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**THE UNRAVELLING OF
THE BELGRADE – PRISTINA
NORMALIZATION PROCESS:
KOSOVO'S MULTIETHNICITY
AT STAKE?**



ABBREVIATIONS

European Union – EU

European Union Rule of Law Mission in Kosovo – EULEX

United Nation Mission in Kosovo – UNMIK

The Kosovo Force – KFOR

North Atlantic Treaty Organisation – NATO

Association/Community of Serb-majority municipalities – A/CSM

United Nation General Assembly – UNGA

United Nation Secretary General – UNSG

Special Operation Units – SOUs



THE FINAL STATUS RACE

In March 2011, under the auspices of the European Union, the normalization of relations negotiations between Belgrade and Pristina began¹. They were the fourth negotiations in a row, but the first after the unilateral declaration of Kosovo's independence. As the social fabric of Yugoslavia eroded, relations between Serbia and Kosovo Albanian representatives in one of its provinces grew acrimonious, culminating in oppression and state violence against Albanian civilians. At the core of the amounting differences was nationalism fed by, among other things, Serbia's resentment over the difficult position of the Kosovo Serb community in the then Albanian-dominated province. Following the refusal of Yugoslavia to accept the Rambouillet Agreement for Peace and Self-Government in Kosovo in February 1999², a three-month NATO bombing campaign against Yugoslavia started. Establishing the political framework based on the Rambouillet Accords was one of the North Atlantic Council's requests before the then-Yugoslav strongman, President Slobodan Milošević.³ The bombing campaign ended with the Military Technical Agreement⁴ that foresaw the retrieval of the Yugoslav Army and police from Kosovo and the United Nations Interim Administration (UNMIK) establishment in June 1999, supported by NATO peace-keeping troops (KFOR).

The United Nations led the first post-war attempt to resolve Kosovo's status. In 2005, UNSG appointed⁵ Martti Ahtisaari as 'Special Envoy for the future status process for Kosovo.' The first "final status" talks, also known as the Vienna talks, started in February 2006 but failed after 15 rounds in 2007 upon Serbia's refusal to accept the "Comprehensive Proposal for the Kosovo Status Settlement"⁶ or the Ahtisaari package. At the encouragement of Western countries, primarily the United States of America, Kosovo authorities unilaterally implemented the Ahtisaari package, enshrining most of its provisions in the Constitution and declaring independence. However, despite Western guarantees, the move did not bring full international recognition to Kosovo. Most notably, 5 EU member states (Spain, Greece, Slovakia, Romania, and Cyprus) refused to recognize Kosovo's independence, four of which are also NATO members. With this, integration of Kosovo into Euro-Atlantic structures is impossible, even though EU and NATO membership are Kosovo's primary foreign policy goals.

1 See statement by the first EU facilitator in the Dialogue and EU High Representative Catherine Ashton: https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/119663.pdf

2 See statement by Statement by the Co-Chairs of the Contact Group: https://1997-2001.state.gov/regions/eur/stm_990319_rambou.html

3 See North Atlantic Council statement from April 1999: https://www.nato.int/cps/en/natolive/official_texts_27441.htm?selectedLocale=en

4 See the text of the agreement: <https://unmik.unmissions.org/kumanovo-military-technical-agreement>

5 See the statement of the UN Secretary General: <https://press.un.org/en/2005/sga955.doc.htm>

6 See the text of the proposal: <http://pbosnia.kentlaw.edu/Comprehensive%20Proposal%20for%20the%20Kosovo%20Settlement.pdf>

The EU led the second post-war attempt to “normalize relations” between Kosovo and Serbia. The basis for these negotiations was set in resolution 64/298⁷ of the General Assembly of the United Nations, adopted on September 9, 2010. The EU-led efforts mainly focused on integrating the Kosovo Serb community, brokering over 30 agreements that disintegrated most Serbian government institutions, replacing them with Kosovo institutions and legal and administrative systems. The agreements focused mainly on around 10% of Kosovo’s territory in the north, where four municipalities with over 90% of Kosovo’s Serb population and about half of the overall Kosovo Serb population are located. Between 2013 and 2017, the first Kosovo local elections were organized, municipal structures were established, and police and judiciary were integrated under a single Kosovo institutional system. However, what was lacking was the establishment of the Association/Community of Serb-majority municipalities, a self-management body promised to Kosovo Serbs in the 2013 agreement on integration.

⁷ See the text of the GA Resolution 64/298:

<https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/ROL%20A%20RES64%20298.pdf>

FROM INTEGRATION TO DISINTEGRATION IN A DECADE

The beginnings of talks in 2011 saw significant turmoil in northern Kosovo, where a Special police member was murdered in Zubin Potok⁸, followed by the burning of the crossing point in Leposavić⁹ and months of barricades upheld by the citizens opposing the implementation of the agreements. However, with the change of government in Serbia, where the Serbian Progressive Party and Aleksandar Vučić took over what will be more than a decade of rule, a firm grip over the Kosovo Serb community was established. Serbian government political project Srpska list established political control over the entire Kosovo Serb community, ensuring no opposition from the ground to Belgrade-endorsed agreements facilitated by Brussels would spoil the implementation.

A decade later, however, and following a complete political impasse over the establishment of the A/CSM and a series of unilateral actions of the Government of Kosovo that included: ill-prepared and uncoordinated car plate re-registration process¹⁰, banning of Serbian elections and referendum¹¹, illegal expropriations of over 100 ha of privately-owned land in the municipalities in the north¹², violation of special arrangements related to the judiciary¹³, imposition of Albanian mayors after the boycott of local elections by Kosovo Serbs in the north, forceful overtaking of municipal buildings¹⁴, including announcements of other forceful evictions of Serbian institutions, the tensions reached a tipping point and several arrests of Kosovo Serbs without arrest warrants issued by the prosecution¹⁵. The most notable driver of tensions for the community on the ground was the permanent deployment of Special Operation Units of the Kosovo Police in the Kosovo-Serb areas in the north. Special Operation Units (SOUs) of the Kosovo Police are a largely monoethnic Albanian unit trained for complex security operations. Until 2022, they would execute actions in Kosovo Serb areas but were never deployed for longer than several hours. As of February 26, 2022¹⁶, two days after the Russian aggression on Ukraine started, the Government of Kosovo permanently deployed the SOUs to the four municipalities in the north and built seven bases, including two checkpoints operated by these units. Their deployment signaled the intent to create a second layer of policing, violating the Brussels agreement¹⁷ and two articles¹⁸ of the Kosovo Constitution that require that police forces reflect the ethnic composition of the communities they are policing. Eight months after their permanent deployment in the north, over 500

8 See EULEX statement on the beginning of the investigation into the murder of the policeman: <https://www.eulex-kosovo.eu/?page=3,10,1834>

9 See media report: <https://balkaninsight.com/2011/07/27/serbian-hooligans-burn-kosovo-serbia-crossing/>

10 See US Ambassador remarks on the issue: <https://xk.usembassy.gov/st731amb/>

11 See the Quint statement on the issue:

<https://www.gov.uk/government/news/kosovo-serb-voting-within-kosovo-in-serbias-elections-joint-statement>

12 See the EU statement on a number of issues, including expropriation and the use of Special Operation Units for regular policing:

<https://www.consilium.europa.eu/en/press/press-releases/2023/09/19/belgrade-pristina-dialogue-statement-by-the-high-representative-on-behalf-of-the-european-union-on-expectations-from-serbia-and-kosovo/>

13 See EU spokesperson statement: <https://kossev.info/stano-pristina-nije-ispostovala-briselski-sporazum-o-pravosudju-u-slucaju-todosijevica/>

14 See HR Borell statement:

<https://www.consilium.europa.eu/en/press/press-releases/2023/06/03/statement-by-the-high-representative-on-behalf-of-the-eu-on-kosovo-and-latest-developments/>

15 See short statement by HR Borell: <https://twitter.com/JosepBorrellF/status/1672283150708293645>

16 See KoSsev article: <https://kossev.info/betonski-blokovi-kod-brnjaka-kosovka-policija-postavlja-bazu-pogranicne/>

17 See article 9: <https://www.srbija.gov.rs/cinjenice/en/120394>

18 See articles 61 and 128.4: https://www.constituteproject.org/constitution/Kosovo_2016

Kosovo Serb policemen resigned from the Regional Police Directorate North, citing the derogation of their competencies as a reason for their resignation¹⁹.

The move greatly destabilized northern Kosovo's security situation, which continued deteriorating since. The distrust²⁰ between the Kosovo Serb citizens and Kosovo Albanian police, including SOUs, eroded further following the shooting²¹ of two men at the Bistrica bridge checkpoint in 2023. The second shooting was initially denied²² by the policeman who shot a K-Serb citizen and his whole shift, who later admitted to the act. Likewise, the shooting of a 21-year-old and 11-year-old in Štrpce²³ on the eve of Orthodox Christmas by a member of the Kosovo Security Force sent shockwaves among the Kosovo Serb community.

19 See the statement by former KP Chief of Operation at regional Police Directorate North, Aleksandar Filipović:
<https://kossev.info/vucic-ujutru-krece-uklanjanje-barikada-na-severu-kosova/>

20 See KoSsev article with citizen testimonies about SoU intimidation:
<https://kossev.info/zp-locals-complain-of-the-behavior-of-kosovo-special-forces-kp-the-main-goal-is-order-and-security/>

21 See BIRN article: <https://balkaninsight.com/2023/01/23/kosovo-police-confirm-shooting-at-serb-driven-vehicle/>

22 See shorth statement by US Ambassador to Kosovo on the issue:
<https://twitter.com/USAmbKosovo/status/1645816276508393472?t=fNupS6EwtysFmdPxeO-t5w&s=19>

23 See statement by EU Spokesperson: <https://twitter.com/extspoxeu/status/1611613444850999296>

BANJSKA ATTACK: A NEW BENCHMARK OR BUSINESS AS USUAL?

The most severe security event in north Kosovo since 2011 was the September 24 attack of a group of Kosovo Serbs in the village of Banjska. The Srpska List Vice President Milan Radoičić organized and logistically supported the incursion. Radoičić, a controversial businessman accused but then acquitted for misuse and kidnapping in Serbia²⁴ and suspected of the murder of a well-known Kosovo Serb political leader, Oliver Ivanović, by Kosovo authorities, admitted to organizing the action publicly.

The September 24, 2023 attack in Banjska, in which allegedly several dozen Kosovo Serbs participated and in which one Kosovo policeman and three attackers from northern Kosovo died, echoes the incidents and instability in 2011 when the internationalization of the Kosovo issue, along with the change of power in Serbia led to significant breakthroughs in the Dialogue. The effects may yet be similar now, or at least that is the instinct of the international community.

Following the attack in Banjska, Serbia has found itself at the end of some tough questions related to the group's weapons and how they moved between Kosovo and Serbia undetected. Whether and to what extent Serbia provided support to this group and to what end will possibly have consequences for Serbia's international image and bilateral relations, all pending the results of the investigations.

Prospects of an international investigation are doubtful since the internal EU and NATO procedures do not allow these organizations to join an investigation after collecting evidence, which they were not privy to. In such circumstances, different actors in the international community will be presented with likely opposing conclusions of the two investigations. The Serbian investigation will likely find no involvement of Serbian state structures, or at least no wide-scale involvement, while the Kosovo investigation will probably insist that Serbia was involved. Accepting the results of one or the other will likely be subject to the political affiliations of the different actors on the world scene. Whatever the outcome, damage to Serbia's standing and position in the Dialogue is significant, with the full extent yet to be determined.

The situation following the Banjska attack, however, does little to change the immediate expectations of the international community from Kosovo. On September 14, 2023, Kosovo's lead negotiator, Albin Kurti, and Serbia's Aleksandar Vučić left Brussels unable to agree on a sequencing plan for the implementation of the February 2023 Agreement on the path to normalization between Kosovo and Serbia²⁵ and its March 2023 Implementation Annex²⁶. The sequencing plan endorsed by the EU was accepted by Serbia and refused by Kosovo²⁷. Kosovo's main complaint was that the sequencing plan prioritized the old commitment of establishing the A/CSM over the "de facto recognition of Kosovo by Serbia."

24 See article by KRIK: <https://www.krik.rs/veselinovicu-dve-godine-zatvora-za-nelegalno-iskopavanje-sljunka-radoicic-osloboden/>

25 See the agreement:

https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia_en

26 See the text of the annex:

https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en

27 See the statement of the EU HR Joseph Borell:

https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-press-remarks-high-representativevice-president-josep-borrell-after-high_en

The EU and the US need to validate compromise solutions in political processes and start communicating about the benefits of the A/CSM for Kosovo Serbs and Government of Kosovo alike.

In the eyes of the international community, the volatile social and security situation after the attack in Banjska only reinforces the need for Dialogue and the establishment of the A/CSM. In parallel, conditions for reintegrating an estimated 3000 Serbs who resigned from Kosovo institutions in November 2022 should be created to restore previous agreements. Northern Kosovo is profoundly destabilized, and failure to break the political impasse will only result in more violence. To reflect this assessment, the North Atlantic Council approved troop reinforcements to around 4,000 KFOR soldiers in Kosovo. The British and Romanian reinforcements have already arrived in Kosovo, while German reinforcements are pending.



CAN THE NEW DIALOGUE FORMAT HELP RESTORE TRUST?

The insistence of the international community to resume the Dialogue goes against the growing number of voices in the Kosovo government asking for a halt in the negotiations over “Serbia’s destructive actions.” The international community is hence staking their hopes for one more push in the Dialogue on Kosovo’s President Vjosa Osmani. Upon her return from the United Nations General Assembly held in New York days before the attack, she stated that Kosovo should work with the US on drafting the statute of A/CSM. Soon after that, a member of her own Guxo, Foreign Minister Donika Gervalla, declared A/CSM dead and no more business as usual in the Dialogue, indicating a possible split among the institutional leaders.

On the ground in northern Kosovo, opposite requests can be heard – to stabilize the community, negotiations need to be resumed and brought down to the technical level. The Kosovo Serb community’s dissatisfaction has been growing over the years, and the expression of that dissatisfaction escalated and got more radical – from protests to barricades, to exit from institutions to an attack with firearms and military-grade weapons. Regardless of the motivation and circumstances around what happened in Banjska, which are still unclear, it is known that, in the attack, three local Kosovo Serb attackers died. At the same time, two more were arrested, and others whose identity was revealed were residents of one of the four municipalities in northern Kosovo. The fact speaks to the radicalization of feelings toward Kosovo institutions and is a testament to the severe deterioration of the normalization of the relations process. This is a problem the Kosovo government will not be able to escape if it wishes to see the stabilization of the security situation. Kosovo’s attempts at attracting foreign investments are suffering over continuous messages of a pending war perpetuated by Kosovo leaders in the international media, while the ban on the import of final consumer products from Serbia is hurting major US²⁸ and German producers with production facilities in Serbia. In addition, amounting problems related to freedom of movement, export and import of goods and medicine from Serbia, cash shipments for banks using dinars are further pressing on the community. Technical negotiations too are unlikely given that the experience in the negotiations so far showed that no issue between Kosovo and Serbia is just technical.

What Kosovo hopes for from the current situation is the dropping of punitive measures imposed by the EU in June 2023, which were meant to hold until Kosovo withdrew members of the Special Operations Units from the municipal building forcibly overtaken on May 26, until Albanian mayors elected amid a massive boycott of Kosovo Serb voters left the municipal buildings to work from alternative locations, and new local elections in Serb-majority municipalities were organized. So far, the Council has not discussed the lifting of measures, and the current messages from the EU underline that member states are not satisfied with the de-escalation steps taken. De-escalation, in particular organization of new elections is one of the main EU priorities in parallel to investigation about circumstances that led to the attack in Banjska.

²⁸ See statement by the American Chamber of Commerce in Kosovo:

<https://english.a2news.com/2023/09/05/american-chamber-of-commerce-kosovo-should-allow-serbian-imports-its-harming-our-companies/>

Regardless of the status of the punitive measures to Kosovo and Serbia, the international community efforts, and the pressing need on the field to move the Dialogue, its continuation is highly unlikely. Kurti's opposition to A/CSM since 2013 is a large chunk of his political capital, and so is his firm position on issues in the Dialogue. It breeds instability, but it brings votes and with poor results in governing, especially spending public money and social policies, distractions incorporated into ethnic tensions are welcome. Stagnation in the Dialogue also puts immense pressure on the Kosovo Serb community, which has slowly been dwindling over the past few years to leave Kosovo.

At the same time, Serbia is also interested in dragging out the Dialogue, especially in the current dynamic in which Kosovo is refusing the sequencing plan while Serbia accepted it. Eventually, the extent of Serbia's involvement in the Banjska attack will proportionately hurt the relations between the West and Aleksandar Vučić. Still, for the time being, he remains the best candidate to finalize negotiations with Kosovo, at least the interim agreement and its annex. Hence, the international community involved in the Dialogue will likely come to the same conclusions as in 2013 and keep the partnership alive until implementation is finished. This is a difficult pill to swallow for the Kosovo government, which is deeply frustrated by both Serbia and the EU facilitators. In fact, one of the rare things Belgrade and Pristina have in common is the calls for a more significant role of the US in the Dialogue. This would require a new resolution of the UNGA, including the admission the EU-facilitated Dialogue has failed and the willingness of the US administration to engage more. Both are highly unlikely. What is possible is a greater involvement of the US on implementing some of the already negotiated topics under the auspices of the EU. In that respect, the US has already engaged more proactively in establishing the A/CSM, considering that its contribution to the Dialogue leaves more space for the EU to address the interim agreement on normalization from February 2022.

Another idea put forward by the Kosovo analysts is a dialogue format that excludes Serbia and involves negotiations with the international community, particularly Kosovo's non-recognizers. The idea would be a copy of the aftermath of the failed negotiations led by Ahtisaari and is completely unlikely to move the positions of the hardliners like Spain, which is contesting the unilateral nature of Kosovo's declaration of independence and will not change its position until it sees an agreement with Serbia and mutual approval of the arrangement, whatever that agreement may be. Finally, the idea of an international conference for the Kosovo-Serbia dispute is also promoted, but it is difficult to achieve political consensus on it without a significant escalation.

This is why the format of the Dialogue is unlikely to change. The EU will continue to lead, supported by the US, and it will continue to try and impose solutions, hoping for a breakthrough on the A/CSM and stabilization of northern Kosovo. These efforts, much like before the escalation in Banjska, will likely fail, leaving the international community with a difficult choice – invest significant efforts to freeze the conflict through interim international administration in the north or wait for an escalation that will change the reality on the ground in one of the party's favor.

FROZEN CONFLICT LIKELIER THAN A BREAKTHROUGH

Russia's invasion of Ukraine has drawn attention from different parts of the world. Various state and non-state actors are looking to take advantage and change realities in their favor, with Azerbaijan being the crown example. Northern Kosovo has already been the stage of many unilateral actions by the Government of Kosovo in the past two years. As of May and the attack on KFOR soldiers who put themselves between the Kosovo Police and Kosovo Serbs, those actions have been met with increasing violence. Western governments that, for decades, have had the ear of the governments in Pristina have failed to exert their influence on the Kurti government, which, through the permanent deployment of monoethnic, Albanian, Special Police forces to Serb-majority areas for almost 20 months, treated political issues related to integration as a security challenge until this became a self-fulfilled prophecy.

The international community allowed Kosovo to treat a political issue, such as integration, as a security and rule of law issue; and now that issue truly did become securitized, political solutions only, will not suffice to resolve the deadlock.

In a volatile security situation, the international community is even less likely to exert pressure on the Government of Kosovo to stabilize the living conditions of the community in the north, as is reflected in a months-long ban on the import of goods, closure of the IBMs and complex situation with the supply of medicine and cash from Serbia. Even more so, it is difficult to imagine a push for the reintegration of the Kosovo Serb community, which, even under far more favorable political conditions and willingness of the parties in the Dialogue, was a massive undertaking that took years and was not finalized.

Suppose the latest international push for the Dialogue fails. In that case, the international community will be forced to try and save the interim agreement on the path to normalization between Kosovo and Serbia and its Implementation Annex from earlier this year. This means the international community will be forced to freeze the conflict in northern Kosovo. The alternatives in which one of the sides changes the reality on the ground – partition or ethnic cleansing - risk chain destabilizing events in the Western Balkan region or annihilation of the perspective for an agreement. Thus, the EU perspective of Kosovo and Serbia, for years.

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