

Building Momentum for an Agreement

The Council for Inclusive Governance (CIG) reconvened on December 16-18, 2021, in Solothurn, Switzerland, its roundtable of senior officials of main political parties of Serbia and Kosovo. The participants discussed opportunities for improving the normalization process and addressing the existing disputes. The roundtable is part of a larger project on the normalization of relations between Kosovo and Serbia funded by and implemented in cooperation with the Swiss Federal Department of Foreign Affairs (FDFA). The report does not necessarily represent the views of individual participants, CIG, or FDFA but reflects the discussion as a whole.

There was consensus among the participants that the resolution of the Serbia-Kosovo dispute is a “mutual interest,” but the participants differed on what solution is “mutually beneficial.”

Insights and ideas

- ***The Brussels Dialogue is a mechanism through which problems should be addressed and solved.*** The dialogue has produced considerable results. Inability to resolve the status dispute should not obscure the value of the dialogue and the benefits of dozens of agreements, including those on travel documents, telecommunication, energy, trade, and integration of the Serb community. Both parties should recognize and build on these benefits and gradually move towards a ‘final deal’ on status. The Dialogue should not be used as an opportunity to appeal to domestic constituencies by neither governing nor opposition parties. Belgrade and Pristina should approach the opposition parties to discuss the latter’s involvement in the process. “If the parties agree to share responsibility for the outcome, it would make both the negotiating process and the agreements more acceptable for the public.” Civil society could also contribute more to building support and momentum at home for the process.
- ***Leaderships in Kosovo and Serbia need to take the risks required to build a strong process.*** The EU and the US seem to renew their commitment and engagement in the region. The governments in Serbia and Kosovo have strong domestic support. Though the parties have some catching-up to do before they begin discussion on a final agreement in earnest, Pristina and Belgrade should be prepared for a more robust process after the elections in Serbia next spring. Pristina and Belgrade should consider the dialogue as a tool to resolve their disputes, not as an end to simply satisfy the international community. The dialogue could be used to address all open issues. It could also help in advancing certain democratic aspects, including minority and human rights in Serbia and Kosovo. Leaderships in Kosovo and Serbia need to take the risks required to build a strong process. Though the public seems to “despise the dialogue,” it will come around once the results and benefits begin to take shape.

- ***The Brussels agreements should be implemented in parallel with the continuation of the dialogue on other issues.*** “We achieved a lot, but did not implement everything,” a speaker familiar with the process said, adding that “right now, we have a weak dialogue.” The chief negotiators of Serbia and Kosovo rarely meet directly, thus disrupting the “tradition of bilateral talks.” A speaker said that Pristina refuses to talk to Belgrade on concrete issues, with its chief negotiator “regularly claiming he does not have the mandate to talk about specific issues.” Pristina insists on only “talking about mutual recognition.” A Kosovo speaker denied these claims, saying that Pristina is engaged in the process “as much as it is necessary.” The speaker added that the dialogue in Brussels is going on and both sides are addressing the car plate issue.
- ***Pristina insists that the Brussels Dialogue should be based on the principles of “reciprocity and equality.”*** A speaker said that the relationship between Kosovo and Serbia should be based on reciprocity and equality, “not necessarily on mutual recognition.” Another speaker said that the parties are equal in the dialogue. “Both sides signed the Brussels agreements and the Washington Agreement as equals,” but the speaker added that “Kosovo cannot be equal to Serbia in other forums, such as the United Nations” or other international setting and organizations “where Kosovo is not a member.”
- ***The parties should address disputes before they become crises.*** Many speakers suggested addressing the existing disputes “before they become crisis.” The parties could have resolved the license plates issue before the old agreement expired and by doing so would have “spared their publics the unnecessary tensions.” Some suggested that the “agreement on energy should not be turned into a crisis.” The parties also need to remain “pragmatic and flexible.” If Belgrade would send the agreements to its Constitutional Court, “they would all be thrown away.” A speaker suggested to first evaluate the previous dialogue, see how much of what had been agreed has been implemented, and then implement all what has been signed.
- ***The negotiating process should have a clear goal, an agenda about what the parties want to achieve, and a strict timeline.*** “We need to agree on what we are talking about.” A speaker noted that now the two sides have different perspectives: “Kosovo wants to talk only about mutual recognition, while Serbia insists on talking about the Association of Serb-Majority Municipalities (ASM).” If the parties believe that by “trying to buy time they will get better times, we will all end up getting worse times.” Many suggested that the dialogue should address the “big problem from which derive all other small problems.” The problems such as diplomas, car plates, documents exist because of the unresolved status dispute. A speaker said that he understands “Kosovo’s insistence on recognition, but Serbia cannot recognize Kosovo in a short or medium term,” therefore, the speaker suggested to focus on what can be done now. “If Pristina says it is difficult for it to form the ASM, then what makes the Albanians believe that it would be a piece of cake for Serbia to recognize Kosovo?” a speaker asked. Many said that the current dialogue is not ideal but “better to have a non-ideal process than no process at all.”
- ***Just like Belgrade and Pristina, the EU is not delivering either.*** Just like Kosovo and Serbia that do not implement what they have agreed on, the EU is not delivering on its promises for visa liberalization for Kosovo, even though its institutions have concluded Kosovo has met

the criteria. There is a lack of incentives and determination on the part of the EU. Some speakers said that the EU could do more to upgrade the process from “meetings to a negotiating process” with strong mediation. EU and the US must develop a bold, future-oriented vision for such a process. Many said that the “technical level” dialogue will not go far without political support. Political consensus is also needed within the international community about the process. A speaker said that political consensus is also needed in Serbia and in Kosovo, especially that an agreement will most likely have to be based on a compromise. “No compromise, no solution.”

- ***There is a need for a tripartite vision for an agreement.*** A speaker argued that “a tripartite common vision” of what we are trying to achieve is needed to move forward. “We all need to talk about a comprehensive agreement, call it mutual recognition or normalization of relations.” The speaker suggested spending less time on talking about details and more on the big issue. The question for the negotiators is “Do we want to talk details or talk a final agreement?” The conditions are good for talking about a final agreement: there are strong governments in Kosovo and Serbia; an opposition in Kosovo is committed not to use the dialogue for domestic politics; a new government in Germany which has the region as a priority; the US has an envoy; and the EU is committed to facilitate the process. The problem with the dialogue is not that the conditions are not right; the problem is that nobody seems to want the agreement for now. A precondition for an agreement is “us wanting to talk about the final agreement honestly and rationally and identify the steps needed to be taken.”

Common and individual visions

The participants were divided into two groups to identify what visions do Serbia and Kosovo share. The following list is a combination of the lists from both groups.

- ***A comprehensive normalization agreement.*** Pristina and Belgrade support an agreement that resolves “all open disputes” but they differ on the dialogue approach. Some speakers said that the agreement has to be a compromise whereby both sides “lose and win equally.” But some Kosovo speakers said that “Kosovo has already made the necessary compromises and the agreement should be based on “an unconditional mutual recognition.” Sequencing of a dialogue process seems to also be a point of contention, with Belgrade insisting on an incremental process that addresses the open issues gradually and with Pristina arguing the dialogue should be based on mutual recognition and that recognition should be on the table from the beginning of the process. A number of speakers said that all the old Brussels agreements should be implemented before “moving to phase two.” Many argued that the final agreement should also help improving relations between the two societies.
- ***Membership in the EU.*** Both Serbia and Kosovo aspire to join the Union and are committed to implement the necessary reforms.
- ***Membership in NATO.*** Kosovo aspires to join the Alliance when the latter deems Kosovo has met the conditions. Serbia has no NATO membership aspirations, at least not in the short and medium term.
- ***Integrated economies in the region.*** Both Serbia and Kosovo support regional economic integration but differ on the mechanisms. Though they agree on the principles of economic cooperation, Pristina and Belgrade disagree on how to get there, the former supporting

integration through the Berlin Process while the latter backing the Open Balkans regional initiative. Pristina and Belgrade should work on narrowing the gap and work together, showing the international community that they could address some issues on their own and that they are reliable partners.

- *Collective rights for the Serbs in Kosovo.* Some speakers argued that the collective rights of the Serb community in Kosovo should be advanced.
- *Infrastructure projects.* Kosovo and Serbia support the construction of a highway and a railway linking the two. Serbia has already contracted the first lot of about 100 kilometers from Nis to Merdare. Kosovo has about 30 kilometers left to Merdare.
- *Green Agenda.* Environment is fast becoming a top priority for Kosovo and Serbia.
- *Implement all Brussels agreements.* There is broad agreement that all the Brussels agreements should be implemented in full. The majority of the agreements, about 70 percent, have been implemented, but some remain non-implemented or partially implemented.
- *Missing persons.* All speakers agreed that the issues of missing persons should be addressed more forcefully and depoliticized as much as possible.

Momentum and confidence building

Some confidence building measures are necessary for a more effective dialogue. They include the implementation of the Decani monastery decision of the Kosovo Constitutional Court and easing the process of diploma recognition. Confidence building measures could also build some new momentum for the process. “It is better to take the initiative ourselves than wait until we are pushed by others.” Resolving the energy issue for the northern municipalities could also improve the momentum. “There is already a draft agreement that would begin to address the electricity in the north.” A speaker said that politicians should not be driven by crisis and always react to crisis, but solve problems before they become crisis. A second step of building momentum is better coordinating with the EU and the US and all together try to shape a solution.

Only small steps could be taken at this time, a speaker noted, arguing that both sides will keep their major bargaining chips when the real negotiations begin. “Neither side will disclose or use their chips before the hard negotiations begin.” There is a perception that Kosovo and Serbia will begin real negotiations soon and no major concessions by either side should be expected in the short run, “not even concessions related to the implementation of the Brussels agreements.” Therefore, it is unlikely that either side will show any good will in the meantime. “The times of dancing competitions, like who wants to look nicer to the international community, are over.” A speaker said that there are some tendencies to try to postpone the final deal but not sure “if it is possible anymore to buy more time.” Many speakers expected a long negotiating process, “even after the deal is reached.”

Both sides need to work to change the process into a more progressive one, “not just think about harming each other.” More face-to-face meetings to develop trust and brainstorm ideas are welcome. Another speaker believes that after the elections in Serbia a real dialogue could begin, and it should be one with timelines. “We should not enter into an open-ended dialogue. We cannot afford to allow our partners to get tired of us.”

Participants

English Alphabetical Order

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Shpetim Gashi, Council for Inclusive Governance

Ardian Gjini, Alliance for the Future of Kosovo

Lutfi Haziri, Democratic League of Kosovo

Ramadan Ilazi, Analyst

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Bernard Nikaj, Democratic Party of Kosovo

Igor Novakovic, Council for Inclusive Governance

Petar Petkovic, Serbian Progressive Party

Dejan Radenkovic, Socialist Party of Serbia

Milan Ravic, Government of Serbia

Alex Roinishvili Grigorev, Council for Inclusive Governance

Roland Salvisberg, Swiss Federal Department of Foreign Affairs

Marko Savkovic, Analyst

Dragan Sormaz, Serbian Progressive Party

Xhelal Svecla, Self-Determination Movement