

Facilitating Normalization: US and EU in (In)Action

Introduction

On April 15, 2020, the Council for Inclusive Governance (CIG) reconvened, via teleconference, its group of Kosovo and Serbian experts to assess recent US and EU efforts to resume the dialogue between Serbia and Kosovo to reach a comprehensive agreement. Since fall 2019 and prior to the outbreak of COVID-19, US Special Presidential Envoy for Serbian and Kosovo Peace Negotiations Richard Grenell has made a forceful effort to have the two sides sign three “letters of intent” on establishing air, road, and rail links between Kosovo and Serbia. The EU was rather absent in 2019. Appointed at the end of 2019, the new EU High Representative for Foreign Affairs and Security Policy Josep Borrell visited Pristina and Belgrade already in early 2020. In April 2020, to support his work, the European Council appointed former Slovak Foreign Minister Miroslav Lajcak as the EU Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues.

Amidst the COVID-19 pandemic and after the increasing US pressure on Kosovo to abandon the hundred percent tariff on Serbian goods, the government led by Prime Minister Albin Kurti reacted slowly by replacing the tariff with reciprocity, causing internal disputes within the ruling coalition and the eventual fall of the government. This triggered a widespread discussion about the role of the US and the link between the fall of the government and the likelihood of reaching a final agreement between Serbia and Kosovo before the US presidential election. The hyperactivity of the US and the apparent sluggishness of the EU cause concerns regarding the nature of the possible agreement, its scope, eventual implementation, and resulting likely consequences. Confronting such concerns depends on the EU, the key player that can ensure long-term stability in the Western Balkans. Thus the real question is what the EU can do to exert its influence and to reclaim its leadership of the dialogue.

The workshop 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 US engagement and the prospects for a final agreement

The fall of the government in Kosovo led to a power vacuum, and for now it is unclear if the new government, probably led by the Democratic League of Kosovo (LDK), together with the Alliance for the Future of Kosovo (AAK), NISMA, and minority parties, will be formed or there will be new elections, probably after the pandemic. Kosovo’s president, Hashim Thaci, is strongly pressuring for the new government to be formed. Some participants said that if Thaci mandates a candidate from another party, the Self-Determination Movement (VV) would take

the case to the Constitutional Court, which, many said, would most likely be in line with the president's expectations. For the first time in Kosovo, the international community seems to be taking sides. The EU countries support Kurti, while the US envoy Grenell favors the Democratic Party of Kosovo (PDK) and LDK's "old guard". Kurti and VV want elections because they think that this situation tips the balance in their favor and will guarantee a win over fifty percent of the vote. However, the other parties are aware of it and will stick together to prevent that from happening. Hence, if the government is formed with no elections and with a silent support from PDK, the majority will have two thirds in the Assembly to ratify any final agreement. PDK will likely not officially support the new government but it will be instrumental for its survival. Therefore, the Serb List's votes are key in reaching a simple majority. Many expect that the Serb List will follow Serbian President Aleksandar Vucic's orders who now seems to be in line with Thaci's and Grenell's objectives.

The energetic US engagement over the revocation of the tariff and the resulting pressure on the Kosovo government are linked with the upcoming presidential election in November, some said, as an effort to deliver a sort of foreign policy victory that could help boost US President Donald Trump's image at home. However, some speakers were skeptical that this is the objective, arguing that this would be a rather insignificant foreign policy goal for a US voter. Some participants outlined that these attempts could be also connected to Ambassador Grenell's personal ambitions and goals. Many, however, expressed doubt that an agreement is ready, and that it would be possible to sign the paper before the end of this year. Taking into account the COVID-19 pandemic and the upcoming elections in Serbia, several participants concluded that this year is lost to a final peace deal between Kosovo and Serbia. Some even expressed the opinion that nothing will happen before the elections in the US. Most participants said that the current US administration is not interested in addressing the interests of Serbia or Kosovo. "The Americans are now acting mostly for personal reasons."

Some said that Vucic probably approved Grenell's plans, and this is why there is only the pressure on Pristina. However, it is unclear what are Vucic's true goals. Some participants think that currently Belgrade is running away from the Kosovo issue. For Belgrade the most important is that the negotiations drag on as long as possible. Others said that the fact that Grenell is not focused on pressuring Serbia does not mean that there is a *carte blanche* from Belgrade for the agreement. The question is what the agreement contains. Vucic's position is most fragile on the right of the political spectrum, and nationalists in Serbia are prepared to react if he makes radical moves. However, this is the ideal time for Belgrade, since for the first time Belgrade has established friendly communications with Washington, and any other US administration would be much more demanding of Belgrade.

This leads to the question of the nature of the agreement. Some said that there are two options: a) a cosmetic and a vague document, similar to the three "letters of intent", something like "The Agreement for Peace," and b) a much more substantial and radical agreement that would include an exchange of territories. The first option would serve only the US administration's public relations purposes, while the latter would create much more serious consequences. Most probably, it would provoke a serious internal disapproval in Kosovo that Kurti as the leader of the largest party would be able to instrumentalize, bring down the new government, and return to power. Thus, some participants strongly suggested that any agreement should enjoy the broadest

possible public support in Kosovo and Serbia. And in that situation both the EU and the US should offer good services.

What are the options for the EU?

The EU-led dialogue was never in a worse spot than now, the participants concluded. The EU, with its inactivity, lack of initiative and possibly with the choice of personalities, has undermined its position. Recent Brussels appointments related to the dialogue were not well received in Pristina. Both Borrell and Lajcak come from the EU member states that do not recognize the independence of Kosovo. Thus if the EU wants to be involved and have more influence in and especially lead the upcoming process, there is a need for a serious push from both the EU and the member states to regain the political influence. Under any circumstances, if there is an agreement by some chance, the EU and the member states will be the ones taking care about the implementation and any consequences.

Participants suggested a number of possible measures and steps that EU could take to restore its credibility and to regain the lead in the process. The list is based on workshop discussions.

- The EU should decisively state that Kosovo is a European problem. EU is responsible for the long-term stability in the region;
- Brussels should reject a fast deal as a substantive serious agreement cannot be rushed;
- The EU and member states should support Kosovo political forces that fight corruption and the organized crime;
- The EU should intensify efforts for the implementation of the Brussels agreements as that is one of the key conditions for restoring EU's credibility;
- The EU should develop a sanctions mechanism for the sides involved in the process. The US administration employs threats of sanctions but EU is the one that has real goods to sanction with, as it is the key partner for each side. Some cautioned, however, that with sanctions EU can push the region even further away;
- The EU should facilitate joint Kosovo-Serbia measures in the fight against COVID-19;
- One of the key conditions is to deliver visa liberalization to Kosovo. Without it, EU's credibility in Kosovo will continue to suffer;
- Brussels must be consistent in its messages in Belgrade, Pristina, and Brussels. In the recent past, EU representatives were conveying different messages in different places;
- The EU should take the lead on the issues of economy and health since they will be the most important issues for the citizens of Kosovo and Serbia after the COVID-19 crisis.

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