

Areas of cooperation between Kosovo and Serbia

Regional Youth Cooperation Office (RYCO),
Freedom of movement of citizens



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Executive Summary

The technical dialogue for normalization of relations between Pristina and Belgrade began in 2011 and since October 2012 rose to political level with meetings between the prime ministers. The EU played a key role in mediation¹ with the help of the United States of America. So far, 33 agreements have been reached, mainly on technical issues, including freedom of movement agreement, recognition of university diplomas, integrated border management, regional representation and cooperation, civil registries, etc.

The main driver for continued dialogue has been EU approximation as both countries seek membership to. The EU has conditioned Serbia's membership with resolving issues with Kosovo and implementing the reached agreements.² On the other hand, it also made it clear that progress will be rewarded, as is the case with Kosovo, by signing the Stabilization and Association Agreement.³

Despite the progress made, the language of the parties in dialogue has been divisive, at times questioning the process⁴ and at times threatening to leave the dialogue.⁵ Serbia's campaign against Kosovo's membership in international organizations also continued, costing Kosovo non-membership in international organizations such as UNESCO and INTERPOL. In response, in November 2018, the Government of Kosovo imposed a fee on Serbian and Bosnian products, first at 10% and later raising to 100%, which resulted in the suspension of the dialogue process. Serbia conditions continuation

of dialogue with abolition⁶, of the fee, and Kosovo conditions the abolishment of the fee with the recognition of Kosovo by Serbia.⁷

Citizens of Kosovo and Serbia generally enjoy the results on the ground, especially in terms of free movement. In general, there are no kilometers long queues of vehicles at the border crossings, and insurance prices have fallen sharply. Nevertheless, this facilitated free movement is the subject of daily politics in Kosovo and Serbia. As a result, the free movement of citizens and goods can easily be blocked due to distrust between the parties in the dialogue. The friction at the political level and the lack of transparency regarding the dialogue has necessarily reflected the perceptions of the citizens of Kosovo towards the parties that lead the dialogue and the dialogue in general. In 2019, the Government of Kosovo enjoyed the least trust of the citizens of Kosovo.⁸ According to data in the Kosovo Security Barometer (KSB), Kosovo citizens continue to view Serbia as a hostile country and mainly base this negative approach on three different currents. Firstly, through the diplomatic battle in the international arena and the play of powers in the context of EU facilitated dialogue. Secondly, the presence of the Serbian List in the Government of Kosovo, which according to the KSB respondents, operates under Belgrade directives and uses the political power and privileges provided by the Ahtisaari Package to render Kosovo dysfunctional internally, by blocking almost any large-scale policy-making initiative. Thirdly, aggressive nationalist rhetoric by Serbian

1 https://eeas.europa.eu/diplomatic-network/eu-facilitated-dialogue-belgrade-pristina-relations/349/dialogue-between-belgrade-and-pristina_en

2 <http://register.consilium.europa.eu/doc/srv?l=EN&t=PDF&gc=true&sc=false&f=AD+1+2014+INIT>

3 <http://data.consilium.europa.eu/doc/document/ST-10728-2015-REV-1/en/pdf>

4 Kosovo Prime Minister's statement on dialogue with Serbia

5 Statement by Serbian Office Director for Kosovo Marko Djuric following the arrest of 5 Serbs in Kosovo for unconstitutional offenses: <https://balkaninsight.com/2018/07/10/serbia-threatens-to-quit-kosovo-talks-over-arrests-07-10-2018/>

6 <https://balkaninsight.com/2018/11/08/vucic-thaci-exchange-angry-statements-after-meeting-in-brussels-11-08-2018/>

7 <https://www.euractiv.com/section/enlargement/news/kosovo-to-keep-tariffs-until-serbia-grants-recognition-insists-pm/>

8 http://www.qkss.org/repository/docs/BKS2019_874685.pdf

politicians has confirmed one of the most worrying assumptions of Kosovo Albanian respondents - this reaffirmed the fact that Serbia will not soften its stance on Kosovo in the short term.⁹ This perception of citizens can only be changed through inclusive dialogue. Politics in Serbia and Kosovo should see dialogue as a mechanism to improve the wellbeing of their citizens and not as a contest on who is the winner. The positive aspects of the dialogue and sustained implementation of the agreements will be achieved only through self-reflection, as well as addressing the root causes of the crises and not just their consequences.

Although Kosovo-Serbia relations have reached a stage of dialogue and cooperation, however fragile, cooperation aimed at bringing the two peoples closer together nevertheless existed before the technical dialogue between Pristina and Belgrade. Since the end of the war, NGOs, albeit with many challenges, especially in terms of free movement, have been pushing ahead with regional cooperation agendas, subsequently moving them to the political level, such as the RECOM Initiative¹⁰ and the establishment of the Regional Youth Cooperation Office (RYCO).¹¹ Organizations that had the most impact and coordination of advocacy efforts have been organizations with regional offices, dealing with topics such as dealing with the past and youth exchange. Among the first and most serious collaborations was the Initiative for RECOM, which was initiated by civil society and aimed at regional cooperation in the process of dealing with the past. Another example of the success of regional cooperation is the Youth Initiative for Human Rights (YIHR) established in 2003, which has advocated for regional cooperation among the young through its

offices in Serbia, Croatia, Montenegro, Bosnia and Herzegovina.

All these efforts of civil society have resulted in a great deal of support in the Berlin process¹², which started in 2014. The concrete result of this cooperation is the establishment of the Regional Youth Cooperation Office (RYCO), which involves the five governments of the countries of the region in funding this initiative. RYCO was founded in 2016, and although RECOM failed to get signed in London, it remains one of the best options to contribute to the reconciliation process in the former Yugoslavia. This is also confirmed in the joint statement of the Summit of the Western Balkans, in Poznan, Poland on August 5, 2019¹³, where the participating countries have confirmed their commitment to reconciliation, through the RECOM initiative.

9 http://www.qkss.org/repository/docs/barometri2018-alb-final-1_657670.pdf

10 RECOM is an abbreviation of the Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia from 1 January 1991 to 31 December 2001. <https://www.recom.link/sq/rreth-nesh-2/sta-je-rekom/>

11 Both the RECOM Initiative and the RYCO founding effort have been initiated from the civil society and moved to political level for support. Declarative signatures of state representatives are required prior to voting by the respective country Parliaments. Presidents' signatures are required for RECOM and Prime Ministers' signatures for RYCO.

12 The Berlin Process is an initiative that aims to strengthen regional cooperation in the Western Balkans and help integrate these countries into the European Union. It started on August 28, 2014, by German Chancellor Angela Merkel. <https://berlinprocess.info/about/>

13 Western Balkans Summit Poznań. Chair's conclusions. RECONCILIATION AND OUTSTANDING BILATERAL ISSUES, Page 9. https://berlinprocess.info/wp-content/uploads/2019/07/chairs_conclusions.pdf

Enhanced Interaction Of Societies Of Both Countries Through Dialogue - Reality Or Paradox?

Since the postwar period, interaction with the “other party” has been given a negative connotation. Adding to this the approach of politics and some of the media, the public has mainly been directed to negative examples of interethnic interaction. As Kosovo-Serbia relations are one of the most important issues for the stability of the Western Balkans region, it is realistic to expect high interest from international organizations and foundations to facilitate and support reconciliation processes and sustainable peace building. Civil society and non-governmental organizations have been the first to reduce the divisions and barriers, especially those mental, in both societies, thereby fostering regional cooperation. These initiatives were mainly characterized by exchange programs for youth, professionals in certain fields, artists, media, etc.

Despite the willingness to overcome mental barriers and improve relations between the two countries, it was the physical barriers of a political nature that slowed down the process. Until before July 2008, lawful movement in and out of Kosovo was primarily governed by United Nations administration, as outlined by the Constitutional Framework for Provisional Self-Government in Kosovo.¹⁴ Travel documents have been issued by UNMIK since 2000, but ended with the abolition of UNMIK administrative functions in July 2008. The validity of UNMIK travel documents was two years, therefore it is considered that all travel documents issued by UNMIK would expire in 2010.

On the other hand, after the declaration of independence, Kosovo institutions started issuing passports and other identification documents with insignia of the Republic of Kosovo. According to the law on travel documents, for crossing the border and as proof of identity and citizenship, a passport is a travel document issued to citizens of the Republic of Kosovo.¹⁵ At the same time, the Government of Serbia, considering Kosovo part of it, continued to issue passports after 1999, through the operation of a parallel state system, with police departments, courts and municipal offices within Kosovo. As a consequence, by 2010, four types of passports were in circulation in Kosovo: those of the Republic of Kosovo, UNMIK, old Serbian passports, and new ‘biometric’ ones. Free movement restrictions were triggered when citizens did not possess the proper travel documents. In the case of travel, citizens with UNMIK documents first had to be invited by the organizer and their arrival had to be reported to the Serbian Ministry of Internal Affairs, specifying travel reasons, place of residence and days of stay. Especially in the case of group trips, this information verification procedure caused prolonged waiting.

FREEDOM OF MOVEMENT OF CITIZENS

Complications in free movement made Free Movement of Citizens among first topics of Kosovo-Serbia Dialogue¹⁶. Both countries agreed to recognize each other’s travel documents, namely IDs, driver’s licenses and birth certificates. Passports were not

14 http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2001regs/RA2001_09.pdf

15 <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2522>

16 http://www.kryeministri-ks.net/repository/docs/agreement_0210_freedom.pdf



The validity of UNMIK travel documents was **two years**, therefore it is considered that all travel documents issued by UNMIK would expire in **2010**.

included in the agreement, as this could mean recognizing Kosovo's citizenship. As stipulated in the agreement, at Serbian border crossings, Kosovo citizens were handed an access document, containing procedural language, personal data and a residence permit in Serbia for up to 90 days. Overcoming barriers at the border, many young people began to move much more freely to the other side of the border, in most cases for the first time, which led to the breaking prejudice against one another.

In September 2014, the level of free movement was increased, enabling Kosovo citizens to transit through the Nikola Tesla Airport in Belgrade, to other transit points to Bulgaria and Macedonia. On November 5, 2014, after several rounds of evaluation of the implementation of the Freedom of Movement Agreement, the Agreement on opening border crossings for Kosovo citizens and Kosovan Diaspora for transit through Serbia to third countries, entered into force. These border crossings are: Sid border crossing between Serbia and Croatia; Kelebija border crossing between Serbia and Hungary; Gradina border crossing between Serbia and Bulgaria, and Presheva border crossing between Serbia and Macedonia as well as Nis Airport.¹⁷ Whereas, direct and rail airlines remain a topic for discussion. The progress made in terms of free movement got complicated by the attempt to reach a free trade agreement. Since the declaration of independence, Kosovo replaced all UNMIK insignia with Kosovo insignia. Kosovo also replaced UNMIK

customs stamps with Kosovo Customs' stamps. As the state insignia of Kosovo were displayed on the stamps, Serbia did not recognize them, imposing embargoe on Kosovo products. On the other hand, goods of businesses of Serbian citizens were freely circulated as they were provided with documents by the Serbian Tax Administration and were considered as domestic circulation rather than export.

In the sixth round of negotiations, scheduled for July 2011, Kosovo and Serbia were supposed to resolve, among other things, disputes over Serbia's refusal to accept Kosovo's customs stamps. This meeting was canceled by the mediator, Mr. Cooper arguing that 'no agreement could be reached' after Serbia informed him in writing that they were unwilling to participate.¹⁸ Failure to find a common problem-solving language resulted in the Kosovo government imposing embargo on Bosnian and Serbian goods as a measure of reciprocity.¹⁹ As illegal entry of Serbian goods occurred mainly in northern Kosovo, the Government of Kosovo decided to establish control over the border crossing points in Jarinje and Brnjak. Local Serbs were mobilized by placing barricades to prevent the passage of special police forces, killing one Kosovo police officer and injuring several others. After efforts to find a solution, the border crossings were taken under the temporary control of NATO-led KFOR, and with EU pressure the parties returned to the table of talks.

17 <https://www.zeriamerikes.com/a/kosovo-serbia-dialog/2520446.html>

18 <http://www.ridea-ks.org/uploads/STUDIMI%20RAPORTET%20BILATERALE%20TREGTARE.pdf>

19 On December 7, 2011, the Assembly of the Republic of Kosovo approved the motion imposing reciprocity measures with Serbia in response to the blockade of Serbia against goods from Kosovo. The motion was approved by 42 votes to 33, with 2 abstentions http://old.kuvendikosoves.org/common/docs/proc/trans_s_2011_12_07_10_3884_al.pdf



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CUSTOMS MATTERS

The imposition of the embargo by Serbia followed by reciprocity measure of Kosovo by reciprocity measures obliged the EU to mediate the parties in reaching a solution to the issues governing the functioning of customs. The Agreement was signed on 2 December 2011²⁰. Trade embargoes between Kosovo and Serbia were removed with agreement, which was a good step towards restarting trade. The agreement also provided for the IBM and the construction of six new border crossings between Kosovo and Serbia, which would further the freedom of movement agreement.

In terms of the functioning of the joint border crossings, Kosovo and Serbia have different status for them. Pristina considers these crossings with Serbia as official border crossings, and has border police present, just like in all other border crossings in Kosovo. Belgrade, on the other hand, regards the border crossings with Kosovo as an administrative boundary line checkpoint between its two territories, establishing regular police units at these crossings. The fact that Serbian authorities do not recognize IBM as a border crossing point is a problem for foreigners traveling from Kosovo to Serbia. They are allowed to cross into Serbia from Kosovo if the first entry point is through official crossings with Serbia. This does not apply to citizens of the EU countries, BiH, North Macedonia and Montenegro, due to their agreements with Serbia. Citizens of other countries have 90 days to re-enter Serbia from Kosovo unless they have entered Kosovo through Serbia and have not left and re-entered Kosovo from any other

country. Finally, citizens traveling outside of Kosovo crossing the Merdare and Dheu Bardhe border crossings have faced long queues because of Serbian controls. According to the National Center for Border Management, waiting time at the border lasts up to 10 hours, so Kosovo authorities have appealed citizens to use other border crossings where waiting time is shorter.²¹

Unlike diaspora travelers, movement of Kosovo and Serbian citizens has been significantly facilitated by ID cards only. Moreover, the implementation of the agreement had an impact on enhancing the security of border control, based on European standards and its best practices. Furthermore, the closure of illegal crossing points in northern Kosovo affected the cooperation in combating organized crime and human trafficking, as well as in combating international narcotics trafficking.

Despite the political approach to IBM's status and the complications caused by the Serbian side, this point of agreement continued to be implemented, in contrast to the creation of six permanent IBM border crossing points between Serbia and Kosovo, as set out in the IBM agreement. According to Serbia's Progress Report for 2019, the Serbian side hasn't had constructive engagement in starting the deployment of border crossing points on the Serbian side (in Jarinje, Muçibaba and Konçul). This led to suspension of EU funding in July 2018. The same document also points out the Serbian side's refusal to move in to the new facility at the Merdare crossing point, risking the implementation of this EU-funded

20 In the EU context, IBM refers to 'Integrated Border Management', the meaning of the acronym in the context of the Kosovo-Serbia Dialogue is disputable. Kosovo argues that IBM stands for 'Integrated Border Management' which supports the existence of national borders, while Serbia argues that IBM is 'Integrated Border Management' for a territory without national sovereignty.

21 Influx at Border Crossing Points <https://mpb.rks-gov.net/QKMK.aspx>

project. Moreover, the non-relocation of electricity polls by the Serbian side has blocked the Kosovan side in starting works on opening crossing points in the territory of Kosovo.²²

MUTUAL RECOGNITION OF UNIVERSITY DIPLOMAS AGREEMENT

In the spirit of the free movement agreement on facilitation of youth mobility, education and employment, on 2 July 2011, the diplomas agreement was reached through third party certification, respectively, the European University Association (EUA). According to the Kosovan party, the biggest beneficiaries of this agreement were students from the Presevo Valley who, due to their proximity and language, mainly study in Kosovo. The agreement was rejected by the Serbian Constitutional Court, which declared it unconstitutional, noting that “the government, as an executive body, overstepped its constitutionally mandated jurisdiction.”²³ However in May 2016, both parties agreed to resume implementation of the diploma recognition agreement. Implementation of this agreement has stalled, as Serbia recognized only 5 diplomas from Kosovo.²⁴ On the other hand, regarding the University of North Mitrovica, although not included in this agreement, the Government of Kosovo has applied some affirmative recognition measures for employment reasons.²⁵ This was through the appointment of a Diploma Verification Commission issued by the University of North Mitrovica.²⁶ As of

August 2018, 1,190 certificates have been issued, out of a total of 1423 applications received.²⁷

MEMORANDUM OF UNDERSTANDING ON CAR INSURANCE

Signing of MoU²⁸ for car insurance that came into force on August 12, 2015, after more than three years of negotiations, contributed to a greater ease of free movement of citizens. This agreement also made it cheaper for citizens to cross the border as they were not required to buy additional insurance. However, this agreement did not mention the number plates. All citizens entering Serbia and carrying Kosovo number plates were required to purchase temporary ‘test number plates’ at five euros per one day of day in Serbia.

AGREEMENT ON USE OF NUMBER PLATES

This objective was reached on 14 July 2016²⁹. Through it, parties agreed on reciprocity of number plates between Kosovo and Serbia. This agreement put an end to the ‘provisional - test’ number plates that the Serbian side applied unilaterally to Kosovo RKS number plates since 2011.

Agreements known as “Arrangements for completing the implementation of the Agreement for the Free Movement of 2011” have placed reciprocity on number plates between both countries, beginning

22 <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>

23 Decision of the Constitutional Court of Serbia, case: IUo-870/2012 http://www.ustavni.sud.rs/page/view/sr-Latn-CS/0-101848/zastoj-postupka-u-predmetu-iuo-8702012?_qs=metohija

24 <https://zeri.info/aktuale/128154/serbia-mban-peng-te-diplomuarit-ne-kosove/>

25 [http://kryeministri-ks.net/repository/docs/RREGULLORE_\(QRK\)_-NR_21-2015_PER_PROCEDURAT_DHE_KRITERET_PER_LESHIMIN_E_CERTIFIKATAVE_SHTETASVE_TE_REPUBLIKES_SE_KOSOVES_TE_CILET_KANE_MARR.pdf](http://kryeministri-ks.net/repository/docs/RREGULLORE_(QRK)_-NR_21-2015_PER_PROCEDURAT_DHE_KRITERET_PER_LESHIMIN_E_CERTIFIKATAVE_SHTETASVE_TE_REPUBLIKES_SE_KOSOVES_TE_CILET_KANE_MARR.pdf)

26 Verification Commission for the diplomas issued from the University of North Mitrovica has been appointed by the Government with Decision no. 08/73 dated: 05.02.2016. The Commission is multi-ethnic and consists of four (4) members: Two (2) members nominated by the Prime Minister, and two (2) members nominated by the Minister of MEST. The Commission is responsible for issuing certificates to Kosovo citizens who have received degrees from the University of North Mitrovica. [http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_se_73-te_te_Qeverise_se_Republikes_se_Kosoves_2016_\(3\).pdf](http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_se_73-te_te_Qeverise_se_Republikes_se_Kosoves_2016_(3).pdf)

27 <https://kallxo.com/gjate/hulumtim/marreshja-politike-qe-legalizoje-diplomat-e-universitetit-paralet-te-prishtines/>

28 <http://bks-ks.org/static/uploads/documents/MOU/MoU%20Serbia%20Shq.pdf>

29 http://www.kryeministriks.net/repository/docs/Arrangements_concerning_the_finalisation_of_implementation_of_2011_freedom_of_movement_-_14_September_2016.pdf

on November 15, 2016, envisioning the termination of illegal number plates in 12 months, starting January 17 of 2017 and extend the period of KS number plates for five years. The deadline for implementation has been extended due to delays of administrative nature by Kosovo.³⁰ The Government of Kosovo prepared to start implementing this Agreement, approving it through a decision on February 16, 2017³¹. The Ministry of Internal Affairs decided to extend the validity of the KS number plates and began drafting an administrative instruction to implement the Government's decision. Preparations for the application of adhesives that would cover specific parts of Serbia's vehicle registration plates also began. Kosovo had shown an interest in achieving reciprocity in this area, normalizing the flow of vehicles in the north, where the vast majority of vehicles still being unregistered or circulating with illegal number plates. This agreement, likely due to the political nature and fall of the Government on May 10, 2017, has not been implemented by either party. The same situation is currently ongoing, with Serbian cars entering Kosovo unhindered, while RKS number plate vehicles should receive test number plates.

REGIONAL COOPERATION AND PARTICIPATION

Until declaration of independence, Kosovo was represented by UNMIK in regional initiatives, signing a number of international agreements. Following the

Declaration of Independence, the Republic of Kosovo inherited the agreements signed by UNMIK through Ahtisaari's Plan³², as vowed to implement them.³³ However, Serbia began blocking and boycotting every event where Kosovo was represented on its own behalf instead through UNMIK. This led the EU through the Kosovo-Serbia dialogue to seek improving relations between them, which directly affected the political, economic and security stability of the entire Western Balkans. In this respect, parties had reached an agreement³⁴, which enabled Kosovo to participate in regional initiatives without Serbia's interference.³⁵ In this agreement Kosovo accepted the footnote³⁶, which triggered fierce reactions from the opposition in Kosovo, alluding to the renunciation of country subjectivity and the revival of Resolution 1244.³⁷ On the other hand, the Kosovan side in the dialogue argued that not signing the agreement would isolate Kosovo, while the footnote was an opening of the prospect of Euro-Atlantic integration.³⁸

In terms of bilateral cooperation, after Albania, Kosovo enjoys good cooperation with North Macedonia.³⁹ Immediately after Kosovo's independence, Serbia exerted fierce pressure on Macedonia and influenced the advancement of bilateral relations between Kosovo and Macedonia. Unlike other countries in the region that recognized Kosovo in the first six-months of the Declaration of Independence, Macedonia recognized Kosovo's independence after eight months. This delay was due to pressure Serbia was exerting on Macedonian

30 http://votaime.org/Uploads/Data/Documents/RaportmbigjendjenezbatimineMarreveshjetBrukselit_16qershor-25nëntor2016__New_cMqEfvkj9k.pdf

31 <https://kryeministri-ks.net/qeveria-e-kosoves-mbajti-mbledhjen-e-rregullt-29/>

32 <http://pbosnia.kentlaw.edu/Comprehensive%20Proposal%20for%20the%20Kosovo%20Settlement.pdf>

33 The Ahtisaari Plan provided, inter alia, a 120-day transition period for the transfer of responsibilities from UNMIK to the Government of Kosovo, including international agreements.

34 https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/128138.pdf

35 Initially, Kosovo was represented in regional forums by the UN Mission in Kosovo. In 2012, Serbia agreed that Kosovo could act on its own behalf, provided it was designated as Kosovo* with the accompanying note: "Without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence"

36 In all regional initiatives, the following note shall be placed after the designation 'Kosovo': "Without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence"

37 <https://www.evropaelire.org/a/24490102.html>

38 Interview of Edita Tahiri, Minister of Dialogue with the Government of Kosovo for Free Europe: <https://www.evropaelire.org/a/28307242.html>

39 See signed agreements: <https://gzk.rks-gov.net/BrowseInstByCat.aspx?Index=1&CatID=2>



Citizens of both countries still face visa requirements, and with the Kosovo government imposing a **100%** fee on Bosnian products, relations between the two countries have cooled further.

politics. Even after recognizing Kosovo, Serbia expelled the Macedonian ambassador from Serbia.⁴⁰

The Serbian influence on the politics of the countries of the region is more present in Bosnia and Herzegovina. The Serbian representative's opposition to Kosovo's independence in the BiH presidency resulted to no bilateral cooperation between Kosovo and BiH, and no diplomatic presence. Citizens of both countries still face visa requirements, and with the Kosovo government imposing a 100% fee on Bosnian products, relations between the two countries have cooled further.

On the other hand, representatives of Kosovo institutions have for some time refused to participate in various international forums, where Kosovo is represented through the 'footnote'. In May 2018, President Thaçi refused to attend the annual EBRD Conference held in Sarajevo, as Bosnia has not recognized Kosovo. In July 2019, President Thaçi also boycotted the South East European Cooperation Process Summit (SEECPP), and in December refused to attend the third regional summit on the idea of the Balkan Mini-Schengen.⁴¹ Kosovo's condition for regional cooperation remains mutual recognition of Kosovo by countries such as Serbia and BiH, as well as implementation of agreements reached so far with Serbia. It should also be noted that one of

the reasons for rejecting Kosovo's participation in the idea of the Balkan Mini-Schengen is Kosovo's orientation towards NATO and the EU.

An agreement like this of the Mini-Schengen Balkans is designed on the European model of cooperation, although Serbia has consistently maintained a destructive approach to Kosovo despite EU-backed bilateral dialogue. Not recognizing diplomas, lobbying against Kosovo's membership in international organizations and recognizing Kosovo, there is ample reason for the Kosovo side to see this idea as frivolous and experimental.⁴²

40 <https://www.dw.com/en/serbia-expels-macedonian-montenegrin-envoys-over-kosovo/a-3704625-1>

41 Albanian Prime Minister Edi Rama, Serbian President Aleksandar Vucic and North Macedonian Prime Minister Zoran Zaev held two meetings, one in Novi Sad and one in Ohrid. Following the meeting in Ohrid, the Government of North Macedonia announced that the basis of the joint declaration adopted by the regional countries (for the creation of the Balkan Mini Schengen) is the joint cooperation and commitment in eliminating all obstacles to the free movement of people, goods, services and capital, as a contribution to the citizens of the countries of the region in achieving the ultimate goal, full EU membership: : <https://www.koha.net/arberi/188311/zbulohet-deklarata-e-perbashket-e-rames-vuciqit-dhe-zaevit-per-mini-shengen-ballkanik/>

42 Statement by President Hashim Thaçi on refusing to participate in the Western Balkans regional meeting: <https://www.facebook.com/HashimThaciOfficial/posts/3284995644904105>

Kosovo's aspirations for membership in international organizations

Kosovo's efforts to join international organizations show that internationally Serbia continued with the same blocking approach against Kosovo. Since its declaration of independence on February 17, 2008, Kosovo became a member of many international organizations, including the most important financial and sports organizations. Kosovo's membership in international organizations is a priority for the Government, the Presidency and the Ministry of Foreign Affairs. Although membership in various regional and international organizations does not imply direct recognition of Kosovo as a new entity, Kosovo's involvement vis-à-vis other countries in the region marks a major step forward. Through this, Kosovo avoids isolation and becomes part of the solution to problems.

Not being a formal member of the United Nations, Kosovo continued application process especially in organizations where membership depends on the will of a majority, or two thirds of member states. The fact that five member states of the European Union and two permanent members of the Security Council that have not recognized Kosovo's independence has a major impact alongside Serbia's vicious lobbying against Kosovo's candidacies.

Among the issues that had the biggest impact on Kosovo-Serbia relations is Kosovo's failure to join **UNESCO**⁴³ as a result of Serbian lobbying campaign. Kosovo applied for membership for the first time in 2015, and failed at a three-vote margin. Serbia's lobbying in the name of protecting Serbian cultural heritage in Kosovo was crucial in the decision-making process. During 2017, Kosovo officials launched

another campaign to try to join UNESCO. Serbia, on the other hand, used its regional authority, even threatening to withdraw Serbian diplomatic staff from North Macedonia.⁴⁴ As a consequence, to prevent another diplomatic failure, Kosovo decided to temporarily withdraw its membership application. The second biggest diplomatic failure after UNESCO is that of **INTERPOL** in November 2018, also attributed to Serbian lobbying. Kosovo's bid to join INTERPOL failed as it did not receive the required two-thirds majority of the seats in the organization's General Assembly. As a result, Kosovo remained outside the world's largest criminal information exchange network.⁴⁵ There were two other occasions when Kosovo withdrew its applications due to lack of support, one in 2017 and another in 2019.

While Serbia regards these as its diplomatic victories, lobbying against Kosovo clearly shows that Serbia has not given up its destructive approach against Kosovo, despite engaging in a dialogue to normalize relations with Kosovo. On the other hand, the EU as a mediator of the dialogue has not criticized Serbia, leaving Kosovo's membership entirely in the hands of Serbia. Also, the failure of Kosovo's diplomacy for a clear membership strategy showed the importance of maintaining and deepening diplomatic relations with countries that have recognized Kosovo, which were expected to vote in favor of membership, especially in INTERPOL. Kosovo has been recognized by more than 110 countries but failed to gain 70 votes in the second round.

The Serbian government has continued and is still lobbying against Kosovo. Moreover, countries that

43 United Nations Educational, Scientific and Cultural Organization was created with the mission to achieve peace and cooperation among peoples through culture, science and education.

44 <https://www.reuters.com/article/us-serbia-macedonia-diplomacy/serbia-recalls-embassy-staff-from-macedonia-idUSKCN1B11JO>

45 In the first round of voting, 76 states supported Kosovo's membership in INTERPOL, 56 were against and 22 abstained. Meanwhile, in the second round of voting, Kosovo received 68 votes in favor, 51 against and 16 abstentions.



Also, the failure of Kosovo's diplomacy for a clear membership strategy showed the importance of maintaining and deepening diplomatic relations with countries that have recognized Kosovo, which were expected to vote in favor of membership, especially in **INTERPOL**. Kosovo has been recognized by more than **110 countries** but failed to gain **70 votes** in the second round.

had initially recognized Kosovo began to withdraw their recognition declarations.⁴⁶ Despite Kosovo's diplomacy denying the latter, in November 2018, in response to Serbia's blocking approach, the Kosovo Government imposed a 10% fee and then 100% fee on Serbia's and Bosnia and Herzegovina's products. Serbia, on the other hand, has conditioned the continuation of the dialogue with the abolition of the fee, while Kosovo demands recognition from Serbia.

Dialogue is currently interrupted, as there were parliamentary elections in Kosovo at the end of 2019, therefore the approach of the new governing forces towards dialogue remains to be seen. Failure to start talks has deepened the freezing of relations, which helped mobilize nationalist mindset and diverted attention from criticism of corruption and government failures.

The political language of both sides has intensified, exacerbating the already fragile situation. The fact that both sides failed to deal seriously with war crimes, as well as with the fate of missing persons, resulted in occasional denial of well-documented war crimes, such as the statement of the President of Serbia regarding Reçak massacre.⁴⁷ The volatility of attitudes prevailing in politics in Kosovo and Serbia risks undermining the agreements reached

so far due to the fact that the parties have also gained 'immunity' to pressure from dialogue supporters. Kosovo and Serbian governments continue to insist on their positions, opposing the removal of obstacles, despite calls for resumption of dialogue by the Quint states. The governments of France, Germany, Italy, the United Kingdom and the United States, through a joint statement, have called on the dialogue parties to show willingness to fully normalize relations between them through a comprehensive, politically stable and legally binding agreement that contributes to regional stability.⁴⁸

On the one hand, Kosovo, through the footnote, achieved equal regional representation with other countries in the region, such as RYCO, and in the case of RECOM, while on the other hand, Serbia continues to use its position in the region and Russian assistance to influence the processes involving Kosovo.

46 <https://www.koha.net/arberi/100748/media-serbe-pese-shtete-e-kane-terhequr-njohjen-e-kosoves/>

47 Vucic's comments came after the Pristina Basic Court convicted Kosovo Serb MP Ivan Todossijevic of inciting ethnic, racial or religious intolerance by claiming that the Racak massacre was fabricated: <https://balkaninsight.com/2019/12/06/serbian-president-accused-of-spreading-hate-by-denying-massacre/>

48 <https://rs.usembassy.gov/joint-statement-by-the-governments-of-france-germany-italy-the-united-kingdom-and-the-united-states/>

Civil society as a catalyst for kosovo-serbia regional cooperation

Transformation processes of Western Balkan societies require strong regional cooperation, a strong commitment to cooperation and resolving mutual problems. In the meantime, the most pressing and current issue is the improvement of Kosovo-Serbia relations. Through their joint efforts, non-governmental organizations have sought to promote economic and social development through initiatives to establish partnerships first between societies and later between institutions. Through their regional initiatives, NGOs have proven to be the best promoters of cross-border cooperation, reconciliation and multiethnic and intercultural values in society. On the other hand, reconciliation as a process of rapprochement between the two societies is the basis for regional security and the cornerstone of sustainable regional cooperation. This was also emphasized during the Berlin Process, while RYCO was established in Paris on July 5, 2016, and RECOM remains to be considered at future meetings.

RYCO

While technical and political dialogue did not address the direct interests of the young people, many organizations used the agreements reached to advance their regional cooperation agendas. Youth organizations like the Youth Initiative for Human Rights (YIHR)⁴⁹ made a valuable contribution in the field of youth cooperation by implementing over

150 exchange programs focusing on Kosovo-Serbia, with about 15,000 high school pupils, students, lawyers, artists, journalists, human rights activists, filmmakers and writers.

The impact of many years of advocacy came to light during the Berlin Process. In 2014, German Chancellor Angela Merkel organized a conference known as the Berlin Process⁵⁰, intended to show the European Union's unwavering political commitment to the future enlargement of the EU with the Western Balkans. This commitment came as a result of the continued rise of Euro-skepticism in Europe and following the statement by European Commission President Jean Claude Juncker on a five-year halt to EU enlargement.⁵¹

Involved in the Berlin Process, Kosovo and Serbia agreed to strengthen their relations at the level of the Western Balkan countries. Special focus was placed on youth, a topic both sides failed to include in bilateral agreements. Based on the concrete practices of youth organizations, and inspired by the experience of the Franco-German Youth Office, established in 1963, the five Western Balkan countries participating in the Berlin Process signed the establishment of RYCO.⁵² This is the first time governments have cooperated as part of an institution that they will fund together. The regional agreement reached for the establishment of RYCO states that the aim of the office is also to create 'awareness of the past' among young people, and the

49 YIHR is a regional organization established in 2003 and has offices in Serbia, Croatia, Montenegro, Bosnia and Herzegovina and Kosovo

50 The Berlin process is an expanding coalition of 10 EU countries that cooperate with the Western Balkan states to push the development of the latter. The original format consisted of Austria, Croatia, Germany and Slovenia, and later France, Italy, the United Kingdom, Poland, Greece and Bulgaria joined. Following the first Berlin summit in 2014, successive annual meetings of the leaders of these countries were held in Vienna, Paris, Trieste, London and Poznan.

51 President-elect Juncker's Main Messages from his speech before the European Parliament https://ec.europa.eu/commission/sites/beta-political/files/juncker-political-guidelines-speech_en.pdf

52 Regional Youth Cooperation Office in the Western Balkans <https://www.rycowb.org/wp-content/uploads/2017/07/Agreement-on-the-establishment-of-the-RYCO-sign%C3%A9.pdf>



The total number of applications submitted for the open call 2018 is **278**, which created nearly **900** partnerships across the region, while the total number of applications submitted in the last call in 2019 is **100**, resulting in creation of **211** partnerships in the region.

main focus was initially on the areas of education, economics, science, culture, etc. At the Trieste summit, RYCO's vision was fulfilled and reconciliation between countries in the region was listed among the three main activities of the office.

RYCO's annual budget is set at two million euros, half of which will be funded by the signatory governments and half through donations. Although Kosovo is not yet recognized by Serbia and Bosnia and Herzegovina, it contributed to all working groups on establishing the legal basis and drafting of RYCO documents as an equal party with other countries and allocated its mandatory budget of about 100 thousand euros for the office.⁵³ On the other hand, the agreement on the creation of RYCO has been carefully worded as a joint statement between the "Prime Ministers of the Western Balkan participants", avoiding any word that would affirm or deny Kosovo's claim to statehood.

Moreover, Kosovo at RYCO is represented by footnote, as a result of the signing of the agreement reached between Kosovo and Serbia regarding the manner in which Kosovo will be represented at regional meeting⁵⁴. The placement of the footnote

was a point of contention during the discussion in the Assembly of Kosovo and endangered RYCO's vote.⁵⁵ In this regard, prior to the adoption of this draft law, the Assembly adopted another statement by which the Assembly recognized Kosovo only pursuant to its constitutional name as a Republic of Kosovo, and that this declaration would be annexed to any international agreement ratified by the Assembly in the future.⁵⁶ As a result, on March 30, 2017, the Assembly of Kosovo, with 82 votes in favor, 10 against and 1 abstention, adopted the Law on ratification of the Agreement regarding the establishment of the Regional Youth Cooperation Office between Kosovo, Albania, Bosnia and Herzegovina, Montenegro, Macedonia and Serbia.⁵⁷

The total number of applications submitted for the open call 2018 is 278, which created nearly 900 partnerships across the region, while the total number of applications submitted in the last call in 2019 is 100, resulting in creation of 211 partnerships in the region. Total of 10 projects where organizations from Kosovo are leaders, include 7 in partnership with Serbian organizations.⁵⁸ While it is still early to talk about the impact of these RYCO-

53 According to the Youth Strategy 2019-2023, the Ministry of Youth, Culture and Sports will contribute 500,000 Euros to RYCO, i.e. up to 5 Youth Organizations per year times up to 20,000 Euros: https://ëëë.mkrs-ks.org/repository/docs/Strategjia_per_Rini-2019-2023.pdf

54 Initially, Kosovo was represented in regional forums by the UN Mission in Kosovo. In 2012, Serbia agreed that Kosovo could act on its own behalf, provided it was designated as Kosovo* with the accompanying note: "Without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence"

55 http://old.kuvendikosoves.org/common/docs/proc/trans_s_2017_03_30_10_6926_al.pdf

56 https://www.botasot.info/media/botasot.info/images/2017/March/30/auto_unnamed_11490873296.jpg

57 On March 30, 2017, the Assembly of Kosovo, with 82 votes in favor, 10 against and 1 abstention, adopted the Law on ratification of the Agreement regarding the establishment of the Regional Youth Cooperation Office between Kosovo, Albania, Bosnia and Herzegovina, Montenegro, Macedonia and Serbia. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=14610>

58 Information received from the RYCO office in Pristina

funded projects, the creation of such a large number of regional collaborations is a good indicator of the positive effects RYCO has.

Despite the positive approach RYCO has in relation to the signatories and the youth in general, mechanisms are required that separate RYCO from the contributing states in terms of decision-making as otherwise states may block RYCO's work. It occurred last year while Kosovo was presiding over the RYCO, and the meeting was scheduled to take place in the Parliament building of the Republic of Kosovo. On this occasion, the Government of Serbia decided, without warning, to dismiss the youth representative, as she showed readiness to attend a meeting displaying symbols of the Kosovo Government, which Serbia does not recognize as legitimate. As a result of Milica Skiljevic's dismissal, there was no quorum at the Board meeting in Pristina to discuss the 2019 budget, as well as decisions on the organization's internal functioning.

Despite the fact that the EU provides funding for RYCO and sees youth cooperation as essential to the development of the region and to foster greater tolerance in the region⁵⁹, this step has passed without much notice. Surprisingly, despite Kosovo's demands for EU reaction to flagrant breach of agreements reached during Kosovo-Serbia dialogue⁶⁰ such a thing did not happen. Media in Kosovo, citing possession of correspondence between the RYCO Board and the Office of the Enlargement Commissioner, Johannes Hahn, have criticized the European Commission for saving Serbia from criticism, blocking statements against her. According to same sources, the lack of a document governing the Advisory Board's procedures and lack of consensus was used as a pretext for blocking the statements. But Board members have denied the Commission's reasoning, criticizing it for interfering with their work⁶¹.

Despite the signing of many agreements to improve Kosovo-Serbia relations, and the format in which

RYCO was signed, there are cases like this that show that even big projects, big ideas can fall under regressive-minded politics, while the existence and viability of RYCO may be questioned. This situation requires the engagement of civil society and the Berlin Process initiating countries to assist RYCO, in particular requiring the signatories to take responsibility and to seriously consider the engagement and commitment they have made in defending the values RYCO represents and leaving no room for the promotion of special interests.

RECOM

One of the most important topics not included in the dialogue process is the issue of dealing with the past. This has led both societies to create one-sided narratives about the shared past, with 'criminals' mostly on the other side. The race over who has the highest number of victims and who is the 'victim' is very much present in both societies. This is due to the lack of facts and records of war damages. In 2007, the HLC (Humanitarian Law Center-Serbia), the Research and Documentation Center and Documents (HLC-BiH), published the idea of establishing a Regional Commission on the Collection and Verification of War Crimes Facts. This commission would assist the prosecution work in the region by collecting, using, organizing and maintaining evidence that could be used to initiate and pursue criminal war crimes proceedings. At the same time, this Commission would register all war victims by name.

The initiative to establish the Regional Commission for the Collection, Certification and Disclosure of War Crimes Facts in the Former Yugoslavia has been supported by victims and veterans associations, youth and human rights organizations, artists, writers and journalists in the region, who have participated in regional civil society consultations on past fact-finding mechanisms, launched in May 2007 in Sarajevo. A Coalition for RECOM

59 https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

60 https://twitter.com/Enver_Hoxhaj/status/1105805923543584768?s=20

61 <https://www.koha.net/arberi/151805/komisioni-evropian-e-kursen-serbine-bllokon-deklaratat-kunder-saj/>

has also been established which has organized a campaign to collect one million signatures for the establishment of RECOM, and then, attaching the civil society recommendation, this initiative has been sent to national governments along with the request for issuing a decision to support the initiative.⁶² The Coalition for RECOM includes over 1,600 organizations and individuals. In such a broad coalition different views on the methods of achieving a common goal are expected. Throughout these years, various organizations and individuals have daily joined the Coalition, but also have been expelled for various reasons.

Following the establishment of RYCO in Paris as part of the Berlin process, the next meeting in London was a hope for civil society organizations that had spent years advocating for the establishment of RECOM. The promise given by the Presidents of Serbia, Montenegro, Kosovo and Macedonia that the Prime Ministers of these countries would sign the Declaration on the Establishment of RECOM at the London Summit on July 10, 2018 has not produced the expected results. As of July 7, 2018, the Coalition had not received confirmations from the governments of all the aforementioned countries, which forced the organizers to remove the signature of the founding declaration from the agenda⁶³.

This proves once again that the countries of the former Yugoslavia are not yet ready to address the legacies of war, but it also points to the lack of a concrete program to address war crimes on the part of the EU itself.

Failure to sign up to the establishment of RECOM gives hope only to the political elites that still operate on nationalist ideologies by not removing indicted or potentially indicted war criminals from their ranks, while 18 million remain hostage to impunity and anxiety of returning to the cycle of violence.

62 Initiative for the Establishment of a Regional Commission for the Certification and Disclosure of War Crimes Facts [RECOM], June 2008.

63 <https://www.recom.link/london-summit-without-the-declaration-on-recom/>

Recommendations

- The high-level political dialogue between Kosovo and Serbia should continue, even through **changing the approach or format of negotiators**. According to the Kosovo Security Barometer 2019, the Government of Kosovo enjoys the least trust of the citizens of Kosovo, while on the other hand citizens do not think that exchanging the northern part of Kosovo with the southern part of Serbia offers durable solutions between Kosovo and Serbia. Therefore, the creation of comprehensive professional teams, limiting the duration of dialogue and setting the agenda would bring a positive climate and certainty to the citizens of both countries. Given the delays in implementing the agreements, **reevaluation** of these agreements should not be disregarded.
- **Political unification around priorities and expectations from dialogue**. The topic of the exchange of territories promoted by Kosovo's President Hashim Thaçi, as well as the categorical opposition to this issue by Prime Minister Haradinaj, has highlighted polarizations within Kosovo's political spectrum, showing no seriousness about dialogue and international allies. Also, the lack of coordination of national interests and internal dialogue led to increased non-transparency of the dialogue which resulted in increased civic distrust towards the dialogue.
- **Number of topics of dialogue should expand** to include issues important to the normalization of the lives of citizens of both countries, such as missing persons, cooperation in processing war crimes and cultural heritage, topics that were overlooked in previous rounds of dialogue.
- **The government of Kosovo and that of Serbia should enhance transparency** on the agreements reached so far and the level of their fulfillment. Publication of authentic government documents and reports on implementation of the agreements would reduce the dilemmas and remove the confusion about the contents of the agreements for both companies.
- **The European Union must put in place mechanisms** that guarantee the implementation of the reached agreements.
- The Kosovo government must make a decision on **expediting** the opening of stickers' acquisition procedures and ordering the Border Police to begin implementing the full 2016 agreement on advancing freedom of movement.
- **Parties must advance the freedom of movement agreement** in favor of foreign nationals wishing to enter Serbia through Kosovo. One should also consider the issue of air and rail travel.
- Dialogue parties should **include the interests of youth** of both countries in the process. Kosovo is estimated to have the highest percentage of young people in the region aged 18-35, but their interests are not directly represented in the dialogue. Inclusion of youth at the dialogue table is of particular importance for the fact that they are directly affected by the decisions from the dialogue table but also the inclusion of youth at all stages of the dialogue process may underpin the sustainment of results. This can be done through several forms, either through a national youth forum, where youth from different professional backgrounds may address their problems to the negotiating team, or through networking with youth organizations and addressing important issues to the negotiating team. Parties

should positively assess the agreement signed in the framework of the Berlin Process, which directly affects the youth cooperation of both countries. In addition to the annual budget allocation, parties must ensure that RYCO does not fall prey to the aggravations of relations between governments.

- **Kosovo has to draft a comprehensive and coordinated diplomatic strategy** on membership in international organizations and regional initiatives.
- **Serbia's government must implement the agreement on diplomas**, providing youth in the Presevo Valley with favorable employment opportunities.

