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PEACE THROUGH INTER-ETHNIC
DIALOGUE IN KOSOVO



Kosovo Collective Report

Fostering societal peace through inter-ethnic dialogue in Kosovo

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Introduction

In 2021, New Social Initiative (NSI) and Peacebuilding Group, supported by the Balkan Trust for Democracy (BTD), have brought together a group of people from Kosovo and Serbia in what has been called the “Kosovo Collective” to discuss prospects and challenges for achieving more sustainable peace in Kosovo. Those involved in these conversations were civil society activists, policymakers, experts, scholars, and journalists. To unearth and have a deeper understanding of structural and situational blockages that undermine the potential for durable societal peace in Kosovo, in their discussion, the Kosovo Collective has tackled different thematic clusters, such as: how political developments affect the inter-ethnic consensus between Kosovo Serbs and Kosovo Albanians on issues such as the dialogue on normalization, political representation, and central authority; elections and democratic participation; potential for multi-ethnic and active citizenry; contentious issues surrounding cultural heritage, and the rise of populism and nationalism.

The purpose of this report is to provide a summary of the discussions of the Kosovo Collective in their five meetings during 2021. The Kosovo Collective discussions were structured as semi-formal, Chatham house meetings to facilitate an open discussion on topics that seem to divide Serbs and Albanians in Kosovo. What makes the Kosovo Collective discussions extraordinary is that they tackled issues that are considered as sensitive (i.e., the lawsuit for genocide against Serbia from Kosovo), but these meetings were inspired, organized, and facilitated entirely locally, and none of the meetings had anyone externally (i.e., “someone from EU”) to help create an enabling environment for discussion. What this shows is the strong agency of the civil society in Kosovo, and the potential to play a more constructive and enabling role in the overall process of normalization of relations.

Key findings:

1. Kosovo’s advanced framework covering the rights of non-majority communities is recognized, but its effective implementation remains a challenge. Confidence-building measures between the Kosovo Albanians and Kosovo Serbs are of significant relevance for the process of normalization of relations and peaceful relations in Kosovo.
2. Kosovo Serbs underline that the process of integration of north Kosovo, and the Kosovo Serb community in general, is still unpopular at the community level and would not be able without a push from official Belgrade, however, if this process is to move forward political safeguards, rights and representation will need to be advanced, they feel. On the other hand, Kosovo Albanians feel that compromise with the Serb community was concluded with the Comprehensive Proposal for the Kosovo Status Settlement, or commonly known as the Ahtisaari Plan.

3. The Kosovo government must reach out to the Serb community representatives and start a conversation about developing policies that would provide sustainable solutions and not disrupt people's lives in the north of Kosovo, in a framework of the integration process.
4. North Kosovo also remains the key issue for the normalization of inter-ethnic relations in Kosovo. There needs to be greater transparency over possible agreements especially in a scenario where the north of Kosovo is fully integrated, and how that would work in practice.
5. For Kosovo Serbs, the establishment of the Association/Community of Serb-majority Municipalities (A/CSM) is seen as a confidence-building measure and a key instrument for the continuation of talks on integration, should they take place. However, due to its problematic character and perceived implications for the functionality of Kosovo, as well as the narrative created that implies A/CSM is a new Republika Srpska, the A/CSM has lost its appeal among the Government of Kosovo and the majority population in Kosovo.
6. The EU-facilitated dialogue for the normalization of relations between Kosovo and Serbia is seen as a highly political process, that has the potential for transformation of the Kosovo society but is very much dependent on internal political will and EU's credibility as a resolute facilitator.
7. In addition to the status of Kosovo, another major issue in Kosovo-Serbia relations is the past, or the failure to deal with the past.
8. Despite continued international donor support to facilitate integration and inter-ethnic cooperation, antagonisms between Kosovo Serbs and Kosovo Albanians have not seen any significant improvement. On the contrary, trends in ethnopolitical rhetoric have seen a sharp increase over the past year.

The report is organized into two overall sections. The first section provides a summary of the Kosovo Collective discussions and highlights major arguments, while the final section provides concluding notes on the challenges for the way forward. The purpose of this report is to provide a better understanding of how relevant issues for peace in Kosovo are seen by a diverse group of civil society actors from Kosovo and Serbia, and in that way, it seeks to inform a better public discourse on some of the issues raised in this report.

Discussions in the Kosovo Collective: The dilemma between peace and justice and potential for inclusive Kosovo

“What we lack is equal representation, to be able to present Kosovo as a whole we have to have good communication inside.”¹

The five meetings of the Kosovo Collective tackled several issues concerning interethnic relations and the normalization of relations between Kosovo and Serbia. This section highlights key points of discussions.

Kosovo’s advanced framework covering the rights of non-majority communities is recognized, but its effective implementation is a challenge. Confidence-building measures between the Kosovo Albanians and Kosovo Serbs are of significant relevance for the process of normalization of relations and peaceful relations in Kosovo. International reports, such as the US State Department Human Rights Reports, and internal Kosovo reports from the Institution of the Ombudsperson of Kosovo, hold that the implementation of the rights of non-majority communities is not widespread across the public institutions.² For instance, Law No. 06/L-114 on Public Officials states that at “least ten percent (10%) of job positions in all categories of public officials should be filled in by members of non-majority communities in Kosovo and who meet admission criteria, while at the municipal level, fulfillment of the number of job positions for members of communities will be by the percentage of the population in that municipality.”³ Based on the reports of the Kosovo Government on the state of the civil service, the representation of the non-majority communities in the civil service is at around 9 percent.⁴ What exacerbates the problem is the lack of meaningful conversation on the subject as issues become part of the meta-political debate between Kosovo and Serbia.

For instance, in one of the discussions of the Kosovo Collective, the recent tensions between Kosovo and Serbia over the license plates was used to illustrate how the Kosovo media reporting on the subject largely ignored the voice and perspective of the everyday citizens in the north of Kosovo and how the situation and the potential

¹ Notes from the Kosovo Collective discussion, May 15, 2021: Ferizaj/Uroševac.

² See the State Department’s 2020 Kosovo Country Report on Human Rights Practices, available at: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kosovo/>; Ombudsperson Annual Report 2020

³ See the Law no. 06/L-114 on Public officials, Official Gazette of the Republic of Kosovo / no. 8 / 11 march 2019, Pristina, available at: [ActDetail.aspx\(rks-gov.net\)](http://ActDetail.aspx(rks-gov.net)) p. 5

⁴ See the Report on the State of the Civil Service of the Republic of Kosovo for 2018, available at: <https://mpb.rks-gov.net/ap/desk/inc/media/B38D28D3-7C94-48A0-AD17-2F55659FE14D.pdf> p. 21

solutions would affect their everyday life.⁵ On the other hand, on the same issue, another participant argued how the Kosovo Serbs neither sympathized nor seemed to have understood the humiliation and the practical problems that those with the Kosovo car plates were going through when traveling to Serbia⁶, a point contested by Kosovo Serbs participants who too have experienced considerable hardships with license plates, including the RKS plates.⁷ The exchanges in the Kosovo Collective have shown the lack of mutual-understanding about common practice problems, and our failures to see those problems from the perspective of one another.

In this context, the proclaimed commitment of the Government of Kosovo for an internal dialogue with the Serb community in Kosovo is very important and civil society should be consulted on designing and implementing such an undertaking. The government should approach the process of internal dialogue with respect and in good faith. There are two important factors to consider in this regard. First, the involvement of civil society in the process is essential, but also is the approach. Civil society organizations should not be instrumentalized to simply legitimize the process, instead, they should be involved in a meaningful manner. Secondly, in order for the internal dialogue to have a good chance for success, it needs to be organized in close consultation with the political representatives of the Serb community in Kosovo (i.e., Serb List). Based on the discussions in the Kosovo Collective, efforts to avoid or undermine the Serb List in a potential process of internal dialogue with the Serb community in Kosovo would not result in a legitimate and accepted process and could further exacerbate the confidence of the Kosovo Serbs in the public institutions. Another reason that makes such an undertaking important is preventing and countering disinformation aimed at creating ethnic tensions in Kosovo. In this context, the Kosovo Collective discussed the case of Ms. Dragica Gašić, the first Serb returnee in the Municipality of Gjakova/Đakovica.⁸ The discussion in the Kosovo Collective highlighted that, although the return of Mrs. Gašić was facilitated by the Kosovo Government (respectively the Ministry for Communities and Return, the Gjakova/Đakovica Municipal Office for Communities and Return with the support of the Kosovo Property Comparison and Verification Agency), the public backlash led to conflicting narratives.⁹ Based on the annual report from the US Department of State, in 2020 the Ministry for Communities and Returns has effectively facilitated the return of 273 individuals to Kosovo, including

⁵ Notes from the Kosovo Collective discussion, October 8, 2021: Brezovicë/Brezovica

⁶ Notes from the Kosovo Collective discussion, October 8, 2021: Brezovicë/Brezovica

⁷ According to the Report on Challenges and Achievements in Implementation of the Brussels Dialogue, presented to Kosovo Assembly by Kosovo's Chief Negotiator, Besnik Bislimi, in the period between December 2017 and September 2020 in ten Serb-majority municipalities, over 27,000 driving licenses were issued by Kosovo authorities, the most in Severna Mitrovica/Mitrovica e Veriut - 5,434.

⁸ See: 'We Don't Allow Serbs': Kosovar City's First Serb Returnee Reopens Wartime Wounds', by Bekim Bislimi Ljudmila Cvetkovic and Andy Heil, Radio Free Europe, July 8, 2021, available at: <https://www.rferl.org/a/kosovo-serb-returnee-gjakova/31349094.html>

⁹ Notes from the Kosovo Collective discussion, July 22, 2021: Severna Mitrovica/Mitrovica e Veriut

133 Kosovo Serbs.¹⁰ However, the process of reintegration of the returnees displaced during the Kosovo war has been, to a large degree politicized. This affected Kosovo's readiness to honor its obligations and implement its national legal framework related to support and coordination of reintegration of the returnees.¹¹ Kosovo Serbs also feel that the government has become more complacent concerning the instances of ethnically motivated attacks.¹² Similarly, the case of displaced Kosovo Albanians in the North has been often overlooked by the Kosovo Serb community. A 2017 UNHCR report on the profiles of IDPs in Kosovo notes that there are still 5,789 Kosovo Albanian IDPs in Kosovo, of which 78% have primarily been displaced from Severna Mitrovica/Mitrovica e Veriut.¹³ The same report notes over 16,000 Serb IDPs in Kosovo and over 600 Roma, Ashkali and Egyptian internally displaced persons.

Kosovo Serbs strongly feel that advancing political safeguards, rights, and representation are essential steps in the process of integration of the north of Kosovo, while the Kosovo Albanians feel that compromise with the Serb community was concluded with the Comprehensive Proposal for the Kosovo Status Settlement, or commonly known as the Ahtisaari Plan.¹⁴ Based on the discussions in the Kosovo Collective, it seems that the Albanian community in Kosovo perceives potential new or advanced political rights and safeguards for the Serb community in Kosovo, not to be genuine requests of the local community but rather tools in order to advance, what they see, as a plan of Serbia to establish a "Republika Srpska" style mechanism in Kosovo. For instance, one of the participants in the Kosovo Collective discussions held in Prizren stated that "If we give the Kosovo Serbs the Association of the Serb-Majority Municipalities (A/CSM), they will want more."¹⁵ While, for Kosovo Serbs, as stated in the same meeting, the agreement between Kosovo and Serbia on the A/CSM, does not represent new political rights for the Kosovo Serbs, but rights already recognized in Kosovo's legal framework.¹⁶ In this sense, there is lack of confidence or mistrust over the motives for a plus or an addition to the Ahtisaari Plan, which shows that trust between communities in Kosovo remains elusive, but yet it is a quintessential ingredient for both the dialogue process as well as for the sustainability of the agreement that will potentially be reached between Kosovo and Serbia. The exchange between the Kosovo Albanians and Kosovo Serbs, in the framework of the Kosovo Collective discussions, shows that while the Kosovo Albanians might not be fully aware or informed over the reality of implementation of the rights

¹⁰ See the report from the annual conference of the Ministry of Communities and Return for 2020, available at: <https://kossev.info/jevtic-i-am-not-satisfied-with-the-returns-process-273-people-returned-to-kosovo-this-year>

¹¹ Notes from the Kosovo Collective discussion, July 22, 2021: Severna Mitrovica/Mitrovica e Veriut

¹² Notes from the Kosovo Collective discussion, July 22, 2021: Severna Mitrovica/Mitrovica e Veriut

¹³ See UNHCR Feature: A afresh start for mixed community in Kosovo, available at: https://www.unhcr.org/see/wp-content/uploads/sites/57/2018/11/UNHCR_KOS_Profiling_English_Pages.pdf

¹⁴ See the Report of the Special Envoy of the Secretary-General on Kosovo's future status, United Nations Security Council, March 26, 2006, available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kosovo%20S2007%20168.pdf>

¹⁵ Notes from the Kosovo Collective discussion, June 12, 2021: Prizren

¹⁶ Notes from the Kosovo Collective discussion, June 12, 2021: Prizren

of non-majority communities in Kosovo, the Kosovo Serbs fail to comprehend the concerns of the majority that the potential new arrangements over political rights and representation can have on the functionality of the state. The issue of, what the US State Department report calls “illegal parallel government structures in Kosovo Serb majority municipalities”¹⁷, was highlighted in the Kosovo Collective discussion as a concern for the Kosovo Albanians. Kosovo Serbs, on the other hand, fear that dismantling the healthcare and education structures sponsored by the Serbian government in the Serb majority municipalities in Kosovo, without a sustainable alternative, can exacerbate the situation for the worse and leave the community without essential services.¹⁸ The following quote, from the Kosovo Collective discussion in Severna Mitrovica/Mitrovica e Veriut, illustrates this perception among the Serbian community in Kosovo: “If we talk about dismantling parallel institutions, please tell me what is the plan for education and healthcare institutions? It is a populist statement in my opinion. What is the alternative to the educational system still in place in Kosovo? What kind of education do Kosovo institutions offer? What kind of health system? What is the parallel system? For the Kosovo Serbs it is not a parallel system but a primary system”¹⁹. For Kosovo Albanians, however, the dependency of the Serb community in Kosovo on Belgrade is seen as a political choice.²⁰ The differences of opinion on this subject are also a result of lack of meaningful communication, awareness, and confidence between the communities. Accordingly, it is essential that the Kosovo government reaches out to the Serb community and start a conversation about developing policies that would provide sustainable solutions and not disrupt people’s lives in the north of Kosovo, within a framework of integration process negotiated with Belgrade.

The north of Kosovo remains the key issue also for the normalization of inter-ethnic relations in Kosovo. According to Kosovo Serb participants, greater transparency over possible agreements is required, especially in a scenario where the north of Kosovo is fully integrated, and how that would work in practice.²¹ Citizens in the north of Kosovo are genuinely afraid and concerned about political arrangements vis-à-vis the north because they are not properly informed about potential solutions, while the previous solutions already significantly disrupted their lives. Informing the political leadership of the north of Kosovo (i.e., Srpska Lista/Serb List) does not equal informing the citizens there, yet it seems in practice for all actors involved, talking to the political leadership is seen as sufficient. The discussions in the Kosovo Collective have also shown that it would be counterproductive and potentially harmful to undermine the Serb List as the legitimate political representation of the Serb community in Kosovo.²²

¹⁷ See the State Department’s 2020 Kosovo Country Report on Human Rights Practices, available at: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kosovo/>

¹⁸ Notes from the Kosovo Collective discussion, July 22, 2021: Severna Mitrovica/Mitrovica e Veriut

¹⁹ Notes from the Kosovo Collective discussion, July 22, 2021: Severna Mitrovica/Mitrovica e Veriut

²⁰ Ibid.,

²¹ Notes from the Kosovo Collective discussion, July 22, 2021: Severna Mitrovica/Mitrovica e Veriut

²² Notes from the Kosovo Collective discussion, June 12, 2021: Prizren

However, the Serb List, especially in the north of Kosovo also actively undermines democratic standards. For instance, the 2020 Country Report for Kosovo by the European Union (EU) states: “The legislative elections of October 2019 were overall well-administered and transparent, but the vote-counting process exposed vulnerabilities. The campaign was competitive, except in the Kosovo Serb areas where the campaign environment was marred by intimidation against non-Srpska Lista candidates and supporters.”²³ Additionally, other non-Serb List political leaders have stated that political freedom in the Serb community in Kosovo is threatened by the actions of the Serb List, because “Kosovo Serbs are blackmailed and their very survival is dependent on their vote for Srpska Lista.”²⁴ Despite the criticism against Serb List, it is clear that until a comprehensive solution is reached between Kosovo and Serbia, political representation of the Serb community in Kosovo is shaped and conditioned by Belgrade. The civil society in the Serb community in Kosovo, especially in the north, is struggling to contribute to democratic growth, despite the difficult context in which they operate, and the pressure from all sides. At the same time however, there have been notable incidents of Kosovo Serb voter and NGO intimidation.²⁵ This was also recently identified by the United Kingdom representative at the UN Security Council Kosovo briefing on 15 October 2021 who noted with concern “the intimidation of Kosovo Serb non-governmental organizations that work with Kosovo institutions and of individuals who seek to join Kosovo’s multi-ethnic institutions.”²⁶ These incidents and their consequences are rarely discussed publicly by Kosovo Serb citizens and NGOs due to fears of complete suppression by proponents of the government of Serbia in Kosovo.

Establishment of the Association/Community of Serb-majority Municipalities (A/CSM) is seen by Kosovo Serb citizens as a confidence-building measure and key instrument for integration of the remaining Serbian institutions in Kosovo, should this be agreed in the future. However, further delays in its establishment can diminish the potential of A/CSM as a cornerstone of a peace deal between Kosovo and Serbia.²⁷ The Albanian majority in Kosovo does not see willingness on the part of the Serb community in the north to integrate in Kosovo’s system. On the other hand, Kosovo Serbs do not have confidence in the public institutions of Kosovo, because of the poor record of implementation of community rights mechanisms.

²³ See: Kosovo 2020 Report by the European Commission, October 10, 2020, available at: https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/kosovo_report_2020.pdf p. 4

²⁴ See: Srpska Lista facing little opposition in upcoming elections, by Eraldin Fazliu and Jack Robinson, published on Prishtina Insight on January 20, 2021, available at: <https://prishtinainsight.com/srpska-lista-facing-little-opposition-in-upcoming-elections/>

²⁵ See Andy Heil (2019) “Bullying among Serbs sours Kosovo’s Democratic Gains”, available at: <https://www.rferl.org/a/bullying-among-serbs-sours-kosovo-s-democratic-gains/30211468.html>

²⁶ See UN Security Council 8880th Meeting on Kosovo, available at: <https://media.un.org/en/asset/k1a/k1amv96ton>

²⁷ See NGO Aktiv (2015) Report on Community/Association of Serbian Municipalities, available at: <http://ngoaktiv.org/uploads/files/Community%20of%20Serbian%20Municipalities%20-%20The%20Sum%20of%20All%20Fears%20-%20Eng.pdf>

Issues mentioned in this regard refer to the Law on the use of languages and the decision of the Constitutional Court of Kosovo on Decani monastery.

The A/CSM has been a subject of tense discussions both in Kosovo and Serbia. In 2013, Serbia's Prime Minister Ivica Dačić and Kosovo's Prime Minister Hashim Thaçi signed an EU brokered agreement which included the establishment of the Association/Community of Serb-majority Municipalities, which was further detailed in 2015 by a new agreement between the two parties.²⁸ Kosovo's Constitutional Court reviewed both agreements, and on 23 December 2015 issued its verdict, which states that some of the provisions in the 2015 agreement on A/CSM were not fully in line with the spirit of the constitution of Kosovo, but concludes that the A/CSM needs to be established in accordance with the 2013 agreement between Kosovo and Serbia, which was ratified by the Kosovo Assembly in June 2013.²⁹ The public debate over the A/CSM in Kosovo largely distorted the truth about the nature, character and the purpose of the A/CSM³⁰. Kosovo Albanians fear the A/CSM because of its potential to make Kosovo dysfunctional, a perception which is informed by the developments with the Republika Srpska in Bosnia and Herzegovina and spurred on by Srpska List's election slogan - Today we vote Srpska, tomorrow we build Srpska. Those fears were exacerbated by recent developments as the Bosnian Serb leader Milorad Dodik openly discussed his intentions for secession.³¹ However, as it was discussed in the Kosovo Collective, Kosovo is not organized as a federation, and the conditions are not the same for a similar result as a Republika Srpska in the north of Kosovo.

The discussions in the Kosovo Collective suggest that the public debate over the A/CSM in Kosovo has undermined the confidence of the Serb community in the Kosovo's political leadership, as illustrated by the quote from the discussion in Prizren "Failure to implement the A/CSM created a large gap between Kosovo government and Kosovo Serbs, and resulted in a renewed confidence and dependency in the Serbian institutions in Kosovo among the local Serbs"³² However, the A/CSM is also increasingly being seen with skepticism among the Serb community in Kosovo, as illustrated by this quote from the Kosovo Collective discussion in Prizren "Belgrade uses A/CSM to neglect the dialogue and they are using it against Pristina. If Srpska Lista wanted to initiate it, they could send a request to Kosovo Institutions.

²⁸ See: Serbia and Kosovo sign historic agreement, by Christoph Hasselbach, DW, April 20, 2013, available at: <https://www.dw.com/en/serbia-and-kosovo-sign-historic-agreement/a-16758946>

²⁹ See: Case No. K0130/15, the verdict of the Constitutional Court of Kosovo, December 23, 2015 (No. AGJ877/15), available at: https://gjk-ks.org/wp-content/uploads/vendimet/gjk_ko_130_15_shq.pdf

³⁰ See Balkan Dialogues Establishment of the Association/Community of Serb Majority Municipalities in Kosovo: Challenges and Opportunities, available at: <https://en.bfpe.org/wp-content/uploads/sites/5/2021/03/Andric-Rakic-and-Ilazi-Establishment-of-the-ASM.pdf>

³¹ See: West Struggles to Counter Secessionist Threat in Bosnia, by Dino Jahic, Voice of America, November 29, 2021, available at: <https://www.voanews.com/a/west-struggles-to-counter-secessionist-threat-in-bosnia/6332174.html>

³² Notes from the Kosovo Collective discussion, June 12, 2021: Prizren

They want Kosovo to keep refusing A/CSM.³³ In other words, the longer the establishment of the A/CSM takes, the greater the pressure and blame-game on Kosovo for failing to fulfill its international obligations. One common theme across the five discussions of the Kosovo Collective during 2021 about the A/CSM is best illustrated with this quote from the discussion in Severna Mitrovica/Mitrovica e Veriut in July: “If Kosovo implemented the A/CSM in 2015 we would have a completely different situation nowadays.”³⁴

The EU-facilitated dialogue for normalization of relations between Kosovo and Serbia is seen as a highly political process, that has potential for transformation of the Kosovo society, but it depends on internal political will for difficult decisions, but also on EU’s credibility. The European Union (EU) has significantly damaged its reputation and credibility in the Western Balkans, especially in Kosovo with the failure to deliver on visa liberalization for Kosovo. Kosovo citizens remain the only ones isolated in the Western Balkans and are unable to travel freely to the EU. This situation persists despite the recommendation from the European Commission and their confirmation that Kosovo fulfilled all the conditions from the roadmap for visa liberalization, which also was confirmed by the European Parliament. Kosovans no longer share the enthusiasm about the EU as they did before, and this affects how they would see and accept a potential comprehensive agreement in the framework of the EU-facilitated dialogue, including the establishment of the Association/Community of Serb-majority Municipalities. The new government of Prime Minister Albin Kurti was criticized for failing to appreciate the relevance of ensuring full integration of the Serb community in Kosovo: “I think Kurti doesn’t understand the importance of the integration of Kosovo Serbs. He doesn’t understand that internal issues possibly related to internal dialogue have to be discussed in Brussels with Serbia. If he wants to finish the integration process, he doesn’t understand to what level the Serb community is disintegrated.”³⁵ However, the Kosovo Collective discussions show that Prime Minister Kurti is seen as having the necessary popular support and political power to transform the dialogue process and bring the process to a conclusion: “If there is anyone in terms of the Kosovo side that can conclude the dialogue, or can bring it to a new level, it is Kurti”³⁶.

The Kosovo Collective discussions also highlight the lack of clarity in terms of the government approach to the dialogue. In other words, while the Prime Minister’s potential in the dialogue is recognized, his intentions and vision for the process are less clear, and this creates uncertainty, especially among the Serb community in Kosovo.

Kosovo Collective also discussed practical issues that are seen with concern by the Serb community in Kosovo, such as the implementation of the decision of the Constitutional Court of Kosovo from 2016 that backed the 2014 decision of the Supreme Court of

³³ Ibid.,

³⁴ Notes from the Kosovo Collective discussion, July 22, 2021: Severna Mitrovica/Mitrovica e Veriut

³⁵ Notes from the Kosovo Collective discussion, June 12, 2021: Prizren

³⁶ Notes from the Kosovo Collective discussion, June 12, 2021: Prizren

Kosovo that confirmed property rights to the Decani Monastery.³⁷ In particular, the EU-facilitated dialogue between Kosovo and Serbia has had significant adverse effects on inter-ethnic exchanges and perceptions towards integration. Serbia's assumption of complete ownership of deliberating on the integration of Kosovo Serbs has significantly impacted the way Kosovo political actors frame dialogue issues in Kosovo. Additionally, the EU's unclear institutional approach to the dialogue has prioritized the continuous constructive ambiguous engagement of the sides at the expense of generating a clearly defined path for integrating Kosovo Serbs. This asymmetry has alienated Kosovo Serbs from viewing integration into Kosovo institutions and public and social life as a viable path. To carefully manage historical grievances, Kosovo Albanians must treat dialogue concessions as zero-sum games to not generate public backlash. This approach, in turn, further alienates Kosovo Serbs and their prospects for integration. The EU's general support to this process, through the role of the European External Action Service (EEAS) has been limited, at best. The EEAS ambiguous facilitation is also evidence of its lack of decision-making authority, often marred by its inability of carrying out the EU's Common Foreign and Security Policy (CFSP) as well as its Common Security and Defense Policy (CSDP). The Association/Community of Serb Municipalities (A/CSM) and the Energy arrangements depict the unintended consequences of ambiguous facilitation on the prospects of the integration of Kosovo Serbs. Although it is important to note that the agreement on A/CSM signed in 2013 was clarified with the decision of the Constitutional Court in 2015, and in that regards the process is not a victim of ambiguity as it is of political arrangements on the scope of authority of the A/CSM, as well as political will to move with its implementation on the part of the Kosovo government.

In addition to the status of Kosovo, another major issue in Kosovo-Serbia relations is the past, or the failure to deal with the past. In the framework of the Kosovo Collective discussions, the issue of the past was extensively discussed. The discussion was dominated by the tension over issues of justice and peace. In other words, the question that was raised in the Kosovo Collective discussion in Brezovica is can Kosovo and Serbia have peace without justice, or would peace be sacrificed if there is insistence on justice. There are issues that transcend the potential political interests in the discussion about dealing with the past, such as the fate of the missing persons, that the Kosovo Collective discussed and agreed is an issue that must be resolved and it seems this conviction is shared, at least officially, by both Kosovo and Serbia. However, other issues such as the debate in Kosovo about a potential lawsuit against Serbia for genocide, is a subject that creates divisions and tensions.³⁸

³⁷ See: Quint member states call for implementation of Kosovo's top court ruling on Decani Monastery, Euro News, May 20, 2021, available at: <https://euronews.al/en/kosovo/2021/05/20/quint-member-states-call-for-implementation-of-kosovos-top-court-ruling-on-deceni-monastery/>

³⁸ Notes from the Kosovo Collective discussion, May 15, 2021: Ferizaj/Uroševac

The discussions in the Kosovo Collective seem to suggest that while for the Kosovo Albanians the genocide lawsuit against Serbia is about dealing with the past and justice, for the Kosovo Serbs it is seen as a strategy designed for political maneuvers in the process of dialogue with Serbia.³⁹

The discussions in the Kosovo Collective about dealing with the past seem to suggest that this debate is seen through the lens of nationalism by the Kosovo Serb community, as illustrated by this quote: “I am not denying about the things happening in Kosovo, I am also asking for justice. What I am trying to say is that Serbia failed to convince Kosovo Albanians that they were part of society, and Kosovo is failing now to do the same with Kosovo Serbs. Nationalism in the Balkans is ruling.”⁴⁰ In the context of the past, an important aspect is also the issue of cultural heritage, which represents one of the most contested issues that impedes genuine efforts to inter-ethnic integration in Kosovo. Given the scope of the Ahtisaari Plan, Annex V of the Plan regulates the status of the religious and cultural heritage of the Serb community. Among others, Kosovo institutions are required to recognize the Serbian Orthodox Church in Kosovo as well as the inviolability of its property (Ahtisaari Plan, Annex V). A report by the International Crisis Group in 2010 on the issue of extraterritoriality stated that “Belgrade accordingly desires to enhance the Church’s position by obtaining the substance if not necessarily the form of extra-territoriality, treaty guarantees and protection by an international force after NATO-led peacekeepers (KFOR) leave. There would appear to be scope for the Pristina government, which already made extensive concessions to the Church during the Ahtisaari talks, to consider such measures without prejudice to its sovereignty.”⁴¹

While the question of cultural heritage has not been directly addressed in the context of the EU-facilitated dialogue, the media has discussed potential plans for extraterritorial status for the Serbian Orthodox Church in Kosovo, which are seen with concern in Kosovo. An analysis by Igor Novaković published by BFPE holds that “For the ruling elite in Serbia, status of Serbian religious and cultural heritage in Kosovo is one of the most important issues. According to unofficial information, Serbian ruling political elite tried at least since 2013 to put the status of Serbian cultural and religious heritage on the Brussels negotiations agenda, but it was rejected.”⁴² Furthermore, Novakovic argues that a new solution is required and examines different options in his analysis.

³⁹ Ibid.,

⁴⁰ Notes from the Kosovo Collective discussion, May 15, 2021: Ferizaj/Uroševac

⁴¹ See: Kosovo and Serbia after the ICJ opinion, Europe Report N°206 – 26 August 2010, International Crisis Group (ICG), available at: <https://www.files.ethz.ch/isn/120587/206%20Kosovo%20and%20Serbia%20after%20the%20ICJ%20Opinion-1.pdf>

⁴² See: Balkan Dialogues on the future status of Serbian religious and cultural heritage in Kosovo and the process of normalization of relations between Belgrade and Pristina, available at: <https://en.bfpe.org/wp-content/uploads/sites/5/2021/03/Novakovic-On-the-Future-Status-on-Serbian-Religious-Heritage.pdf> p. 3

Concluding remarks

Despite decades of internationally sponsored and locally led non-governmental initiatives to support inter-ethnic exchanges and cooperation among Kosovo Serbs and Albanians, antagonisms between the two communities continue to hamper any genuine progress. Antagonisms between and among political elites in both Kosovo and Serbia continue to hamper any genuine progress in terms of normalization of relations among communities and ordinary citizens. Public debates surrounding sector-specific integration (i.e. education, justice, healthcare etc.), are often met by competing narratives that are seemingly irreconcilable. Kosovo Serbs and Albanians, especially civil society, must recognize the asymmetric arguments and work towards building upon an evidence-based approach to structurally examining the implications of sector-specific integration on the overall social fabric in Kosovo. As long as citizens reproduce elite political rhetoric in grassroots inter-ethnic debates, prospects for evidence-based deliberation fade exponentially. In the absence of this, discussions on the integration of Kosovo Serbs within Kosovo institutions will hardly produce any cross-ethnic consensus.

The prospects for a sustainable peace in Kosovo have never been more far-fetched. Given current trajectories related to the Kosovo-Serbia dialogue and the caveats related to the implementation of the community rights legal framework, the integration of Kosovo Serbs remains a contentious topic. This report has synthesized some of the most important elements that have accounted for the sustained persistence of a negative peace in Kosovo and the subsequent structural challenges that have legitimized this. While the public institutions of Kosovo are responsible for addressing a number of these challenges (directly related to the level of implementation of community rights), the centralized nature of Kosovo Serb political representation also makes prospects of a positive peace unlikely.



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