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Normalization of Kosovo-Serbia Relations: State of Play



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Executive Summary

The normalization dialogue between Kosovo and Serbia, under the facilitation of the European Union (EU), stands as a pivotal platform for their respective paths towards EU accession and broader regional cooperation. Both the EU and the United States (US) have made it clear that for Kosovo and Serbia the road to the EU goes through the normalization dialogue. Since 2011, when the dialogue started, the process has yielded a series of agreements across various domains crucial for enhancing the day-to-day lives of citizens, fostering peace, facilitating regional cooperation, integrating northern Kosovo, and advancing European integration. Significantly, the EU-facilitated dialogue represents *the* forum that has effectively brought together Kosovo and Serbia – holding fundamentally conflicting stances – to negotiate and agree on numerous issues.

Within the EU-facilitated dialogue aimed at normalizing relations, Kosovo and Serbia have secured multiple agreements, though research varies on their exact number, with figures ranging from 38¹ to 33². The key problem in discerning the actual number of agreements is the fact that a lot of them are not a singular document, but a compilation of agreements, conclusions, and addendums that evolved over time in the Dialogue process. Based on the European Institute of Peace's (EIP) inventory, there are 50 agreement texts and implementation protocols, including those agreed under US mediation in 2020). Crucially, this count includes the broader framework agreements of 2013 and 2023 that comprehensively address some of the most critical issues of dispute.

This paper adopts a thematic analysis to examine the current state of play as regards the agreements reached and offers a proposed roadmap for addressing implementation gaps that follows a citizen needs-based logic. This approach allows for a focused examination of the agreements' practical impacts and their role in advancing Kosovo-Serbia relations.

The analysis shows that progress varies considerably across different thematic areas. To date, several areas have seen significant levels of implementation, such as the Freedom of Movement, which facilitates easier cross-border travel for citizens: the handling of Civil Registry Books, the application of Customs Stamps, and Regional Representation and Cooperation, enhancing Kosovo's participation in regional initiatives, albeit with serious challenges. Significant progress is also noted in implementation of Integrated Border Management (IBM), albeit only two of the six permanent IBM facilities have been completed³; Customs Revenue Collection; Arrangements pertaining to Liaison Officers, albeit with notable challenges; significant advancements in Telecommunications, including the allocation of a country code for Kosovo in 2016; Mutual Recognition of Vehicle Insurance, easing cross-border transportation; and the Mutual Recognition of ADR Certificates (for transportation of dangerous goods).

However, several critical agreements remain unimplemented, including the Mutual Recognition of University Diplomas; Cadastral Records, crucial for property rights and economic development; and the establishment of the Association/Community of Serb-majority Municipalities in Kosovo, a contentious issue with a strong impact on the process as a whole. Additionally, the Removal of

¹ Balkans Policy Research Group (BPRG) The Brussels Dialogue between Kosovo and Serbia: Achievements and Challenges, https://dialogue-info.com/wp-content/uploads/2020/12/BPRG_DIALOGU-I-BRUKSELIT_ENG.pdf

² Shpetim Gashi and Igor Novaković, December 2020, FES, Brussels Agreements between Kosovo and Serbia: a Quantitative Implementation Assessment, <https://library.fes.de/pdf-files/bueros/belgrad/17009.pdf>

³ The IBM agreement foresees a two-phased implementation: during the first phase the parties agreed to establish six (6) IBM crossing points at Jarinje/Rudnica, Dheu i Bardhë/Konçulj, Tabavije/Bërnjak, Merdarë/Merdare, Depce/Muçibabë and Mutivodë/Mutivode, to operate as interim IBM facilities. The second phase foresaw their wider construction into six permanent IBM facilities, funded by EU. So far, only two (Merdare and Mutivode) out of the six planned permanent facilities are operational as such. Two other are operating as interim IBM facilities.

Barricades and Revitalization of the Mitrovica Bridge remains stalled, symbolizing the physical and metaphorical divides that persist in the north of Kosovo.

The years 2022 to 2024 have been particularly challenging for the normalization dialogue. Agreements have been extremely difficult to reach and escalations occurred on the ground in northern Kosovo. The landmark agreement of 2023 was stalled by emerging escalations before any significant implementation could begin. Some elements did ultimately move forward, most notably the removal of the stickers policy for vehicle plates, the re-registration of car plates issued by Serbian authorities for cities in Kosovo (KM, PR), and the initialization of electricity bills in the north as part of the energy agreements framework. As a result, both Serbia- and Kosovo-registered vehicles travel freely on both sides, the contested vehicle designations no longer exist, and, for the first time in 25 years, Kosovo citizens in the north began receiving electricity bills in early 2024. The declaration on missing persons was also signed in the weeks after the February/March 2023 agreement, but actual advancement of its provisions is largely stalled. At the same time, this time period has also provided a significant setback in terms of the dialogue's previous achievements, most notably through the mass resignation of Kosovo Serbs from Kosovo institutions in the north in November 2022. This event reversed the progress made towards integrating the north into Kosovo's local and central governance, police, and judiciary, highlighting the complex and fluctuating nature of the normalization process.

Implemented agreements that brought progress in normalization of relations between Kosovo and Serbia

This section analyzes agreements that have largely been implemented. It draws from existing official information and previous research into the state of play, with sources ranging from government reports to civil society assessments. The agreements included here are:

1. Freedom of Movement
2. Civil Registry Documents
3. Customs Stamps
4. Integrated Border Management (IBM)
5. Development Fund
6. Exchange of Liaison Officers
7. Telecommunication
8. Energy

The **agreement on the freedom** of movement between Kosovo and Serbia was initiated on 2 July 2011 and effective implementation started from 26 December 2011, allowing citizens to travel between Kosovo and Serbia using personal ID cards. As part of the agreement, the establishment of Kosovo civil service offices in North Mitrovica, Zvečan, Zubin Potok, and Leposavić was made possible, so as to facilitate access to Kosovo documents for the Serbs in the north. A crucial aspect of the agreement was the mutual recognition of driver's licenses, although Serbia-issued licenses for Kosovo Serbs faced issues in Kosovo. In addition to the local population, this agreement significantly benefited the Kosovo diaspora by easing their transit from Western Europe through Serbia, reducing travel times and costs. The diaspora did not directly benefit as most had Western Europe personal documents and passports, rather it was the general increase of traffic between Kosovo and Serbia and the positive climate introduced by the Dialogue that created conditions for the diaspora to feel safe using Serbia for transit.

Despite these advancements, the requirement for an "entry-exit" document created delays at crossing points.⁴ Alongside the recognition of driver's license, the freedom of movement agreements enabled a system for the acceptance of vehicle insurance, including the purchase of vehicle insurances at border points.

Implementation of the freedom of movement agreement evolved over time through several factors to do with developments on the ground and the overall dynamic of the dialogue, thus creating the room for new arrangements to be agreed during the process. This perhaps unintended approach entailed the periodical build-up of the freedom of movement agreement through different add-ons. It started in December 2011, when Serbia allowed the entry of Kosovo's 'KS' license plates (as opposed to the majority 'RKS' plates). Based on that arrangement, the RKS plates when entering to Serbia had to be removed from the vehicle and replaced by a Serbia-issued temporary vehicle plates ('PROBA'). As stipulated in the freedom of movement agreement, Kosovo authorities enjoyed the right to reciprocate, but did not apply it presumably as a gesture of good will towards the normalization process. This situation further evolved on 30 September 2021, when Kosovo and Serbia agreed to start applying the so-called sticker regime as an interim arrangement, allowing the entry of 'RKS' license plates into Serbia with the Kosovo state logo covered by the specially designed stickers issued at border crossings. Serbian plates also had to cover the state markings upon entering Kosovo. Finally on 25 December 2023, respectively 4 January 2024, Serbia and Kosovo decided to abolish the policy of placing stickers in the car plates to cover state symbols, as well as to end the practice of issuing separate entry documents by Serbia. The entry documents were required since 2011 for holders of Kosovo IDs entering Serbia, as a form of *ad hoc* visa for staying on its territory and a vehicle for Serbian authorities to note that the system does not imply recognition of Kosovo. The advancements in the implementation of the freedom of movement agreement framework in 2021 and 2023 followed a period of tension in northern Kosovo, precisely in relation to issues pertaining to license plates. While the Memorandum of Understanding on Mutual Recognition of Motor Third Party Liability Insurance has been implemented smoothly, more efforts are needed in the auspices of the dialogue for normalization to facilitate Kosovo's membership in the Council of Bureaux (COB) Green Card System.

Since 1999, following the departure of the FR Yugoslav/Serbian administration, Serbian authorities took away a significant portion of Kosovo's civil registry materials. In response to this and the subsequent lack of cooperation from Serbia, the UNMIK Administration established a new civil registry for Kosovo. However, this registry had limitations and required supplementation to gain full credibility with international mechanisms. This was thus addressed in the EU-facilitated Dialogue, reaching the **agreement on civil registry documents** on 2 July 2011. It provided for the handover by Serbia to Kosovo of official copies of the original registry books, with EULEX acting as an intermediary. This agreement also aimed to resolve the contentious issue of civil documentation, particularly affecting Serb citizens in Kosovo and involved the closure of parallel offices in Serbia that issued documents for residents in Kosovo. Serbia provided Kosovo with **12,036 scanned copies** of civil registry books. These documents underwent a scanning and verification process by a tripartite expert group, facilitated by EULEX in Niš, Serbia, before their certification and handover to the Kosovo authorities. The process, initially expected to last nine months, extended over two years, culminating in the integration of these records into Kosovo's civil registry system. Implementation of the agreement had an important role in creating a reliable civil registry system in Kosovo and implementing one of the key criteria from the Roadmap on Visa Liberalization with EU. Despite the agreement's success in addressing the civil

⁴ Holders of Kosovo IDs were only allowed into Serbia upon being issued a separate entry document by the Serbian border police, which served to avoid the direct acceptance of documents bearing the Republic of Kosovo emblem. This required a short procedure for each passenger, which added up when the border crossings had higher frequency traffic to create delays. This practice was discontinued in late 2023.

registry issue, there have been unintended consequences, especially for Kosovo Serbs. Individuals who had their marriages registered in parallel Serbian institutions found difficulties in securing Kosovo citizenship due to the inability to verify their marriages through official Kosovo channels. This affected a sub-group of the Serb community, i.e. the people who married post-1999 and prior to the integration into Kosovo institutions and who thus registered their marriage through Serbian parallel institutions in Kosovo.

Kosovo customs operations were conducted under 'UNMIK Customs' before the declaration of independence in 2008. The transition to 'Kosovo Customs' stamps led to a stand-off as Serbia and Bosnia and Herzegovina refused to recognize these stamps. These issues were addressed in the framework of the EU-led dialogue and, on 2 September 2011, Kosovo and Serbia reached the **agreement on customs stamps**, a landmark opportunity to advance trade relations. Under this agreement, Serbia consented to customs stamps bearing the 'Kosovo Customs' inscription, provided that the associated documentation mirrored this terminology and aligned with the Central European Free Trade Agreement (CEFTA) stipulations (i.e. that the documentation does not refer to the full constitutional name of the Republic of Kosovo). The agreement's execution was largely successful, promoting expanded economic interaction between Kosovo and Serbia, in particular the ability of Kosovo business to export to and through Serbia. Occasional breaches of the agreement have occurred, including the utilization of unauthorized stamps by Serbia and the persistence of 'Pristina Customs' within the organizational structure of Serbian Customs, which have undermined the agreement's objectives. In 2018, partly due to these recurring administrative hurdles, the Kosovo government introduced a 100% tariff on goods originating in Serbia and Bosnia and Herzegovina. This effectively stopped Serbian imports to Kosovo and triggered a suspension of the EU-facilitated Dialogue until the Kurti I Government replaced the tariff with a policy of reciprocity in 2021. This, however, did not really materialize to a level sufficient for analysis as the Kurti I government was replaced by its coalition partner, Democratic League of Kosovo (LDK) in another coalition only months within its term. The resulting government of Prime Minister Avdullah Hoti removed the reciprocity policy and trade was largely restored. Overall, implementation of the customs stamps agreement not only bolstered Kosovo's economy by enabling a more efficient transit route through Serbia for exports to European markets but also progressively enhanced Kosovo's export activities to Serbia. Furthermore, in conjunction with the Integrated Border Management (IBM) and other agreements, it has contributed to a reduction in smuggling activities in northern Kosovo. In late September 2023, the (Kurti II) Kosovo Government ceased commercial traffic from Serbia, citing security concerns after a Serb paramilitary attack at Banjska in north Kosovo (on 24 September). In subsequent weeks, the ban was partially lifted, with Serbian-registered trucks being allowed to transit and with certain raw materials from Serbia being allowed into the Kosovo market. The latest measures significantly altered trade dynamics, with a lot of Serbian products absent from Kosovo and gradually replaced by alternatives from other countries, notably Albania and North Macedonia. This shift, as reported by the GAP Institute⁵, resulted in a 47% decrease in imports from Serbia, while imports from Albania experienced a 28% increase. For illustration of the scope of this trade while in full swing, a recent publication by the Kosovo-based *Musine Kokallari* Institute noted that between 2005 and 2018 Serbian imports to Kosovo amounted to around €3.6 billion, making Serbia Kosovo's main trade partner at the time. Kosovo's exports to Serbia for the same period were €250 million, reaching approximately 12% of Kosovo's foreign trade in 2017.⁶ Thus, while fully functional this agreement enabled significant gains for both Serbia and Kosovo, resulting from direct trade (largely benefiting

⁵ GAP Institute: <https://www.institutigap.org/home> 'Kosovo changes its trade partners' 6 March 2024 (https://youtu.be/KYaZVz_5iSg).

⁶ See the Institute's report at: <https://musineinstitute.org/wp-content/uploads/2024/04/18-Permiresimi-i-marredhenieve-ekonomike-Kosove-Serbi-ENG06.pdf>.

Serbia due to economic constellations) and the ability of Kosovo to export to third countries to Serbia, in addition to increasing direct exports to Serbia (largely benefiting Kosovo). However, at present the agreement's implementation is minimal due to the administrative measures ceasing commercial traffic with Serbia introduced by the Kosovo Government in the aftermath of the Banjska attack in September 2023.

The **agreement on Integrated Border Management (IBM)** between Kosovo and Serbia was reached on 2 December 2011, with its implementation protocol approved on 24 February 2012. While it is the case with most other agreements, this one was particularly notable as a form of mutual recognition of jurisdiction. It established cross-border cooperation that includes integrated crossings points and collaboration among police, customs, and other border control agencies of Kosovo and Serbia. Before the IBM agreement, border crossings, particularly in the north of Kosovo, were marked by tension, with several crossing points burned and a complete absence of cooperation between Kosovo and Serbian institutions. The implementation of the IBM concept has not only facilitated the reconstruction of these crossing points but also significantly improved the free movement of citizens and goods. It enhanced border security control to align with European standards and practices, demonstrating a direct positive impact on both security and mobility. Under the IBM agreement, customs and police authorities, along with other agencies responsible for border control, established mechanisms for cooperation, including regular local-level meetings. Although coordination mechanisms at the central level were envisioned, they have faced challenges in practice, with Serbian authorities often refraining from cooperation, despite facilitation efforts by the EU through EULEX and respective EU offices in Kosovo and Serbia. A notable outcome of the IBM agreement is the System for Exchange of Excise Data (SEED) project, enabling real-time customs data exchange, further streamlining cross-border transactions. Additionally, the cooperation between the Economic Chambers of Kosovo and Serbia since mid-2013 has led to harmonized veterinary certificates, facilitating expanded free movement of goods and services. The satisfactory implementation of this agreement prompted the EU to allocate significant Instrument for Pre-accession Assistance (IPA) funds for the construction of permanent border crossings in both Kosovo and Serbia. Despite these investments and the completion of certain crossing points like Merdare/Merdarë and Mutivode/Mutivodë, there has been a stagnation in further implementation due to a pause in technical dialogue and reluctance from Serbian authorities to relocate to the newly constructed facilities. Out of six planned permanent IBM buildings, only two have been completed. The 2023 Country Report for Serbia by the European Commission, notes that Serbia has yet to fulfill its obligation to establish permanent Common Crossing Points (CCPs) at Jarinje/Rudnica, Končulj/Dheu i Bardhë, and Depce/Muçibabë. This failure had prompted the European Union to suspend funding for the project in July 2018. The European Commission has also called on Serbia to participate constructively in facilitating the construction of a third CCP, to be situated in the north of Kosovo at Tabavije/Bërnjak-Tabalije/Brnjak. Also, crucially, Serbia is urged to permit the resumption of joint technical Integrated Border Management (IBM) meetings at all levels.

The **agreement on the collection of customs revenues at the northern border crossing points** between Kosovo and Serbia was reached on 13 January 2013. Article 9, Section B of the agreement stipulates that the portion of custom duties collected (charged on the goods destined to the northern municipalities and/or imported by the companies that operate in the four northern municipalities) will be allocated to the Development Fund for north Kosovo. The Fund was to provide an additional source of income for the northern municipalities, as well as provide assurances that taxes collected in conjunction with their own local economies would not be spent elsewhere in Kosovo. The Development Fund was incorporated into Kosovo's legal framework with the adoption of the Law No.

04/L-2017 on amending the Law on Budget 04/L-165 for year 2013, approved by the Kosovo Assembly on 25 July 2013.

Article 2, paragraph 3 of the Law stipulated that 'all public money collected from goods imported by businesses registered in North of Mitrovica, Zubin Potok, Leposaviq or Zvečan, which are destined for consumption in these municipalities, upon entering into Kosovo through customs points Jarinje (gate 1) or Brnjak (gate 31) are required to be sent to the Kosovo Fund and separately identified and accounted for in KFMIS, are appropriated to the Development Trust Fund that is to be established by the EUSR in Kosovo through a commercial bank. Following the adoption of the Law, a group of 13 MPs from the Kosovo Assembly initiated the process at the Constitutional Court to review its constitutionality. On 9 September 2013, Constitutional Court unanimously decided to declare the referral inadmissible and to declare that the adopted Law shall be sent to the President for promulgation.⁸ The Law was promulgated with the decree of the President on 12 September 2013.

This initiative marked a significant step toward mitigating the influx of uncontrolled goods and curbing contraband and criminal activities that had proliferated in the north of Kosovo, largely due to Serb businesses in the area refusing to pay customs duties to Kosovo's institutions. The Development Fund, envisioned as a mechanism to foster socio-economic development in the northern regions, is overseen by a Board of Directors comprised of the Head of the EU Office in Kosovo, Kosovo's Minister of Finance, and a representative from the Serb community in the north. This governance structure ensures that projects financed by the fund, which are publicly announced through the EU Office in Kosovo, align with the region's development needs. This agreement has led to a noticeable decrease in contraband activities in the north of Kosovo. Managed by the EU Office in Kosovo, the fund's finances are transferred by the Ministry of Finance of Kosovo into a designated account at a commercial bank in Kosovo. In 2021, 14,518,751 Euro were allocated from the Development Fund to implementing 36 projects in northern municipalities aimed at infrastructural development, support for businesses, cultural enhancement, and environmental improvement.⁹ In December 2023, Kosovo Minister of Finance Hekuran Murati suggested that the funds from the Development Fund be used to pay the electricity debt of the Serb citizens in the north of Kosovo, prompting the European Union (EU) to react and oppose such plans, noting that it would constitute a violation of the agreement.¹⁰

The agreement on **regional representation and cooperation**, finalized on 24 February 2012, established the framework for Kosovo's participation and representation in regional organizations and initiatives, overcoming the challenges that had previously limited Kosovo's engagement on the regional and international stage. Prior to this agreement, Kosovo (through UNMIK) was a member of four regional organizations: South East Europe Transport Observatory (SEETO); Energy Community Treaty; European Common Aviation Area (ECAA); Central European Free Trade Agreement (CEFTA); and as observer in the Southeast European Cooperative Initiative (SECI). Central to the agreement was the stipulation for Kosovo to be represented under the designation "Kosovo*" in regional forums, accompanied by a footnote clarifying that such designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. The agreement also addressed the use of state symbols at meetings, inviting the hosts of multilateral forums to avoid the display of national symbols except for their own and those of EU, taking into

⁷ See at:

<http://old.kuvendikosoves.org/common/docs/ligjet/Law%20on%20amen%20the%20Law%20on%20budget%20Kosova%202013.pdf>

⁸ See at: https://gik-ks.org/wp-content/uploads/vendimet/gikk_ko_118_13_ang.pdf

⁹ https://www.eeas.europa.eu/sites/default/files/development_fund_overview_-_july_2021.pdf

¹⁰ Koha, "The EU does not give the Government the right to pay the debt for electricity in the north from the Development Fund", <https://www.koha.net/en/arboretum/406562/how-do-you-give-the-right-to-the-government-that-the-debt-for-electricity-in-the-north-be-paid-with-funds-from-the-development-fund/>

account the statutes of the relevant organizations. Importantly, the agreement relegated UNMIK to an observer role in meetings where it was not a signatory and led to Kosovo's inclusion into a variety of regional and international bodies such as the Regional Cooperation Council (RCC), SEECP, ReSPA, MARRI, RACVIAC, etc. The provisions of this agreement were also leveraged for Kosovo's admission into UEFA and FIFA. The upgrades in Kosovo's international representation were of relevance in the context of participation in the International Olympic Committee, culminating in judoka Majlinda Kelmendi winning Kosovo's first Olympic gold medal in Rio De Janeiro (2016), representing Kosovo in a country that has not recognized its independence.

The **agreement on exchanging liaison officers** was reached on 31 May 2013, aiming to facilitate better communication between the Kosovo and Serbian governments and oversee issues related to the normalization of relations and other everyday issues of citizens. Lulzim Peci, a former Kosovo Ambassador to Sweden, and Dejan Pavićević of Serbia were appointed as the first liaison officers.¹¹ The agreement detailed that each official would have an assistant, and they, along with their residences, documents, and official correspondence, would receive protections akin to diplomatic immunity. However, full implementation faced hurdles, such as disagreements over official seals and office locations, with Serbia insisting on keeping the offices within EU premises. A subsequent agreement in November 2014 further defined rules for visits by state officials, placing the liaison offices in charge of managing these engagements. Despite generally satisfactory implementation, the arrest of Serbian official Marko Đurić in 2018 for entering Kosovo without permission led to a suspension of several ongoing agreements and a significant setback in the normalization efforts. The effectiveness of the liaison officers has since been diminished, with challenges in expanding cooperation and addressing issues faced by citizens. At present, the Kosovo liaison officer in Serbia is Amb. Jetish Jashari, whereas the Serbian liaison officer in Kosovo continues to be Dejan Pavićević.

The **telecommunication agreement** between Kosovo and Serbia was reached on 8 September 2013 and detailed through an Action Plan for implementation signed on 25 August 2015. This agreement, aimed at providing Kosovo with an international dialing code, sought to normalize relations in the telecommunications sector, removing unlicensed Serbian operators from Kosovo, and establishing a telecommunications border between Kosovo and Serbia. Key issues addressed in the agreement included asset transfers, frequency distributions, and base station locations. Austria, played a key role in this process by requesting the International Telecommunication Union (ITU) on Kosovo's behalf to allocate a 3-digit dialing code to Kosovo, contingent on Serbia's consent given ITU membership requirements. On 15 December 2016, ITU announced the allocation of the (+383) dialing code to Kosovo, which became operational from 2 February 2018. On 13 October 2015, a company called MTS d.o.o, was registered under Kosovo law and took over the assets and employees of Telekom Srbija J.S.C. within Kosovo. This agreement established a more regulated telecommunications framework within and outside Kosovo. Notably, it allowed citizens to call Serbia without incurring roaming charges and vice versa. It also enhanced security in telecommunications and generated revenue for Kosovo, eliminating the need to use third country dialing codes which had resulted in substantial costs to Kosovo's mobile operator, Vala, using Monaco's +377 country code. Furthermore, the agreement laid the groundwork for commercial agreements between Kosovo and Serbia operators concerning roaming and interconnection processes, aiming to reduce tariffs and communication costs for citizens,

¹¹ Radio Free Europe, "Serbia, Kosovo Exchange Liaison Officers", <https://www.rferl.org/a/serbia-kosovo-diplomatic-relations/25019768.html>

which facilitated other cooperation agreements at the regional level, related to roaming, such as the Regional Roaming Agreement, signed on 4 April 2019 in Belgrade¹².

The **energy agreement** between Kosovo and Serbia was reached on 8 September 2013 with three interrelated goals: to establish and regulate interactions between the respective Transmission System Operators (TSOs), with Serbian Transmission System (EMS) and Kosovo's Transmission System Operator (KOSTT); to facilitate KOSTT's membership in the European Network of Transmission System Operators for Electricity (ENTSO-E), supported by EMS; and to create a new company, *Elektrosever*, in line with Kosovo's laws and regulations. This entity was tasked with supplying electricity to the four northern municipalities (North Mitrovicë/a, Zvečan/Zveçan, Zubin Potok, and Leposavić/Leposaviq), effectively formalizing what had been unauthorized energy operations in the region into a legitimate and regulated service provider. As a result of this agreement Kosovo became a member in the European Network of Transmission System Operators for Energy (ENTSO-E), which the Kosovo leaders noted as marking a significant milestone in Kosovo's pursuit of energy sovereignty. In April 2020, KOSTT disconnected from the umbrella of the Serbian regulatory area (EMS) in the SMM block (Serbia, Montenegro and North Macedonia), and became part of a regulatory block with Albania's TSO OST.¹³ In June 2022, pursuant to the framework of the energy agreement, Kosovo and Serbia reached an agreement that would end 25 years of free electricity for Serbs in north of Kosovo. Before its full implementation in 2024, the Kosovo government had covered such electricity charges under the notion of 'technical losses'¹⁴. The introduction of payments was made possible following the registration of the "Društvo Elektroserver D.O.O." in Kosovo as a company in charge of distribution and billing of electricity for the north of Kosovo. *Elektrosever* is now fully operational. The distribution of electricity bills in the four northern municipalities began on 29 February 2024 with the bills issued by *Elektrosever*.¹⁵ On 25 April 2024, the Kosovo Electricity Distribution Company announced the beginning of the installation of smart meters in the northern part of Kosovo under joint efforts with its contractor *Elektrosever* to normalize the distribution and supply of electricity in the municipalities of Zubin Potok, Leposavić/q, Zvečan/Zveçan and Mitrovica North¹⁶.

Spotlight on the 2013 landmark agreement

The April 2013 'First Agreement of Principles Governing the Normalization of Relations' was a historic milestone of the normalization process. This is the first of the two *political* agreements reached between Kosovo and Serbia, the second being the Agreement on the Path to Normalization of February/March 2023. The gradual implementation of the 'First Agreement of Principles Governing the Normalization of Relations' from 2013 provided for a crucial point of delivery of the Normalization Dialogue. It led to the establishment of Kosovo-law municipalities, integration of Serbs into Kosovo Police and later the judiciary, as well as in various central-level Kosovo institutions operating in north Kosovo. Along with many other above-outlined agreements – for example, leading to increased tax payments, obtaining of Kosovo documents – the implementation of the 2013 landmark agreement provided for a significant overall integration of the north Kosovo Serb community into the Kosovo legal and institutional system. All this withstood several potential interruptions over the years, including the formal interruption of the EU-facilitated dialogue following the 100% tariff in 2018. However, all

¹² Regional Cooperation Council (RCC), Regional Roaming Agreement for the Western Balkans, <https://www.rcc.int/docs/476/regional-roaming-agreement-for-the-western-balkans>

¹³ <https://balkangreenenergynews.com/kostt-ost-sign-deal-to-establish-kosovo-albania-regulatory-bloc/>

¹⁴ Radio Free Europe, Kosovo Unplugged: End To Free Electricity After 25 Years, <https://www.rferl.org/a/kosovo-serbia-electricity-free-no-longer/32775459.html>

¹⁵ <https://www.evropaelire.org/a/fatura-rryme-elektrosever-/32842502.html>

¹⁶ <https://www.keds-energy.com/eng/news/the-installation-of-smart-meters-in-the-north-2823/>

this was reversed in November 2022, when Kosovo Serbs collectively resigned from their roles as mayors, judicial officials, and police officers. The resignation was in protest against what they perceived as the Kosovo government's violations of different normalization agreements between Serbia and Kosovo, notably the decision introducing the abolishment of Serbian license plates with Kosovo designations.¹⁷

The 2013 agreement has 15 points, with the initial six focusing on the creation of the Association/Community of Serb-majority Municipalities (ASM) in Kosovo. The subsequent points, 7 through 9, address the expansion of the Kosovo Police's authority into the north and the integration of the existing Serbian security structures into the Kosovo Police framework. Point 10 pertains to the integration of the judiciary structures in the north into Kosovo's judicial system, while point 11 covers the conduct of elections in municipalities in the north of Kosovo under Kosovo law (and initially under OSCE facilitation), paving the way for the creation of Kosovo-law municipalities in the north. Additionally, the 2013 agreement includes a mutual commitment from both Kosovo and Serbia not to hinder each other's European Union accession efforts or encourage any third party to do so.

Prior to the reversal in 2022, the achievements of the 2013 agreement had been widely acknowledged, including by civil society, as a major step in expanding the authority of Kosovo institutions in the north. The 2013 agreement is also seen as a rare case of democratic scrutiny over a negotiations process.¹⁸ It was the first and only time when the Kosovo Government asked the Kosovo Assembly for consent or endorsement of a dialogue agreement, which was granted on 28 May. The government followed up with a proposal for an Assembly ratification of the agreement, which was conducted in June 2013 in line with parliamentary procedures for ratification of international agreements requiring a 2/3 majority (84 of Kosovo's 120 MPs voted in favor of ratification). Furthermore, the 2013 agreement paved the way for Kosovo to forge formal ties with the European Union (EU) through the signing of the Stabilization and Association Agreement (SAA) in 2015.

As already noted, besides the establishment of the Association/Community of Serb-majority municipalities, the implementation of the 2013 agreement was quite advanced prior to the resignation of Kosovo Serb civil servants in the north in November 2022. Certain aspects in this regard are particularly noteworthy. With respect to the Police, Serbia provided Kosovo with a list of 337 police officers earmarked for integration into the Kosovo police force.¹⁹ All were required to sign the "Declaration of Loyalty," which required the commitment to adhering exclusively to the laws of Kosovo, accepting salaries solely from the Kosovo Police, and following the chain of command of the Kosovo Police. From this list, 287 officers were selected to participate in the integration process and ultimately integrated into the Kosovo Police, specifically within the Regional Directorate of North Mitrovica, while 50 were excluded, either due to failing the background check or being close to retirement. This illustrates a careful and structured approach to police integration, forthcoming to both community and state interests, comprehensively supported by the EU Rule of Law Mission in Kosovo (EULEX). Additionally, among the 71 members of the Serbian Police Secretariat, 32 were integrated in the civil registration offices (operating under the Civil Registration Agency) in the four

¹⁷ Xhorxhina Bami and Milica Stojanovic, BIRN, "Serbs Stage Mass Resignation from Kosovo State Institutions", <https://balkaninsight.com/2022/11/05/serbs-stage-mass-resignation-from-kosovo-state-institutions/#:~:text=Kosovo%20Serbs%20resigned%20from%20their,Serbia%20and%20Kosovo%20in%20Brussels>.

¹⁸ Revisiting the historic agreement between Kosovo and Serbia from 2013 with one technical suggestion for breaking the deadlock, <https://dialogue-info.com/revisiting-the-historic-agreement-between-kosovo-and-serbia-from-2013-with-one-technical-suggestion-for-breaking-the-deadlock/>

¹⁹ BPRG, the Brussels Dialogue Between Kosovo and Serbia: Achievements and Challenges, https://dialogue-info.com/wp-content/uploads/2020/12/BPRG_DIALOGU-I-BRUKSELIT_ENG.pdf

northern municipalities. The remaining 39 officers could not be integrated as their status of police-affiliated civil status officer did not have a match in the Kosovo institutional system.

Another important milestone for the rule of law in the north of Kosovo was the agreement on the dissolution of "Civil Protection". Finalized on 26 March 2015, it aimed to disband the organization that had operated as paramilitary structure in northern Kosovo and integrate its members into Kosovo's civil institutions. This organization, officially portrayed as an emergency response team, was equipped with offices, warehouses, and other infrastructure that enabled it to function as a *de facto* security organization in preceding years. The implementation of this agreement unfolded in three stages: the dissolution of "Civil Protection," the integration of its former members into different Kosovo central institutions, and the legal termination of its activities alongside the cessation of salary payments by Serbia. Out of 735 members listed by Serbia, 479 were integrated into Kosovo's institutions, following a verification process that assessed their past activities and citizenship status. However, following the mass resignations of Kosovo Serbs from institutions in 2022, Civil Protection reemerged in the north and was believed to be involved in organizing recurring protests – some leading to violence – in response to different Kosovo government actions. This led to the Kosovo government's decision in June 2023 to designate this organization, along with the Northern Brigade, as terrorist entities.²⁰

The justice agreement stemming from the 2013 normalization agreement was finalized in October 2017.²¹ It established a judicial structure in northern Kosovo, operating under Kosovo law and judicial system, which includes one Basic Court and one Basic Prosecution for the Mitrovica region.²² In addition, it anticipated a special Appellate Division in Mitrovica, as a branch of the Kosovo Appellate Court. In terms of staffing, as per the agreement 42 judges (22 Albanians and 20 Serbs) were supposed to operate within the Basic Court of Mitrovica. The same principle of balanced ethnic representation was applied in the Basic Prosecution; with 18 prosecutors, 9 from the Kosovo Albanian community and 9 from the Kosovo Serb community. The agreement envisaged that the President of the Basic Court will be a Kosovo Serb (his/her deputy a Kosovo Albanian), whereas the Chief Prosecutor will be a Kosovo Albanian (his/her deputy a Kosovo Serb). In relation to the Appellate Division in Mitrovica, the parties agreed that there will be 7 judges (5 Kosovo Serbs and 2 Kosovo Albanians).

Based on the 2013 agreement, the recruitment efforts by the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC), supported by EULEX, in 2015 and 2016 led to the appointment of Serb judges and prosecutors on 24 October 2017 and their commencement of work in 2018. A total of 40 judges and 13 prosecutors were integrated into the Kosovo system through this appointment, as well as approximately 145 additional employees who had previously worked alongside the judges and prosecutors in the Serbian system. Notably, there had been no specific provisions for the integration of the administrative staff, but they were taken on by the Kosovo system in line with the spirit and model of the Dialogue judicial agreement. The Basic Court of Mitrovica and the Prosecutor's Office began operating with newly appointed staff, marking a significant step in judicial integration. Despite the establishment of new courts and recruitment of staff, technical issues such as professional translation, allocation of cases since 2020, and recognition of judgments from the previous (Serbian)

²⁰ Xhorxhina Bami and Milica Stojanovic, BIRN, "Kosovo Declares Serb Groups in North 'Terrorists'", <https://balkaninsight.com/2023/06/29/kosovo-declares-serb-groups-in-north-terrorist-groups/>

²¹ See at: https://www.eeas.europa.eu/node/31573_en.

²² Mitrovica region covers seven municipalities, four northern Serb-majority and three adjacent with an Albanian majority.

system, have impacted the courts' full functionality.²³ Nevertheless, the integrated judicial system has been functioning relatively well until 2022, when Kosovo Serb judges and prosecutors resigned.²⁴

A significant aspect of the implementation of the 2013 Normalization of relations agreement was the introduction of Kosovo-law elections and municipalities in northern Kosovo. On the basis of the agreement, the first elections of any kind conducted in the north under Kosovo law since its 2008 declaration of independence were the municipal elections held in November 2013. Pursuant to the agreement, the OSCE Mission in Kosovo was the process 'facilitator', acting as a go-between entity between the northern Serb community and the Kosovo Central Election Commission (CEC), maintaining a presence in all aspects of election preparation and conduct (including in each polling station in the north of Kosovo). The November 2013 local elections were marked by an attack by a group of Serbs on several voting locations, prompting the repeat of elections in these locations. Ultimately, the election process was completed and Kosovo-law municipalities established in the north. Following the first elections, several other Kosovo-law elections – local and central – were held in northern Kosovo over the years, each marked by a reduced OSCE presence and by more direct administration by the CEC and its municipal bodies, reflecting the general *normalization* in northern Kosovo. As of the 2021 elections, there has been no OSCE facilitation in any elections in northern Kosovo.

As is the case across the board, this integration trend was reversed by the collective north Kosovo Serb resignations of November 2022, which the community's leadership opted for in protest against preceding Kosovo government decisions. The resignations included that from the municipal bodies, whereby Kosovo law demands a by-election. After insistence by the international community, the Kosovo authorities postponed the regular by-election date for April 2023 to expand the space for a new Dialogue agreement and the resulting participation of Kosovo Serbs. The agreement was reached in February/March 2023, but the Kosovo Serb community – likely following Belgrade's advice – decided to boycott. The 2023 European Commission report on Serbia both noted that the non-participation in these elections constituted a violation of the 2013 normalization of relations agreement.²⁵ The elections were held as scheduled, receiving an overall turnout of approximately 3.5%, largely by the Kosovo Albanian and Bosniak communities living in the four northern municipalities as non-majority communities. This produced Kosovo Albanian mayors and Kosovo Albanian and Bosniak municipal councilors. Given no turnout threshold under Kosovo law, the results were accepted as legal, including by the international community. Concerns were, however, noted over their legitimacy. Under these conditions, in late May 2023 the Kosovo government sent special police units to ensure that the newly elected mayors assume their duties within the four municipal buildings. Noting the lack of coordination with Western partners in this regard, the United States strongly criticized Pristina for a decision seen as escalatory. Similar condemnations were heard from the EU and its Member States. In subsequent days, following a Serb protest two days later that left 92 KFOR soldiers wounded, the EU imposed a number of measures against Kosovo. The measures, ranging from financial to diplomatic, were set against a number of conditions for their lifting, notably including the withdrawal of Kosovo Police special units from the municipal buildings.²⁶

²³ For more on the functional issues of the newly integrated court structure, see the Yucom Lawyers report at: <https://en.yucom.org.rs/wp-content/uploads/2022/07/ENG-Integracija-pravosudja-na-Kosovu-03-2.pdf>.

²⁴ For more on the situation prior to the judicial integration, see the Yucom Lawyers report at: <https://en.yucom.org.rs/wp-content/uploads/2022/07/ENG-Integracija-pravosudja-na-Kosovu-03-2.pdf>.

²⁵ The European Commission Serbia Report 2023: https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2023_en.

²⁶ Balkan Insight, EU Announces Measures Against Kosovo Over Unrest in North, <https://balkaninsight.com/2023/06/14/eu-announces-measures-against-kosovo-over-unrest-in-north/>

The local governance situation in the north introduced in April 2023 continues to the present day. Upon repeated calls to reverse the situation, the Kosovo government introduced in September 2023 an administrative instruction (AI) on municipal referenda for the mayor's recall; a facility that had existed in Kosovo law but without procedural definition. In early December 2023, a group of Kosovo Serbs initiated the procedures defined by the AI. This was followed up by a citizen petition, also under the AI, and the CEC decreed the recall referenda for 21 April 2024. However, several days prior to the referenda, the Kosovo Serb political representatives pulled out of the process and invited citizens to boycott. On the voting day, the Serb community fully observed the boycott. Thus, as of the time of writing, the mayors and municipal councilors elected in 2023 continue to serve. The international community expressed regret and disappointment at the boycott.

Restoring the progress and course of normalization set by the 2013 agreement is crucial both for the Dialogue process and sustainability of the situation on the ground in northern Kosovo, and ultimately in line with the latest agreement on the Path to Normalization of February/March 2023.

Unimplemented agreements

Several Dialogue agreements remain largely unimplemented:

The **agreement on the return of cadastral documentation** taken by Serbia from Kosovo in 1999 was reached on 2 September 2011 with the purpose of restoring Kosovo's cadastral records. Implementation has been marred by consistent delays. Kosovo initially delayed the process but in 2016 established the Kosovo Property Comparison and Verification Agency (KPCVA), tasked with comparing the returned documents with Kosovo's reconstructed cadastral registry. However, the most significant challenge to this agreement came from the decision of the Serbian Constitutional Court that the agreement was unconstitutional. Serbia meanwhile received EU funding for the scanning and indexing of the displaced cadastral records, a process which has since been completed. However, the return of over 4 million cadastral documents from Serbia to Kosovo is still pending. The 2023 European Commission Report on Serbia notes that "The implementation of the cadaster and acceptance of university diplomas agreements is still pending due to non-implementation by Serbia."²⁷

The **establishment of the Association of Serb-majority Municipalities** remains a critical point in the Dialogue process since its first mention in the 2013 First Agreement of Principles Governing the Normalization of Relations and additional protocols of 2015.. The agreement regulates the formation, structure, and scope of a municipal association for the 10 Serb-majority municipalities in Kosovo. It is structured in a similar fashion as the existing Association of Kosovo Municipalities. This is particularly true with regard to its governance structures, including a president, vice president, assembly, and council. Its scope of work is defined under the notion of *exercising full overview* in critical areas such as economic development, education, health, and urban planning, among other, and it is to be aligned with the provisions of the European Charter for Local Self-Government, functioning under Kosovo law. In 2015, the Dialogue process produced a follow-on agreement on the association's principles, providing more detail. This agreement was sent to the Kosovo Constitutional Court for a review of constitutionality. The Court's judgment issued in December 2015 (Case No. KO130/15)²⁸ stated that the association is an integral part of the Kosovo legal system and presumed its establishment through a statute and associated government legal act. While the judgment found three features of the 2015

²⁷ European Commission, Serbia Report 2023, https://neighbourhood-enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53_en?filename=SWD_2023_695_Serbia.pdf p. 96

²⁸ Kosovo Constitutional Court, Judgement, KO130/15, https://gjk-ks.org/wp-content/uploads/vendimet/gjk_ko_130_15_ang.pdf

principles to be unconstitutional,²⁹ it confirmed many other elements as constitutional and offered guidance on how to avoid constitutional concerns in developing the statute.

Starting before the Court's judgment and increasing after it, resentment against the association grew in Kosovo. It was spearheaded by the *Vetëvendosje!* (Self-Determination) Movement (VV), now the dominant and governing party in Kosovo. The contours of what is now widespread criticism in Kosovo are that the association is deeply unconstitutional, that it would be a third, executive layer of governance, and that it can become an entity that renders the Kosovo state dysfunctional in a similar fashion to *Republika Srpska* in Bosnia-Herzegovina. This line of criticism feeds heavily on the misconception that the 2015 Constitutional Court judgment would have declared the association to be unconstitutional. This misconception remains strong, despite the logical fallacy – and factual inaccuracy – contained in the claim that the Court declared the association unconstitutional but never objected to its establishment.

While the association was never established, it became a central point of insistence of the (Western) international community from Kosovo. This was particularly emphasized in the context of negotiating what then became the Path to Normalization Agreement of February/March 2023. During its prelude, its completion in Brussels and Ohrid, and subsequently, it has become clear that the West sees the association as *the* Kosovo concession in turn for what is informally referred to as *de facto* recognition elements that were required from Serbia. The 2023 agreement was ultimately reached but its implementation was stalled almost before it had a chance to begin. In this context, no progress was made on the most important points, including the association. The EU and its Western partners continued urging the parties to deliver on the key commitments, which as regards Kosovo centered on the association. Spearheaded by the United States, it was made clear that the expectation is for an association that is fully in line with Kosovo's Constitution and legal system and the government was encouraged to produce a draft. One was produced by the so-called management team, consisting of four Kosovo Serbs, but it did not meet the parameters of constitutionality and it was quickly discarded. With no government initiative on producing its own draft, the EU and key Western emissaries (US, France, Germany, Italy) presented their own association draft statute proposal to the Kosovo government in October 2023. While the draft remains barred for the public, the international community has repeatedly stated that it is in line with the key association parameters, i.e. constitutionality under Kosovo law. In his address to the Assembly of Kosovo on 3 November 2023, Kosovo Prime Minister Albin Kurti stated the following: *"on 21 October we hosted five emissaries from the European Union and the United States of America, who brought a plan for moving forward. This plan also included a proposal for a draft statute to implement Article 7 in conjunction with Article 10 of the agreement, we have welcomed and appreciated the new approach and the plan provided for moving forward. Our reading is that the draft proposal for the implementation of Article 7 in connection with Article 10 was brought by the 5 Euro-American emissaries, being carefully written for the letter of the Constitution, I would say more than for its spirit. The draft proposal provides that it should be reviewed by the Constitutional Court of the Republic of Kosovo immediately after its acceptance."*³⁰ At the time of writing, the international expectation that the Kosovo government sends the draft to the Kosovo Constitutional Court for review, which is the mechanism for establishing constitutionality and symbolically kick-starting implementation has not been met. The matter of

²⁹ The unconstitutional features were: 1) the ability of the association to ask for Constitutional Court reviews other than in case of the potential violations of its own fundamental rights; 2) the ability of the association to instigate legislative acts; and 3) the ability of the association to represent *only* the Kosovo Serb community with the Kosovo central bodies. These three features are not central to the association's concept and can easily be circumvented in the drafting of its statute.

³⁰ See the official transcript of the meeting of the Kosovo Assembly on November 3, 2023, available at: https://kuvendikosoves.org/Uploads/Data/SessionFiles/2023_11_03_ts_Seanca_GshU84RFgh.pdf p. 5

sending the draft to the Constitutional Court also seems to be directly influencing the Western approach to Kosovo's membership bid with the Council of Europe.

The **removal of the barricade** on the Ibar River Bridge in Mitrovica, a longstanding symbol of the city's division, was agreed on 25 August 2015. Despite EU's funding for the bridge's reconstruction and revitalization, its reopening to vehicular traffic has not yet taken place due to the complexities in delineating the administrative boundary between the Municipalities of Mitrovica South and Mitrovica North, as outlined in the Ahtisaari Plan. This plan proposed that settlements along the Ibar River, such as Suvi Do/Suhodolli, Gushavci, and Vinarci, predominantly inhabited by Albanians, would fall under South Mitrovica's administration. A working group set up for this purpose called for a memorandum of understanding between the two municipalities to establish the cadastral zones of Suvi Do/Suhodoll and Brdjani/Kroi i Vitakut. However, disagreements persisted, with Mitrovica North (while it had ethnic Serb leadership) claiming the division line crosses the bridge southward, contrary to South Mitrovica's stance based on the Ahtisaari Plan and Kosovo laws, which positions the line northward, above the Ibar River. The Agreement of 25 August 2015 foresees that by 10 October 2015 the maps of administrative boundaries of cadastral areas in SuviDo/Suhadoli and Kroi i Vitakut/Brdjani area will be solved through the Memorandum of Understanding on Municipal Development Plans, the Municipal Zoning Map and Detailed Regulatory Plan between relevant ministries and the two municipalities. Ultimately, the (*Srpska Lista*) mayor of Mitrovica North refused to sign the MoU and the issue remains unaddressed. Meanwhile, Mitrovica North (prior to the resignations in 2022) turned the immediate area north of the bridge into a "peace park," i.e. a pedestrian area that blocks vehicular traffic. This fueled more tension given the Kosovo Albanian position that the bridge should ultimately be opened for all kinds of traffic.

The **agreement on the mutual recognition of university diplomas** between Kosovo and Serbia was reached on 2 July 2011³¹ with the purpose of facilitating the official recognition of higher education diplomas from and by both sides. It provided for a structure that consisted of the European University Association (EUA) and the respective national authorities to conduct the administration of recognitions. SPARK, a Dutch NGO, was designated as the implementing partner for 2012-2014, with the EUA responsible for certifying the diplomas before national recognition could proceed. The overall implementation has not proceeded despite the arrangement and subsequent efforts, including Kosovo's initiative to temporarily recognize diplomas from the Serbian-language university in Mitrovica North – through Regulation (QRK) Nr. 21/2015 – and the establishment of a multiethnic government Commission for the Verification of Degrees. According to the Balkans Policy Research Group (BPRG), from 2012 to 2014, a total of 408 applications for diploma recognition were submitted in Pristina, while Belgrade received 25³². The EUA certified 362 applications in Pristina and 13 in Belgrade. However, the process encountered a setback in Serbia as the Constitutional Court ruled the agreement unconstitutional in 2014, leading to the rejection of the 13 certifications in Serbia. Since May 2017, Kosovo demonstrated a more inclusive approach by accepting approximately 1,700 applications for diploma recognition from the Mitrovica North university, out of which 1,629 were recognized. In mid-2023, the Kosovo government also expanded the scope of its Verification Commission to include high-school diplomas of Serbian schools in Kosovo. Renewed commitments by the parties were made in the 2020 Washington Agreement on Economic Normalization, promising to overcome these barriers, yet this has also not taken off. In the framework of regional cooperation, three mobility agreements under the Common Regional Market were signed by Western Balkans leaders on 3 November 2023 at the WB6 (Berlin) Process Summit in Germany, including the agreement

³¹ See Agreement on the Mutual Recognition of University Diplomas: <https://dialogue-info.com/wp-content/uploads/2011/07/Agreement-on-the-Recognition-of-Diplomas-2-July-2011-and-21-November-2011.pdf>

³² BPRG, Recognition of Diplomas, <https://dialogue-info.com/recognition-of-diplomas/>

on recognition of academic qualifications and recognition of qualifications for certain professions.³³ This has also not moved the recognition forward.

It is clear that considerable effort has been invested in the agreements concerning cadastral records and the recognition of university diplomas. These areas offer substantial opportunities to advance the implementation process. Both agreements hold significant relevance for Kosovo and Serbia, promising to positively impact the lives of their citizens.

Agreement on the Path to Normalization

One of the two political agreements that have been reached between Kosovo and Serbia in the framework of the EU-led dialogue, and the most significant agreement in the latter phase of the Dialogue is the “Agreement on the Path to Normalization” between Kosovo and Serbia.³⁴ It was concluded in Brussels in February 2023. An Implementation Annex³⁵ was concluded in Ohrid, North Macedonia, in March 2023. Both documents are meant to be one integral agreement. Its acceptance was announced in Ohrid, although it has since not been entirely clear whether and to which extent the two parties accept the agreement. This is partly the result of the fact that the agreement was not actually signed by the two leaders. The refusal by Serbian President Vučić to sign the agreement when it was reached or subsequently has meanwhile become a strong point of criticism by Kosovo’s PM Kurti. What is clear is that the EU and its Western partners do consider this a valid and binding agreement and insist on its implementation.

The agreement involves a mutual commitment of Kosovo and Serbia to peace, regional cooperation, and the advancement of good-neighborly relations on an equal basis. Key points are also the mutual recognition of documents and national symbols, adherence to the United Nations Charter’s principles, and a commitment to peaceful dispute resolution. Its provisions also feature an obligation by Serbia not to hinder Kosovo’s access to international organizations, and both parties have pledged not to obstruct each other’s European Union accession processes. The agreement also creates a commitment for ‘specific arrangements and guarantees... to ensure an appropriate level of self-management for the Serbian community in Kosovo’, as well as for the formalization of the status of the Serbian Orthodox Church in Kosovo and protection of Serbian cultural and religious sites. Jointly with the point insisting on the full implementation of past agreements, the provision on Serbian self-management in Kosovo is largely taken to mean the establishment of the Association/Community of Serb-majority Municipalities. However, it remains unclear whether the Kosovo government agrees with this view. The establishment of Permanent Missions in each other’s capitals and a joint EU-chaired committee to monitor implementation are among the other points of the agreement. Furthermore, the agreement includes a provision that it represents a step which should lead to a legally binding comprehensive agreement on normalization of relations. It is also stipulated that the provisions of the agreement and its annex are also to be an integral part of the respective EU accession processes of Kosovo and Serbia. In particular, this includes Serbia’s EU Negotiation Framework and Kosovo’s Special Group on Normalization.

³³ Regional Cooperation Council (RCC), Signing of the three mobility agreements under CRM at Berlin Process Summit, <https://www.rcc.int/docs/681/signing-of-the-three-mobility-agreements-under-crm-at-berlin-process-summit>

³⁴ The Agreement on the Path to Normalization: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-agreement-path-normalisation-between-kosovo-and-serbia_en.

³⁵ The Implementation Annex: https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en.

Although implementation began immediately after the agreements in Brussels and Ohrid had been reached it drew to a halt shortly thereafter. On 18 April 2023, the anticipated implementation mechanism, the Joint Monitoring Committee, was formally established. It appears, however, that the Committee has remained largely inactive. On 2 May 2023, the parties agreed on a “Declaration of President Aleksandar Vučić and Prime Minister Albin Kurti on Missing Persons,”³⁶ pursuant to the Implementation Annex of the Path to Normalization Agreement. However, further and more substantial implementation has not proceeded. In April 2023, Serbia strongly objected to the Council of Europe’s Committee of Ministers review of Kosovo’s application for membership, despite the agreement’s provisions requiring non-obstruction. During the same month, Kosovo Serbs opted to boycott the municipal election process that the Kosovo authorities had postponed in order to provide space for a Dialogue agreement. The European Commission 2023 reports later declared the boycott a violation of the 2013 First Agreement of Principles governing normalization of relations. The boycott and the previous collective resignations by Kosovo Serbs (November 2022) are labelled as “severe backsliding in Serbia’s compliance.”³⁷ Kosovo’s deployment of special police to municipal buildings in late May 2023 was widely seen as a point of escalation, as was the Serb protest that left 92 NATO/KFOR soldiers injured. Other incidents ensued, culminating in the 24 September paramilitary attack by a Serb group on the Kosovo Police at Banjska in northern Kosovo that killed one police officer. The attackers subsequently barricaded themselves in a nearby Serbian Orthodox Monastery, where Kosovo Police established a siege. In subsequent armed exchanges, three attackers were killed. Some were arrested and some fled before full control was established by the Kosovo Police later in the day. The Kosovo government subsequently presented different forms of evidence showing a large cache of weapons, vehicles, equipment, memory cards, documents, and other indications of a well-organized and potentially large-scale plan of the paramilitary group. Based on this, the Kosovo government labelled the attack as terrorist and sponsored by Serbia. NATO has stepped up its security arrangements in the north, including through the deployment of additional troops.

The various points of escalation culminating with Banjska effectively halted the implementation of the Path to Normalization Agreement. Meanwhile, the Dialogue process focused on an implementation sequencing document that envisions the parallel implementation of the association by Kosovo and the *de facto* recognition elements by Serbia. Thus, in October 2023, the envoys of the EU, US, Italy, France, and Germany, presented an association draft statute to the two governments to resume implementation. The implementation sequence remains unconfirmed, despite high-level engagements, such as the joint intervention by German Chancellor Scholz, French President Macron, and Italian PM Meloni on the margins of the European Council of 26 October 2023.³⁸ Notably, since Banjska the Kosovo Prime Minister has insisted that the Path to Normalization documents be signed by both parties. The Serbian President has refused. Some progress was made in late 2023 and early 2024: Serbia agreed to remove the license plates stickers policy and Kosovo followed suit in response (December-January 2023/2024). Another step forward was the initiation of electricity billing in northern Kosovo in early 2024.

Nonetheless, a year after the Ohrid Agreement that aimed at normalizing relations between Kosovo and Serbia, progress has been disappointingly minimal.³⁹

³⁶ The missing persons declaration: https://www.eeas.europa.eu/eeas/declaration-president-aleksandar-vu%C4%8Di%C4%87-and-prime-minister-albin-kurti-missing-persons_en.

³⁷ As included in both the Kosovo and Serbia 2023 reports under the section on Normalization of Relations between Kosovo and Serbia. For example, page 80 of the Kosovo report: https://neighbourhood-enlargement.ec.europa.eu/document/download/760acca-4e88-4667-8792-3ed08cdd65c3_en?filename=SWD_2023_692%20Kosovo%20report_0.pdf.

³⁸ Joint statement by the three leaders following their engagement with Kosovo and Serbia: <https://www.governo.it/it/node/24069>.

³⁹ One year after Ohrid agreement, there is little commitment from Kosovo and Serbia to its implementation, <https://www.eunews.it/en/2024/03/18/ohrid-agreement-serbia-kosovo/>.

How to move forward in the normalization dialogue?

Since early 2023, the EU-facilitated Kosovo-Serbia Dialogue has a new framework: the Path to Normalization Agreement (and its Implementation Annex), jointly: PNA. This agreement includes several new commitments for both parties, but also obliges the full implementation of all past agreements. As noted above, the implementation process for the new framework – and thereby the past agreements, too – remains mostly stalled. Given the significance of this process and the existence of a clearly defined framework, restarting implementation is vital. Due to the negative Kosovo-Serbia spiral prevalent since the PNA was agreed, reinvigorating implementation requires a resolute intervention by the Euro-Atlantic community based on a comprehensive, rather than piecemeal, vision for both parties. The seemingly endless ‘catch 22’ situation whereby both parties do not move on their commitments because the other party is not moving on its commitments needs to be interrupted.

This can be done only through providing the parties with a comprehensive implementation framework, whereby both Serbia and Kosovo would clearly observe the full scope of commitments – including their own, but also the benefits from the other party’s – and a fair, balanced timetable for their implementation. Such a framework document would provide the basis for the Euro-Atlantic community to instill new momentum into the implementation process. This would then be handed over to the PNA Joint Monitoring Committee, associated with expanded enforcement powers for the EU and a more intense political backing to the process through a structured and regular reporting line between the Committee and the European Council. The comprehensive implementation plan that should be put forward by the Euro-Atlantic community – through the Dialogue EUSR, with the clear backing of the Quint and EU Member States’ capitols – should be based on the notion expressed in the 27 October 2023 joint statement by President Macron, Chancellor Scholz, and PM Meloni: “The implementation phase should progress with both Parties delivering on their respective obligations in parallel in a step-by-step manner based on the principle that both Parties need to do something to get something.”⁴⁰ While this approach addresses the political aspect of the process, the full implementation roadmap – including the past agreements – should also be driven by the prioritization of the more immediate citizen needs and de-escalation in northern Kosovo.

In light of the above and in line with their comprehensive citizen engagement throughout the years, the civil society organizations involved in drafting this document, propose the following roadmap for essential normalization to be put into one comprehensive document:

1. The immediate priority to reinvigorate overall Dialogue implementation are the new commitments of the PNA. Perhaps with some fine-tuning based on the parties’ comments, this chapter is to reflect the latest EU-proposed implementation sequencing plan, which was also the platform for the joint Scholz-Macron-Meloni intervention in October 2023. The key element therein is the correlation between the ASM process by Kosovo and the new Serbian commitments from the PNA, such as the recognition of Kosovo’s passports and other state documents, initiation of formal communication with Kosovo’s institutions, and non-obstruction of membership in international organizations. The parties need to understand ahead of time that the submission of the EU-proposed ASM statute to the Kosovo Constitutional Court kicks off the overall implementation sequence. Serbia’s implementation actions are associated with the milestone phases of the ASM process. Both sets of *new* commitments are thus to be initiated and concluded in parallel, within the period of six months.

⁴⁰ See the statement at: <https://www.governo.it/it/node/24069>.

2. Simultaneously, the general implementation of the PNA, including past agreements, will start. Citizen needs will determine the immediate priorities. Notably, the agreements on mutual recognition of diplomas and cadastral records should proceed. As such, the EU – under the notion of becoming an empowered process facilitator – should lay out the full spectrum of actions required from the parties and place it on the agenda of the Joint Monitoring Committee. With respect to these two agreements, what needs to be done is clear and does not need to be negotiated. The document with the EU-defined implementation actions should be developed immediately and placed under the comprehensive implementation framework as an integral component. In terms of sequencing, this component is to kick off immediately, i.e. in parallel with the restart of PNA implementation. A timeframe of approximately six months, closely resembling the implementation time of the previous chapter, should be assigned.

4. The implementation of the commitments related to missing persons is another immediate priority. The pre-Dialogue process conducted through the ICRC-chaired Serbia-Kosovo working group on missing persons has stagnated for years. The fate of around 1600 (30%) conflict-related missing persons remains to be uncovered. The issue was addressed through the EU-facilitated Dialogue and was included as a commitment in the PNA. It is also one of the rare PNA points that was followed up, through the EU-facilitated *Declaration of President Aleksandar Vučić and Prime Minister Albin Kurti on Missing Persons*, announced on 2 May 2023.⁴¹ The Declaration anticipates setting up a *Joint Commission* chaired by the EU and observed by the ICRC. This commission is to monitor and support the existing ICRC-chaired Working Group (WG) on Missing Persons, with the latter being the operative arm of the process. The WG's terms of reference and general framework are to be adapted by the parties – presumably through the Joint Commission – to reflect and operationalize the commitments set in the EU-facilitated Declaration. The framework for action is therefore outlined and it would be imperative to kick it off along with the general revitalization of PNA implementation.

5. Trade barriers should be another prominent feature of the comprehensive implementation framework. This also is highly relevant to regular. In comparison to the issues above, this matter does not have clearly defined measures to be undertaken by the parties. Rather than laying out the actual measures, the EU should decide a set of parameters and guide the proceedings of a special Joint Monitoring Committee sub-working group on trade. These proceedings are to begin immediately and aim towards the full abolition of trade restrictions by addressing the different administrative hurdles that had been observed prior to the restriction. This would also relate to any outstanding issues regarding the custom stamp agreement and the relevant aspects of the IBM agreement. Once the method for addressing the related issue is defined and agreed, the restriction measures are lifted and trade resumes fully. The timeframe for this process is in parallel to the implementation of the above two chapters, i.e. approximately six months. Restoration of the Common Regional Market agenda under the Western Balkans 6 process would also be crucial for removal of trade barriers and the next level economic cooperation between Kosovo and Serbia (along with the rest of the region).⁴²

6. The comprehensive implementation framework needs to include the restoration of normalization in northern Kosovo. For this to happen, the Kosovo government is to establish a meaningful dialogue with *all* representatives of the north Kosovo Serb community⁴³ to pave the way for their return to Kosovo institutions. While this chapter is not to be directly addressed under the auspices of the

⁴¹ See the Declaration at: https://www.eeas.europa.eu/eeas/declaration-president-aleksandar-vu%C4%8Di%C4%87-and-prime-minister-albin-kurti-missing-persons_en.

⁴² See the CRM chapter included in this publication for more detail.

⁴³ Including *Srpska Lista* as a legally registered political party that clearly enjoys sufficient community support to be a stakeholder in this dialogue.

Dialogue, the EU – backed by the Euro-Atlantic community, should establish the overall aspiration for this process in advance and define the issues to be addressed. Among the issues to address would be ensuring free and fair election in the north. This implies direct mechanisms for the Kosovo institutions to act in response to any violations of the standards of free and fair elections. The terms for the subsequent return of Kosovo Serbs to key institutions, such as police and judiciary, should also be addressed. Here the EU can offer some general principles to help guide the process. Issues related to the municipal delineation between North and South Mitrovica and the opening of the main bridge would be addressed here, too, along with the reduction in the presence of Kosovo Police special units, the land expropriation, and the revitalization of the Development Fund for north Kosovo. Once this is agreed in full and both sides know what it entails, implementation would start with the resignation of the current mayors and municipal councilors and the holding of a municipal by-election in the four north Kosovo municipalities. The timeframe for this overall agreement should be six to eight months. Upon completion of the immediate restoration of normalization in northern Kosovo, the same framework can continue addressing other issues there, such as Trepca and privatization of former socially-owned enterprises (SOEs) in the north.

7. In parallel to the above, the EU should devise the key parameters for addressing the PNA point on the status of the Serbian Orthodox Church (SOC) in Kosovo and the protection of its cultural and religious heritage. These parameters would guide a designated sub-working group on cultural heritage under the Joint Monitoring Committee. This is somewhat less urgent as the Kosovo legal framework already contains an advanced level of protection for SOC sites. The work should thus focus on addressing any implementation gaps of the Ahtisaari-set Kosovo legal provisions related to the SOC. There is a multitude of international organizations and domestic NGOs that could contribute to identifying the gaps and to designing guiding parameters.⁴⁴ One such gap is the definition of the legal status of SOC in Kosovo. This has been pending in Kosovo's legislation along with the precise definition of the legal status of other religious communities. A 2015 draft law on religious freedoms – never adopted – is a good framework in this regard.

The EU can immediately begin developing the guiding parameters. The establishment of the sub-working group could be envisaged three-to-six months following the general resumption of the PNA implementation process with a working horizon of another three-to-six months.

8. Finally, this framework should provide for the establishment of another sub-working group of the PNA Joint Monitoring Committee to address the miscellaneous points from past agreements pending implementation. This work can begin approximately six months after the resumption of the PNA implementation and be concluded within another six months.

The issues outlined above should be grouped into a single, comprehensive implementation plan for the revitalization and effective continuation of Dialogue implementation. In order to break from the negative dynamic and reboot the system, the Euro-Atlantic community must provide an expanded and more precise set of actions it expects from the parties. Beyond this framework, it would be important for the Euro-Atlantic community to agree on a number of accompanying features:

⁴⁴ See, for example, the 2022 OSCE Mission report on the *Protection of Cultural Heritage in Kosovo* at: <https://www.osce.org/mission-in-kosovo/522892#:~:text=The%20OSCE%20report%20%E2%80%9CProtection%20of,infrastructure%20and%20spatial%20planning%20issues>

- A switch from pure facilitation to a more robust, arbitration-based role for the EU in the process. The EU facilitator's assessment of the parties' compliance must be reflected in how the EU and Euro-Atlantic community engages with the parties.

- An agreement among the EU bodies and Member States, as well as the other key Euro-Atlantic actors, on a set of measures to respond to non-compliance and to reward compliance. This is to include both 'carrots and sticks' beyond the scope of those narrowly related to the EU integration process.⁴⁵

- The Normalization Dialogue and EU integration for Kosovo and Serbia are inherently connected. In as much as the PNA commitments are being embedded in their respective EU integration frameworks, there should be clear messaging on the key milestones and timeframe, e.g., for Kosovo's candidacy status and a form of incremental closing of Chapter 35 components for Serbia (and then for Kosovo, as it can be assumed that its future negotiating framework will include a Dialogue-related chapter).

Finally, to underpin the effectiveness of this overall approach, the EU facilitators should encourage the establishment of a civil society coalition covering Kosovo and Serbia. Such a coalition would be specifically geared towards providing third-party, independent, verified, and objective information about the course of implementation. Membership in such a coalition would need to be contingent on an organization's experience in these matters, its track record of commitment to the dialogue, and its political (and as much as possible ethnic) impartiality. A formal reporting role to the Joint Monitoring Committee and/or in relation to the dialogue-related EU accession working groups in Belgrade, Pristina, and Brussels should be considered.

⁴⁵ For more details, see the European Institute of Peace report on *Resetting the Kosovo-Serbia Normalization Process* at: <https://www.eip.org/wp-content/uploads/2023/12/Resetting-the-Kosovo-Serbia-normalization-process-EIP.pdf>.