

Implementing Agreements

Introduction

Bilateral disputes between Kosovo and Serbia harm their EU integration prospects and have repercussions for the region's stability. The high level of mistrust between the parties and their increasing skepticism towards the EU as a mediator reflect mutual reluctance to implement previous agreements. Given that Kosovo and Serbia are unlikely to conclude the ongoing disputes on their own, the EU and the US could step up their efforts as stakeholders and negotiate separately with each country.

With the geopolitical threat on the horizon due to the war in Ukraine and the possibility of a spillover effect to the Western Balkans, the reconciliation between Kosovo and Serbia is of crucial importance to the EU. The EU should be proactive in its enlargement policy towards the region and offer a clear date for accession. This might incentivize both Serbia and Kosovo to behave like EU aspiring countries, negotiating in harmony with, not oppose to EU standards. The countries' leaderships, on the other hand, need to fully implement what they agreed in Brussels and Ohrid, not because these reforms are required by the EU but because they benefit the people of both countries. "We need leaders that take ownership in the dialogue, because at the end of our day, it is our job to take care of our home." The EU should level up its approach to the existing circumstances and provide a clear dissemination plan of the Pristina-Belgrade dialogue. Ultimately, the reconciliation between Kosovo and Serbia and the stability in the region are pieces of a much more complex mosaic: the political influence of the "West vs. East."

To discuss the current state of affairs, the Council for Inclusive Governance (CIG) convened a roundtable on September 23, 2023, in Tirana, Albania, for senior politicians, both current and former members of parliaments from Serbia and Kosovo, as well as political analysts. The participants discussed ways of pushing forward the normalization process between Kosovo and Serbia and explored measures that both countries could implement to normalize the bilateral relations. This roundtable was organized in cooperation with the Swiss Federal Department of Foreign Affairs (FDFA). The discussion took place under the Chatham House Rule, ensuring the confidentiality of the participants' remarks. Therefore, this report should be regarded as a collective summary of the conversation and it does not necessarily represent the views of individual participants, CIG, or FDFA. Gresa Baftiu, CIG's associate in Kosovo, prepared the report.

Recommendations (based on broad agreement, not on consensus)

- 1. Communication between Kosovo and Serbia politicians should be seen as a norm, not as an exception.** Normalizing interactions between political representatives from Kosovo and Serbia is a prerequisite for normalizing relations. While Pristina and Belgrade might have strong disagreements, the parties should engage in constructive debates and openly discuss the expectations and obligations from the dialogue. Both countries should refrain from using heavy ethnic/nationalistic language as it incites hatred between societies and hinders negotiations. Rather than dwelling on the past, the focus of bilateral meetings should be on negotiating for a common future.
- 2. Leaders should take ownership of and responsibility for institutional commitments.** By endorsing the EU-proposed Brussels agreement, Belgrade and Pristina undertook institutional commitments they must now comply with. Both parties acknowledge that difficult concessions have to be made and it is up to them to explore ways for implementing, not avoiding obligations deriving from the agreement. Leaders of Kosovo and Serbia should take ownership of their actions. “Kosovo should establish the Association/Community of Serb-majority Municipalities (ASM) and Serbia should refrain from hindering Kosovo’s membership to the Council of Europe.”
- 3. Promote open and constructive public discussions on normalization of relations with the other side.** Both leaderships in Belgrade and Pristina should encourage constructive, fact-based internal public deliberations about the dialogue and its benefits. They should ensure that the negotiation process is transparent, with regular updates and opportunities for public input. Civil society organizations can play a pivotal role in facilitating public dialogues, creating safe spaces for dialogue and avoiding sensationalism. Both President Aleksandar Vucic and Prime Minister Albin Kurti should shift their internal political discourse on normalization towards preparing societies for compromise, rather than conflict.
- 4. Address the fears—real and perceived—of Albanians about the ASM.** The authorities in Kosovo should maintain open and transparent communication channels with the public to clarify the purpose, functions, and limitations of the ASM. This can help dispel misconceptions and address real concerns about the association. Involving the international community as mediators could facilitate cooperation and confidence-building measures between the government, Albanian and Serb communities in Kosovo.
- 5. The Serb community should feel a stakeholder in Kosovo’s future.** Kosovo should engage in an inclusive and sincere dialogue with Kosovo Serb representatives, community leaders, and civil society organizations, so that their voices are heard and considered in decision-making. “Pristina should support the decentralization of power and resources in the north, allowing local Kosovo Serb community to have more control over their own affairs and resources,” argued one speaker. Others added that recognizing the preservation of the Serbian cultural heritage in Kosovo was a good starting point.
- 6. Kosovo Serbs should directly engage on local issues.** For the Serb community to integrate, Kosovo Serbs should be genuinely willing to become part of the Kosovo system. They should define and, in cooperation with Pristina authorities, implement local governance-related policies. “Internal dialogue would allow for a better understanding of the Kosovo Serbs’ fears and needs and provide an opportunity to find a common ground.” The majority of participants said that Kosovo Serbs should operate independently from Serbia’s influence in local issues, while others argued that their detachment from Belgrade would weaken the community’s position in relation to Pristina.

Sequenced implementation: a solution or an additional problem?

Unfortunately, neither Serbia nor Kosovo fully implemented past agreements and have lost credibility as constructive parties. While some participants said that Kurti's reluctance to establish the ASM impeded the "following steps," others argued that the "conditionality" approach to implementation was the main problem. "Kosovo is genuinely interested in implementing the Brussels agreement as long as Serbia does its part. But the agreement should be implemented fully and without conditions."

For some, Pristina's and Belgrade's opposing perceptions on normalization led to different priorities for implementation. While normalization of relations for Serbia might be about legitimizing the "right of the Serb community in Kosovo," for Kosovo it equates to mutual recognition with Serbia. "The dialogue is not working because ultimately, we expect different outputs from the same process." Some participants claimed that the leaders of Kosovo and Serbia didn't perceive the dialogue's benefits proportional to the "difficult compromises they had to make." Others argued that the intricate bureaucratic structure of the EU-mediated dialogue produced "agreements about agreements," thus hindering their implementation.

Thorny issues

The participants addressed some of the most pressing issues from both Serbia's and Kosovo's viewpoints. The following list provides a brief summary of these challenges.

1. **Disagreements over the Association of Serb-majority Municipalities.** This is a hot topic, with Belgrade insisting it should be implemented without delay, and Pristina arguing it should come later. Some participants pointed that "how the ASM is perceived, not its establishment *per se*" is the main apple of discord between the parties. A number of speakers advocated for a "no-executive-powers" ASM, arguing that a replica of the "Republika Srpska" in Kosovo "would hinder its functionality." The Serbian side on the other hand, demanded that the competences of the association be established according to the 2015 agreement. Some others said that Vucic was particularly vocal on the association because he knows that "Kurti is strongly against." Participants also had different outlooks on what the ASM represented for the Serb community. While Kosovo Serbs promoted the ASM as a means to strengthen their rights and participation to decision making, some speakers from Kosovo argued that the Serbs' integration was about 'living collectively' with, not in segregation from, Kosovo Albanians.
2. **Serbs' boycott in the north hinders integration.** The decision of Kosovo Serbs in the north to boycott public institutions and condition their return with the establishment of the ASM, a position supported by Belgrade, hinders reintegration. Kosovo insists on a recall while Serbia demands that mayors resign to open the way for a new election.
3. **Sequencing of implementation.** Some participants said that the sequencing, initially aiming at speeding the implementation, had a countereffect. Others claimed that sequenced implementation prevented leaders from "reaping the benefits" of their concessions. "Kosovo will not make an internal compromise without benefiting from something at the

international level. “Creating the ASM should come alongside to accession to international organizations.” Some others claimed that both Vucic and Kurti use the 'blaming the other party' card to put off an “unwanted deal.”

4. **EU’s sanctions on Kosovo.** Some participants said that the EU's sanctions are unfair. Some speakers added that Pristina was wasting time with the “whys,” when it should instead focus on addressing these restrictive measures and demonstrating to the international community that it is a cooperative partner.
5. **Mistrust of one party on mediator/facilitator.** Kosovo says the EU facilitator is on Serbia’s side. The EU and the US disagree. Serbia has no comment.
6. **Conflicting interpretation of agreements.** Kosovo says Serbia violated the Ohrid agreement when it voted against Kosovo’s application for membership in the Council of Europe. Serbia says it is not a violation. The international community says the voting was successful for Kosovo so why bother with inconsequential moves. Some said it is Kosovo’s strict interpretation and consequent alienation of the international community—not the Serbian vote—that may undermine its chances for membership in the Council of Europe.
7. **Agreements are not enough.** Neither Belgrade nor Pristina seem to be happy with what they got in Ohrid. Both sides seem to have more ambitious goals and want more.

After the last Kurti-Vucic meeting in Brussels, the Pristina-Belgrade dialogue is most likely to be put on hold. The countries’ leaderships, however, should acknowledge that the implementation of the agreements is not only a matter of bilateral normalization but also of important for their EU membership.

Participants

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