

Comprehensive Agreement or Conflict Management

Introduction

The Council for Inclusive Governance (CIG) organized on February 2, 2020 a workshop in Gracanica, Kosovo, for a number of Kosovo and Serbian analysts. The analysts assessed the recent developments in the dialogue between Kosovo and Serbia with a focus on the meaning of the “Letters of Intentions” to establish air and rail connections between Belgrade and Pristina. The participants welcomed any progress in the normalization process but were skeptical that such “letters” represent any substantive progress and that a final agreement could be reached soon. The new government in Kosovo will need time to consolidate its institutions while Serbia will be busy with elections scheduled for April 27.

Two decades after the war, Kosovo and Serbia remain locked into a status dispute that increasingly seems intractable. Pristina demands unconditional recognition from Serbia. Belgrade does not exclude recognition but demands something in return, preferably parts of Kosovo’s territory. The EU has no official position on the recognition, given that it has five members that do not recognize Kosovo, and does not seem to have a plan for a so-called comprehensive normalization. The US has mandated US Ambassador to Germany Richard Grenell to deal with the Kosovo-Serbia conflict. Ambassador Grenell’s strategy is not clear. Has he given up on a comprehensive agreement by addressing one issue at a time, such as air and rail travel, so doing more conflict management, or is he trying to prepare the ground through these agreements for a final peace deal?

The three ‘Letters of Intent’ are not legally binding. They simply outline an agreement in principle between the two parties to go ahead with these plans. Analysts and experts say that there exist many political and legal hurdles on the road to implementation. However, Serbian and Kosovo presidents Aleksandar Vucic and Hashim Thaci as well as Ambassador Grenell are promoting these letters as agreements and “historic victories.” In addition, there is no financial commitment to implement these agreements. For instance, 30 kilometers of rail tracks are lacking on the Kosovo side and building them would cost about 300 million euros. On the Serbian side, the rail tracks are also barely usable. Many wonder whether this is simply a public relations stunt for Grenell, Vucic, and Thaci or they really do have a plan to implement these ‘intents.’ There is also no timetable for the implementation of these ‘agreements.’ If anyone thought the Brussels agreements were ambiguous, then they should read these letters of intent, a speaker said.

Compared to the Brussels dialogue, however, the so-called Grenell process seems more efficient, assuming the agreements will be implemented. However, many are skeptical about the objectives

and commitment of the Grenell process. Many view them as efforts to score points for the US administration ahead of the November presidential elections rather than as steps leading to a comprehensive solution. Some said that Ambassador Grenell recognized the reality; that recognition and partition are not possible, so that he went back to addressing the issues that are less sensitive.

Pristina seems to have moved from its stated principle of “nothing is agreed until everything is agreed” to “let’s agree on what we can,” an analyst explained. However, the new government is yet to define its own dialogue strategy. The US and the EU do not have a joint strategy either. Ambassador Grenell is leading an independent process without consulting EU, without a clear and long-term strategy, mostly talking about economic development. On the other hand, the new EU foreign policy chief Josep Borrell stated during his visits to Pristina and Belgrade that his objective is to reach a final agreement that includes recognition and that Serbia has no EU prospects without recognizing Kosovo.

Preparing for an agreement

There are a number of steps Pristina and Belgrade can take while the official dialogue remains in a deadlock. The participants said that the conditions to reach a final agreement do not exist, but opportunities for normalization do. The following is a list of steps the analysts suggested Belgrade and Pristina take.

Remove travel barriers. Pristina and Belgrade should reassess and upgrade the Brussels agreement on free travel. Belgrade should suspend the administrative hurdles—temporary travel papers and temporary car plates—for Kosovars. Pristina should engage in the so-called Balkan Mini-Schengen Initiative aiming to create a Balkan free trade area.

Implement the Integrated Border/Boundary Management Agreement. Belgrade and Pristina should implement in full the IBM agreement. The agreed crossing should be completed as soon as possible and the Serbian authorities should move into the new buildings in Merdare.

Suspend customs tariff and de-recognition campaign. Pristina should suspend its 100 percent customs tariff on Serbian goods and Belgrade should suspend its campaign to derecognize Kosovo and prevent it from joining international organizations. Pristina should not impose reciprocity measures without close cooperation and coordination with the international community.

Reach an agreement on regional visa liberalization. While the Balkan countries negotiate a free trade area, they should immediately remove travel barriers to each other. All Balkan six should recognize each other’s documents and Kosovo and Bosnia and Herzegovina should remove visas to each other. The other countries should help Pristina and Sarajevo reach such an agreement. All Balkan six should also lobby in the EU to remove visas for Kosovo.

Engage in confidence building measures. Pristina and Belgrade should promote and engage in confidence building activities, including working visits of politicians to each other’s capitals,

more bilateral communication between political parties and parliaments, participation of officials in informal events, and refrain from unilateral actions that undermine the dialogue.

Lead internal debates on a final agreement. Kosovo and Serbian governments should organize formal and informal internal debates on a final agreement aiming to build domestic support and momentum. Kosovo's government just got elected and has a full mandate to recuperate from any eventual short-term damage from public dissatisfaction with the dialogue. Serbia will have a new government by summer. This is an ideal configuration to engage in talks that aim to reach long-term solutions that go beyond election cycles. It is important to engage the opposition parties both in debates and in the negotiation process.

Activate the Fund for the North. Kosovo's government should activate the now dormant Fund for the North and support investment projects in the four municipalities in the north. A successful and transparent management of the Fund could increase the support of the four municipalities for the new government and improve the overall interethnic relations in Kosovo. It would also contribute to the government's announced internal dialogue with the Serb community. At the same time, the Serb community in Kosovo and the Serb List should engage more on local issues, leaving the Belgrade-Pristina dispute to higher political levels.

Unanswered questions. The workshop participants had a number of questions about the future dialogue and agreement: Is the idea of territory exchanges dead or just lost its momentum? Can there be an agreement without recognition and what does it mean for the future of the relations? What would an agreement without recognition look like? Does an agreement without recognition—the two Germanys model—leave the conflict open? Can an agreement with recognition but without territory exchanges be reached? How important is Serbia's recognition for Kosovo? Can other non-status issues be resolved while the sides wait for a better time to conclude the status?

The workshop participants do not expect serious negotiations before the Serbian elections scheduled for April 27 and the formation of the new government. They also doubted that the implementation of the two "letters of intent" on air and rail travel would be implemented anytime soon. However, they recommended that Pristina and Belgrade should continue engagement that improves people's daily lives, such as free travel, recognition of university diplomas and other documents, and normalize the overall relations while waiting for better conditions for a final peace deal.