

Building an Agreement Between Kosovo and Serbia

The US and the EU do not consider the Kosovo-Serbia dispute to be of high risk and consequently their efforts to resolve the dispute are not likely to increase any time soon, and Pristina and Belgrade, without decisive international efforts, are not likely to conclude on their own the ongoing dispute, a number of analysts from Kosovo and Serbia concluded at a workshop organized by the Council for Inclusive Governance and supported by the Swiss Federal Department of Foreign Affairs, held on May 14 and 15 in Prizren, Kosovo.

They recommended that the EU and the US, in coordination with Belgrade and Pristina, undertake a comprehensive initiative—either strengthening the existing Brussels dialogue or design a new one—to close all the open issues between Kosovo and Serbia. An achievable agreement, according to some speakers, would include a) Kosovo’s membership in the Interpol and UNESCO, b) establishment of the Association of the Serb-Majority Municipalities, c) a fast-track EU negotiations process for Serbia, d) a fast-track membership process for Kosovo, e) NATO begins negotiations with Kosovo on membership, and f) the five EU non-recognizers either recognize Kosovo or pledge not to block its Euro-Atlantic integration. Such an agreement would need credible outside guarantors.

The war in Ukraine has made the potential risks in the Balkans more visible, and the increasingly sharpening divisions between the East and the West indicate that the Western Balkan countries can no longer “sit on two chairs,” said a speaker, referring largely to Serbia. “They need to make a choice now.” It is good news that Serbia is gradually aligning with EU’s foreign policy towards Russia but, some speakers said, Serbia’s position on Kosovo remains “as stubborn as ever.” In fact, if Serbia imposes some sanctions on Russia, the West may give it “some slack on Kosovo.” Kosovo’s Prime Minister Albin Kurti, with his “equally stubborn approach,” is not “making it easy for the international community either.”

Serbia is seemingly moving westwards and this is important for the Western Balkans and for Europe. Albania’s Prime Minister Edi Rama understands the importance of having Serbia in the Western camp and that is why he supports Serbia’s EU path, a speaker assessed. “It is in everyone’s interest, the participant opined, to see Serbia go westward. If Serbia does not go West, Kosovo too will suffer.” If Serbia moves firmly to the West, suggested another speaker, “the Serbia-Kosovo dispute too moves into the Western sphere of influence.” Prime Minister Kurti does not believe it is a good strategy “to make it easier

for your adversary to resolve a common problem.” Therefore, he is not going to make it easy for Serbia to make a compromise. Serbia has some fundamental problems too, especially that the majority of the Serbs, polls indicate, are for the first time against the EU membership, though the Serbian government, at least in rhetoric, seems committed to move westward.

Some speakers said that Kosovo tried to take advantage of the Ukraine war and pushed for its NATO membership, arguing on security and stability terms rather than on merit. Its efforts were quickly rebuffed by the US and NATO, reminding Kosovo that certain conditions need to be met first. At first, Serbia, an ally of Russia, seemed to be an obvious loser of the impact of the Ukraine war but Belgrade quickly aligned with the West on a UN resolution condemning the Russian aggression and has indicated it may join the EU and the US in imposing some sanctions on Russia.

Unfortunately, neither Kosovo nor Serbia saw the Ukraine war as an opportunity to resolve their conflict by asking the EU and the US to help them settle their ongoing dispute. Kurti saw it as an opportunity to “reassert Kosovo’s sovereignty in the north” and did not allow a Serbian referendum and Serbian elections to be held there. In the international context, he applied for Kosovo’s membership in the Council of Europe and announced filing an application in the fall for the EU candidate status. Because of the security situation in the Europe, “Kurti can poke Vucic and Vucic can’t respond,” said a speaker, adding that “Vucic’s hands are tied for now.”

Despite Belgrade’s Western overtures, Russia has substantial influence over Serbia, especially in the energy and security sectors. Serbia heavily relies on the Russian gas. Some speakers said that Russia also controls some ‘rouge elements’ within Serbia’s security forces and could use them to destabilize the region, if and when it needs. Russia and its president Vladimir Putin remain very popular in Serbia, limiting Belgrade’s ability to go hard against Russia. Polls show that the Serbian public supports Russia way more than it supports the European Union.

Therefore, Russia and its elements in the region remain a source of instability and the US and the EU should keep a close eye on them and on the region. Serbian President Aleksandar Vucic cannot reverse his ‘Russia brotherhood’ position overnight, and many were not sure Vucic can impose substantial sanctions against Russia. Therefore, Vucic is in complicated position; so far he has suffered two defeats—on the referendum and the elections—in relations with Kosovo. Balancing his EU and Russia policy will be even more difficult that may cost him some support at home. A speaker said that Vucic is trying to reposition his policy but “is still hoping he doesn’t have to in the end.”

The Brussels Dialogue has “kept the calm” but has been a non-effective approach. When the Brussels Dialogue resumed about two years ago, it was based on the principle of “nothing is agreed until everything is agreed” and it addressed “eight mutually agreed topics.” The current process has neither agreed principles nor topics, apart from the technical discussions on energy and car plates. “We need a more powerful process that better amasses EU and US support for a deal.

Given the difficulty to bypass the status, a speaker suggested to address status first and then other elements. Some said that at this time Serbia is not likely to make concessions both on sanctions against Russia and on Kosovo “without the EU offering something big.” Kosovo’s government, on the other hand, is rather unpredictable and pursues “a not so clear negotiation path.” Some were quite pessimistic about a future agreement, with a speaker saying that “Serbs and Albanians are on a collision course and will crash into each other if they don’t change course.” Belgrade’s and Pristina’s objective is not “peace with each other,” but rather “to weaken each other.” To change this existing “collision course” Kosovo and Serbia should begin to change their “narrative of being enemies into one that promotes a common EU future,” a speaker suggested.

The ‘blame game’ and the non-implementation of the past agreements continue to stand in the way of a successful process. Beginning with some implementation of the old agreements would be a good start to build trust and momentum. In addition to resolving the dispute between Kosovo and Serbia, a future agreement should also offer clear prospects for EU membership to both Serbia and Kosovo, including “collective recognition of Kosovo by the EU.” Now Kurti insists on talking only about mutual recognition, Serbia refused it to be on the agenda, while the EU is not able to deliver. A speaker suggested a more flexible approach: Serbia agrees that everything is on the table, Kosovo agrees to address the Serb community’s open issues, and the EU and the US offer the necessary incentives to both sides.

The participants discussed the possibility of Pristina and Belgrade issuing a joint statement in a near future. The following is some language and topics suggested to be contained in such eventual joint statement: recognize documents; commitment to regional peace and mutual respect; refrain from use of force; commit to engage constructively and responsibly in the dialogue and implement past agreement; improve bilateral relations; undertake confidence building measures; agreements to be based on cooperation and coexistence aimed at EU integration; EU integration is a common objective that we commit not to undermine; guarantee peace and stability; joint orientation toward EU values and membership; speed up the negotiation process; acknowledging the past; guarantee freedom of movement; lasting peace and reconciliation at the core of normalization process; commit not to instrumentalize the past through leaving it to a specialized mechanism to deal with it; and support regional cooperation centered on a common regional market.

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