



Northern Kosovo: Asserting Sovereignty amid Divided Loyalties

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Principal Findings

What's new? A clash between police and Serb paramilitaries has given Kosovo impetus to fully integrate its rebellious northern region, pushing out the remaining Serbian institutions on which the population relies. An EU-brokered deal to normalise relations between Pristina and Belgrade, while granting Kosovo Serbs a degree of self-government, is stalled.

Why does it matter? Kosovo's heavy-handed campaign to assert its authority in the north risks provoking further violent resistance and setting back prospects for resolution of its dispute with Serbia over its declaration of independence in 2008.

What should be done? Kosovo should cooperate with NATO peacekeepers to demilitarise the north. In line with past unfulfilled agreements, Pristina should take credible steps toward assuring self-rule for the northern Serb minority. New local elections should follow, along with an end to the northern Serbs' boycott of government institutions.

Executive Summary

Kosovo is winning the battle for control of its rebellious, Serb-majority north, while hopes for normalisation between Pristina and Belgrade are fading. The remaining Serbian institutions on Kosovo territory, which survived the war of 1999 and Kosovo's independence in 2008, are being dismantled in the aftermath of a Serbian-supported paramilitary operation in September 2023. While limited violent resistance remains possible, northern Kosovo, which was hoping for autonomy or union with Serbia, is grudgingly submitting to Pristina's authority. These are hard days for the Serb minority, whose future is vital for rapprochement between Belgrade and Pristina. To remain a community capable of self-government, they need continued access to Serbian institutions, notably in education and health care, plus financial support. They also need a sense of security, which can only come with the return of Serbs to the Kosovo police force, from which they resigned in protest in November 2022. Pristina should pull its special police back from the north, and Belgrade should help prevent further paramilitary activity.

In 2021, Pristina started enforcing its authority in northern Kosovo with a large, militarised special police force that confronted a hostile local population. Its measures prompted a boycott and mass resignations by Serbs, so that the police and public officials in this heavily Serb-majority area are now almost all Albanian. Several rounds of barricades put up by locals mobilised the population, many of whom are armed; Serbia also infiltrated several hundred troops to bolster resistance on two occasions in 2022. Police and Serb outlaws exchanged gunfire frequently. In May 2023, an enraged Serb mob trying to attack a special police unit clashed with NATO peacekeepers separating the two groups, leaving many wounded on both sides. Months later, in September, police clashed with a paramilitary group armed with military-grade weapons; an officer was killed by a remotely detonated mine, while three Serbs died in the shootout.

International revulsion, and the group's amateurish look, broke northern resistance to government authority. Pristina took advantage, moving quickly to cement its authority over the north. In December 2023, it struck a deal with Serbia for mutual recognition of licence plates. In January 2024, the government banned import and use of the Serbian dinar, cutting off financing to Serbia's remaining institutions along with pensions and other benefits. In February, it began raiding and closing Serbian government offices in villages in southern Kosovo and confiscating dinars found in Serbian post offices. Pristina ignored U.S. and European demands to suspend these measures until a workable solution could be negotiated.

In fact, a reasonable solution is already on the table. In December 2022, the EU, which has been mediating the Belgrade-Pristina dispute since 2011, proposed a far-reaching normalisation deal by which Serbia would not recognise Kosovo's independence formally but would act as though it had. In return, Kosovo would give its Serb minority a self-governing unit comprising its ten Serb-majority municipalities (as it promised a decade ago but has not yet done). The deal was a compromise that gave all parties what they most urgently need. Brussels reportedly cajoled Belgrade and Pristina into accepting it verbally but could neither get them to sign it nor agree

to all-important details regarding how it was to be put in place. It remains unimplemented and may well be overtaken by events.

One bone of contention is the planned Serb autonomous unit, which Kosovo calls an Association, and the Serbs a Community, of Serb-majority municipalities, the divergent names reflecting disagreement about its scope and powers. The two sides agreed to create it in a landmark 2013 deal, to balance major Serbian concessions to Pristina. Since then, disputes over the unit's powers – and visceral Kosovar (Kosovo Albanian) opposition to autonomy – kept it on the drawing board. Serbia touted it as a state within a state, modelled on Bosnia's Republika Srpska, which was unrealistic for a rural region of scarcely 50,000 residents. Kosovo sought the opposite, a minimal body with a purely coordinating role for its member municipalities.

The other stumbling block is Serbian de facto recognition of Kosovo. The EU agreement is vague on this matter, but France, Germany and Italy spelled it out in later statements, and Serbia flatly rejects the demand. De facto recognition means treating Kosovo like an independent state without a formal declaration and consenting to other countries and international bodies like the UN recognising and accepting it as a member. Serbia is grudgingly willing to deal with Kosovo one on one but determined to keep its status an open question.

There is scant hope that the EU dialogue can get over these hurdles, and the Belgrade-Pristina relationship is likely to remain frozen. Against this backdrop, both the parties and outside actors that want calm in the Western Balkans should turn their attention first to defusing the short-term risk of violence and after that to achievable goals that can encourage political stability failing a breakthrough on the normalisation deal.

The top priority is demilitarisation. Kosovo should withdraw its special police units from Serb-majority regions and, until it does, it should deploy them sparingly and only in coordination with NATO's KFOR peacekeepers, who northerners see as more trustworthy given their commitment to neutrality. To increase Pristina's sense of security, KFOR should help Kosovo control its border, prevent further smuggling of heavy weapons and find caches brought in earlier. For its part, Serbia should cease supporting paramilitary activity and prosecute those involved in the killing of Kosovo police to the extent they are under its jurisdiction. Absent an overarching political settlement the burden will be on the EU, the U.S. and NATO to maintain the peace and ward off escalation until conditions for a negotiated deal are ripe. That will mean pressing both Pristina on special police withdrawal and Belgrade to take the above-referenced steps, while retaining and, if need be, reinforcing the NATO peacekeeping presence.

Another priority is securing the Kosovo Serb minority's needs – with or without a formal framework for autonomy. The northerners depend on schools, universities and health care facilities operated by Serbia. Most of the population works in jobs paid directly or indirectly by Belgrade, and many receive social security, all in Serbian dinars, through a network of post offices and banks Pristina wants to shutter. Ethnic discrimination and language barriers keep all but a few Kosovo Serbs from the regular job market. If they lose access to Serbian jobs and benefits, many will emigrate. The EU and U.S. should urge Kosovo to guarantee that these core Serbian services will remain in place. They should also continue pressing Pristina to end its

ban on food and medicine imports from Serbia, as on use of the Serbian dinar. On all these items, Kosovo should follow the EU and U.S. lead.

Finally, the Serb minority needs a voice. It has lost faith in its political representatives, who were appointed by Serbia's ruling Serbian Progressive Party and take their cues from its leaders. Many fear Pristina and feel betrayed by Belgrade, while feeling ignored by Brussels and Washington. The EU called on Kosovo to set up sustainable participatory democratic institutions for its Serb minority, to no avail. Instead, Pristina is slow-walking new elections in the northern municipalities. Fresh polls should be held no later than the summer of 2024.

Even as Brussels and Washington pursue these objectives, however, they should continue to explore with Pristina whether it might embrace the terms of the EU normalisation deal on offer, including for the creation of a Community/Association of Serb municipalities. This deal would be good for the northern Serbs but also for Pristina: moving toward northern autonomy will surely be an essential part of any arrangement that brings Kosovo more fully into the international system, and Kosovo may never get a better offer than this one. Belgrade may balk at acquiescing in Kosovo's independence, but if Pristina takes such an important step, the pressure on it to reciprocate by accepting Brussels' terms would almost surely mount. For Pristina, the political risk is manageable, and the potential upside is great. It should take the plunge.

Pristina/Belgrade/Brussels, 2 April 2024

Northern Kosovo: Asserting Sovereignty amid Divided Loyalties

I. Introduction

Tensions between Serbia and Kosovo have been a source of conflict and acrimony in the Western Balkans since the former Yugoslavia broke up in the 1990s.¹ That decade ended with full-fledged war between the parties, NATO intervention and the separation of Kosovo (with its ethnic Albanian majority) from Serbia. The U.S. and most European Union member states supported Kosovo's declaration of independence in 2008. They have since tried to help it gain entry to international institutions but with only partial success. Belgrade and Pristina have never normalised their relations, and because of Kosovo's unresolved political status, its access to membership in organisations like the EU and UN remains blocked.

The Serbia-Kosovo relationship faces two main issues. One is Serbia's persistent refusal to join over 100 other countries (including all but five EU member states) in recognising Kosovo's independence. The other is the question of how to integrate Kosovo's minority Serb population into its government architecture, particularly in the four northernmost municipalities where Serbs form the majority.

The four Serb-majority municipalities of Leposavić, North Mitrovica, Zubin Potok and Zvečan, which this report will refer to as "the north", play an outsized role in the Kosovo-Serbia dispute. Home to about half of Kosovo's Serb minority, they are small and rural, with a total population of about 50,000 – about 90 per cent Serb and the rest mostly Albanian – and a single urban area in the northern half of the divided town of Mitrovica. While Kosovo claims jurisdiction over the four municipalities, they are under Serbia's partial control. Several times, most recently in 2018, Belgrade and Pristina discussed swapping most of the north for part of Serbia's Albanian-majority Preševo valley, but the talks failed in part because of European discomfort with the idea of redrawing national borders as a mode of dispute resolution. Another potential compromise, which Crisis Group has recommended, would be for Pristina to devolve greater autonomy to the region while retaining sovereignty over it.² The parties have committed to this approach, but implementation has foundered.

¹ This report builds on and draws from prior reporting by Crisis Group on the Western Balkans. For recent analysis, see Crisis Group Commentaries, "Toward Normal Relations between Kosovo and Serbia", 30 January 2024; "Behind the Renewed Troubles in Northern Kosovo", 7 June 2023; and "Kosovo-Serbia: Finding a Way Forward", 12 May 2023; as well as Crisis Group Europe Report N°262, *Relaunching the Kosovo-Serbia Dialogue*, 25 January 2021. For earlier reporting, see Crisis Group Europe Reports N°223, *Serbia and Kosovo: The Path to Normalisation*, 19 February 2013; N°218, *Setting Kosovo Free: Remaining Challenges*, 10 September 2012; N°215, *Kosovo and Serbia: A Little Good Will Could Go a Long Way*, 2 February 2012; N°206, *Kosovo and Serbia after the ICJ Opinion*, 26 August 2010; N°188, *Kosovo Countdown: A Blueprint for Transition*, 6 December 2007; N°182, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, 14 May 2007; and N°177, *Kosovo Status: Delay is Risky*, 10 November 2006. See also Crisis Group Europe Briefing N°47, *Kosovo's First Month*, 18 March 2008.

² Crisis Group Report, *Relaunching the Kosovo-Serbia Dialogue*, op. cit.

The search for resolutions to the overlapping issues of Kosovo's status and the north's quest for self-governance has acquired greater urgency in the last several years, as hostilities have flared between Pristina and the Serb minority. Starting in 2021, a series of confrontations ratcheted up tensions, culminating in two serious incidents in 2023. That May, Pristina decided to instal Kosovar mayors in local government, resulting in violence. Months later, in September, there was a deadly confrontation between Kosovo police and well-armed northern paramilitaries seemingly outfitted by Belgrade. Even against this backdrop, diplomacy has continued. An EU-led effort has produced the proposed contours of a political settlement. But the further the Kosovars go in consolidating control of the north, and the more Serbia correspondingly digs in against recognition as a result, the lower the chance that the negotiations can solve the long-running Serbia-Kosovo dispute.

Absent a political settlement, the situation is primed to get worse. Beyond its support for paramilitaries, Serbia has flirted with intervention by repeatedly moving its armed forces close to the border, most recently in September 2023, around the time of the clash between the paramilitaries and Kosovo police.³ According to reports, it has covertly sent troops into Kosovo at least twice, but so far these forces have refrained from action.⁴ Meanwhile, Kosovo is increasingly deploying special police – heavily armed, ethnic Albanian units equipped with armoured personnel carriers – to the north, where armed elements are better equipped than before to resist them. As the potential for clashes grows, NATO's KFOR peacekeepers and EULEX, a smaller EU police mission, are caught in the middle. EU- and U.S.-led efforts to broker a compromise on the key points of friction between the parties have produced apparent agreement but no meaningful policy change.

This report looks at the security situation in northern Kosovo amid efforts to resolve the broader Kosovo-Serbia dispute. Building on previous Crisis Group reporting, it explains the roots of the crisis, identifies risks of further escalation and offers recommendations for easing tensions. It is based on dozens of interviews in Pristina, Belgrade, Brussels and throughout northern Kosovo with government officials, civil society members and international officials. An appendix offers background on the Kosovo-Serbia conflict from the 1990s through 2013.

³ Katie Rogers, "White House warns Serbian military to leave Kosovo border", *The New York Times*, 29 September 2023.

⁴ Crisis Group interviews, KFOR, EULEX and UN officials, Pristina and North Mitrovica, January and July 2023.

II. Trouble in the North

Kosovo and Serbia both exercise sovereign powers in northern Kosovo in an uneasy equilibrium that has kept the peace but is now falling apart. Since September 2021, Pristina has upped the ante through a series of increasingly confrontational actions toward the Serb minority in the north. These have produced sometimes violent push-back, culminating in the clash between Kosovo law enforcement and paramilitaries near Banjska in September 2023. The crisis has arrested a decade of halting progress in reconciliation and Serb integration, and it threatens efforts to reach a political settlement between Belgrade and Pristina.

A. *The North's Double System*

The four northern municipalities have bespoke governance arrangements, the product of unresolved disputes and tacit, ad hoc compromises, although that system is being dismantled under pressure from Pristina. Kosovo and Serbia both exercise sovereign powers in the north. In some fields, like municipal government, both countries have systems in place. Each municipality has two official websites, one for each system. Residents can get both Kosovo and Serbian personal documents; they can also register births, marriages and deaths, and apply for grants or jobs in either or both systems. The Kosovo and Serbia municipal governments share buildings everywhere outside North Mitrovica, the area's main city, where they are separated. In some cases, staff from both systems sit side by side in the same office.⁵ Until late 2022 – when all resigned from their posts in the Kosovo system – some northern Serbs held senior positions simultaneously in both jurisdictions. In Zvečan, Ivan Todosijević was deputy mayor of the Kosovo municipality and president of the “temporary council” (in effect, mayor) of the Serbian one.

Serbia has the bigger footprint in the north, and in most (but not all) cases its system is the most prominent, though in some areas there is redundancy, and in others Kosovo is in control. Schools and health care, for example, are almost all within the Serbian system. Police and courts are in Kosovo's. The financial system is divided – some banks dispense Serbian dinars and others euros, Kosovo's official currency. Both the Serbian national bank and its pension fund have offices in the region. Serbia also operates a district office (serving several municipalities) and cultural centres. The region's two biggest employers are the University of Pristina-Kosovska Mitrovica (set up by Serb staff who fled Pristina in 1999) and the North Mitrovica hospital campus. Serbia's municipalities publish no budgets, but estimates put them at up to five times the size of parallel Kosovo system budgets.⁶

The systems are legally invisible to each other. One can register an NGO in the Kosovo system and pay taxes on salaries in euros, and then cross the hallway to the

⁵ Crisis Group telephone interview, professor, International Business College Mitrovica, 14 February 2023.

⁶ This figure likely understates the lopsidedness, because Serbia's budgets exclude education and health care (which are funded at the state level in Serbia and the municipal level in Kosovo), utilities and other spending through Serbia's Office for Kosovo and Metohija (the full Serbian title for Kosovo). Crisis Group interviews and correspondence, Kosovo experts, February 2023.

Serbian unemployment office and register for benefits in dinars. (Unlike Kosovo, Serbia offers comprehensive health insurance.⁷)

Most Kosovo Serbs need these links to both administrations. It is hard to live in Kosovo without at least some documentation issued by Pristina. Nine of ten local Serbs have at least one Kosovo-issued personal document.⁸ Property deeds, for example, can be challenged – and revoked – if not registered in the Kosovo system. Yet many Serbs, especially in the north, have business and family ties to Serbia proper and cannot readily do without Serbia-issued documents. Travel abroad is also much easier with a Serbian passport, even though Kosovo Serbs do not benefit from Serbia's access to visa-free travel to the EU, which it enjoys through the bloc's visa waiver program. Some northerners are getting Kosovo passports now that Pristina also joined the program in January, but non-EU countries still tend to require visas for Kosovo passports more than for Serbian ones.

Conflicting loyalties explain and drive the persistence of overlapping sovereignty: the Albanian population believe that the north is in the independent state of Kosovo, while their Serb neighbours hold that they are living in Serbia's province of Kosovo. When residents decide which licence plates to put on their cars and what documents to carry, they are expressing their identity as much as making practical accommodations or following the law. When Belgrade and Pristina squabble over the same issues, they are also fighting about Kosovo's status.

B. *Two Years of Escalation*

The system of informal dual sovereignty was enough to keep the peace in the north for more than a decade but in recent years it has begun to wear thin, as tensions have mounted and the possibility of renewed conflict has become increasingly real. A new government in Pristina set about asserting sole authority over the northern region, whose Serb population fought to hold on to Serbia's institutions. The period of escalation began shortly after Prime Minister Albin Kurti's election in 2021 with a dispute over licence plates. Government pressure and Serb resistance built steadily over the next two years, with sporadic outbursts of violence. Kosovo relied heavily on its police force to impose its will, leveraging one of its few international advantages: because of several UN decisions, Pristina has a monopoly on police operations on its territory.⁹ Even non-recognising states like Russia and China accept as much.

The first confrontation came in September 2021, when a temporary agreement between Pristina and Belgrade on licence plates expired. Under that agreement, cars with Serbian plates were welcome in Kosovo, but vehicles with Kosovo plates had to swap them for temporary Serbian plates while driving in Serbia. The Kurti government decided to treat Serbian plates the same way, affecting not only drivers from Serbia but also the large majority of northern Kosovo Serbs who used Serbian plates.

⁷ Crisis Group interview, project manager, northern Kosovo NGO, North Mitrovica, January 2023.

⁸ "Analiza trendova: Stavovi srpske zajednice na Kosovu" [Trend analysis: Views of the Serb community in Kosovo], NGO Aktiv, November 2022. About half of those surveyed reside in the north, and the percentage there is probably slightly lower; almost all southern Kosovo Serbs have such documents.

⁹ See Appendix B for more detail.

Northern Serbs protested, erecting barricades at the border posts and elsewhere in the north. In response, Kosovo deployed armoured special police units to the scene. Subsequently, police gunfire injured two northern Serbs, and unidentified assailants targeted vehicle registration centres in the northern towns of Zubin Potok and Zvečan. The episode ended with EU and U.S. mediation on 30 September 2021: Pristina withdrew the special police, the Serbs took the barricades down and each country allowed the other's drivers to cross the border if they pasted stickers over the state symbols on the plates.

Two weeks later, a nationwide police anti-smuggling operation in Kosovo went badly wrong in North Mitrovica. Encountering mounting local opposition, police units from Pristina called for backup to restore order, after which four armoured personnel carriers from the special police base in South Mitrovica arrived. The standoff intensified, progressing from a barrage of rocks, tear gas and stun grenades in North Mitrovica to a prolonged exchange of gunfire in nearby Zvečan. The clash left ten Serbs injured, two seriously, along with six Kosovo police officers.

Kosovo Serbs called upon the Serbian government for protection, but Belgrade was loath to intervene. The resulting tensions broke into the open at a televised meeting held at a Serbian army base just across the border in October 2021.¹⁰ A series of agitated speakers demanded assurances of support while the Serbian president, Aleksandar Vučić, sat in uncomfortable silence. Goran Rakić, leader of Serbian List, the overwhelmingly dominant Serb political party in Kosovo, warned that residents would meet further incursions with “general resistance” conducted “by all means at our disposal”. A woman asked Vučić if he wanted to see “us and our children [carried] out in coffins” before coming to the Kosovo Serbs’ defence.

Pristina kept the pressure on while Belgrade and the northern Serbs deliberated. Starting in the autumn of 2021, the police began blocking “alternative routes”, ie, the unauthorised roads traversing the northern border to Serbia used by smugglers bringing in alcohol, medications, food and sometimes arms as well as by rural Serbs seeking shortcuts. High-profile raids targeted server farms for cryptocurrency mining (banned in Kosovo) and marijuana crops. Smugglers fought back, most seriously in a 17 July 2022 shootout that left five officers wounded. Police headquarters in Pristina increasingly shut the Serb-majority regional command in North Mitrovica out of these operations, citing a lack of trust.¹¹ The border police also started deploying larger numbers of ethnic Albanian officers to the north’s two border posts with Serbia. The shift arguably fell afoul of Kosovo’s constitution, which mandates that police match the communities they serve in ethnic composition.

Pristina ratcheted up tensions in other ways as well. Breaking with established practice, the Kurti administration refused to allow voting in Serbian elections to take place on Kosovo territory, though the Serbs living in the north enjoy Serbian citizenship. Consequently, both the Serbian constitutional referendum of 16 January 2022 and the parliamentary election of 3 April went ahead without anyone in Kosovo cast-

¹⁰ “Alo! Television: Predsednik Srbije Aleksandar Vučić uživo u Raškoj nakon nemira u Kosovskoj Mitrovici” [President Aleksandar Vučić of Serbia live from Raška after the unrest in North Mitrovica], video, YouTube, 13 October 2021.

¹¹ Crisis Group interview, civil society activist, North Mitrovica, January 2023.

ing a ballot. The Kosovo police deployed about ten armoured vehicles in the north to enforce the prohibition.

Then, on 31 July 2022, a dispute over personal documents like passports and ID cards sparked another dangerous escalation. Serbia had long refused to recognise Kosovo's documents and issued Kosovars a temporary transit permit at the border. Kurti announced that Kosovo would act reciprocally. The move alarmed northern Serbs, some of whom lacked Kosovo documents. They barricaded roads again. Belgrade inflamed the tensions by infiltrating heavily armed troops (estimated by international officials at between 50 and 300) into Kosovo.¹² In uniform but without insignia, they joined hundreds of other Serbs, many of them armed, facing off against the police. Previous road blockages, which had become a regular feature of life in the north, had not involved such displays of armed force. Surprised and outgunned, Kosovo authorities backed down.

The episode underscored the vulnerability of ethnic Albanian officers operating on hostile ground in the north. Kosovar officers, especially those stationed at or near the two border posts, were at risk of isolation when barricades went up. Evacuation routes to friendly territory were easily cut. In the past, when Serbs had set the border facilities on fire, Kosovo police had to withdraw through Serbia proper.

To deal with these dangers, and to help ensure police would not be caught unprepared again, Pristina took a series of steps that northern Serbs found provocative. Pristina established four permanent, fortified bases staffed with special police – one near each border post and two more at strategic locations. Another three bases went up to monitor several of the more important “alternative routes” across the border. A new rapid intervention unit was formed for deployment in crises.¹³ The special police, recognisable by their dark blue uniforms, tactical gear, assault rifles and armoured vehicles, became a constant, unwelcome presence in the north.

By the fall of 2022, escalating cycles of protests and government responses had eroded the last vestiges of trust between the northern Serbs and Pristina, and the groups were clearly moving toward a major rupture. Integration had never been more than grudging, with many northern Serbs looking to break off cooperation. Since the protests began in September 2021, northern Serb leaders had been calling for mass resignations from official jobs. The tipping point came on 2 November when Nenad Djurić, commander of the Kosovo Police northern district, refused to order his officers to enforce a new round of measures against drivers with Serbia-issued plates, and Pristina immediately suspended him.

Within a few tumultuous days of this action, a decade of hard-won progress in integrating northern Kosovo Serbs into the Kosovo state collapsed. From 5 to 9 November, virtually all northern Serbs left their Kosovo government jobs. The four mayors went first. The Serb judges and prosecutors of the multi-ethnic Mitrovica court walked out with their complete support staff. One young lawyer said the exodus was emotional, with some Albanian colleagues shedding tears as the Serbs filed out.¹⁴ All northern police officers turned in their sidearms and badges. A few days later, the ten Serbian

¹² Crisis Group interviews, EU, KFOR and UN officials, North Mitrovica and Pristina, January 2023.

¹³ “Svečlja: Izgradili smo tri policijske baze” [Svečlja: We built three police bases], *Kossev*, 9 September 2022.

¹⁴ Crisis Group interview, North Mitrovica, January 2023.

List members of the Kosovo assembly resigned. Staff of the various government offices housed in the north followed soon thereafter.

Belgrade quickly offered the Serbs who had resigned temporary contracts of its own, to replace their salaries, and reactivated its own municipal administrations, which had been partly dormant since the Kosovo municipal governments in the north were established in 2013.¹⁵ However reluctantly, the Serb officials had played a valuable moderating role as tensions mounted. Their sudden abandonment of that role after the mass resignation in early November left both sides without guardrails, and international peacekeepers were forced to step into the gap. When Pristina ordered its (now overwhelmingly Albanian) police to the northern borders to try enforcing the prohibition on Serbian plates again, KFOR warned them that if the action led to violence, they would “assume responsibility for security in the north”, that is, eject the police and maintain order themselves.¹⁶ The Kosovo government was furious, but saw no alternative but to back down and agree to another EU-mediated delay in the licence plate dispute.¹⁷

EU mediation bought only about two weeks of quiet, in a sign of the darkening atmosphere and frayed nerves on both sides. A series of arrests of northern Serbs on charges of attacking police and setting fire to government property, on 9 and 10 December, brought northerners to the barricades in the third and longest episode thus far. The barriers stayed up until 28 December, again with help from armed individuals infiltrated from Serbia. This time, Pristina and the Serbs repeatedly tried to outflank each other, with Kosovo police manoeuvring to get around the roadblocks, coming at them from behind, and Serbs setting up barriers on more and more roads. Eventually, northern Kosovo was fully isolated, with no route open to the rest of the country and only a single old smugglers’ trail leading over the hills into Serbia.

The end of the barricades on 28 December, following further EU-mediated negotiations between Serbia and Kosovo, was a crushing blow to northern Serb morale. When President Vučić announced the barricades had to come down in response to modest concessions by the Kosovo government related to better treatment for the handful of Serbs it had under arrest, and without withdrawing the hated special police, it plunged the community into a sullen depression that lasted late into the following spring. Many had hoped or believed that this time it was different, that Serbia – which had been slowly scaling back its presence in Kosovo – would “come back”, in the words of a resident.¹⁸ Their expectations were vague but included more Serbian support for northern defiance of Pristina and more integration into the Serbian system.

In April 2023, Pristina held local elections to replace the Serbs who had resigned in November. Northern Serbs boycotted those elections. With only the small Albanian minority voting, turnout was in the low single digits and the result was a slate comprising exclusively ethnic Albanians. The Quint (a coordination body consisting of

¹⁵ “Serbs who left Kosovo institutions start receiving salary payments from Belgrade”, *Kossev*, 2 December 2022.

¹⁶ Crisis Group interviews, international officials, North Mitrovica and Pristina, January 2023. KFOR’s mandate includes preserving a safe and secure environment, and the mission has wide latitude to take actions it deems necessary to that end.

¹⁷ “Kosovo/Serbia: Statement by the High Representative”, 23 November 2022.

¹⁸ Crisis Group interview, northern Kosovo resident, Belgrade, January 2023.

France, Germany, Italy, the UK and the U.S.) noted that the elections were “not a long-term political solution for these municipalities”.¹⁹ The Quint’s statement warned newly elected mayors and assemblies not to take actions that might heighten tensions, suggesting they need not work from the municipal office buildings and urging them to confine their activities to administrative functions. For many weeks, Pristina took this advice and refrained from trying to instal the new officials.

The Kosovo government changed course in late May, giving the mayors police escorts to the municipal office buildings and expelling the Serb staff who had been working there. In response, on 29 May, hundreds of northern Serbs gathered outside the buildings, guarded not only by Kosovo’s special police but also by an outer cordon of Hungarian and Italian KFOR peacekeepers in riot gear. Early in the day, a group of Serb women confronted the guards, demanding to be allowed into the municipal buildings so they could go to work. Later, groups of masked men, some in matching baseball caps, were more prominent. In Zvečan, the KFOR commander on the scene asked the crowd to allow the Kosovo police to remove two of their armoured vehicles; the Serbs refused, demanding that all the police withdraw. Fighting broke out – it remains unclear how – and quickly exploded, with the Serbs hurling rocks and improvised explosives and swinging riot sticks and the KFOR troops firing rubber bullets and tear gas. By the time KFOR restored order, more than 50 Serbs and almost 100 peacekeepers were injured.

Kurti’s decision to take over the municipal buildings and keep the special police around them earned him unprecedented rebukes from Kosovo’s strongest supporters. U.S. Secretary of State Antony Blinken “strongly condemn[ed] the actions by the Government of Kosovo to access municipal buildings in the north of Kosovo by force, actions it took against the advice of the United States” and warned it would have “consequences for our bilateral relations”.²⁰ The EU’s foreign policy chief, Josep Borrell, called on Kosovo to “suspend police operations focusing on the municipal buildings in the north of Kosovo, and the violent protesters to stand down”.²¹ On 30 May, the U.S. announced punitive measures against Kosovo, ejecting it from Defender 23, a large NATO-led exercise, suspending efforts to secure the country’s admission to international organisations and pausing high-level visits.²²

Kosovo Serb civil society members issued an “appeal for peace” on 3 June, calling on the Quint and the EU to pressure Pristina. They called for the special police to be pulled out and the land expropriated for their bases to be returned; for the (Albanian) officials elected in May to depart and the staff of (Serbian) municipal administrations to be allowed to return to their offices pending new elections; for the formation of the Association of Serb Municipalities (a term that Kosovo uses to describe arrangements for greater northern autonomy, discussed further below) followed by new elections; and a number of other things, including a “stop to the demonisation of the Serb com-

¹⁹ “Joint Statement on Kosovo”, U.S. Department of State, 18 May 2023.

²⁰ “Condemning Unilateral Actions by the Government of Kosovo”, press statement, U.S. Department of State, 26 May 2023.

²¹ “Kosovo: Statement by High Representative Josep Borrell”, 30 May 2023.

²² Jeta Xharra, “U.S. Embassy confirms sanctions against Kosovo”, *Prishtina Insight*, 30 May 2023.

munity” by the president, prime minister and other senior officials.²³ The government ignored the appeal.

But rather than fully demonstrating a commitment to de-escalation, the government took moves over the next several months to remind local Serbs of its authority over them. Most steps were small, but the cumulative impact is large. They include:

- ❑ Banning goods and medicines imports from Serbia, leading to shortages in the north (early June).²⁴
- ❑ Stopping building work at nine sites in North Mitrovica, citing missing Kosovo documentation (late July).²⁵
- ❑ Revoking the operating licence for MTS, the Kosovo-registered Serbian mobile phone provider (mid-August).²⁶
- ❑ Sending police to escort fishery officials checking licences on Gazivode lake, which is shared with Serbia (3 September).²⁷
- ❑ Ordering three Serbian-administration services housed in a building occupied by Serbia’s Office for Kosovo and Metohija to move out and turn the building over to Kosovo’s Prosecutorial Council (late August).²⁸
- ❑ Sending tax inspectors to shops, bars and other businesses in North Mitrovica to check if they are registered in the Kosovo system, as many are not (4 September).²⁹

The EU said these actions were “not in accordance with the rule of law” and risked heightening tensions, while criticising the Serb community for “continuous small-scale attacks by criminal groups and intimidation of newly recruited Kosovo Serb police cadets”.³⁰

C. September 2023: The Banjska Incident

In the autumn of 2023, a clash between Pristina’s forces and northern paramilitaries underscored just how dangerous the situation in Kosovo had become. Early on 24 September, KFOR peacekeepers detected unusual movements near Banjska, a village

²³ “Serbs in Kosovo urgently call on the EU and the USA to help resolve the crisis”, *Kossev*, 3 June 2023.

²⁴ “Kakva je situacija sa nabavkom robe i lekova na Severu” [What’s the situation with goods and medicines in the north], *Kossev*, 4 August 2023.

²⁵ “Opština potvrdila: Radovi su zaustavljeni na oko devet lokacija” [Municipality confirms: Works stopped at about nine locations], *Kossev*, 2 August 2023.

²⁶ “Ambasador SAD na Kosovu kaže da se razgovara o slučaju dozvole za MTS” [U.S. ambassador to Kosovo says there are discussions on the MTS licence], *Radio Slobodna Evropa*, 16 August 2023.

²⁷ “Savez ribolovaca Kosova u kontroli na Gazivodama” [Fishing association checking permits on Gazivode], *Kossev*, 3 September 2023.

²⁸ “Adančić: Tužilački savet tražio da im se ustupi zgrada u Mitrovici” [Adančić: The prosecutorial council demanded a building in Mitrovica], *Kossev*, 4 September 2023.

²⁹ “PAK: Vlasnicima lokala u Mitrovici dat rok da se registruju, nije nam cilj kažnjavanje” [PAK: Owners of cafés in Mitrovica given a deadline to register, our aim is not to punish], *Kossev*, 4 September 2023.

³⁰ “Statement by the High Representative on Behalf of the European Union on Expectations from Serbia and Kosovo*”, 19 September 2023.

in the Zvečan municipality, and alerted the Kosovo police. A patrol car found trucks barring the road and came under attack. One officer was killed by an improvised explosive device and others were wounded. Reinforcements found about 30 heavily armed Serb fighters (assumed to be primarily or perhaps exclusively from northern Kosovo) who had broken into a medieval monastery near the village. In the firefight, at least three Serbs died. A tense standoff ensued between the group and Kosovo special police. The group eventually withdrew into the surrounding woods leaving their heavy weapons behind.³¹ * Kosovo believes that up to 200 more fighters were hidden at the time in the thick forest between Banjska and the Serbian border.

The Kosovo authorities discovered that the Serbs had left a cache of enough weapons for a small paramilitary force to inflict heavy casualties on even the best protected and armoured special police unit. Valued by the authorities at around \$5 million, the arms included M80 Zolja anti-tank rocket launchers, 60mm and 82mm mortars, an M93 automatic 30mm grenade launcher, machine guns, anti-personnel and anti-tank mines, drones, night-vision equipment, an armoured vehicle, and 24 cars and SUVs. The group also had counterfeit KFOR markings for their vehicles. Kosovo determined that much of this equipment was recently manufactured or serviced in Serbia.³² Kosovo police had earlier caught Serbs smuggling in much smaller quantities of arms and ammunition.³³ Kosovo investigators said they found evidence the group involved in the altercation had trained at Serbian army bases for a mission to wrest the north away from Kosovo so it could join Serbia.³⁴ Pristina believes northern Serb civilians had supplied the group by radio with information on police movements and other intelligence.³⁵

Pristina released drone footage which appeared to show Milan Radoičić, a prominent figure on the Kosovo Serb scene, leading the Banjska group. Radoičić was vice president of the Serbian List political party. A wealthy businessman with interests in Serbia and the region, he is widely seen as “the informal ruler of northern Kosovo”, in the words of an opposition-aligned Belgrade newspaper.³⁶ A policy analyst described him as President Vučić’s trusted lieutenant in the north.³⁷ In December 2021, the U.S. had sanctioned Radoičić for being part of a criminal organisation engaged in “trafficking of goods, money, narcotics and weapons”.³⁸

³¹ Crisis Group telephone interviews, international officials, October 2023 and May 2024, and correspondence with EULEX official, May 2024.

³² Crisis Group telephone interview, international security official, Pristina, November 2023. See also Sasa Dragojlo and Xhorxhina Bami, “In Kosovo clash, new bullets and freshly-repaired mortars from Serbia”, *Balkan Insight*, 9 October 2023.

³³ “Pronađeno 6,300 metaka u automobilu” [6,300 bullets found in automobile], *Kossev*, 21 February 2023.

³⁴ “Pristina says evidence shows Serbia planned to seize Northern Kosovo after attack”, Radio Free Europe, 1 October 2023.

³⁵ Crisis Group telephone interview, Kosovo civil society leader, October 2023.

³⁶ Mirjana Milenković, “Ko je Milan Radoičić” [Who is Milan Radoičić], *Danas*, 8 July 2022.

³⁷ Crisis Group interview, Kosovo Serb political analyst, Belgrade, January 2023.

³⁸ “Treasury Targets Corruption Networks Linked to Transnational Organized Crime”, press release, U.S. Department of the Treasury, 8 December 2021. A year later, the UK imposed an asset freeze on Radoičić and Veselinović on grounds of “serious corruption”. “Financial Sanctions Notice”, UK Office of Financial Sanctions Implementation, 9 December 2022.

Soon after the Banjska shootout, Radoičić surfaced in Serbia, taking full responsibility for the incident and turning himself in to Serbian prosecutors, who released him on bail.³⁹ Kosovo then released a video showing the interior of a compound Radoičić owns by Gazivode lake on the Serbia-Kosovo border, suggesting that he was more a mob boss used to a life of luxury than a guerrilla leader.⁴⁰ International officials believe that he may still be overseeing operations in northern Kosovo even though he is unable to return in person.⁴¹

The incident gave Pristina a boost in several ways. It encouraged closer coordination between the Kosovo police and KFOR and EULEX, while giving Kurti further arguments for Pristina's muscular stance in the north. KFOR tightened its cooperation with the police, especially along the border, making it harder for Serbs to smuggle in replacement arms.⁴²

No less important was that the shootout in Banjska shifted the optics of the northern Kosovo situation in Pristina's favour, at least in the eyes of Brussels and Washington. It created strong suspicion that Belgrade was arming and training a paramilitary group for lethal attacks on Kosovo police. Without a convincing alternative explanation, Serbia lost much of the international good-will it had earned with its flexibility in the EU-mediated talks, discussed below, that have run parallel to the rising tensions. The U.S. and EU deemed the Kosovo policeman's killing to be a form of terrorism and demanded Serbia cooperate in bringing those responsible to justice. As a practical matter, the seizure deprived the northern Serb paramilitary of a considerable amount of equipment. It also suggested that the paramilitaries' training, morale and numbers were insufficient to take on the police, at least while KFOR was present to back them up.

In Banjska's aftermath, Pristina took advantage of changed circumstances to speed up integration of the north and to expel Serbia's remaining institutions. From its perspective, the incident confirmed that the problem it faced in the north was criminals and terrorists supported by Belgrade rather than ordinary Serbs. It saw the perceived paramilitary threat as justifying its decision to deploy heavily armed police in the area. Across the border, Vučić's position was further weakened by Serbia's parliamentary elections of 17 December 2023, which bought his party another mandate in office. The OSCE observation mission immediately condemned the poll for "unjust conditions", such as "bias in the media, pressure on public-sector employees and misuse of public resources" along with many others.⁴³ The European Parliament followed up by calling for the deployment of an ad hoc EU fact-finding mission and a separate international expert investigation of the elections.⁴⁴

With Vučić on the ropes, Pristina moved against Serbia's presence in Kosovo by cutting off its financing. On 27 December 2023, the Kosovo Central Bank issued a regulation defining the euro as the sole currency valid for cash and electronic trans-

³⁹ Lisa O'Carroll and Julian Borger, "Kosovo Serb politician arrested over role in armed ambush of police", *The Guardian*, 3 October 2023.

⁴⁰ "Video: The super-luxurious villa of the terrorist Radoicic", *Vox*, 29 September 2023.

⁴¹ Crisis Group telephone interview, KFOR official, October 2023.

⁴² Crisis Group telephone interview, Kosovo civil society leader, October 2023.

⁴³ OSCE International Election Observation Mission, Preliminary Conclusions.

⁴⁴ "Situation in Serbia Following Elections", European Parliament, 8 February 2024.

actions inside Kosovo.⁴⁵ The measure took effect on 1 February 2024. The next day, Kosovo authorities closed Serbia's vestigial municipal offices for Peja, Istog and Klina, seizing computers and records.⁴⁶ On 7 February, police raided the Serbian post office and bank in Goraždevac (Peja municipality) and confiscated the Serbian dinars there, which were earmarked in part for pensions drawn by elderly Serbs in surrounding villages.⁴⁷ Customs officials at the border turned back trucks carrying dinars.

Without money, the whole network of Serbian institutions is at risk, including schools and clinics. Kosovo has ignored blunt requests from the U.S. and its Quint partners to immediately suspend the dinar ban. Referring to this and other government steps, the award-winning journalist Tatjana Lazarević said Serbs in the north "are becoming foreigners on their own land, in their own towns".⁴⁸

* **This text was corrected on 30 May 2024.** The original version wrongly stated that KFOR personnel negotiated the Serbian armed group's withdrawal from the standoff at Banjska.

⁴⁵ "Pristina's Unilateral Action Regulating Currency Exacerbates Mistrust, Kosovo Mission Head Tells Security Council", press release, UN, 8 February 2024.

⁴⁶ "KP o akcijama u Osojanu, Goraždevcu i Vidanju" [KP on the operation in Osojane, Goraždevac and Vidanj], *Kossev*, 3 February 2024.

⁴⁷ See "Radio Goraždevac: Završena akcija u Goraždevcu, izneseni računar i arhiva" [Radio Goraždevac: Operation in Goraždevac finished, computer and archive taken away], *Kossev*, 7 February 2024; and "Sentić: Srpska i druge zajednice su sa punim pravom uznemirene" [Sentić: the Serb and other communities are justifiably concerned], *Kossev*, 7 February 2024.

⁴⁸ "Intervju Tanja Lazarević: Srbi na Kosovu su politički obezglavljeni" [Interview with Tanja Lazarević: the Kosovo Serbs are politically headless], *Novi*, 24 January 2024.

What the Parties Want

As discussed in Section IV, outside mediators – in particular the EU and U.S. – are working to defuse growing tensions between Pristina and Belgrade. Success in this endeavour will require compromises that can bridge the gaps among the demands of the key parties (ie, Kosovo, Serbia and the northern Serbs), which can sometimes seem irreconcilable.

D. *Pristina's Objectives*

Kosovo sees full international recognition of its independence and complete internal sovereignty as paramount goals. It wants to remove the remaining Serbian state institutions from its territory; ensure that all residents respect its authority; control its borders; and win recognition from as many countries and international organisations as possible. Non-recognising EU states, NATO, the UN and the EU itself top the list.

Kosovo's reluctance to make concessions to Serbia rests in part on its belief that Belgrade still covets its territory and intends to sabotage its independence.⁴⁹ It believes Serbia is negotiating only to achieve greater autonomy for northern Serbs as a vehicle to sabotage Kosovo, deepen ethnic fault lines and visit upon it the kinds of challenges that Bosnia faces. It also does not trust that Serbia will keep its word. It fears that Belgrade would ignore commitments made in negotiations or, at best, fulfil them as slowly as possible. Full of mistrust, Pristina has made clear that it will strenuously resist moving forward on Serb autonomy until after Belgrade has started taking steps that begin to meet its fundamental goals – accepting Kosovo's membership in international organisations, respecting its sovereignty and recognising its documents.

Even then it is not clear that Pristina will give the Serbs what they seek. Kurti has invested much credibility in implacably opposing Serb autonomy, which he describes as a catastrophe for Kosovo's future.⁵⁰ His vision for the north, which he calls "self-management", is in effect the application of Kosovo's existing laws for minority rights, with a collective body like the Association advocating for Serb interests but not exercising any authority.⁵¹ Kurti expects the statute spelling out the north's status to refer explicitly to "the independence, unity of the institutional system [and] territorial integrity of the Republic" – a formula that many Kosovo Serbs reject. He has shown no interest in negotiating new powers or rights, or otherwise modifying Kosovo's governance to make room for Serb autonomy. Indeed, he has moved in the other direction.⁵² While he has agreed to establish a formal self-governing body for the

⁴⁹ Crisis Group interviews, Kosovo government officials and civil society leaders, Pristina, January and July 2023.

⁵⁰ Alice Taylor, "Kurti: Association of Serb Municipalities pushed by Belgrade, not Kosovo Serbs", *Euractiv*, 16 November 2022.

⁵¹ "Kurti shares vision on how the Association of Serb municipalities should look like", *EuroNews Albania*, 3 May 2023.

⁵² *Ibid.*

Kosovo Serbs, along the lines of the “Association” discussed below, his commitment to doing so remains in question.⁵³

In addition to strengthening Pristina’s writ in the north, Kurti’s government is rooting out Serbia’s institutions, replacing them with Kosovo’s and staffing local government with officials loyal to Pristina. Controlling the border with Serbia, including the mountainous backwoods or “green border” criss-crossed by dirt roads and smugglers’ tracks, is also a priority. The heavy-handed tactic of deploying greater numbers of ethnic Albanian police suggests that Kurti’s objective is showing northerners who is boss more than winning hearts and minds.

Kurti’s sovereignty campaign in the north and his defiance of Belgrade and the Quint have boosted his popularity at home, and he would have a good chance of expanding his party’s parliamentary majority if elections (expected in 2025) were to come early. His administration has few notable domestic successes to point to. He has invested much credibility in implacably opposing Serb autonomy, which he describes as a catastrophe for Kosovo’s future.⁵⁴

E. *Belgrade*

For its part, Serbia wants to keep rejecting Kosovo’s independence despite international pressure, but it is also engaged in a balancing act. While supportive of the Kosovo Serbs’ demands, Belgrade also knows its help for them has limits and is expensive. Although it armed and trained the paramilitary group discovered in Banjska, it does not wholly oppose certain efforts to integrate northern Serbs into Kosovo’s institutions. For example, it has cooperated grudgingly with international efforts to bring the northern Serbs into Pristina’s legal system and to help Kosovo gain a footing (short of formal recognition) in the international system. Yet President Vučić has invested heavily in opposing recognition of Kosovo, and it will be hard for him to back-pedal to the extent that will be required by any compromise that might realistically be acceptable to Pristina.

Although it has lost ground in its advocacy for Kosovo Serbs since 2021, looking more broadly, Serbia has a stronger geopolitical hand than its former province. It is bigger, richer and more fully integrated internationally (with links to a wide range of countries dating back to the Non-Aligned Movement, of which Yugoslavia was a member). Despite Serbia’s refusal to align fully with the EU against Russia, it has rarely enjoyed more favourable diplomatic treatment than today.⁵⁵ Its standing with the West has likely improved because – despite outward gestures suggesting an affinity for Moscow – it has been supplying ammunition, and perhaps other forms of assistance, to Ukraine in coordination with the U.S. and its allies.⁵⁶ Belgrade wants this honeymoon to continue, which means that it is unlikely to approve Kosovo Serb demands for escalation unless it is convinced that blame can be easily shifted to Pristina.

⁵³ “What are the implications of the Association of Serb-Majority Municipalities? An interview with Agon Maliqi”, Sbunker (podcast), 1 February 2024.

⁵⁴ Taylor, “Kurti: Association of Serb Municipalities pushed by Belgrade, not Kosovo Serbs”, op. cit.

⁵⁵ Crisis Group interviews, current and former EU officials, Brussels, April 2023.

⁵⁶ Crisis Group interviews, EU and member state officials, Brussels, July 2023.

Still, Belgrade's views on Kosovo's independence have hardly softened. Vučić told the 2023 UN General Assembly that the West was working at "cutting my country into pieces" by supporting Kosovo's declaration of independence.⁵⁷ He has accused the U.S., Germany and others of hypocrisy for defending Ukraine's territorial integrity (as Belgrade does) while undermining Serbia's.

F. *The Northern Kosovo Serbs*

Short of Serbia returning in force to eject Kosovo's state presence, many northern Serbs dream of KFOR ejecting the Kosovo police – or at least the hated special forces – and looking after their security. NATO's role in separating them from what they consider their motherland still rankles, but the alliance's status-neutral mandate (ie, its institutional posture of not taking a position on Kosovo's independence) and reputation for impartiality makes its peacekeepers a more appealing alternative than relying on Pristina for security. Failing that, they hope for a return to the situation before Kurti became prime minister in 2021 or, for the more radical among them, before Belgrade pushed them to begin integrating in 2011. That is, ideally they would have only Serbian institutions (as before 2011), and if they must have Kosovo ones, these should be staffed by local Serbs rather than bureaucrats loyal to Pristina.

Notwithstanding their negative feelings toward Pristina, northern Serbs have an ambivalent relationship with Belgrade as well. They hold fiercely to Serbian identity, and to the benefits that flow from the Serbian state, but they know Belgrade's interests sometimes diverge from theirs. The Serbian government is attuned to its own electorate, which is focused on issues like jobs and investments, which are in turn partly dependent on EU favour. The Kosovo Serbs fear European pressure will force Belgrade to sell them out.

Support from the north's political leadership is key to most plausible solutions to disputes relating to the area. This leadership is made up of a small group of notables from the Serbian List party, more or less the north's exclusive political party, who were selected by Belgrade to help meet its obligations under the landmark 2013 Brussels Agreement. That agreement contemplated the creation of a northern Serb autonomous unit – never actually established – which Kosovo calls an Association, and Serbs a Community, of Serb-majority municipalities.⁵⁸

The leaders' authority derives from control of the tap through which Serbian benefits flow – including employment, social security, education and health care – and whatever popularity they enjoy comes in large part from their role in coordinating resistance to Pristina, especially when tensions flare. When List leaders defy Pristina, they have strong support. Yet when Belgrade instructs them to cooperate with Kosovo authorities and take down barricades, for example, locals resent it. Kosovo Serbs especially detest leaders with a reputation for colluding with organised crime; some have been designated by the U.S. government for offering kingpins impunity in return for muscle to enforce unpopular policies and for personal enrichment.⁵⁹

⁵⁷ Address of President Aleksandar Vučić to the UN General Assembly, 21 September 2023.

⁵⁸ The nomenclature dispute is discussed further below.

⁵⁹ Crisis Group interview, Kosovo Serb civil society leader, North Mitrovica, April 2023. See also "Treasury Targets Corruption Networks Linked to Organized Crime", op. cit.

As for the Kurti administration, it has lost support even among the most integrationist Serbs. The prime minister's political adviser Petar Miletić – himself a northern Serb – resigned in September 2023, denouncing his former boss for “hypocrisy, insolence and arrogance” and for irreparably damaging ties with the Serb community.⁶⁰ Miletić had helped found the Independent Liberal Party, which advocated participating in Kosovo institutions immediately after independence, a stance for which he was shot (though not fatally) in North Mitrovica in 2010.⁶¹

⁶⁰ “Petar Miletic resigned as adviser in the cabinet of Kosovo PM”, *Kossev*, 21 September 2023.

⁶¹ Amra Zejneli Loxha, “U Mitrovici ranjen poslanik kosovske Skupštine” [Member of Kosovo Assembly wounded in Mitrovica], Radio Free Europe, 5 July 2010.

III. The Diplomatic Track

Against this backdrop, the EU has spearheaded diplomatic efforts intended to bring the long-running dispute between Serbia and Kosovo to an end and, as needed, to tamp down tensions in the north. Much of this effort has been under the umbrella of a diplomatic initiative Brussels launched in August 2022, in hopes of bringing the parties together in a deal that could break the Serbia-Kosovo impasse.

A. *The Normalisation Deal: Brussels Tries to Break the Impasse*

On paper, the EU's effort has achieved some success. In February 2023, the EU announced that the two parties had reached an "[a]greement on the path to normalisation between Kosovo and Serbia".⁶² (As discussed below, there is some dispute about whether the document ever became binding.) The agreement was inspired by the 1972 Grundlagenvertrag or Basic Treaty between the Federal Republic of Germany and the German Democratic Republic (West and East Germany).⁶³ The Grundlagenvertrag had paved the way for third parties to open relations with both Germanies, though neither formally recognised the other. It had also allowed both to join the UN. The "path to normalisation" agreement copied extensively, at times verbatim, from the German treaty and similarly aims to permit the five EU member states that do not recognise Kosovo's independence (Cyprus, Greece, Romania, Slovakia and Spain) to change their positions, without demanding the same of Serbia.⁶⁴

While short on specifics, the February 2023 deal included certain notable commitments. Kosovo repeated past promises to establish "an appropriate level of self-management" for its Serb population and to "formalise" the status of the Serbian Orthodox Church. For its part, Serbia pledged not to block Kosovo's membership in "any international organisation", which should have paved the way for Kosovo to join the Council of Europe – the guardian of the European Convention on Human Rights – and eventually (subject to greater political and bureaucratic hurdles) other bodies including the UN and the EU. Having already accepted Pristina's authority within Kosovo's borders in earlier EU-mediated talks, Belgrade was now asked to consent to its sovereignty in international affairs.⁶⁵ Serbia also agreed to recognise

⁶² "Belgrade-Pristina Dialogue: Agreement on the Path to Normalization between Kosovo and Serbia", press release, European External Action Service, 27 February 2023.

⁶³ "Vertrag über die Grundlagen der Beziehungen zwischen der Bundesrepublik Deutschland und der Deutschen Demokratischen Republik" [Treaty on the basis of relations between the Federal Republic of Germany and the German Democratic Republic], 21 December 1972. The veteran German diplomat Wolfgang Ischinger, among others, had proposed the idea at various times before and after Kosovo's declaration of independence. Bardh Shkreli, "Two Germanies model suggested for Kosovo", *Balkan Insight*, 29 May 2013.

⁶⁴ Private communication by senior EU member state official made available to Crisis Group, January 2023. The five states have several arguments against recognition. Most have cited the absence of an agreement or UN approval, along with their support for territorial integrity and opposition to unilateral acts. Cyprus, Romania and Spain have concerns about separatism within their own borders.

⁶⁵ Marina Vulović, "The Normalisation of Relations between Kosovo and Serbia", *Stiftung Wissenschaft und Politik*, 15 March 2023.

Kosovo's passports, diplomas, licence plates and customs stamps (Kosovo already accepts Serbia's documents in practice).

In some respects, the February 2023 agreement builds on a foundation of past commitments. One is of particular importance. Kosovo's promise to give its Serb minority "an appropriate level of self-management" echoes and to an extent affirms an earlier commitment by both parties to establish a framework for Serb-majority municipalities to exercise autonomy in the above-referenced 2013 Brussels Agreement.⁶⁶ This pledge concerning northern autonomy was given in return for an agreement that allowed Pristina to hold municipal elections in northern Kosovo for the first time, while also integrating Serbs into the police and judiciary.

But this autonomous entity has yet to come into being. It was meant to be a vehicle for Serb self-government within Kosovo, letting northern Serbs integrate more fully into Kosovo's civic and political life while keeping their identity and links to Serbia. Yet, as noted above, Belgrade and Pristina could not even agree on its name. Serbia preferred "Community" because it suggested a high level of cohesion and autonomy. Kosovo advocated for "Association" because it did not.

Serbs want a Community with a high level of autonomy that serves to guarantee Serbia's involvement in their areas. They want assurances that the Serbian educational and health systems will remain in place, that Serbian jobs will continue and that the local economy will be integrated with Serbia's. By contrast, Kosovo sees the Association as merely a coordinating body for its member municipalities, with no additional powers or responsibilities. At most, the Association could offer advice and training to municipal officials and lobby the governments in Pristina and Belgrade.

The distance between these visions accounts for the lack of progress in implementing the 2013 pledge more than ten years later. Hostility to northern autonomy runs deep in Kosovar politics. Pristina has long feared that, in the leadup to independence, it had already gone as far as it could in offering self-government to the Serb minority without risking the state's viability and integrity. Kosovar leaders frequently point to Bosnia and Herzegovina as a cautionary tale of paralysis and dysfunction caused by excessive autonomy. Kurti has argued that a Community of Serb Municipalities would be "a state of Serbia within the Republic of Kosovo".⁶⁷ He may be marginally

⁶⁶ Much of the entity in Kosovo remains undefined, including its name. Kosovo wanted it to be the Association (*shoqata* in Albanian) of Serb-majority municipalities because its laws already provide for similar associations that are limited only to coordinating and assisting local governments. Serbia wanted it to be a Community (*zajednica* in Serbian), a word that implied a separate body with its own powers; a previous "community of municipalities" in Bosnia had become part of the breakaway Republika Srpska. (The Community of Municipalities of the Bosnian Krajina was set up in April 1991, and converted to an Autonomous Region of Krajina in September 1991 and then joined Republika Srpska as it declared its independence on 9 January 1992. The Bosnian Croat breakaway statelet, the Croatian Community of Herceg-Bosnia, used the same name.) The Brussels text awkwardly used both words, alternating between "Association/Community" and "Community/Association" to underline its agnosticism.

⁶⁷ In full, Kurti said: "On April 26 1991, fourteen municipalities with a majority Serb population formed a community [in Bosnia]. Then on 9 January 1992, [the Serbs] declared independence, and on 28 February, they received a constitution. On 14 December 1995, unfortunately, they received international recognition in Dayton. So, they want to create a state within a state. ... In the Republic of Kosovo, they would like Kosovo not to be a state, and they would like the Community of Serb

more negative than his predecessors, but he is hardly an outlier. Kurti wants something like Croatia's model, where the Serb community (of similar size to Kosovo's) has limited powers in culture and education. He proposed a "vision" for a non-territorial entity that offers such services under existing legislation governing the non-profit sector. He wants it to recognise Kosovo's "constitutional character" including its independence, single administrative system and territorial integrity.

Multiple draft statutes for an autonomous entity have been floated, by Kosovo Serb leaders, NGOs, the government of Albania and the EU, though none has yet satisfied both Belgrade and Pristina. The U.S. had a hand in writing the Albanian and EU drafts but preferred to let others take the credit.⁶⁸ A May 2023 draft prepared in Belgrade by a team of Kosovo Serb representatives trampled over several Kosovar red lines, by claiming enforcement powers, creating a "service for maintaining order" or parallel police force, and duplicating many central state responsibilities, while coyly referring to "the central authorities" instead of the Kosovo government.⁶⁹ Other drafts, especially the EU's, hew closely to existing Kosovo legislation on associations and partnerships between municipalities.⁷⁰

B. *Off the Rails*

The proverbial ink was hardly dry on the February 2023 agreement when it went off the rails. Serbia's president refused to sign it, but the EU said he had already agreed to it, so it had gone into effect.⁷¹ Kosovars immediately doubted whether a deal had, in fact, been struck.⁷² Brussels' assurances that the accord was binding in international law despite being unsigned failed to assure them.⁷³ As if to put a fine point on its non-acquiescence to the deal's provisions, Serbia voted against Kosovo's application to join the Council of Europe on 24 April 2023 and has not fulfilled other terms.

Brussels tried again to bring the parties on board with an "implementation annex" meant to provide much-needed detail and a timeline for when each provision would come into effect. Yet the parties balked. The EU then lost patience, with Brussels pushing both sides to agree to an annex stripped of most of its draft provisions and

Municipalities, which would be a state of Serbia within the Republic of Kosovo". "Kosovo PM: We won't allow another Republika Srpska in Kosovo", *N1*, 1 December 2022.

⁶⁸ Crisis Group correspondence, persons involved in the talks, July-October 2023.

⁶⁹ Unpublished draft statute made available to Crisis Group in May 2023. A 2015 agreement provided for a "management team" of Kosovo Serbs to draft a statute and submit it to the parties.

⁷⁰ The proposed statutes do little to empower the Kosovo Serbs and may instead make it harder for them to influence the policies that shape their lives. All the proposals feature a large leadership structure appointed indirectly, by the members of municipal assemblies, rather than elected directly. Except for the May 2023 Kosovo Serb draft, none makes any provision for participatory democracy. Most of the drafts, including the EU's, are top-down affairs that foresee the central government enacting the Community statute, submitting it to the Constitutional Court for review and only then inviting Serb municipalities to join. That plan goes against the spirit, and perhaps the letter, of the Constitutional Court's own 2015 ruling on the initial agreement to create the Community.

⁷¹ Press remarks by European Union High Representative for Foreign Affairs Josep Borrell, 27 February 2023 and 19 March 2023. He said that since the parties were not able to agree about signing, "the Annex and Agreement are considered adopted through my statement" to that effect.

⁷² Crisis Group interviews, persons with knowledge of the talks, Pristina, July 2023.

⁷³ Crisis Group interviews, persons with knowledge of the talks, July-August 2023.

timetable.⁷⁴ The annex, baptised the Ohrid Agreement because it was negotiated in Ohrid, a city in Macedonia, offered little beyond the earlier February deal.⁷⁵ The only tangible achievements have been setting up a “joint monitoring committee” on 18 April and agreeing to a declaration on missing persons on 2 May.

Since then, Brussels has been largely unable to nudge Belgrade and Pristina toward carrying out the terms of the February agreement. Both Brussels and Washington believe Pristina should make the first move. A U.S. official said implementation of the February 2023 agreement “begins with” the Community/Association of Serb municipalities because “normalisation is centred on the rights of minorities, particularly Serb minorities, in Kosovo”.⁷⁶ The U.S. wants the Community/Association of Serb-majority Municipalities settled irreversibly, clearing both the Assembly of Kosovo and the constitutional court.⁷⁷ “It’s our demand that we move forward on this”, the official added.⁷⁸ With clear progress toward Serb autonomy, it would be easier to push Belgrade toward fresh concessions.

Yet Pristina shows no sign of budging. Kosovo only agreed to the normalisation plan in expectation of improving its international position, especially with non-recognising EU states.⁷⁹ Without that, Pristina refuses to move ahead with self-government for the northern Serbs. Talks reached a dead end in September 2023 when Kurti rejected EU compromise proposals and denounced the mediators as biased.⁸⁰ For his part, EU foreign policy chief Borrell said Kurti had “insisted on formalising de facto recognition as the first step”, while Vučić had accepted the EU plan, in which normalisation and Serb autonomy “ran in parallel”.⁸¹ Borrell said the EU and U.S. saw this “parallel” approach as the only realistic one, since both sides would need “guarantees that their actions are rewarded by counter-actions by the other party”.⁸² Kurti lashed out, accusing EU mediator Miroslav Lajčák of conspiring with Serbia.⁸³

In October 2023, European leaders sweetened the deal for Kosovo, pressing Serbia to “deliver on de facto recognition”, while again urging Kosovo to set up the Community/Association.⁸⁴ It was the first time they had made the former demand

⁷⁴ Draft “Annex to the Agreement”, made public by Petrit Selimi, former foreign minister of Kosovo on 28 February 2023.

⁷⁵ “Implementation Annex to the Agreement”, press release, EEAS, 18 March 2023.

⁷⁶ Press briefing with Gabriel Escobar, deputy assistant U.S. secretary of state for European and Eurasian affairs and special representative for the Western Balkans, 3 May 2023.

⁷⁷ Crisis Group correspondence, Kosovo civil society leader, May 2023. The U.S. wants the Court to approve the relevant legislation, presumably because an earlier decision by the Court gave successive Kosovo governments cover to avoid implementing the 2013 Brussels Agreement’s provisions on the Community of Serb Municipalities.

⁷⁸ Press briefing with Escobar, op. cit.

⁷⁹ Crisis Group interviews, Kosovo civil society representatives, April and July 2023.

⁸⁰ Ksenija Pavlovic McAteer, “DAS Gabriel Escobar condemns Albin Kurti’s ‘unjustified’ attacks on Lajcak and Borrell”, *The Pavlovic Today*, 21 September 2023.

⁸¹ Press statement by EU High Representative for Foreign Affairs Josep Borrell, 14 September 2023.

⁸² Ibid.

⁸³ “Kurti thotë se Lajçaku u pozicionua kundër Kosovës” [Kurti says Lajčák was positioned against Kosovo], *Radio Evropa e Lirë*, 18 September 2023.

⁸⁴ “Joint statement by the President of the French Republic, the Chancellor of the Federal Republic of Germany and the President of the Council of Ministers of the Italian Republic”, 27 October 2023. For an account of the EU’s use of “constructive ambiguity” in the dialogue, see Igor Miroslavljević,

explicit, even if it was an implied goal. The European approach had earlier been to win Belgrade over to steps that, individually, it could not object to but over time would amount to accepting Kosovo's statehood. The reason for moving gradually was to optimise chances for overcoming Belgrade's resistance. Recognition appears to be the brightest of red lines for Serbia, and Vučić has repeatedly vowed "never" to recognise an independent Kosovo, formally or de facto.⁸⁵

The EU's October 2023 pitch included what they called a new "modern European" draft statute for the Community/Association, which reportedly features explicit references to Kosovo as an independent republic.⁸⁶ These references make the draft more acceptable to Kurti, who at least at one point appeared to be mulling the option of moving forward with establishing the Community/Association on this basis, with or without Serbia's cooperation.⁸⁷ In that scenario, the Kosovo Assembly would pass legislation creating the Community/Association and invite the Serbs to join it. In the unlikely event that Kurti takes this step, the ball will be squarely in Belgrade's court. It is hard to imagine that a Community/Association that fails to offer Serbian services in schooling, health care or employment – which can only be afforded with Belgrade's cooperation – would win popular acceptance.

"Constructive ambiguity in the dialogue between Serbia and Kosovo", European Western Balkans, 31 March 2023.

⁸⁵ "Serbian president rules out 'factual or de jure' recognition of Kosovo", Radio Free Europe, 12 March 2023.

⁸⁶ "Kurti: The statute of the Community of municipalities with a Serbian majority clarifies the issue of recognition of Kosovo", *Vijesti*, 3 November 2023.

⁸⁷ Crisis Group telephone interviews, Kosovo civil society leader, Pristina, November 2023.

IV. Some Hard Truths and a Way Forward

A. *Hard Truths*

The EU's normalisation agreement with its latest proposed timeline is a good plan. It is an updated version of the bargain Crisis Group has recommended since 2010: recognition by Serbia in exchange for expanded autonomy for Kosovo Serbs, with sweeteners from the EU in the form of expedited accession talks and financial aid. It would benefit both parties, neither of which has a better alternative. The agreement is nevertheless at high risk of collapse.

For its own sake, Serbia should accept Kosovo's independence, formally or de facto. It permanently lost the right to govern Kosovo through UN Security Council Resolution 1244 (1999), which notes that Serbian authorities had to withdraw "all military, police and paramilitary forces" while turning civil administration over to a UN mission.⁸⁸ Even were it possible, it shows no interest in re-incorporating Kosovo into its state framework, and its past proposals to this end (such as offering "more than autonomy, less than independence") were delaying tactics.⁸⁹ Given that Brussels has linked resolution of this issue to joining the EU, Serbia's leaders understand that realistically they face a choice between the prospect of taking a big step toward accession and a quixotic campaign to win back a long-lost Kosovo.

But President Vučić probably will resist recognising Kosovo nonetheless. He has vowed never to do so on so many occasions that it will be hard for him to reverse himself now, even in the face-saving and limited de facto form entailed by the EU's plan. Recognition, whether de facto or de jure, is also the most valuable card Serbia holds in its game with the Quint, and Vučić wants to save it to trade for something big, whether that is partition of Kosovo (in which Serbia would get the north) or major EU concessions on enlargement and financial aid or both.⁹⁰ Finally, he cannot emerge from the dialogue looking like Kurti has beaten him – as the appearance of weakness is one of the few things that could threaten his hold on Serbia.

As for Kosovo, it should honour prior commitments and establish a robust Community/Association of Serb-majority municipalities, even though Serbia may well not keep all its own promises in the normalisation agreement. By doing so, Pristina would shift international pressure to compromise onto Belgrade. Well-regulated autonomy is a sound approach to integrating culturally distinct and territorially compact minorities, one with a long track record in Europe.⁹¹ Kosovo's political leadership points with trepidation to Bosnia's Republika Srpska, which has set its cap on secession. But the comparison is far from apt, as the Community/Association is a different and far more modest thing. Unlike Republika Srpska, the Community/Association would not have its own constitution, judicial system, police forces or directly elected parliament.

Establishing the Community/Association would also be the right thing to do for Kosovo's citizens living in the north. To the Serb minority, Serbia means jobs, health

⁸⁸ UN Security Council Resolution 1244 (1999), op. cit.

⁸⁹ Charles A. Kupchan, "Independence for Kosovo: Yielding to Balkan reality", *Foreign Affairs*, November-December 2005.

⁹⁰ Crisis Group interviews, Serbian and international officials, 2023-2024.

⁹¹ See Crisis Group Report, *Relaunching the Kosovo-Serbia Dialogue*, op. cit.

care, schooling and security. Kosovo cannot provide those vital things to the Serbs today, and until it can, it should welcome Serbia's assistance. It has every right to expect Serbian services to be delivered in a transparent way that respects Pristina's laws, instead of through Serbian parallel institutions. But the Community/Association can help achieve this end – incorporating Serbian services into Kosovo's legal order and thereby strengthening rather than weakening the role of the state.

Kurti will almost certainly be loath to take this step. His motives for continuing to resist establishing the Community/Association are as strong as Serbia's vis-à-vis recognition. As noted, he and other Kosovar leaders have described autonomy in general and the Community specifically in apocalyptic language that is hard to walk back. Providing the north with autonomy is Kosovo's strongest card in its game with Serbia, and Kurti wants to hold on to it until it can be traded for recognition. Rejection has also done wonders for Kurti's domestic popularity. Changing course could make him look like he lost and Vučić won.

Reasoning along these lines has led Pristina to play hard-ball with the northern municipalities over the past two-plus years, seeking to consolidate its territorial control while letting the chips fall where they may in terms of the impact on its long-running dispute with Serbia. Kurti's calculation seems to be that these tangible gains outweigh the risk of a major conflict erupting or (more likely) freezing contentious relations with Belgrade for the long haul. He also appears to think that working to improve its situation on the ground does not preclude Kosovo from negotiating for ever better terms within the framework of the EU initiative.

The harsh truth, however, is that Kosovo has much more to lose from letting the dispute persist. It is in a weaker position, facing a bigger, richer state with more to offer potential allies, especially with respect to Ukraine. It is also trying to gain from negotiations while refusing to honour its main promise in earlier talks. Its support among its most important allies in Europe and the U.S. is thus rapidly eroding.⁹² Time may not be on its side. An isolated Kosovo would also find it more difficult to thwart Serbia's goal of cutting the number of recognising states to 96 or fewer in the UN General Assembly (half its membership). Should Serbia succeed, Kosovo would be unable to attain UN observer status and the right to join UN-related treaties.

B. *Another Way Forward*

Absent a settlement that defuses tensions between Pristina and Belgrade, it will be essential for Kosovo's outside partners to work with it and Belgrade to find other ways to address immediate conflict risks and longer-term issues relating to the north.

The most urgent task in defusing immediate conflict risk in northern Kosovo is to pursue demilitarisation. In light of the Banjska incident, the clear priority must be to remove as many heavy weapons as possible from the area. With KFOR's cooperation, the Kosovo police are making progress in monitoring the border and searching for arms caches. That work should continue. The other half of demilitarisation is removing Kosovo's special police from the lives of a community where their presence undermines rather than provides security. Pristina has moved to reduce their visibil-

⁹² Crisis Group interviews, U.S. and European officials, Washington and Brussels, February-March 2024.

ity in urban areas but should go further. Their deployments should be limited to levels needed to secure the border and track down arms caches, both tasks officers should carry out in coordination with KFOR and EULEX, the EU's rule of law mission. As security returns, their bases should be dismantled – and the land used for them returned or paid for – and they should withdraw entirely.

Another priority is to protect the Kosovo Serb minority, even if a formal autonomy arrangement remains elusive. With the Brussels dialogue stagnant, Kosovo and its allies will have to develop a workable model of self-government for the north without much input from Belgrade. Absent an agreement on the Community/Association, the status quo in which two states exercise their sovereign powers over the same patch of land is likely to continue winding down. The transition to Kosovo's sole authority must therefore be done in a way that ensures the needs of the Serb minority are fully met. Fortunately, most of the Serb minority's needs can be met just as easily outside the framework of any Association or Community as within it.

The priority for the Serb minority is probably feeling safer in their own neighbourhoods.⁹³ In conversations with Crisis Group, Serbs across northern Kosovo testify to a pervasive sense of insecurity that has got worse since Kurti launched his pressure campaign on the area in 2021. The Kosovo police contribute to their unease: many officers are ethnic Albanians who speak hardly a word of Serbian. Like the rest of Kosovo and the Western Balkans, the Serb-majority areas have little violent crime. Their policing needs are modest. Yet they are barely being met. Instead, the Kosovo police busy themselves with combating victimless crimes like smuggling milk and other dairy products from Serbia and taking over Serbian-built buildings.⁹⁴ In their heavily fortified special police bases, the officers look to Serbs like an occupying force rather than public servants. Kosovo should bring back regular police for the Serb areas who are Serbian-speaking, to the extent possible. These police should redouble their efforts at community outreach; and the internal affairs ministry should ensure that police in Serb areas offer the services citizens need.

Jobs are the next thing to tackle. Many, perhaps most, Kosovo Serbs are on the Serbian government's payroll, often in the health and education sectors. Their jobs are strictly speaking illegal: they are paid in Serbian dinars and their employer pays no Kosovo taxes. Few ethnic Serbs have much prospect of finding legal work in Albanian-majority parts of Kosovo because of language barriers, disputes over the validity of Serbian qualifications and ethnic discrimination. Pristina should assure the Serbs that they can keep their current jobs, regardless of questionable legal status, until comparable positions are available in the Kosovan economy. For its part, Serbia should agree to register its institutions in Kosovo's system.

Alongside jobs come schools. Almost all Kosovo Serb children attend public schools illegally operated by Serbia on Kosovo territory, with Pristina's tacit acquiescence. These are the only game in town because Kosovo offers no Serbian-language edu-

⁹³ The following section draws extensively upon Crisis Group Commentary, "Toward Normal Relations between Kosovo and Serbia", op. cit.

⁹⁴ "Zaplenu robe i u magacinu u K. Mitrovici" [Goods confiscated in North Mitrovica warehouse], *Kossev*, 21 December 2023; and "Banjska dva dana nakon što KAP preuzela kompleks 'Rajska Banja': Lanci i katanci" [Banjska two days after the Kosovo privatisation agency took over the Rajska Banja complex: chains and locks], *Kossev*, 21 December 2023.

cation to speak of. Children in Serbian schools can transfer seamlessly to schools or universities in Serbia if their families move, and their degrees are recognised in Serbia – but not in Kosovo. Although Pristina has tolerated Serbia's schools and universities on its territory, that might not last. The best solution is simply to register Serbian schools in Kosovo and to issue dual degrees. In theory, Serb-majority municipalities have the right to operate schools already, but they lack the capacity to do so, and it is easy for the central government to gut this right by using its authority to regulate the curriculum (ie, insisting on Pristina's take on relations with Serbia, which would go down poorly with residents).

Health care is a further big piece of the puzzle. As with schools, most Serbs use clinics and hospitals operated illegally by Serbia, where doctors prescribe medications licensed by Belgrade and often spirited in across the border, notwithstanding Pristina's ban on the practice. Kosovo police raid Serb-run pharmacies and confiscate their stores. There is nothing wrong with medicine brought in from Serbia, and Pristina's efforts to block it does little but create friction with the Serb population. As with schools, Serb-majority municipalities have the right to operate their own health care facilities, but what the people really need is the existing Serbian system operating without undue interference from Kosovo authorities. The EU's draft statute allows the Community/Association to operate the Serbian facilities for an interim period of five years, which merely shifts the problem from the municipalities to a new institution. Pristina should instead allow Serbian medical facilities to keep operating indefinitely while respecting Kosovo law.

Elections are another area where Pristina needs to make progress. Northern Kosovo needs local government that represents the population, but Pristina is slow-walking initiatives to that end. The government set out an onerous process for recalling the mayors elected during the Serb boycott discussed above. In January, Serbs completed the first step, turning in petitions to the Central Election Commission, which has thus far failed to process them.⁹⁵ The next step is a recall referendum with a high threshold for success, followed by new elections. Kurti may want to cement his authority over the northern municipalities before allowing Serbs back into government.⁹⁶ The delay contributes to Serbs' negative perception of central government institutions and deprives them of a voice. Pristina should hold free and fair elections in the northern municipalities as soon as possible, ideally by the summer of 2024.

At the same time, if the objective is for the north to enjoy truly representative local government, the EU and U.S. should push Belgrade not to micromanage Kosovo Serb politics. Serbia should stop insisting on a single party under the control of its own ruling Serbian Progressive Party and should instead endorse political pluralism. It should also allow Kosovo Serb party leaders to emerge organically, instead of hand-picking them in Belgrade. If Serbia cannot be persuaded to let Kosovo Serbs choose their own leaders, it should at least select a diverse slate of candidates with strong local reputations. Representatives should not be simply an appendage of Serbia's ruling party.

⁹⁵ Biljana Radomirović, "Srbi predali potpise, Priština na potezu" [Serbs handed in the signatures, now it's Pristina's turn], *Politika*, 23 January 2024.

⁹⁶ Crisis Group correspondence, Kosovo civil society leader, January 2024.

V. Conclusion

Since the Banjska incident in the fall of 2023, the Kosovo government has set about rapidly dismantling Serbian institutions in its northern municipalities, potentially putting prospects for a political settlement to its long-running disputes with Serbia further out of reach. There is a settlement on the table – a deal that the EU put forward in December 2022 that the parties appeared to agree to, at least in principle – but neither side seems serious about pursuing it. They should give it another look: it remains the best vehicle for Serbia to advance the interests of Kosovo’s northern Serb minority and for Kosovo to achieve the international status and recognition it seeks. But failing that, the parties and their outside partners will need to develop other arrangements to demilitarise Kosovo’s north, provide its residents with the services they require and move forward with local elections so that they have political representation.

Whether it takes these measures within the framework of a formal grant of autonomy, or on an ad hoc basis, Kosovo needs to pivot to a more supportive posture toward its northern Serb communities. Further strong-arming risks continued instability, strained relations with its partners in Europe and the U.S., and even worse ones with its neighbour, Serbia. Pristina may well find that in achieving an immediate objective – consolidating control of its territory – it has pushed the overarching objective of normalisation even further beyond reach. That is an outcome it both can and should avoid.

Pristina/Belgrade/Brussels, 2 April 2024

Appendix A: Map of Kosovo



Appendix B: Kosovo, 1998-2013

Prior to the wars that broke up Yugoslavia in the 1990s, Kosovo was an autonomous province of Serbia. An insurgency by Kosovo's ethnic Albanian majority after years of oppression brought an increasingly brutal Serbian response in 1998.⁹⁷ Growing concern about human rights violations, and the risk of the conflict spreading, culminated in a last-ditch effort to resolve the crisis through an international conference at Rambouillet, outside Paris, in February 1999.⁹⁸ There, the Contact Group – France, Germany, Italy, Russia, the UK and the U.S. – presented Serbian and Kosovar leaders with a non-negotiable set of principles they were expected to agree to. The Kosovo delegation signed, while Serbia refused. Days after Belgrade's final no, NATO launched an offensive aimed at protecting the Kosovars on 24 March 1999.

The NATO bombing and Serbia's response transformed Kosovo. Belgrade expelled about half of Kosovo's Albanian population and killing over 10,000, including many civilians. When the conflict ended on 10 June 1999 with Serbia's withdrawal, Kosovars expelled tens of thousands of Serbs in reprisal. By year's end, Kosovo was divided into a small Serb-majority north and a much larger Albanian-majority south, though some Serbs held on in southern enclaves under the protection of NATO troops.

Northern Kosovo is still overwhelmingly Serb. Its communal identity is built on the events of 1999, when – in their view – northern Serbs stopped the Albanian advance at the Ibar river, which still marks the ethnic frontier today.

After combat ended, the UN removed Kosovo from Serbia's legal control. Under Security Council Resolution 1244 (1999), the Security Council barred Serbia's police and armed forces from Kosovo territory and created an "interim administrative mission" – UNMIK – to govern it pending resolution of its final status.⁹⁹ That mission suspended much of the existing Serbian legislation and created what it called "provisional institutions of self-government" at the central and municipal levels. The Council also authorised NATO to deploy a peacekeeping force, KFOR, to maintain security and keep Serbian armed forces out.

In defiance, Serbia kept much of its institutional framework in place where it could on Kosovo territory. Over time, these parallel institutions partly merged in Serb-majority areas with UNMIK's municipal authorities, with the same people working in both, sometimes in the same positions. Serbia also employed hundreds of police officers, out of uniform, especially in northern Kosovo, and operated improvised courtrooms in apartment buildings. UNMIK, the U.S. and the major European states tacitly accepted these illegal vestiges of Serbian authority, in part because Serbs depended on them for services (like Serbian-language education) that Kosovo institutions could or would not provide.

⁹⁷ Crisis Group Europe Report N°96, *Reality Demands: Documenting Violations of International Humanitarian Law in Kosovo 1999*, 27 June 2000.

⁹⁸ Marc Weller, "The Rambouillet Conference on Kosovo", *International Affairs*, vol. 75, no. 2 (1999).

⁹⁹ UN Security Council Resolution 1244, S/RES/1244, 10 June 1999.

Between the NATO intervention and Kosovo's declaration of independence in February 2008, an international consensus on the territory's future developed.¹⁰⁰ There was to be no return to what the Contact Group called "the pre-March 1999 situation", meaning Serbian authority. Kosovo's territorial integrity would be protected; there would be no partition or unification with another state. Kosovo was to remain a multi-ethnic state, with a high degree of decentralisation and ways for minorities to participate in local and central government. Lastly, any solution had to be "acceptable to the people of Kosovo". That was as close as it was possible to get to an endorsement of independence while retaining the buy-in of Russia, which had strongly opposed NATO's intervention.

An overwhelming majority of Kosovars wanted not only freedom from Serbian rule but formal independence. In 2004, frustration with international administration and anger at Serbs erupted in two days of rioting that killed nineteen and displaced thousands, while damaging or destroying 30 Serbian churches.¹⁰¹

UN-led talks on Kosovo's status in 2005 and 2006 set the parameters for relations between Belgrade and Pristina and for their respective views on Kosovo Serb self-rule. Most disputes since then have simply repeated positions from that time.

The UN status talks were meant to end in an agreement on independence, to be welcomed by the Security Council with a new resolution superseding Resolution 1244, under which Serbia lost the right to govern Kosovo. Kosovo would through this new resolution then join the UN with a clear path to eventual NATO and EU membership. But by late 2006, it became clear that Serbia would not agree to independence in any form. The Quint – the five Western members of the Contact Group – briefly hoped to persuade Russia to abstain, but it was evident that Moscow would veto a resolution that endorsed independence without Serbian agreement.¹⁰²

The talks also aimed to buttress regional stability by protecting Kosovo's Serb minority. The UN's special envoy worked with the parties and the Quint to draft a constitution for an independent Kosovo. It contained provisions for the Serbs negotiated by Kosovo and Serbia, including guaranteed Serb (and other minority) seats in the legislature, rights to receive help from Serbia, and protections for the Serbian Orthodox Church. It gave municipalities broad powers, with additional competencies in education and health care for several Serb-majority areas.

Kosovo declared independence on 17 February 2008 without Security Council blessing and over Serbia's vocal opposition. The EU split over the issue, with 22 members recognising but Cyprus, Greece, Romania, Slovakia and Spain refusing. Over 100 countries eventually recognised Kosovo, with the precise number in dispute; Serbia has campaigned for countries to revoke recognition, which some have done clearly

¹⁰⁰ "Guiding principles of the Contact Group for a settlement of the status of Kosovo", 10 November 2005; "Kosovo Contact Group statement", 31 January 2006. Further quotes in this paragraph are from these statements.

¹⁰¹ Crisis Group Europe Report N°155, *Collapse in Kosovo*, 22 April 2004.

¹⁰² "Russia and Kosovo: The politics of delay", "Kosovo: Russian position on UNSC veto hardening" and "Kosovo: Russia to break with Contact Group", U.S. State Department cables by Ambassador William J. Burns made available by WikiLeaks, 19 September 2006, 7 December 2006 and 25 January 2007.

and others ambiguously, if at all.¹⁰³ Most recognisers are Western states or allies. Without consensus among the permanent Security Council members, Kosovo is barred from UN membership. The EU itself refers to Kosovo with an asterisk, indicating the reference is without prejudice to positions on its status.

Kosovo's assembly enacted the constitution, drafted for it by foreign experts.¹⁰⁴ The provisions on municipal powers and Serb rights were highly unpopular, as was a transitional period of oversight by an "international civilian representative" with executive powers. For most Kosovars, these concessions were seen as their part of a bargain for which they were to receive recognition by Serbia and the world, but which Belgrade failed to honour. That perception coloured subsequent attempts to resolve the dispute by framing any additional Kosovo concessions as unfair departures from a carefully balanced deal.

Belgrade responded by taking steps to reassert control of northern Kosovo. It organised municipal elections there in May 2008, producing administrations fully integrated into its system of government. Serbs burned down the two official border posts in the north. Violent protests led to deaths. A UN policeman was killed and more than 100 protesters, KFOR and UN officers were wounded in fighting after their raid on the North Mitrovica courthouse in March 2008. A grenade thrown during a protest at a Kosovo government office in North Mitrovica's ethnically mixed Bosniak Mahalla neighbourhood killed one bystander and wounded eleven others in 2010.¹⁰⁵

The result of Serbia's efforts was a system of parallel institutions in the northern municipalities that continued until the mass resignations prompted by Pristina's heavy-handed measures outlined in Section II.B above. Serbia organised (illegal) municipal elections throughout Kosovo after independence, and in Serb-majority areas the winners took power as mayors.¹⁰⁶ Kosovo held its own local elections in 2009 and set up its own municipal administrations. In some cases, the same people held office in both systems.¹⁰⁷

Serbia also tried to roll back what it called Kosovo's "unilateral declaration of independence" by winning an international mandate for fresh talks.¹⁰⁸ Its efforts backfired after the International Court of Justice opined in 2010 that Kosovo's declaration had not violated international law and the UN General Assembly conferred a mandate on the EU to facilitate a dialogue to "promote cooperation, achieve progress on

¹⁰³ Kosovo claims that 117 states have recognised it. See European Commission "Kosovo* 2022 report", 12 October 2022, p. 124. But at least thirteen of these have since withdrawn their recognition, and another three are not UN member states, yielding a maximum of 101 recognitions. See also Victor S. Mariottini de Oliveira, "Statehood for Sale: Derecognition, 'Rental Recognition' and the Open Flanks of International Law", *Jus Cogens*, vol. 5 (2023).

¹⁰⁴ "Kosovo: Constitution drafting and elections timing post-status", U.S. State Department cable made public by WikiLeaks, 2 September 2006.

¹⁰⁵ Crisis Group Europe Report N°206, *Kosovo and Serbia after the ICJ Opinion*, 26 August 2010.

¹⁰⁶ Serbia's administrative powers in Kosovo ended on 25 July 1999 by order of the UN interim administrative mission in Kosovo.

¹⁰⁷ For a detailed account, see "Serb Integration in Kosovo after the Brussels Agreement", Balkans Policy Research Group, 19 March 2015, pp. 17-21.

¹⁰⁸ The term "unilateral declaration of independence" is an allusion to white-ruled Rhodesia's separation from the UK in 1965, which it was forced to retract fourteen years later, leading quickly to negotiated independence for (multi-racial) Zimbabwe in 1980.

the path to the European Union and improve the lives of the people”.¹⁰⁹ The talks would thus focus on practical issues instead of Kosovo’s status.

The EU designed the dialogue to push Serbia and the Kosovo Serbs into cooperating with Pristina by pointing out the international support for Kosovo’s claim to territorial integrity and the need for a unified administration in that territory.¹¹⁰ It sidestepped the status issue entirely.

The parties agreed on many technical issues, ranging from land registry records and civil registries to customs and border crossing points.¹¹¹ Implementation remains uneven, but cooperation did improve. Against its preferences, Serbia did start treating Kosovar officials as its counterparts and implicitly its equals.

Progress beyond that needed a different approach as political stakes rose. As Crisis Group has discussed elsewhere, the EU opted for constructive ambiguity, cajoling the sides into agreeing to loosely worded texts whose meaning would be revealed later as the arrangements were put into practice.¹¹² The result was the first Brussels Agreement on Normalisation of Relations, signed on 19 April 2013.

Despite its name, the agreement was about integrating recalcitrant northern Serbs into Pristina’s administration rather than about bilateral relations. It provided for a unified police and justice system throughout Kosovo and for Serb agreement to participate in elections for municipal governments in the Kosovo system, which they had been boycotting. Kosovo was to establish a Community or Association of Serb-majority municipalities with a role in economic development, education, health, and urban and rural planning. Serbia was to dissolve its own municipal governments and the remnants of its court system on Kosovo territory.

¹⁰⁹ UN General Assembly Resolution A/64/L.65/Rev.1, 8 September 2010.

¹¹⁰ See Crisis Group Report, *Serbia and Kosovo: The Path to Normalisation*, op. cit. See also “Scenarios for the ‘Grand Finale’ between Kosovo and Serbia”, Research Institute of Development and European Affairs/Balkans Policy Research Group, April 2018; and “Serb Integration in Kosovo after the Brussels Agreement”, Balkans Policy Research Group, 19 March 2015.

¹¹¹ Donika Emini and Isidora Stakić, “Belgrade and Pristina: Lost in Normalisation?”, EU Institute for Security Studies, April 2018.

¹¹² Crisis Group Report, *Serbia and Kosovo: The Path to Normalisation*, op. cit.

Appendix C: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

Comfort Ero was appointed Crisis Group's President & CEO in December 2021. She first joined Crisis Group as West Africa Project Director in 2001 and later rose to become Africa Program Director in 2011 and then Interim Vice President. In between her two tenures at Crisis Group, she worked for the International Centre for Transitional Justice and the Special Representative of the UN Secretary-General in Liberia.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kyiv, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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Appendix D: Reports and Briefings on Europe and Central Asia since 2021

Special Reports and Briefings

Ten Challenges for the UN in 2021-2022, Special Briefing N°6, 13 September 2021.

7 Priorities for the G7: Managing the Global Fallout of Russia's War on Ukraine, Special Briefing N°7, 22 June 2022.

Ten Challenges for the UN in 2022-2023, Special Briefing N°8, 14 September 2022.

Seven Priorities for Preserving the OSCE in a Time of War, Special Briefing N°9, 29 November 2022.

Seven Priorities for the G7 in 2023, Special Briefing N°10, 15 May 2023.

Ten Challenges for the UN in 2023-2024, Crisis Group Special Briefing N°11, 14 September 2023.

Russia/North Caucasus

Balkans

Relaunching the Kosovo-Serbia Dialogue, Europe Report N°262, 25 January 2021 (also available in Russian).

Managing the Risks of Instability in the Western Balkans, Europe Report N°265, 7 July 2022.

Bosnia and Herzegovina's Hot Summer, Europe Briefing N°95, 26 September 2022.

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An Island Divided: Next Steps for Troubled Cyprus, Europe Report N°268, 17 April 2023 (also available in Turkish).

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Post-war Prospects for Nagorno-Karabakh, Europe Report N°264, 9 June 2021.

Nagorno-Karabakh: Seeking a Path to Peace in the Ukraine War's Shadow, Europe Briefing N°93, 22 April 2022.

Averting a New War between Armenia and Azerbaijan, Europe Report N°266, 30 January 2023.

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Responding to Russia's New Military Buildup Near Ukraine, Europe Briefing N°92, 8 December 2021 (also available in Russian and Ukrainian).

Responding to Ukraine's Displacement Crisis: From Speed to Sustainability, Europe Briefing N°94, 26 September 2022 (also available in Ukrainian).

Answering Four Hard Questions About Russia's War in Ukraine, Europe Briefing N°96, 8 December 2022.

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Turkey-Greece: From Maritime Brinkmanship to Dialogue, Europe Report N°263, 31 May 2021 (also available in Turkish).

An Enduring Challenge: ISIS-linked Foreigners in Türkiye, Europe Report N°267, 28 February 2023.

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