

## **THE POSITION OF THE FORUM FOR ETHNIC RELATIONS: NORMALIZATION THEWAY TOWARD THE SOLUTION**

*The position* of the Forum for Ethnic Relations point to general factors affecting the situation, main principles and proposed solutions to improve relations between Serbs and Albanians, and between Serbia and Kosovo.<sup>1</sup> The Forum for Ethnic Relations based its position upon premises that Brussels dialogue and normalization process is a way to resolve the issues of vital importance for citizens of Serbia and Kosovo, and the best solution enabling both sides to advance their goals through dialogue and normalization, under the given circumstances.

This document is the Forum for Ethnic Relation's response (hereinafter: FER) to the initiative for Internal Dialogue on Kosovo, launched by the President of Serbia, Aleksandar Vučić, on July 24, 2017. It draws upon the findings and experiences gained by FER over many years of dealing with relations between Serbs and Albanians and being part of various initiatives during the three decades of its activities.

### ***Serb – Albanian conflicts and dialogue***

Serb-Albanian relations have a long history of living next to each other in their "parallel worlds". These relations are marked by confrontations, going through the periods of oscillations from open violence (military, police and guerilla) to solution of disputes by political means, which reveal numerous characteristics of ethnic conflict. In the deeper sense, the conflict itself is over the control over the Kosovo's resources and territory and status of the Albanian and Serb communities in it. In recent history, the status of Kosovo has become a central point in Kosovo's crisis. A solution to status of Kosovo is an important element in maintaining peace and state building process. So far, there have been huge changes in control over the territory of Kosovo. Namely, Serbia does not exercise effective military and police control over the territory, while Kosovo is in the phase of completing its sovereignty and building international subjectivity,

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<sup>1</sup>Designation "Kosovo\*" is without prejudice to status and is in line with the UN Security Council Resolution 1244 and the Opinion of the International Court of Justice on the Kosovo's Declaration of Independence. "Kosovo" is used throughout the paper as general technical term, primarily because it is the form used in the domestic and international literature and in the public.

through regional cooperation and membership in international monetary and financial institutions, sports and other organizations. Kosovo is committed to becoming a full-fledged member of the EU. Serbia also shares this commitment. This common goal is a powerful anchor for resolving a number of issues through the dialogue and normalization of relations.

Dialogue between Serbs and their Albanian neighbors is older than the official EU-facilitated dialogue (Brussels dialogue) for the normalization of relations between Serbia and Kosovo, which began in 2011. Dialogue between the two neighbors continued even during the military - police repression and armed conflicts in 1997-1999, or during the period of massive anti-Serb violence in 2004. The Brussels dialogue which involves official authorities and the public is a continuation of the old dialogue.

The Serb-Albanian dialogue is focused on resolving the substantial issues of vital importance, and at the political and institutional level, on building institutions and resolving the status of Kosovo and its national communities. This is especially true of the period after Kosovo's unilateral declaration of independence from Serbia in 2008, which received support from the United States and major European Union countries. Since then, the Kosovo's status has become part of the agenda which cannot be avoided, but it can and should be managed in such a way as not to impair the dialogue or peaceful resolution of all issues between the Serbs and Albanians, and between Serbia and Kosovo.

The ongoing Internal Dialogue on Kosovo contributes to the improvement of Serbia's policy toward Kosovo, but also points to some difficulties that Serbian citizens and decision-makers face in recognizing and accepting the reality in Kosovo.

The FER supports key elements of the Internal Dialogue on Kosovo: reaching broad consensus by including numerous and diverse, social actors; confronting reality; searching for sustainable solution; peaceful resolution of the problem; achieving key interests of Serbia and the Serbian community and opening the door of the European Union. At the same time, FER warns that the Internal Dialogue has suggested that the most difficult task for the Serbian politicians is to build consensus on the goal of current policies. Serbia is deeply divided on two major issues: disagreement about whether Serbia should join the EU and disagreement about the relationship with Russia and the United States.

The FER is advocating a peaceful solution and normalization of relations without any kind of violence, terrorism and military option or war. The Internal Dialogue has revealed a strong presence of the ethnic-nationalistic approach, which promotes exclusion of Albanians (including Serbs who have different opinion), territorial delineation along the ethnic lines and *status quo* solutions which involve violence and even armed conflict. With this in mind, FER reiterates that Serbian society and political leaders in particular, should confront with these ideas with reality and try to find acceptable solutions that will eliminate or minimize the risks entailed by delineation and *status quo* policies on Serbia's accession to the European Union. This particularly refers to the policy of delineation along ethnic lines, as advocated by some Serbian officials, national and international experts, diplomats and civil society representatives.

In the last three decades, territorial delineation along ethnic lines proved inadequate and forced solution, which does not bring about the resolution of conflicts and stabilization of peace, but only armed conflicts, terrorism, displacement and continuation of ethnic conflicts. The FER therefore reiterates to the initiator of the Internal Dialogue, Serbian President Aleksandar Vučić, the need to open a public debate on all aspects and effects of implementing the concept of ethnic and territorial delineation in Kosovo, in Serbia and in the Balkans.

### ***Normalization - the way toward a possible solution***

Normalization is the path towards regulation of relations between Serbia and Kosovo and the best option to resolve Kosovo's status. The *United Nations General Assembly Resolution 64/298*, of March 2011, determined the path for the EU-facilitated dialogue for normalization of relations between Serbia and Kosovo (Brussels dialogue). This path can be described as "normalization with the aim of achieving peace, security and stability in the Western Balkans, and promoting cooperation and European integration to improve living conditions for all people".<sup>2</sup>

To enable Serbia's participation in the Brussels dialogue, the National Assembly of Serbia in the "*Declaration of the National Assembly of the Republic of Serbia on the Current Situation in Kosovo and Metohija Following the Unilateral and Violent Actions of the Provisional Institutions of Self-Government in Priština*" (31 July 2011), established key stands (paragraph 6) that should be used as "the framework of the state authorities" and other public actors activities

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<sup>2</sup>UN GS Resolution 64/298 [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/64/298](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/298)

in defense of sovereignty, territorial integrity and the constitutional order of the Republic of Serbia“.<sup>3</sup>

After the signing of the “*First Agreement of Principles Governing the Normalization of Relations*”, in April 2013, it became clear that it encompassed most objectives foreseen in the UN GS Resolution 64/298, and went beyond them. This confirmed the normalization as a complex process for finding solutions to the multitude of interrelated issues, including those inherited from the past and those arising from the Brussels dialogue and normalization process itself.

The objective of the Brussels dialogue should be “achieving significant progress toward normal relations” or the normalization of relations between Serbia and Kosovo. Normalization of relations itself is seen as a goal. The ultimate goal is “full normalization” of relations, achieved through negotiations on EU membership in the case of Serbia, and through the SAA implementation in the case of Kosovo. Both Serbia and Kosovo share the same goal of accession to EU, or “common European future”.

Progress towards the EU membership proved to be an effective means of creating favorable conditions for the dialogue and normalization of relations between Serbia and Kosovo. As it turned out, progress has not been linear so far, and periods of progress are followed by eruptions of political and security challenges, resulting in stagnation or even deterioration of the process.

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<sup>3</sup> This framework of activities includes the following:

Defense of legitimate interests of Serbia and the people living in Kosovo, until the compromise solution of the issue is adopted in line with UNSC Resolution 1244;

The National Assembly supports the Government to continue dialogue with Priština with the aim of finding solutions for actual problems the citizens of Kosovo are facing, and achieving a lasting compromise solution;

The National Assembly commits the Government to request international missions, to allow no unilateral activities carried out by the provisional institutions threatening peace, stability, possibility of reaching compromise solution and changing of the existing situation on the ground;

The National Assembly commits the Government to adopt concrete measures aimed at maintenance of all state activities of Serbia in Kosovo;

The National Assembly specially obliges the Government to make its utmost efforts in all circumstances that may arise, to protect the lives and property, rights and liberties of the citizens in the province, and especially the Serbian and other violence-threatened populations;

The National Assembly obliges the Government to adopt concrete and comprehensive measures plan to be taken in case of deterioration of the situation in Kosovo, etc. (*Declaration of the National Assembly of the Republic of Serbia on the Current Situation in Kosovo and Metohija Following the Unilateral and Violent Actions of the Provisional Institutions of Self-Government in Priština*”Official Gazette of the Republic of Serbia, No. 44, Belgrade, 31 July 2011).

The eruptions of challenges provide further fuel to opponents of the “European future” and at the same time a call for those who are committed to the “European future” to strengthen their efforts. Up until now, the opponents of the “European future” have not been able to demonstrate that there is alternative for Kosovo and Serbia but to join the EU.

The *Negotiating Framework with Serbia* is focused on selected areas that need change, including improvements in the rule of law, respect for human rights and protection of minorities, business environment, competitive private sector and employment. However, it is explicitly demanded that “full normalization of relations” is a *condition sine qua non* for Serbia’s EU membership. The following paragraphs of the *Negotiating Framework* confirm this condition.<sup>4</sup> The *Negotiating Framework* – a mechanism and rules for membership negotiations with Serbia, states that both Serbia and Kosovo must define their relations through a “legally binding and comprehensive normalization agreement before Serbia becomes a member of the EU”.<sup>5</sup> Such a position determines the nature of agreements reached within the Brussels dialogue. These agreements are political documents which have binding legal consequences. At the end of the negotiation process, the binding agreement shall be adopted under *Chapter 35*, to legally verify all agreements reached in the process.

The FER’s suggests that Serbian leadership should do everything possible to improve Serbia’s future position concerning Kosovo’s status. The issue of recognition and non-recognition of independence should be set aside for the time being. The FER stands firm on its position not to accept any permanent or final solution, because history has taught us that there are no final solutions and that one generation cannot determine the entire course of history. The FER, therefore, promotes sustainable solutions that can be achieved under the given circumstances.

### ***Recommendations for improving the political platform of Serbia for continuation of the Brussels dialogue and normalization process***

The FER points out that Serbia’s current level of economic development, incomplete institution building and complex international position do not necessarily guarantee success in achieving a

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<sup>4</sup> Paragraph 23 of the Negotiating Framework states: “The issue of normalization of relations between Serbia and Kosovo will be addressed under *Chapter 35*: “Other issues” as a specific item”. Also, “Serbia’s continued engagement, in line with the Stabilization and Association process conditionality, towards a visible and sustainable improvement in relations with Kosovo”.

<sup>5</sup>[http://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/pregovaracki\\_okvir.pdf](http://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracki_okvir.pdf)

permanent, i.e. final solution to the status question. Whether and when Kosovo will be recognized as an independent state, or become “internationally respected state” as defined by Mr. Shala, it is the question with uncertain answer. But it is certain that this question can only be resolved through peaceful negotiation between Serbia and Kosovo and formation of political elites who are capable of fulfilling the commitments taken on by Serbia and Kosovo, by strengthening democratic procedures and institutions. This would be a major shift in policy, or „turning over a new leaf“. An old mantra “Serbia will never recognize Kosovo’s independence“ has so far proven to be hypocritical and blocking Serbia, the EU and Kosovo. The logic of the Brussels dialogue and normalization of relations is clear - Kosovo’s status will be addressed at a later date when the circumstances arise. As far as Serbia is concerned, it would be wise to link this question with Serbia’s full membership in EU. Accordingly, FER’s recommendation for **Serbia’s leadership is to leave open the question concerning Kosovo’s status, and postpone its resolution until the circumstances change**. The FER suggests that Serbia should seriously consider the Kosovo’s status and effective management of the non-recognition crisis, until, as far as Serbia and Serb community are concerned, the circumstances change. The change implies a membership in the European Union. From this perspective, in the continuation of the Brussels dialogue, the question concerning Kosovo’s status should be set aside because a compromise cannot be reached, and the dialogue should focus on other issues that can result in a compromise. Their resolution will create favorable conditions for addressing the Kosovo’s status. This means that the principle of “status neutrality” should be respected in the continuation of the Brussels dialogue.

As a means to strengthen the negotiating position of Serbia and its representative (lead negotiator - president of Serbia), the FER recommends to President Vučić to activate exit strategy in order to overcome impediments caused by opposite views that are expressed publicly by some coalition partners in the government and, more importantly, to review and update current Serbian policies implemented in Kosovo and toward Kosovo. In fact, Serbian leadership should intensify its efforts to improve the situation in Serbia itself, in order to strengthen Serbia’s position and role in the process of building new relationship with Kosovo. To that end, the question of whether Kosovo should be recognized or not, should be temporarily set aside.

The FER emphasizes need to **determine the normalization process** and adjust it to match the implementation of the agreements reached so far, and to social needs and problems. In order to achieve this, the Government of the Republic of Serbia should prepare and adopt the **action plan on negotiating chapter 35**. Until now, the concept of "normalization" was interpreted and used as a "technical term" depending on the need of its interpreters. But such interpretation neglected its essential purpose - "normalization" of relations between Serbia and Kosovo, as well as "normalization" of Serbian and Kosovo societies. Also, the link between these relations with the "European future" was always missing.

Information and public debate are at the heart of communication in a divided society such as Kosovo, and in particular among the communities characterized by high levels of mistrust, as is the case with Serbs and Albanians. Therefore **support should be given to the free exchange of information** (news, analysis, debates, photos, videos, etc.) regarding Serb - Albanian relations and to the dialogue and normalization process.

It is especially important that negotiators and facilitators should fulfill their obligation of providing **timely and objective information to the public** on the progress of the dialogue and normalization process. It is particularly important that the leading negotiators avoid unnecessary radicalization and daily politicization of positions, problems and solutions generated through the dialogue. This obligation, so far, was not fully respected, and the parties have, almost as a rule, interpreted the results of the dialogue only in accordance with their own visions and interests.

In order to prevent temporary obstruction or permanent abandonment of the Brussels dialogue, Serbia, Kosovo, and the international community should change the method for informing the public on the course of dialogue and achieved agreements, as well as the results of changes in these agreements. Every negotiation meeting should be followed by joint address of negotiators and facilitators, with the aim to inform the public on the progress of dialogue and points of disagreement. This will boost confidence between the two sides, avoid abuse and manipulation of the public and raise the level of responsibility of negotiators. **Information campaign** should be structured, coordinated and intensive. The aim of such a campaign should be to increase the dialogue transparency and activate the public in Serbia and Kosovo to put forward ideas,

suggestions and views on the methods of normalization of relations between Serbia and Kosovo as well as the promotion of dialogue. A special place in this campaign should be given to the non-governmental sector, the media and the public.

The parties should view the **implementation of the agreement as an integral part of the dialogue, and not as collateral damage**. It is necessary to enable *ad hoc* coordination and sorting out of problems that arise during implementation. Among other things, parties should assume a proactive role, particularly by reactivating the European Commission which, under the leadership of Federica Mogherini relies too much on the appeal of the "European future" for Serbia and Kosovo. Also, it is necessary to build the capacity of negotiating teams and intensify the activities of liaison officers and their offices. We recommend that the parties consider the establishment of a joint body comprised of representatives from Serbia and Kosovo, under the auspices of the European Commission, whose task would be to oversee and coordinate the implementation of the agreement.

It is recommended to **intensify contacts between decision-makers and public opinion makers in Kosovo with representatives of local communities in the north and south of Kosovo**. This should be done with the support of organizations, civil society initiatives, media, and expert public representatives. If necessary, representatives of government and civil society in Serbia can be involved. Communication between elected representatives with civil society organizations, media and general public in Kosovo should be stepped up to increase the influence of communities on decision-makers and to enable more effective exercise of community rights, as well as to resolve the problems encountered by the communities associated with the normalization process, due to inadequate or incomplete implementation of agreements, security and other main reasons.

Particular attention should be paid to **building** a kind of a "**security package**". This package should contain complex measures regarding the safety of people and security in general. Among other things, it should include the monitoring of legal, political and security activities of each of the parties, the development of cooperation between the institutions of Serbia and Kosovo, as well as their cooperation with EULEX and KFOR. It is particularly important to enhance the trust and cooperation between Serbs from Kosovo, EULEX and KFOR, with the aim of

tightening security measures and increasing the sense of security, especially in the enclaves with a growing number of security incidents that are not properly investigated.

The promotion of cooperation with NATO is of particular importance. It is therefore recommended to open **a public debate**, primarily in Serbia, **about the benefits and drawbacks of Serbia's military neutrality and benefits that NATO membership**, bearing in mind the risks associated with the relationship between Serbia and Kosovo, as well as the deterioration of security conditions in the region, but also in Europe and its neighborhood.

The implementation of the *Brussels Agreement* and **advancement of the process of integration of Serbs into the legal and institutional framework of Kosovo** reinforce the need for Serbs in Kosovo to work together, put aside differences and seek to unite their political power with the support of entire Serb community. This should be demonstrated through effective management of municipalities, community of Serb municipalities and other institutions influencing the maintenance and development of the Serb national community. This requires putting aside other political issues as much as possible, such as the status and accept the reality in which the priority is to stay in Kosovo and preserve the Serb identity.

**Agreement on establishing the Community of Serb Municipalities (CSM)** is a significant achievement of the dialogue and an important instrument through which the Serb community is expected to exercise their rights. However, this is not the case because Kosovo has not fulfilled its obligation to establish the CSM. This calls for consistent and complete implementation of all agreed solutions. The obligation and the right of Kosovo, Serbia and the EU is to actively support the establishment and effective functioning of CSM. To this end, in addition to the preparation of legal framework and other preparatory activities, it is necessary to build capacity and train people who will work in the CSM bodies. This requires strengthening the capacity of local communities for their cooperation within the CSM. However, in order to make effective use of scarce potential within the Serb community in Kosovo, it is necessary to provide for the right to organize and associate into political parties and CSOs. This, however, requires a change of practice of Serbian authorities which should stop supporting only one political option and

favoring the groups and individuals who share their views. It is also necessary to support and encourage the autonomy of local actors.

Since the CSM does not provide for **effective instruments that guarantee minority rights** of Serbs it is necessary to seek appropriate solutions for this problem. Certain solutions from the *Ahtisaari's package* could be of help in this endeavor. These concern the strengthening of representation of Serbs in public and political life in Kosovo, the **preservation and development of its cultural and ethnic identity, as well as the status and protection of the Serbian Orthodox Church**. Although Kosovo has a comprehensive legal framework in place to ensure promotion and protection of communities rights, its implementation remains insufficient due to the lack of political will and capacity for resolving the problems of communities and implementing the legislative framework. Therefore, it is recommended to incorporate these issues in the Brussels dialogue that will confirm the existing, sound solutions and enable development of Kosovo's minority policy strategies, and provide legal guarantees for the right of the Serb community to self-organization and self-governance. Starting from the present constitutional solutions, it is possible **to improve the position of the Serb and other communities** in Kosovo. It is particularly necessary to organize self-government of national communities the way it is done in Serbia. Therefore, it is recommended to **harmonize the legislation in Serbia and Kosovo related to the rights and freedoms of minority communities and their members**, including the right on minority self-government through the National Council of the Serb National Community as a coordinating body. Albanians, Serbs and all others should be given the same rights!

It is time to discuss the issue of **mutual claims** between Serbia and Kosovo. This applies to regular loan payments made by Serbia for Kosovo companies inherited from the SFRY – Serbia's payment to foreign creditors for Kosovo's public debt to the World Bank, Paris and London Club of creditors, the Council of Europe Development Bank - CEB, the European Investment Bank - EIB, the European Company for the financing of Railroad Rolling Stock - Eurofima, the Government of Kuwait, unresolved debt to Libya and clearing debt towards Czech Republic and Slovakia. This issue also applies to mutual claims on other grounds: privatization, energy, telecommunications, property, life, pension, social and health insurance, etc. Having

“clean accounts” can only strengthen the trust, facilitate agreements and promote economic cooperation as well as trust between people.

In the context of normalization of relations between Serbia and Kosovo, and bearing in mind the influence of economic development and cooperation on reducing the political tensions, the following measures are recommended in order to **strengthen economic development**: Serbia and Kosovo should take the opportunities provided by the EU's initiative for creating the Western Balkans Regional Economic Area (REA), to identify and prioritize areas of economic cooperation and to resolve the remaining unresolved issues in order to encourage domestic and foreign direct investments in joint projects. It is also necessary to remove all barriers to trade and encourage joint investment by creating a common investment area between Serbia, Kosovo and the Western Balkans region that will lead to consolidation and increased volume of production, improved competitiveness and employment. A common platform for economic development of Serbia, Kosovo and the region will also contribute to economic growth, political stability and reconciliation. As part of the economic development platform, Kosovo, Serbia and the EU are recommended to develop a **comprehensive strategy for sustainable economic development of northern Kosovo and cooperation between municipalities within Kosovo and across the border**. Representatives of municipalities from northern Kosovo should be supported and encouraged to form joint working groups tasked to prepare a study on priority problems and solutions in the field of environmental protection, waste management and water supply, as well as the activity plan to address the accumulated problems, in cooperation with Kosovo relevant ministries, civil society organizations dealing with environmental protection and with international donors. These working groups should, where appropriate, include representatives of southern Mitrovica, Vučitrn and Srbica.

It is necessary to commence the **integration of the “divided city” of Mitrovica**, because its present status only feeds the inter-ethnic tensions and causes serious economic and security problems. In the first phase, the focus should be on joint projects, coordination and oversight bodies. In the second phase, Mitrovica should be organized as a city community of municipalities (southern and northern Mitrovica and Zvečan), which would have common institutions (assembly of the city community, a president and a deputy president, as well as city

council). It is recommended to support the activities of citizens, political parties, non-governmental organizations, expert and other associations with the aim of raising awareness on the need and benefits of cooperation in the fields of education, healthcare, security, improvement of the environment, water and energy management, and development of infrastructure and public transport.

**Regional cooperation** should be strengthened with northern Kosovo as a generator of regional cooperation. Regional cooperation projects should encourage joint meetings and dialogue, and exchange of cultural and other goods. For the purpose of achieving these objectives it should be considered to take advantage of the opportunities provided by the concept of a “mini-European region”, as an instrument of Europeanization of municipalities in northern Kosovo, and the two neighboring municipalities in the so-called triangle of Mitrovica (Kosovo) - Novi Pazar (Serbia) - Bijelo Polje (Montenegro).

In order to create a favorable environment for the development of each individual country, as well as for the preparation of the Western Balkans for regional cooperation and future cooperation within the EU, most issues related to economic cooperation should be resolved in direct contact between business people, offering financial and other support (transfer of knowledge) to the development of infrastructure, and projects of small and medium enterprises, especially the development of cooperatives in agriculture and services. It is necessary to encourage and support meetings between representatives of business associations and government representatives aimed at defining joint projects within the framework defined by the Berlin process or by establishing Balkan Benelux or the Balkan six.

**Cooperation between Serbs and Albanians in the Western Balkans** is an essential element of stability and development in each of the countries in which the members of these nations live and of the entire region of the Western Balkans. Political leadership of Serbs and Albanians can find inspiration for this cooperation in the experiences of French - German reconciliation in Europe after World War II. Also, we recommend that they use the experience of German - Polish reconciliation. For the purpose of coordination and support, it is recommend to establish an **Institute for the Serb - Albanian Cooperation** that would initiate key projects toward wider

Serb - Albanian cooperation, but also to financially support the expansion of this cooperation. It is recommended that Belgrade and Tirana lead in this initiative and governments and companies in these countries set up the startup fund for the establishment and operations of the Institute. In its projects, the Institute would include support to Serb - Albanian cooperation in Serbia and Albania, but also in Kosovo. We call upon the EU and the US, and other stakeholders, to get involved in the realization of this cooperation.

Reconciliation between Serbs and Albanians, and critical stance toward the impact of nationalism and ethnic hatred-based policies on their relationship can occur only after ensuring that all perpetrators and those who authorized **war crimes against civilians and crimes against humanity** in Kosovo are brought to justice.

The cooperation between **civil sector organizations** in Kosovo and Serbia at the level of individual organizations existed throughout the time of crisis, and has been intensified in the last few years. The effects of communication and cooperation between civil sectors in Serbia and Kosovo have been largely symbolic. It is necessary to encourage and increase the number of joint projects of civil society organizations from Serbia and Kosovo. As a fresh start, a large joint conference of NGO's from Serbia and Kosovo should be organized, which would draw from past experiences in order to adopt a common framework platform for further cooperation.

The Government of the Republic of Serbia should pay special **attention to young people** - meetings among them should be initiated, and educational and informational projects concerning their own society and community, as well as those concerning the "*Others*", in particular in relation to: dealing with the past and reconciliation; the values of preserving ethnic identity in the environment of regional and European cooperation; national and European values; paths toward developing, maintaining and strengthening those values. To these ends, implementation of various projects should be supported: summer schools, joint radio and TV shows, theatre plays, concerts, exhibitions; promotion of physical culture, amateur and university sports, joint regional sport camps and competitions, such as regional leagues of university sports; cooperation between universities through joint educational content and programs and regional mobility of teachers and students; increased number of scholarships for regional mobility etc.

**International presence to remain strong** since it is essential for crisis management and resolving problems. But it should be much more effective than so far. International presence should be reduced in correlation with the strengthening of the capacity of Kosovo for democratic governance.

The EU should use all available diplomatic means within the process of accession of Serbia to the EU and Kosovo's attempts to negotiate visa liberalization, in order to achieve normalization of relations between Serbia and Kosovo, but also to improve the implementation of communities' rights in compliance with normalization agreements and laws of the two countries.

In order to ensure success of the normalization process, **proactive and synchronized action by the EU and USA are needed**. The international community, especially the EU, should continue their role as a facilitator, but also, unlike now, they should assume a proactive role to prevent obstructions of the process, offer possible solutions and fulfill obligations assumed in the process of implementing the solutions agreed. The only formula for successful intervention of the EU and USA is for them to speak in one voice.

The responsibility to revitalize the dialogue and improve relationship between Kosovo and Serbia lies with institutional and political leadership, which needs new strategy and new format for the dialogue. However, this cannot be easily achieved because political life in Kosovo and Serbia is in the state of pre-democracy with unstable and short-term governments. The term of office of the presidents is another 4 to 5 years, which gives them sufficient time to make progress in advancing the political dialogue, and to close the current phase of the dialogue and sign the Final Agreement for Normalizing Relations between Kosovo and Serbia.

The Serbia's negotiating team should be composed of the president as "lead negotiator", in the role of political negotiator appointed by the president and expert team leader. Such structure would reduce the number of participants in the dialogue, increase efficiency and, of course, reduce the cost of negotiations. In such case, soon after the preparation it would be possible to start intensive negotiations within the eighteen-month time limit. The Serbian government would

take part in the preparation of the president for negotiation and implementation of agreements reached within the dialogue. This would promote greater cooperation and coordination among institutions and increase the efficiency of agreements and their implementation.

The role of the EU in the normalization process should expand. In addition to acting as a “facilitator” for the dialogue in the process toward normalization of relations between Serbia and Kosovo, the EU should play an active role in implementing all agreed solutions. Furthermore, new members should be added to the team for supporting the EU-facilitated dialogue led by the High Representative of the Union for Foreign Affairs and Security Policy: special EU representative for the dialogue between Serbia and Kosovo and special representative of the President of the US for the Western Balkans.

Serbia is not in a position to abandon the Brussels dialogue and EU accession negotiations without serious political, economic and social consequences. Likewise, Serbia cannot, without consequences, turn its back on Russia and China that have supported Serbia in blocking the efforts to adopt a new SC resolution on Kosovo – the Ahtisaari plan. Therefore, it is recommended to Serbia to establish a permanent and effective system of mutual information and consultation with Russia and China. This could enable Russian and Chinese support for agreements negotiated between Serbia and Kosovo.

Starting from the above recommendations, the FER proposes some necessary components of the final legally binding agreement.

### **Basic/Framework Agreement between Serbia and Kosovo**

Both sides to the agreement,

- having in mind their responsibility for peace and security on the bases of democracy, freedom, the rule of law, justice and the respect for human and minority rights,
- starting from the historical specifics and regardless of the different understandings of both sides of the agreement when it comes to the status issues,
- led by the desire to act for the benefit of the people and for regional cooperation and stability,

– in the endeavor to develop good-neighborly relations with each other,

Agree upon the following:

#### Article 1

Both sides to the agreement shall develop good-neighborly relations with each other on the basis of non-interference in internal issues and respect for mutual territorial integrity.

Both sides to the agreement commit themselves to fully implement the agreements reached under the auspices of the European Union (listed in Annex A).

#### Article 2

In conformity with the United Nations Charter both sides to the agreement shall settle any disputes between them exclusively by peaceful means and they will refrain from threats or use of force.

#### Article 3

Both sides to the agreement proceed on the assumption that neither of the two can represent the other in the international sphere nor act on its behalf and that their authority is limited to their own territory.

#### Article 4

Both sides to the agreement declare their readiness to regulate further practical and humanitarian questions, especially to resolving the fate of missing persons, the return of refugees and Internally Displaced Persons, and to work together in resolving property issues, economy, science and technology, transport, judicial relations, posts and telecommunications, environmental protection, education, media and culture, health and sport, tourism and in other important fields.

#### Article 5

Both sides to the agreement shall seek cross-border cooperation between municipalities and communities; will foster the twinning of municipalities; will facilitate free movement between neighboring communities and will foster mutual relations. (lower barriers)

#### Article 6

Both sides to the agreement will enter negotiations about the establishment of new border crossings. They shall also promote better road, air and rail traffic between the two territories.

#### Article 7

Both sides to the agreement commit themselves to establishing liaison offices at each other's seat of government / on the other territory liaison offices.

#### Article 8

Both sides to the agreement are respecting all national communities (minorities) in their own territories, they guarantee and protect all the rights belonging to the national communities (minorities), in compliance with highest international standards, and rights already achieved. Education, culture, religion, religious denominations and language of the national communities (minorities) will enjoy special incentives.

Democratically elected bodies of national communities (minorities) or other forms of representing national communities (minorities) on both sides shall contribute to the solution of practical issues of national community (minority) protection.

#### Article 9

Having in mind the aspirations to become part of the European Union both sides to the agreement will respect the principles of decentralization and subsidiarity in working on the harmonization of their legislation with the European standards.

#### Article 10

Both sides to the agreement agree that the membership of both Parties in the United Nations Organization and in other international organizations will not implicate an acknowledgement on the basis of the International Law (of the other Party).

#### Article 11

Both sides to the agreement commit themselves to supporting each other in the efforts to become members of the European Union.

#### Article 12

This agreement shall become effective on the date of its signing by authorized representatives of both sides to the agreement.

Belgrade, March 21, 2018

Dr. Dušan Janjić

Forum for Ethnic Relations

Management Board President