

Parliaments and Normalization

Introduction

Belgrade and Pristina remain locked into a complex post-conflict status quo for now two decades. The EU-sponsored dialogue that began in 2011 has improved relations considerably in such areas as freedom of movement and trade, but has kept the core of the dispute—the status—under the carpet. Serbia insists that it would not recognize Kosovo’s independence under any circumstances, but it is willing to normalize relations with Pristina. Kosovo maintains that normalization without recognition is not sustainable, as it leaves the conflict open. Given these irreconcilable positions, finding a model that satisfies both sides would be challenging.

Although officially no option has been put forward, many in Belgrade and Pristina and in several narrow international circles are discussing potential options, ranging from ‘border adjustment’ to recognition of independence. Belgrade started last fall a national dialogue on finding a model to conclude the Kosovo conflict, so far narrowing the discussion down to 11 options, ranging from Kosovo’s incorporation into Serbia to recognition of independence.¹ Kosovo’s government, on the other hand, drafted a platform for negotiations, setting Serbia’s recognition of independence as the dialogue’s final goal. Local and international organizations have developed various scenarios, ranging from recognition to renewed conflict.²

Although governments run negotiations, the role of parliaments in supporting and overseeing the process and ratifying a final agreement is essential. In this context, CIG gathered a number of members of parliaments from Serbia and Kosovo representing all major political parties to discuss their role in helping reach and ratify a final deal. The discussion was held in Tirana, Albania, on April 14, 2018. CIG has organized a number of such activities between the parliamentarians in Pristina, Belgrade, Podgorica, Mavrovo, and Brussels in the past three and a half years.

¹ The internal dialogue concluded in April 2018. Serbian President Aleksandar Vucic plans to come up with a platform based on the internal dialogue’s recommendations. The dialogue’s working group has articulated 11 options: 1) Kosovo reintegrates into Serbia’s system; 2) partition or exchange of territories; 3) status quo; 4) continuation of the Brussels dialogue; 5) confederation of Serbia and Kosovo; 6) resolution of economic issues without a political solution; 7) establish a community of Balkan nations; 8) Serbia and Kosovo enter EU together, Kosovo as part of Serbia, putting the status issue aside; 9) negotiations under international patronage—UN or EU—based on a non-recognition premise; 10) Kosovo as a condominium governed jointly by Albania and Serbia; and 11) recognition of independence.

² Friedrich Ebert Stiftung, *Serbia and Kosovo in 2035*; available from <http://library.fes.de/pdf-files/bueros/belgrad/14369.pdf>

The roundtable is part of a larger project on relations between Serbia and Kosovo supported by and implemented in cooperation with the Swiss Federal Department of Foreign Affairs.

The report is based on the roundtable discussions, held under the Chatham House Rule. We have tried to be accurate and balanced in summarizing the discussions, and ask for the understanding of participants whose remarks may have not been fully captured in this brief report.

Models of normalization

Despite its many weaknesses, the Brussels process has laid some critical foundations for normalizing relations between Kosovo and Serbia. The process managed to transform the relations from ‘a frozen conflict into a melting one.’ So the next phase of negotiations on comprehensive normalization already has a solid basis. “The problem is that we do not have experience in give-and-take and therefore need the international community to push us towards a compromise,” a parliamentarian said. A number of Serbian speakers insisted that a solution be found within Serbia’s constitutional framework, in the form of substantial autonomy. But Kosovo participants maintained that Pristina would only discuss the recognition with Belgrade. “Anything less than recognition leaves the conflict open.” Many predicted a model that allows for normalization of relations without recognition as a more likely outcome.

A Serbian participant said that the future comprehensive agreement would confirm something that is a reality today, namely “Serbia’s implicit recognition of Kosovo.” “We are not looking for a solution, we are looking for a way to communicate the solution.” But another speaker disagreed, saying that, “Serbia would never ever recognize Kosovo implicitly or explicitly, even if it would mean no EU membership for Serbia.” “We can only talk about such issues as economy and trade, nothing else,” he concluded.

Political will and self-interest are key ingredients to reach a deal. Many speakers said that Pristina and Belgrade have solid political will and, most importantly, a lot of self-interest in resolving the dispute, but reconciling the diametrically opposed positions requires more than ‘solid will,’ it requires “strong will.” “Neither side is ready to take the required bold steps; both sides are asking the other to do what they are not ready to do themselves.” For instance, the speaker added, Pristina asks Belgrade to apologize for the crimes against the Albanian population, but it is not willing to do the same to the Serbs in Kosovo. “We all know what steps are required but are reluctant to take them because they are not popular with our constituencies.” Another speaker said that crimes against Albanians were “institutional,” while those against Serbs were “committed by individuals.” In response, a speaker said that, “it matters little to the victims whether the decision to murder them was “institutional or individual.” “All victims deserve an apology.”

The international community has been trying to help Belgrade and Pristina find a solution that satisfies both sides, so far with mixed results. Both sides are dissatisfied even with the Brussels process. “Both Pristina and Belgrade feel they lost more than gained from the Brussels dialogue.” However, many said that an option where “both sides feel as losers is also adequate.” “We cannot agree on a model where one side gets everything and the other loses everything,” a

Serbian speaker said. The participants could not agree on a model that could satisfy or dissatisfy both sides equally.

Serbian President Vucic said last fall that an easy fix would be recognition, but added that Belgrade cannot do it. Instead, Belgrade organized an eight-month long national dialogue on Kosovo whose results President Vucic would articulate into a platform for negotiating a final deal. In Serbia, the final deal with Pristina would have to be submitted to the “will of the people” through a referendum. In Kosovo, the ratification of a final deal requires two thirds of Kosovo’s parliament. A number of Kosovo participants said that an internal or an inter-party dialogue in Kosovo on the final deal with Serbia is needed as well.

If easy fixes are not on the table, what are the non-easy ones? The parliamentarians had substantial disagreements also on the non-easy solutions. Kosovo participants said that the ‘easy fix’ is the ‘only fix.’ Some Serbian speakers said that ‘recognition’ is out of the question and that a solution should be sought within ‘normalization without recognition.’ Recognition of Kosovo, according to a number of speakers, is not a likely option, at least not in the short and medium term. Also, some said that Serbia’s recognition of Kosovo is not as important as many make it sound. “Serbia’s recognition does not guarantee a UN seat, EU membership, or recognition of Kosovo by the five EU non-recognizers. “There are different sets of criteria for EU membership, UN seat depends on Russia, and the five EU members do not recognize Kosovo because of their internal issues, not because of their solidarity with Serbia.” Given these irreconcilable positions, many predicted that a final deal is not likely to be reached soon and that the existing ‘incremental process’ will remain the *modus operandi*.

Delaying the deal has repercussions for both Belgrade and Pristina. To join the EU by 2025, Serbia needs to fulfill all the criteria by 2023 and reach a final deal with Kosovo by 2021 at the latest, some speakers explained. A final deal with Serbia is also essential for Kosovo’s next steps towards EU integration, especially in softening the position of the five EU non-recognizers. The majority of the speakers said that Pristina and Belgrade are still on track in reaching a ‘normalization without recognition’ agreement on time.

But what does ‘normalization without recognition’ mean? Serbia has already recognized Kosovo’s ID cards, car plates, custom stamps, border/boundary crossings, telephone code, and energy. Some participants said that Serbia could recognize Kosovo’s institutions—such as police and judiciary—and other documents—such as passports—and not lobby against Kosovo’s membership in international organizations. “This could all be done without having Serbia to recognize Kosovo.”

But what would Serbia get in return, a Serbian speaker asked. Many Serbian parliamentarians said that the final deal should be some kind of a trade off. If Kosovo gets implicit recognition, then Serbia should get something equally valuable. Many speakers said that the EU membership is not enough. Some said that a strong Association/Community of the Serb-Majority Municipalities in exchange for implicit recognition could be a ‘fair transaction,’ but the Kosovo speakers opposed any executive powers for the Association/Community, arguing it would “undermine Kosovo’s sovereignty.” On the other hand, some Serbian speakers argued that even a strong Association/Community is not enough in exchange for implicit recognition.

There was consensus that it is in Serbia's and Kosovo's self-interest to resolve the conflict. But both sides are having trouble to balance self-interest and old principles and sentiment. Many said it is in Serbia's self-interest to conclude the Kosovo conflict with some form of implicit recognition, but that would violate the principle held for decades that "Kosovo is an inseparable part of Serbia," and most likely would "make angry more people than the leadership can afford." It is also in Kosovo's self-interest to agree to some sort of 'normalization without recognition' but that would violate their principle of 'only recognition is normalization.' The Kosovo politicians also fear that the formation of the Association/Community would "make angry more people than they can afford."

So it remains to be seen whether self-interest will prevail over principles and sentiment or the other way around. Self-interest did prevail in the Brussels dialogue to a solid degree.

The most obvious tangible self-interest for Serbia is economy. On per capita basis, Kosovo is Serbia's biggest importer. A Kosovar imports about 150 euros worth of goods per year from Serbia and only about 40 euros from Albania. By comparison, a Russian imports only about 7 euros in goods from Serbia. Normalization of relations is the only way for Serbia to preserve and to expand its exports in Kosovo, a speaker said. For Kosovo, Serbia used to be a major market, but that was disrupted by the war. But now that many technical and political hurdles have been cleared off, Kosovo could reclaim some share of the market.

While the participants recognized the economic benefits of normalization, they pointed out that non-economic factors, such as sentiment and identity, would continue to remain powerful forces in shaping a solution. Public campaigns, transparency, and rational rhetoric were suggested as tools to try to mitigate nationalistic sentiment and earn public support for a rational choice.

A speaker considered that it is "the incompetent leadership in Serbia and Kosovo" that is undermining the process. "Dialogue has been compromised by its carriers" He suggested that both Serbs and Albanians needed to transform their understanding of compromise. "We understand compromises as defeats." The speaker noted that a compromise could be found within the Ahtisaari framework. Another speaker said that, "we all know what we need to do to fail, but now it is the time to learn what we need to do to succeed." The speaker suggested that Serbs and Albanians should themselves push more for solutions. "I am not proud that EU foreign policy chief Federica Mogherini should search for solutions to our problems," adding that, "as long as we do not take our future on our hands, our leaders will treat us simply as a rubber stamp."

The climate created by the ruling elites in both Kosovo and Serbia is not conducive to reaching successful agreements. Instead of rallying the public opinion for the dialogue, the elites themselves are poisoning the atmosphere. Both negotiating teams need improvement, according to many speakers.

The speakers concluded that Pristina and Belgrade cannot have joint principles and objectives, but that should not be a reason to delay a solution. "We should not leave the problem to our future generations." A speaker predicted that an agreement is inevitable before 2021 and that

most likely “both sides will feel as losers.” The speaker added that the goal of compromise should be peace and stability in the region and sustainable relations between Pristina and Belgrade. However, he predicted that the type of the solution depends more on big powers than on Belgrade and Pristina.

A complex reality

“Serbia should recognize the reality that Kosovo is an independent country,” a speaker said. “Kosovo should recognize the reality that it does not control its Serb-dominated north,” another speaker replied. The ‘Kosovo reality’ seems to consist of a number of ‘smaller realities.’ Serbia does not control Kosovo but Kosovo does not control its northern part. A speaker said that, “the police officers in the north have changed uniforms but not the chain of command,” that they primarily report to Belgrade. Another reality is that Kosovo cannot integrate the north without the support of the international community and Serbia cannot become an EU member without reaching an agreement with Pristina. “That is why an agreement is inevitable,” a speaker explained.

“We are dealing with an interdependent relationship where everyone needs everyone.” Negotiations are inevitable to break the deadlock. A speaker said that Pristina and Belgrade have two options: continue the status quo or reach a compromise. “I understand it is not easy for Kosovo to make compromises, but it is not easy for Serbia either.” Some speakers explained that it was difficult for Belgrade to agree on an integrated border/boundary management, customs stamps, and a telephone code, prerogatives that only independent states have.

So in the existing reality, Belgrade has no control of most of Kosovo, but it has a lot of leverage in the north. “It is incorrect when many say that through the Association/Community, Pristina would give the north to Serbia,” a speaker said, adding that, “Serbia already has the north.” The Association/Community might actually help Pristina to establish some authority there. It would not completely integrate the northern municipalities but would “transform the de-facto partition into some soft partition.” The north has also a lot of leverage through the Gazivoda Lake.³

The alternatives are not appealing. Frozen conflict will keep their economies and European integration paths frozen as well. The cost of conflict is already high. Serbia and Kosovo are

³ Located in the municipality of Zubin Potok, Lake Gazivoda is the single most important water resource in Kosovo and a key asset of the hydro-system Iber Lepenc/Ibar Lepenac. Gazivoda contains 69 percent of Kosovo’s accumulated water. By comparison, Radonic—Kosovo’s biggest artificial lake in the south—contains only 20 percent, followed by Batllava with 5.3 percent and Badovc with 4.6 percent. Gazivoda was also used as leverage in the past, especially in 2007 when it became obvious that Kosovo will declare independence. Kosovo authorities asked KFOR to assume control of the lake to ensure that the Serb management does not cut off the water supply in response to the independence declaration. The Serb management interrupted the water flow in 2000, but only for 10 minutes. The water is especially important for the production of electricity. The power plants would not be able to operate without the lake’s water. A 2007 UNMIK report assessed that if the Serb management would shut down the water pipes, “Kosovo would have electricity only for the key institutions.”

amongst the poorest in Europe, their citizens leaving for Western Europe in huge numbers, and their democracies remain weak. Foreign direct investment in Kosovo and Serbia is negligible. Many international companies are reluctant to invest in places with major political disputes and weak rule of law.

“The majority of our people live in miserable conditions, serving as a source of cheap labor, and used and abused by both public and private sector,” a speaker said. “It is a shame for all of us not to do anything just because we fear compromises.”

Many speakers were skeptical that Pristina and Belgrade would be able to agree on a final deal. Consequently, they said, the international community might have to impose an agreement, one more time. Reaching an agreement requires compromises from both sides, a speaker said. “Agreements are transactions, you have to give something to get something.” But the participants did not agree on how the transaction should look like.

Many speakers said it is time to act, “to do what should be done, not just talk about what should be done.” Pristina and Belgrade officials now talk for two decades about what should be done, but have not taken the necessary steps to reach an agreement. Some speakers said that the demand of the international community is clear: Serbia should recognize Kosovo’s authority, not necessarily its independence, and Kosovo should form the Association/Community. Serbia’s tasks are listed in the Chapter 35 of its EU negotiation framework, while Kosovo has committed to implement the 2013 Brussels agreement.

Given the complexity of the outstanding issues, many speakers were skeptical that a comprehensive agreement would be reached soon. “Comprehensive normalization should cover areas of defense, security, air transport, to name a few, and Pristina and Belgrade will need years to agree on these sensitive issues.” Some added that the talk on partition is also complicating the discussions. A number of interlocutors said that discussions on potential partition are happening in narrow circles. “Serbia no longer talks about Kosovo, but about the north of Kosovo.” While his motives are unclear, some speakers reported that Kosovo President Hashim Thaci is rumored to support an exchange of territories option, but many in the international community, especially the United States and Germany, remain strongly against it.

Some speakers said that classic partition whereby Serbia incorporates Kosovo’s north is not likely, but a “soft partition” is becoming a reality. Under any scenario, a speaker predicted the north would remain under Serbia’s de facto control, but de jure the institutions would operate within Kosovo’s legal framework. An exchange of territories is not a likely option. It may start with Kosovo and Serbia, but most likely will end up with “Bosnia and Herzegovina and Macedonia.”

Conclusion

There was broad agreement on the diagnosis of the conflict but not on the prescription. But even though the participants did not agree on any content of an agreement, they did recognize the cost that the continuation of the conflict has for both Serbia and Kosovo.

Relations between Serbia and Kosovo are interdependent. Neither can move forward without resolving the conflict. Serbia needs to get the Kosovo dispute off the plate to move ahead with the EU integration, while Kosovo needs a deal with Serbia for membership in international organizations and potentially improve relations with the five EU non-recognizers.

The conclusion of the conflict through some kind of peace treaty, unthinkable just a few years ago, is becoming inevitable. And since the status quo is not favorable to neither, many said it is rational for political leaders to take big political risks by accepting terms that might not be popular with the public now, but the sentiment will change once benefits of the solution start to become visible.

Ratifying and implementing the agreement could be just as difficult as reaching it. Many parliamentarians said they are not involved sufficiently in the process, that the negotiations are not transparent, and that they are asked to vote without having sufficient information. They said that parliaments should play a bigger role in the next phase.

Participants

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Illir Deda, Member of Parliament of Kosovo, Alternativa

Blerta Deliu Kodra, Member of Parliament of Kosovo, Democratic Party of Kosovo

Aida Derguti, Member of Parliament of Kosovo, Group of Independent MPs

Vladimir Djukanovic, Member of Parliament of Serbia, Serbian Progressive Party

Vladimir Djuric, Member of Parliament of Serbia, Enough Is Enough

Dubravka Filipovski, Member of Parliament of Serbia, Serbian Progressive Party

Arben Gashi, Member of Parliament of Kosovo, Democratic League of Kosovo

Enver Hoti, Member of Parliament of Kosovo, NISMA Social Democrat

Donika Kadaj Bujupi, Member of Parliament of Kosovo, Alliance for the Future of Kosovo

Nada Lazic, Member of Parliament of Serbia, League of Social Democrats of Vojvodina

Snezana Paunovic, Member of Parliament of Serbia, Socialist Party of Serbia

Dejan Radenkovic, Member of Parliament of Serbia, Socialist Party of Serbia

Korab Sejdiu, Member of Parliament of Kosovo, independent

Xhelal Svecla, Member of Parliament of Kosovo, Self-Determination Movement

Armend Zemaj, Member of Parliament of Kosovo, Democratic League of Kosovo

Belul Beqaj, Analyst

Shpetim Gashi, Vice President, Council for Inclusive Governance

Milivoje Mihajlovic, Analyst

Igor Novakovic, Representative in Serbia, Council for Inclusive Governance

Alex Roinishvili Grigorev, President, Council for Inclusive Governance

Kuno Schlaefli, Human Security Adviser, Federal Department of Foreign Affairs of Switzerland