

BALKAN DIALOGUES

ON THE FUTURE STATUS OF SERBIAN
RELIGIOUS AND CULTURAL HERITAGE
IN KOSOVO AND THE PROCESS OF
NORMALIZATION OF RELATIONS
BETWEEN BELGRADE AND PRISTINA

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Introduction¹

a. Stakeholders

Stakeholders are: the Serbian Orthodox Church (SOC); Government of Serbia; citizens of Serbia; Government of Kosovo, citizens of Kosovo (of Albanian and Serbian ethnicity) and the international community. Stakeholders' positions are different, while the most important driver for the continued relevance of this issue is identity (national/ethnic in the case of Serbia, state in the case of Kosovo).

SOC has an ambiguous position: while the church "central authorities" officially reject the possibility that Serbia could recognize the independence of Kosovo and show an inflexible position towards Belgrade-Pristina dialogue, the SOC Eparchy of Raska-Prizren, which encompasses the most of the territory of Kosovo, showed much flexibility when dealing with central authorities and local authorities as well with the representatives of the international community. It has adopted a pragmatic approach, accepting in practice Ahtisaari Plan and trying to secure the best position for SOC in Kosovo.

For the ruling elite in Serbia, status of Serbian religious and cultural heritage in Kosovo is one of the most important issues. According to unofficial information, Serbian ruling political elite tried at least since 2013 to put the status of Serb cultural and religious heritage on the Brussels negotiations agenda, but it was rejected.

¹ Paper is based on the policy study by Stefan Surlic and Igor Novakovic "Serbian Cultural and Religious Heritage in Kosovo from Ahtisaari Special Zones to the Final Status", published by the National Convention on the EU in May 2020, http://regionalnirazvoj.org/upload/Plan/Documents/2020_06/2020_Serbian_Cultural_and_Religious_Heritage.pdf

Serbia has been fully engaged in prevention of Kosovo's entrance to UNESCO for two reasons: 1. membership would add additional legitimacy to Kosovo's independence, 2. perception that Serb monasteries and holy sites in Kosovo would "become" a part of Kosovo's heritage. There are never confirmed rumours that Serbia allegedly managed to persuade Pristina to give a special status to important monasteries and holy sites during the "negotiations" over the land swap more than 2 years ago.

Citizens of Serbia predominantly see Kosovo as the "*cradle of national identity*", based predominantly on the myth or "pledge" of Kosovo, , but also on the fact that some of the most important Serbian monasteries and holy sites from Middle Ages are in Kosovo. There is a widespread disbelief on the good will of Kosovo authorities and citizens at large to take care of the heritage in a proper manner. This image is sealed with March 2004 unrest, when much of it was subject of violent attacks. In a recent public opinion poll (autumn 2019) conducted in Serbia, 57.1% of citizens stated that the Serbian cultural and religious heritage in Kosovo being endangered could motivate them to political and social activism. Possible recognition of Kosovo's independence is acceptable for 36.4% of citizens, but one of the conditions for it is the implementation of some kind of extraterritoriality for the Serb monasteries and holy sites.² This leads to a conclusion that without solving of this issue in a "territorial" manner, citizens of Serbia are not keen to accept a comprehensive settlement between the two sides.

The Government of Kosovo (and local authorities) have an ambiguous position towards this issue. They see Serb religious and cultural heritage as part of the "*overall historical and cultural heritage*" of the newly formed state. For Pristina, the legislative framework resulting from Annex V of the Ahtisaari Agreement, shows that SOC was granted special protection status, which makes Kosovo a candidate for UNESCO membership and further on for full international recognition. For Pristina, this issue is thus solved with the Ahtisaari Plan, and with it Kosovo managed to "pay part of the price" for independence. However, in practice, successive governments showed reluctance (at best) towards the full implementation of the legal provisions, while the local governments often violated the legal provisions on protection, despite the decisions of the central institutions, including the Constitutional Court.

² Normalization of relations between Belgrade and Pristina from citizens perspective - What we know and what we feel? Centar za društveni dijalog i regionalne inicijative, Belgrade, 2019.

Citizens of Kosovo are mostly not interested in this issue. For most of them, it is only one of the obstacles to completing independence, as it is one of the footholds to Serbia's claim over Kosovo. However, there are vocal groups that see Orthodox religious buildings with a special status as symbols of delegitimization of Kosovo's sovereign government. The exclusive character and property rights that alienate cultural heritage from the citizens of Kosovo were attributed to the Serbian community, and the debate included a narrative of Orthodox churches built on the foundations of Illyrian-Albanian temples and the unacceptable option for the Orthodox Church in Kosovo to have a Serbian ethnic prefix. In various analysis and publications produced by the civil society in Kosovo, religious and cultural heritage is seen as universal and Christian, thus not Serb, i.e., not a part of Serb cultural heritage³ – which on the other side is unacceptable to Belgrade.

Current regime

The protection of cultural heritage sites is mentioned as an obligation in almost all international documents after the 1999 conflict. Since the provision of UN Security Council Resolution 1244 on the return of personnel of the FR Yugoslavia with the mission of securing locations of Serbian cultural heritage has never been implemented, that role was taken over by the mission of UNMIK and KFOR within NATO. "The Comprehensive Proposal for the Kosovo Status Settlement", colloquially called "Ahtisaari Plan" is the basis for Kosovo's declaration of independence and constitutional design. With its detailed provisions, the "Ahtisaari Plan" aimed to normatively specify all mechanisms for the protection of cultural heritage, oblige Kosovo's political representatives to respect and promote the multicultural character of society in the state-building process and prevent the recurrence of any ethnically or religiously motivated attacks. The adoption of the Law on Protected Areas, the Law on the Historic Center of Prizren and the Law on the Village of Velika Hoca is a direct implementation of the Comprehensive Proposal into the Kosovo legislation.

³ Emancipimi Civil Ma Ndryshe, *An Analysis of Numerous and Continuous Faults in Cultural Heritage*; Series analysis "What went wrong?", Prishtina, 2013, p. 15. ²⁷ Ibid, p. 21.

Annex V of the Plan is dedicated to the religious and cultural heritage of the Serbian community. It is clearly emphasized that "Kosovo shall recognize the Serbian Orthodox Church in Kosovo, including monasteries, churches and other sites used for religious purposes, as an integral part of the Serbian Orthodox Church seated in Belgrade."⁴ The proposal guarantees the inviolability of the Serbian Orthodox Church's property, as well as the impossibility of its expropriation, and the church retains the full discretion "in the management of its property and access to its premises."⁵ Regardless of its special status, which includes protection, rights, privileges and immunities, the SOC is obliged to act "in accordance with Kosovo law."⁶

According to the Ahtisaari Plan, the obligation to guarantee the safety of cultural property lies with Kosovo's law enforcement agencies, and especially with the Kosovo Police Service (KPS)⁷. Ahtisaari Plan also includes a comprehensive list of 44 protective zones whose purpose is protect the sites they encircle and traditional ways of life (monastic). Although special zones are clearly defined with the maps, the territory surrounding the protected facilities has not been expropriated to the date, but restrictions on use have been introduced, with the following activities prohibited: "exploration of mineral resources; building of power plants or power lines, kilns and factories, and transit roads in rural areas, as well as construction or development leading to deforestation or environmental pollution".⁸

The following activities of local self-government or individuals may be limited and conditioned by the consent of the Serbian Orthodox Church: „a) Commercial construction or development such as: structures or edifices taller than the monastery/church/cultural monument to be protected, road construction, construction of warehouses, workshops, shops, restaurants, bars, cafes, food stalls and kiosks, petrol and automobile repair stations; supermarkets; night clubs and any other large scale construction in rural areas; b) Public gatherings, recreation and entertainment; c) Urbanization of agricultural land".⁹

⁴ Ahtisaari Plan, Annex V, Article 1.2

⁵ Ibid, Article 1.5

⁶ Ibid, Article 1.1

⁷ Ibid, Article 3.1.1

⁸ Ibid, Article 4.1.1

⁹ Ibid, Article 4.1.2

In case of a dispute, the functioning of the Implementation and Monitoring Council (IMC), composed of representatives of local authorities, the Serbian Orthodox Church and international missions, is envisaged.¹⁰ In the later decision-making process of the IMC, the question appeared whether it was a body with executive or advisory powers. Representatives of the Kosovo Government insisted on an advisory nature, emphasizing the Government as the ultimate authority. On the other hand, the Serbian Orthodox Church considered that the decisions of the IMC were not subject to the approval of the Government and repeatedly conditioned its participation by the executive power of the Council. An analysis of the mandate assigned to the IMC shows that the Government of Kosovo is obliged to ensure the implementation of IMC's "decisions" and not "recommendations", "advice" or "opinions".¹¹ **However, this ambiguous interpretation paralyzed the entire framework of special protection, allowing the Government of Kosovo to define itself as the final decision-making body in a possible dispute, despite the negative attitude of the Serbian Orthodox Church regarding activities in areas designated as Special Protective Zones.**

Although it did not accept the final version of Ahtisaari Plan, the Serbian Government formulated a number of amendments within the Vienna negotiations. All proposals questioning Kosovo's status as an independent state were rejected. However, the team of authors of the Ahtisaari Plan missed the opportunity to adopt some amendments, such as the request that the urbanization of agricultural land is marked as prohibited, and not as a restricted activity in protective zones. This proposal gained special importance after the negative experience that SOC had with endangering the ambient unit of the monastery complexes and the monastic way of life.

¹⁰ Ibid, Article 5.

¹¹ Research Institute of Development and European Affairs, *The issue of Serbian Cultural Heritage in Kosovo in the context of an eventual 'Grand Finale' between Kosovo and Serbia*, Pristina, 2019, pp. 10-11.

Local authorities have often ignored the restrictions and conditions prescribed by the Law on Special Protective Zones, thus aggravating the problem and negative perception of Serbian authorities and citizens, as well as the Serb community in Kosovo, about the lack of interests of Pristina for protection of the heritage. Best known examples are: Municipality of Orahovac entered the protective zone of the Zociste Monastery with road construction, without a legally compulsory consent of SOC; Municipality of Pec/Peja continued with the construction of a pedestrian and bicycle trail next to the Pec Patriarchate Monastery, despite the negative response of SOC and the absence of a compromise in the mediation process; The dispute between the Visoki Decani Monastery and the municipality of Decani and the Kosovo Privatization Agency over the land located in the immediate vicinity of the monastery, as well as the construction of the international road Decani-Plav through the protective zone; the violation of the special zone Novo Brdo with works on the St. Nikola Church etc.

Also, it should be kept in mind that the envisaged solution with zones has its practical shortcomings. On the one hand, nobody dealt with the registered property within the zones, and in practice the possibility for owners to use and dispose of it was significantly reduced.¹⁴ On the other hand, special zones for monasteries are designed to “preserve their historical identity and natural environment, including the monastic life of the clergy”,¹⁵ and the possibility of urbanization of agricultural land is left open, which undoubtedly questions the above statement.

Ahtisaari Plan also envisions the restitution of SOC's property in Kosovo, which has not been initiated to date.

¹⁴ Arraiza, Jose Maria, “A Matter of Balance. Cultural Heritage, Property Rights and Inter-Ethnic Relations in Kosovo”, in: Seminar on Property and Investment in Jus Post Bellum, Grotius Centre for International Legal Studies, p. 11.

¹⁵ Ahtisaari Plan, Annex V, Article 4.1

Potential implications for comprehensive agreement

The passing of time has deepened the ethnic distance between Serbs and Albanians and avoiding talks about the status of cultural and religious monuments arouses strong identity feelings that paralyze all previous efforts to reconcile and normalize relations. As it was the case with other conflicts in former Yugoslavia, identity is the main driver of the conflict, and the status and position of the Serb religious and cultural heritage could become a deal breaker. Thus, leaving this issue unsolved could undermine the comprehensive agreement, as the argument would likely continue. As it is outlined above, if the final accommodation would be the recognition of independence of Kosovo by Serbia, it would not be possible without addressing this issue, likely in a territorial manner.

On the other hand, solving of this issue in a manner that would be acceptable for both sides could be one of the game changers for the acceptance final agreement. **It will likely help removing the identity issue from political negotiations from further Belgrade-Pristina dialogue and ease the course towards the final agreement.** In other words, some kind of territorial solution for this issue would satisfy Serb citizens and elite, while it could remove the perception that the very existence of Serb monasteries and holy sites on the territory of Kosovo challenges Kosovo subjectivity, and eventually statehood.

Policy options

Based on the examples of territorial solutions for the protection of religious and cultural heritage in Europe, Vatican City and Mount Athos, this paper argues that the new solution should build on some aspects of these examples. However, neither of these two examples are fully applicable to the issue of Serb religious and cultural heritage. First, there is no continuous territory that encompasses all (or the most important) monasteries and holy sites in Kosovo, as they form a web of small units throughout the territory of Kosovo. Secondly, the solution should be in some way directly connected to Serbia to be acceptable to the citizens and Belgrade elite. Thirdly, there are some practical challenges that neither of these two examples can address.

he only options for the territorial solution are thus the ones related to smaller or micro territorial units. International practice in Europe recognizes three options: enclaves (exclaves), exterritoriality and/or dual sovereignty. This paper strongly argues that one or a combination of two of these options could be a basis for a lasting solution for the Serbian religious and cultural heritage.

General characteristic of the solution.

Cross examination of statuses of Mount Athos in Greece and Vatican City vis-à-vis Italy and relevant elements for the future status of Serb religious and cultural heritage in Kosovo

Cross examination of these two examples has showed some aspects that should be definitely considered in case of eventual territorial solution for the status of Serb religious and cultural heritage:

a. The example of Mount Athos shows that it is possible to have a supreme spiritual authority over the autonomous territory, whose seat is outside the home country. While Mount Athos is separated from the church system in the rest of Greece and subordinated directly to the Ecumenical Patriarch in Istanbul, the Vatican is the centre of the international Roman Catholic Church, and at the same time secular authority over the Vatican City and extraterritorial possessions, and spiritual authority over the Roman Catholic Church throughout Italy. *This confirms that the current status that monasteries and holy sites are a part of SOC is more than acceptable and in line with the practice in Europe.*

b. Both Mount Athos and the Vatican City define the ways in which foreigners, who are monks, members of the clergy or employees of churches/monasteries, regulate their status in relation to the state that surrounds them (Italy in the case of Vatican) or of which they are a part (Greece in the case of Mount Athos). Italy treats them as its citizens, while Greece grants Greek citizenship. *Hence, Serbia and Kosovo should agree on a solution that would permanently define the status of monks, clergy and employees of SOC in Kosovo who do not have Kosovo citizenship.*

c. While the Vatican City has a fully independent judiciary and full sovereignty, Mount Athos has legislative autonomy on spiritual matters, as well as judicial autonomy on monasticism and the work of the laity, while Greece has jurisdiction over serious crimes. *The agreement should find an elastic solution that would accommodate the fact that the monasteries and holy sites are de facto in Kosovo, and de jure in special territorial status.*

d. In addition to its sovereignty over the Vatican City, the Holy See also owns a number of extraterritorial possessions inside and outside the city of Rome, which are not territorially connected to the Vatican, as well as several possessions that do not have extraterritorial status. *This shows that the special territorial status is possible, and even that there could be some sort of a mixed solution, with combination of enclaves/exclaves or double sovereignty with extraterritoriality.*

e. The sale of real estate on Mount Athos is prohibited, and in the Vatican their conversion is not allowed without the consent of Italy, while Italy is also obliged to ensure a ban on new construction in the parts of Rome that surround the Vatican. *Both examples show that the current special zones in Kosovo are not a new solution, and one that should remain part of the new agreement.*

f. The public parts of the Vatican City, as well as the extraterritorial possessions and property of the Holy See, are integrated into their environment, i.e., Rome and other cities. In other words, there is a direct connection with the immediate environment. Also, Italy's obligation to provide the Vatican with access to communication links, as well as connection to city installations, is defined. *Serb monasteries and holy sites, despite the eventual new territorial solution, cannot exist in limbo, without a direct connection and integration to its surroundings. In other words, the agreement has to find concrete and efficient solution for integration into the environment and communication with the central authorities in Pristina and authorities where the monasteries and holy sites are situated.*

g. Both the Vatican City and Mount Athos are on the UNESCO World Heritage List.

Regarding the challenges listed in previous chapters, there are several other aspects that should be defined through the negotiations:

- Elements of the Annex V of Ahtisaari Plan should be re-examined and changed to fit the new solution, including the protection zones.
- There should be a complete list of Serb monasteries and holy sites in Kosovo, as there is no definite list produced. It is obvious that the final agreement cannot include all in the territorial solution, and an ad hoc expert team, formed through the negotiations, should divide them into groups. Later, different systems of protection should be applied.
- Church cannot be a sole administrator of the “territory” in question. SOC should be in charge of spiritual issues and canonical law, but not for the heritage protection, as they lack expertise. The agreement should thus contain a provision defining a civilian institution, composed mostly of experts, and with a direct link to Serbia's institutions, that would be in charge of monitoring of preservation and protection of cultural heritage.
- The agreement should precisely define how religious and spiritual heritage is protected (in terms of hard security) and who is responsible for protection.
- The international community should ensure the implementation of the agreement.
- The solution for the Serb religious and cultural heritage could be a part of the comprehensive agreement, or precede it.



*Options for a territorial solution**a. Enclaves*

The first possible option as a territorial answer to the question of Serbian religious and cultural heritage, as well as the future functioning of the Serbian Orthodox Church on the territory of Kosovo, are enclaves/exclaves- a territory or part of the territory of one country surrounded by the territory of another country (in the case of enclaves and exclaves) or other countries (in the case of exclaves). There are also internal enclaves/exclaves within countries with different levels of government, with internal enclaves/exclaves. In any case, enclaves/exclaves exist as separate units of the home country (except in cases where enclaves are the country itself), where the legal framework of the home countries applies, usually with specific solutions that make everyday life easier for the population living in them. In other words, there may be special exemptions or incentives from the home country for citizens living in enclaves/exclaves: e.g. reduced taxes, customs benefits, etc. There are also often agreements with countries surrounding enclaves/exclaves to allow for better functioning in practice, such as border passes or the construction of a road/rail link connecting the enclave/exclave with the home territory (the case of the so-called pene-enclaves).

Enclaves are not uncommon, even though they seem to be at first glance. The previously mentioned example of the Vatican is precisely the example of an enclave that is at the same time a country. The same is the case with another micro country that is surrounded by Italy, San Marino. Enclaves/exclaves are relatively common in Europe as well, as there is a number of examples: Autonomous Republic of Nakhchivan (Azerbaijan), BaarleHertog (Belgian municipality in Netherlands, which contains 6 Dutch counter enclaves), Kaliningrad (Russia). In Serbia, village of Sastavci, with about 1,400 inhabitants, belongs to the municipality of Rudo in Bosnia and Herzegovina, but it is surrounded by the municipality of Priboj.

Enclaves as a solution would de-facto and de-jure mean the return of the part of territory of Kosovo to the jurisdiction of Serbia. However, it would mean that only the most important monasteries and holy sites (defined through negotiations and not reduced to heritage listed in UNESCO) are in this status, while for the rest should be found a different solution. A special regime of protection and mechanism for cooperation between Serbia and Kosovo should be also established regarding the integration with the immediate environment, openness and security (in every sense), as well as other necessary direct arrangements. While this solution should be generally favoured by the most of Serbian citizens and elite, there could be a danger of backlash in Kosovo, as monasteries and holy sites could be perceived as "a gradual return" of Serbia to Kosovo. In that sense, also, there could be an issue of adjustment of Ahtisaari provisions with the new status, in particular the defined protection zones. With the application of this approach, Serbia could remain the holder of the heritage on the UNESCO list, if the comprehensive agreement would include a chair for Pristina in the UN and other international organizations

Extraterritoriality (as a territorial concept) and the territory owned by different entity

Extraterritoriality (in the territorial sense) is a concept that is most often associated with diplomatic missions, usually denoting the part of the territory where the laws of the host country do not apply, and which is governed by another country. In other words, the host country retains all sovereign rights on the territory where extraterritoriality applies, but its legislative framework does not apply. Apart from diplomatic missions, extraterritoriality is a solution that also applies to the headquarters and missions of international organizations, such as the UN headquarters in New York and Geneva, and the NATO headquarters in Brussels. We have also seen examples that the Vatican City has a whole range of extraterritorial possessions in the city of Rome and Italy, which are even larger than the Vatican itself (the Papal Palace of Castel Gandolfo itself is slightly larger than the territory of the Vatican City).

Perhaps the most interesting example of extraterritoriality, bordering with the case of condominium (which we will analyse later), is the seat of the Order of the Knights of Malta, i.e., the Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta, which is recognized as a sovereign subject under international law, but which does not have its own territory. During the re-establishment of the order in 1834, a new centre of the order was established in Rome, in the Palazzo Malta (Magistral Palace), which was granted extraterritoriality in 1869 by the papal state. The Italian state also recognizes the extraterritoriality of the Palazzo Malta (as well as Villa Malta), but also the right of the order to enjoy sovereignty in their seat that coexists with the Italian one.¹⁶ In 2001, Malta granted the Order the right to use the upper part of the Fort St. Angelo in the city of Birgu for 99 years, with limited extraterritoriality. This fortress was the seat of the Order, during their control of Malta from 1530 to 1798.¹⁷

Also, other sovereign entities may have the right of control in certain aspects over certain micro-territorial units or buildings, however they still fall under the sovereignty of the host country: such as significant tombs, churches, castles, etc. In the case of the Vatican City, there are also several churches on the territory of Italy, which are owned by the Holy See, but without the right of extraterritoriality.

Challenges listed above for solution based on enclaves should be also addressed in the case of extraterritoriality. This could be more acceptable to citizens of Kosovo, than to citizens of Serbia, as it would mean that the titular in UNESCO would be Kosovo and not Serbia. Also, there is the question of durability of such solution, as the sovereignty *de facto* remains solely with Kosovo. However, this solution could be applied in combination of the other two, for the religious and cultural heritage of lower importance.

¹⁶ Klieger, P. Christiaan. *The Microstates of Europe: Designer Nations in a Post-Modern World*. Lexington Books, 2012. 95-96

¹⁷ Cahoon, Ben. *Sovereign Military Order of Malta*, https://www.worldstatesmen.org/Malta_knights.htm, last accessed on 8 May 2020

c. Condominium (double sovereignty)

The last option is a condominium or dual sovereignty over a certain territory. In history, there are examples of the condominium model being used when there is a misunderstanding about border issues and when other attempts have mostly failed. This model allows for joint sovereignty/jurisdiction to define governance mechanisms in a way that all parties are formally satisfied. Condominiums are not common, especially because states are not too willing to share sovereignty, but they can be a long-term solution to complex misunderstandings about borders.¹⁸ In most cases, today's condominiums refer primarily to uninhabited territories or bodies of water, over which the parties share sovereignty, such as the Pheasant Island on the Bidasoa River, which is a condominium of France and Spain, or parts of the Parana River, which are a condominium between Brazil and Paraguay in South America.

However, there are several cases of condominiums of settlements. The most famous case of a condominium we know is the internal condominium within Bosnia and Herzegovina, Brcko District, which is a part of both entities, the Federation of Bosnia and Herzegovina and Republika Srpska. After 2006, the district's international supervisor ended the use of entity laws, as well as the existence of borders between the entities within the district itself, and declared that the district relied on its own laws, as well as the laws of Bosnia and Herzegovina.¹⁹ In other words, the district is formally part of both entities, but in practice it functions as an autonomous entity within Bosnia and Herzegovina.

Historical condominiums include: Condominium of Great Britain and France over the colony of New Hebrides, Schleswig-Holstein Condominium, Condominium of Sudan etc.

The challenges listed for previous options should be also addressed in this case. While in practical sense this could be the most challenging option for implementation, given the complexity of solution, in political sense it could be most acceptable to both sides and the most durable.

¹⁸ Samuels, Joel H. "Condominium Arrangements in International Practice: Reviving an Abandoned Concept of Boundary Dispute Resolution." *Michigan Journal of International Law* 29, no. 4 (2008): 738. https://repository.law.umich.edu/mjil/vol29/iss4/3_728

¹⁹ Supervisor's Order repealing the entity laws in the Brčko District and declaring the cessation of the legal significance of the inter-entity border in the District, 2006, available at <https://bit.ly/2zj6rJS>, last accessed on 8 May 2020

Conclusions and general recommendations

1. In the continuation of the dialogue between Belgrade and Pristina, it is necessary to open the topic of the position and future status of Serbian religious and cultural heritage in Kosovo. Despite the efforts, the Ahtisaari Plan (Annex V) did not solve this issue. Status of the Serbian religious and cultural heritage in Kosovo remains a key identity challenge to the process of negotiations, and as such it should be closed for the successful reaching of the future comprehensive agreement. Thus, it is necessary to confirm the guarantees of the special status in the form of agreements between the Serbian Orthodox Church and the authorities in Pristina, as well between Belgrade and Pristina;
2. It is necessary to initiate a comprehensive and professional analysis of the current legal framework and enforcement of laws related to the protection of Serbian religious and cultural heritage, which would serve as a basis to the formulation of a new unique legal solution in Kosovo laws and for the agreement between Belgrade and Pristina; Within the framework of negotiations, a special expert group should be formed to come with exact list of the Serbian religious and cultural heritage. This list should define categories based on importance and current status of the heritage.
3. A precondition for a long-term agreement is resolving all property and legal relations, especially property that falls under the territory of special protective zones, in order to protect the "historical identity and natural environment, including the monastic life of the clergy" of Serbian religious and cultural heritage. In that sense, it is necessary to consider the possibility of expropriation of land on the territory of special protective zones, but also to start the process of restitution of the Serbian Orthodox Church's property in Kosovo, as envisaged by the Ahtisaari plan;
4. Territorial solution, based on the models of enclaves, extraterritoriality or double sovereignty should be applied to the most important Serbian religious and cultural heritage in Kosovo, but not limited only to the ones on the UNESCO list. For the less important extraterritoriality, or ownership without the extraterritorial status could be applied.

5. The agreement should provide strong security guarantees for Pristina, that this territory would not in any way challenge its legitimate security concerns. The administration over it has to be run in good faith and with full transparency, and with the necessary guarantees of the international community.
6. When defining the final status of Serbian religious and cultural heritage, it is necessary to provide effective guarantees for implementation within the set deadlines. In that sense, guarantees and sanctioning mechanisms by international actors are necessary.
7. Regardless of the model used in defining the status of Serbian religious and cultural heritage, it is necessary that the Serbian Orthodox Church based in Belgrade, i.e. the Eparchy of Raska and Prizren, whose supreme authority is the Patriarch and the Holy Synod of the SOC, has de facto and de jure spiritual administration over them. However, a special civilian body, with a clear and strong link to the government in Belgrade should be in charge of protection and administration of the heritage.;
8. Disregarding what would be the solution for the final status, it is necessary to ensure that Serbian religious and cultural heritage is integrated in the immediate environment (political, economic and social dimension), respecting the principle of cultural heritage as a civilizational heritage regardless of religious and ethnic differences. Heritage should become a point of improved communication and cooperation;
9. In the public socio-political discourse, it is necessary to avoid pseudo-historical interpretations in Kosovo, various forms of pressure and challenging of the legitimate rights of the Serbian Orthodox Church over Serbian religious and cultural heritage in Kosovo. This requires a new narrative in Kosovo but also in Serbia, that would help the implementation of the new political agreement and entice future cooperation. With the new solution, the heritage should not be perceived as a challenge to Kosovo subjectivity, and politicians on both sides should be obliged to promote the solution among the population and explain why it is in the common interest. It would be the best to formulate a joint approach in a form of campaign, with the inclusion of civil society and the media, with the active participation of the EU officials.



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