



New Apple of Discord: SOC in the Dialogue on Normalization

June
2022



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Community of Serb
Municipalities in Limbo of
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in the Dialogue on Normalization

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About Open Initiative

"Democracy, Openness and Perspectives of the Serbian Community in Kosovo – Open" is an initiative of Kosovo Foundation for Open Society (KFOS) launched during 2020. The aim of this initiative is to develop an open and dynamic space for discussion within and among the Serbian and other communities, as well as with institutions in Kosovo.

Civil society organizations and media from Serb community in Kosovo, members of the initiative, specifically deal with analyses and assessments of impact of civic and political organizations on the development of democracy as well as openness of Serb community in Kosovo. These analyses assess the openness of institutions, public policies, and important processes towards Serb community in Kosovo, as well as the level of openness of Serb community towards them.

These analyses will help provide insights into the situation and perspectives of Serb community in Kosovo, serving at the same time for informed representation in front of decision-makers, local and central institutions, and the international community

Objective of the study, and research methodology

The overall goal of the research is to examine the probability of including the matter of status of the Serbian Orthodox Church in the Dialogue on normalization of relations between Belgrade and Priština, and the acceptability of various models of potential involvement of the Church representatives in negotiations for the Kosovo Serb and Kosovo Albanian communities.

The specific objective of the research is to establish the importance of the SOC' inclusion in the Dialogue on Normalization for the acceptability of a possible agreement to the Serbian public.

Time line:

the research was conducted from December 2021 to February 2022.

Methodology and design of qualitative research

The content analysis that included statements and releases of the Church and Kosovo officials provides insight into the quality of relations and the rhetoric of the two sides, while the content analysis that included laws, court rulings and reports of institutions establishes the factual state of affairs in terms of level of the rule of law in matters concerning the Kosovo-located property of the Serbian Orthodox Church.

5 non-structured interviews with historians, political and international representatives and sources close to the SOC have established the history of involvement of the SOC representatives in negotiations with Kosovo Albanians, the international community, as well as their role in the post-war organization of life of the remaining segment of the Kosovo Serb community. Those interviews were conducted between January and February 2022.

At a round table with 10 experts in international law, political science, communication, and journalists, too, potential models for reaching an agreement that would have a chapter on the SOC were identified, together with aspects of such agreement's (un)attractiveness for the Serbian and the Albanian public. This round table was organized in February 2022.

The research also included two focus groups with a total of 17 citizens from the Serbian and other non-majority communities. The focus groups were conducted between 25-28 January.

1. Introduction

In mid-2021, Besnik Bislimi, Deputy Prime Minister in charge of the dialogue with Serbia, presented to the Assembly of Kosovo a report on the normalization of relations between Belgrade and Priština, thereby stating that in the second half of 2020, the Avdullah Hoti's Government agreed with the Serbian side to negotiate eight topics. Among those was one on the "status of the Serbian Orthodox Church" (the SOC). There were no other official corroborations of this topic floating in the Brussels waiting room; then, in mid-2021, there came a formal meeting¹ of the European Union (EU) Special Representative for the Belgrade-Priština Dialogue and other Western Balkan regional issues and Mathew Palmer, the then Special Representative of the State Department for the Western Balkans, with Porfirije, Patriarch of the Serbian Orthodox Church. At this, as Lajčák dubbed it, "first meeting", the need for a special position of the SOC and her property in Kosovo was discussed.

A possibility of including this particular topic in the Dialogue and the modalities thereof is the key theme of this research, in which dozens of experts - lawyers, historians, communicologists, political scientists, journalists, political representatives, sources close to the SOC and also citizens, took part through interviews, an expert round table and two focus groups. Any outcome of hypothetical negotiations concerning the SOC remains outside the scope of this report.

¹ Twitter post, official account of Miroslav Lajčák, 4 June 2021: <https://twitter.com/MiroslavLajcak/status/1400853103205888003?s=20&f=3HElqfzYfWu-lvgIy9PzVA>

Whereas the inclusion of this topic into a possible comprehensive agreement on normalization of relations, for the Serbian side, is not only fully expected but also crucial for such an agreement's acceptability, for Kosovo Albanians this issue has been closed by Annex V of the Comprehensive Proposals for the Kosovo Status Settlement² (the Ahtisaari Plan). The two sides' positions partially overlap only in the appraisal that the current legal framework is not being implemented adequately. However, while the Serbian side claims this is resulting from the unwillingness of Kosovo government institutions' to treat Serbian citizens equally, the Albanian respondents in turn claim that the underlying problem is the refusal of both citizens and representatives of the Diocese of Raška-Prizren (the ERP) to accept Kosovo's independence. If negotiation on the SOC within the dialogue on normalization does take place, for the Serbian side a participation of the Church representatives will be a given, but only indirectly.

² United Nations Office for the Coordination of Humanitarian Affairs, *Comprehensive Proposal for the Kosovo Status Settlement*, 26 March 2007: <https://reliefweb.int/sites/reliefweb.int/files/resources/1DC6B184D02567D1852572AA00716AF7-Full-Report.pdf>

2. What would be the topic?

According to sources close to the SOC, representatives of the Diocese of Raška-Prizren (ERP) perceive the inclusion of the matter of the SOC' status in the Dialogue on Normalization of relations between Belgrade and Priština as an opening to present their claims, mainly property related. The starting point in negotiations would be the arbitrary implementation of the Ahtisaari Plan's Annex V, routinely cited by the ERP as not being fully incorporated in the Kosovo's legal system³. Other claims would involve additional guarantees that Kosovo authorities cannot dispose of property of the SOC, or change its identity, or decide on it on their own, or disrupt lives of monastic communities and priests⁴, as well as the restitution of property seized by the Agrarian Law of 1946 and the repossession of usurped property.

On the other hand, sources close to Avdullah Hoti's administration assert that the then-Kosovo government's concept paper on the SOC in the dialogue only envisaged the possibility of strengthening institutional capacities for implementing the current legal framework centered on the Law on Special Protective Zones⁵. In

³ Diocese of Raška-Prizren, *Statement of Teodosije, Bishop of Raška-Prizren, commenting on Priština's candidacy for membership in UNESCO and the latest statement of Mr. Petrit Selimi*, 16 October 2015: <https://eparhija-prizren.com/sr/saopstenja/saopstenje-episkopa-rasko-prizrenskog-teodosija-povodom-kandidature-pristine-za-clanstvo/>

⁴ Provisions governing the status of clergy and full discretion of the SOC in managing the secular facilities in her ownership are among those which, according to the interpretation of the SOC' representatives, have not been accurately transposed into the Kosovo legislative framework.

⁵ Official Gazette of Kosovo, *Law No. 03/L-039 on Special*

other words, they held that the actual problem was an underdeveloped institutional framework, rather than the status of the SOC.

There was a certain inclination to include the matter of the SOC property in the dialogue with Belgrade, and even in the agreement, also exhibited by the government of Avdullah Hoti in September 2002, by committing to "implementing court decisions related to the Serbian Orthodox Church" in the 13th out of 17 clauses of the Agreement on Economic Normalization, signed in the White House in the presence of the then U.S. President Donald Trump. However, the fact that the enforcement of final court decisions is an issue in two sides' dialogue and bargaining, for the Kosovo Serb community translates into a warning that the Kosovo justice system is not going to treat them equally.

Further to the lack of political readiness for negotiations on the SOC status, citizens in the focus groups declare their perception that the sitting government of Kosovo "has radicalized its position towards the Serbs, the Church included". Unlike the post-war times, when there were contacts and talks between Serbian representatives, including the Church and Albanian representatives, "the current climate for dialogue is worse than after the war", shared a member of the Return Coalition. Relations between the Kosovo government and the ERP have been

Protective Zones, 4 June 2008: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2529>

slowly and steadily worsening for years; for the public and the international community, the most prominent dispute concerns the refusal of local and central authorities to enforce court decisions on the SOC property. All escalated when the Dečani Monastery got included into the list of “7 most endangered cultural monuments of Europe 2021” upon decision of Europa Nostra, the umbrella association of organizations for preservation of cultural heritage, due to legal uncertainty⁶. This decision triggered sharp responses from the Kosovo government, protesting it in an address also sent to this organization⁷, denying any basis for such a decision. In addition, at that same time, three institutional leaders: the Prime Minister, the President and the Speaker of the Kosovo Assembly, requested UNESCO⁸ to remove four Kosovo-located monasteries of the Serbian Orthodox Church from the List of Endangered World Heritage Sites. For the time being, the SOC representatives refuse⁹ to meet Kosovo officials until the court decision confirming the SOC ownership of the land in Dečani is enforced.



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⁶ Europa Nostra, *7 Most Endangered*, Dečani Monastery, 8 April 2021: <https://7mostendangered.eu/sites/decani-monastery-kosovo/>

⁷ KoSsev, *Kurti and Osmani in a letter to Europa Nostra before the final decision on Dečani: Churches in Kosovo are not endangered*, 9 April 2021: <https://kossev.info/kurti-and-osmani-in-a-letter-to-europa-nostra-before-the-final-decision-on-decani-churches-in-kosovo-are-not-endangered/>

⁸ KoSsev, *Kurti, Osmani, Konjufca wrote to UNESCO to remove 4 monasteries from the list of endangered and that Serbia is not responsible for them*, 22 May 2021: <https://kossev.info/kurti-osmani-konjufca-wrote-to-unesco-to-remove-4-monasteries-from-the-list-of-endangered-and-that-serbia-is-not-responsible-for-them/>

⁹ Serbian Orthodox Church, *Press release of the Diocese of Raška-Prizren*, 6 February 2022: http://www.spc.rs/sr/saopshtenje_za_javnost_eparhije_rashkoprizrenske_14

3. The form of the agreement

Political scientists and experts in international law agree that, if an agreement on normalization of relations is in place, the expected form is an agreement between the governments of Serbia and of Kosovo, to be ratified in respective Assemblies and thereupon implemented in both legal systems. In such scenario, one would realistically expect certain international guarantees, especially for judgments presently not enforced, says an expert in international law, adding that one should bear in mind that “from the point of view of international law, a party to an agreement cannot invoke domestic legal norms if it does not observe its international obligations”.

The implementation of the provisions on the Community of Serbian Municipalities in Kosovo was blocked after the Constitutional Court found that relevant agreement was an international obligation that had to be implemented but that parts of it were not compliant with the Kosovo Constitution. When asked whether a provision on necessity to amend constitutions of all sides could be an element of the comprehensive agreement, an expert in international law replied that this would not be logical. “The presumption is that negotiators will not deliberately violate the constitution when signing an agreement. In given situation, in all likelihood it would even be necessary to firstly amend the constitutions in order to make the agreement happen at all. Negotiators are bound by own constitution, but international law, save for certain extreme situations, does not tackle that

at all, and presumes that an international legal obligation has been assumed regardless of the constitutional provisions.”

In addition to Serbia and Kosovo, the EU should also be a contracting party in an agreement on normalization, says a Belgrade-base expert, adding however, that this is an almost impossible thing - “the EU should make a promise to the parties and it would be best to make this a part of the agreement”.

Any direct arrangement between the SOC and the Kosovo government is an almost impossible scenario, both because of the currently severely disturbed relations and the SOC’ rigid position on non-recognition of Kosovo and the very negative perception that Kosovo’s majority community harbors towards the SOC.

4. Arguments in favor of, and against, the inclusion of a Church representative in possible negotiations on the status of the SOC

For the ERP, there are many arguments supporting its inclusion in negotiations on normalization of relations. Kosovo government's years-long attempts to build an international transit road through the Special Protective Zone surrounding the Lofty Dečani Monastery and violations of the Law on Protective Zones which explicitly prohibits such an enterprise, were only halted after diplomatic efforts invested by the international community¹⁰. Decision upheld in several judicial instances, including the Constitutional Court¹¹ on registering property of the Lofty Dečani Monastery in the cadastre has not been finalized for more than 6 years, despite numerous warnings¹² from the international community

citing the need to observe court rulings and the rule of law. The Constitutional Court's call to¹³ the Public Prosecutor's office to launch an investigation and identify party responsible for non-enforcement of this Court's ruling has so far produced no response. The University of Priština's persistent lawsuits against the SOC over the construction of the Church of Christ the Savior near the campus have been rejected several times due to the plaintiffs' lack of presence at the hearings¹⁴. On the other hand, the decision of the Basic Court in Priština, upheld by the Appellate Court¹⁵, entitling the SOC to use the Church of Christ the Savior until the final

¹⁰ KoSsev, *EU: The agreed section of the Dečani-Plav road outside the SPZ and rehabilitation of a local road inside the SPZ*, 12 November 2020: <https://kossev.info/eu-dogovorena-decanica-decani-plav-van-szz-i-rehabilitacija-lokalnog-puta-unutar-szz/>

¹¹ The Constitutional Court of Kosovo, *Decision on extending injunction in Case No. KI 132/25*, 12 February 2015: https://gjk-ks.org/wp-content/uploads/vendimet/gjk_ki_132_15_vmp_srb.pdf

¹² NI, *the Quint: Government of Kosovo should "without delay" register the Dečani's land in cadastre*, 19 May 2021: <https://rs.niinfo.com/vesti/kvinta-vlada-kosova-da-bez-odlaganja-up->

<ise-zemlijeste-decana-u-katastar/>

¹³ Constitutional Court of Kosovo, *Decision on non-enforcement related to Judgment of the Constitutional Court of the Republic of Kosovo of 19 May 2016*, in Case No. KI 132/15, 24 September 2015: https://gjk-ks.org/wp-content/uploads/2021/09/ki132-15_VPM_srb.pdf

¹⁴ RTS, *There continue the saga and dispute over the SOC' land in Priština*, 3 February 2022: <https://www.rts.rs/page/stories/ci/story/124/drustvo/4687196/spc-pristina-hrista-spasa.html>

¹⁵ Radio Free Europe, *the Serbian Orthodox Church keeps the land in Priština*, 14 November 2017: <https://www.slobodnaevropa.org/a/spc-univerzitet-pristina/26853536.html>

judgment on the UP's lawsuit, is routinely ignored in numerous negative reactions by Kosovo officials when the ERP serves ministry on the Church's Patron Day. Desecrations of Orthodox graveyards and damages to religious buildings do not trigger public disapproval by Kosovo officials from the majority community, while the Kosovo's Prime Minister in his open letter to¹⁶ the ERP official goes as far as to refuse to name their sacral facilities as buildings of the "Serbian Orthodox Church".

"You are unwelcome, you are the object of destruction; The message is clear, we will do what we choose, and you are to bow and go", this is how the citizens in focus groups recap their perception of relations between the ERP and the Kosovo government in terms of non-observance of court rulings, and also of silence following desecrations of secular buildings and graveyards¹⁷. The significance of the SOC, i.e., the ERP for representatives of the Serbian community in Kosovo is reflected in the overwhelming view that the ERP is the "most important and vital institution" that enjoys "the highest trust of citizens". Its merit, they believe, is the existence of the Serbian community in Kosovo Pomoravlje and other areas south of the Ibar, as it has played the key role in the aftermath of the war when numerous local Serbian political officials left Kosovo - "in Kosovo, there only remained the ERP and citizens". The Serbian community in Kosovo is also convinced that the Church representatives are "intellectually superior to the average community members" and "respected in the world and of influence with Western officials", so the overall belief is they would represent in good faith the wider interests of the Serbian community in Kosovo, not just the interests of their own religious group.

The ERP's role in organizing community in the post-war institutional vacuum as well as its devo-

16 A Facebook post, official profile of Hajrulla Çeku, 26 May 2021: <https://www.facebook.com/438860019957922/photos/a.438860343291223/1115709962272921/?type=3>

17 55% of respondents in public opinion polling conducted for the needs of this research within the OPEN initiative, allege that the statements of Kosovo officials and historians concerning the SOC heritage are "hostile".

tion to the Serbian community in Kosovo during the "decade of combative atheism" at the times of communism¹⁸ when religious freedoms were even more threatened, is the key source of public trust, according to historian Petar Ristanović. As huge waves of Kosovo Serbs kept moving out of Kosovo resulting in "some 40% of them resettling, from mid-1960s through late 1980s" succumbing to pressures exerted by, and policies of, communist leaders in the Province, "inter-ethnic tensions in Kosovo were a taboo subject", and "the only institution that tried to offer any protection and alert the public on their plight was the SOC".

For both Kosovo officials and the general public in Kosovo, the ERP's insistence on compliance with the Law on Special Protective Zones translates into a halting of economic development¹⁹ of the Dečani Municipality. The Constitutional Court's decision confirming ownership of the Lofty Dečani Monastery over 24 ha of land is: unjust, in that it "affirms decision of the regime of Slobodan Milošević"²⁰; dictated, for being "pressured by the international community"²¹; "scandalous", in that it viewed the case "separate from its political and historical context"²²; enforceable, but only "under the dialogue and agreement with the local population"²³.

18 For more about the roles of the SOC and the ERP during communist times, see a separate author's article of historian Petar Ristanović, RTV KiM, "We need to be here" – the SOCC in Kosovo and Metohija during communism: <https://www.radiokim.net/vesti/analiza/spc-na-kosovu-za-vreme-komunizma-valja-nama-biti-ovde.html>

19 KoSSev, *Another section of the Dečani – Plav road opened; Serbian institutions warn of violation of the Law on Special Protective Zones*, 18 June 2020: <https://kossev.info/otvore-na-jos-jedna-deonica-puta-decani-plav-srpske-institucije-upozoravaju-na-krsenje-zakona-o-specijalnim-zasticenim-zonama/>

20 KoSSev, *On returning the land to the Lofty Dečani: We will not implement the "shameful decision"; Taçi, Delavie and Rakić salute decision of the Constitutional Court*, 21 May 2016: <https://kossev.info/o-vracanju-zemlje-visokim-decanima-sramnu-odluku-necemo-sprovesti-taci-delavi-i-rakic-pozdravljaju-odluku-ustavnog-suda/>

21 Radio Free Europe, *Dečani Monastery in a legal limbo*, 2 November 2021: <https://www.slobodnaevropa.org/a/kosovo-manastir-visoki-decani-zemljiste-sud/31541871.html>

22 KoSSev, *Konjufca: Decision on the Lofty Dečani land should not be implemented, the judges did not protect the Kosovo Constitutions*, 16 December 2021: <https://kossev.info/konjufca-odluku-o-zemlji-v-decana-ne-treba-sprovesti-sudije-nisu-stitile-kosovski-ustav/>

23 KoSSev, *Kurti on the Lofty Dečani: We will strive to preserve the Monastery's legitimate rights, but the religious leaders should also do their share*, 5 February 2022: <https://>

A respondent from the Albanian community explained such attitude towards the SOC, and the ERP as its most visible segment in Kosovo, by a belief shared by Kosovo's majority population that the SOC was not "institution taking care of the protection of religious heritage but rather a political institution" and that it is a "state endeavor tasked with keeping the Kosovo myth alive". The SOC and her representatives are often accused of war crimes by the Kosovo media²⁴, substantiating such allegations by photos of the Church leaders taken with commanders of Serbian military and paramilitary units. Before any talk on respecting the rights of the SOC, she should be depoliticized, and her inclusion in the negotiations between Belgrade and Priština does exactly the above - proves that the SOC is a political organization, claims our interlocutor.

For representatives of Kosovo Albanians, any opening of issues already regulated under the Ahtisaari Plan is unacceptable; the SOC similarly fears, but here due to hints that some additional provisions under Annex V could also end up deleted from Kosovo's legislation, hence requesting international guarantees that this will not happen.

For experts from Serbia, the inclusion of the SOC issue in the dialogue between Belgrade and Priština is necessary - "I cannot see this not happening". They believe this would help an agreement being more easily reached and would "contribute to compensating some other difficult topics". However, many hold this is not possible with the government of Albin Kurti which "does not perceive the dialogue as something it needs, and hence comes to negotiations with maximalist ideas".

kossev.info/kurti-o-v-decanima-potrudicemo-se-da-sacuvamo-legitimna-prava-manastira-ali-i-verski-poglavari-da-urade-svoj-deo-posla/

²⁴ Danas Daily, *Priština-based Human Rights Council requests investigation against Abbot Sava Janjić "for war crimes"*, 11 April 2021: <https://www.danas.rs/vesti/politika/savet-za-zastitu-ljudskih-prava-iz-pristine-trazi-istragu-protiv-igumana-save-janji-ca-zbog-ratnih-zlocina/>



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Option 1: Direct inclusion of representatives of the SOC in the dialogue between Belgrade and Priština

Citizens from the Serbian community in Kosovo, both polled in focus groups and interviewed are the only ones who find this option appealing albeit very unlikely - "after the events in Montenegro, no one in the international community will tolerate the SOC interfere in politics in Kosovo". A political representative of the Serbian community in Kosovo is of a similar opinion; he said that, unlike the immediate post-war period, when Serbian community remained practically without political representatives and the international community and representatives of Kosovo Albanians alike unconditionally engaged in direct talks with representatives of the ERP, Kosovo Serbs now have their political representatives, so that such involvement of the SOC would not be acceptable. Still, this interlocutor recalls that the ERP representatives were responsible for the "interim institutionalization of Serbian community", that they were pivotal in merging the Serbian National Council of Kosovo and Metohija from the north and from Gračanica, a part of the local returns councils in municipalities, and also direct participants in negotiations such as the conference in Washington, and in other meetings and initiatives in Kosovo. In the post-war period, representatives of the SOC took part in talks on all topics, not only the SOC-related ones, such as security, return, freedom of movement, even on the right of the Serbian community in Kosovo to be informed.

For an interlocutor from the Albanian community, a mere prospect of opening the matter of status of the SOC in negotiations would "trigger a surge of negative reactions, as strong as those to the Community of Serbian Municipalities". He adds that any further discussion on rights before Serbia recognizes Kosovo is impossible because this topic, just like other related to the Serbian community in Kosovo has been "closed by the Ahtisaari Plan" for political representatives and the wider community alike; "all will refrain from engaging in talks with the Serbian community for so long as they do not recognize Kosovo".

Belgrade would not be keen on having the SOC directly involved in negotiations, either, according to interlocutors from the Serbian community in Kosovo and also the experts from Belgrade. Whereas the Church's support is vital for the Serbian government, they "still would not want anyone who uses their own head and is beyond being told what to say" to get involved into the long-lasting process. "Neither the Church would not agree to it, since this would imply assuming responsibility for the entire agreement, including the part that might look like recognition". Even if unrealistic, in views of many, this option would enable "the Church to pacify the public in the case of a controversial solution, and only so if the Church manages to maximize its benefits from the dialogue".

Option 2: Indirect inclusion of representatives of the SOC in the dialogue between Belgrade and Priština

Representatives of the ERP find this is the most acceptable mode of inclusion of representatives of the SOC in negotiations, and stakeholders from various groups deem it possible, with adequate preconditions.

“They need by far more complex system of the protection of rights, as this is not a matter of politics but of survival of the Church and the people”, deems a source close to the SOC, adding that “in the current setup” the matter of protection of Serbian people in Kosovo “cannot be resolved by the Community of Serbian Municipalities alone”. The ERP itself has repeatedly insisted it is necessary to raise the issues of the SOC’ status and property in the dialogue, but stopping short from publicly offering their view on technical aspects of such negotiations. An interlocutor from those circles, however, sees a solution in the model previously applied by Martti Ahtisaari’s team - “at that time, there were direct talks with the Martti Ahtisaari team which helped them get better insight; those contacts substantially helped develop Annex V”. On the other hand, the Patriarchate, the relevant bishop and experts were a part of the Belgrade negotiating team, so now some kind of their mutual coordination is beyond inconceivable - “it is only logical that the Church offers her proposals as in 2008, and I think the state is already quite well informed about various modalities of the solution”.

Interlocutors from expert circles in Serbia also find this type of inclusion of representatives of the SOC in the dialogue to be most appropriate. On the one hand, they deem their direct inclusion in a complicated process, one that goes on for more than a decade, is impossible, and on the other hand the fact that “in 2013 Dačić forgot to even make a mention of the SOC” is proof that the state fails to properly acknowledge the interests of the SOC. They add that the case of the demarcation idea and its total collapse after response of the Church representatives is a clear evidence that “the SOC, as a key stakeholder for normalization, cannot be pacified and underestimated”.

Interlocutors closely following the SOC in this scenario see potential problems in the Church hierarchy itself. They cite the Patriarchate’s dominant role in all Church-related matters, suggesting this could lead to over-voting of the ERP’s representatives and experts who best understand the situation on the ground - “since demarcation, the ERP representatives are no more allowed to publicly speak”, says a lady interlocutor. It is actually the participation of the ERP which would set the seal to the credibility of the agreement, because “even though the Serbian public reverts the SOC, it is the ERP and the Metropolitanate of Montenegro and the Littoral which are considered to be much more in sync with the people than other dioceses and metropolitanates,” she added.

Option 3: Complete exclusion of the SOC as topic from the agreement on normalization of relations

This option is the closest and most likely one for representatives of the Albanian community in Kosovo. Both government officials and interlocutors stress that a comprehensive agreement on normalization of relations must be aimed at “mutual recognition”. An internal dialogue may only take place after the recognition, and then it may open some issues of protection of rights of the Serbian community in Kosovo, and of the SOC, too - “any talks on the SOC prior to recognition are impossible”.

At the core of this “paranoia” of Kosovo authorities lies distrust, says an interlocutor from the community of Kosovo Albanians. In Kosovo prevails a “deep-rooted opinion that the Kosovo side has made enough compromises, beginning with the acceptance of the Ahtisaari Plan”. Akin to the Serbian side which alleges that not all of provisions of Annex V got incorporated in Kosovo’s legislation, a respondent also claims that “a part of Annex V was the return of archaeological and ethnographic exhibits, and only a progress in this regard would lay some foundation for building trust. Without that, it looks like the SOC got it all, and like there is no balance in concessions”.

Unlike the Kosovo delegation, the Serbian side did not endorse the Ahtisaari Plan²⁵, therefore for Belgrade, the relevant provision has never come into force. However, this very fact is quite often the

source of disgruntlement and criticism for the Kosovo side, whose officials are annoyed by the ERP’s frequent referring to Ahtisaari and their simultaneous denial of Kosovo’s independence proclaimed on the basis of this same document.

The ERP representatives retort that they are not a political entity and they are not the ones expected to recognize or not recognize anything. In their view, it is up to the Kosovo’s government to observe its own laws and obligations, especially those resulting from the compromise with the international community assumed in turn for the recognition of independence²⁶.

For citizens in focus groups, an outcome without negotiations is not a favorable one, but they do not rule it out²⁷. Some even believe that Kosovo, with the sitting government at its helm, cannot agree on anything - “at the moment, no political agreement between Belgrade and Priština is possible, Serbian and Albanian communities can only connect through economic cooperation” as said in one of focus groups. The similar tone is used by experts from Serbia, who claim that “the Kosovo political scene is an arena of a fierce fight over who will prove to be more rigid”, and that in such an environment the reaching of an agreement in general, and even the raising of the SOC-related issue, is highly unlikely.

²⁵ While the general public had no major objections on the position of the Serbian community, that-time official Belgrade found the provision on ‘supervised independence’ to be unacceptable. “Ahtisaari just summed up what the Serbs kept requesting for years”, said a Kosovo Serb political representative who took part in the post-war building of provisional institutions in Kosovo.

²⁶ Kosovo Online, *Abbot Janjić: Solution for the Dečani-Plav road ought to be within the limits of the law*, 18 August 2020: <https://www.kosovo-online.com/intervju/iguman-janjić-resenje-za-put-decani-plav-treba-da-bude-u-okviru-zakona-18-8-2020>

²⁷ While 35% of respondents hold that the matter of the SOC will be included in the dialogue, 37% said they could not assess whether that will take place.

5. Conclusion

As the organization most trusted and viewed by the citizens as the most legitimate representative, in a potential participation in a segment of negotiations on comprehensive normalization of relations of Belgrade and Priština, the SOC, or her ERP, would help making such an agreement easier to be endorsed by the Serbian community. In the recent past, official political representatives of Kosovo Serbs have, time and again, been perceived as out of their depths in crisis situations, disunited, dependent, and estranged from the community²⁸, due to which their guarantees for a potential agreement just do not carry sufficient weight. However, the SOC reputation among the Kosovo public may make the idea of involving her representatives in negotiations, in any modality, to actually transform into a new and insurmountable obstacle in negotiations, like the magnitude of the Community of Serbian Municipalities that kept burdening the negotiations over the past 9 years. For experts from Serbia, rejecting negotiations that involve representatives of the SOC would “mean that Albanian representatives have no respect for religious freedoms” which assertion, as alleged by members of the Serbian community in Kosovo, need not be proved²⁹.

Since the dialogue stopped providing answers to even technical issues for more than a year, it is hard to imagine there are conditions in place to raise the identity issues within it. On the other hand, without firm guarantees for identity issues centered on the SOC, it is impossible to imagine an agreement acceptable to the Serbian public. Lastly, the SOC' seal of approval to an agreement that implies recognition or one that the Kosovo public finds acceptable would prove impossible to get. These circumstances place the SOC in the roles of both potential maker and potential destroyer of a Belgrade - Priština agreement; notwithstanding the way the SOC wields her influence, this is a stakeholder that things cannot be done without.

28 Nova društvena inicijativa NGO, *Political parties of Kosovo Serbs in the political system of Kosovo: From pluralism to monism*, 2021: <http://newsocialinitiative.org/wp-content/uploads/2021/05/11-Partite-Politike-SRB-02.pdf>

29 Almost 70% of respondents in the public opinion poll conducted for the needs of this research within the OPEN initiative disagree with the statement of a Kosovo official that “Kosovo is a role model of interfaith tolerance and coexistence”.

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