

A Transatlantic Initiative for Kosovo-Serbia Negotiations

The Council for Inclusive Governance (CIG) in cooperation with and supported by the Rockefeller Brothers Fund (RBF) organized its second¹ zoom discussion on October 2, 2020 for a number of former senior U.S. and European diplomats on the Kosovo-Serbia negotiations. The participants suggested that all sides—Pristina, Belgrade, the US, and the EU—should work together to reach a final deal between the two countries. The speakers recommended that the US and the EU should agree on a set of negotiating principles and together lead the negotiation process.

A real peace deal is one that eliminates all existing and potential future threats to relations between Kosovo and Serbia and to peace in the region. To get to such an agreement, all parties—Serbia, Kosovo, US, and EU—need to make some adjustments to their policies. Serbia’s recognition is a key element to real peace. But Serbia is demanding something in return. Kosovo does not have anything to give to Serbia— though it could better accommodate its own Serb community—but EU does have a lot of things that Serbia wants and needs. Unlike the EU, the US does not have the ‘EU membership leverage,’ but it has a lot of political influence in Pristina and Belgrade.

This report is based on the discussions held under the Chatham House Rule. It represents a collection of views of various participants and by no means a consensus. The participants took part in their personal capacities. CIG has tried to be accurate and balanced in summarizing the discussions, and asks for the understanding of the participants whose remarks may have not been fully captured in this brief report. The report does not necessarily reflect the views of individual participants, CIG or RBF.

Many participants argued that to be successful an eventual joint transatlantic initiative needs a bold vision and commitment. The medium term goal should be to help Serbia and Kosovo become more credible candidates for EU membership. The ultimate goal should be membership of the two countries in the EU as two independent states that recognize each other and enjoy good-neighborly relations.

- The US and the EU should agree on a joint vision for an agreement and on a mechanism to implement it. The US and the EU should make the negotiations into a joint enterprise, committing to consensual action and regular coordination and consultations, similar to the 2007 Vienna negotiations. Both countries aspire to join the EU but EU is increasingly losing its leverage. “The US remains the only great power that matters in the region,” added a participant.
- The US-EU plan should spell out the ultimate goal: mutual recognition and EU integration for Serbia and for Kosovo. The EU and the US must also help Serbia and Kosovo in fighting corruption and strengthen rule of law to better prepare them for EU membership.

¹ For the report from the first discussion go to <http://www.cigonline.net/transatlantic-relations-and-the-western-balkans/>.

- The US and the EU should get Kosovo and Serbia to agree and commit to a framework and timetable for reaching a peace agreement.

A stable and democratic region is in the interests of the EU and the US. Kosovo's membership in international organizations, such as the Interpol, would contribute to the region's security. Therefore, the US and the EU should work on getting Kosovo into these international organizations.

Challenges to an agreement

The central challenge to concluding the conflict with a peace agreement is that Serbia and Kosovo are not developed democracies. Their political elites remain more interested in preserving power than resolving the dispute. The conflict helps elites to deflect public attention from issues of corruption, organized crime, and unemployment. Many believe the leaders feel the rule of law threatens their power. In parallel with facilitating a negotiating process, the US-EU initiative should put pressure on Serbia and Kosovo to address the rule of law issues.

There were discussions whether the process should be incremental or a 'big bang'. Some said that an incremental process does not work anymore. "The Brussels dialogue model has outlived its usefulness." The main shortcomings of the incremental model is that it offers a process without a timetable and with an open-ended/never ending dialogue. This is precisely what the Kosovo and Serbian leaders prefer. The speakers recognized that the old Brussels process has achieved significant results and it may have been the right model in 2010 when Pristina and Belgrade had no communication at all. Many also criticized the Trump's initiative which produced a few letters of commitment signed separately by Belgrade and Pristina but without any clear commitment for implementation. Many suggested, that now it is time for a bolder process, one that produces a 'big bang' and resolves the issue once and for all.

The recommended 'big bang' model should target the status dispute head-on. The principle of multiethnicity should be at the core of the negotiating process. To be successful, the US and the EU should increase their pressure on the parties to the conflict through a combination of sticks and carrots. Though Brussels and Washington do not seem to see the urgency in resolving this Balkan dispute, many said that the resolution of the conflict is a transatlantic security interest. The US-EU initiative should have a common strategy, a sense of urgency, a timetable, and a joint commitment to see an agreement reached and implemented.

Though there is broad agreement that the final resolution should include recognition, international and local policymakers have put forward various paths to get there. Serbia's preferred partition scenario is not the international community's favorite. It could be an option on the list, but at the bottom of it, one speaker said. The international community's goal should not be to create new borders, but to make the existing ones irrelevant. Applying the border adjustment principle and isolating its consequences only to Kosovo is almost impossible, many speakers argued. However, another speaker said that if Serbia, Kosovo, and the international mediators agree that "this is the last border change in the region," it would have no regional consequences. The overwhelming majority of the participants strongly suggested that this option not be considered at all by the US and the EU.

Another option is that Kosovo offers additional rights to the Kosovo Serbs through the establishment of the agreed Association of the Serb-Majority Municipalities. Some suggested that the formation of the Association should be part of the final deal.

Given that Kosovo and Serbia are not likely to alone figure out a solution, a joint US-EU action is inevitable. Some speakers said the dialogue process needs an impulse. A speaker suggested the dismantling UNMIK and offering Kosovo UN membership is such an impulse. Another speaker suggested shifting the focus from status dispute discussions to the movement of people, goods, and capital and empower the populations. The Berlin Process is a good mechanism for the implementation of such ideas. Rule of law should also become international community's main priority. "Rule of law first, comprehensive agreement second."

The following were some of the elements for an agreement mentioned during the discussions.

- The EU makes it clear to both sides that it does not accept 'illiberal democracies' into the union. Serbia should know that at its current pace, Serbia's rule of law reforms would take decades to reach EU's membership criteria. EU may offer more support for fulfilling the criteria, but it would not ease the conditioning.
- The US and the EU agree on joint guiding principles on which an agreement is based. Once the US and the EU agree on joint action, it would be much easier to convince Kosovo and Serbia to negotiate and ultimately agree to a deal. US and EU acting together have a lot more leverage than acting alone.
- Kosovo establishes the Association of the Serb-Majority Municipalities, as agreed in 2013 in Brussels.
- Serbia in the medium term relinquishes its claim on Kosovo along the lines of the "two Germanys" model or the so-called 'normalization without recognition,' but it should be made clear to Belgrade that the final resolution should include recognition.
- Five EU non-recognizing members commit to recognize Kosovo once a deal between Pristina and Belgrade is concluded.
- EU helps Serbia more to fulfill its EU membership criteria.
- The US and the EU offer large financial support to Serbia and Kosovo based on the 'more for more' principle—increased support along dialogue positive steps, as well as rule of law reforms.

In conclusion, the speakers said that the direction of the Kosovo-Serbia dialogue depends on who wins the November presidential election in the US. A re-elected Trump administration would continue similar symbolic, incoherent moves that do not bring us closer to an agreement. Alternatively, a Biden administration would work together with the European partners, reapply red lines to destabilizing options and ultimately bring us closer to a deal. The role of the civil society in Serbia and Kosovo in promoting a peace agreement and democratic values is irreplaceable, especially when many important sections of the civil society—such as media and universities—are under government control, many participants suggested.

Participants

- Jennifer Brush**, Former Ambassador; Former Director, Office for South Central Europe, U.S. Department of State; Former Deputy Special Representative of the UN Secretary General in Kosovo
- Steven Burg**, Chairman, Board of Directors, Council for Inclusive Governance; Professor, Brandeis University
- Robert Cooper**, Former Counselor, European External Action Service
- Thomas Countryman**, Member, Board of Directors, Council for Inclusive Governance; former Assistant Secretary, U.S. Department of State
- Greg Delawie**, Former U.S. Ambassador to Kosovo
- Shpetim Gashi**, Vice President, Council for Inclusive Governance
- Sebastien Gricourt**, Director, Balkans Observatory, Foundation Jean Jaures; Adviser on International and Defense Issues, Socialist Party (France)
- Stephen Heintz**, President, Rockefeller Brothers Fund
- Jean-Hubert Lebet**, Former Swiss Ambassador to Kosovo
- Pierre Mirel**, Member, Board of Directors, Council for Inclusive Governance; Honorary Director General, European Commission
- Cameron Munter**, Former U.S. Ambassador to Serbia
- Igor Novakovic**, Associate in Serbia, Council for Inclusive Governance
- Alex Roinishvili Grigorev**, President, Council for Inclusive Governance
- Joachim Ruecker**, Former Head of the UN Mission in Kosovo
- Kyle Scott**, Former U.S. Ambassador to Serbia
- Karsten Voigt**, Former Coordinator of German-North American Relations, German Federal Foreign Office; Former President, NATO Parliamentary Assembly
- Mia Vukojevic**, Program Director, Western Balkans, Rockefeller Brothers Fund
- Hoyt Yee**, Former Deputy Assistant Secretary, U.S. Department of State
- Samuel Zbogar**, former Foreign Minister of Slovenia; former Head of the EU Office and EU Special Representative in Kosovo