

Final Settlement or Status Quo

The Council for Inclusive Governance (CIG) gathered in Pristina on June 18, 2019 a number of politicians, analysts, and civil society representatives to discuss the new dynamics of relations between Kosovo and Serbia and the steps that could be taken to reset the dialogue. The roundtable is part of a larger CIG initiative on the Kosovo-Serbia relations supported by and implemented in cooperation with the Swiss Federal Department of Foreign Affairs.

The roundtable participants came out with a number of conclusions and recommendations.

- *Transatlantic consensus and roadmap.* The US and the EU need to agree on a set of guiding principles and have a common understanding about the final settlement. Though the final desired result is obvious—the normalization of relations between two independent states—it is not clear how to get there. So a consensual US and EU roadmap is a necessary step for a swift and successful outcome. The US and the EU should also guarantee the implementation of an eventual agreement.
- *The German-French initiative: buy time or offer solutions?* Due to lack of commitment for a bold initiative, the EU is simply buying time through such processes as the Brussels dialogue and now the Merkel-Macron initiative. A serious initiative should include a) a clear consensual set of guidelines and principles for a final settlement, and b) a roadmap to EU integration for Serbia and Kosovo with clear domestic tasks, timetables, and an EU commitment to support their transitions politically and financially. The Berlin-Paris initiative does not seem to include these two elements. The initiative also carries some risks: if Merkel and Macron fail, no one else would dare take over the process. So if this process would not be successful, the harm to the dialogue would be long-term. Some said that the problem is not with the international representatives but with the Kosovo and Serbian ones. “It is difficult to have a better process than the Brussels dialogue, because it is not about Mogherini’s inability to mediate, it is about Pristina and Belgrade not willing to make bold compromises.”
- *If not able to resolve the conflict, then regulate it.* An ideal solution would be full normalization between Kosovo and Serbia. However, the international and local stakeholders should also have a plan B: regulate the conflict through cooperation. This would leave the status aside but would establish institutional cooperation, including between the police and courts. Both sides have an interest to engage in dialogue and pursue their interests through trade-offs and bargaining. The Brussels dialogue operated under similar principles: for example, it did not get to the recognition of travel documents, but it regulated their use. This is not the ideal option though. A plan B should only be applied as a last resort.
- *Kosovo and Serbian leaders in no rush for a deal.* Kosovo and Serbian leaders do not seem to be in a rush to improve their domestic situations and resolve their status dispute. Kosovo’s and Serbia’s democracies are in a bad shape. Leaders fear that strengthening rule of law

would affect their personal interests. “A strong rule of law would bite the leaders first.” Serbia has Chapter 35, which calls for comprehensive normalization with Kosovo, but is in no rush to implement it now when other, more difficult chapters—such as 23 and 24—would delay its EU membership anyway. Also, the leaders do not seem interested to get to the rule of law at all. “They prefer to rather govern in weak and undeveloped states than to be imprisoned in rule of law states.” The status dispute is a perfect conflict that keeps Kosovo and Serbian leaders in power. Resolution of the conflict will have consequences for their power, “so they are not likely to cut the tree that feeds them.”

- *How important is Serbia’s recognition for Kosovo?* Not so much. Yet, Kosovo’s entire foreign policy is focused on Serbia’s recognition, making it sound as if Kosovo cannot move an inch without Serbia’s recognition. This has given a lot of leverage and power to Belgrade. As if the focus of the entire government, president, and parliament on dialogue was not enough, Kosovo drafted even a law on dialogue and established a big team, recently deemed illegal by the Constitutional Court. The focus of Kosovo’s institutions on Serbia’s recognition has made Belgrade believe that it can get something big in return. President Thaci’s statements that “Kosovo will become a Palestine without Serbia’s recognition” did not help. It is a misconception that once Serbia recognizes Kosovo, Russia would support Kosovo’s UN membership and that the recognition of five EU non-recognizers would follow. Kosovo’s leaders have instrumentalized the dispute with Serbia to cover the mismanagement of the country. “Everyone talks about Serbia but no one deals with rule of law, education and health.” Some speakers, however, said that Serbia’s recognition is key for Kosovo but it is not likely to happen in “Kosovo’s existing borders.”
- *Leaders’ rhetoric out of control.* Kosovo and Serbian officials are no longer refraining themselves from racist statements, hate speech, and open territorial claims. This rhetoric undermines the chances to resume the dialogue and affects relations between Serbs and Albanians in Kosovo. Despite such rhetoric, the status quo is holding. Some said that the intention of the Merkel-Macron initiative is to actually manage, rather than resolve, the conflict. “The initiative aims to manage the status quo.”
- *Build a stronger appeal to Kosovo identity.* President Trump is not alone in viewing identity in ethnic rather than civic terms. Kosovars have the same problem. Given that national identities are ‘imagined,’ ethnic identity in Kosovo—Serb, Albanian—will prevail over the national identity—Kosovar—for the years to come. Albanians and Serbs need to find a common good, something they share. They can be ‘citizens’ before ‘ethnics’ but the ‘citizen’ category needs to become more meaningful and visible. The ethnic communities should equally share collective benefits—security, stability, and economic prosperity—that are the main values of citizenship. Many Serbs do not feel that they have equal access to the collective benefits. “When you listen to Kosovo politicians and analyze their actions, it is clear that they view Kosovo as a state of Albanians rather than a state of Kosovars.” Politicians continue to define the Kosovo state in historical terms, as a result of a struggle against Serbia. This is an exclusionary approach towards ethnic communities. In this context, it is difficult for the Serbs to shift their identification from ‘ethnic’ to ‘national.’ “We can not expect the smaller communities to become ‘civic’ while the majority community remains strongly ‘ethnic.’” For Albanians it is easier to identify with Kosovo since they already define Kosovo as a state of Albanians. A number of participants said that they needed to build a broader appeal of the Kosovo identity.

Participants

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Aida Derguti, Member of Parliament of Kosovo, Social Democratic Party
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Ardian Gjini, Mayor of Gjakova; Deputy Chairman, Alliance for the Future of Kosovo
Una Hajdari, Journalist
Vincent Hug, First Secretary, Embassy of Switzerland in Kosovo
Dalibor Jevtic, Deputy Prime Minister of Kosovo
Jeta Krasniqi, Project Manager, Kosovo Democratic Institute
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Ljubisa Mijacic, Analyst
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