

Assessing Options of Serbia's Internal Dialogue on Kosovo

Introduction

More than three months after the conclusion of Serbia's internal dialogue on Kosovo, its initiator, Serbian President Aleksandar Vucic has not yet presented his planned platform on resolving the Kosovo issue. The platform was supposed to be based on the dialogue outcomes. President Vucic says the platform is not yet ready and that he does not know when he will make it public. The government issued no official conclusions either, except for a number of officials stating that the majority of the dialogue participants favored the preservation of the *status quo*.

Soon after the internal dialogue began, the Council for Inclusive Governance (CIG) organized five meetings on the issue.¹ The last meeting—a workshop—was held on June 27, 2018. Aiming to assess the eleven options stemming from the internal dialogue and to identify the most realistic ones, CIG gathered a number of Serbian experts. Of the eleven options,² the workshop participants identified four as the most realistic and assessed *pros* and *cons* for each option. 1. *Status quo*; 2. Partition or exchange of territories along ethnic lines; 3. *De jure* recognition; and 4. *De facto* recognition.

The workshop was supported by the Swiss Federal Department of Foreign Affairs and the Foundation for an Open Society. Igor Novakovic, CIG's Representative in Serbia, drafted the report. We have tried to be accurate and balanced in summarizing the discussions, and ask for the understanding of the participants whose remarks may have not been fully captured in this brief report, for which CIG accepts sole responsibility. These conclusions are not based on consensus and do not necessarily represent opinions of every participant. Participants were asked to analyze the options without stating their preference. Participants took part in the meeting in their personal capacities and the discussions were held under the Chatham House Rule.

The report does not endorse any options for resolution of the Kosovo dispute. It only offers a list of *pros* and *cons* of the four options as outlined by the workshop participants.

¹ For reports on previous CIG roundtables on the internal dialogue, please see www.cigonline.net.

² The following options came out of the internal dialogue: 1. Reintegration of Kosovo into Serbia's constitutional order; 2. Partition along ethnic lines or exchange of territories; 3. Freezing of conflict and keeping the *status quo*; 4. Serbia does not recognize Kosovo's independence but continues the Brussels dialogue to find a viable solution; 5. A confederation of Serbia whereby Kosovo becomes a unit in the confederation; 6. Resolution of economic issues without a political solution; 7. Community of Balkan nations; 8. Serbia and Kosovo enter the EU at the same time, putting the status issue aside; 9. Negotiations with Kosovo Albanians under the patronage of the international community—UN or EU—based on a non-recognition policy and without signing any new agreements; 10. A joint state of Albanians and Serbs in Kosovo as a condominium of Albania and Serbia; 11. Recognition of independence of Kosovo.

1. *Status quo*

According to a recent study by the Foundation for an Open Society, the worst option for Serbia is the frozen conflict or the *status quo* option. The report notes that the conflict's prolongation would result in significant emigration and economic and security deterioration. The participants were strongly against this option, seeing almost no *pros* but many *cons*. This option is the worst of the four.

Pros

- The *status quo* could allow for a much needed change of current negative and poisonous atmosphere.

Cons

- It is favorable to the organized crime and illegal activity. It is also detrimental for Kosovo's internal affairs, rule of law, and overall democratic development.
- It prolongs instability and opens the door for other players, such as Russia and Turkey, to interfere in the dispute.
- It hampers the Serbs in Kosovo by prolonging uncertainty and preserving the organized crime structures in the north as well as by strengthening their cooperation with criminal structures elsewhere in Kosovo.

2. Partition

Many in the Serbian leadership favor partition, considering it as the first victory after the 'defeats' of 1999 and 2008. Kosovo officials are against partition, though there are some who support the option on the condition that it includes an exchange of territories. Many, key Western players remain firmly against such an outcome, primarily because of possible domino effects in the Balkans and beyond. This is considered the least realistic of the four options.

Pros

- It is a quick fix and has the potential to offer a permanent solution with which both sides would get something. Serbia would get ten percent of Kosovo's territory. Kosovo would get formal recognition from Serbia, potentially from five EU non-recognizers, Russia, and perhaps many other UN member states, and a clear EU perspective. Some participants said that partition represents a win-win solution., but cautioned that it could precipitate the creation of a Greater Albania. Many, however, said that for Serbian citizens a Greater Albania is more acceptable than an independent Kosovo.
- Partition would result in greater internal stability in Serbia.
- Russia would likely favor this outcome—seeing it beneficial to its interests in the post-Soviet space—and consequently agree to a UN seat for Kosovo.
- Kosovo's north has the potential to remain an area of conflict. Many said that Kosovo will not be able to fully integrate the north. Partition would eliminate this risk of long-term instability.

Cons

- Partition would not be possible without an explicit recognition of Kosovo by Serbia thus making it impossible for Belgrade to avoid this difficult step.
- It does not resolve the problem. Sizeable populations of Serbs will remain in Kosovo and of Albanians in Serbia. These populations will become more vulnerable to eventual interethnic conflict.
- It could restrict the rights of the Serbs in Kosovo's south through eventual revision of the Ahtisaari Plan and the constitution. Many said that partition would push more Serbs from the south to leave Kosovo.
- It would allow Pristina to demand at least parts of the Presevo Valley and open a path toward creation of a Greater Albania.
- It would undermine the idea of multiculturalism in Kosovo championed by the international community. It would also represent a defeat for the EU, its principles, and its decade-long efforts of building a multi-ethnic democracy in Kosovo. This would also mean that the Brussels process was a waste of time.
- It could lead to an armed conflict.
- It could cause a domino effect. Partition will likely have a spill-over effect on the neighboring countries—Serbia, Bosnia and Herzegovina, and Macedonia. A Greater Albania, a Greater Serbia, and even a Greater Croatia could be possible outcomes.
- Partition could divide the two societies even more and prevent normalization of relations.
- It does not retain important identity symbols in Serbia and protect all Serbs. The most important monasteries and holy sites and the majority of the Kosovo Serbs are located in the south.
- Partition would have negative consequences for the Serbian Orthodox Church (SPC).
- If partition results in an exchange of territories, it could endanger Serbia's control over the southern flank of Corridor 10 (Highway Belgrade-Thessaloniki) that currently goes through Serbia's Albanian-majority municipality of Presevo.

3. *De jure* recognition

Most of the speakers said that *de jure* recognition is not likely, even if it is conditioned with Serbia's EU membership, at least for the next twenty years. A few speakers, however, said that the recognition could happen even now with some heavy public opinion engineering by the government, but that it would have negative consequences for Serbia, creating internal divisions within the country. A number of speakers argued that recognition could only happen in exchange for the north's partition.

Recognition could happen after comprehensive negotiations where the two sides agree that the goal of the process is recognition, and then start negotiations that should be concluded by 2023. The negotiations should ensure that "the Serbs in Kosovo feel as if they live in Serbia" and this should be achieved through changes of Kosovo's constitution that allows for the establishment of the Association/Community of the Serb-majority municipalities with executive powers in the areas of health, education, culture, and economic development and giving extraterritoriality to the monasteries and most important SPC churches.

Pros

- *De jure* recognition would clarify the relationship between Belgrade and Pristina. It would provide for a clear-cut solution and conclude the conflict.
- It could give the upper hand to Serbia in its negotiations with the EU and thus enable citizens of Serbia to accept the final separation of Kosovo. Serbia's chances for EU membership are probably the best with this option. In other words, recognition could be treated positively as long "as it represents an advantage in Serbia's EU integration process."
- The recognition will result in greater democratization of both societies. It would allow for more political competition both in Serbia and in Kosovo, more media freedom, and potentially help the overall democratization of the societies. It could also lead to change in the leaderships both in Serbia and in Kosovo. Many said the current leaderships are favored by the international community only because they "deliver" on the EU-sponsored dialogue.
- Since such recognition will mean the end of the conflict, it will allow dealing with the past in a more successful way and will provide a better ground for reconciliation.
- Kosovo will become a member of the United Nations (UN), the Council of Europe and the OSCE, among other international organizations, providing for adoption and implementation of the generally accepted norms on human and minority rights in Europe.

Cons

- Recognition could cause internal divisions. Kosovo is important at the emotional level as a symbol of the Serbian nation and only a few support the recognition of Kosovo's independence. Recognition could create a long-term frustration and "collective psychosis," something similar to the Trianon syndrome in Hungary that is still present today 100 years after the end of World War One. Recognition would most probably lead to deep divisions within the society "for the next 100 years." Serbia and Kosovo would become a reservoir of instability in the region, which would be hard to control. Therefore, this recognition would become a source of conflict, instead a source of a lasting solution. For a successful solution, a longer and more comprehensive process is needed, at least until 2024.
- Any kind of recognition of Kosovo begs the question of what Serbia will get out of it. The EU integration could not be considered as a sufficient prize. The EU membership is not guaranteed by recognition. The membership is merit-based and Serbia needs to resolve many other issues in addition to Chapter 35. It is not clear what Serbia is getting with this option. Without the clear and tangible trade-off, it would be probably impossible to persuade the citizens of Serbia to approve such recognition. Some of the participants said that such an option is not possible for the current government without the north's partition or an exchange of territories. Others said that it is possible and needs to be done in these current borders.
- This solution does not eliminate the possibility of a Greater Albania in the years to come.
- Recognition will not result in immediate normalization between the two societies. The most important issues will not be solved with this recognition: the sources of the conflict, the situation of the Serbs in Kosovo, and the issue of the European perspective for Kosovo.
- Recognition could strengthen the power of the current elites in Belgrade and in Pristina. The tension in both Kosovo and Serbia could result with the tightening of power of current elites, deterioration of the rule of law and the freedom of the media.
- Recognition will diminish current Serbian power to protect the status of the Kosovo Serbs. This is important since until now, Pristina was not ready to integrate the Serbs. While some

claimed that Kosovo would start respecting its own laws once it becomes independent, since it will stop perceiving the local Serbs as the instrument of Belgrade, others said that the constitution and laws could be changed despite the legal constraints.

4. *De facto* recognition

This option presumes that Serbia signs with Kosovo a comprehensive legally binding agreement as mandated by the EU, without recognizing Kosovo's state *de jure*. As a part of the deal, Serbia opens the space for Kosovo to join all international organizations, especially the UN, and treats it as a *de-facto* independent country without recognizing it formally. Most speakers agree that the membership of Serbia in the EU is possible without a formal recognition of Kosovo.

Pros

- Consequences for the societal peace in Serbia will be less dramatic than in the case of explicit recognition. Serbia would feel as not losing face following the deal.
- This option would result in significantly less harmful consequences for each society, as it would allow Pristina to gain greater international legitimacy, while allowing Serbia not to renounce Kosovo *de jure* and still advance with its EU integration.
- Serbia would benefit from this solution more than from the current Brussels process. Kosovo, in return, would finalize the integration of the north and strengthen its sovereignty. The Serbs in Kosovo too would benefit as the Association/Community of the Serb-majority municipalities would most likely be established.

Cons

- This would be seen by Kosovo and most of the West as an interim solution and the conflict will continue.
- The situation would not dramatically change, the problem will not be fully resolved, and a certain level of frustration on both sides will remain. Kosovo Serbs would still feel being left in a limbo. The most beneficial winners would be the current ruling elites in Pristina and Belgrade. They will stay in power to implement the agreement and continue the process to resolve the problem some day. Some said that with the implicit recognition there would be no Association/Community of Serb-majority municipalities with executive competences as Pristina would not agree to establish it in return for an implicit recognition.
- While it would make it easier for Kosovo to join a number of international organizations, some participants claimed, the implicit recognition would not guarantee a UN seat. Pristina's objective is a UN seat, therefore making this option not favored by them. Neither would this option result in Kosovo's achieving its ambitions for a clear EU perspective and an eventual EU membership. The implicit recognition will give an argument to Spain and other remaining four EU non-recognizers to remain entrenched in their position of not recognizing Kosovo.
- This option would most likely provide even less certainty about Serbia's own future EU membership as the country would still be seen as one with undefined borders.
- This option has good chances of following the current destiny of the already signed Brussels agreements and be never implemented.

Workshop Participants

Nikola Burazer, Executive Director, European Western Balkans

Gordana Delic, Director, Balkan Fund for Democracy

Ivan Djuric, Program Coordinator, Youth Initiative for Human Rights

Dusan Milenkovic, Program Coordinator, Westminster Foundation for Democracy

Petar Miletic, Columnist

Natasa Petrovic, Senior Program Officer, Balkan Trust for Democracy

Stefan Surlic, Teaching Assistant, Faculty of Political Science, University of Belgrade

Aleksandra Sanjevic, Program Officer, Foundation for an Open Society

Uros Todorovic, Working Group on the Internal Dialogue, Government of Serbia (observer)

Shpetim Gashi, Vice President, Council for Inclusive Governance

Igor Novakovic, Representative in Serbia, Council for Inclusive Governance

Alex Roinishvili Grigorev, President, Council for Inclusive Governance