



Keeping Commitments to Normalization

The optimism after the Ohrid Agreement at the beginning of this year was short-lived, as it soon became clear that the EU and the US would have to apply more sticks and carrots to secure its implementation. The escalation of the security situation in Kosovo's north with heavy presence of the Kosovo Police, Serbs leaving the institutions, and boycott of the elections by the Serb List all put breaks on the implementation of the agreement. Though initially the September 24th Banjska incident seemed to have put a nail in the coffin of the normalization, it has renewed the focus and the outside pressure. The EU is pushing the draft proposal for the Statute of the Serb Majority Municipalities (ASM), which is currently being discussed between the negotiators. If the draft is accepted (in the original form or slightly modified), the West will have a clear path to push for additional steps in implementing other elements and the actual start of the normalization process.

To address these issues, the Council for Inclusive Governance (CIG) in cooperation with the Belgrade Office of the Friedrich Ebert Foundation (FES) organized on November 5, 2023, in Belgrade, Serbia, a workshop for experts and CSO and media representatives from Serbia and Kosovo. The workshop, part of a larger CIG project supported by the Swiss Federal Department of Foreign Affairs (FDFA), focused on the current challenges related to the normalization process and how to overcome them. The discussions were held under the Chatham House Rule. CIG Senior Associate Igor Novaković drafted this report, which does not necessarily represent the views of individual participants, CIG, FES, or FDFA. It reflects the broad discussion, and CIG is solely responsible for its content.

Implementing agreements

Despite the push by the EU and the US regarding the 2023 Ohrid Implementation Agreement, the normalization went backwards on the ground. Quite a few achievements of the last decade have been rolled back. But the breakthroughs were substantive, and if properly implemented, they could set the tone for an entirely new level of normalization. So, the implementation is the main challenge. Some participants were pessimistic about the prospects for implementation. "The major obstacles for the implementation is the discourse and the atmosphere in the media," said a participant from Belgrade. "In this kind of media atmosphere and perception about the other, everything that is agreed will remain a dead letter." One participant from Kosovo even called the implementation the "cancer" of the whole process.

Others argued that the Banjska incident marks a significant shift for the Serbia-Kosovo relations. As a few stressed, the issue of territory of Kosovo's north is now an internal thing of Kosovo. "The Banjska event resolved the conflict in the north, and now the north is in the Kosovo system," said a participant from Kosovo. Several others claimed that this is just a temporary impression and that the challenges related to the north will continue. "There is no appetite among the Kosovo

Albanians regarding understanding the north or how the Kosovo Serbs generally feel. A participant from Kosovo said that now the primary challenge is to outline how integration 2.0 should happen. A participant from Kosovo's north stated that the issue now is that the Serb List is demonized in the eyes of the Albanians. However, the integration and the implementation are impossible without a critical component on the ground, a Serb party backed by Belgrade.

Others questioned the implementation and integration, forecasting that the sides prefer sliding into a frozen conflict. According to them, the dragging of the situation has proved beneficial for Kosovo Prime Minister Albin Kurti until now, and he is not interested in applying something that would bring little to no benefits. Kurti plays with the need to sign the agreements because he knows Serbian President Aleksandar Vucic will not do so. Hence, this is the exercise in buying time and avoiding responsibility for an eventual agreement's failure. "A frozen conflict might result in more Serbs departing Kosovo," hence "Kurti could be waiting for a new reality on the ground to happen." Vucic, on the other hand, is waiting for a more "favorable international situation," maybe the change in the United States after the presidential election there. "Vucic, given his position vis-à-vis the West, does not have a choice, although he probably does not like the agreement," a participant from Serbia stressed. Vucic is already politically hurt because he had to accept the Agreement. The Banjska incident and naming the normalization as a *de facto* recognition deepened the wound. "He cannot go too far now," concluded the participant.

Some participants argued that the Agreement came by a brute force: the sides were dragged to accept it by the EU and the US. Instead of implementation, the focus should be first on protecting peace. A participant said he recently discussed the 1998 Good Friday Agreement with several UK representatives and he was told that the Agreement succeeded because of the two significant characteristics: inclusivity and creativity. However, the 2023 Brussels Agreement has not been either inclusive or creative. This is a copy-paste of the 1972 Two Germanies Agreement, which seeks to "patch things up" until better times.

The real carrot for the integration is that the process would be coupled with the EU integration process for Serbia and Kosovo. A participant said he is an optimist regarding the EU enlargement process reform that is now being pushed because of the war in Ukraine. The likely outcome could be a phased integration, which could be attractive to the leaders of Kosovo and Serbia as it would allow space for adjusting, creative solutions, and political coordination. But this offer has to come in a politically palpable form.

The remaining discussion revolved around sequencing the implementation and conditions for real support to the normalization coming from the Kosovo Serbs, Kosovo, and Serbia.

Sequencing of the beginning of implementation

A participant outlined that the ASM draft statute and the 2023 Ohrid Agreement were on the "take-it-or-leave-it" basis. Thus, the focus is on sequencing the implementation above anything else. The participants discussed the sequencing of the first steps of the implementation. Participants did not agree on sequencing: some said that that Serbia should first "recognize Kosovo *de facto*" while others said "Kosovo should form the ASM first."

1. ***De-escalation and maintaining of peace in the north.*** Several participants stressed that reducing the chances of incidents and conflict in the north is a crucial precondition. The sides and the mediators should also address the issues such as expropriation, deployment of the special police, introduction of confidence-building measures, etc.
2. ***Acceptance of the ASM statute by both sides.*** Several participants stressed that besides being accepted, the Constitutional Court of Kosovo must also approve the statute.
3. ***Reintegration of Serbs into the institutions – judges and the police.*** Participants stressed that the integration of the police will be a complicated problem for Kosovo. Some participants suggested that a vetting process for the police would be a solution. Others insisted that Kosovo introduce an amnesty law or a *lex specialis* to facilitate the Serbs' return to the institutions.
4. ***Elections in the north.*** Both Belgrade and Pristina and the Kosovo Serb parties should accept and fully support the elections in the north. The Serbs in Kosovo's north should participate.
5. ***Removal of all obstacles to the free movement of goods and people*** – acceptance of diplomas, license plates, customs stamps, removal of all blockades for free trade from both sides. Serbia should recognize Kosovo documents.
6. ***Establishment of the ASM.*** The ASM should bring self-government to the Kosovo Serbs. It should preserve the institutions of Serbia and for the Kosovo Serbs allow them to implement the decisions by themselves.

How to make the implementation functional and its results lasting

Participants also tried to identify issues that could motivate the sides (Kosovo, Serbia, and Kosovo Serbs) to benevolently and without prejudice support the normalization. The lists of issues are not based on consensus but on the work of individual groups.

Kosovo Serbs

1. ***Functioning of the rule of law and legal safety for Kosovo Serbs.*** Currently, the perception of the majority of the Kosovo Serbs is that the rule of law is not applied to them. There is a perception of preferential interpretation at the expense of the Serbs, while the police (especially in the north) carries out arrests. A functioning rule of law will ease the respect for institutions and strengthen trust in their impartiality.
2. ***Respect for the community rights enshrined in Kosovo Law and the Constitution.*** The perception is that many of the provisions are neither implemented nor adequately observed.
3. ***Introduction of an amnesty law for the Serbs in the north, especially those who worked in the police.*** This would help the reestablishment of the ethnically balanced police in the north.
4. ***Double citizenship.*** Serbs in Kosovo should have functional double citizenships of Kosovo and Serbia.
5. ***Free movement of people and goods.*** The implementation should ensure the application of these two freedoms, especially for the Serbs in the north. The current arbitrary application of trade bans is pushing the citizens into smuggling.
6. ***Securing the position of the Serbian Orthodox Church in Kosovo and implementing Ahtisaari's plan provisions.*** Resolving all property issues, respecting the rights of the monastic community, imposing the obligation of the proper naming of the church in the public discourse (i.e., using its full name), resolving of cases of attacks on religious objects, etc..
7. ***Ties with Serbia should be validated and respected.*** Services provided by Serbia in areas of healthcare and education should continue.

8. **Establishment of the ASM.** Serbs should be in control of their lives through a functional self-governance.

Serbia

1. **The compromise should result in something the ruling elite can present as a victory.** The ASM establishment will be enough for the beginning, but something else will have to be on the way (as the ruling elite already sold the ASM for the 2013 Brussels Agreement). One of the topics that could be sold as a victory is the potential agreement about Serbian cultural and religious heritage in Kosovo.
2. **Kosovo should not be a political issue for the functioning of Serbian politics.** Normalization should ensure that Serbia does not *de jure* recognize Kosovo and that the Kosovo issue should not dominate the political discourse in Serbia anymore.
3. **Preserving ties with the Kosovo Serbs.** The implementation should ensure the functioning of the economic and infrastructure connections and their further development.
4. **Serb heritage.** A political solution for the issue of the Serb cultural and religious heritage should be solved through additional arrangements.
5. **EU integration.** Serbia should receive a clear promise and a timeline for EU membership.

Kosovo

1. **Non-recognizers.** The implementation should provide some guarantees for the change of stance of the non-recognizers.
2. **Respect for the Kosovo state.** Together with the establishment of ASM, there should be a commitment from the Serb community to respect the constitutional order and the Kosovo state.
3. **NATO perspective.** The implementation of the Agreement should ensure the NATO integration perspective of Kosovo. The integration should begin with opening doors for including Kosovo in the Partnership for Peace.
4. **Non-use of force.** A non-aggression pact between Serbia and Kosovo should be reached, which would guarantee Serbia abstaining from using force against Kosovo.
5. **EU integration.** Kosovo should also receive a clear promise and the timeline for achieving the EU membership.

Participants

English Alphabetical Order

Gresa Baftiu, Council for Inclusive Governance
Adea Beqaj, NDI Kosovo
Nikola Burazer, Center for Contemporary Politics
Shpetim Gashi, Council for Inclusive Governance
Ismet Hajdari, analyst
Una Hajdari, journalist
Miodrag Marinkovic, Center for Affirmative Social Action
Dragisa Mijacic, InTER
Igor Novakovic, Council for Inclusive Governance
Ivana Racic, Friedrich Ebert Stiftung
Alex Roinishvili Grigorev, Council for Inclusive Governance
Sanja Sovrlic, journalist
Gazmir Raci, analyst
Jovana Radosavljevic, New Social Initiative