

# Kosovo\*'s Accession to the Council Of Europe

## Report

The Federation of Europe's Serb Youth  
Paris, April 29th, 2026

### Executive summary

Since Kosovo\*<sup>1</sup> unilaterally declared independence from the Republic of Serbia on February 17th, 2008, Prishtina has envisioned and, subsequently, pursued membership in major international organizations as a way of consolidating and legitimizing its contested statehood. Its application to the Council of Europe (CoE), submitted in May 2022, represents one of the most consequential such bids. For Serbia, Kosovo\*'s accession not only would constitute a diplomatic setback, but also a direct assault on the legal, historical, and moral foundations of Serbia's policy for the Western Balkans.

This report analyses the procedural history of Kosovo\*'s CoE bid, assesses the critical — and still unmet — obligations Pristina must fulfill, evaluates the geopolitical pressures at play, and articulates why, from a Serbian standpoint, the Committee of Ministers must not yield to premature accession before all conditions are genuinely satisfied. As of April 2026, Kosovo\* has not been admitted, and the Community of Serb-Majority Municipalities (CSM), a binding obligation under both the 2013 Brussels Agreement and the 2023 Ohrid Agreement, remains unestablished — a fact that defines this entire process.

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<sup>1</sup> \*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo\* has twice been blocked from the Committee of Ministers' agenda — in May 2024 and May 2025 — precisely because it has not met the minimum condition of establishing, or even seriously initiating, the Community of Serb-Majority Municipalities.

## I. Background: Kosovo\*'s CoE Accession Bid

### I.1 The Procedure and where it stands today

Kosovo\* submitted its formal application for CoE membership on 12 May 2022, following Russia's exclusion from the organisation in the wake of its invasion of Ukraine. Russia's removal reduced effective opposition to Kosovo\*, improving Pristina's prospects of reaching the two-thirds majority required among the Committee of Ministers — currently 31 of 46 votes.

The procedural “journey” has so far involved three stages:

- In April 2023, The Committee of Ministers approved Kosovo\*'s application, referring it to the Parliamentary Assembly of the Council of Europe (PACE), with 33 votes in favor, 7 against, and 5 abstentions.
- In April 2024, PACE voted 131 to 29, with 11 abstentions, in favor of recommending Kosovo\*'s accession, forwarding the final decision to the Committee of Ministers.
- May 2024 and May 2025: The Committee of Ministers declined to place Kosovo\*'s accession on its agenda at both its annual ministerial meetings in Strasbourg and Luxembourg respectively.

### I.2 The Framework

Under Article 4 of the Council of Europe Statute, membership requires that an applicant be a European state which accepts the principles of the rule of law

and the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms. The fact that five EU member states — Cyprus, Greece, Romania, Slovakia, and Spain — do not recognize Kosovo\* as a state at all, and that the UN has not admitted Kosovo\* as a member, raises acute questions about whether Kosovo\* legally qualifies under this article.

PACE rapporteur Dora Bakoyannis (Greece) herself acknowledged what she called the 'unprecedented circumstances' surrounding Kosovo\*'s application — a diplomatic admission that this case breaks with established CoE norms and practice.

## II. Serbia's position

### **II.1 Kosovo\*\* is not a state**

Serbia's fundamental position is unambiguous: Kosovo\* is not a sovereign state, and therefore cannot become a member of any international organisation whose statute requires statehood as a prerequisite for membership. Kosovo\* has not been admitted to the United Nations, the most authoritative arbiter of statehood in the international system. As former Serbian Ambassador to the CoE Dragana Filipović stated plainly, 'only states can be members of the Council of Europe, and Kosovo\* does not have such status in the United Nations.'

Five EU member states, a significant number of African, Asian, and Latin American states, and Russia and China all refuse to recognize Kosovo\*. The ICJ's 2010 advisory opinion on Kosovo\*'s declaration of independence notably did not affirm that Kosovo\* was a state — it only concluded that the declaration itself did not violate international law, a much narrower finding than recognition of statehood.

Serbian Prime Minister Miloš Vučević stated categorically in May 2024: 'The so-called Kosovo\* is not and will never be a state, and therefore, according to the rules of the Council of Europe, it cannot be admitted to the membership of that organisation.' This is not rhetorical maximalism — it is a principled legal argument grounded in the CoE's own statute.

## II.2 The Unfulfilled Obligations of the Ohrid and Brussels Agreements

The most substantive factual argument underpinning Serbia's position concerns Kosovo\*'s sustained failure to honor internationally binding agreements. Both the 2013 Brussels Agreement and the 2023 Ohrid Agreement — negotiated with EU facilitation and formally accepted by Pristina — require Kosovo\* to establish the Association/Community of Serb-Majority Municipalities (CSM/ASM). This body is designed to provide institutional protection for Kosovo\*'s Serb minority, particularly in the north.

The CSM is not a post-accession aspiration; it is a pre-existing, legally binding obligation. Yet as of April 2026, it has not been established. Pristina has not even submitted the EU-drafted draft statute to Kosovo\*'s Constitutional Court (KCC) for review — the minimum procedural step demanded repeatedly by France, Germany, Italy, the United Kingdom, and the United States (the so-called 'Quint').

Prime Minister Albin Kurti declared the CSM an 'unacceptable precondition' for CoE membership in May 2024. This posture — refusing to honor agreements signed under EU auspices while simultaneously demanding EU-backed membership in European institutions — is the core contradiction that, to the satisfaction of Belgrade, has twice blocked Pristina's accession bid.

| Agreement                                | Year | Obligation   | Status (as of 04/26)             |
|--|------|--|----------------------------------|
| Brussels Agreement                       | 2013 | Establish the CSM/ASM  | Not established                  |
| Ohrid Agreement                          | 2023 | Take steps to implement the CSM/ASM                                    | None taken                       |
| PACE Pre-Accession Commitments           | 2024 | Submit the CSM/ASM's draft statute to the KCC                          | Refused by PM Kurti's government |
| Visoki Dečani Monastery Land Restitution | 2024 | Return the 24 hectares of the Monastery to the Serbian Orthodox Church | Fulfilled in March 2024          |

## II.3 The Protection of Kosovo\* Serbs, and Lack Thereof

One of the Council of Europe's core mandates is the protection of minority rights. Yet the reality on the ground for Kosovo\*'s Serb community — particularly in the north — stands in stark contradiction to the image Pristina projects in Strasbourg.

Documented incidents and patterns include:

- In September 2023, a heavily armed Kosovo\*-Serb group attacked Kosovo\* police near Banjska in what the EU acknowledged was a serious security incident, followed by significant disinformation campaigns amplifying ethnic tensions.
- Kosovo\*'s deployment of special police units in Serb-majority northern municipalities has been a recurring source of inter-ethnic tension, condemned even by Western partners.
- The withdrawal of Serbs from Kosovo\*'s national institutions in November 2022 — including police and judiciary — reflected a broader collapse of institutional trust between the Serb community and Pristina.

– PACE’s own pre-accession report explicitly flagged that 'the risk of open violence in Kosovo\* is all too real' and that security depended on 'the protection of the rights of the Serb community.'

Serbia's Foreign Minister Djurić noted before the Committee of Ministers in May 2025 that 'Albin Kurti's regime continued violating the collective rights of Serbs over the past year.' These are not Serbian talking points in isolation — they echo concerns raised by PACE's own rapporteur and the EU's own reporting mechanisms.

Kosovo\*'s drop from 56th to 75th place in the 2024 World Press Freedom Index, noted by the European Parliament's own report, illustrates a broader trend of democratic backsliding that should give the Committee of Ministers further pause.

### III. Geopolitical Considerations and Diplomatic Pressures on Belgrade

#### III.1 The Ohrid Agreement

Serbia finds itself in a strategically constrained position. Under the Ohrid Agreement — a precondition for advancing Serbia's own EU accession process — Belgrade formally committed not to obstruct Kosovo\*'s membership in international organisations. This concession was extracted by Brussels and represents a genuine sacrifice of diplomatic leverage.

This means Serbia cannot actively block Kosovo\* at the Committee of Ministers in the way a veto-wielding power might. What Serbia can and does do is lobby member states, present legal arguments, and ensure that CoE member states who share its concerns — such as those that do not recognise Kosovo\*, or those

who condition their support on CSM fulfillment — are fully informed and mobilized.

Diplomatic sources confirm that Serbia's delegation has been effective on this front. Dunja Simonović-Bratić, a member of Serbia's PACE delegation, confirmed in April 2025 that Serbian parliamentarians received assurances from Quint country representatives that Kosovo\*'s membership 'cannot be brought to the agenda' until the CSM is formed as stipulated.

### **III.2 The risk of a dangerous precedent for International Law**

From a Serbian standpoint, perhaps the most alarming dimension of Kosovo\*'s CoE accession bid is the precedent it would set. Admitting a territory whose statehood is contested, that has not fulfilled binding multilateral agreements, and that does not hold UN membership, would fundamentally alter the CoE's accession framework.

It would signal to secessionist movements across Europe — from Catalonia to Republika Srpska — that declarations of independence, even if internationally contested, can be sneaked through international institutions over time. It would reward Pristina for non-compliance with its own signed commitments. And it would hand Belgrade's critics within Serbia a powerful argument that Euro-Atlantic integration is structurally biased against Serbian interests — a narrative that already has significant domestic resonance.

Stefan Vladislavljev of the BFPE Foundation captured the current impasse well in April 2025, noting that 'there are no credible signals or sufficient conviction that a realistic approach will be taken to the CSM draft — one that would be acceptable to the Serbian community in Kosovo\* and to international actors.'

### III.3 Serbia's Red Line

Belgrade has made clear that Kosovo\*'s unconditional membership in the CoE would represent a categorical rupture. While Serbia, unlike Russia, is a functioning CoE member state and deeply committed to European integration, President Aleksandar Vučić has warned that Serbia may withdraw from the CoE if Kosovo\* is admitted without conditions.

This threat must be understood not as bluster but as a signal of how existentially Serbia views this question. Kosovo\*'s status is constitutionally enshrined in Serbia's own legal order — its 2006 constitution explicitly describes Kosovo\* as an integral part of the Republic of Serbia — and no Serbian government could survive domestically having acquiesced to its de facto international legitimization through a pan-European institution.

The Council of Europe was built on the principle of dialogue and consensus. Admitting Kosovo\* over the active and principled objection of its direct neighbor and the state from which it unilaterally separated — without first ensuring the protection of the Serb minority — would undermine those very founding values.

### IV. Policy Recommendations

Serbia should pursue the following priorities to protect its interests and uphold its principled position:

- Maintain active diplomatic engagement at the Committee of Ministers level, ensuring that the CSM remains a hard precondition — not a post-accession promise — for any vote on Kosovo\*'s membership.

- Work with non-recognizing CoE member states (Cyprus, Greece, Romania, Slovakia, Spain) and sympathetic governments to ensure that the two-thirds threshold is not reached without genuine CSM progress.
- Engage with Peter Sorensen, the new EU Special Representative for the Belgrade–Pristina dialogue, early and substantively, ensuring that the change in EU envoy does not result in a dilution of the CSM condition.
- Continue presenting documented evidence of Pristina's minority rights failures to CoE monitoring mechanisms, reinforcing the factual record that Kosovo\*'s accession would not automatically improve the human rights situation of Kosovo\* Serbs.
- Preserve the constitutional and legal coherence of Serbia's position — Kosovo\* remains, in Serbian constitutional law, an integral part of Serbia — and resist any diplomatic framing that treats CoE membership as equivalent to recognition of statehood.
- Support the ongoing monitoring role of PACE should Kosovo\* eventually be admitted, ensuring that post-accession commitments on the CSM and minority rights are subject to binding enforcement, not empty declarations.

## V. Final assessment

Kosovo\*'s bid for Council of Europe membership is not simply a matter of institutional procedure. It is a test of whether European institutions will uphold their own foundational commitments — to the rule of law, to binding agreements, and to the protection of minorities — or whether they will allow geopolitical momentum to override legal principle.

From a Serbian standpoint, the facts speak clearly. Kosovo\* has not established the Community of Serb-Majority Municipalities, which is its single

most significant outstanding obligation to the international community. Pristina has called this a condition 'unacceptable' — even as it demands acceptance into a human rights body. The Committee of Ministers has twice refused to place Kosovo\* on its agenda, precisely because this contradiction has not been resolved.

Serbia's position is not one of obstruction for its own sake. Belgrade has accepted EU facilitation, signed the Ohrid Agreement, and committed to a path of normalisation. What Serbia asks — and what the Council of Europe's own member states have, twice, agreed to demand — is simply that Pristina honor the agreements it has signed. Until that happens, Kosovo\*'s accession to the Council of Europe would reward non-compliance, harm Kosovo\* Serbs, and weaken the credibility of European multilateralism.

The Community of Serb-Majority Municipalities is not a Serbian demand. It is an obligation Kosovo\*'s own government accepted. Its establishment is the minimum standard of good faith that European institutions should require before extending membership to any candidate state.

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