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Kosovo-Serbia dialogue: Consequences of the status-quo

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Examining potential consequences of the status-quo in the process of normalization of relations between Kosovo and Serbia

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Key takeaways:

- *The lack of normalization of relations between Kosovo and Serbia is a major source of potential instability in the Western Balkans. Therefore, the EU-led dialogue for normalization of relations between the two countries is very important and needs to be concluded as soon as possible with a comprehensive legally binding agreement in order to bring both countries closer to the European Union (EU) and promote integration of Kosovo in the international democratic community. An agreement between Kosovo and Serbia is seen as a matter of urgency also against the background of growing insecurities in Europe, especially after the Russian invasion against Ukraine. The Russian invasion of Ukraine, however, has served as a tipping point in garnering international support to address Russia's obstructive tendencies, including in the Western Balkans. However, in Kosovo, the perception is that this has not resulted in meaningful changes in the attitudes of the EU member States towards the region, and that there is a lack of political will or readiness on the part of the EU member States to invest the necessary political capital to bring Kosovo and Serbia to the finish line of the normalization dialogue.*
- *The Greece-Kosovo relations are considered as a good model to the current state of relations between Kosovo and Serbia. In the words of a senior political leader during the high-level conference organized by KCSS and NSI: "Why Serbia does not behave more like Greece towards Kosovo?". While it is not clear what this model would exactly entail in practice, it suggests that Kosovo leaders seem to view Greece as a constructive partner, despite their position on Kosovo's status.*
- *The EU's failure to deliver on visa liberalization for Kosovars, despite the confirmation from the European Commission that all conditions were fulfilled, has significantly damaged the credibility of the European Union. A KCSS public opinion survey shows that 39% of the Kosovars view the lack of visa liberalization as prejudice of some EU member States towards Kosovo and 25% see the policy as a discrimination from the EU. Financial investments, support to the reforms and other positive efforts of the EU in Kosovo remain less visible than perceived grievances. This has been manifested in recent time with what seems to be an indifference in the public towards EU's messages and strong-worded statements on current affairs and Kosovo-Serbia relations. 'Kicking the can down the road' and 'low-hanging fruit' approaches should not become a modus operandi when it comes to Kosovo-Serbia relations.*
- *Implementation of the Common Regional Market (CRM), which was agreed at the Berlin Process Summit held on November 10, 2020, in Sofia would be a game-*

changer for the region and Kosovo-Serbia relations. The CRM should be approached in good faith on the part of Kosovo.

- The EU-led dialogue should not be abused for internal politicking, but it should be utilized as an opportunity to move forward. As noted by a Kosovo Albanian participant, "Russia was the key problem in the region and now everyone has had an opportunity to recognize the elephant in the room". A similar line of reasoning is evident by Kosovo Serbs on the issue. The prevailing opinion among community participants is that "Russia will no longer be a factor in the Balkans following the completion of the election cycle in Serbia". The collective international condemnation of Russia's invasion of Ukraine was similarly seen as a window of opportunity for the Western Balkans. One Kosovo Albanian participant argued that "the Ukraine case has brought a new energy and vigor to the EU enlargement perspective".
- For Kosovo Serbs, the perception holds that the current status-quo allows them to benefit from Serb parallel institutions unscathed and insulates them from forced integration into Kosovo institutions as was the case in 2013 with the first Brussels agreement.
- Normalization of relations is not helped by revisionist efforts related to the 1990s wars in the Western Balkans. Denying horrible crimes that have been committed against civilians, can lead to ethno-political radicalization and make it harder for the countries to move forward. Revisionism can both foster status-quo in Kosovo-Serbia relations or even trigger escalations. More than 1,600 people still missing in Kosovo and increasing efforts at resolving and investigation their faiths is a necessary first step for any future reconciliation efforts of gestures.
- Traditional security threats in the north of Kosovo are seen as implausible but can potentially be triggered by third parties, there are notable concerns for potential destabilization.

Introduction

The lack of normalization of relations between Kosovo and Serbia is considered to be one of the main threats to regional stability in the Western Balkans. The European Union has been facilitating a dialogue for normalization of relations between the two parties since 2011, and marked a significant success in 2013 when “The First Agreement of Principles Governing the Normalization of Relations”¹ was initialed between the Prime Ministers of Kosovo and Serbia, which included the establishment of an Association/Community of Serb majority municipalities in Kosovo (A/CSM); integrating security related structures in the northern municipalities into the Kosovo Police force, integrating judicial authorities into the Kosovo legal framework, and organizing the municipal elections in four northern municipalities, etc. The elements concerning the establishment of the A/CSM were further detailed in the 2015 “Agreement on the General Principles/Main Elements of ASM/CSM”. Since 2011, Kosovo and Serbia reached around 38 agreements, and a good number of them have been successfully implemented.² A major point of contention in the dialogue has been the establishment Association/Community of Serb majority municipalities in Kosovo.

Over a decade since the normalization of relations dialogue started in 2011, the hopes for the process to conclude with a comprehensive and legally binding agreement anytime soon are dim. The meetings and agreements have become uncommon, while both parties have increased public accusations against each other. The least integration efforts were finalized in October 2017 when the Basic Court and Prosecution of Mitrovica became fully functional. Despite challenges, the Brussels Dialogue managed to facilitate a temporary solution in 2021 to the dispute between Kosovo and Serbia on vehicle license plates that ended heightened tensions between the two parties. However, this was rather the exception than the rule for the perception that the dialogue is in a limbo, largely since 2016.

In early 2022, the Kosovar Centre for Security Studies (KCSS) and New Social Initiative (NSI), supported by the Embassy of Canada to Croatia and Kosovo, convened a group of civil society activists, experts, academics, journalists, and opinion makers to discuss the prospects for a breakthrough in the current status-quo between Kosovo and Serbia. To understand the perspectives of Kosovo Albanians, Kosovo Serbs and Serbians, the

¹ First Agreement of Principles Governing the Normalization of Relations, available at: <https://www.peaceagreements.org/viewmasterdocument/2022>

² See the report Brussels “Agreements between Kosovo and Serbia: a quantitative implementation assessment” for the detailed list of the status of implementation of the agreements between Kosovo and Serbia, available at: <http://library.fes.de/pdf-files/bueros/belgrad/17009.pdf>

discussion was structured along three thematic clusters: the *political, social, and economic* consequences of the status-quo between Kosovo and Serbia. The Chatham house discussion, aimed to understand the underlying perspectives that drive public opinion in Kosovo and Serbia on the dialogue and the consequences on the relations between Kosovo and Serbia. In addition to the forum discussion, KCSS and NSI jointly hosted a high-level conference on March 29, on the consequences of the status-quo of the process for normalization of relations between Kosovo and Serbia, which included senior political representatives from the main political parties in Kosovo, including opposition.³ The discussion provided an important window into the thinking of the political leaders on the challenges and way forward for the Brussels dialogue.

The aim of this report is to provide an overview of the main arguments that have been developed in the discussions of these events and add nuance to the debate on the future trajectories of the dialogue between Kosovo and Serbia. The report is structured in three main parts. First, it examines the *political* consequences that have surfaced because of the status-quo and examines the effects the Russian invasion of Ukraine has had on the prospects for the European Integration of the Western Balkans (most notably, Kosovo and Serbia). Secondly, it addresses the *social* consequences through an overview of the diverging perspectives on the Association of Serb Municipalities (ASM). Lastly, it examines the effects the status-quo has had on cross-border *economic* cooperation and integration in the Western Balkans.

³ High level conference on the consequences of the potential status-quo in Kosovo-Serbia dialogue, available at: <https://qkss.org/en/lajmi/konferenca-e-nivelit-te-larte-per-pasojat-e-status-quo-se-potenciale-ne-dialogun-kosove-serbi>

Political ramifications of the stalemate in the process of normalization of relations

WHILE THE STATUS-QUO HAS ALWAYS BEEN DETRIMENTAL TO THEIR EUROPEAN PERSPECTIVES, IT HAS BEEN PERCEIVED AS ADVANTAGEOUS FOR GARNERING NATIONAL SUPPORT BY BOTH SERBIA AND KOSOVO.

The current impasse in the high-level dialogue has been of significant benefit to political elites on both sides as it has allowed them to consistently shift blame away from themselves vis-à-vis their local populations. Narratives of constructiveness and lack of cooperation have taken a central stage in both Kosovo and Serbia in order to legitimize the lack of progress and willingness of political elites to entertain possible concessions or bargaining. As noted by a Kosovo Albanian participant, “the status-quo has become a comfort zone for the leaders and societies in both countries”.⁴ The possible effects of normalization are not seen to outweigh the nationalist rhetoric that has surfaced to construct the extent of gains and losses throughout intermittent phases of the Brussels facilitated dialogue. While both countries have prioritized the status-quo as a tool for propagating competing narratives of constructiveness, local populations have continued to drift apart in terms of recognizing the benefits of normalization.⁵ In Kosovo especially, the lack of communication on the scope of normalization between the Kosovo Albanian and Kosovo Serb population has effectively rendered progress on addressing competing narratives redundant.⁶ For Kosovo Serbs, the perception holds that the current status-quo allows them to benefit from Serb parallel institutions unscathed and insulates them from forced integration into Kosovo institutions as was the case in 2013 with the first Brussels agreement.⁷ As put by a Kosovo Serb participant, “the perception within the Kosovo Serb community is that the status-quo is not necessarily bad, however in reality, it is increasingly damaging”.⁸ For Kosovo Albanians, Serbia's role as a spoiler and proponent of the status-quo is considered to be the major impediment that hinders any notable progress. In their view, a change is required within Serbia's internal political status-quo in order to move forward on issues of vital importance related to the dialogue.⁹ As

⁴ Notes from discussion in Prevala Kosovo, March 3d 2022

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Notes from discussion in Prevala, Kosovo, March 3d 2022

put forward by a Kosovo Albanian participant: "Serbia requires closure on the issue of recognition more than Kosovo for two reasons. First, it will emancipate itself from its reliance on Russian influence and second, it will allow it to shift its defense investments and catalyze them for more important sectors".¹⁰ While Kosovo Albanians seem to hold that Serbia's internal political legitimacy and European Integration is dependent on finalizing an agreement with Kosovo, the opposite tends to be argued by Serbian counterparts. In elaborating Serbia's position on Kosovo, a Serbian participant held that "the feeling in Serbia is not that we are being blocked by the Kosovo issue".¹¹ Although the participant argued that recognition should be prioritized for effective closure, they similarly established that for "the general opinion in Serbia, the opposite is true", highlighting non-recognition as the only viable option in the Serbian public's perception.¹² For Kosovo Albanians, the status-quo is seen to be unfolding at three separate levels. According to a Kosovo Albanian CSO representative, Kosovo faces difficulties in moving forward on its Euro-Atlantic integration on three fronts. The first status-quo is considered to be in relation to the lack of progress in EU-Kosovo relations, especially the lack of member states' will to proceed on granting Kosovo visa liberalization. The second status-quo is evident internally through the halted integration of the northern municipalities in Kosovo and deteriorating interethnic relations. The last status quo, unfolds at the level of bilateral relations between Kosovo and Serbia, highlighted by the absence of progress on the high-level dialogue.¹³ In terms of EU-Kosovo relations, the participants argued that the EU will inevitably change its position on accelerating Kosovo's European Integration as a result of current geopolitical shifts related to Ukraine.¹⁴ Following the integration of the judiciary and police structures in the north of Kosovo as a result of the 2013 Brussels agreement, a general perception proposed by the participant is that relations with Kosovo Serbs were steadily improving.¹⁵ This was claim was not supported by Kosovo Serb participants, who instead argued that the status-quo only served to further marginalize Kosovo Serb voices.¹⁶ According to a Kosovo Serb participant, the Kosovo Albanian majority, and the government especially, "tends to ignore their inaction(s)" vis-à-vis the community in the north.¹⁷ In relation to the Kosovo-Serbia bilateral status-quo, a Kosovo Albanian participant established that "the issue is more complicated as we have one country contesting the existence of the other, and somehow, this status-quo has made political elites rather comfortable".¹⁸ While Kosovo's European Integration path is perceived to be conditioned on Serbia's disingenuous role in the dialogue, Kosovo Serbs have argued for a more nuanced view of this

¹⁰ *ibid*

¹¹ *ibid*

¹² *ibid*

¹³ Notes from discussion in Prevala, Kosovo, March 3d 2022

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ Notes from Discussion in Prevala, Kosovo, March 3d 2022

¹⁷ *ibid*

¹⁸ *ibid*

conditionality. According to a Kosovo Serb CSO activist, “Kosovo has the perception that its only obstacle towards the EU is Serbia”.¹⁹ Additionally, the participant argued that: “Kosovo accepted a set of principles in support of the Kosovo Serb position in Kosovo, including the right to use their own language. About 90% of these principles remain problematic because they were imposed by the international community and were not organically implemented by Kosovo itself”.²⁰

FOLLOWING THE RECENT EVENTS IN UKRAINE, A WINDOW OF OPPORTUNITY IS PERCEIVED TO BE EVIDENT IN BYPASSING THE STATUS-QUO IN THE HIGH-LEVEL DIALOGUE.

Russia's current invasion of Ukraine has been argued to have notable geopolitical consequences across the world. The effects on the Western Balkans have also been considered extensively given Russia's historical engagement in the region and its relations with Serbia. For Kosovo Albanians, Russia's open aggression against Ukraine has unveiled the country's intentions as a disruptor aimed at infringing upon the sovereignty of states it deems within its sphere of influence. Although there have been numerous arguments examining Russia's covert operations aimed at destabilizing the Western Balkans region, they have not gained significant traction as expected. The open aggression in Ukraine, however, has served as a tipping point in garnering international support in addressing Russia's obstructive tendencies. As noted by a Kosovo Albanian participant, “Russia was the key problem in the region and now everyone has had an opportunity to recognize the elephant in the room”.²¹ A similar line of reasoning is evident by Kosovo Serbs on the issue. The prevailing opinion among community participants is that “Russia will no longer be a factor in the Balkans following the completion of the election cycle in Serbia”.²² The collective international condemnation of Russia's aggression was similarly seen as a window of opportunity for the Western Balkans. One Kosovo Albanian participant argued that “the Ukraine case has brought a new energy and vigor to the EU enlargement perspective”.²³ In light of this, the Kosovo government, spearheaded by the Minister of Defense, launched a digital campaign to garner international support for the inclusion of Kosovo into NATO and the EU. Kosovo's single-minded approach, however, is seen as a cause for concern and not reflective of the bloc approach of the WB highlighted in the past. According to some participants, prospects of the successful utilization of the window of opportunity are largely dependent on the will of the region as a whole. As argued by a Serbian participant: “Kosovo is the only country openly pushing for a speedy integration in the EU and NATO, however, other Western Balkans countries are relatively silent, and the region is not advocating jointly for integration. This is an opportunity to advocate for the package-integration and that is not yet being used by the region”. Despite the consensus on the window of opportunity for a new EU enlargement perspective because

¹⁹ *ibid*

²⁰ Notes from Discussion in Prevala, Kosovo, March 3d 2022

²¹ *ibid.*,

²² Notes from Discussion in Prevala, Kosovo, March 3d 2022

²³ *ibid.*,

of the Ukraine crisis, there is no common agreement on what would constitute joint Western Balkans advocacy. Kosovo has been the first Western Balkans country to advocate for its integration into Euro-Atlantic structures following the Ukraine crisis, however, this was not the case for its Western Balkans neighbors.

A SHIFT OF NARRATIVE AWAY FROM THE CENTRALITY OF THE RECOGNITION FROM SERBIA IS SEEN AS AN IMPORTANT ELEMENT IN KOSOVO'S PUBLIC DISCOURSE.

As of recent, Kosovo has steadily moved away from the prioritization of the recognition from Serbia. This shift has been evident in the rhetoric employed by Kosovo's Prime Minister, who in a recent interview (and in the Assembly of Kosovo) stated that "Kosovo can live without Serbia's recognition".²⁴ This approach has gained exponential traction in Kosovo's public discourse as membership in NATO has been prioritized over mutual recognition in the high-level dialogue. In support of this, a Kosovo Albanian CSO representative argued that: "NATO is more relevant for Kosovo, therefore, if Kosovo gains membership in NATO, it can wait for Serbia's recognition more comfortably".²⁵ Given the public rhetoric in Serbia, recognition of Kosovo is seen as an unlikely outcome of the dialogue. This potential scenario has not only been recognized by Kosovo's PM, but has also been actively considered throughout public debate. The argument of a Kosovo Albanian participant holds: "I see the space for improvement in the political approach in Serbia, however, I do not see an opportunity for recognition".²⁶ In lieu of this, the Kosovo government is encouraged to move away from the reinforcement of an artificial reliance on the recognition from Serbia.²⁷ Kosovo Serbs have also recognized the pitfalls this might entail and have pointed out that: "Kosovo has inflated the value of its recognition by Serbia. It has enabled political elites in Serbia to be confident that without recognition Kosovo cannot move forward."²⁸ In a similar line of argument, PM Kurti highlighted that he doesn't plan on "replacing past dependence of Kosovo from Serbia with a new dependence of Kosovo on the recognition of Serbia of our independent country".²⁹ As such, Kosovo must recognize that the high-level dialogue can serve as an opportunity in paving its way forward toward Euro-Atlantic integration, even if mutual recognition is not the final outcome. As put by a Kosovo Albanian CSO representative, "the Kosovo government has a unique opportunity to go on offence and make use of the non-recognition approach of Vučić and not see the dialogue as a threat, but rather make use of the opportunities presented".³⁰

²⁴ See Kurti: Kosovo is becoming a success story; we can live without Serbia's recognition at: <https://europeanwesternbalkans.com/2021/07/13/ewb-interview-kurti-kosovo-is-becoming-a-success-story-we-can-live-without-serbias-recognition/>

²⁵ Notes from Discussion in Prevala, Kosovo, March 3d 2022

²⁶ *ibid*

²⁷ *ibid*

²⁸ *ibid*

²⁹ See Kurti: Kosovo is becoming a success story; we can live without Serbia's recognition at: <https://europeanwesternbalkans.com/2021/07/13/ewb-interview-kurti-kosovo-is-becoming-a-success-story-we-can-live-without-serbias-recognition/>

³⁰ Notes from Discussion in Prevala, Kosovo, March 3d 2022

WHILE TRADITIONAL SECURITY THREATS IN THE NORTH OF KOSOVO ARE SEEN AS UNPLAUSIBLE, THERE ARE NOTABLE CONCERNS FOR POTENTIAL DESTABILIZATION. Following Russia's invasion of Ukraine, threats to destabilization in the Western Balkans have also been considered in light of Russia's covert influence. Kosovo Serb participants have argued against the prospects of a military escalation by Serbia targeting the north of Kosovo. In their view, the potential for Serbia to directly attack the north of Kosovo is a myth for several reasons. As described by one Serbian participant, "[Serbia's] military is not loyal to Vučić and as of now, the military union in Serbia has directly opposed him on numerous occasions".³¹ Additionally, it has been argued that Vučić would not dare engage in a power struggle with NATO/KFOR on the ground, effectively rendering Serbia isolated.³² Furthermore, Kosovo Serb participants have argued that Vučić lacks the political capital "to mobilize the Serb population for a direct military attack on Kosovo".³³ Although both Kosovo Albanian and Kosovo Serb participants generally agreed that traditional warfare is not plausible given NATO presence on the ground in Kosovo, a participant established "that there is a general perception that a Ukraine-like scenario can come to life in the north of Kosovo".³⁴

³¹ Notes from Discussion in Prevala, Kosovo, March 3d 2022

³² Ibid

³³ Ibid

³⁴ Ibid

Societal and economic ramifications of the status-quo and impact on inter-ethnic relations

INTER-ETHNIC COOPERATION AND COMMUNICATION HAS BEEN NEGATIVELY IMPACTED AS A RESULT OF THE HIGH-LEVEL DIALOGUE. The emphasis on political elite bargaining throughout the Brussels-facilitated dialogue has directly contributed to the redundancy of local ownership and perspectives. The significance of potential losses and gains between Kosovo and Serbia has far outweighed citizen needs and ensuring the practical integration of the Kosovo Serb community still dependent on the Serbian institutions. As argued by a Kosovo Serb CSO activist: "The inability to resolve issues such as diploma recognition in Kosovo continue to present obstacles in the employment of Kosovo Serbs in public administration, excluding the Serbian majority municipalities".³⁵ On the other hand, Kosovo Albanians have been reluctant to recognize the extent of Kosovo Serb alienation as a result of their direct ties to the Srpska Lista and official Belgrade.³⁶ In their view, Kosovo Serbs actively participate in illegal parallel structures which are designed to delegitimize Kosovo's sovereignty.³⁷ However, Kosovo Serbs emphasize the importance of these institutions in providing services they do not believe are accessible in Kosovo's public institutions at the same standard. These underlying perspectives have hindered any substantial progress on grassroots dialogue between the Kosovo Serb and Kosovo Albanian communities. A Kosovo Serb participant highlighted that "we really need to come back to the needs of the people in order to stop fueling the potential for conflict".³⁸ A possible shift, however, has been noted in relation to the government's approach to the Kosovo Serb community. According to a Kosovo Serb civil society leader, the Kosovo government officials have become less hostile.³⁹ Despite some progress, the polarizing effects of the high-level dialogue have had adverse effects on the level of communication between the Kosovo Albanian and Kosovo Serb community. In the absence of this, communities have run the risk of discrediting each other at the expense of understanding the challenges and fears that hinder the integration of Kosovo Serbs.

³⁵ Ibid

³⁶ See Kosovo Collective Report on Fostering Societal Peace through inter-ethnic dialogue in Kosovo at: http://newsocialinitiative.org/wp-content/uploads/2021/12/BTD_report_final_eng_web-2.pdf

³⁷ Notes from Discussion in Prevala, Kosovo, March 3d 2022

³⁸ Notes from Discussion in Prevala, Kosovo, March 3d 2022

³⁹ Ibid

ASSOCIATION/COMMUNITY OF SERB-MAJORITY MUNICIPALITIES IN KOSOVO (ASM) CONTINUES TO BE VIEWED AS THE ONLY VIABLE OPTION FOR SUSTAINABLE INTER-ETHNIC CO-EXISTENCE BY KOSOVO SERBS.

The ASM continues to be a subject of contradicting views between Kosovo Serbs and Kosovo Albanians. Although some insist that Kosovo has been legally locked into the establishment of the ASM, no concrete steps have been undertaken to ensure its formation.⁴⁰ The legal ambiguities on its formation, responsibilities and competencies continue to constitute major points of contestation among communities in Kosovo.⁴¹ Despite a constitutional judgment on the 2015 agreement on the “general principles/main elements” of ASM, fears on its threats to Kosovo's constitutional order had not been effectively addressed.⁴² For Kosovo Serbs, ASM is seen as the only solution that provides a viable protection mechanism for them.⁴³ According to a Kosovo Serb participant, “[ASM] is the only way Serbs can get in a better position without being dependent on who is leading central institutions in Kosovo”.⁴⁴ In their perspective, ASM provides for necessary insulation and independence in exercising their constitutional and legal rights in accordance with Kosovo's community framework.⁴⁵ For Kosovo Albanians on the other hand, an ASM with executive competencies is seen as a factor for destabilization in detriment of the country's sovereignty. According to one participant, “having another Republika Srpska in Kosovo through ASM is not in the interest of any actor, therefore this further raises the option of territorial exchange”.⁴⁶ Another Kosovo Albanian participant, noted that the constitutional court judgment was clear in delineating that “ASM violates the multi-ethnic character of Kosovo and the current model of power-sharing”.⁴⁷ Although the constitutional court did in fact rule out that Associations-according to Kosovo's constitutional order- cannot be established to exclusively promote the interests of a single community, it has still deemed the overall implementation of the ASM a requirement.⁴⁸ Irrespective of its perceived logical fallacy, the constitutional court judgment has been utilized by the international community to condition Kosovo on the implementation of the ASM. Although international narratives

⁴⁰ See Balkan Dialogues Establishment of the Association/ Community of Serb Majority Municipalities in Kosovo: Challenges and Opportunities, available at: <https://en.bfpe.org/wp-content/uploads/sites/5/2021/03/AndricRakic-and-Ilazi-Establishment-of-the-ASM.pdf>

⁴¹ See Awkward Juggling: Constitutional Insecurity, political instability and the rule of law at risk in the Kosovo-Serbia dialogue, available at: <https://prishtinainsight.com/wp-content/uploads/2016/04/BIRN-Report-2016-ENG.pdf>

⁴² See dissenting opinion of Judge Bekim Sejdiu on Case KO130/15 on ASM, available at: https://gjk-ks.org/wp-content/uploads/vendimet/KO130-15_MM_SHQ.pdf

⁴³ Notes from Discussion in Prevala, Kosovo, March 3d 2022

See Community/Association of Serbian Municipalities: The Sum of All fears, available at: <http://ngoaktiv.org/uploads/files/Community%20of%20Serbian%20Municipalities%20-%20The%20Sum%20of%20All%20Fears%20-%20Eng.pdf>

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Notes from Discussion in Prevala, Kosovo, March 3d 2022

⁴⁷ Ibid

⁴⁸ See Constitutional Court Judgment nr. KO130/15, available at: https://gjk-ks.org/wp-content/uploads/vendimet/gjk_ko_130_15_shq.pdf

have featured hardline stances pressing on the formation of ASM, a recent shift has been noted⁴⁹. This shift, following the latest visit by EU Special Envoy Lajčak and US State Department's Escobar, highlights Kosovo's need to fulfill its obligations stemming from the first Brussels agreement through entertaining alternatives that do not pose a threat to its sovereignty.⁵⁰

THE KOSOVO GOVERNMENT HAS A UNIQUE OPPORTUNITY TO CAPITALIZE ON REBRANDING AND PROPOSING POTENTIAL ALTERNATIVES TO THE ASM. Given international support in offering Kosovo leeway in proposing alternatives to ASM, the current government is in a unique position to propose modalities that address the fears of Kosovo Albanians. In addition to the large public support garnered by the current government in the elections of 14 February 2022, Kurti also enjoys a historically unprecedented support and cohesion among the three main political institutions in Kosovo: The Presidency, the Assembly, and the Government. As argued by a Kosovo Albanian participant: “[Kurti] has the opportunity to rebrand the ASM, especially with the opposition's readiness to cooperate with him in this regard”.⁵¹ In line with this, some participants agreed that Kosovo should move forward with the establishment of the ASM that is compatible with the Kosovo constitution.⁵² The timeline of this formation, however, was a point of contention among the Kosovo Albanian participants. Remaining critical of the caveats of ASM, a participant argued that “ASM should not be agreed separately and should be part of a final agreement where everything is agreed upon as a package deal”.⁵³ Regardless of the points for contention, the current government is in a unique position to rebrand ASM and effectively rule out any fears that still linger among the Kosovo Albanian population.

STATUS-QUO AND LACK OF PROGRESS IN NORMALIZATION OF RELATIONS BETWEEN KOSOVO AND SERBIA IS AFFECTING IMPLEMENTATION OF THE AGREEMENT ON COMMON REGIONAL MARKET (CRM), WHICH WOULD PROMOTE ECONOMIC GROWTH FOR THE REGION. All six countries in the Western Balkans have agreed to the Common Regional Market (CRM), at the Berlin Process Summit held on November 10, 2020, in Sofia. The CRM is also backed financially by the EU with around 10-billion Euros (1 billion in IPA funds and 9 billion through soft loans). There is an impressive to-do list agreed by all six countries of the Western Balkans and detailed in an Action Plan prepared by the Regional Cooperation Council (RCC).⁵⁴ . Based on EU's assessment “trucks spend 28 million hours waiting at borders every year – a burden that costs 1% of

⁴⁹ See EU special Envoy Lajcak in Serbia: Kosovo must change its constitution, available at: <https://euronews.al/en/kosovo/2020/10/16/lajcak-visits-serbia-kosovo-must-change-its-constitution/>

⁵⁰ See Escobar-Lajcak insist on establishing Association: Kosovo should not be intimidated, parties should agree on a model, available at: <https://sot.com.al/english/rajoni/escobar-lajcak-kembengulin-ne-krijimin-e-asociacionit-kosova-nuk-duhet-te-i491546>

⁵¹ Notes from Discussion in Prevala, Kosovo, March 3d 2022

⁵² Notes from Discussion in Prevala, Kosovo, March 3d 2022

⁵³ Ibid.

⁵⁴ See the Common Regional Market Action Plan 2021-2024, available at the RCC website, <https://www.rcc.int/docs/543/common-regional-market-action-plan>

the region's GDP"⁵⁵ while implementation of the CRM, by some estimates, can bring close to 7% GDP growth to the Western Balkans. Implementation of the CRM and the corresponding action plan would be a game changer not only for the region but for Kosovo and its relations with Serbia. In the conference organized by KCSS and NSI, the political representatives of the Vetevendosje party, argued that they support CRM, which is a positive step.

⁵⁵ See European Commission on Common Regional Market, available at: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/policy-highlights/common-regional-market_en#:~:text=The%20Common%20Regional%20Market%20action,1%25%20of%20the%20region's%20GDP.

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