

What is the Future of the Belgrade-Pristina Dialogue?

Introduction

It has been more than a year since the official negotiations in Brussels were convened last. The talks of the presidents of Kosovo and Serbia are in a stalemate as well. The little explained “border correction” or “land swap” idea does not seem to be getting anywhere either. While the US and the EU’s High Representative have tacitly supported it, most of the EU member states remain either indifferent or outright against any border change. In Serbia, it seems, the majority would prefer or would be able to accept this outcome, which would probably allow President Aleksandar Vucic to close the Kosovo issue. However, in Kosovo there are different positions. Prime Minister Ramush Haradinaj and the majority of political actors are strongly against such an option.

The 100 percent tariff on Serbian goods that the Haradinaj government imposed in December effectively stopped the dialogue. Serbia conditions its participation in the dialogue with revoking of the tariff. In the meantime, the EU is in turmoil both due to the upcoming elections for the European Parliament and the prolongation of the Brexit until October 2019. With such prospects, chances are slim that the EU could have an effective role in an eventual continuation of the dialogue or designing a new process between the two sides anytime soon.

Aiming at exploring opportunities for resuming the dialogue in the new post-EU election context and the process of normalization between Serbia and Kosovo, CIG has reconvened its standing group of experts from Belgrade and Pristina for a two-day meeting. The experts did not reach consensus on every issue, but they produced a set of conclusions and recommendations that could be useful in the upcoming period. They examined the current positions of Belgrade and Pristina and prospects for a compromise between them, the new context and chances for normalization, and outlined the issues that need to be resolved before starting a new process. They identified both the actors who need to be involved in the coming period and the elements that should be considered in the framework of the future agreement between the two sides.

The workshop was held on March 30-April 1, 2019 in Belgrade. The Friedrich Ebert Foundation supported the workshop. Following the workshop the participants met with a group of journalists from Kosovo and Serbia and discussed their deliberations and ideas with them. The meeting with the journalists was supported by the Foundation for an Open Society. The workshop is part of a larger CIG’s initiative on the relations between Kosovo and Serbia supported by the Swiss Federal Department of Foreign Affairs.

Conclusions and recommendations

The conclusions and recommendations are not necessarily based on consensus. Some had consensus, and some broad support, but the report also includes individual conclusions and recommendations.

Current positions and chances for compromise

- Just like 2018, 2019 will most likely be a year of missed opportunities and lack of dialogue. It is unlikely for the dialogue to resume before the EU elections are over. The dialogue could be further delayed by likely snap parliamentary elections in Serbia and Kosovo.
- The “border correction” discussions allowed presidents Aleksandar Vucic and Hashim Thaci to delay an expected agreement in 2019 and to extend their relevance in the political scene. Many say that the international community might stop supporting Thaci and Vucic once the Kosovo dispute is resolved. Thus, the status quo would enable them to stay in power indefinitely.
- The “border correction” idea most likely killed the original Brussels dialogue. It is unlikely that it will restart in the same format and with the same actors.
- The goal of Kosovo’s dialogue platform is to stop partition and to undermine Thaci’s approval of the idea for border correction. The platform does not allow negotiating Kosovo’s territorial integrity. Belgrade is unhappy with the platform because it excludes the partition idea. Serbia remains interested in a solution that exchanges “territory for status.” Under these circumstances, the continuation of the dialogue is difficult. Some participants opined that the platform is intended for the upcoming Kosovo elections and is for internal use only. They said that the platform as such couldn’t prevent partition. But the question remains whether the platform does bring to an end the partition discussions and process. Many said that if the US manages to get a plan together with Vucic and Thaci, the platform would not be able to stop the border change option. There will simply be a new platform. Only the United States can pressure Kosovo to disregard the platform. Some said that the Kosovo platform’s content does not reflect the reality. Neither the Ahtisaari Plan nor the Brussels agreements have not been implemented in their entirety. The platform is also against giving executive powers to the Association/Community of the Serb-Majority Municipalities.
- Eventually, only the United States can pressure Kosovo to disregard its own platform.
- If Serbia was truly interested in a land swap today and if there was an actor in Kosovo who could secure the implementation of such a plan, the 100 percent tariff would not be used as an excuse by Belgrade to block the dialogue. The tariff and the platform are just pretexts for both sides to drag their feet on reaching an agreement.
- Negotiations will resume only after the elections on the both sides, and the tariff will not be suspended before the elections.
- The majority of the analysts agree that the deal based on partition/land swap is most likely dead. At the same time, however, few of them insist that this idea is more alive than ever as it has become a legitimate option for the first time and that it would be very difficult to disregard it in the future.
- The partition/land swap idea has also legitimized in Serbia the concept of mutual recognition thus radically changing the discourse in Serbia.

- The dialogue has been promoted as a tool toward the EU membership for Serbia and the EU perspective for Kosovo but the EU future is increasingly becoming more problematic for both. It is a big mistake that the EU does not create realistic EU integration prospects for both Serbia and Kosovo. The EU has no carrots and sticks in the current process. Both France and Germany should accept that making the EU enlargement more real for both Serbia and Kosovo is key to any further progress, especially if they are not keen to see the partition/land swap idea to be entertained. Progress in the EU negotiations for Serbia and visa liberalization for Kosovo are key for a successful reset of the dialogue.
- It seems that the current status quo will continue, which, according to some, is the worst possible option. If there is no agreement, the parties might pursue escalation of tensions in Kosovo's north, for different reasons. Vucic might be interested in creating a new situation of a *de-facto* partition on the ground and Thaci, fearing a Hague indictment, might be interested in keeping his relevance on the international scene. If there is no deal with Serbia on partition/land swap, a conflict in the north might be the best assurance for the ex-KLA leaders to avoid the special court.

Normalization within a new context

- The implementation, genuine normalization of relations, and trust are just as important as the agreement.
- The West has not spent enough time on developing alternative options to the land swap/partition idea.
- The West has never fully pursued the normalization, leaving the presidents of Serbia and Kosovo in charge and thus allowing them to fill the substance of the narrative of normalization and making the normalization fail. The normalization needs to be re-legitimized.
- All previous agreements must be implemented before any new talks. This is the way to return the trust between the parties.
- The Kosovo Albanian majority has not succeeded in persuading the Serbs in Kosovo that Kosovo is as much Serb as it is Albanian. Without it, it would be impossible for the Kosovo Serbs to feel as equal citizens, consequently raising a prospect for continuing tensions.
- Without the normalization of communication and complete freedom of movement of people and goods there will be no real normalization between the societies and thus no basis for the implementation of the current and future agreements.
- The majority of the analysts concluded that there is probably no return to the original format of the Brussels negotiations.
- An analyst proposed that the West should form a mission similar to the former ICO, with a mandate of five years. The mission would ensure that everything that has been previously agreed is implemented, i.e. all signed agreements, the Ahtisaari framework, and Kosovo's own laws. In return, Serbia would pledge to recognize the independence of Kosovo at the end of the mission's five-year mandate.
- If the land swap succeeds (unlikely) the attention should be given to sustaining the Serbs who will remain in Kosovo. If the land swap does not succeed (likely) maintaining security and stability is key and the normalization process should return within a better framework until an agreement is reached.

- Is there a compromise between positions of partition and non-partition? What is the compromise? Maybe one should go back to the idea of normalization of relations, where recognition was not included, but where Kosovo would gain membership in international organizations, establish the Association/Community of the Serb-Majority Municipalities, and Serbia would recognize Kosovo de facto but not de jure.

Actors and stakeholders

- Elections is “a chance to shuffle the cards” and to have some new persons around the table. Some analysts claimed that with the same participants in the process, the dynamics would not be changed and outcomes are likely to be similar. Some see many unpredictable risks as long as these leaders lead the process.
- The same international actors should remain engaged in the process, but the speed and the dynamics must change. Several analysts said that the key players are the United States and Germany. Russia’s inclusion would be useful, but some fear that it would derail the process. Some analysts said that Germany should consider leading the process for the EU. Others stressed that the US involvement is crucial.
- Consensus between Berlin and Washington is key for a solution.
- Several participants criticized Germany for not offering alternatives to the partition/land swap idea.
- Some said that the two presidents could sign an agreement, but it remains unclear whether it would bring a solution on the ground and be implemented. There are two schools of thought regarding the involvement of the current elites: a) they should be the ones to reach the agreement, because they have started the conflict in the first place; b) nobody with this kind of a legacy could resolve the conflict and there should be new players.
- All analysts agreed that on both sides the opposition should be included to a certain degree to ensure the sustainability of the process.
- The current Kosovo Serb political elites are fully under Belgrade’s control. It is a question whether they, apart from the independent civil society, could provide any meaningful input for the dialogue.

Questions without clear answers

- Who are the authors of the “border correction” idea? The Albanian Prime Minister Edi Rama, Aleksandar Vucic, or Hashim Thaci? How did they convince the EU and the US officials to support it? Do they have something on paper, like a map with a new borderline? The US especially is quite strong on wanting to have details before it endorses or rejects a plan. Would the US in this case support a plan without details? Are the US border change proponents paid by lobbying companies hired by Vucic and Thaci to support the idea or is it a US government policy?
- Is the partition idea dead?
- Is there a solution that does not include Serbia’s *de jure* recognition of Kosovo?
- Do the Serbs in the south have future prospects in Kosovo? President Vucic says they will leave in 30 years under any circumstances. So does supporting Serb integration instead of partition mean that Serbia would lose both the north and the Serb population in the south? How correct is Vucic’s 30-year prediction and can state policy be based on such predictions and speculations?

- How much secrecy do the negotiations need? Some secrecy is needed during the process but does everything need to be secret including the goal of the process?
- What is Russia's position on border changes? Can Serbia afford to disregard Russia on the Kosovo issue?