



**IMPLEMENTATION REVIEW**  
**of the**  
**KOSOVO-SERBIA DIALOGUE**

5 September 2017

## **Acknowledgements**

*Implementation Review of the Kosovo-Serbia Dialogue* is published by the Program on Peace-building and Rights at Columbia University's Institute for the Study of Human Rights. It includes findings and policy recommendations.

The report is based on field research and interviews conducted in Kosovo and Serbia with scores of government officials and prominent members of civil society, including Kosovo Serbs (July/August 2017). Current and former officials of the United States, the European Union, and the United Nations provided insights. Secondary research also informed the report.

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Dear Friends/Colleagues:

*Implementation Review of the Kosovo-Serbia Dialogue* identifies agreements and assesses progress. It considers strategic issues and offers policy recommendations.

The Kosovo-Serbia Dialogue was established to build confidence and stabilize a volatile region. However, the dialogue has fallen short of expectations. Despite small steps on technical issues, talks have failed to result in recognition of Kosovo by Serbia.

Almost a decade has passed since Kosovo declared independence. Though Kosovo has been recognized by 114 countries, progress is stalled. It is high time for a more meaningful dialogue, which emphasizes product rather than process – measurable outcomes as opposed to photo opportunities.

Kosovo is at a crossroads. Its new government needs statesmanship and leaders who are committed to collective interests, not personal gain. Kosovo must demonstrate that its state-building project is succeeding. That it is a functional state.

Similarly, Serbia's leaders need a reality-based approach. They must face the fact that Kosovo is lost. Under no circumstances will Serbia regain control. Partition is not an option.

This report offers a way forward. It is respectfully submitted to stakeholders in both countries and international mediators in order to galvanize negotiations.

Sincerely,



David L. Phillips  
Director, Program on Peace-building and Rights  
Institute for the Study of Human Rights, Columbia University

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## Executive Summary

Serbia must recognize Kosovo's independence in order for sustainable peace to be achieved. Recognition is the cornerstone of a grand bargain. Normalization would include Kosovo's membership in the United Nations (UN). In parallel, Kosovo and Serbia would work on European Union (EU) membership criteria, entering the EU at the same time. Serbia is impatient to join the EU. To assuage its concerns, EU member states can send a message to Belgrade that the EU will move expeditiously once Serbia completes all the chapters of the "acquis communautaires" and recognizes Kosovo. This report proposes more effective mediation by the international community, including a more robust role for the United States. It also offers a roadmap to address bilateral issues between Kosovo and Serbia.

\* \* \* \* \*

## Implementation Review

The Kosovo-Serbia Dialogue, encompassing both technical and political issues, was launched at a meeting in Brussels (8 March 2011). Twenty-three agreements were reached between March 2011 and March 2012. The "First Agreement of Principles Governing the Normalization of Relations," called "The Brussels Agreement" (19 April 2013), affirmed a European future for Kosovo and Serbia. Implementation of the Brussels Agreement, as well as technical agreements, languished towards the end of 2013 and into 2014. A follow-on "Brussels Agreement Package" was adopted to revitalize the Kosovo-Serbia dialogue (25 August 2015).

- *Halting Progress:* Some agreements are completely blocked, such as the Agreement on Reciprocity of Diplomas. The Energy Agreement took nearly three years to negotiate and has not been implemented. Other agreements have been subject to delays, such as the Cadaster Agreement and the Justice Agreement.
- *Local Autonomy:* The Brussels Agreement endorsed the Association/Community of Serb Majority Municipalities (ASM). Kosovo refuses to establish the ASM until other agreements, such as the Energy Agreement, are implemented.

- *North Kosovo*: Serbia obstructed agreements dismantling barriers on the Mitrovica Bridge and revitalizing the main street in North Mitrovica.<sup>1</sup> The “Peace Park,” a symbol of reconciliation, was closed.
- *Integrated Border Management*: Kosovo affirmed its sovereignty, deploying Kosovo Police and customs officers at six interim crossing points where Kosovo collects customs and excise fees. Serbia refuses to build permanent border crossing points. Revenues for goods coming through the northern crossing points go to the Development Fund for the North via the Kosovo Consolidated Budget.
- *Freedom of Movement*: Kosovo Albanians including a police official were arrested at the border in 2016, violating the Agreement on Freedom of Movement (FoM). Serbia still prevents third country citizens to enter Serbia from Kosovo.
- *The Agreement on Civil Protection*: Dismantling of the Serbian-run Civil Protection Corps and integrating the police and judiciary of Serb majority municipalities into the Kosovo system are hampered because the Government of Kosovo (GoK) is prevented from renting office space in North Kosovo.

### *Positive Developments*

Kosovo gained its own country code (383) in 2016, three years after the Telecommunications Agreement was finalized. Civil registry books were copied and recently handed over. Identification cards issued by parallel structures are no longer used. There has been progress on the reciprocity of license plates. Kosovo and Serbia successfully established liaison offices (LO) in Belgrade and Pristina in 2012. While there has been general progress on Kosovo’s participation in regional organizations, Serbia impedes Kosovo’s integration into multilateral organizations (e.g. the United Nations Educational, Science, and Cultural Organization – UNESCO).

### Enhancing Dialogue

This report offers new strategies and a new format to enhance the Kosovo-Serbia dialogue, especially on political issues.



- *Format:* An international heavyweight would be appointed as the European Union (EU) Special Envoy, mirroring the so-called Vienna format. The U.S. would assign a special representative. The mediators would be pro-active, not only convening meetings in Brussels, but also engaging in shuttle diplomacy to make the process more dynamic. To motivate the parties, mediators would use carrots and sticks. Federica Mogherini, the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President, would become honorary chair of the Kosovo-Serbia dialogue. The presidents of Kosovo and Serbia would participate from time-to-time, mostly on ceremonial occasions. Working meetings would be held at the prime minister level. Technical experts from both sides and international experts could also participate.
- *Conditionality:* The EU would report on implementation of existing agreements. If either party fails to fulfill commitments, the EU would suspend its mediation role and assign blame. Funds provided to Kosovo and Serbia through the EU's Instrument for Pre-Accession Assistance Programme (IPA) would be conditioned on implementation of agreements. Serbia wants the EU to open more chapters in the acquis. "No progress, no chapters" would be the guiding principle, linking progress in the Kosovo-Serbia dialogue to Serbia's EU aspirations.
- *Monitoring Mechanism:* The EU's implementation report would be the precursor to establishing an official EU Monitoring Mechanism (EUMM), reporting to member states via the Political Security Committee of the EU Council.
- *Deadline:* Dialogue cannot be open-ended. The report recommends an ambitious deadline of 18 months, with the possibility of a 6-month extension. The clock starts ticking when the dialogue is upgraded and re-launched.
- *Transparency:* People in Kosovo and Serbia must be kept informed of dialogue developments. The Kosovo and Serbia delegations could include a "unity team," comprised of major political parties and civil society representatives.
- *Interim Agreement:* The 1972 Basic Treaty between East and West Germany, two sovereign states, may serve as a precedent for an interim agreement between Kosovo and Serbia, until Serbia recognizes Kosovo.<sup>2</sup>

### Other Issues

The Stabilization and Association Agreement (SAA) for Serbia indicates, “Serbia should engage in reaching further agreements...with a view to gradually leading to the comprehensive normalization of relations between Serbia and Kosovo.” Critical issues not currently included in the Kosovo-Serbia Dialogue must be addressed.

- *Missing Persons:* A regional inter-state commission (RECOM) would be established to determine the fate of up to 1,500 missing persons. The Berlin process would put RECOM on the agenda of its next meeting and the European Commission (EC) would organize a donor’s conference to support RECOM activities.
- *Compensation:* Both sides have financial claims. The report proposes a “Commission on Identifying and Allocating Assets between Kosovo and Serbia,” modeled on the Agreement on Succession Issues (Vienna, 29 June 2001).
- *Integration:* Intensified efforts should be made to integrate all Serbs into Kosovo society. A focal point in the Kosovo government, with clout, would be appointed. Greater people-to-people contact would enhance contact, communication, and cooperation between Kosovo Albanians and Kosovo Serbs, as well as between Kosovo Albanians and Serbs in Serbia. Expanded commercial contact would be an effective tool for conflict prevention.
- *Security:* Police in Kosovo and Serbia would expand cooperation countering criminality, organized crime, and all kinds of trafficking. The report endorses upgrading the Kosovo Security Forces (KSF) into the Kosovo army, which would be included in the North Atlantic Treaty Organization’s (NATO) Partnership for Peace Program (PfP), as well as Confidence Building Measures (CBMs) in the fields of defense and security.
- *Border Demarcation Agreement:* A provisional Border Demarcation Agreement (BDA) between Kosovo and Montenegro would lift the obstacles to EU visa liberalization for Kosovo. If there are ongoing territorial disputes, the case could

be submitted to the Permanent Court of Arbitration in The Hague. The BDA would have a positive effect on the Kosovo-Serbia dialogue.

- *UN Mission in Kosovo*: The UN Mission in Kosovo (UNMIK) has become an obstacle to building Kosovo's capacity as well as to dialogue and reconciliation between Kosovo and Serbia. UNMIK should be downgraded and ultimately eliminated.

More detailed findings and recommendations are included in the full report, which follows.

## Historical Context

Kosovo rejected ties to Serbia after the breakup of Yugoslavia. Between 1998 and 1999, Serbia's crackdown resulted in the deaths of more than 10,000 Kosovo Albanians and the displacement of up to one million. NATO launched air strikes to stop Serbia's aggression (24 March 1999). United Nations Security Council (UNSC) Resolution 1244 (10 June 1999) ended the conflict and established UNMIK, which provided provisional systems for self-government and facilitated a political process to determine Kosovo's future status, putting Kosovo on the path to statehood.<sup>3</sup>

Kosovo cooperated with the international community during the period of international supervision (1999-2008), which culminated in Kosovo's declaration of independence (17 February 2008). According to U.S. Secretary of State Condoleezza Rice: "The unusual combination of factors found in the Kosovo situation – including Yugoslavia's breakup, the history of ethnic cleansing and crimes against civilians in Kosovo, and the extended period of UN administration – are not found elsewhere and therefore make Kosovo a special case."<sup>4</sup> Kosovo's constitution enshrines decentralization. It includes measures to protect and promote minority rights, which are consistent with recommendations of the UN Special Envoy Martti Ahtisaari (15 June 2008).

Serbia challenged Kosovo's sovereignty by setting-up parallel structures in Serbian enclaves. The city of Mitrovica, straddling the Ibar River, is a flash point. Mitrovica had an Albanian majority before 1999, but most Albanians were driven out during the war. Serbs came to represent a majority in North Kosovo and the municipalities of Zubin Potok, Leposavic, and Zvecane. In addition to Serb majority municipalities in North Kosovo, parallel structures were also set-up in Gracanica and Strpce. There are about 70,000 Serbs in Kosovo today. About 35,000 live in North Kosovo.<sup>5</sup> Though Serbia lost the war, it achieved a *de facto* partition of Kosovo, gaining control of the Trepca mines.

Serbia strongly opposed Kosovo's 2008 declaration. President Boris Tadic and Prime Minister Vojislav Kostunica viewed the declaration of independence as unilateral and illegal. They promised to "annul" documents that created a "false state."<sup>6</sup> Kostunica announced the withdrawal of Serbian ambassadors and downgraded diplomatic relations with countries that recognized Kosovo. Serbia has consistently tried to

undermine Kosovo's state-building, as well as efforts by Kosovo to gain greater global recognition.

Serbia's Foreign Minister Vuk Jeremic filed a request with the United Nations General Assembly (UNGA) seeking a non-legally binding advisory opinion of the International Court of Justice (ICJ) of whether the declaration of independence was in breach of international law (15 August 2008). Serbia's initiative was supported by the Russian Federation; Russia's President Vladimir Putin insisted that Kosovo's declaration was "immoral and illegal."<sup>7</sup> By a majority of ten to four, the ICJ concluded: "The declaration of independence of the 17<sup>th</sup> of February 2008 did not violate general international law because international law contains no prohibition on declarations of independence" (22 July 2010).<sup>8</sup>

The EU was lead sponsor of a resolution at the UNGA, calling for technical and political dialogue between the governments in Belgrade and Prishtina. The resolution acknowledged the advisory opinion of the ICJ and welcomed "the readiness of the European Union to facilitate a process of dialogue between the parties; the process of dialogue in itself would be a factor for peace, security and stability in the region, and that dialogue would be to promote cooperation, achieve progress on the path to the European Union and improve the lives of the people."<sup>9</sup> The resolution passed by consensus (9 September 2010).

### **The Kosovo-Serbia Dialogue**

The Kosovo-Serbia dialogue was launched at a meeting in Brussels (8 March 2011). It was envisioned as a conflict management mechanism to (i) promote cooperation between the two sides, (ii) help them achieve progress towards European integration, and (iii) have practical positive effect on the lives of the people in Kosovo and Serbia.

The Kosovo-Serbia dialogue has been facilitated by the EU, with assistance from the United States. The Kosovo delegation was led by Edita Tahiri, then Deputy Prime Minister of Kosovo. Borko Stefanovic, a Serbian foreign ministry official, led Serbia's delegation. Councilor Robert Cooper facilitated the dialogue (March 2011 to March 2012), working alongside of Catherine Ashton, then EU High Representative for Foreign Affairs and Security Policy and Vice President of the Commission. Supporting Secretary

of State Hillary Clinton, Deputy Assistant Secretary of State for European and Eurasian Affairs, Ambassador Philip Reeker, represented the United States, supporting Secretary of State Hillary Clinton.

The Kosovo-Serbia dialogue focused on technical agreements and CBMs. Twenty-three agreements were reached. The first tranche of technical agreements was reached between March 2011 and March 2012. These agreements addressed:

- Freedom of movement.
- Civil registries.
- Custom stamp procedures.
- Cadastral records.
- Acceptance of university diplomas.
- Integrated border management.
- Regional representation and cooperation.

Ashton convened Serbian Prime Minister Ivica Dacic and Kosovo Prime Minister Hashim Thaci (19 October 2012). "We agreed to continue the dialogue on normalization of relations between the two sides and both are committed to working together."<sup>10</sup> Ashton and Clinton made joint visits to Belgrade and Prishtina (October 2012). Clinton reiterated that talks were about confidence building and normalization, not a forum for questioning Kosovo's independence or discussing partition or change of borders.<sup>11</sup> Continuing high-level political discussions, Ashton convened Serbian President Tomislav Nikolic and Kosovo President Atifete Jahjaga (6 February 2013). After ten rounds of negotiations, Dacic and Thaci reached the "First Agreement of Principles Governing the Normalization of Relations," called "The Brussels Agreement," which provided a path for European integration to both Kosovo and Serbia (19 April 2013). The Brussels Agreement was overwhelmingly approved by the Kosovo parliament.

The Brussels Agreement languished towards the end of 2013 and into 2014, as Prishtina delayed implementation of some technical agreements and Belgrade stonewalled its commitments. Loss of momentum was caused by a combination of international and domestic political factors. Clinton was diagnosed with a blood clot in January 2013, and stepped down as Secretary of State (1 February 2013). Ashton also made plans to leave

her post and was replaced by an Italian politician, Federica Mogherini (1 November 2014).

Political instability in both Kosovo and Serbia further undermined implementation of agreements. Thaci called early national elections (8 June 2014). It took six months after the election for Kosovo to form a government. Thaci finally ceded the prime minister's post to Isa Mustafa from the Democratic League of Kosovo (LDK), while becoming deputy prime minister and foreign minister. Demonstrating Kosovo's polarized and dysfunctional politics, Vetevendosje (Self-Determination) staged violent protests against greater rights for Serbs in North Kosovo, exploding smoke bombs in the parliamentary chamber. Joining Vetevendosje, the Alliance for the Future of Kosovo (AAK), and Nisma also opposed the ASM. Political violence was met with widespread international condemnation.

Serbia was also going through a political transition. The Serbian Progressive Party and the Socialist Party of Serbia demanded early elections. Dacic stepped down as Prime Minister and was replaced by Aleksandar Vucic. Uncertainty and transition in both Kosovo and Serbia affected the Kosovo-Serbia dialogue.

The Brussels Agreement Package (25 August 2015) sought to revitalize the 2013 Brussels Agreement. It included a Telecommunications Agreement, allowing a country code for Kosovo (383). It also included an agreement to normalize conditions in Mitrovica, such as opening of the Mitrovica Bridge and dismantling of parallel structures. All parties claimed success. Kosovo's foreign minister said it represented *de facto* recognition of independence. Serbia's prime minister claimed that it ensured representation for ethnic Serbs in Kosovo. The EU High Representative said it affirmed the indispensable role of the EU's mediation.

### **Implementation Review**

Following is an assessment of progress, implementing agreements reached through the Kosovo-Serbia dialogue:

The Brussels Agreement endorsed the creation of an Association/Community of Serb Majority municipalities (ASM). The ASM is consistent with the Ahtisaari principles, the

European Charter of Local Self-Government, and minority rights arrangements in Kosovo's constitution. The ASM aims to empower the Serb communities of Kosovo through local autonomy in the fields of economic development, education, health, urban and rural planning, to remove parallel Serbian structures, while also integrating the police and judiciary of Serb majority municipalities into the Kosovo system.

The ASM does not have executive powers, in accordance with Kosovo law. However, Kosovo's Constitutional Court found that some aspects of the ASM contradicted articles in the constitution.<sup>12</sup> Opposition parties in Kosovo objected to the ASM, maintaining that it would create an entity with powers comparable to the Republika Srpska in Bosnia and Herzegovina. Kosovo has made implementation of ASM contingent on Serbia's progress implementing other agreements, such as the Energy Agreement.

The Agreement on Integrated Border Management (IBM) established six interim crossing points in 2011-2012. To date, Kosovo collected customs and excise fees valued at €300 million.<sup>13</sup> Kosovo and Serbia are required to build permanent crossing points. Kosovo has finished building two permanent crossing points, while Serbia blocks construction of crossing points on its side. Kosovo extended its sovereignty into North Kosovo by deploying Kosovo Police and Kosovo Customs officers.

The IBM stipulates that, "Revenues collected at the northern CPs [Crossing Points] for products imported and destined for the north will go (via the Kosovo Consolidated State Budget) into the Development Fund for the North." Kosovo has collected approximately €11 million at interim crossing points in Jarinje and Bernjak.<sup>14</sup> A Kosovo Serb representative advises on the distribution of funds. Serb municipalities participate in the budgeting process.

Kosovo and Serbia successfully established liaison offices in Belgrade and Pristina in 2012, in accordance with the Agreement on Liaison Offices and Bilateral Visits. However, there is a poor record on the coordination of high-level meetings and on the use of official symbols.

The Justice Agreement (9 February 2015) required the establishment of one basic court and one prosecutorial office in North Kosovo, covering seven municipalities, in



accordance with Kosovo law. But Serbia did not make legal changes required under the agreement.

Despite the Agreement on Free Trade/Customs, the Belgrade customs authorities still use parallel customs stamps in violation of rules set by the Central European Free Trade Agreement (CEFTA).

The Agreement on Freedom of Movement (FoM) established reciprocity of license plates (4 September 2016). Two Kosovo Albanians were arbitrarily arrested at the border crossing between Serbia and Kosovo in 2016. The Kosovo director of the regional police directorate was detained in September 2016, and held for more than one month. Serbia still prevents third country citizens to enter Serbia from Kosovo.

The Agreement on Civil Protection (CP) called for dismantling of the Serbian-run Civil Protection Corps. On paper, 483 former employees of parallel structures were integrated into 22 Kosovo central government institutions and agencies (as of January 2016).<sup>15</sup> However, Kosovo is not allowed to rent office space in the north. Personnel affected by the CP Agreement receive salaries from Kosovo agencies, but do not show up for work.

Kosovo finally gained its own country code (383), after six years of negotiations and three years after the Telecommunications Agreement was reached. Cadaster registries have been copied and handed over. Illegal identification cards issued by parallel structures are no longer used.

There has been general progress on Kosovo's participation in regional organizations, with the notable exception of security initiatives. Serbia impedes Kosovo's integration into multilateral organizations. Serbia engaged in a high-profile campaign, which successfully prevented Kosovo from joining UNESCO (9 November 2015). Kosovo lobbied for membership in the International Police Organization (INTERPOL). However, due to opposition from Russia and China, it is unlikely that Kosovo will gain membership at the upcoming Shanghai meeting (27-29 September 2017).

Even when technical items are agreed, such as the mutual recognition of diplomas, it takes years to actually implement. The Mitrovica bridge is still not functional. The

“Peace Park,” a symbol of reconciliation, has been dismantled. Only limited progress has been made eliminating parallel structures.

Serbia refuses state-to-state negotiations, calling the Kosovo-Serbia Dialogue “the process of negotiation with the provisional institutions of self-government in Prishtina.” Moreover, Serbia and Kosovo have different goals. Kosovo seeks recognition, whereas Serbia is focused on EU membership. Serbia thinks its EU aspirations can be served by simply showing up and demonstrating that it is the more responsible party. Small steps have not inspired progress towards progress on broader political issues. In turn, lack of political progress has stalled implementation of technical agreements.

### **International Stakeholders**

#### The European Union

Both Serbia and Kosovo aspire to membership in the EU, which acts as a driver of reforms.<sup>16</sup> Kosovo is recognized by 23 of the 28 EU Member States. Non-recognizers are Spain, Slovakia, Greece, Cyprus, and Romania. The EU has been ambiguous about the meaning of “normalization,” failing to clarify that normalization means recognition of Kosovo’s independence by all EU member states and by Serbia.

Kosovo has received more than €2.3 billion in EU assistance since 1999, and close to €1 billion was spent on the presence of international organizations in Kosovo since 1999. EU member states also provide bilateral assistance and support through UN agencies. Trade concessions and economic assistance is provided through a variety of EU mechanisms including the IPA.

While EU assistance initially focused on emergency relief and reconstruction, it now concentrates on Kosovo’s European future, strengthening Kosovo’s institutions, and sustainable economic development. The EU Rule of Law Mission in Kosovo (EULEX) seeks to build democratic institutions and develop the capacity of Kosovo institutions to crack down on criminality and counter corruption. It is the largest civilian mission ever launched under the European Security and Defense Policy.<sup>17</sup> It assists the Kosovo authorities in the area of rule of law, specifically the police, judiciary and customs. EULEX monitors, mentors, and advises, exercising executive powers.<sup>18</sup>

The EU and Kosovo finalized a Stabilization and Association Agreement (SAA) on 27 October 2015. Signed by Federica Mogherini and Johannes Hahn, Commissioner for European Neighborhood Policy and Enlargement Negotiations, the SAA contains 144 articles.<sup>19</sup> It is designed to support the implementation of reforms and to give Kosovo an opportunity to move closer to Europe. The SAA focuses on democratic principles and core elements of the EU's single market. Other provisions cover political dialogue, and cooperation in a wide variety of sectors ranging from education and employment to energy, the environment, justice, and home affairs.

Serbia was granted EU candidate status in March 2012. Its SAA entered into force in September 2013.<sup>20</sup> The EC allocated €1.5 billion to support Serbia's European Neighbourhood Policy and Enlargement Negotiations (2014–20). So far, Serbia has received two-thirds of funds allocated through the IPA. Candidate countries are required to adapt their administrative and institutional infrastructures and to bring national legislation into line with EU standards. To date, 10 chapters have been opened with two completed.<sup>21</sup> Vucic connected his political future with the EU, asking Brussels to open another 20 chapters out of a total of 35 chapters. Chapters are evaluated regularly until each chapter is closed.

According to Chapter 35 (adopted on 14 December 2015), Serbia cannot become an EU member until it normalizes relations with Kosovo. "Serbia should ensure that it completes its part of the work on implementation of 25 August 2015 agreements. The Commission and the High Representative will monitor closely and continuously Serbia's fulfillment of the first set of interim benchmarks included in the EU common position and report at least twice yearly, on this issue, to the Council.<sup>22</sup> If progress in the normalization of relations with Kosovo significantly lags behind progress in the negotiations overall" the opening of other chapters could be frozen.<sup>23</sup>

### The Russian Federation

Russia aggressively projects its influence in the Balkans, as a front line in Russia's new cold war with the West. Kosovo is an epicenter of Putin's anti-American agenda, which aims to destabilize pro-Western states with EU and NATO aspirations. Serbia's flirtation with Russia may serve short-term strategic interests, but Belgrade must make a choice between the EU and fealty to Moscow.<sup>24</sup>

Serbia is a convenient ally for Russia. The two countries have deep historical and cultural connections. They also have commercial ties. Serbia's Naftna Industrija Srbije, a multinational oil, gas, and petrochemicals company, was sold to Gazprom at a deep discount in 2008.<sup>25</sup> Security and intelligence cooperation is extensive. In March 2017, Russia announced "donations" of military equipment including six MIG-29 fighter jets, with modern missiles, radar and communications systems, as well as 30 armored vehicles, 30 T-72 tanks, and armored reconnaissance vehicles. Serbia also seeks BUK anti-aircraft systems and S-300 surface to air missiles. Russia has allegedly established a spy base in Nis to monitor Western activities in the region. Moscow denies espionage, insisting the base is for flood relief and fighting forest fires. Most Serbs support joint military exercises with Russia. According to a recent survey by the Belgrade Centre for Security Policy, 64 percent of those polled oppose Serbia's NATO membership.<sup>26</sup> Though the West provides four times more investment, Serbs see Russia as their primary commercial partner.

Russia is cynically stoking tensions in the region. Serbia invited a Russian-made train with nationalist images and slogans in Cyrillic and Russian declaring, "Kosovo is Serbia" to travel from Serbia to Mitrovica (January 2017). When the train was stopped at the border, President Tomislav Nikolic threatened to send the Serbian army to defend Kosovo Serbs. Kosovo Serbs built a wall north of the Ibar River in Mitrovica and covered it with posters of Putin. Russian media exacerbates tensions through anti-NATO propaganda. Sputnik, a Russian state news agency, has an active office in Belgrade.

Russia also foments conflicts elsewhere in the Balkans. Russia was behind a coup attempt in Montenegro last November, aimed at preventing Montenegro from joining NATO. Two Russians were arrested for coordinating the operation from Serbia and plotting to assassinate Montenegro's Prime Minister Milo Djukanovic. Mogherini warned of "geopolitical confrontation" with Russia. In April, Russia's support for ultranationalists in Macedonia almost precipitated a civil war.

Putin heralds Slavic and Orthodox solidarity. Putin has said repeatedly that he will support whatever decision Belgrade reaches with Prishtina. The Balkans represents a vulnerable underbelly of the West, ripe for meddling. Putin is more interested in

Crimea than Kosovo, drawing on the Kosovo precedent to justify Russia's policies in Ukraine.

### The United States

U.S. support for Kosovo has always been strong and bipartisan. Bill Clinton led NATO's military action to prevent ethnic cleansing of Albanians in 1999. George W. Bush supported Kosovo's coordinated declaration of independence in 2008. Donald J. Trump's policy towards the Western Balkans is still being shaped.

Vice President Mike Pence is emerging as a key player. Pence met Vucic in Washington (17 July 2017). Pence told Vucic that "Russia's influence in this part of the Balkans is not to be expanded and that Serbia understands why the U.S. is concerned."<sup>27</sup> Pence also led the U.S. delegation to a conference of the U.S.-Adriatic Charter, which included heads of government from Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Slovenia (2 August 2017). He told them "the future of the Western Balkans is in the West." He called Russia "an unpredictable country that casts a shadow from the East." Pence added, "Russia has worked to destabilize the region, undermine your democracies and divide you from each other and from the rest of Europe."<sup>28</sup>

In his confirmation hearing, U.S. Secretary of Defense James Mattis insisted that the U.S. remains strongly committed to Kosovo's security. About, 4,600 NATO troops from thirty countries are deployed to Kosovo as a trip wire against aggression. About 650 U.S. troops are based at Camp Bondsteel in Eastern Kosovo. Discussions are underway about upgrading the KSF into a national army and making it a part of NATO's PfP.

The United States supported the UN resolution calling for dialogue between Kosovo and Serbia, joining the consensus.<sup>29</sup> According to the U.S. representative, "Now is the time for that region to move forward, and specifically for Serbia and Kosovo to move forward towards new relations and a future within the EU. The U.S. welcomes the EU's offer to assist the sides in a dialogue aimed at securing such a future and remains ready to help the constructive dialogue move forward."<sup>30</sup>

Reeker, an experienced Balkan hand, visited Belgrade (20 January 2012). Reeker met Tadic and Stefanovic, Serbia's chief negotiator in the Kosovo talks. They discussed Kosovo's representation in regional forums.<sup>31</sup> Tadic and Stefanovic presented a four-point plan for resolving the Kosovo issue. The plan included special status for Serbian monasteries in Kosovo; guarantees for Serbs living in enclaves in Kosovo; guarantees for property of the Serbian state and its citizens in Kosovo; and a resolution of the status issue in North Kosovo. According to Reeker, "Serbs in southern Kosovo were integrated and they are citizens of a free and democratic Kosovo. The Serbs in the north will be integrated into the Kosovo institutions."<sup>32</sup>

The U.S. initially played a prominent and visible role in the Kosovo-Serbia dialogue. However, Reeker's portfolio in the Bureau for European and Eurasian Affairs was increased from seven countries to seventeen. His bandwidth simply did not permit continued intense engagement in the Kosovo-Serbia dialogue. After Clinton stepped down, Mogherini and her EU team assumed lead responsibility. The U.S. was involved, but played a role behind the scenes. Disengagement by the U.S. created a gap filled by nefarious forces – Serbia's meddling, Russia's militarism, and Turkey's Islamism.

### **Evolving Attitudes**

Lack of overall progress had negative impact in both countries. Failure to fully integrate into the international system undermines Kosovo's economy, which suffers from 30 percent unemployment. Youth unemployment figures are even higher. Lack of economic development fuels an underground economy based on criminality, corruption, and cronyism.<sup>33</sup> Lack of progress with integration into Euro-Atlantic institutions, especially EU visa liberalization, causes Kosovo Albanians to become disillusioned with the West. Disaffection also contributes to the rise of Islamism. Kosovo contributed more foreign fighters per capita to the Islamic State in Iraq and Syria than any other country.<sup>34</sup> With financing from Turkey, the largest mosque in the Balkans is planned for Prishtina.

Attitudes in Belgrade towards Kosovo may be evolving. Vucic has a strong mandate based on his nationalist monopoly. He is just beginning of a 5-year term as President. Following a trip to Washington, Vucic published an article in *Blic* calling on the Serbian nation to "stop burying its head in sand" on the issue of Kosovo, and to start "an

internal dialogue” (24 July 2017). According to Vucic, “We must try to be realistic, not lose or give away what we have, but not expect to receive what we have lost long ago.”<sup>35</sup> Serbian Foreign Minister and First Deputy Prime Minister Ivica Dacic added, “Times and international relations have changed.” Dacic underscored the need for “a sustainable solution.”<sup>36</sup>

What motivated Vucic to write about Kosovo and propose an internal dialogue among Serbs in the middle of the summer? Serbia is required to make constitutional reforms to meet standards in the EU acquis. Negotiations over EU membership will require Serbia to conduct fundamental changes to its legal, economic and political system, resulting in the Europeanization of Serbian constitutional law. Reforms are rejected by Vojislav Seselj, who heads the Serbian Radical Party, the largest party in opposition to the Vucic government. Vucic may have published his Kosovo article to highlight a stark choice: support recognition of Kosovo on the one hand or constitutional reform on the other. He may also be using the situation in Kosovo to justify new constitutional arrangements expanding powers of the presidency and reorganizing territories in Serbia.

Vucic’s article may have sought to distract Serbs from the country’s economic problems. Vucic needs popular support for economic reforms encompassing the state administration, public finances, and the economy in order to galvanize the EU accession process. In a big blow to Serbia’s economy, FIAT, the largest foreign investor in Serbia, may close its factory in Kragujevac, as sales of its 500L model decline.

Vucic could be looking to cause a nationalist backlash, which will result in a crisis.<sup>37</sup> Serbia would respond by annexing territories in Kosovo north of the Ibar River, realizing Milosevic’s partition plan. This scenario is unlikely. Creating a crisis in Kosovo is risky brinkmanship. There is no military solution; military action in North Kosovo would destroy Serbia’s prospects for EU membership.

The proposal for national dialogue initially fell on deaf ears. Serbia’s Office of Kosovo and Metohija called it a “trial balloon” with “little reaction.”<sup>38</sup> The proposal was appreciated in Western capitals, but largely overlooked by Serbs. Even the Serbian Academy of Arts and Sciences, traditionally hardline, issued a bland response. After a few weeks, however, Serbian politicians weighed-in. Vuk Draskovic, leader of the Serbian Renewal Movement, stated: Serbia should “accept and recognize the Kosovo

reality...Kosovo is independent.”<sup>39</sup> Dacic suggested partitioning Kosovo along ethnic lines. “The division would represent “a lasting solution of the Serbian-Albanian conflict which can be reached only through an agreement in which everyone will win something and lose something.”<sup>40</sup>

Kosovo Albanians overwhelmingly reject partition. They also reject swapping Serb-majority municipalities in North Kosovo for municipalities in Presevo/Presheva, an ethnic Albanian region in Serbia.<sup>41</sup> Redrawing borders would destabilize the region, exacerbating ethnic conflict across the Western Balkans, especially in Bosnia and Herzegovina and Macedonia.

### **Conflict Analysis**

Effective mediation requires conflict analysis to gain a fuller understanding of what both sides want (and what is possible).

What does Kosovo need/want?

- Serbia’s recognition of Kosovo’s independence, leading to UN and EU membership. (To date, Kosovo’s strategy to join specialized agencies of the UN and then seek full membership in the world body has been blocked by Serbia and Russia.)
- Visa liberalization so that Kosovo passport holders can travel throughout the Shengen region without application or hindrance.
- Dismantling of all parallel structures in municipalities with a Serbian majority.
- Implementation of all agreements reached through the Kosovo-Serbia dialogue and resolution of outstanding issues.
- Monitoring of agreements through an EUMM.
- Restitution for funds that were stolen during the war, including pension funds, the privatization fund, and properties destroyed.
- An apology from the Serbian government for the harm and suffering caused by Slobodan Milosevic.
- Accounting for missing persons and accountability for war criminals.
- Greater security guaranteed by the Kosovo armed forces, cooperating with NATO via PfP.



- Downsizing UNMIK and ultimately repealing UNSC Res. 1244.

What does Serbia want?

- Return to the *status quo ante*, regaining control of Kosovo.
- EU membership; opening new chapters in the EU acquis.
- Automaticity in the form of immediate EU membership once relations with Kosovo are “normalized”, and negotiation of other chapters is completed.
- Protection for Orthodox churches and other cultural heritage in Kosovo. (Ahtisaari proposed that Serbian monasteries should be owned by the Serbian Orthodox Church in Belgrade.)
- Protection of Kosovo Serbs in all Serb majority municipalities.
- Compensation to the Serbian state for public assets lost and to individual Serbs who lost private properties as a result of the war.

Some of these goals can be aligned. However, recognition of Kosovo by Serbia is a sticking point. Belgrade might not object to Kosovo’s UN membership, as part of the agreement between Kosovo and Serbia. There is no guarantee, however, that Serbia can deliver Russia’s agreement for Kosovo to join the UN. Russia has a veto as a Permanent Member of the UNSC. In addition, Serbia can block Kosovo’s EU membership once it becomes an EU member. Non-recognizers – Spain, Greece, Cyprus, Slovakia, and Romania – are also obstructionist.

### **A Fresh Start**

There is no alternative to dialogue. The Kosovo-Serbia Dialogue must continue. The following improvements are proposed.

#### *Establish new strategies*

Recognition of Kosovo by Serbia is the primary objective of the GoK. Membership in the EU is Serbia’s overarching objective. The Kosovo-Belgrade dialogue should culminate in an inter-state treaty, enabling both sides to advance their goals.<sup>42</sup> As an interim agreement, the 1972 Basic Treaty between East and West Germany, two sovereign states, could serve as precedent. Under this agreement, East and West Germany supported international recognition of the other without mutual recognition. The Basic

Treaty provided framework for diplomatic, economic, and political relations. It addressed a range of common problems, ranging from environmental issues, trade and commercial relations, rights of citizens, and travel rights. It set the stage for ensuing changes in bilateral relations.

#### *Clarify the dialogue process*

Kosovo and Serbia should agree on topics for negotiation. All agreements should be in writing and accord with the EU's *acquis*. The Kosovo-Serbia dialogue needs an official monitoring mechanism on implementation. The EUMM would report to member states via the Political Security Committee of the EU Council.

#### *Establish conditions*

The EU must demand performance. It should issue a formal report on implementation of existing agreements. If either party fails to implement existing agreements, the EU would suspend its mediation role, assign blame for the breakdown of talks, and provide specific conditions for resuming the Kosovo-Serbia Dialogue under its auspices. IPA funding for both Kosovo and Serbia would be conditioned on implementation of agreements. If the EC determines that either Kosovo or Serbia is responsible for stonewalling agreements, the EC should suspend IPA assistance to the transport, energy, and agriculture/rural development sectors, as well as financing for competitiveness and innovation. IPA financing would continue in the fields of democracy and governance, rule of law and fundamental rights, environment and climate action, education, employment and social policies. The U.S. Government should support conditionality, and adjust its assistance accordingly.

Serbia wants the EU to open more chapters in the *acquis*. Opening more chapters should be calibrated to specific benchmarks measuring progress in the Kosovo-Serbia dialogue. "No progress, no chapters" would be the guiding principle, linking progress in the Kosovo-Serbia dialogue to Serbia's EU aspirations.

#### *Change the format*

The format must be upgraded. Federica Mogherini would become honorary chair. The presidents of Kosovo and Serbia would only participate on ceremonial occasions.

Working meetings of the Kosovo-Serbia dialogue would be conducted at the prime minister level. A “unity team” of politicians and civil society leaders may participate, as well as technical experts from both sides and international experts.<sup>43</sup>

Based on the Vienna format, an international heavyweight would be appointed as EU Special Envoy and chair the Kosovo-Serbia Dialogue. In addition to convening meetings in Brussels, the chair and members of his team would engage in shuttle diplomacy to make the entire process more dynamic. The new format would be more robust with mediators prepared to coerce action through credible threats, as well as incentives. Wolfgang Schauble, Germany’s Minister of Finance, would be a capable EU Special Envoy. A political heavyweight with vast experience in negotiations, Schauble is close to Chancellor Angela Merkel. The U.S. would designate a senior official or assign a special representative to the Kosovo-Serbia Dialogue such as Condoleeza Rice, former Secretary of State and National Security Adviser. Russia will be kept informed by the chair.

### *Transparency*

The polities in Kosovo and Serbia have little information about the Kosovo-Serbia dialogue. They see headlines summarizing the outcome of negotiations and photographs of Mogherini with politicians from Serbia and Kosovo. However, they are not informed about the content of the talks or details on agreements. A public diplomacy and communications strategy must be incorporated by all sides into the next phase of the Kosovo-Serbia dialogue to ensure buy-in from directly affected populations. Inclusion can be advanced by establishing local councils to regularly consider issues raised through the Kosovo-Serbia dialogue.

### *Time-frame*

Dialogue cannot be open-ended. The report recommends an ambitious deadline of 18 months, with the possibility of a 6-month extension. The deadline would apply to resolving all outstanding bilateral issues and recognition of Kosovo by Serbia. The clock starts ticking once the Kosovo-Serbia Dialogue is upgraded and relaunched.

## Other Issues

The SAA for Serbia indicates that, “Serbia should engage in reaching further agreements...with a view to gradually lead to the comprehensive normalization of relations between Serbia and Kosovo.” Following are critical issues not currently included in the agenda of the Kosovo-Serbia dialogue but in line with the negotiating framework.

### Kosovo Serbs

Kosovo Serbs feel they are pawns, neglected by Prishtina and manipulated by Belgrade.<sup>44</sup> To send a signal of inclusion, the GoK would announce a comprehensive plan for integrating all Serbs in Kosovo. The plan would include practical measures with tangible benefits, such as health services and education, including greater Serbian-language education and expanded use of Serbian language textbooks. More generous pensions would encourage Serbs to get jobs in Kosovo public administration. Kosovo Serbs are not a party to the Kosovo-Serbia dialogue, which addresses issues affecting their future. The Consultative Council of Communities and the Prime Minister’s adviser on minority issues must be more responsive to the concerns of Kosovo Serbs, especially in the northern municipalities. The Kosovo constitution guarantees ten seats for Serbs. Of these, nine are from the Serb list established by Belgrade; only one Serb is independent. Kosovo Serbs who oppose hardline positions suffer reprisals. For example, the car of Oliver Ivanovic was bombed after he announced plans to run in local elections.<sup>45</sup>

### *Recommendations*

- Foster an internal dialogue between Kosovo Albanians and Kosovo Serbs.
- Intensify efforts to integrate all Kosovo Serbs into Kosovo society, reminding them that their future lies in Kosovo not Serbia.
- Promote people-to-people contact, engaging Kosovo Serbs by focusing on youth women, culture, and sport.
- Establish a focal point in the Kosovo government that would regularly engage Kosovo Serb parliamentarians and civil society, and has the clout to deliver.

- Invite Kosovo Serbs to join the Kosovo delegation participating in meetings of the Kosovo-Serbia dialogue.
- Strengthen the rule of law nationwide, and enhance administrative procedures on matters affecting Kosovo Serbs.

### Civil Society

Civil society relations are marked by a high degree of distrust, fueled by media propaganda and negative stereotyping. Most Serbs have never stepped foot in Kosovo, but retain strong emotional and spiritual ties. Kosovo Albanians and Serbs do not interact and there is almost no communication. For starters, Albanians and Serbs do not speak the same language. Most Kosovo Albanian youth, especially those born after 1999, have never even met a Serb. While Serbs deeply resent NATO, they have almost no information about the circumstances that brought about NATO's intervention. Serbs see themselves as victims, which absolves them of responsibility for what happened.

### *Recommendations*

- Promote people-to-people contact, exploring practical areas of cooperation, such as environmental issues, water management, journalism, art/culture, health, women's issues, faculty and student exchanges, and commercial opportunities.
- Raise awareness about Kosovo culture in Serbia and Serbian culture in Kosovo, through visual and performance arts.
- Target youth through university cooperation between, for example, the Faculties of Fine Arts at Belgrade University and of Pristina University, as well as cultural festivals such as the "Mirdita/Dobor dan" Festival.
- Expand academic exchanges modeled on "Serbia and Kosovo: Intercultural Icebreakers" organized by the Helsinki Committee for Human Rights in Serbia.
- Support public debates about Kosovo organized by the Helsinki Committee of Serbia.
- Urge the EU delegations to Belgrade and Prishtina to provide co-financing of collaborative activities. The EU should set up a special fund for track two activities.

### Economic Connectivity

Commercial contacts between Kosovo and Serbia and between Kosovo Albanians and Kosovo Serbs would be an effective tool for conflict prevention. Business people focus on the bottom line, rather than politics, and can influence policy. Agreements on economic cooperation have been reached by the Chamber of Commerce of Kosovo and the Chamber of Commerce of Serbia, providing information and potentially leading to greater commercial cooperation.

### *Recommendations*

- Examine and upgrade Kosovo laws and Serbian laws that regulate the establishment, doing business, tax, customs, and other obligations, especially at the municipality level and among agricultural industries.<sup>46</sup>
- Expand cooperation between local chambers of commerce with emphasis on acting as a clearinghouse of information on business conditions and opportunities, as well as improved communication between businesses and relevant institutions.
- Establish an association of Kosovo Serb business people to represent the interests of Kosovo Serbs and their businesses, including the agricultural sector.
- Provide subsidies to Serbian farmers in northern municipalities and other subsidies to Serbian owned companies.
- Identify an international investor to rehabilitate the Trepca Mines, which would be jointly managed by an ethnically mixed board of business representatives. Frank Giustra, the Vancouver mining financier, could be interested.
- Explore economic cooperation in ethnically mixed communities such as Brezovica, where Serbs and Albanians could both benefit from tourism during the winter.
- Establish a common railway company linking Kosovo and Serbia, with shareholders from both countries and one management team.
- Expand the free movement of goods and services, stimulating trade between Kosovo and Serbia. Serbia's exports to Kosovo are estimated to be €500 million in 2017, while Kosovo's exports to Serbia are considerably less.

### Missing Persons

Missing persons is an emotional issue that deeply affects families in Kosovo and Serbia. Victims need recognition. Victims associations demand action. They want information on missing family members. The Humanitarian Law Center (HLC) estimates approximately 1,500 people went missing from Kosovo during the conflict. Missing persons include mostly Albanians, as well as Serbs and Roma. The International Committee of the Red Cross (ICRC) has a database with the identities of missing persons.

HLC also suggests that 4,000-5,000 persons were victims of war crimes in connection with the war. This figure represents 35 percent of the total number of dead victims in Kosovo.<sup>47</sup> After the war, mass graves were discovered in Serbia. Some mortal remains and forensic evidence were destroyed. The International Criminal Tribunal for the former Yugoslavia (ICTY), a UN court of law dealing with war crimes that took place during the conflicts in the Balkans in the 1990's, will soon be disbanded.

In February 2017, Hashim Thaci announced a new Truth and Reconciliation Commission (TRC) to encourage truth-telling and mutual forgiveness among Kosovo Albanians and Serbs. Finding a balance between accountability and forgiveness is a challenge for all TRCs. The TRC must base its activities on the facts. However, accessing data is a big challenge when it comes to missing persons. Perpetrators protect their own. The current Chief of Serbia's General Staff, General Ljubisa Dikovic, had command of an area in Kosovo during the war where 500 people were killed and from which 100 went missing.

Missing persons is also a highly emotional and political issue among Serbs. According to public perception in Serbia, many thousands disappeared in Kosovo. The Serbian Victims Association maintains an exhibit in front of the parliament with photos of Serbian missing persons. The exhibit accuses Albanians, NATO, the EU and the United States of crimes. Debate about so-called Albanian war criminals puts pressure on Serbian politicians to demonize Kosovo counterparts and demand accountability.

The issue of missing persons has been largely ignored by the international community, and the Kosovo-Serbia dialogue. However, it was addressed through the Berlin process

(Trieste, 24 March 2017). The Berlin process is an intergovernmental initiative aimed at revitalizing multilateral ties between the Western Balkans and selected EU member states. The final declaration of the Trieste meeting calls for a “Regional Commission (RECOM) for Facts about War Crimes.” The next meeting of the Berlin process will be in London (August 2018).

### *Recommendations*

- Create a RECOM to name victims, identify mass graves, and determine the fate of missing persons from the Kosovo conflict, and from other states of the former Yugoslavia.
- Make missing persons a priority in official relations between Kosovo and Serbia, complementing the efforts of non-governmental organizations.
- Encourage the Berlin process to put RECOM on the agenda of its London meeting.
- Urge the EC to organize a donor’s conference to support the RECOM.
- Develop a credible follow-on mechanism to the ICTY, including bilateral cooperation on evidence, prosecution, and extradition.
- Identify someone credible to both Kosovo Albanians and Serbs to lead the truth and reconciliation process, based on common goals between communities and analysis of best practice of other TRCs worldwide.

### Assets and Liabilities

Sustainable peace between Kosovo and Serbia requires a process for addressing contested assets and liabilities. Belgrade wants Serbia’s cumulative investments in Kosovo to be assessed, and to recover its value. Prishtina wants a reckoning for assets illegally removed by Serbia during the war. An estimated \$1.5 billion in Kosovo pension funds was taken by Serbia. The privatization fund for Kosovo, with assets of about \$600 million, was also seized.

### *Recommendations*

- Establish a Commission on Identifying and Allocating Assets between Kosovo and Serbia. The Commission would be modeled on the Agreement on Succession



Issues (Vienna, 29 June 2001). Annex C creates a process for calculating the value of assets and regulates the distribution of financial assets and liabilities of the former Socialist Federal Republic of Yugoslavia.

### Security Issues

The Kosovo Liberation Army (KLA) became the Trupat Mbrotjesete Kosoves (“Kosovo Defense Forces”) in 1999, which became the Kosovo Security Forces (KSF) in 2009. The KSF functions like a National Guard, tasked with civil protection operations in Kosovo and participation in peace-keeping operations. The Kosovo government wants to upgrade KSF into the Kosovo army. The Kosovo army would act as a deterrent, in response to concern about Serbia’s acquisition of sophisticated weaponry from Russia.

Serbia opposes establishment of the Kosovo army. It distrusts representatives of Kosovo’s security institutions because of their past ties to the KLA and their alleged links to organized crime. Professionalizing security structures would distance them from the KLA legacy. It would also help to further distance informal intelligence agencies (e.g. SHIK) from the KSF, as well as the government and political parties.

Serbia has its own problem with organized crime. Security analysts, who wish to remain anonymous, insist that North Kosovo is run by a criminal gang under Belgrade’s control. They describe a mutually symbiotic relationship between gangs in North Kosovo and their mafia counterparts elsewhere in Kosovo. Security and criminality issues are not addressed through the Kosovo-Serbia dialogue, except in the basket on integrated border management.

### *Recommendations*

- Expand security and intelligence cooperation, enabling joint efforts to help prevent violent extremism and counter terrorism.
- Promote direct operational cooperation between the police in Serbia and Kosovo in combatting criminality, organized crime, and all kinds of trafficking. Kosovo’s membership in INTERPOL and the European Police Organization (EUROPOL) would enhance coordination.

- Encourage cooperation between the judiciaries in Kosovo and Serbia on civil matters such as property rights, inheritance, and trade.
- Upgrade the KSF into a national army through a transparent and legal process in accordance with Kosovo's constitution, which requires two-thirds of the parliament to approve a constitutional amendment. Include Kosovo's national army in NATO's PfP.
- Integrate Kosovo Serbs into Kosovo's security structures.
- Implement defense and security CBMs such as exchange of information about military capacities; reciprocal visits to military bases; observing military training; providing advance information about military operations; and exchanging information about units and armaments. A defense and security CBM regime should engage Austria, which currently chairs the OSCE and will chair the presidency of the Council of the EU beginning 31 July 2018.

### Downsizing UNMIK

Russia exerts influence through UNMIK, which was created and is sustained by the UNSC. UNMIK has become an obstacle to reconciliation and normalization. UNSC Res. 1244 functionally hinders Kosovo relations with international organizations. Regarding INTERPOL, for example, UNMIK monopolizes information necessary for Kosovo authorities to conduct effective law enforcement. A Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo is presented every three months. Meetings of the UNSC have become a forum for barbs and accusations by officials of Kosovo and Serbia. While Kosovo proposes downsizing, plans are underway to increase UNMIK's current budget of \$36 million.

### *Recommendations*

- Change the schedule of UNSC meetings on Kosovo from every three months to every six months.
- Limit the competences and objectives of UNMIK, promoting greater self-reliance of Kosovo institutions.
- Reduce UNMIK's budget in-line with the UN's goal to lower the costs of overseas missions.

### Visa Liberalization for Kosovo

Kosovo received its visa liberalization roadmap, which identified the legislation and institutional measures needed to adopt and implement Kosovo's visa liberalization, including document security, border and migration management, combatting organized crime and corruption, asylum and fundamental rights related to the freedom of movement (14 June 2012).<sup>48</sup> The EC proposed to the Council of the EU and the European Parliament to lift visa requirements for Kosovo (4 May 2016).<sup>49</sup> The two remaining requirements in Kosovo's liberalization roadmap are "ratifying its border/boundary agreement with Montenegro and...the fight against organized crime and corruption."<sup>50</sup> About 8,000 hectares of uninhabitable land are at issue. Today Kosovo is the only country in Europe without an EU visa liberalization agreement. Visa liberalization would have a positive effect on the Kosovo-Serbia dialogue.

#### *Recommendations*

- Move ahead with a provisional BDA, lifting the obstacle to visa liberalization for Kosovo. If territorial disputes persist, Kosovo and Montenegro would agree to submit the case to the Permanent Court of Arbitration in The Hague. (Note: Croatian and Slovenia resolved their disputed boundary with assistance from the Permanent Court of Arbitration).

### Preventing Violent Extremism

Kosovo Albanians are historically known for their nationalism not their religiosity. With unemployment at 30 percent, and youth unemployment even higher, Kosovo youth are subject to radicalization. According to the U.S. Institute of Peace, hundreds of Kosovars joined the Islamic State. "Kosovo became a prime source of foreign fighters in the Iraqi and Syrian conflict theaters relative to population size."<sup>51</sup> Financed by Turkey, a mega-mosque is proposed for Pristina. It will be the largest mosque in the Balkans.<sup>52</sup> Students at Prishtina University are protesting. Graffiti threatened Kosovo politicians, admonishing: "There will be no Turkish mosque in Dardani" (a section of Pristina).<sup>53</sup>

#### *Recommendations*

- Abandon plans to build the mega-mosque, replacing it with a more modest mosque and an interreligious cultural center open to all Kosovo citizens, with activities that promote religious dialogue and ethnic social harmony. Kosovo's European future is ill-served by displays of conspicuous Islamist religiosity.
- Assert independence from Turkey's Islamist influence, with places of worship led by Kosovo Albanian religious figures rather than Turkish imams.
- Implement more vigorously the National Action Plan for Preventing Violent Extremism (NAP/PVE), focusing on the role of women, education, and reintegration of Kosovars.
- Harmonize the NAP with efforts of other countries in the Western Balkans, especially those with ethnic Albanian populations.

### **Conclusion/Author's Note**

I have been involved in Albanian issues and Kosovo-Serbia relations for thirty years. Events occurred in three phases.

- Liberation (1989-1999): The struggle for human rights, culminating in NATO's intervention.
- Consolidation (1999-2008): The period of international supervision, leading to Kosovo's coordinated declaration of independence.
- Recognition (2010 to present): Efforts to normalize relations between Kosovo and Serbia, resulting in a state-to-state agreement.

The third phase, marked by the Kosovo-Serbia dialogue, is ongoing. After 7 years, it is at a critical point. Serbia should have no illusions about joining the EU, until it recognizes Kosovo. The EU must not open new negotiation chapters absent recognition.

The United States and other members of the international community have an interest in good neighborly relations between Kosovo and Serbia. Lack of progress would drive Kosovo and Albania closer together, fueling demands for unification of Albanian territories. Cross-border cooperation is already extensive in the Albanian neighborhood where interest affinities are strong.

Pro-active efforts are needed for peace and progress through recognition of Kosovo by Serbia. Normalization would include Kosovo's membership in the UN, while both Kosovo and Serbia work towards entering the EU at the same time. There is no alternative to dialogue. Strategic patience will not suffice.

**Acronyms**

AAK	Alliance for the Future of Kosovo
ASM	Association/Community of Serb Majority Municipalities
BDA	Border Demarcation Agreement
BPDN	Belgrade-Prishtina Dialogue on Normalization
CBMs	Confidence Building Measures
CEFTA	Central European Free Trade Agreement
CP	Civil Protection
CPs	Crossing Points
EC	European Commission
EEAS	European External Action Service
EPS	Electric Power Industry of Serbia
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	European Union Monitoring Mission
EUROPOL	European Police Organization
EUSR	European Union Special Representative
FoM	Freedom of Movement
GoK	Government of Kosovo
IBM	International Border Management
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
INTERPOL	International Police Organization
IPA	Pre-Accession Assistance Programme
ICTY	International Criminal Tribunal for the former Yugoslavia
ITU	International Telecommunications Union
KCSS	Kosovar Center for Security Studies
KLA	Kosovo Liberation Army
KPF	Kosovo Police Forces
KSF	Kosovo Security Forces
KOSST	Kosovar Electricity Transmission, System and Market Operator
LDK	Democratic League of Kosovo
LO	Liaison Offices

NAP	National Action Plan
PDK	Democratic Party of Kosovo
PfP	Partnership for Peace
PVE	Preventing Violent Extremism
NATO	North Atlantic Treaty Organization
RECOM	Regional Commission (on Missing Persons)
SAA	Stabilization and Association Agreement
SHIK	Shërbimi Informativ Kombëtar (National Intelligence Service)
TRC	Truth and Reconciliation Commission
UN	United Nations
UNESCO	United Nations Educational, Science, and Cultural Organization
UNGA	United National General Assembly
UNMIK	United Nation Mission in Kosovo
UNSC	United Nations Security Council

### About the Author

David L. Phillips is Director of the Program on Peace-building and Rights at Columbia University's Institute for the Study of Human Rights. Phillips has served as Foreign Affairs Expert and as Senior Adviser to the U.S. Department of State and as Senior Adviser to the United Nations Office for the Coordination of Humanitarian Affairs. Phillips has worked at academic institutions as Executive Director of Columbia University's International Conflict Resolution Program, Director of American University's Program on Conflict Prevention and Peace-building, Fellow at Harvard University's Future of Diplomacy Project Fellow, Visiting Scholar at Harvard University's Center for Middle East Studies, and Professor of Preventive Diplomacy at the Diplomatic Academy of Vienna. He was Deputy Director of the Center for Preventive Action at the Council on Foreign Relations, Senior Fellow at the Preventive Diplomacy Program of the Center for Strategic and International Studies, Senior Fellow at the Atlantic Council, and Project Director at the International Peace Research Institute, Oslo. Phillips has also been a foundation executive, serving as President of the Congressional Human Rights Foundation and Executive Director of the Elie Wiesel Foundation for Humanity. Phillips was an analyst and commentator for NBC News, CNBC, and the British Broadcasting Company. His latest book is titled *An Uncertain Ally: Turkey Under Erdogan's Dictatorship* (Transaction Publishers). Previous books are *The Kurdish Spring: A New Map for the Middle East* (Transaction Publishers); *Liberating Kosovo: Coercive Diplomacy and U.S. Intervention* (Harvard's Kennedy School/MIT Press); *From Bullets to Ballots: Violent Muslim Movements in Transition* (Transaction Publishers); *Losing Iraq: Inside the Post-War Reconstruction Fiasco* (Westview/Perseus Books); and *Unsilencing the Past: Track Two Diplomacy and Turkish-Armenian Reconciliation* (Berghahn Books). Phillips has also authored dozens of policy reports and hundreds of articles in leading publications such as *The New York Times*, *Wall Street Journal*, *Financial Times*, *International Herald Tribune*, and *Foreign Affairs*.



## References

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<sup>1</sup> Memo from Ministry for Dialogue to Angelina Eichhorst, EU External Action Service provided to the author on 28 July 2017.

<sup>2</sup> The Basic Treaty was entered into by East Germany and West Germany, two independent and sovereign states with international legal personalities.

<sup>3</sup> UNSC 1244, Article 11 E, June 10, 1999; and Article 11 F, June 10, 1999.

<sup>4</sup> U.S. Secretary of State Condoleeza Rice, Statement recognizing Kosovo's independence, February 18, 2008, [www.cba.ca/...story/2008/02/18kosovo-independence.html](http://www.cba.ca/...story/2008/02/18kosovo-independence.html) (accessed on July 8, 2017).

<sup>5</sup> Interview of Kosovo's Ministry of Foreign Affairs with the author. Prishtina, 28 July 2017.

<sup>6</sup> Mark Tran, "Serbia Refuses to Accept Kosovo's Imminent Secession," *Guardian*, February 14, 2008, [www.guardian.co.uk/world/2008/feb.14/kosovo.russia](http://www.guardian.co.uk/world/2008/feb.14/kosovo.russia) (accessed November 17, 2011).

<sup>7</sup> Nile Gardiner and Sally McNamara, "Power Shortages Haunt Disputed Territory," *Financial Times*, January 29, 2008, <http://www.ft.com/intl/cms/s/0/a2c98511e-cebb-11dc-877a-0007b07658.html#axzz1Y9Ho3juf> (accessed on July 8, 2017).

<sup>88</sup> <http://www.webcitation.org/5rRB9e3bz?url=http%3A%2F%2Fwww.icj-cij.org%2Fdocket%2Ffiles%2F141%2F15987.pdf> (accessed on July 8, 2017).

<sup>9</sup> A/RES/64/298 (9 September 2010).

<sup>10</sup> <http://www.balkaninsight.com/en/article/dacic-and-thaci-meet-in-brussels-make-history-0> (accessed on July 8, 2017).

<sup>11</sup> [http://www.b92.net/eng/news/politics.php?yyyy=2012&mm=10&dd=31&nav\\_id=82923](http://www.b92.net/eng/news/politics.php?yyyy=2012&mm=10&dd=31&nav_id=82923) (accessed on July 8, 2017).

<sup>12</sup> The Constitutional Court determined that the ASM is not in compliance with Article 3 [Equality Before the Law], paragraph 1 and Chapter II [Fundamental Rights and Freedoms] and Chapter III [Rights of Communities and Their Members]. [http://www.gjk-ks.org/repository/docs/gjk\\_ko\\_130\\_15\\_ang.pdf](http://www.gjk-ks.org/repository/docs/gjk_ko_130_15_ang.pdf) (accessed on July 8, 2017).

<sup>13</sup> Interview with an EU official by the author. 15 August 2017.

<sup>14</sup> <http://www.balkan.eu.com/development-fund-north-kosovo-gathers-11-million-euros/> (as of 15 August 2017).

<sup>15</sup> Data provided by the Kosovo Ministry for Dialogue.

<sup>16</sup> According to the official website of the EU: "The EU Office in Kosovo plays a pivotal role in implementing the EU agenda in the territory, especially the promotion of European norms. The Office ensures permanent political and technical dialogue between Kosovo and the EU institutions. The EUSR offers advice and support to the Government of Kosovo, coordinates the EU presence, and promotes human rights and fundamental freedoms" ([https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu\\_en](https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu_en)) (accessed on July 8, 2017).

<sup>17</sup> <http://www.eulex-kosovo.eu/> (accessed on July 8, 2017).

<sup>18</sup> Id.

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<sup>19</sup> <http://data.consilium.europa.eu/doc/document/ST-10728-2015-REV-1/en/pdf> (accessed on July 8, 2017).

<sup>20</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/serbia/key\\_document/saa\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/serbia/key_document/saa_en.pdf) (accessed on July 8, 2017).

<sup>21</sup> <http://europa.rs/serbia-and-the-eu/milestones/?lang=en> (accessed on July 8, 2017).

<sup>22</sup> <file:///C:/Users/cshrw1/Downloads/Press%20release-Accession%20conference%20with%20Serbia.pdf> (accessed on July 8, 2017).

<sup>23</sup> <http://data.consilium.europa.eu/doc/document/AD-12-2015-INIT/en/pdf> (accessed on July 8, 2017).

<sup>24</sup> 49% of citizens strongly support Serbian Membership to the EU, 27% would be against, 13% would not vote, and 11% would not know what to answer. Public opinion poll, "European Orientation of Serbian Citizens" which was conducted by Ministry of European Integration in June 2017.

[http://www.seio.gov.rs/upload/documents/nacionalna\\_dokumenta/istrazivanje\\_javnog\\_mnjenja/opinion\\_poll\\_june\\_17.pdf](http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanje_javnog_mnjenja/opinion_poll_june_17.pdf) (accessed on July 8, 2017).

<sup>25</sup> <https://newsbase.com/sites/files/eurooil.pdf> (accessed July 31, 2017).

<sup>26</sup> Survey conducted by Belgrade Centre for Security Policy indicates that most citizens remain opposed to NATO membership and does not expect the membership. 64 percent are against NATO membership, and 9% would support it.

[http://bezbednost.org/upload/document/public\\_perception\\_of\\_serbias\\_foreign\\_policy.pdf](http://bezbednost.org/upload/document/public_perception_of_serbias_foreign_policy.pdf)

<sup>27</sup> [http://www.b92.net/eng/news/politics.php?yyyy=2017&mm=07&dd=19&nav\\_id=101859](http://www.b92.net/eng/news/politics.php?yyyy=2017&mm=07&dd=19&nav_id=101859) (accessed July 31, 2017)

<sup>28</sup> Sewell Chan. The New York Times. August 3, 2017. Pg. A8. "Pence, Critical of Russia's Aims, Assures Balkan Leaders of U.S. Support."

<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> <http://www.balkaninsight.com/en/article/us-official-visits-belgrade-to-discuss-kosovo-issue/1589/77> (accessed July 24, 2017).

<sup>32</sup> <http://www.balkaninsight.com/en/article/us-official-visits-belgrade-to-discuss-kosovo-issue/1589/77> (accessed July 24, 2017).

<sup>33</sup> Criminality, corruption, and cronyism are also widespread in Serbia and the Western Balkans.

<sup>34</sup> <https://www.usip.org/publications/2016/12/dynamics-radicalization-and-violent-extremism-kosovo> (accessed August 1, 2017).

<sup>35</sup> <http://www.balkaninsight.com/en/article/vucic-s-comment-on-kosovo-a-welcome-turn-of-serbia-s-policy-07-24-2017> (accessed July 25, 2017).

<sup>36</sup> [http://www.b92.net/eng/news/politics.php?yyyy=2017&mm=07&dd=25&nav\\_id=101906](http://www.b92.net/eng/news/politics.php?yyyy=2017&mm=07&dd=25&nav_id=101906) (accessed July 25, 2017).

<sup>37</sup> The vehicle of Oliver Ivanovic, a prominent Kosovo Serb politician, was bombed allegedly by Serbian nationalists on 28 July 2017 to discourage his participation in local elections.

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<sup>38</sup> Interview with the Office of Kosovo and Metohija, Belgrade, 31 July 2017.

<sup>39</sup>[http://www.b92.net/eng/news/politics.php?yyyy=2017&mm=08&dd=07&nav\\_id=102006](http://www.b92.net/eng/news/politics.php?yyyy=2017&mm=08&dd=07&nav_id=102006) (accessed August 8, 2017).

<sup>40</sup> <http://www.foxnews.com/world/2017/08/14/serbian-official-suggests-major-compromise-over-kosovo.html> (accessed August 14, 2017).

<sup>41</sup> Albanians in Presevo/Presheva, an ethnic Albanian enclave in Serbia, should have the same minority rights as provided to Serbs in Kosovo and in accordance with the ASM.

<sup>42</sup> Five EU countries have not recognized Kosovo, posing a challenge to EU membership for Kosovo.

<sup>43</sup> Kosovo Minister for Dialogue Edita Tahira should be honored for her contributions and allowed a well-deserved rest.

<sup>44</sup> Interview with representatives of civil society in Mitrovica, 28 July 2017.

<sup>45</sup> The car bomb exploded on 28 July 2017.

<sup>46</sup> "Overcoming Barriers to Business and Normalization." Research of the Forum for Ethnic Relations, Belgrade, June 2017.

<sup>47</sup> Interview with Natasha Kandic, Founder of the Humanitarian Law Center, Belgrade, 31 July 2017.

<sup>48</sup><http://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Kosovo.pdf> (accessed on July 8, 2017).

<sup>49</sup> Id.

<sup>50</sup> Id.

<sup>51</sup><https://www.usip.org/publications/2016/12/dynamics-radicalization-and-violent-extremism-kosovo> (accessed August 1, 2017).

<sup>52</sup> <http://zeri.info/aktuale/154347/bik-ja-si-do-jete-xhamia/> (accessed July 25, 2017).

<sup>53</sup><http://www.foxnews.com/world/2017/08/02/police-graffiti-threatens-kosovo-leaders-over-new-mosque.html> (accessed August 5, 2017).