



# Kosovo-Serbia: Finding a Way Forward

*From Sudan to Ukraine, crises brew, calling for renewed attention and action. In her introduction to the [Watch List 2023 – Spring Update](#), Crisis Group President & CEO Comfort Ero identifies ways the EU and its member states can prevent and resolve conflict around the globe.*

**A**fter helping calm months of escalating tensions between Kosovo and Serbia, the EU is now struggling to make progress in defusing the two neighbours' long-standing disputes. The sharpest point of friction is the level of self-rule in four northern Kosovo municipalities, which are home to a Serb majority, and their connection to Serbia. Residents of this region began protesting Pristina's control two years ago, with demonstrations becoming increasingly violent. In November 2022, northern Serb representatives withdrew from Kosovo government institutions. The protests paused in late December 2022, as the EU became involved in peacemaking efforts. On 27 February 2023, Kosovo's Prime Minister Albin Kurti and Serbia's President Aleksandar Vučić agreed to the outlines of a deal, thanks to EU mediation spearheaded by High Representative Josep Borrell and Special Representative for the Belgrade-Pristina Dialogue Miroslav Lajčák. The deal is memorialised in the vaguely worded [Agreement on the Path to Normalisation](#).

Since the end of February, however, the parties have moved at a snail's pace in carrying out the 27 February agreement, as well as a subsequent annex, and talks on next steps have bogged down. Ultimately, Pristina and Belgrade must find a way forward not just on northern Kosovo but also on broader normalisation

issues such as Kosovo's political status. But for now the key is to make at least some progress toward implementation of the 27 February deal and prior commitments, however halting, and to keep talks going. A collapse in discussions would almost certainly lead to new crises.

## **To energise mediation efforts and keep security from deteriorating further, the EU should:**

- Sustain talks, including through high-level EU participation, while bringing representatives from the Serb municipalities to the table so that they have a voice in determining how they will be governed.
- Press the parties to flesh out and develop a timeline for meeting the commitments the parties have already accepted in the 27 February deal and prior agreements. If the parties have trouble settling on next steps and how to sequence them, Brussels may need to nudge them along by putting its own timeline on the table, in coordination with EU member states and partners such as the U.S.
- Work closely with the parties (including northern Kosovo Serb representatives) as well as other influential actors, such as the U.S., to reach agreement on a suitable model for northern Serb autonomy that allows for

the northern municipalities to receive certain services from Serbia while also linking the region to national Kosovar governance.

- Recognising the important role that NATO's KFOR peacekeeping mission plays in deterring conflict, look for ways to demonstrate

political backing for the mission – such as directing EU representatives in Kosovo, including in its EULEX rule of law mission, the European Commission's liaison office and member state embassies, to make their support clear.

## Crisis in the North

The long-running dispute between Kosovo and Serbia was a major driver of conflict in the Balkans in the 1990s, and led to the separation of Kosovo (with its ethnic Albanian majority) from Serbia at the end of that decade. While most EU member states worked with the U.S. to bring about Kosovo's declaration of independence in 2008, Belgrade and Pristina have never normalised relations with each other. Two major issues have continued to plague relations between the two neighbours. One is Serbia's persistent refusal to join over 100 other countries (including all but five EU member states) in recognising Kosovo's independence. The other is the question of how to integrate Kosovo's minority Serb population into its government architecture, particularly in the four northernmost municipalities where Serbs form the majority.

The political status of Kosovo's northern Serbs will be the toughest challenge in negotiations and poses the greatest risk of violence at present. Although Serbia formally continues to claim sovereign right to all of Kosovo, it has in practice given up trying to exercise its writ in most of Kosovo's territory. This is not true in the north, however, where Belgrade and Pristina both hold elements of state power, and where local authorities, who retain close ties to Serbia, enjoy substantial self-rule, all in an uneasy equilibrium.

Serbia wants the north's autonomy expanded, and made official, but Kosovo is dragging its feet. In 2013, and again in 2015, Pristina agreed to form an "Association/Community" of Serb municipalities in the north. The awkward hybrid term reflects an unresolved

dispute between the parties about what they agreed to create and is emblematic of the extent to which the two sides are at loggerheads. Serbia wants the entity to enjoy executive powers and constitute a separate level of government, between central and local authorities. Kosovars – government and opposition alike – fear that such an arrangement would open the door to either the northern municipalities' secession or internal fracturing and dysfunction reminiscent of neighbouring [Bosnia](#). They insist that the Association/Community be no more than a coordinating body for the municipalities that compose it. As a result, despite the 2013 and 2015 deals, and related provisions in the February 2023 agreement, nothing has yet been done to make the foreseen entity real.

The issue is a growing irritant in part because, since 2011, Pristina has been slowly bringing Serb-majority areas of Kosovo under its full jurisdiction. Previously, those territories had two parallel municipal authorities, one set reporting to Pristina and the other to Belgrade, with the latter in effect serving as the city administrations. But then the EU began pressuring Serbia to make the reluctant northerners integrate into the Kosovo administrative system. In 2013, Belgrade formally dissolved its Kosovo municipal authorities and pushed the Kosovo Serbs to turn out for elections organised by Pristina. In exchange, both Pristina and the EU turned a blind eye to, and indeed somewhat facilitated, the almost complete subordination of the Kosovo Serb political leadership to Belgrade's ruling Serbian Progressive Party.

The result was a jumble of criss-crossing jurisdictions and loyalties. On one hand, by

2015, municipal governments, police and the judiciary were all officially answering to Pristina. On the other hand, their ethnic Serbian leaders were still beholden to Belgrade. Important Serbian institutions remained in place, including a large university and medical centre in North Mitrovica, one of the majority-Serb municipalities, and the Serbian social security and pension schemes continued to operate in the region. Northerners clung to elements of Serbian identity even as they grudgingly accommodated to the Kosovo system, retaining Serbian personal documents and driving cars with Serbian licence plates.

Soon after coming to power in Pristina in March 2021, Prime Minister Kurti's government took more assertive steps toward integrating the north with the rest of Kosovo, resulting in a backlash that set the scene for escalating protests. The new leadership cracked down on smuggling schemes in which several northern leaders are implicated. It also prohibited the use of Serbian licence plates. Arrests of several prominent Serbs fed fears among the local population that it was being unfairly targeted and that worse would follow. In response, northern Serbs revolted, blocking roads, setting fire to government offices and shooting at police. Protesters included both women and men, with women more likely to be on the barricades during the day and men at night.

Each round of protests brought escalation. Pristina sought to protect its troops by deploying militarised special police units and setting up fortified bases. The protesters increasingly took up more arms of their own. By late July 2022, their ranks had been bolstered by serving Serbian military personnel, a violation of [UN Security Council Resolution 1244](#) (1999),

which required all Serbian armed forces to withdraw from Kosovo. On 31 July, the leadership of KFOR, the NATO peacekeeping force in place in Kosovo since 1999, and trusted by both sides, stepped in by pushing Belgrade to withdraw its troops (most if not all are now back across the border) and warning Pristina to ratchet down its response.

By the end of 2022, what limited trust had been built between northerners and Pristina was gone, along with a decade's worth of progress in integrating the north. In November 2022, after the government fired the northern district police commander for refusing to enforce rules against driving with Serbian licence plates, all northern Serb officials – mayors, assembly members, police, judges and other civil servants, the vast majority of whom were men – resigned from their posts. As of this writing, the police officers continue to be ineligible to reapply for their old jobs and the elected officials are also unable to return to work, which, in a context in which men are the main breadwinners, has implications for their families' living standards and puts additional pressure on other members of their families to find work.

Serbs then boycotted the early elections held on 23 April 2023 to replace those who had quit. With only the tiny non-Serb minority in the four northern municipalities voting, the elections brought in a slate of new local officials comprising exclusively ethnic Albanians. Serbia revived its vestigial municipal governments. Meanwhile, the former ethnic Serb police have continued to patrol, albeit out of uniform, taking care not to cross paths with the Albanian officers who took their jobs.

## New Deal or New Limbo?

Concerned about escalating tensions, the EU brought the parties together for talks in 2011. Starting out as technical discussions, the talks were raised in level several times and are now

under the leadership of High Representative Borrell and Special Representative Lajčák. In late February, the parties reached a deal, which was announced but not signed. The agreement

was inspired by the Cold War-era [German state treaty](#) signed in 1972 by the Federal Republic of Germany and the German Democratic Republic. That treaty paved the way for third parties to open relations with both states, though neither formally recognised the other, and allowed both to join the UN. The Kosovo-Serbia accord copies extensively, at times verbatim, from the German treaty and similarly aims to permit the five EU member states that do not recognise Kosovo's independence to change their positions, without demanding the same of Serbia.

While short on specifics, the deal includes some notable commitments. Kosovo agreed to establish “an appropriate level of self-management” for its Serb community and to “formalise” the status of the Serbian Orthodox Church. Both steps are seen as a way of refreshing past promises to grant the northern municipalities a measure of autonomy. For its part, Serbia agreed to recognise Kosovo's passports, diplomas, licence plates and customs stamps (on paper, the agreement provides for mutual recognition, but as a practical matter Kosovo already accepts Serbian documents). Belgrade also pledged not to object if Pristina were to seek membership in “any international organisation”, a commitment that was understood to pave the way for Kosovo to join the Council of Europe and eventually other bodies including the UN. Both sides affirmed that past agreements remain in effect.

The EU-brokered talks stopped the downward spiral, but following the February

agreement's signature progress has slowed. Brussels has for the most part been unable to nudge Belgrade and Pristina to start putting the February agreement into effect. There is no sense of when either side might follow through with its commitments. Neither wants to move first, for fear of both domestic political backlash and the chance that the other side will go back on its word. Serbia, at least, is acting as though the agreement is not yet binding; it voted against Kosovo's application to join the Council of Europe on 24 April. It is not honouring other parts of the agreement, either. For its part, Kosovo's main obligation is to establish the Association/Community, which it has not taken steps to do. As noted, that obligation dates back to 2013 and is repeated in the February 2023 agreement. The parties signed an [“implementation annex”](#) on 18 March, but only after stripping it of most of its [draft provisions](#) and a corresponding timetable. The only tangible post-February achievements so far have been setting up a [“joint monitoring committee”](#), on 18 April, and agreeing to a [declaration on missing persons](#) that commits them to a [range of steps](#), such as allowing mutual access to classified documents and cooperating on finding burial sites, on 2 May, with operational details to be settled later.

The state of play is worrying. Continued talks and a steady trickle of progress is necessary for keeping things quiet in the north. If the dialogue breaks down, the parties will face strong temptations to confront each other again in the northern municipalities.

## What the EU Can Do

The challenge for EU mediators is first and foremost to keep the dialogue going – including through high-level participation that makes clear the priority that Brussels places on it – and to ensure that it is sufficiently participatory. Certainly, Belgrade and Pristina must both continue to be at the table. Given the past two years' events, it is difficult to fathom that

northern Kosovo Serbs could accept a return to reintegration unless pushed to do so by Belgrade. But without some level of northern buy-in, even that might not be enough. While the northerners depend on Serbia's good-will in many ways, elements among them might reject a deal between Belgrade and Pristina that they see as offering too little autonomy. The risk of

this will be greater if northern Serb representatives are not at the table helping shape whatever deal is struck. The EU should accordingly press Pristina and Belgrade to include Kosovar Serb representatives in the dialogue.

As for the tasks that will face the mediators, the primary one will be to turn the lengthening list of concluded but unfulfilled, and in some cases ambiguous, agreements between the parties from both February and before into a sequence of short-, medium- and long-term practical steps for building a sustainable bilateral Serbia-Kosovo relationship. A measure-for-measure approach will likely be the most constructive. For example, the short-term goal could be for Kosovo to take a credible step, such as acknowledging a willingness to amend its legislation if needed, toward Kosovo Serb self-rule. In return, Serbia could begin accepting all Kosovo documents. The next stage could see Serbs ending their boycott and returning to Kosovo institutions in return for Pristina's flexibility on taking back those who resigned and holding new municipal elections in the north. The ethnically Albanian special police should be withdrawn from Serb-majority areas and their bases dismantled in that process. That would clear the way for a final stage in which Kosovo would enact the Association/Community and Serbia fully normalise its relations, including endorsing other states' opening to Kosovo.

Membership in international organisations for Kosovo should also be on the table within this framework. Some – like the Council of Europe – are within reach; notwithstanding Serbia's no vote, the Council of Europe's Committee of Ministers approved Kosovo's application on 24 April, forwarding it to the Parliamentary Assembly. (States do not have a veto in the Committee of Ministers.) Others like the UN and NATO will take longer, though intermediate steps like observer status (granted by the General Assembly) and the alliance's Partnership for Peace are possible in the medium term.

Given the lack of trust between the parties, securing their agreement on a timetable for these actions may prove difficult or impossible.

The EU may have to nudge them, by making its own best guess about a reasonable set of first steps and then coordinating diplomatic pressure by its member states and allies. The growing demands by Washington and EU capitals that Pristina follow through on its commitments on the Association/Community are an example that could be expanded into a strategy aimed at Kosovo and Serbia equally.

Once a rough timetable is in place, the EU's negotiator, Lajčák, should help the parties stick to it. Working with the U.S., which has made the issue a priority, he should help the parties work out a measure of self-rule for the Serbs throughout Kosovo that allows them to retain some Serbian government services they currently enjoy (schooling, health care, social security and pensions) while integrating them into the Kosovo state administration. This arrangement would represent a formalisation of some of the privileges they enjoy now and a rollback of some of the Kurti administration's more provocative attempts to enforce its authority over them.

It will be important for both mediators and the parties to approach the question of autonomy with something of an open mind. The original concept of an association or community of municipalities may or may not be the best framework for self-rule, and the EU should not hesitate to explore alternatives with the parties. Ten years have passed without progress toward creating the Association/Community, which suggests the concept may need updating. Brussels should push back against Kosovo's fear that any step toward autonomy would invite the problems Bosnia faces, by stressing the unusual nature of Bosnia's framework (adopted to end a shattering war) and pointing to examples where a degree of autonomy has helped communities coexist peacefully in Europe and elsewhere in the world.

Making this process work may also require legal changes in Kosovo to give effect to whatever is agreed about Serb self-rule, as well as fresh local elections in the four northern municipalities, so that mayors and municipal assembly members who have stepped down can

return to work. Pristina needs to offer a system by which police officers and other non-elected public servants can get their positions back, and thus begin to rebuild public trust in institutions that has eroded over the past year. If Kosovar lawmakers need to take legislative action to this effect, they should do so.

Even as negotiations continue, the situation in northern Kosovo will likely remain fraught. KFOR's peacekeeping presence will therefore be a crucial backstop. The mission enjoys unique respect in Serb areas due to its formal neutrality with respect to Kosovo's independence, and among Kosovars because it represents NATO, the alliance that rescued them from Serbian

oppression. More than a traditional peacekeeping mission, KFOR plays an important diplomatic role, warning both sides quietly when it believes their actions risk bloodshed. Its presence has helped deter local actors from going too far and usually helps keep protests from getting out of hand. The EU delegation, the EULEX rule of law mission, with its heavily armed police unit in Mitrovica, and all member states should continue to publicly support KFOR's leading role in ensuring a safe environment. Giving the mission the credit it deserves will bolster both local confidence in KFOR and the peacekeepers' own capacity to continue performing their vital tasks.