

Alternatives to Territorial Solutions

On June 22, 2019 in Pristina, Kosovo, the Council for Inclusive Governance (CIG) reconvened its group of analysts from Kosovo and Serbia for another workshop. The workshop participants discussed alternative solutions to the border change option and recommended a list of confidence building measures as an interim approach to continue to support the normalization process until the official EU-sponsored dialogue resumes. Though it has not been put on the table officially, Serbian President Aleksandar Vucic and Kosovo President Hashim Thaci support a solution that included some territorial changes. A number of EU and US officials reportedly supported such a deal too. Some EU states and most of the neighbors of Kosovo and Serbia are strongly against. However, the territorial option has lost steam recently and solutions within existing borders have regained popularity.

The workshop is part of a long-term CIG initiative including a group of analysts, observers, politicians, and policy developers that examine and evaluate the Kosovo-Serbia relations and offer input to develop the ingredient for a final settlement. The initiative is supported by the Swiss Federal Department of Foreign Affairs.

Alternatives to an alternative

The border change option itself is an alternative solution. Apart from presidents Thaci and Vucic and a few international diplomats, no one else knows what the border solution entails. Thaci refers to it as “border correction,” insisting on his objective to correct historical injustices by incorporating Serbia’s Presevo valley into Kosovo. Vucic refers to it as “delineation,” suggesting that Serbia would incorporate Kosovo’s four Serb-dominated municipalities in the north into Serbia, which is in line with his principle of “better something than nothing.”

The workshop participants outlined a number of non-territorial options.

1. *De jure recognition.* Serbia recognizes Kosovo within its existing borders and legal system. Kosovo would implement its minority legislation in full.
2. *De facto recognition.* Serbia recognizes Kosovo’s institutions, legal system, and suspends lobbying against Kosovo, but it does not extend diplomatic recognition to Kosovo. Kosovo implements all of the Ahtisaari-based minority rights and establishes the Association/Community of Serb-Majority Municipalities as per the Brussels Agreement. De jure recognition is not important for neither Kosovo nor Serbia for until the two get close to EU membership, in which stage a final settlement including legal recognition may become a key condition for Serbia to join the EU. The de facto recognition is a useful transitional solution. This time would allow Belgrade and Pristina to implement the Brussels Agreement in its entirety and to resolve the remaining technical/political non-status disputes.

3. *Incremental normalization.* Serbia and Kosovo continue discussions based on the Brussels negotiations model, addressing one dispute at a time. They address all open issues that affect peoples' lives rather than more status-based abstract issues. This option includes a review of the Brussels Agreement and an update of some of the individual agreements, such as the ones on the ID cards, car plates, and trade.

There was broad agreement that the scenario 3, the incremental normalization, is most realistic for the time being. The de facto recognition would be a more desirable option but the leaderships do not seem to have the political courage to go this far.

Resetting the process

The dialogue process has stalled. Belgrade conditions the resumption of the dialogue with the suspension of the tariffs that Pristina imposed on Serbian goods last December. However, the dialogue had stopped long before the tariff was imposed. The real reason of the stall seems to be the failure of the two presidents to conclude a 'border' solution agreement. They still push for it, but the idea has lost its momentum, with the EU and US border solution advocates either reversing their positions or losing decision-making positions. Presidents Vucic and Thaci are increasingly alone.

The workshop participants suggested a number of short- and long-term steps to prepare the resumption of a better dialogue.

1. *Implement all agreements reached in Brussels since 2011.*
2. *Improve the leadership and governance quality in Kosovo and Serbia.* Some suggested to even wait until a more liberal leadership is in place in Pristina and Belgrade. Many were skeptical that the current leadership can or is interested to resolve the conflict, arguing that they are driven by personal rather than public interests. And it is not in their personal interests to close an issue that helps their stay in power. Without the conflict, Kosovo and Serbian leaders would not have the same powers on either domestic or international scene. Having a conflict on their plate is existential for leaders coming out of the conflict. They cannot operate under peaceful circumstances.
3. *Define common principles.* Belgrade's and Pristina's current principles are in conflict: Belgrade's main principle is that both sides should get something from the deal while Pristina's principle is that Belgrade recognizes Kosovo unconditionally. The US and the EU should work on finding some common principles bridging these two extreme positions.
4. *Define 'delineation' or 'border correction.'* If the border change idea includes only cosmetic changes—such as the border demarcation between Kosovo and Macedonia—then it could be on the table as part of a comprehensive deal.
5. *Define the role of neighbors.* Tirana has played an important role in building closer relations between Presidents Thaci and Vucic and served as an intermediary in developing the 'border correction' idea. Though few consider Tirana's contribution as positive, the region could play a key role in facilitating a solution.
6. *Reduce dependence on individual political leaders and institutionalize the dialogue.*
7. *Establish a two-track process.* The first track would address status issues while the second one would deal with technical issues such as energy and trade.

8. *Establish an informal fact checking team.* The team would monitor political statements and offer explanations whether they are true or false.

Interim confidence-building measures

While the local and international stakeholders figure out how to resume the process, Belgrade and Pristina should prevent any escalation of tensions and continue with less sensitive confidence building measures. The workshop participants suggested a list of short and medium-term measures.

1. *Full freedom of movement.* Pristina and Belgrade could upgrade the agreement on the free movement of goods and people. Pristina could suspend the tariff while Belgrade could recognize Kosovo's travel documents and car plates, currently replaced by Serbia's temporary papers.
2. *Implementation of the Integrated Boundary/Border Management Agreement.* In line with the Brussels agreement, the EU has completed the construction of customs buildings but the Serbian customs police officers have not moved in.
3. *Recognition of diplomas.* Pristina and Belgrade could recognize diplomas issued at each other universities without the need to be certified by the international community. The Brussels agreement holds that an international education agency certifies diplomas. The agency has not been operational for a while now and requires EU funding.
4. *Establish cooperation between security institutions such as police and intelligence.*
5. *Change of rhetoric by political leaders.* Political leaders in Pristina and Belgrade should refrain from provocative rhetoric that may incite violence or result in escalation of tensions between the Serb and Albanian communities in Kosovo.
6. *Increase track two communication.* Pristina, Belgrade, and the international community should encourage and support politically and financially more communication and cooperation in areas of culture, academia, and media. A good example is a recent agreement between municipalities of Serbia's Sabac and Kosovo's Peja/Pec to cooperate in the area of agriculture. The civil society could contribute through joint activities in fighting racism and prejudices.
7. *Functioning of the Development Fund for the North.* The Fund has collected over 15 million euros dedicated for investment in the north but has not been functional due to political hurdles.
8. *Improve healthcare for the Serbs in the south.*
9. *Implementation of rights for Serbs, including the return of people and property.*
10. *Establish a joint committee to help with Brussels agreement implementation.*
11. *Establish Association/Community and implement the energy agreement.*
12. *Modify history textbooks.* Modifying history books is more of a long-term effort aiming to promote reconciliation rather than underscoring differences and conflicting historical interpretations.