

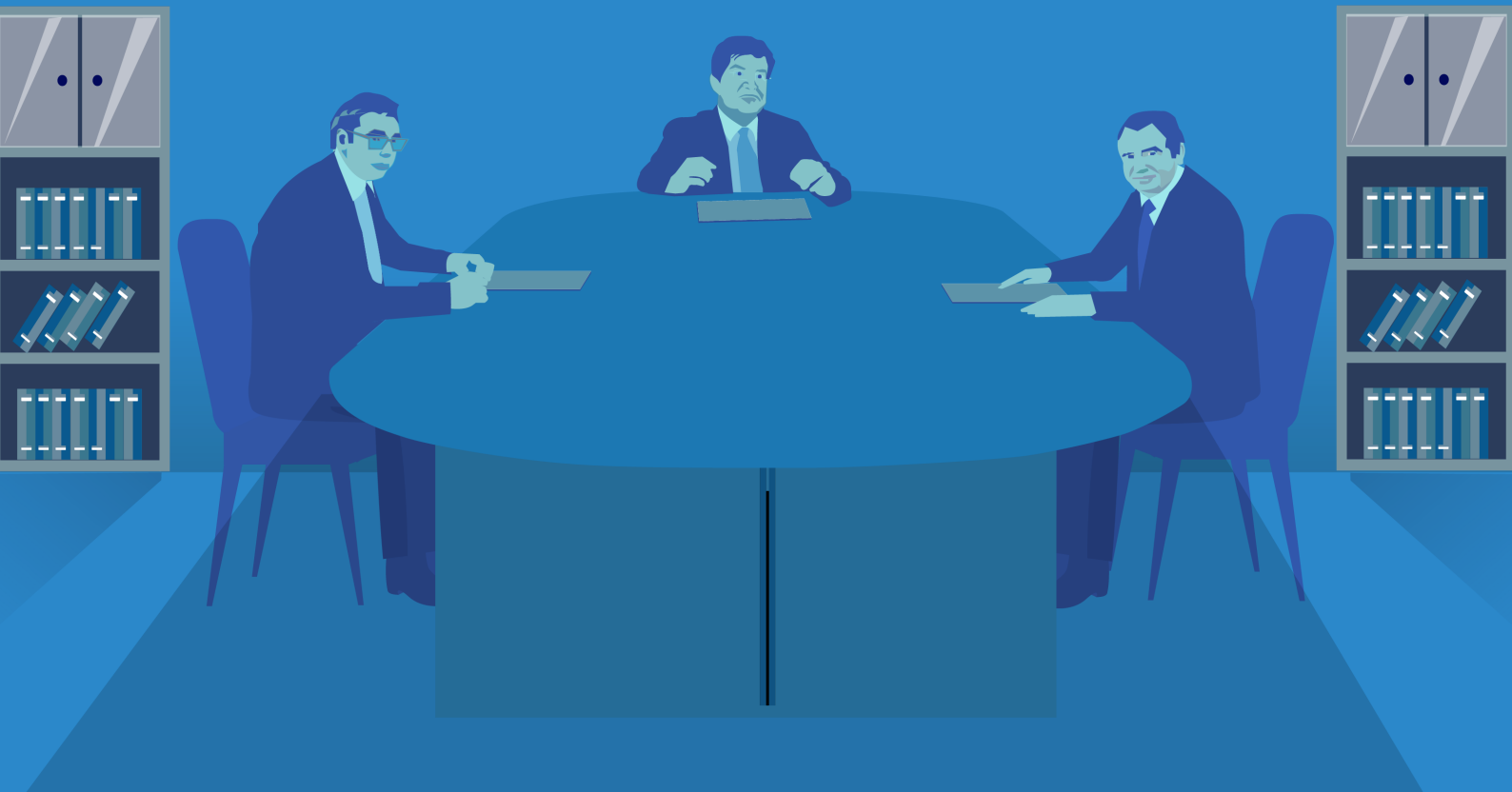


KCSS
Kosovar Centre for Security Studies

Brief on Kosovo–Serbia Dialogue

Breaking the Deadlock

Can Alternative Sequencing of Actions Break the Deadlock in Implementing the Agreement on the Path to Normalization between Kosovo and Serbia?



October 26, 2023

Program Overview: Foreign and EU Policy and Regional Security Cooperation

The Foreign Policy and Regional Security Cooperation Program is a cornerstone initiative within the KCSS (Kosovar Centre for Security Studies). Established in 2011 and continually refined to adapt to evolving regional dynamics, this program addresses a spectrum of critical themes. These encompass bilateral disputes in the Western Balkans region, with a particular emphasis on fostering dialogue for the normalization of relations between Kosovo and Serbia. Additionally, the program delves into topics of transitional justice, reconciliation, public diplomacy, disinformation campaigns, malign foreign influence, security cooperation, conflict resolution, peacebuilding, and migration. Serving as the central pillar of KCSS, this program engages in extensive research to address matters of public interest and expand the organization's influence within its sphere of research.

A central highlight of this program is the annual Kosovo Peace and Democracy Summit (KPDS). The KPDS serves as a platform that brings together policymakers, experts, and researchers from the Western Balkans, the European Union, and the United States to engage in meaningful dialogues surrounding the pressing challenges confronting the region.

As part of this program, KCSS has produced a series of influential studies that have contributed significantly to enhancing public awareness in Kosovo. These studies address crucial issues, including the process of a normalization agreement between Kosovo and Serbia, as well as the analysis of community perceptions regarding interethnic relations and cooperation.

- **Strengthening Research Capabilities:** The program is committed to strengthening its team of researchers with the expertise to tackle topics related to foreign policy and regional cooperation.
- **Broadening Partnerships:** The program aims to diversify its partnerships with both local, EU and other international institutions, with a particular focus on relevant policy-oriented think tanks. By engaging in collaborations with universities, including those participating in EU's Horizon projects, the program can extend its reach and impact.
- **Sustaining Research Excellence:** Maintaining a consistent standard of research excellence is of key importance. The program remains dedicated to producing high-quality research products and actively contributing to conferences, thereby ensuring that its work continues to make a significant impact in the field of foreign policy and regional security cooperation.



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Introduction

The dispute between Kosovo and Serbia remains a major challenge to the security, stability, and prosperity of the entire Western Balkans region. In particular, the Banjska terrorist attack carried out by Serb militants against the Kosovo Police on September 24, 2023 (with the support from Serbia's state apparatus, as per the investigation of Kosovar authorities) underscores the pressing need for a sustainable resolution to the ongoing dispute between Kosovo and Serbia. The most promising path toward such a resolution lies in the full implementation of the Agreement on the Path to Normalization of Relations between Kosovo and Serbia (APN), which was verbally agreed in Brussels in February 2023, because the Serbian President Vucic refused to sign it.

Based on the available information, it is evident that the international community, including the European Union and the United States, anticipates Kosovo to take the necessary measures leading to the establishment of the Association/Community of Serb-majority Municipalities in Kosovo (ASM), in accordance with its Constitutional and legal framework. Simultaneously, Serbia is expected to take concrete actions toward informal recognition of Kosovo's independence, often termed de facto recognition or functional recognition. Both objectives are fundamental elements of the Agreement on the Path to Normalization of Relations between Kosovo and Serbia (APN).

This policy brief aims to present an alternative sequence of actions, with the aspiration of meeting the expectations of all parties involved in the reconciliation process.

Rethinking the sequencing of implementation actions of the basic agreement (APN)

From Kosovo's perspective, full implementation of the Agreement on the Path to Normalization of Relations (APN) offers the most practical opportunity in the current context to advance relations with NATO and the EU. Consequently, Kosovo should seize this momentum. Its successful and balanced implementation will likely unblock the Euro-Atlantic integration process provided that there are strong guarantees of the member states to sponsor Kosovo's pathway to both NATO and the EU.

Considering a widely circulated plan outlining the sequence of actions required for the implementation of Agreement on the Path to Normalisation of Relations between Kosovo and Serbia (APN), agreed by both Prime Minister Kurti and President Vucic in February 2023 in Brussels, we propose an alternative and realistic reconfiguration of the sequencing, to the benefit of balanced and rather natural implementation of the APN.

We recommend that the Kosovo's Government action to present a draft statute for the establishment of the Association/Community of the Serb-majority Municipalities (ASM) should be simultaneously followed by immediate and tangible steps of Serbia (and the Euro-Atlantic community) to both formalize the de-factor recognition process (e.g recognition of all documents and removal of asterisk) as well as offering clear prospect for membership to the state of Kosovo in the international organisations, namely granting EU candidate status as well as offering Membership Action Plan (MAP) for NATO integration .

“From Kosovo's perspective, full implementation of the Agreement on the Path to Normalization of Relations (APN) offers the most practical opportunity in the current context to advance relations with NATO and the EU”

This sequencing should address both the international community's call for concrete actions by the government toward the establishment of the ASM as well as giving guarantees for Kosovo's path to international system – a rational concern considering Kosovo's history with oral promises that were made from the EU and other international actors in the past, only to witness these promises go unfulfilled. To address these concerns, we propose a letter exchange between Kosovar leadership and Secretary of State Blinken, in addition to their French and German counterparts.

This exchange should emphasize Kosovo's urgent need to attain candidate status for EU membership, present a genuine perspective for NATO membership (MAP) and pave the way for Kosovo's integration into the international system (e.g starting the process for membership into INTERPOL and UNESCO). Supporting Kosovo's integration in the international democratic community is a commitment the EU assumed in the framework of the Association and Stabilization Agreement (SAA) with Kosovo (see article 11 of the SAA). The European Council President should organize a summit between Kosovo and the five EU member states that have not yet recognized Kosovo, with the aim of catalyzing positive changes in the current status quo. Establishment of the ASM and implementation of the APN by Kosovo should lead to recognition of Kosovo from Cyprus, Greece, Romania, Slovakia, and Spain., and the EU together with the US should help deliver this.

Following the approval of the concept document, there should be tangible benefits for Kosovo, with a primary focus on securing recognition from the five remaining Member States of the EU and Membership Action Plan for NATO, which should be concluded within a year.

TABLE 1 AN ALTERNATIVE PERSPECTIVE TO SEQUENCING OF ACTIONS FOR IMPLEMENTATION OF APN.

| ARTICLES | KOSOVO | SERBIA | EU AND USA |
|----------------------------------|---|---|--|
| Article 10 | Kosovo government assigns members to the joint Committee, chaired by the EU, for monitoring the implementation of the Agreement. | Serbian government assigns members to the joint Committee, chaired by the EU, for monitoring the implementation of the Agreement | EU holds the first meeting of the joint Committee |
| Article 1 | Kosovo government approves a decision to recognise Serbian documents and national symbols, including passports, diplomas, licence plates, and customs stamps. | Serbian government approves a decision to recognise Kosovo documents and national symbols, including passports, diplomas, licence plates, and customs stamps. | The EU informs the, UN, EU institutions and other European and regional organizations that Serbia no longer objects to Kosovo's membership in any international organisation, and that footnote or asterisk should no longer be used in reference to Kosovo. |
| Article 2, 3, 4, 5, and 7 | Kosovo government formalizes the status of the Serbian Orthodox Church in Kosovo | Serbia informs the UN and EU, through a formal letter, that it does not represent Kosovo in the international sphere or act on its behalf. | NATO Membership Action Plan (MAP) is offered to Kosovo. Kosovo applies for membership in UNESCO, INTERPOL. |

| | | | |
|-------------------|---|--|--|
| Article 7 | Kosovo government approves a concept document on the establishment of the Association/Community of Serb-majority Municipalities in Kosovo | Serbia informs the EU and the UN will not object to Kosovo's membership in any international organisation. | The European Union (EU) grants Kosovo candidate status. |
| Article 7 | Kosovo government approves the decision to establish the Association/Community of Serb-majority Municipalities in Kosovo | | The President of the EU Council organizes a summit between Kosovo and five non-recognizers. Joint conclusions after the summit, lead to Kosovo's acceptance of recognition. |
| Article 8 | Kosovo establishes a permanent mission in Belgrade, Serbia | Serbia, establishes a permanent mission in Prishtina, Kosovo | EU supervises and supports the process, including designing the practical arrangements |
| Article 9 | Kosovo government approves a list of potential joint projects with Serbia, as well as Kosovo members for a joint EU-Kosovo-Serbia working group to harmonize the projects | Serbia government approves a list of potential joint projects with Kosovo, and approves Serbian members for the joint EU-Kosovo-Serbia working group | EU organizes a donor conference for joint projects between Kosovo and Serbia |
| Article 10 | Kosovo government approves an action plan to implement outstanding obligations from the past agreements with Serbia | Serbian government approves an action plan to implement outstanding obligations from the past agreements with Kosova | The EU outlines outstanding obligations for implementation of the past agreements for Kosovo and Serbia. Based on this document Kosovo and Serbia separately approve action plans in the government to implement the obligations |
| Article 6 | EU starts with the negotiations to conclude a legally binding agreement on comprehensive normalization of relations between Kosovo and Serbia | | |

Initiating negotiations for a legally binding agreement on the comprehensive normalization of relations between Kosovo and Serbia stands out as a pivotal aspect of the APN. This action implies that the APN is ushering in a new status quo, akin to a de facto recognition or [functional recognition](#), which should ultimately pave the way for the formal or de jure recognition of Kosovo's independence. In essence, the term 'legally binding' is commonly understood within the EU and the region as a discreet way of referring to the formal recognition of Kosovo's independence.

Conclusion

In conclusion, implementing the Agreement on the path to normalization of relations between Kosovo and Serbia, is of utmost importance for the security and peace in Kosovo and the Western Balkans. The recent Banjska terrorist attack underscores the urgency of resolving the dispute and the status quo in north of Kosovo. The key challenge lies in the sequencing of actions for implementing the Agreement on the Path to Normalization of Relations between Kosovo and Serbia, which has stalled, among others, due to a lack of trust and proposals containing unbalanced sequencing of actions. From Kosovo's perspective, the ASM appears to be the last remaining thread through which the country can facilitate a change in the current status-quo with respect to membership in the EU and NATO, provided there are strong guarantees by the facilitators to achieve these aspirations.

To address the sequencing issue, a proposed alternative approach suggests that Kosovo should initiate the establishment of the ASM, followed by immediate and tangible steps by Serbia and the Euro-Atlantic community, including de facto recognition and offers for EU candidate status and NATO Membership Action Plan. The establishment of the ASM is a critical step, but it must align with constitutional standards and facilitate progress towards membership in the EU and NATO, as well as other international organizations such as INTERPOL and UNESCO, though not only.

“To address the sequencing issue, a proposed alternative approach suggests that Kosovo should initiate the establishment of the ASM, followed by immediate and tangible steps by Serbia and the Euro-Atlantic community”



About KCSS

Kosovar Centre for Security Studies is an independent policy research organization founded in April 2008 and based in Prishtina – Kosovo. KCSS is dedicated to security sector development and reform in Kosovo, Western Balkans and beyond. It proactively promotes the principle of good governance, integrity, social resilience, peacebuilding and regional cooperation.

The KCSS perform its role through intense research activities, organization of events, training, advocacy and direct policy advice. Each year, KCSS publishes numerous reports, policy analysis and policy briefs. It also, runs more than 200 public events including conferences, round-tables, and debates, lectures targeting a wide range of domestic, regional and international audience interested in the security sector.

This year, KCSS celebrated its 15th Anniversary. For more details about KCSS, you can check on the following official platforms:



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