to implement all other agreements as soon as the Association/Community is formed, such as those on energy and car license plates. Some could be implemented in parallel with the Association/Community.
- Serbia should shift the public opinion to support the Ohrid Agreement. Serbia’s leadership should do more to make sure it holds its side of the bargain.
- Serbia should increase direct cooperation with Kosovo and eliminate aggressive rhetoric against Kosovo.
- Serbia should involve opposition parties in the decision-making in the normalization process.
- Serbia should use its positive influences to keep calm and peace in Kosovo’s north.
- Serbia should begin thinking of recognizing Kosovo in the near future.

#### *Recommendations for Kosovo*

- Kosovo should state clearly that it backs the Ohrid Agreement and the establishment of the Association/Community. Consider a reset in its relations with Serbia.
- Kosovo should have a statute in place for the Association/Community. Kosovo needs to be clear on the Association/Community, saying clearly that Pristina will form it in line with the agreements. It should appoint a new management team acceptable to all parties as soon as possible. Some participants suggested the formation of the Association/Community requires constitutional changes, while some opposed it.
- Kosovo should work on finding a solution to organize new elections in the north before the end of the year.

- Kosovo should remove special police units from the north. Police checkpoints and police patrols are not a good message for the population. Kosovo should stop putting pressure and intimidate the Serbs in north. The Serbs in the north are in majority and Kosovo should not make the same mistake Serbia did in Kosovo in the 1990s.
- Kosovo should facilitate the reintegration of the Serbs in the north into police, courts, and other institutions.
- Kosovo should have an equal dialogue with Kosovo Serbs. Kosovo's opposition should also engage in dialogue with Serbs. Kosovo authorities should stop portraying the north as a place of organized crime and criminals.
- Kosovo should not open the bridge in Mitrovica and by doing so aggravate the security situation.
- Kosovo should find a more effective way to communicate with Serbs in Kosovo, both north and south, and address their problems and sensitivities more carefully.

#### *Recommendations for all parties (Kosovo, Serbia, the EU, and the US)*

- Draft and adopt the statute of the Association/Community. Agree that the EU/US play the role of an arbitrator in drafting the statute.
- All stakeholders should work on de-escalation in Kosovo's north, agree on holding a new election in the north and on a date for the election.
- Kosovo and Serbia should adopt a more conciliatory rhetoric. Evaluate properly long-term vs. short-term gains.
- Kosovo's and Serbia's governments should have a joint meeting.
- All stakeholders should help find an immediate solution for visa-free travel for Kosovo Serbs with Serbian passports.
- Serbia and Kosovo should agree for the return of Serbs to institutions. Boycott is not a good means to address problems.
- The EU, Serbia, and Kosovo should show more credibility and commitment for the EU integration process, such as agreeing to a phased integration, also known as 'staged integration,' that could be applied to the entire Western Balkans.
- All parties should start envisioning and working on the final agreement and especially preparing the publics and shifting the public opinions in Kosovo and Serbia for it.

## **Conclusion**

Many participants argued that the Kosovo Serb engagement in the process should be prioritized. All stakeholders should also address their concerns. Kosovo needs to be "more generous with carrots" for Kosovo Serbs. The Association/Community seems to be the most difficult agreement to implement and it should satisfy the Kosovo Serbs. Many suggested that the Association/Community should be formed before the end of the year.

Governments in Kosovo and Serbia should work more with the opposition parties. The opposition parties, including those that do not support the Ohrid Agreement, should be involved in the process and help correct what they consider as problems.

All parties should be aware of the geopolitical risks in Europe and thus be more willing for compromises that improve regional and domestic security. Many were concerned that security in Kosovo's north is fragile and could not be contained if it were to burst. Some suggested that the newly elected mayors do not take their positions or that an agreement for a new election is reached. All stakeholders should find a model before May 28 when the new mayors are set to be sworn in.

In conclusion, all participants called on stakeholders to resolve old problems and not to create new ones. "If things go wrong, we all lose, and who is more guilty would be irrelevant."

## Participants

*English alphabetical order*

**Natan Albahari**, Movement of Free Citizens  
**Bekim Çollaku**, Democratic Party of Kosovo  
**Nataša Gaćeša**, Socialist Party of Serbia  
**Shpetim Gashi**, Council for Inclusive Governance  
**Simon Geissbühler**, Swiss Federal Department of Foreign Affairs  
**Ardian Gjini**, Alliance for the Future of Kosovo  
**Lutfi Haziri**, Democratic League of Kosovo  
**Dalibor Jevtić**, Serb List  
**Katharina Kandt**, European External Action Service  
**Mimoza Kusari Lila**, Self-Determination Movement / Alternativa  
**Miroslav Lajčák**, European External Action Service  
**Igor Novaković**, Council for Inclusive Governance  
**Sanda Rašković Ivić**, People's Party  
**Alex Roinishvili Grigorev**, Council for Inclusive Governance  
**Roland Salvisberg**, Swiss Federal Department of Foreign Affairs  
**Nemanja Starović**, Serbian Progressive Party  
**Xhelal Sveçla**, Self-Determination Movement  
**Mia Vukojević**, Rockefeller Brothers Fund