



Kosovo's NEWBORN Monument, erected on the occasion of its declaration of independence on February 17, 2008. Kosovo painted the monument with flags of recognizing countries in February 2013. Photo courtesy of: Arild Vågen and is licensed under CC BY-SA 3.0.

CONSOLIDATING KOSOVO'S SOVEREIGNTY: Why it Matters, and What Must Be Done

Report and Recommendations

Global Europe Program Working Group on the Western Balkans and Subgroup on Kosovo

Executive Summary

There is now a unique opportunity to resolve one of the major sources of inter-state tension in the Western Balkans: the dispute between Kosovo and Serbia over Kosovo's sovereignty. The people of Kosovo have elected a government with a strong parliamentary majority on an anti-corruption and progressive platform. The new government under Prime Minister Albin Kurti requires firm international support from Kosovo's allies—especially the United States and member states of the European Union (EU)—to realize its domestic agenda and to consolidate Kosovo's sovereignty.

Re-energized U.S. and EU support is necessary to realize the goal of independent, multi-ethnic states and societies co-existing peacefully in the Western Balkans. The Government of Kosovo is committed to these principles; Serbia is not. The United States and the EU must confront Serbia's increasingly authoritarian government and its destabilizing foreign policy. Driven by concerns that Belgrade could come under greater influence from Moscow, by Serbia's comparative size and power advantage, and by Serbia's effective bilateral and multilateral diplomacy, Western countries have drifted toward granting Serbia a privileged

position among Western Balkans countries. Instead, the United States and the EU should insist that Serbia meets the same standards—on corruption, kleptocracy, democratization, minority rights, and regional co-existence—demanded of all other Western Balkan countries.

Serbia is facilitating the growing influence of illiberal states in the Western Balkans. Russia and China in particular are using Serbia as a vehicle for increasing their own power and influence and undermine Western gains in the region. A renewed commitment to consolidating Kosovo's sovereignty is one clear means by which Kosovo's partners can demonstrate their commitment to a democratic partner and a principled stance towards Serbia's illiberal and destabilizing behavior, and opposition to its growing military ties to Russia and China.

This should entail adopting the following approach:

FOR THE UNITED STATES, THE EU, THE UNITED KINGDOM, AND NATO:

- Recommit to a renewed dialogue that treats Kosovo and Serbia as equal parties, recognizing the sovereignty and territorial integrity of each. U.S. and EU dialogue facilitators should support these principles and unequivocally renounce border changes.
- Hold both Kosovo and Serbia accountable to follow through on the various commitments they have made during the dialogue.
- Redouble support for Kosovo's admission to international organizations that are key to domestic and international security: the Council of Europe (CoE), the Organization for Security and

Co-operation in Europe (OSCE), the World Health Organization (WHO), Interpol, and UNESCO.

- Demand that Serbia cease its campaign against Kosovo joining international organizations and its related campaign to persuade countries to derecognize Kosovo's independence.
- Encourage the five EU member states that do not recognize Kosovo (Cyprus, Greece, Romania, Slovakia, and Spain) to alter their bilateral stance towards Kosovo's independence. Short of recognizing Kosovo, they must at least not obstruct its membership applications.
- Grant visa liberalization to Kosovo immediately. France and the Netherlands must drop their opposition.
- Insist that Kosovo and Serbia not pursue unions with neighboring countries and/or territories. Be clear that Kosovo and Serbia can advance in the EU accession process as long as they live up to core EU values.
- Enhance cooperation between Kosovo and NATO. Facilitate the development of Kosovo's Security Force into a fully operational army by 2027 and additional collaboration in joint military exercises.
- Establish a clear path towards NATO membership for Kosovo by 2027. The NATO Mission in Kosovo (KFOR) should remain in the country until the reasons for its presence no longer exist. If there is significant opposition to Kosovo's NATO membership, the United States, the United Kingdom, and those European states that recognize Kosovo should commit to signing a robust security and defense agreement with Kosovo as an alternative.

FOR KOSOVO AND SERBIA:

- Put people ahead of territory. Prioritize key issues that affect people's lives. These include dealing with core matters relating to transitional justice—namely locating the missing and delivering justice to survivors of sexual violence—and supporting bilateral economic cooperation to combat unemployment.
- Agree to reciprocity of rights for the Serb community in Kosovo and the Albanian community in Serbia as a basic principle to guide further Kosovo-Serbia dialogue agreements. Property rights and cultural heritage for all citizens in Kosovo must be secured, particularly for Kosovo Serbs' property outside of North Mitrovica and surrounding areas, and for Kosovo Albanians' property in the northern four municipalities.

FOR KOSOVO:

- Ensure that the Association/Community of Serb Majority Municipalities is designed explicitly to support cooperation and exchange of resources among municipalities, according to the Kosovo Constitution, EU and international law. It must not have executive authority outside the purview of the central government.
- Launch a parallel, internal dialogue between majority and non-majority communities in municipalities throughout the country. That dialogue must include religious communities, and must address concerns of people of Kosovo who have previously been excluded from decision-making.

Why Kosovo Matters

Long recognized as key to peace and stability across

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the whole region, Kosovo is of profound symbolic and geopolitical importance. Western countries have invested significant political and reputational capital in the country's success. Following their intervention to defend Kosovo's population and repel Slobodan Milošević's forces in 1999, they launched an unprecedented state-building mission. Their determination to support an independent, multi-ethnic, united Kosovo is emblematic of the West's vision for the diverse, multi-ethnic, and multi-confessional societies that emerged from the violent dissolution of Yugoslavia. The realization of that vision for a sovereign and integrated Kosovo is imperative to peace and stability in the Western Balkans and Europe more generally. Consolidating Kosovo's sovereignty will further strengthen its democracy, counter the growing influence of Russia and other autocratic regimes in the region, formally confirm the territorial integrity of Yugoslavia's successor states, and enable the region to leave past disputes behind.

Fortunately, Kosovo is moving in the right direction.

Kosovo today is a solid Western ally aspiring to join the EU, NATO, and other international organizations. The recent February 2021 elections—won by long-time opposition party *Vetëvendosje* (Self-Determination) and its coalition partner *Guxo* (Be Brave)—were competitive, free, and fair. The majority of parties running in the election presented liberal democratic political platforms, focusing on competing development approaches and strategies for fighting corruption.

Despite these promising developments, continued failure to consolidate Kosovo's sovereignty threatens to undermine the progress that has been made, exposes the region to malign external influences, and leaves open the destabilizing question of territorial re-configuration. Strengthening Kosovo's sovereignty also requires that its government more proactively articulate, implement, and advocate for its foreign policy. This includes its overarching foreign policy initiatives, as well as those pertaining to the Kosovo-Serbia dialogue. Regarding the dialogue, Kosovo's new leadership should remain committed to the process, to the implementation of past agreements, as well as to forthcoming efforts to achieve normalization and mutual recognition. Among other things, this will require that Kosovo strengthen its diplomatic corps so that it is more meritocratic and better trained.

An isolated, internally fragmented, and dysfunctional Kosovo would be a continuing source of inter-state, regional, and international instability. Failure to integrate Kosovo into Western organizations and institutions is detrimental to the West's interests, security, and reputation. Ignoring Kosovo is unsustainable, given that the Western Balkans are increasingly threatened by entrenched corruption, state capture by kleptocratic elites, and the resurgence of illiberal, autocratic states, including Russian attempts to counter aspirations for Euro-Atlantic integration, and hegemonic economic plays by China. Standing still means losing ground.

Serbia's Challenge

The rise of an illiberal, nationalist leadership in Serbia led by President Aleksandar Vučić constitutes a further major risk to regional peace and stability, as do Serbia's close ties with Russia and China.

The Serbian government continues to openly challenge Kosovo's sovereignty, threatens the cohesion of Bosnia and Herzegovina through encouraging the separation of Republika Srpska and its unification with Serbia, and works to undermine Montenegro's sovereignty via pro-Serb proxies in the new government. These divisive and destabilizing regional policies, as well as Serbia's military build-up, are supported by Russia, which has directly interfered in countries across the Balkans, especially Montenegro and North Macedonia.

Given that EU accession requires solving inter-state disputes and conforming to liberal democratic standards of multi-ethnicity, competitive political systems, the rule of law, and free media, it is unacceptable that the EU allows Serbia to move forward with its accession application as it backslides toward autocracy and undermines a functional Kosovo. It should be clear to the EU by now that the politics of appeasing Serbia, "lest Belgrade turn towards Moscow," must be abandoned. Such an approach plays into the hands of Serbia's illiberal government and its autocratic allies. It further undermines alternative, democratic forces within Serbia.

Incorporating an authoritarian, revisionist Serbian regime into the EU, and the West more broadly, would undermine liberal values and imperil regional stability. It would add another illiberal state to the EU, undermining internal EU reform. The lack of a unified EU position on Kosovo's sovereignty has emboldened the authoritarian government in Belgrade and facilitated Russia's and China's agendas in Europe, as they benefit from their support for Serbia's intransigence on Kosovo. Consolidating Kosovo's sovereignty, therefore, is not only important to the

country's democratic future, it has become essential to peace and stability in the Western Balkans and beyond.

The Current Opportunity

A propitious alignment of factors—both domestic and international—means there is now a unique opportunity to make significant progress on Kosovo's future. At the international level, the election of Joe Biden as U.S. President is encouraging for Kosovo. Less than a month after entering office, President Biden urged the leaders of Kosovo and Serbia to normalize relations based on mutual recognition. The administration's support for Bosnia and Herzegovina and other Balkan NATO allies—Albania, Croatia, Montenegro, North Macedonia, and Slovenia—bodes well for supporting Kosovo's integration in a regional pro-EU, pro-NATO approach. Also encouraging are positive signals coming from EU member countries that have not yet recognized Kosovo, such as Greece and Spain, indicating that they are becoming more open to change.

Within Kosovo, the *Vetëvendosje*-led coalition's landslide victory in the 2021 general election constitutes emphatic support for its progressive platform; priority reforms for the newly elected government include economic development initiatives and creating well-paid jobs, reforming public enterprises, vetting the justice system, as well as the successful prosecution of corruption and organized crime. The new government has a robust parliamentary mandate to pursue its transformative agenda. The election of Prime Minister Albin Kurti and President Vjosa Osmani stems in substantial part from the popular belief that they are not tainted by allegations of corruption. Importantly, the new government has adopted a National Program on implementing Kosovo's Stabilization and Accession Agreement (SAA) 2020-2024 with the EU, which commits Kosovo to implement all agreements made with Serbia.

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Hopes have been raised among people in Kosovo by the new government's reform agenda.¹ While the new optimism is welcome, it is also risky. Expectations could turn easily to despair and anger if the government is unable to maneuver domestically and is frustrated internationally. Kosovo's partners must provide its new leadership with firm international support for shared goals – internal democratic progress, and consolidation of its sovereignty – all of which will help it to create conditions that could enable Kosovo to move toward EU and NATO membership. The international community, especially the EU and the United States, could provide early assistance to the new government's reform agenda in two important ways:

- **Grant visa liberalization to Kosovo.** At present Kosovo is the only state west of Russia, other than Belarus, not to enjoy freedom of movement within the Schengen zone. Kosovo has delivered on the requisite reforms; the European Council should follow through on the European Commission's July 2018 statement confirming that Kosovo has met all conditions to grant visa liberalization to Kosovo.² Currently, France and the Netherlands are the two hold-outs. They must join an EU-wide consensus to grant visa liberalization now.
- **Facilitate the creation of a more professional Kosovo diplomatic corps.** This would include assisting the new government training and attracting qualified talent, creating and enhancing



The Kosovo Army conducting its first co-deployment with the U.S. Army in Kuwait in May 2021. Photo courtesy of: U.S. Department of Defense.

entrance exams and adopting standards to assure merit-based hiring, and strengthening the

Diplomatic Academy to shape it into a Foreign Service Institute.³

Kosovo’s International Subjectivity

Despite the initial surge in international support for Kosovo’s independence, the country’s sovereignty and international subjectivity continue to be challenged. Serbia’s persistent denial of Kosovo’s right to exist as a sovereign state has manifested in an campaign to persuade several small countries across developing regions, such as Togo, Suriname, and Papua New Guinea, to “derecognize” Kosovo, as well as to block Kosovo from joining various international organizations.⁴ In addition, five EU countries still do not recognize Kosovo: Cyprus, Greece, Romania, Slovakia, and Spain. As a result, Kosovo’s domestic reconciliation, as well as its path to EU and NATO accession, has stalled.

A renewed commitment to consolidating Kosovo’s sovereignty should be central to the U.S. and EU

strategy of integrating all Western Balkan countries into the EU and NATO. This should entail a two-pronged approach. First, the United States and those EU member states that recognize Kosovo should strengthen its sovereignty by redoubling support for it to join international organizations, enhancing its ties with the five EU non-recognizers, and better

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addressing Serbia's obstructionism. Second, the United States and the EU should recommit to a principled dialogue that treats Kosovo and Serbia as equal parties, that supports the sovereignty and territorial integrity of both countries, and that puts people first. These two approaches are mutually reinforcing, because a more sovereign Kosovo provides for a dialogue between two equal states.

It is critical that the United States and the vast majority of EU member states that recognize Kosovo engage more robustly with the five non-recognizers.⁵ These states should be reassured that support for Kosovo's sovereignty will not affect their own domestic cohesion, nor constitute blanket support for all groups who seek self-determination, and thus cannot plausibly be framed as opening the floodgates to a wave of secessions. Short of recognizing Kosovo, they should be at least persuaded not to obstruct its applications to join additional international organizations.

At the same time, the EU and NATO must each agree on a baseline standard of conduct for all six of the region's EU aspirants, deriving from a straightforward stipulation: "the wars in the region are over and the region's borders are settled."⁶ NATO serves as a guarantor of the international borders of both Kosovo and Bosnia and Herzegovina. Within this framework, the EU and NATO should utilize conditionality to stand firmly by the principle that all aspirants to membership must recognize one another's sovereignty and territorial integrity. In the case of Serbia and Kosovo, specific principles must include ending Serbia's "non-recognition campaign against Kosovo" and rejecting a "union of Kosovo and Albania," commitments to which have already been made by Belgrade and Pristina. Prime Minister Kurti should explicitly restate this commitment. This standard of conduct should be adopted by individual EU member states, for example, Germany and/or France stating publicly, or adopting resolutions in their respective parliaments, that Kosovo and Serbia

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must recognize each other prior to joining the EU. Likewise, the United States should continue to pressure Serbia on mutual recognition with Kosovo and dissuade Kosovo from pursuing a union with Albania. Serbia's claims that Kosovo is Serbia, and the failure by opinion leaders within Kosovo to rule out unequivocally a union between Albania and Kosovo, undermine the territorial integrity of Kosovo and harm inter-community relations within Kosovo.

In recent years the EU and the United States pursued the approach of wooing Serbia, going so far as referring to the regime as the political and economic leader in the region. This has had the unintended consequence of emboldening Serbia into undermining its neighbors. Kosovo has borne the brunt of Serbian obstructionism; it is challenged diplomatically, politically, economically, and impeded in its efforts to engage with the Serb community inside Kosovo.

There has been a welcome shift in U.S. policy vis-à-vis the Western Balkans in recent months. On June 8, 2021, the Biden administration adopted an Executive Order sanctioning Western Balkan individuals who destabilize the region.⁷ This increases the pressure on Serbia not to undermine neighboring countries' sovereignty and regional stability more broadly. Individual EU member states should follow suit by levying sanctions against individuals in Serbia,

Kosovo, and any other Western Balkan country who undermine stability in the region.

Enhanced Kosovo-NATO cooperation should be made a priority. Kosovo could draw closer to NATO by facilitating the development of Kosovo's Security Force into a fully operational army according to NATO standards and undertaking further collaboration in joint military exercises, such as those conducted recently as part of "Defender 21." A clear path for Kosovo's NATO membership should be established by 2027 and driven forward by the Biden administration. It should include, as a concrete interim step, a ministerial statement of support for Kosovo by the Alliance's member states. If there is significant opposition to Kosovo's NATO membership, the United States, the United Kingdom, and other European allies that do recognize Kosovo should consider a robust security and defense agreement with Kosovo. KFOR needs to stay in Kosovo and be a credible deterrent until the reasons for its presence no longer exist. For its part, Serbia has no aspirations to join NATO.

Prior to Kosovo joining NATO, the United States must continue to protect Kosovo from the threat posed by the current government in Serbia, which is militarily supported by Russia and China. If there is significant opposition to Kosovo's NATO membership, the United States should pursue with Kosovo either a 5-year Road Map of Defense Cooperation, similar to U.S. agreements with the Baltic states, or a Mutual Defense Treaty, similar to the U.S. agreement with South Korea.⁸⁹ This would balance Serbia's military build-up.

Taking a pragmatic but still values-based approach, and without prejudice to member states' positions, Kosovo's international partners should facilitate its membership in additional international organizations such as the CoE, the OSCE, WHO, UNESCO and Interpol, by actively supporting its application and demanding that Serbia cease its campaign against Kosovo. Kosovo meets all the criteria for joining these

bodies. Its membership in the WHO would enable the country to strengthen its health system, which has been challenged by COVID-19.

Transitional Justice

The oppression inflicted upon the majority Albanian community in Kosovo during the "apartheid-like society" created by the Milošević regime in the 1990s was sustained, systematic, and violent. In 1998, state violence increased to counter the Kosovo Liberation Army insurgency and became a total war against Albanian civilians in Kosovo. Thousands of

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civilians were murdered, tortured, and raped because of their ethnicity—acts which were later judged as war crimes and crimes against humanity by the ICTY. NATO launched a military intervention in 1999 to halt the ethnic cleansing of Kosovar Albanians, bombing Serbian strategic military and infrastructure targets.

The people of Kosovo remain deeply scarred by the war. The fate of the missing continues to haunt thousands. Too many people among the Albanian majority feel that those in the Milošević regime who tortured, murdered, and used rape as a weapon of war have evaded justice. Serbs in Kosovo and other victims of the war and its immediate aftermath are also still looking for answers. Consequently, the legacy of the war remains an open wound. The impact of this trauma cannot be ignored. Both Serbia and Kosovo must critically confront their past within

a process of more, not less, justice for all the people of Kosovo and beyond.

International involvement in retributive justice has achieved important outcomes at the ICTY and currently supports the Kosovo Specialist Chambers, which focuses on war crimes committed in Kosovo from 1998 to 2000.¹⁰ However, the EU, which is deeply engaged in supporting transitional justice processes in the region, has turned a blind eye to Serbia's blatant denial of past crimes, and remains passive in the face of a number of worrying developments. Further skewing the pursuit of post-conflict justice, the Specialist Chambers has focused only on alleged crimes committed by Kosovo Albanians despite the fact that the statute creating the Court does not limit its jurisdiction by ethnicity and most war crimes were committed by Serbia.¹¹

President Vučić refuses to acknowledge the massacre of Kosovar Albanians at Rečak/Račak¹² and Serbia's Prime Minister Ana Brnabić refuses to admit that Srebrenica was an act of genocide.¹³ Such denials create the preconditions for perpetual instability and new conflicts. The EU, the United States, the United Kingdom, and other partners must condemn these and related statements in clear terms.

Since 2012, successive Serbian governments dominated by the Serbian Progressive Party (SPP), which constitutes a rebranding of 1990s nationalism, have embraced a revisionist narrative of Serbia's role in the Yugoslav wars. They have attempted to rehabilitate convicted war criminals, denied the scale of atrocities, and curtailed press freedom to quell those within Serbia who promote the truth about the war crimes committed in Serbia's name. The EU, the United States, the United Kingdom, and other partners must call out the Serbian government on these points, holding it to account and demanding that Serbia acknowledge and accept its past.

There has also been no progress in terms of justice. More than twenty years after the crimes, trials in

Serbia are held with intolerable delays and no definitive judgments. The case of the three Albanian-American Bytyqi brothers, killed in July 1999 after being released from prison, is an egregious example of the lack of justice in Serbia. The May 2021 decision by Serbia's Constitutional Court, indicating that high-ranking officers will not be prosecuted by Serbian courts for having command responsibility for crimes like the 1999 massacre in Qyshk/Ćuška, goes counter to well-accepted standards of international criminal law.¹⁴

A new approach to transitional justice in Serbia is of profound importance. The EU, the United States, the United Kingdom, and other international actors can use Belgrade's evident desire to access the benefits of greater integration with the West—not least the financial investments this will bring—to demand that it deal with past crimes.

As for Kosovo, the government must investigate war crimes and crimes against humanity perpetrated on its territory before, during and after the war. These investigations could be conducted either through the national Truth and Reconciliation Commission established by the Office of the President of Kosovo,¹⁵ or the regional process proposed by the Initiative for the Establishment of a Regional Commission (RECOM).¹⁶ These efforts must not discriminate based on combatant or civilian status, ethnicity, or gender, and must include all crimes, not just those committed against Albanians.

If transitional justice is to be effective, it requires the cooperation of both Serbia and Kosovo. Two issues should be at the core of a high-level dialogue: finding the missing and delivering justice and reparations to survivors of sexual violence. The first involves opening archives and taking an active approach to finding the more than 1,600 people who are still missing since the war and its aftermath. In the four years from 2016 to 2020, Serbia and Kosovo identified just 50 missing persons, but mass graves continue to be revealed throughout Serbia.¹⁷ The two countries must adopt reciprocal commitments to find the rest, about



Kosovo is host to mainly Muslim, Serbian Orthodox, and Albanian Catholic believers. Pictured here is a mosque and Serbian Orthodox Church in downtown Ferizaj, Kosovo. Photo courtesy of: Creative Commons.

eighty percent of whom are Albanians. As for the thousands of survivors of sexual violence, it is likely impossible to provide justice for all. However, there are cases on trial or awaiting trial in Kosovo that suffer from delay, obfuscation of evidence and sheltering of perpetrators, and judicial unpreparedness or disinterest.

Consolidating Kosovo’s Governance: An “Internal Dialogue” Among Communities

The lack of integration between Kosovo’s majority Albanian population and its various non-majority communities—especially the Serbs—continues to undermine the country’s implementation of its legal framework, which fully guarantees non-majority communities’ rights and representation.

The EU and the United States should support efforts by the Kurti government to seize the opportunity to

start afresh by expanding on practices of community cooperation that already exist, especially south of the Ibër/Ibar River. Since September 2010, the EU has facilitated a high-level dialogue between Kosovo and Serbia to normalize relations. This dialogue has considered non-majority communities’ rights, without sufficient local consultation and with little progress. Taking a new approach will require getting back to basics. Kosovo has a constitution and laws that provide protection and development of non-majority communities’ individual and group rights, as well as special power-sharing arrangements and provisions relating to the Serb community in Kosovo.¹⁸ It should now commit to fully implement those provisions.

A case in point is the Association/Community of Serb Majority Municipalities. The Association has been a contentious issue in the dialogue; Serbia has pushed for this to become a significant administrative entity that is largely autonomous from the Kosovo government, but it has not sufficiently been discussed

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with the very communities involved. An Association/Community of Serb Majority Municipalities that complies with the constitution and relevant Kosovo laws,¹⁹ but also with EU laws and best practices, in particular the CoE's Charter of Local Self-Government, can encourage inter-municipal cooperation, while remaining within the administrative remit of the central government.²⁰ This Association/Community would avoid further capture of the communities by ethnic political entrepreneurs and allow instead exchange of resources and cooperation that will benefit all. But the Dialogue should steer clear of "compromises" which would cede further Kosovo sovereignty, leading to a Bosnia-like arrangement in northern Kosovo.

A second benchmark of real change would be implementation of the 2016 decision of the Kosovo Constitutional Court that confirmed the Visoki Dečani Monastery's ownership of several hectares of land.²¹ The Deçan/Dečani Municipality initially ignored this decision, building an international road to Montenegro across a portion of this land, thereby violating Kosovo's Law on Special Protective Zones (SPZ).²² This required an internationally brokered agreement in November 2020 to build two roads,

a local road through the SPZ, and an international road bypassing it.²³ The government of Kosovo must defend and implement the rule of law. This is not only right in itself, it will also build trust between a Church that feels pressured and the people of Kosovo, who consider all monuments and religious sites their cultural heritage.

Top-down implementation has its limits. Kosovo needs an internal dialogue that involves citizens and civil society groups. In this regard, the Belgrade-dominated and funded *Srpska Lista* (Serb List) party, which has exercised complete control for several years over the Serb community's representation within Kosovo's institutions, remains a stumbling block to integration at both the institutional and social level. The United States and the EU should support those groups in Kosovo that are critical of *Srpska Lista's* obstructionist agenda and stand squarely behind an internal dialogue that includes broad participation by and consultation with local non-majority communities, no matter their size or political relevance. They should all be allowed to express their needs—whether relating to security, language, administration, welfare, employment, social justice, or education—in dialogue with the local majority community.

A proponent and coordinator of the dialogue should be the Consultative Council for Communities (CCC), constituted since 2009 to function as a key link between communities and the government as well as relevant institutions. The CCC is inclusive of all non-Albanian communities, but also includes representatives of selected central-level institutions.

Normalization of Relations Between Equal Partners: Putting People First

The process of normalizing Kosovo's relationship with Serbia—initiated more than a decade ago—should be reassessed and reframed as a dialogue between equal parties, according to the guiding principle of "people

first, not territory,” and a set of clear propositions. The Kosovo-Serbia dialogue was intended as an incremental approach to achieve normalization between the two countries. Unfortunately, it has stalled primarily due to the avoidance of the main issue: mutual recognition. Serbia has blocked Kosovo from joining international organizations where possible, such as with Interpol, and actively lobbied for countries to derecognize its independence. Kosovo imposed tariffs on imports from Serbia as a means to implement trade reciprocity. The sides, as well as the dialogue facilitators, briefly entertained the idea of a land swap as part of a comprehensive settlement, but have now largely abandoned the approach.

The two parties must be encouraged to follow through on the various commitments reached in the preceding dialogue. Too many commitments have been made and later ignored. One example is recognition of Kosovo citizens' diplomas. The Kosovo government should support the agreed formation of an Association/Community of Serb Majority Municipalities, as recommended here, and in conformance with its constitution.

The forthcoming phase of the dialogue will require renewed commitment from both Serbia and Kosovo. Serbia must be willing to work towards mutual recognition. Kosovo should constructively pursue the topic of the Association/Community of Serb Majority Municipalities. While Serbia has consistently ratcheted up its anti-Kosovo rhetoric, the lack of political stability in Kosovo has hampered the continuity and cohesiveness of the dialogue, as well. Successive governments in Kosovo have willingly participated in the dialogue but often had varying positions to past agreements. There is now an opportunity for more progress in the dialogue with strong government coalitions in both Kosovo and Serbia.

The Constitution of Kosovo constitutes a carefully constructed legal framework that protects and

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promotes the Serb community. Kosovo should make no further concessions to Serbia in this context. The Association/Community should be constructed as an inclusive body and not as an exclusive, executive political entity outside of the purview of the central government. The Association/Community should exist within the framework of a sovereign, multi-ethnic Kosovo.

Bosnia and Herzegovina's ethnically-defined constituent parts and cantonization have facilitated divisive nationalism, not integration. They cannot be a model for Kosovo. North Macedonia and Montenegro offer better examples of non-majority communities' integration within national and regional government institutions. In Kosovo, the creation of municipalities along distinct ethnic lines has already resulted in the literal isolation of Serbs, allowing both the detachment of local ethnic elites from community needs, and a practice of disinterest and neglect on the part of the central government.

The two sides must commit to recognizing one another's territorial integrity and putting an end to proposals for land swaps, which are a threat to regional security. U.S. and EU dialogue facilitators

must support this principle unequivocally, as part of a broader policy of supporting the sovereignty and territorial integrity of all Western Balkan countries. Kosovo's government, and President, have been elected on a firm anti-partition stance.

There must be reciprocity between rights for Serbs in Kosovo and Albanians in Serbia as a basic principle to guide further Kosovo—Serbia dialogue agreements. This provides a framework for normalization that equally and mutually enhances the rights for non-majority communities in both countries.

Because people come first, a priority within the discussion on normalization should be the fate of missing people and justice for survivors of sexual violence. Within Kosovo, property rights and cultural heritage for all citizens should be secured, particularly for Kosovo Serbs' property south of the Ibër/Ibar, and for Kosovo Albanians' property in the country's northern four municipalities. The property rights of the displaced must be addressed according to well-established international and domestic minority rights standards.

With respect to Serbia's claims on Kosovo's properties, the damage done by Serbia to the people of Kosovo since 1989 is significantly greater than any damage caused to Serbia. Both parties, and in particular Serbia, must fulfill their obligations related to the impact of their actions.

Conclusion: Fulfilling the Commitment to Kosovo

The EU's "creative ambiguity" and "status neutrality" approaches to Kosovo have reached their limits. By not acting more strategically to help Serbia and Kosovo resolve their dispute, the EU has contributed to the current situation, in which the entire region is in a state of tension, enabling interference by Russia, China, and others. "Status neutrality" stems from the five non-recognizers within the EU; the Biden administration and those EU countries that recognize Kosovo should focus efforts on altering these states' bilateral and multilateral approach to Kosovo.

Kosovo is not the only issue facing the EU in the Western Balkans, but it is a key test for the success of its security strategy in the region. If the EU does not achieve a unified position on Kosovo and enlargement to the Western Balkans, allowing individual member states to veto accession talks and visa waivers for aspiring countries, its influence will wane, including its capacity for using conditionality to solve disputes, fight corruption, and promote reforms.

For Kosovo's Western partners to abandon the consolidation of Kosovo's sovereignty now, after having invested so much political capital in promoting it, would be a major foreign policy defeat with profound ramifications for popular perceptions of Western power. Forging a prosperous, multiethnic Kosovo has always been about more than just Kosovo. In the

intentions of international peacebuilders, Kosovo was to become a beacon of hope for others languishing under authoritarian rule. If meaningful measures are not taken to further consolidate Kosovo's sovereignty, and to support its multi-ethnic and inclusive society, Kosovo will—paradoxically—come to symbolize Western failure.

The opinions expressed in this article are those solely of the authors.

This report is the result of discussions among participants in the Global Europe Program's Working Group on the Western Balkans, and primarily its Kosovo subgroup, which has been facilitated by Drilon S. Gashi and Ryan Scherba. It has been prepared by the following lead authors and is endorsed by the following individuals in their personal capacity. Views do not necessarily reflect those of any institution or organization.

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