

New Dialogue, Old Problems

The Council for Inclusive Governance (CIG) organized a roundtable on June 5, 2021, in Tirana, Albania, for a number of current and former members of parliaments and political party and civil society representatives from Kosovo and Serbia to discuss the dynamics of the normalization process and the prospects for a final agreement. The discussions were held under the Chatham House Rule. The Swiss Federal Department of Foreign Affairs supported the roundtable, with additional funding provided by the Balkan Trust for Democracy of the German Marshall Fund of the United States. The report does not necessarily represent the views of individual participants or of CIG but rather reflects the discussion as a whole. CIG prepared the report and assumes responsibility for its content but not for the accuracy and completeness of the information presented by individual participants.

Recommendations

Kosovo and Serbia have successfully addressed a long list of problems from 2011 to 2020 but that was not enough to proclaim ‘normalization of relations’ complete. The rather privileged international attention that Kosovo and Serbia get and their good EU membership prospects could encourage Kosovo and Serbia leaderships to step up efforts toward a breakthrough. In mid-June 2021, Serbia’s President Aleksandar Vucic and Kosovo’s Prime Minister Albin Kurti ‘inaugurated’ a new phase of the dialogue. This time EU’s objective is to reach a number of separate deals that would become the core of a legally binding agreement, which would enable Serbia to close Chapter 35— accelerating its EU integration process—and offer Kosovo a clearer path toward EU integration and perhaps bring recognition by all EU members.

1. Belgrade and Pristina should step up their efforts to reach a solution. The leaders should be more concerned with reaching a solution than with appeasing their voters. They should not go to Brussels “to complain but to make a deal.”
2. Pristina and Belgrade should engage in preparing their publics for a solution that will likely be based on a compromise. The media could begin to highlight common interests, the cost of prolonging the dispute, and contribute to moderating the public discourse. Leaders in Kosovo and Serbia do “admit that a solution could be reached” but fear they will have trouble “selling it at home.” Leaders should not mislead their publics but instead address the “flawed popular beliefs” in Kosovo that “Kosovo can get a deal without a compromise” and in Serbia that “Kosovo will be back to Serbia.” Kosovo’s leaders should tell their public that “yes, there has to be a compromise,” and Serbia’s leaders should tell their public that “no, Kosovo will not return to Serbia.” Instead, they should highlight that a solution is in “everyone’s interest” and “the sooner it happens, the better.”
3. Uncovering the fate of the missing persons should become a priority for Pristina, Belgrade, and the international community to bring some closure to the families and “ease the past.”

The societies in Serbia and Kosovo need to be “freed from the trap of history” through reconciliation and cooperation, however painful their pasts were. “Let’s recognize that the past can’t be changed.” Almost a quarter century after the war, the former Yugoslav countries are still suffering from the war legacy. Albanians and Serbs could learn from successful peace processes of other societies, with much bloodier pasts, like France and Germany, which managed to reconcile within a much shorter time period.

4. The normalization efforts should be expanded to cover other levels and areas, and not be limited to the Brussels dialogue, such as culture, sports, youth, and academia. These efforts should aim to increase public support for the normalization, offer a more conciliatory narrative of the past, develop a new narrative for the future, and change the existing dynamics and perspectives. Kosovo and Serbia leaderships at both central and local levels should also begin to meet without facilitators and address less sensitive issues, such as cross border/boundary cooperation and environment.
5. The leaders should focus on building “modern states,” and not continue to stake their legitimacy on “moral grounds about the past.” Modern societies live in the future. “They talk about tomorrow.” “Serbia and Kosovo have to come up with an idea to “put an end to their century-old conflict” and sow the seeds of “state modernism.”
6. Serbia and Kosovo should address the ‘common market’ idea. There are many unknowns about Serbia’s Mini-Schengen initiative, Kosovo’s SEFTA initiative, or Berlin Process’s Common Market. Pristina and Belgrade need to sit at the table and clarify these issues.
7. A number of confidence building measures were proposed: a) Suspend the temporary ID card papers and temporary car plate papers; b) Establish postal services between Kosovo and Serbia; c) Expedite the diploma recognition process; d) Ease the procedures for recognizing various business and safety certificates; e) Establish a company in the north to regulate the payment for electricity; f) Pristina to improve the implementation of the language law; g) Pristina to implement the Constitutional Court’s decision on the 24 hectares on the Decani Monastery; h) Belgrade and Pristina to begin direct cooperation on less sensitive issues and hold meetings without international facilitation; i) Serbia’s and Kosovo’s municipalities to establish cross border/boundary cooperation, using IPA funds, which so far have not been accessed for political reasons; and j) Pristina and Belgrade to begin to cooperate on the ‘Green Agenda.’
8. Fulfilling a number of preconditions could ease the normalization process. First, the sides need to understand each other’s positions and the drivers behind them. Second, they need to make sure that “the dreams of one side are not nightmares for the other.” Third, they should see what each side gets “from the peace process,” not only what they “get in exchange.” There is enough for both sides in this process. “It doesn’t have to necessarily be an exchange.” Fourth, implement the previous agreements.

Belgrade and Pristina agreed in 2020 to address eight areas: 1) missing and displaced persons, 2) economic cooperation, 3) mutual financial and property claims, 4) the rights of the Kosovo Serb community, 5) the status of the Serbian Orthodox Church, 6) good neighborly relations, 7) normalization of air, rail, and postal connections, and 8) return of archeological and ethnological materials. It is not clear whether Kosovo’s new government aims to renegotiate this list, reject it, or agree to it.

Kosovo and Serbia have reached more than 20 agreements from 2011 to 2020, over 80 percent of which have been implemented. Despite its deficiencies, the Brussels dialogue showed that the parties could solve a lot of problems even without resolving the key dispute. The over 20 agreements by themselves were worthwhile achievements. Inability to address the status should not obscure the importance of the resolution of dozens of practical problems, including travel documents, telecommunication, energy, trade, and integration of the Serb community. Over 127 thousand Kosovo Serbs have since taken Kosovo ID cards and another 21 thousand took Kosovo passports.

Normalizing the future

The participants recommended that efforts on normalization should be focused on many levels, not simply limited to the Brussels dialogue. Diversified normalization efforts would increase public support for the process, develop a new narrative for the future, and positively change the existing dynamics and perspectives. This will not be easy, but “our job is not to do what is easy but what is good.” Though many participants predicted the “blame game” to dominate the Kosovo-Serbia relations in the short run, the future prospects look promising, largely because the region’s “integration into the EU is inevitable.” Also “an agreement between Belgrade and Pristine is inevitable.” The politicians cannot stop it. But they can “speed it up or slow it down.”

An unreconciled past remains a major burden to building a new future. Serbs and Albanians disagree about the recent past. Transitional justice has been lackluster. Belgrade should “recognize and apologize” for the crimes in Kosovo.” But Pristina should do the same for “the crimes against the Serbs in Kosovo.” But Serbia’s crimes were “planned and executed by the state institutions” while Kosovo’s were “revenge attacks by angry individuals.” Crimes against civilians, no matter the motives and perpetrators, “should all be recognized” and perpetrators, “whether state actors or rouge individuals” should be held responsible. Participants called for more effective transitional justice.

An immediate priority should be creating a better climate for normalization in Serbia and Kosovo. The media could begin to highlight common interests, disadvantages of the dispute, and moderate the discourse. Belgrade should specifically rein down on “hate speech and nationalist discourse” driven by tabloids and some politicians. Pristina should change its approach towards the Serbs in Kosovo, treating them as “full citizens” and not “condition their rights with the rights of other communities in other countries.” Neither Belgrade nor Pristina should obstruct the process, in the hope that “better times for a solution will come.” Their economies will continue to suffer until final peace is reached. Foreign investors do not bring in substantial money to countries with “serious open interstate disputes.”

The official dialogue and other informal efforts should increase their focus on the relations between the two societies. Social relations are just as important as government relations. In this context, the Serb integration in Kosovo should continue, and the majority community should do more to ameliorate the Serb community’s fears and skepticism about integration by committing that the Ahtisaari minority policy will not be revised, whatever happens with the rights of other minorities in the region. Social relations could also be improved by easing peoples’ daily lives through removing existing obstacles, such as temporary ID card and car plates.

Some preconditions should be fulfilled before the normalization process could begin in earnest. First, the sides need to understand each other's positions and the drivers behind them. Second, they need to make sure that "the dreams of one side are not nightmares for the other." Third, they should see what each side gets from a peace process, not only what they get 'in exchange.' "It doesn't have to be an exchange." Fourth, implement the previous agreements. "This is how we show we are serious about the process, that we implement what we sign." Fifth, they should agree on what options to rule out and what options to address. "If one side insists on a border option while the other on unconditional recognition, the conflict will continue."

The majority of the Serbs in the Kosovo's north seem to favor a 'border solution,' but not the majority of the Serbs in the south. The majority of the Albanians are against a border option, but they also oppose granting more rights to the Serb community through the Association of the Serb-Majority Municipalities. Albanians consider additional Serb rights as "unnecessary privileges that undermine Kosovo's state." But privileging a rather "disenfranchised and weak minority is also in the state's interest." No state should fear a minority—however malevolent it could be—that constitutes only five percent of the state's total population. Many speakers recommended that Belgrade and Pristina should reduce their pressure and influence on the Serb community, allowing it to become more politically self-reliant. Belgrade will "cease its support to Kosovo Serb political parties" but only when "they have sufficient capacities to deal with problems alone."

The process of normalization between Albanians and Serbs is just as old as their conflict. The first phase of the normalization process began 25 years ago, with discussions and a subsequent agreement on education between Serbia's Slobodan Milosevic and Kosovo's Ibrahim Rugova. But the process failed. Then war followed. Another attempt at normalization was the Rambouillet talks in 1999. It too failed. Then NATO's military intervention followed. Attempts in 2000-2001 to bring some normalcy to the relations between Kosovo and Serbia, which was then governed by the Democratic Party, also failed. The next attempt was the Vienna talks in 2007. Serbia rejected the deal. Kosovo declared independence in 2008. The Vienna talks solved "Kosovo's status question" but left open many "bilateral issues." Following independence, Kosovo secured a substantial number of recognitions, but Serbia also succeeded in stalling the process of "Kosovo's international integration," including membership in major intergovernmental organizations, such as UNESCO and Interpol. The reason Serbia remains entrenched in its position is because it feels that in past processes "Kosovo won everything and Serbia got nothing." The Brussels process is the latest attempt at normalization. And this time "Belgrade believes it too should get something."

The Brussels dialogue has some advantages over the old attempts. It is conducted in peacetime and the urgency for a deal is not as high as in the past processes. However, the dialogue should not drag on indefinitely. Just like in the past processes, the US and the EU may lose their patience and serve Pristina and Belgrade with a "ready-made deal," or "employ punitive measures" for the spoiler. A speaker said that Serbia might agree "to remove Kosovo from its constitution" but "without recognizing it." But Kosovo might reject an "agreement without recognition." And, just like in the past, the US and the EU will come up with "their own solution," and this time neither side may "afford to reject it."

Easing the past

The past cannot be changed, whatever we say or do, but “the shape of the future depends solely on us.” Therefore, the politicians should focus on building “modern states,” and not continue to stake their legitimacy on “moral grounds about the past.” Modern societies live in the future. “They talk about tomorrow.” Just like Europeans did with the Peace of Westphalia, which established the foundation of modern societies in Western Europe, Serbia and Kosovo have to come up with an idea to “put an end to their century-old conflict” and sow the seeds of their “modern states.” Once Serb and Albanian societies become “future thinking,” a solution is easy. Serbs and Albanians have a “common goal,” the EU, but lack “common sense,” constantly undermining efforts aimed to reach a solution. “The choice is whether Serbia and Kosovo will become allies within the EU or will stay as enemies outside the EU. There is no other option.”

There have been many wars before and after the Yugoslav wars, often much bloodier. “We’re not the first nor the last to suffer”, but we may be “the first to continue the political deadlock even after a quarter of a century after the war.” The international community is not obliged to “solve our problems.” Kosovo and Serbia should begin to meet “without facilitators.” According to unofficial reports, the EU Envoy Miroslav Lajcak and the US Envoy Matthew Palmer told Kosovo and Serbian leaders “this is the end of the road.”

The missing persons should become a priority for Pristina, Belgrade, and the international community to bring a closure to families and “ease the past.” The societies in Serbia and Kosovo need to be “freed from the trap of history,” however painful their pasts were. Therefore, the two societies should elect leaders that resolve problems, not leaders who “make you feel good” to get your vote. History remembers “leaders who resolve difficult problems,” not those who “win and lose elections.” Just complaining about the problems to gain attention and votes is not leadership. A representative of an opposition party of Kosovo said his party would support Kosovo’s Prime Minister Albin Kurti in the dialogue only if he shows commitment to “resolve problems with Serbia,” but not if he “uses the dialogue to prop up his popularity at home.”

Kosovo Albanian and Serbian societies may not be able to coexist comfortably but they can neither afford live completely divided. “Friendly coexistence is possible, but only through recognition.” But “recognition is not possible.” Even US’s Palmer—who said that “mutual recognition” is the dialogue’s end goal—“knows this is not possible.” The speaker suggested “putting recognition in a drawer for now” and address “what’s possible now.” The international community will not pressure Serbian President Vucic “to sign something that will cost him elections.” However, they also need to protect Kurti by “not pushing him to sign something that makes him lose elections.” Just EU membership in exchange for recognition is no longer sufficient for Belgrade. And if Kurti agrees to an agreement without recognition, he needs something else equally valuable. But there is nothing else on the Brussels “dialogue menu.” Therefore “a grand compromise is not expected soon,” but “some agreement is possible.” The US and the EU could come up with something creative, an agreement along the lines of “recognition without recognition,” allowing for substantial normalization but delaying a final status solution.

Pristina and Belgrade should undertake systematic efforts to prepare their publics for “what is about to come,” a solution “based on compromise.” Leaders in Kosovo and Serbia “privately admit that a solution could be reached” but fear they will have trouble “selling it at home.” They should not go to Brussels to “lament, but to make a deal.” Leaders are misleading their publics. In Kosovo there is a popular belief that “they can get a deal without a compromise,” while in Serbia many think “Kosovo will be back to Serbia.” Kosovo’s leaders should tell their public that “yes, there will be a compromise,” and Serbian leaders should explain to their own public that “no, Kosovo will not return to Serbia.” Instead, they should try to convince their publics that a solution, even if it is not optimal, is in “everyone’s interest.” Polls show there is little “appetite and interest” for a compromise, but interest could be built. From refusing to even shake hands in 2011, Kosovo and Serbia leaders reached over 20 agreements by 2020.

The ‘common market’ idea was also addressed. The main problem with Serbia’s Mini-Schengen proposal is that “we don’t know what it is.” The idea was also introduced at a critical time in 2015, when the EU refused to open negotiations with the region, and “Mini-Schengen looked like a kind of replacement for EU membership.” The existing regional free trade agreement, CEFTA, has a common body. “Mini-Schengen does not foresee one.” There are also many unknowns, such as whether Serbia would recognize Kosovo’s documents and its central bank. “If Belgrade recognizes Kosovo’s documents and institutions, then this is a good path towards a deal.” Pristina and Belgrade “need to sit at the table and clarify these issues before offering its reply.”

Though they expect a difficult process, many were optimistic that with a strong US-EU mediation and a solid political will in Kosovo and Serbia, an agreement could be reached within a reasonable timeframe.

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