

Dialogue and Normalization: A View from the Ground

A Discussion of Kosovo and Serbian Analysts and Quint Representatives

The Council for Inclusive Governance (CIG) organized two discussions on December 14 and 17, 2020 for a group of analysts from Kosovo and Serbia and senior diplomats responsible for the Western Balkans in the Quint countries (France, Germany, Italy, UK, and USA), Switzerland, and EEAS. First meeting served as an opportunity for exchanging opinions and refining messages that the analysts intended to convey to the Quint representatives. After the first meeting, CIG prepared a draft list of conclusions and recommendations to serve as a basis for the second discussion with the Quint officials. Following the second meeting with the Quint representatives, CIG drafted this brief report. We have tried to be accurate and balanced in summarizing the discussion, and ask for the understanding of the participants whose remarks may have not been fully captured in this brief document.

The following are a number of conclusions and recommendations that came out of the two discussions. These conclusions are not based on consensus but on broad agreement and some on opinions of individual participants. They do not represent the views of CIG or the Swiss Federal Department of Foreign Affairs (FDFA) which is supporting CIG's larger project on normalization between Kosovo and Serbia. The discussions reported here are a part of that project. The discussion is based on the Chatham House Rule of non-attribution.

Analysts' conclusions and recommendations

- The new US administration could make a significant difference. Restoring and developing further US-EU cooperation and partnership, including on the Kosovo-Serbia dispute, should be a US-EU joint priority.
- The previous EU-led dialogue and the current one show that getting to a deal between Serbia and Kosovo is complicated and a quick fix is not in the cards. Parties should be prepared for a long and tedious process. The EU-facilitated dialogue should be framed around four questions: What do we concretely mean by the normalization of relations? What do Kosovo and Serbia need from the EU? What has the previous dialogue meant so far and what are its implemented outcomes? Distinguish what the technical and what the political agreements are?
- The EU should consider acting more as an actor than a facilitator. Establishing new intermediary goals is a way to unlock the current stalemate and to provide a significant movement forward. Kosovo's international, and most importantly tangible Euro-Atlantic perspective should be unblocked through the course of the dialogue, and the EU should see it as a key *intermediate* goal despite it being a challenging task. An *intermediate* goal for Serbia, could be the establishment of the regional market.

- A Serbia-Kosovo solution should be a part of a new comprehensive EU vision for the region. This is key for assuring sustainability of the dialogue's outcomes. Conversely, Serbia and Kosovo should not use the dialogue as an excuse to abandon domestic reforms, particularly rule of law, the fight against corruption, and the media, as these are the key issues for EU membership.
- EU needs to adjust the application of its 'sticks and carrots' to get things done more effectively. The EU should be uncompromising on the rule of law but should also deliver on its promises, such as visa liberalization for Kosovo.
- 'Nothing is agreed until everything is agreed' is a tricky principle as it could unintentionally hamper the dialogue. To demonstrate that the dialogue is making a difference, when something new is agreed, it should not wait for the final agreement to be implemented.
- The EU and the dialogue process itself would benefit from more transparency.
- The voice of the Kosovo Serbs has to be included in the dialogue. So far, their position has been neglected, even though they were the main bargaining chip between the sides.
- Most of the dialogue agreements have been largely implemented, some partly implemented, with only the Association/Community of the Serb Majority Municipalities (ASM) and cadastre unimplemented. The EU should provide a singular interpretation about ASM and convince the sides accept it. The establishment of the ASM would eliminate an important stumbling block for reaching a political agreement. Also, complete implementation of the other agreements (IBM, diplomas, and freedom of movement in particular) could help advance the regional economic integration either in the form of Regional Economic Area or the so-called "Mini Schengen".

Analysts' and Quint representatives' conclusions and recommendations

- The rationale behind the Washington Agreements is to increase communication and build trust through enticing practical cooperation on the ground, especially in the field of economy, and eventually ending the zero-sum approach between the sides. The new US administration will likely not abandon this approach. The US efforts on practical normalization should be coupled with more EU efforts aiming to bring the region closer to the EU. The EU and US should continue to closely cooperate on this issue.
- The EU prospects exist for both Serbia and Kosovo. There is a new methodology now and the region already received more support from the EU than any other third state, but for the sides to advance faster to the EU, they need to implement reforms faster. The new methodology might not be enough. To boost the process, the EU should come with the date for a potential accession and a concrete list of elements (presented in a clear form for the publics of candidate countries) that need to be implemented for the accession to take place. A candidate fulfilling such conditions will automatically become an EU member at the scheduled date.
- A visa free regime for Kosovo is still a subject of debate, because some of the EU member states fear that the rule of law in Kosovo remains in a bad shape, despite implementing the conditions set by the European Commission. EU member states also fear illegal immigration.

The process is now a subject of a dialogue between the ministries of interior of Kosovo and some EU member states.

- The implementation of the technical agreements between Serbia and Kosovo is a precondition for achieving greater integration at the regional level. Therefore, the EU should put a stronger emphasis on the agreements' implementation.
- Comprehensive normalization has to stay as the goal of the dialogue. However, its implementation could be divided into segments dubbed as interim goals.
- Some progress regarding the five EU non-recognizers is hard to expect without a clearer situation regarding the comprehensive normalization between Belgrade and Pristina. All non-recognizers showed consistency in their positions.

There is no alternative to the Belgrade-Pristina dialogue and the only option remains to continue the negotiations. All other options would be highly detrimental for both sides. It should be kept in mind that in the long term, the status issue cannot be avoided, but the dialogue could be phased through interim outcomes. It should be kept in mind that if Brussels process fails, the notion of the territorial solution to the issue—partition, exchange of territories, or any other model—is likely to resurface again.

The US and the EU are working closely on the dialogue between Serbia and Kosovo, despite their recent differences. The appointment of EU's dialogue full-time facilitator is a good step in the right direction. Miroslav Lajcak has managed to resume the dialogue but is facing various challenges in making progress. With a new US administration in place, the dialogue may need a reset and a new framework based on better transatlantic cooperation. The mediators or facilitators need more support from the US and the Quint countries. It should be expected that the US support to Miroslav Lajcak and his team will continue and that it will remain strong.

Regarding the lessons learned from the previous dialogue, there is a need for more trust-building measures, transparency of dialogue results and their clear articulation. The current atmosphere between the negotiating teams looks more as a competition aimed at achieving successes for the sake of the domestic public opinions rather than a dialogue that should lead to a lasting compromise. In that regard, the previously praised constructive ambiguity is of no use anymore, and the EU representatives should also refrain from delivering different and often contradictory messages in Belgrade, Pristina, and Brussels. Finally, the EU and the process itself would benefit from more transparency. The previous dialogue has been unnecessarily secretive. The public needs to be more informed about the agreements and their details if we are to strengthen their support for the normalization process.

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