

Together for a Negotiation Framework for a Successful Process

The Council for Inclusive Governance (CIG) reconvened on July 8-10, 2022, in Solothurn, Switzerland, its roundtable of senior officials of main political parties of Serbia and Kosovo. The participants discussed issues and principles for a better framework for negotiating an agreement between Kosovo and Serbia. 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 a breakthrough in the Serbia-Kosovo dispute is necessary and that all parties need to search for a path leading to a solution.

In the first session, the participants were divided into three groups to propose desired EU and US engagement in the dialogue process and to identify incentives for Kosovo and Serbia to be given by the EU and the US to encourage the parties to reach a comprehensive agreement. The following is a combination of suggestions from all three groups.

Process

- The EU and the US should change their role from “passive facilitators to active leadership and mediation.”
- The EU and the US should design a clear roadmap and a timeframe for the dialogue.
- The EU and the US should clarify the state of play, outline a clear vision and values, and have a joint position on the dialogue as well as agree on a set of principles.
- The EU, the US, Kosovo, and Serbia should recognize that political disputes, not technical ones, are the major issues to the dispute.
- In the meantime, the relations between Kosovo and Serbia could be based on the reciprocity principle.
- The Brussels dialogue and the Washington agreement should be converged.
- The EU should establish a mechanism for the implementation of agreements.
- The parties should continue with the implementation of the old agreements, such as building all the six border/boundary crossing facilities foreseen in the IBM agreement and staff them accordingly so as to streamline the procedures and shorten the wait time.

Incentives

- The EU should offer EU membership to the Western Balkans as a whole, not country by country.
- The EU should finally grant visa liberalization to Kosovo.
- The US and the EU should facilitate a “dialogue on recognition” between Kosovo and the five EU non-recognizers.

- The EU should offer candidate status for Kosovo. NATO should consider Kosovo join the Partnership for Peace program as the first step towards joining NATO.
- The EU should open new clusters in accession negotiations with Serbia and offer it a tentative date for full EU membership.
- The US and the EU should design an investment package for Serbia and Kosovo, including financial support for joint projects on infrastructure and energy.
- The EU and the US could support creating a joint university for Kosovo and Serbia where about 1,000 students from each side attend.

Compensation for concessions

The participants argued it is time for a solution and recommended that the EU and the US should have a joint approach in outlining problems and solutions. “We need to resolve this dispute and not pass it on to our children.” But some said that the EU is not ready “to give what it can give,” but were hopeful that it could become more flexible in the near future, even offering a faster EU membership track, as the Western Balkans is increasingly becoming a significant geopolitical interest. Many speakers said the US is not ready “to pay the price” either. An eventual negotiation process should include both sticks and carrots, and consequences for non-cooperating. And both Serbia and Kosovo need to know what the consequences are if one of them blocks the process.

Serbia’s EU membership is already conditioned by Chapter 35, which requires a normalization agreement with Kosovo. A number of speakers said that some Quint countries are conditioning their support for Kosovo’s membership in the Council of Europe with progress in the dialogue.

There was consensus that the Brussels dialogue is weak. “In two years there has not been a single word about the future of this relationship!” And that the parties need to construct a better process. A speaker, however, warned that even the best process cannot compensate for the lack of political will, which seems to be the case in Kosovo and Serbia. Ownership of the process is another key element in a negotiation process. But the Brussels dialogue has strengthened a belief in Kosovo and Serbia that solutions come from outside. This needs to be changed. A comprehensive agreement requires a comprehensive process.

The parties in the dialogue need to figure out a “compensation package” for Serbia, since many in the country feel they have “lost something.” “If you have nothing to offer, do not push us,” retorted a participant from Belgrade. But what could a “compensation package” for Serbia include? Some speakers said that Serbia will not mind whether the compensation comes from Kosovo or from the EU and the US. “It just needs something in return, where that something comes from is less important.” Some suggested that the package could include a combination of incentives from the EU and the US, such as a financial package and a faster EU track, and some from Kosovo, such as the formation of the Association/Community of the Serb-Majority Municipalities in Kosovo. A speaker explained that Serbia feels “humiliated by previous processes and cannot afford to be punished further,” adding that the country needs some incentives. “The EU knows Serbia can’t recognize Kosovo without a compensation but then German Chancellor Angela Merkel said she couldn’t offer anything substantial and did not press Belgrade further, and now, the new Chancellor Olaf Scholz has a different type of message,” referring to Chancellor Scholz suggesting that Serbia needs to recognize Kosovo to join the EU. The speaker concluded that there is no question that Serbia needs to be compensated, but the question is by whom? “We need clarity on

it.” “Serbia does not intend to reverse Kosovo’s independence, but it needs compensation for a compromise, and doesn’t matter where or whom it comes from.”

A speaker suggested that the dialogue objectives should shift more towards the future. “Business as usual does not work any more.” Some speakers agreed that Kosovo and Serbia do not seem serious about an agreement “but neither seem the EU and US,” some concluded. Another speaker said that the EU began the process without a strategy: it first used ‘constructive ambiguity’ as a principle, then ‘nothing is agreed until everything is agreed,’ and now “we are back to dinners and meetings to discuss an agenda.” A proliferation of special envoys does not seem to have any effect either. But the existing status quo is also part of the process. Many agreed that key elements to the process are clarity, leadership, and timing.

Parties need to negotiate, not discuss, and close this chapter. Serbia may feel it has lost something, but it should ask a form of compensation from the international community, a speaker said. A compromise means each side must have some small wins. “Kosovo says let the EU give something to Serbia in return, but then the EU says let Kosovo give something in return.” A most likely outcome is “a little bit from both,” suggesting integration from the EU and the Association/Community from Kosovo. A speaker said that Serbia has already had some victories, such as “the double majority in Kosovo’s parliament, creation of new Serb-majority municipalities in Kosovo, and some extra powers for Serb-majority municipalities.” A speaker noted that a victory for Kosovo Serbs would be “full implementation of the Ahtisaari Plan.” And small wins or face saving is something the mediators should think about.

The land swap is a dead idea, the status quo is not sustainable, and normalization without recognition is not possible, a speaker argued. He added that “Serbs and Albanians know each other well enough, but need to change the way they see each other.” The media are not helping much in this regard either, usually highlighting and inflating ethnic grievances instead of applying a more conciliatory approach. “Kosovo and Serbia are competing who is harming each other more instead of resolving their problems.” The EU integration is a common aspiration and it could help as a cover for a deal. The speaker said that it is time “to put all the cards on the table.”

Principles and issues

At the outset of the discussions, a participant emphasized that both sides need to understand and accept two key axioms—Kosovo’s independence is not going anywhere and the Serbs in Kosovo are not going anywhere either and will always remain part of Kosovo. The space for negotiations is quite narrow, mostly because there are no new ideas. The dialogue has been going on in parallel with a reconciliation process, and some issues, such as the missing persons, are also part of the dialogue. The dialogue needs to have an agenda and a list of issues for negotiations. The previous stage of the process had eight points on the agenda. The current dialogue has no new agenda and is mostly engaged in implementing some old agreements and attending to emerging “crises,” which is “good but not enough.”

A speaker said that international voices for ‘mutual recognition’ are increasing, but another speaker replied that ‘mutual recognition’ is not a compromise. “It is a zero-sum game.” The speaker said that insisting on recognition without a negotiating process is a recipe for failure. To give credibility to the dialogue, the EU and the US in coordination with Serbia and Kosovo should establish an implementation supervisory mechanism.

A strong process would need a strong agenda. A speaker suggested the so-called German-German model as a solution between Kosovo and Serbian, whereby the parties “acknowledge each other in everything but formal recognition.” This model would also include the formation of the Association/Community. Other options could be explored too but without “formal recognition,” said the speaker. A good agreement would ensure predictability and security. The land swap idea was mentioned in passing by some speakers, but it did not find substantial support by the group. “Land swap is not an option now after the war in Ukraine.” A speaker added that an eventual model should satisfy both the political leaderships and the people on the ground. Lack of political wisdom is seen as the main obstacle to progress. But the solution should not jeopardize stability in Serbia, Kosovo, or in the region.

Kosovo and Serbia have a number of shared goals: a comprehensive agreement, EU integration, and reconciliation. The participants suggested some initiatives to advance these goals, including academic cooperation, cultural interactions, economic development. A speaker said that reconciliation is a complicated process and could only come after the conflict is concluded through an agreement. “The number of people against reconciliation is larger than the number of people in favor of reconciliation,” said the speaker, adding that the problem with reconciliation is that it is difficult for political leaderships to take responsibility for the actions of their country leaderships.

As a participant pointed out, the status quo is not only unacceptable but it needs to be changed fast as both Serbia and Kosovo are facing a fast-changing world filled with new emergencies to be faced by both. “We can either harm each other or we can support each other. Supporting seems to be the right approach.” Only by ending this conflict can Kosovo and Serbia deal with the new emerging world more efficiently and successfully.

Participants

English Alphabetical Order

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Gordana Comic, Government of Serbia
Shpetim Gashi, Council for Inclusive Governance
Ardian Gjini, Alliance for the Future of Kosovo
Lutfi Haziri, Democratic League of Kosovo
Ramadan Ilazi, Analyst
Dalibor Jevtic, Serb List
Mimoza Kusari, Self-Determination Movement/Alternative
Bernard Nikaj, Democratic Party of Kosovo
Branko Ruzic, Socialist Party of Serbia
Alex Roinishvili Grigorev, Council for Inclusive Governance
Roland Salvisberg, Swiss Federal Department of Foreign Affairs
Nemanja Starovic, Serbian Progressive Party
Ana Stevanovic, Party of Freedom and Justice
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