

# BALKAN DIALOGUES

## INTERNATIONAL LAW AND LEGAL ASPECTS OF FUTURE KOSOVO-SERBIA RELATIONS

The BALKAN DIALOGUES is a project of the East West Institute (EWI)\* implemented in cooperation with the Belgrade Fund for Political Excellence (BFPE), first hosted in Belgrade in 2019, with high-level events taking place in Berlin in December 2019, Munich in February 2020, online in July 2020 and at the Belgrade Security Forum in October 2020. Comprised of decision-makers and experts from the six countries of the Western Balkans (WB6), along with the European Union, United States, and Russia, the dialogues are designed to help increase and deepen understanding while building trust between representatives of varying geopolitical interests present in the region today. The idea for this publication came from the community brought together by the initiative.

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The main **conclusions are the following**:

- 1> The best term for the current international (legal) status of Kosovo would be **contested statehood**—notwithstanding complicated theoretical stances on the international legal status of Kosovo, the fact remains that some 90 UN member states, including two permanent members of the UN Security Council, do not recognise Kosovo as an independent state. This is a major obstacle for its UN membership and the definite confirmation of its statehood.

The very existence of contested states points to the **significance of the act of recognition**, at least from the perspective of international relations. UN membership is usually seen as tantamount to a de jure collective recognition, and is effectively understood to represent a state's birth certificate. When an entity becomes a UN member state, its statehood is no longer deemed to be contested.

Although around half of UN member states recognise Kosovo as an independent state, the **formal conditions for Kosovo to gain membership in the United Nations** (i.e., a recommendation by the UN Security Council followed by a two-thirds majority vote in UN General Assembly), **which could be viewed as a final confirmation of its statehood, are still missing**. In addition, even though the ICJ's 2010 Advisory Opinion ("Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo") is sometimes perceived as the stamp on Kosovo's statehood, this conclusion is not correct, since the ICJ expressly refused to "address [the issue] as to whether or not the declaration has led to the creation of a State". The situation described has negative implications for Kosovo, which is probably one of the reasons why its main motive for participation in negotiations with Serbia is the possibility that they would lead to "mutual recognition".

**On the other hand, it is very difficult to imagine Serbia regaining full control over Kosovo.** According to Security Council Resolution 1244 (1999), Serbia's legal order in Kosovo is simply “suspended”, yet Kosovo's institutions have effective control over the territory.

- 2> The main condition for achieving **a sustainable solution** for the status of Kosovo—**reconciliation** between the two communities—has not been fulfilled. This has had serious consequences for the process of negotiation between Kosovo and Serbia.
- 3> However, if the highest political officials of Serbia and Kosovo do decide to conclude a legally-binding agreement in the near future, **international law provides various means and instruments for its conclusion**. Sufficient political will of the key actors is crucial, and international law could be its instrument.

Put differently, the famous request that the future agreement between Serbia and Kosovo should be in accordance with international law is in fact not so difficult to achieve.

- 4> **The flexibility of international law** regarding the conclusion of a legally binding agreement between Kosovo and Serbia **is not completely unlimited**. There are two main limitations: **treaty provisions must be in line with the *jus cogens* norms** of international law, and the implementation of the said provisions must be **in accordance with international human rights law**.

There is no authoritative list of all relevant peremptory norms, although there is a consensus that they are very few. One of the non-conclusive lists is that which is offered by the International Law Commission, and includes the following norms: **prohibition of aggression, genocide, crimes against humanity, slavery, torture**, etc. **Another norm** from the list could be especially relevant for the future agreement between Kosovo and Serbia, namely **the right to self-determination of peoples**. According to the conclusions reached by the International Law Commission, if any provision of the future agreement between Kosovo and Serbia violates this right, no part of the agreement would have legal effect (International Law Commission, 2019).

Besides the self-determination of peoples, there are other international legal norms that ought to be taken into consideration in the context of a future comprehensive agreement. **One is the status of the remaining Serbs in Kosovo.** According to international conventions<sup>1</sup>, they should have the right **to enjoy their culture, profess and practice their own religion, and use their own language even without the Association of Municipalities.** The individual and collective rights of the people of Kosovo are already formally protected by the Kosovo Constitution (Articles 21-62), whereas collective rights are stipulated in its Articles 57-62. However, the implementation of these norms is a highly contested issue between the Serbs and Albanians in Kosovo.

- 5> **It is possible**, at least theoretically, **to have an agreement without the official recognition of Kosovo by Serbia.** This, however, would open several related issues—the comprehensiveness of such an agreement, the consequences for the EU membership perspectives of Kosovo and Serbia, etc.

After the President of Serbia and the Prime Minister of Kosovo each signed a nearly identical document entitled “Economic Normalization” in Washington on 4 September 2020, many commentators concluded that this represented the de facto recognition of Kosovo by Serbia. They argued that a state's representative cannot sign an agreement with another entity without de facto recognising it as a state. This, however, is not true. First of all, this document can hardly be called a treaty or agreement from the perspective of Public International Law. Second, even if one presumes that this is an agreement or a treaty, agreements between state and non-state parties are not unheard of in international practice and international law. Third, the President of Serbia and the Prime Minister of Kosovo did not affix their signatures to one, same document, but two different ones.

<sup>1</sup> Article 27 of the 1976 International Covenant on Civil and Political Rights (ICCPR) and the 1992 UN Declaration of on the Rights of Minorities.

- 6> Various legal and political strategies could be employed to decrease the importance of territorial sovereignty in Kosovo, but the **issue of Kosovo's statehood would remain essential**.

Both the EU and the United States have taken various steps to decrease the importance of the issue of Kosovo's statehood. The European Union has employed the tactic of stating that it was facilitating negotiations on “technical” issues, especially for those that led to the Brussels Agreement. The United States, at least in recent times, has opted to place emphasis on the economic dimension of the normalisation of relations between Serbia and Kosovo, hoping that an improvement in economic ties might foster an environment more conducive to reaching an agreement on political issues, including the status of Kosovo. However, the liberal thesis—that trade, economic interdependence, and development promote peace—has come under heavy fire from various critics, and in the case of the furthering of relations between Serbia and Kosovo, has very limited empirical support.



*Conclusions and recommendations:*

- 1> The process of reconciliation between Serbia and Kosovo is needed with or without a comprehensive legally binding agreement.
- 2> The core issue for virtually all the stakeholders in the negotiations between Kosovo and Serbia is not that of recognition but rather of the furthering of Kosovo's UN membership perspective, and that fact has and will continue to have serious implications for the entire negotiation process.

**There are two main paths to Kosovo's membership in the UN:**

First, de jure or de facto recognition by Serbia, followed by the affirmative votes of at least 9 of the 15 members of the UN Security Council, provided that none of its five permanent members veto the application; followed by a two-thirds majority vote in the UN General Assembly;

Second, special guarantees that Kosovo will become a UN member state even without Serbia's recognition.

On the other hand, **it is less certain what Serbia might ask for as part of a comprehensive agreement.** It could be the safety and protection of the human rights of Serbs and a special status for the Serbian Orthodox Church in Kosovo. Or it could be some form of territorial concession, and-or a significant financial package and a faster path towards EU membership. There are, however, numerous challenges to guaranteeing any of these.

It needs to be emphasised that **not even Serbia's explicit recognition would represent a formal guarantee that Kosovo would become a UN member state.** This fact has serious consequences for the process of negotiations between Belgrade and Pristina, as it could mean that **Russia and China must become involved in it at some point, either directly or indirectly.** It is not possible for Kosovo to become a UN member state without their approval.

At the same time, it seems that Kosovo's EU membership requires Serbia's recognition. **The EU enlargement policy may be in crisis, but both Serbia and Kosovo still insist that achieving the goal of EU membership is a priority.**

- 3> All stakeholders must be aware of the fact that any **comprehensive agreement would have to be in accordance with *jus cogens* norms of international law and especially the right of self-determination of peoples**. However, the exact way of implementing every aspect of this right is not expressly regulated by international law, which means that a **certain dose of flexibility would be both welcome and needed**.
- 4> **The protection of human rights in Kosovo must be internationally guaranteed**. That is, at least, the dominant perception of Serbs who live there. They have no confidence in the work of Kosovo's institutions, including the judiciary. The rule of law in Kosovo, as in the rest of the region, remains something that has yet to be achieved, and the effective protection of human rights thus remains a whim of political will. Such a situation can cause severe negative consequences in multi-ethnic societies.

Another important issue regarding the conclusion of a comprehensive agreement is the **possible forced transfer of populations across the future borders**. This holds true for any scenario: partition, exchange of territories, even without any changes to the borders/boundaries. **It should be stated that forcible transfer/deportation could constitute either a war crime, if committed in the context of an armed conflict, or a crime against humanity**. In addition, the **practice of forcible transfer/deportation is also prohibited by human rights law**, meaning that schemes envisioning the transfer/displacement of populations must comply with several specific rights, such as the right to life, dignity, liberty and security of those affected; the right to freedom of movement; the right to choose one's own residence; the right to seek safety in another part of the country, or to leave the country and seek asylum; the right to family life and the need to ensure family unity; and the right not to be arbitrarily deprived of property and possessions.

**One should, however, be aware that formal guarantees of these rights in comprehensive agreements are not sufficient to protect the Albanian and Serbian populations from unwanted displacement**. Namely, **there are more subtle techniques for displacing populations** from certain areas, such as intimidation or discrimination, and stakeholders should make every effort to minimise the possibility of their utilisation.



- 5> **It is possible to imagine a situation whereby the agreement stipulates that Serbia does not recognise Kosovo as an independent state but obliges Serbia not to block Kosovo's application for membership in any international organisation, including the UN.** However, it looks like the EU and most EU member states' officials believe that a "comprehensive legally binding agreement" should mean mutual recognition between Serbia and Kosovo, and that, this time, no one from the EU member states wants to use constructive ambiguity concerning key issues such as Kosovo's status.

Finally, it seems that the Serbian political leadership (albeit not necessarily Serbian public opinion) has definitely given up on the idea that all of Kosovo could ever again be placed under the control of Belgrade. President Vucic's "demarcation" proposal was deliberately vague. On the other hand, the political leaders in Kosovo have not arrived at a consensual position with regard to the issue of the legal status of Serb-majority municipalities (or, for that matter, with regard to the question of a special status for the Serbian Orthodox Church in Kosovo). The last meeting between representatives of Belgrade and Pristina was cancelled because representatives from Pristina did not want to discuss the issue of the Association of Serb-majority municipalities. Nevertheless, it seems that at least most of them are ready to grant some special powers to those municipalities (on condition that these powers do not constitute those of "a state within a state").

# “THE ENDGAME”: ALTERNATIVES AND SOLUTIONS LEADING TO AN AGREEMENT

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## Executive Summary:

The impasse in the dialogue between Kosovo and Serbia has incited political tensions and raised the level of uncertainty. The EU-led technical dialogue conducted under the mantra of “constructive ambiguity” has brought a few tactical benefits, but at the strategic level has not yet proven to be a sustainable trajectory towards dispute resolution. It is no longer surprising that most of the relevant actors continue to insist that the process should be dealt with top-down rather than bottom-up. For both Kosovo and Serbia to have long-term stability, security and prosperity, it is almost inevitable that a sustainable, legally binding compromise will be reached. Such an agreement would be beneficial for people living in both Kosovo and Serbia and, in particular, is expected to pave the way for Kosovo's full integration into the international system. The strategic resolution for the agreement could be found around the nexus of Serbia accepting the existing reality of Kosovo's statehood, on the one hand, whilst benefiting from Kosovo's concession of special status to Serbs, a concrete date for its EU accession and heightened foreign direct investments, on the other hand. **This agreement should ideally follow a sequence in which its core provisions – Kosovo's membership in the UN and its implicit or explicit recognition by Serbia – would be implemented first before the other technically-related details of the agreement.**

This policy paper examines three scenarios: an optimistic scenario, a “closer-to-reality” scenario, and a pessimistic yet highly likely scenario –namely, the continuation of the status quo. The first two scenarios have the potential to galvanise a process that aims to achieve a legally binding agreement between the parties. The third, pessimistic scenario outlines what may be expected to result from no agreement, and notes that its likelihood is high if the parties fail to reach a compromise. One cannot rule out that the political resolution may be a hybrid approach of these options:

- 1 > *Option 1.* The parties reach an agreement in which **Kosovo is formally recognised by Serbia**. This option would not automatically translate into a silver bullet with respect to Kosovo's Euro-Atlantic integration prospects and its developmental trajectory; yet it represents far and away the most sustainable option in terms of achieving long-term peace and stability. With this agreement, Kosovo would have the chance to gain membership in the UN (provided that no veto is exercised in the Security Council by Russia or China), And it would open the way for the start of talks leading to membership in NATO and the EU, as well as for membership in other international organisations (e.g., the Council of Europe, UNESCO, INTERPOL, WHO, OSCE). This agreement would be followed by three main beneficial developments for Serbia, ensuring the provision of a concrete date for EU accession, additional guarantees for the rights of the Serbian community in Kosovo, and additional foreign direct investments (FDI) from the EU and the US. This type of agreement would be acceptable for Kosovo, most of the EU member-states (e.g., Germany) and the US. It would be less likely to be found acceptable in Serbia, but would mark a strategic relief and discharge from a prevailing historic burden.

**With this option, Serbia would** need to ratify the agreement in its National Assembly and amend its Constitution in various ways, including removing all references to Kosovo (this would require holding a referendum). It would then send an official letter to Pristina indicating that it had formally recognised Kosovo's independence and statehood, and could either opt to establish diplomatic relations by exchanging ambassadors, or choose "softer" arrangements for establishing relations. The parties could envisage the opening of consulates in respective locations, based on mutual understandings (e.g., Serbia in Mitrovica and Kosovo in Presevo). The border would be demarcated by an international commission made up of representatives of Kosovo and Serbia following a pre-determined methodology. **On the other hand, Kosovo would** also be required to ratify the agreement in its Parliament and behave responsibly and reciprocally with Serbia in all steps of the implementation of such an agreement.

**In terms of Kosovo's path to full integration into the international system, the agreement would** – as a first step - pave the way for the adoption of a new Security Council resolution that would replace Resolution 1244 (1999). This new resolution would ideally be co-sponsored by reputable Security Council members (preferably led by one of its Permanent Members), which would open the door for Kosovo to become a full member of the United Nations. Prior to that, Serbia would have been required to notify all UN member states (including Russia and China), as well as other international organisations, that it had reached a binding agreement with Kosovo and no longer contested its statehood and independence. **It is important that Serbia formally notify all countries, while not informally encouraging "some" to block Kosovo's membership.** This condition would be necessary on the basis of experiences with the agreement on representation in regional organisation, in which Serbia spoiled Kosovo's membership, participation and engagement through the blocking powers of other member countries.

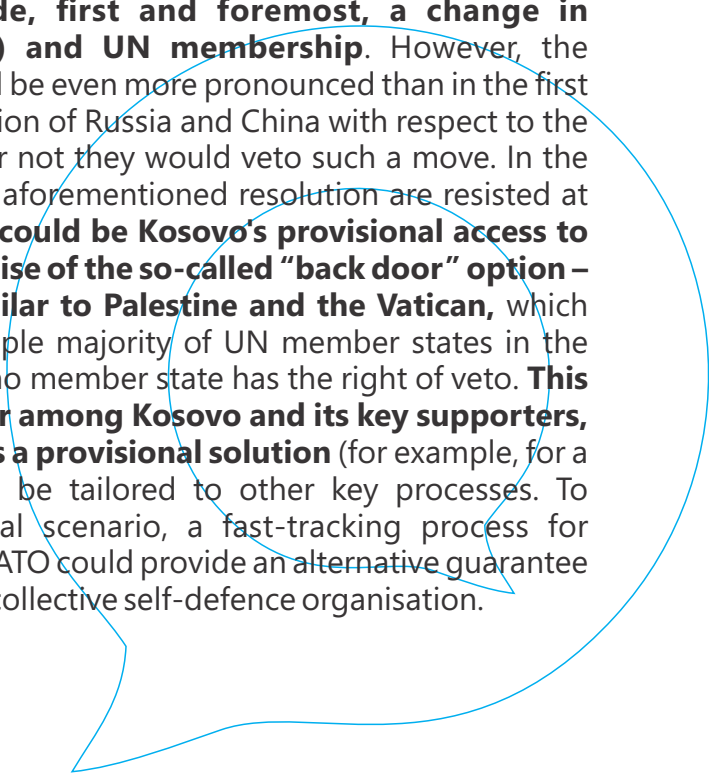
**As for the issue of Euro-Atlantic integration,** this agreement would ensure Kosovo's recognition by the remaining five members of the EU which currently refuse to do so. Greece, Romania and Slovakia have announced they would endorse any agreement reached by the parties; and an explicit reference to Serbia's recognition should resolve the issue of recognition by Spain and, potentially, Cyprus. This would lead to Kosovo's formal application for EU candidate status. When it comes to NATO membership, a fast-tracking process of integration into this organisation could be designed, having in mind that Kosovo already largely fulfils the political criteria whereby in military terms its progress into NATO would be tailored, with the goal of raising the defence capabilities of the Kosovo Security Force (KSF).



- 2> *Option 2:* The parties reach an understanding in the form of a **normalisation agreement that falls short of the explicit recognition of Kosovo by Serbia**. This agreement would draw on the model of the Two Germanies (1972), in which West and East Germany recognised each other's existence and committed to not perform or encourage others to act against each other in international organisations. In other words, this would mark a de facto recognition as part of a phased process towards the formal recognition of Kosovo by Serbia prior to its accession to the EU. This agreement would potentially open the prospects for Kosovo's membership into the UN, provided that Russia or China do not exercise their veto power in the Security Council regarding the replacement of Resolution 1244 (1999). In the case of a threat of veto becoming manifest, a **provisional solution granting Kosovo UN Observer State status, combined with a fast-tracking of Kosovo's membership in NATO, could be an option for an interim period of 3 years**. This scenario raises questions as to whether some EU member states, particularly Cyprus, would choose to recognise Kosovo. This agreement would be more acceptable to Serbia than the first option, because its leadership could present it as a "face-saving" mechanism for domestic purposes, but it would be barely acceptable for Kosovo.

With this option, **Serbia and Kosovo would need to** ratify the agreement in their respective parliaments. **Serbia would have to** remove its reference to Kosovo from its Constitution (this would require a referendum), whereas **Kosovo would have to** pass constitutional amendments reflecting the components of a legally-binding agreement. Serbia would be expected to inform all countries and international organisations that it has reached a legally binding agreement with Kosovo that would clearly indicate it will neither block Kosovo's membership in international organisations nor encourage others to do so. Kosovo in turn would commit to implementing the provisions deriving from the agreement, especially those pertaining to guarantees for Kosovo Serbs and other commitments within its scope and territory. The agreement should include, among other provisions, measures for demarcating the borders between both countries, in order to make it easier for them to move forward in their respective membership processes with international organisations, including the EU and NATO.

**For the option of a de facto recognition to be acceptable to Kosovo, it must include, first and foremost, a change in Resolution 1244 (1999) and UN membership.** However, the problem here, which would be even more pronounced than in the first option, would be the position of Russia and China with respect to the agreement and whether or not they would veto such a move. In the event that changes to the aforementioned resolution are resisted at this stage, **an alternative could be Kosovo's provisional access to the UN through the exercise of the so-called "back door" option – UN Observer Status, similar to Palestine and the Vatican,** which requires the vote of a simple majority of UN member states in the General Assembly, where no member state has the right of veto. **This option, largely unpopular among Kosovo and its key supporters, could be accepted only as a provisional solution** (for example, for a 3-year period) and could be tailored to other key processes. To complement this potential scenario, a fast-tracking process for Kosovo's membership in NATO could provide an alternative guarantee of belonging to a regional collective self-defence organisation.



Moreover, **this option would open the door for Kosovo to gain membership in other international organisations with no veto right** (e.g., UNESCO, the Council of Europe, INTERPOL, WHO, etc.) and, potentially, organisations like the OSCE and WTO, provided Russia or other countries do not veto Kosovo's application for membership. In turn, it could very likely trigger changes in the positions of the five EU non-recognisers. While the signals are arguably positive from Greece, Slovakia, Romania and potentially Spain, there is no clarity on the position of Cyprus with regards to such an agreement, due to its firm position against recognising Kosovo. The Cypriot stance has been that even in the event that Serbia recognises Kosovo, Nicosia would not follow, owing to its deliberate tailoring of the issue of Kosovo's secession to that of the so-called Turkish Republic of Northern Cyprus. This scenario would potentially fix Kosovo's membership prospects for NATO, but not necessarily for the EU.

This agreement would be followed by incentives for both Serbia and Kosovo in terms of providing greater clarity towards the EU integration processes, FDI facilitated by key EU member states and the US to both Serbia and Kosovo, and additional constitutional guarantees for the rights of Serbs in Kosovo.

- 3> *Option 3:* The parties do **not reach any agreement, thereby perpetuating the status quo** (frozen conflict). This is a likely scenario if the parties fail to reach a compromise. This would formalise the existing state of play into a stagnation, with a high probability of its turning into regression. With the status quo, Kosovo would continue to function in survival mode, which would result in greater scepticism with regards to the peace process and in turn precipitate a return to ethno-national-based approaches in defining its future. Serbia, for its part, would suffer the consequences in the context of its EU integration process. Potential dark scenarios are numerous but two can be mentioned here: a) Serbia attempts to annex north Kosovo and b) call increase for the establishment of a confederation between Albania and Kosovo. Both scenarios would instantly have a domino effect among Albanians in North Macedonia and Serbs in Bosnia and Herzegovina.



	Options/Scenarios	Likelihood	Gradation 1-3 (1 the best - 3 the worst)	Benefits for Kosovo	Benefits for Serbia	Stakeholders Position
1	Agreement implying recognition of Kosovo by Serbia	Unlikely	<ul style="list-style-type: none"> <li>- Kosovo (1.5)</li> <li>- Serbia (2.5)</li> <li>- EU (1)</li> <li>- US (1)</li> </ul>	<ul style="list-style-type: none"> <li>- UN membership (likely);</li> <li>- Clear path to NATO, EU; membership in other int. organisations;</li> <li>- FDI from EU and US</li> </ul>	<ul style="list-style-type: none"> <li>- Date for EU membership;</li> <li>- Guarantees for Serbs in a format of ASM or similar;</li> <li>- FDI from EU and US</li> </ul>	<ul style="list-style-type: none"> <li>- US and EU very much in favour;</li> <li>- China likely supportive;</li> <li>- Russia unpredictable</li> </ul>
2	Agreement of normalisation without recognition of Kosovo by Serbia	Likely	<ul style="list-style-type: none"> <li>- Kosovo (2.5)</li> <li>- Serbia (1.5)</li> <li>- EU (2)</li> <li>- US (2.5)</li> </ul>	<ul style="list-style-type: none"> <li>- UN membership – (if not immediately, provisional solution in the next three years of UN Observer Status combined with NATO fast-track membership;</li> <li>- FDI from EU and US/FDI from EU and US</li> </ul>	<ul style="list-style-type: none"> <li>- Clear prospects for EU integration;</li> <li>- Further guarantees for rights of Serbs as provided by Brussels Agreement;</li> <li>- FDI from EU and US</li> </ul>	<ul style="list-style-type: none"> <li>- Part of EU likely in favour under the terms of its implementation;</li> <li>- The position of Cyprus unknown;</li> <li>- US unlikely supportive;</li> <li>- China's and Russia's stance unpredictable</li> </ul>
3	No agreement reached: Subscription into status quo (frozen conflict)	Very likely	<ul style="list-style-type: none"> <li>- Kosovo (3)</li> <li>- Serbia (2)</li> <li>- EU (3)</li> <li>- US (3)</li> </ul>	<ul style="list-style-type: none"> <li>- Enhancing bilateral partnerships;</li> <li>- Special relationship with Albania;</li> <li>- Maintaining "comfort zone"</li> </ul>	<ul style="list-style-type: none"> <li>- Continuing trajectory of economic development;</li> <li>- Strengthening partnership with China, Russia;</li> <li>- Maintaining "comfort zone"</li> </ul>	<ul style="list-style-type: none"> <li>- EU and US not supportive</li> </ul>

### *Conclusions and recommendations:*

Resolving the dispute between Kosovo and Serbia is a necessary precondition for the consolidation of peace and prosperity in the Western Balkans. The continuing failure to find a mutually acceptable solution would be detrimental to the EU's security interests in the region. Heightened waves of emigration caused by a growing disappointment with a lack of resolution to the conflict might be one potential outcome. The EU's emerging aspiration to become a global conflict manager would also be brought into question, after failure to resolve a dispute on its own backyard. In order to reach a strategic outcome, both parties should be flexible in the pursuit of compromise. The momentum that has been recently restored should be utilised to the maximum, whilst the facilitators – the EU and US – should invest their political and economic capital unequivocally in simultaneously pushing for an agreement, as well as standing ready to offer concrete incentives. Looking to the months ahead, the parties and stakeholders might bear in mind the following recommendations, with the principles and preconditions they imply:



- 1> **The option of no agreement should be avoided at all costs**, owing to its potentially severe effects on the stability, prosperity and security of the Western Balkans. The facilitators of the dialogue should invest a significant amount of their political and economic weight into making the parties reach an agreement that would be understood as being much more beneficial than no agreement;
- 2> **The final text of the agreement should in no way adhere to the methodology of constructive ambiguity**. Any attempt to frame its provisions ambiguously could have grave implications in terms of its implementation. The parties should not be given space for interpretation and contestation in such a complex setting. Upcoming generations should not be invested with the burden of mistakes made in achieving an agreement in a time of peace;
- 3> **Any agreement should lead, among other things, to the demarcation of the border between Kosovo and Serbia**. This would be a precondition not only for their respective exercises of sovereignty in their given territories, but also pave the way for Serbia's and Kosovo's membership in the EU as well as other organisations;
- 4> **The implementation of a potential agreement should be directed through a logical sequence, by first granting Kosovo membership in the UN accompanied by recognition by Serbia (depending on the type of agreement), before moving into the implementation of more technical provisions of the agreement**. In this way, the long-term prospects of the agreement would be ensured and the space for keeping the dispute alive diminished;
- 5> **The internal arrangements for further guarantees for Serbs in an agreed format (e.g., Association of Serbian Municipalities) should be made bearing in mind the extent to which its powers and scope could be used or misused to the detriment of the ethnic-Albanian majority in Kosovo**. The provisions pertaining to these arrangements should be formulated paying careful attention to the issue of the potential dysfunctionality that it may cause to the Kosovo system;

The agreement should explicitly indicate that the **parties will refrain from the use of force**. It should be made clear that neither party will attempt directly or encourage others to block or work to the detriment of the other;

The final agreement has to be **overseen by an international authority** designed solely for the purpose of scrutinising its implementation. This authority should be provided with a sunset date – preferably no later than 3 years – to oversee the implementation of its provisions as per the sequence mentioned above.

**Serbia should be conditioned in implementing its part of the agreement in the context of its EU integration, whereas Kosovo's commitment to cultural autonomy for the Serbs in Kosovo could be conditioned in the context of its membership in the Council of Europe.**





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