

Mapping Out Dialogue Prospects for 2022

Introduction

Prospects for a successful and timely conclusion of negotiations between Belgrade and Pristina remain bleak. Recent tensions over car plates in the north of Kosovo and various discouraging statements by politicians in Kosovo and Serbia suggest the continuation of the dialogue will not be straightforward. Both sides remain firmly entrenched in their positions: Kosovo demands the talks be about mutual recognition, while Serbia insists on implementing all old agreements, particularly on the Association/Community of Serb Majority Municipalities (ASM), before addressing new issues. On February 4-5, 2022 in Belgrade, Serbia, the Council for Inclusive Governance (CIG), in cooperation and with the support of the Swiss Federal Ministry of Foreign Affairs (FDFA), organized a discussion for a group of analysts from Serbia and Kosovo on the course of the dialogue in 2022 and on potential options that should be considered to bring the two sides closer.

This report is based on the discussions held under the Chatham House Rule. The participants took part in the discussions in their personal capacities. CIG representative in Serbia Igor Novakovic prepared the report. CIG has tried to be accurate and balanced in summarizing the discussions and asks for the participants' understanding whose remarks may not have been fully captured in this brief report. The report does not necessarily reflect the views of CIG and FDFA.

Options for the upcoming stage in dialogue and motivations of leaders

In the past few months, many shared optimism regarding the dialogue pace after the upcoming April elections in Serbia. When the Balkans is again becoming one of the neuralgic points of Europe, many expect to see more substantial involvement of both the US and the EU in the region. In that regard, some of the workshop participants asserted that there is a realignment of the US's and the EU's Western Balkans policy. The actual alarm bell is Bosnia. Kosovo is part of the puzzle. The West increasingly sees the region as a security issue. The Russia-Ukraine conflict make the conclusion of the Serbia-Kosovo dialogue even more urgent. "Whenever the US and the US worked together, things moved faster in the region," a speaker said. The current stage will be focused on defining a general framework for the dialogue. Then the dialogue will intensify during the fall and will be finished by 2023, many speakers estimated.

Some others, also reflecting the optimism of the EU Special Representative, Miroslav Lajcak, predicted a more dynamic year after the Serbian elections to create a better atmosphere for the process. "Two sides will achieve some practical agreements, in particular over car plates and the

energy issue, and this will provide the basis for the upcoming dialogue.” Others have not been that optimistic, stressing that Lajcak and the US Special Envoy Gabriel Escobar are aligned, not the EU and the US. They pointed out that the region is not a priority for the EU and the US, and that they act without the right tools. In addition, some pointed out that the main issue is Bosnia and without a solution for the ongoing Bosnian crisis, the Kosovo issue will remain in a stalemate.

Furthermore, Kosovo’s and Serbia’s leaders do not seem to have enough motivation to move forward. EU’s motivation does not seem strong either, as reflected in the blockade of North Macedonia’s and Albania’s EU path. A participant said the EU should also think about its credibility in the region. “The problem is that back in the day when the EU pushed the sides to make progress in the dialogue, it turned a blind eye to the lack of rule of law, fight against crime and other similar important domestic issues.” Therefore, the EU should change its paradigm: the normalization within the societies should become a precondition for a serious Serbia-Kosovo dialogue.

Given there is no tangible offer from the West, Serbian President Aleksandar Vucic is not putting all of the eggs in one basket, maintaining a close relationship with Moscow and Beijing. Also, Vucic will get a second mandate, but his capacity to reach an agreement is becoming weaker as his political support is gradually declining. That is why he has doubts, and keeps the expectations low. A dialogue outcome where Serbia “would get nothing” would be perceived to be a humiliation for him. And Vucic will do his best to avoid this “perceived personal humiliation.”

Despite Serbia’s discourse on the issue of Kosovo being seemingly controlled by Vucic, this is his weakest point. An eventual agreement will not happen without the opposition, and some of them are toying with the nationalist rhetoric. “Today it is lithium, tomorrow it will be Kosovo,” an omnipresent issue crucial for advent or fall from power in Serbia. Vucic could only find his interest in solving the Kosovo issue if he obtained the title of the regional factor of stability status and the key person to go to. “In the last couple of years, Vucic’s power is waning, and the opposition is increasingly using Kosovo as a rallying point.”

“Vucic is lucky that he has a ‘stubborn’ counterpart in Pristina not willing to allow any concessions. Also, he is lucky that there is instability in Bosnia and Montenegro. So he can present himself as a factor of stability. Therefore, he is in no rush to reach the agreement.” The EU carrot is too far away.

Kosovo Prime Minister Albin Kurti does not see any benefits from reaching an agreement that would have unfavorable elements for him. And a visa-free regime is too small of a win. “Kurti sees himself as a pan-Albanian leader, believes that he has a mission. Thus the pressure is not likely to function in his case.” The visa issue should be seen more as a precondition for a meaningful dialogue. “Citizens do not see solidarity coming from the EU, not just in Kosovo but throughout the Western Balkans, and it is an embarrassment for the Union as a whole,” said a civil society representative from Kosovo. Some of the carrots for Kurti could be recognitions by some of the EU non-recognizers.

Change of a narrative to boost dialogue and implementation of its results

The situation will not change without people on both sides believing in dialogue. The main issue is the normalization of societies. “Even when there is agreement – there will be nothing regarding the normalization between the societies,” said a speaker from Serbia. “We are perhaps too much focused on the dialogue, while we fail to recognize that there is a history of neglect of the attitudes of citizens.”

Both sides neglect the disseminating of positive messages about the dialogue, and they do not prepare citizens for the outcome. Kurti is raising the expectations and neglecting international demands. “He would have won much international support if he visited the northern municipalities after the elections, but he is not doing that,” said a speaker from Serbia. Both leaders should stop demonizing the people for the dialogue, allowing them to frame the new normalization discourse.

For selling the agreement, Vucic and Kurti are essential. They control the public discourses and orient them in favor or against the agreement. The ASM will be impossible to establish without Kurti because he was against it, and the dialogue in Serbia will not go further without Vucic as he was, in essence, against it and controls the nationalist card in Serbia.

A speaker from Belgrade claimed that the 2013 Brussels Agreement would not be changed, and the ASM has to be implemented; otherwise, Belgrade will not move. However, it seems that Kosovo expects recognition in exchange for the formation of the ASM. “But the problem is that Vucic has already sold the ASM once to the public, and it alone cannot be a pretext for the recognition,” said a speaker from Serbia. Another speaker from Kosovo retreated that the ASM is a done deal; the only question here is the marketing exercise, how to sell it to the constituency. Thus, it has to be reframed as part of a broader deal, the first step towards other goals, such as Kosovo’s NATO membership. In Kosovo, the ASM will not be formed without Kurti, precisely he was against it (as former Kosovo prime minister Hashim Thaci was against the elements agreed in 2007 in Vienna).

According to Brussels, Kurti made some attempts to reframe the ASM by floating an idea of a national minority council, as he is aware that his power bill is shaken if he forms the ASM. In any case, this move shows that Kurti’s attitude towards the dialogue is changing and that he realizes that his pre-electoral promises are unrealistic. “Being the prime minister is different from the reckless opposition,” said a speaker. “Dialogue is not the 7th priority anymore for Kurti, but the 1st. He approved the agreement on car plates.” The government of Kosovo needs a platform to disseminate this kind of burden. Part of the change of the approach is the proper usage of civil society. The aim should be to increase the understanding of perceptions about both sides.

As the ASM has to be formed (at least according to the US and the EU envoys), a crucial part is to reshape the narrative about the ASM. “The problem with ASM is that there is a perception that Kosovo did get nothing,” said a speaker from Kosovo. Kosovo citizens do not understand that the ASM represents a perfect excuse for Serbia to block the dialogue’s continuation. The ASM is a weak autonomy for the Serbs in Kosovo, and its establishment is not in the interest of Vucic. The debate should also be shifted towards a discourse that the ASM will be a Kosovo institution and overtake some of the functions that Serbia performs in Kosovo. Essentially the public discourse

should become that the ASM will strengthen the subjectivity of Kosovo. But the current public debate does not allow any positive aspects of this issue to be discussed. Kurti should start preparing the public to eventually change the constitution under the new paradigm that “Kosovo will not be less of a republic after it.” An important part would be to put the international perspective of Kosovo, at least NATO membership, into the equation of the final agreement. In the eyes of the Kosovo public, it would downplay the importance of the recognition by Serbia and underline the inevitability of the ASM.

A package should also contain the regional perspective. The word ‘region’ and its integration became an indivisible part of the discourses in Serbia and Kosovo. Therefore, a package for a deal will come as a part of a regional perspective, that borders will be made invisible, while there will be a strong impetus for increased communication and cooperation. “If borders are invisible, all will be able to achieve their national goals. And Belgrade will get something, as it would become (again) the center of the region,” said a participant.

On the other hand, Vucic could present the dialogue under the explanation “we are not leaving this problem to our kids,” which was used by the then-prime minister of Serbia Ivica Dacic in 2013 when he signed the Brussels Agreement. Also, this could be followed with some carrots that he could reframe with the help of the internationals, such as the Open Balkans or benefits from an increased cooperation with the West.

Some speakers have expressed a different view. They claimed that Kurti will not form the ASM despite everything, “He can sell it by focusing on sovereignty of Kosovo as health, social, education and other services provided by Serbia are in his view “undermining the sovereignty.” If the ASM is framed as a Kosovo institution, it would mean that all these functions would be under the Association. But he will not do it.” Another problem is that no opposition parties would campaign for such an approach. On the other hand, the speaker said “Vucic has proved that he can sell that the earth is flat, to his respective public.” “He could sell Kosovo’s membership in the UNESCO and the Interpol as the need to protect our holy sites and the interests to fight against the organized crime. But he will not do it.” Both leaders are in the dialogue game because of their interests – keeping the power and getting another mandate.

A paradigm shift: not separation of Kosovo from Serbia but reunification of the Balkans with Europe

To get a final agreement between Serbia and Kosovo and open up the path towards solving other Balkan issues (in particular Bosnia), the EU has to step up. It has to go back to the fundamental EU principle: erasing borders. This principle should be reaffirmed in the Western Balkans. There is a need for a paradigm shift on the EU integration process. The integration of the Western Balkans should be presented as the reintegration of Europe. For that, Western Balkan leaders should be more engaged with France, Denmark, and others – to persuade them that there is no strategic EU autonomy without the integration of the Western Balkans. “Perhaps it is the right momentum for French President Emmanuel Macron to change the approach after the elections in France and bring a new model based on an accession in stages for the countries of the region, more EU investments, and focus on regional integration,” said a speaker from Serbia. There should also be a new form, an accession agreement for all Western Balkan countries that guarantees the EU membership once

they meet the conditions. But this new type of approach should be followed by a clear set of countermeasures and conditions.

The US role could be essential, as they could also engage with most critical decision-makers to show that the EU cannot be more autonomous without the Western Balkans.

Such an approach could open up a way for the final agreement between Serbia and Kosovo. Kosovo will not disappear from the Serbian discourse; hence the final agreement must be implemented in the EU discourse as a package deal.

According to the Serbian constitution, the change of territory of the country requires a referendum. Also, the constitutions have to be changed if both sides want to enter the EU and possibly NATO, as they have to transfer parts of their sovereignty. Therefore, the final agreement has to happen just before joining the EU. "It would be successful only if it is packaged in a broader deal presented as the reunification of the Balkans with Europe, and not a separation of Kosovo from Serbia."

Recommendations and conclusions

Participants have reached several conclusions and recommendations, which are not entirely based on unanimity but could also reflect individual views.

- Both sides should be equally pressed and supported by the international community. Currently, only one side is under a direct pressure, undermining the atmosphere for the dialogue.
- The upcoming phase of the dialogue should not be perceived as humiliation by either side. It has to be presented as a win-win situation.
- Before normalizing relations between each other, Kosovo and Serbia should also normalize from the inside through democratization and strengthening of the rule of law.
- Both ruling elites have to change their attitude towards the dialogue and send positive signals instead of attacking those who support it and see benefits. This would contribute to the change of discourse on both sides.
- The process has to include in some way the opposition. If no serious opposition party opposes the dialogue and the eventual agreement, the citizens will not be against it.
- The ASM has to be reframed positively to escape the predominant perception in Kosovo that Pristina did not get anything from it. The ASM should be presented as an institution of Kosovo that is strengthening the subjectivity of Kosovo.
- Both sides should eventually change their respective constitutions. The change should not be represented as a minus but as a chance to strengthen the subjectivity of both sides and as a chance for a new perspective within the context of the EU integration.
- The process should be connected with the process of regional integration and cooperation. Kosovo should be eventually integrated into it.
- The EU, with the help of the US, should reframe the process of the EU integration in the Western Balkans as the reintegration of Western Balkans into Europe, without which there will be no strategic autonomy for the EU.
- The process should indicate that Kosovo could hope to get recognitions from the EU non-recognizers (at least four NATO members) at the end of the process.

Speakers also tried to map out some of the content of the final agreement between Kosovo and Serbia and the conditions it should meet.

- The agreement proposal should relativize the concept of recognition and explain the ASM to the Kosovo public that it should positively affect the social and political cohesion of Kosovo. It should also contain legality and be tied with the EU integration process similar to the Stabilization and Association Agreements.
- The proposal should define a legal relationship between the ASM and Serbia.
- The proposal has to have a provision on minority protection.
- The proposal should contain the acceptance of the opinion of the International Court of Justice, as it would be a signal for the non-recognizers.
- Serbia and Kosovo should recognize each other's legal systems and the right of Kosovo to get a green light for the UN membership.
- Serbia should find a way to make the agreement be in line with its constitution. It would demand some legal acrobatics for the constitution, but it is manageable.
- The agreement should open up the immediate recognition by at least four NATO non-recognizers.
- The proposal should contain a clear linkage to the process of the EU integration, in such a way that it presents it as reintegration of the Western Balkans into Europe, with a focus on erasing the borders.
- The proposal should also refer to the regional integration, with an apparent reference to the Open Balkans and the Common Regional Market.

Participants

Gresa Baftiu, Council for Inclusive Governance

Nikola Burazer, Center for Contemporary Politics

Shpetim Gashi, Council for Inclusive Governance

Dukagjin Gorani, Analyst

Ramadan Ilazi, Kosovar Center for Security Studies

Petar Miletic, Analyst

Igor Novakovic, Council for Inclusive Governance

Natasa Petrovic, Balkan Trust for Democracy of the German Marshall Fund of the United States

Jovana Radosavljevic, New Social Initiative

Alex Roinishvili Grigorev, Council for Inclusive Governance

Marko Savkovic, BFPE Foundation for a Responsible Society

Sonja Stojanovic Gajic, analyst

Stefan Surlic, Belgrade University

Visar Ymeri, Musine Kokolari Institute