

Serbian and Kosovo Parliamentarians Discuss Solutions and the Process

Introduction

After about seven years of dialogue and moderate progress on a number of issues ranging from car license plates to university diplomas, Pristina and Belgrade are gradually sliding back into a pre-dialogue status quo. Sporadic meetings between Serbian and Kosovo presidents Vucic and Thaci are all that is left from the seven-year-old Brussels dialogue. The 2013 Brussels agreement itself has not been implemented in full, with the Association/Community of Serb-Majority Municipalities and energy remaining the most sensitive unimplemented points.

A number of international officials, including EU's foreign policy chief Federica Mogherini, in a last ditch effort to rescue the process brought up to the negotiating table Kosovo's partition, an issue considered taboo just months ago. 'No border changes' was one of the Contact Group's principles of the Vienna negotiations in 2007. Many say until the partition idea gets off the table or is agreed upon, the Serb integration process in Kosovo and relations between Serbia and Kosovo will remain frozen. Belgrade considers partition as the only solution in which "everyone gets something," but the overwhelming majority of Kosovo Albanians, except for President Thaci and a handful of his supporters, strongly oppose it. The international community, including the Quint, remains divided on the issue. The communication between Pristina and Belgrade officials is at all time low since 2011. The last meeting of the technical teams took place in March 2018. Apart from the meetings of the presidents, no other institutional contacts exist on regular basis.

To contribute to improving institutional relations between Pristina and Belgrade, the Council for Inclusive Governance (CIG) in cooperation with the Swiss Federal Department of Foreign Affairs (FDFA) and the Balkan Trust for Democracy of the German Marshall Fund of the United States convened another roundtable in a series for members of parliaments of Serbia and Kosovo. The roundtable took place on October 6, 2018 in Skopje, Macedonia. The aim of the parliamentary initiative is to build momentum and support for reaching a normalization agreement, to establish another institutional channel of dialogue between Belgrade and Pristina, and to establish friendly political and economic relations between Kosovo and Serbia. The role of parliaments is especially relevant in ratifying an eventual agreement, but also in offering their input in shaping the process as well as a contributing to the content of the final agreement.

The parliamentarians were skeptical that an agreement might be reached soon. Though presidents Thaci and Vucic have seemingly agreed in principle on some 'border correction' solution, many speakers doubted the two presidents have worked out the details and in such cases "details are more sensitive than principles." Short of border changes, Serbian participants suggested a solution could be found within 'normalization without recognition and EU integration,' but Kosovo participants insisted that, "only recognition brings normalization."

There was consensus that the Brussels dialogue has run its course and that the stakeholders need to design a new process to address the status, the core of the conflict. While the Kosovo participants insisted that the EU and the US should be the mediators and the guarantors of an eventual deal, a number of the Serbian speakers said that Russia should also be part of the process. Many considered Russian support for an agreement essential, especially if Kosovo were to apply for UN membership.

Border change: permanent peace or new conflict?

The participants were skeptical that adjusting borders to enable political leaders to claim political victories would lead to permanent peace. The Kosovo speakers strongly opposed the idea, fearing that Kosovo would lose territory and natural resources, such as Lake Gazivoda, in the exchange. Some Serbian participants were also against the 'border change,' but for different reasons, arguing that, "the entire Kosovo belongs to Serbia." Some others were concerned about the future of about 60 thousand Serbs living south of the Ibar River. "I understand the Serbian politicians when they say that Kosovo Serbs will leave Kosovo in 30 years anyway, but it is one thing to leave in some orderly way during a period of 30 years, and another to have to flee overnight and leave everything you have behind," a participant said.

Most of the speakers concluded that changing borders would most likely lead to a new conflict.

The 'border change' idea also undermines the principle of Kosovo's multi-ethnicity in which the international community and Albanian and Serb communities themselves have invested substantially for two decades now. "The Kosovo Serbs in the south spent a decade working on integration. How can we tell them now they have to pack up and leave?" A speaker said "only Thaci and Vucic and some irresponsible politicians in the West support the idea." Another participant argued that the border change proposal is based on "fascist principles," that different ethnicities cannot live together. Some Kosovo speakers said that many in Kosovo are "shocked" that Thaci promotes such a plan in which Kosovo would be a loser. Kosovo would not only get a lot less territory in an eventual exchange, but it would also lose resources such as the Gazivoda Lake and Trepca. It would also put its borders on the negotiating table, jeopardizing its very sovereignty. "It is particularly dangerous to negotiate your own borders with someone that does not recognize you." Another speaker said that, "only countries that recognize each other could discuss border changes."

What is the rationale behind the idea and why did it come up almost two decades after the conflict? There were different answers to the question. Some said that the idea is to create

permanent peace between Serbia and Kosovo and open Kosovo's prospects for EU membership. It is assumed that the remaining five EU members would recognize Kosovo once Serbia does it, even though there is little evidence to support this assumption. Others said that Vucic and Thaci have personal motivations, the former to save face in Serbia by showing that Serbia got at least some territory from Kosovo which has been de facto independent of Belgrade since 1999, while the latter saving himself from potentially being indicted by the special court for war crimes.

Reportedly, about 80 percent of Kosovars are against border changes, but they also do not know where the new border would be. Is it an equal territorial swap? Does Serbia get more territory and how much more? Do Mitrovica North and the Gazivoda Lake remain in Kosovo? Is a swap possible without Mitrovica North? How much territory would Kosovo get in the Presevo Valley? Partition is not popular in Kosovo's parliament either. Many said that if such an agreement comes to the parliament for ratification, it would not get more than about 10 Albanian MPs votes, largely from PDK.

Many participants also addressed possible regional implications. The idea would have negative implications especially for Bosnia and Herzegovina and Macedonia, which are ethnically much more volatile than Kosovo.

In conclusion, few participants believed that the 'border change' idea is feasible, some arguing that even Vucic and Thaci themselves do not believe in it. "They are pushing for the border change debate to distract attention from the rule of law and other real issues on which both countries have a bad record." Another speaker added that this debate also helps them "stay relevant on the international scene and in power."

New process, old problems

Many speakers said that the normalization process has not been ideal, but that both sides have learned that they have a lot of common problems that could be resolved only through cooperation. What Pristina and Belgrade need to do now is to find a way to resolve these problems. "Talking about problems without offering solutions is not enough." The Brussels process included "too much talk, but offered only tiny resolutions." Many said that the Kosovo and Serbian political leaders used the Brussels process to promote themselves—domestically as the guardians of national interests, assuming credit for its successes—and internationally as the agents of peace—while never accepting responsibly for the failures.

The Brussels dialogue has improved the relations somewhat, but some of the main agreements remain unimplemented almost five years after they were signed. Many participants were skeptical that the same actors who did not implement the agreements they signed can reach and implement new agreements. "If they could not agree to implement agreements on car license plates and university diplomas, how can we expect the same people to reach and implement agreements on much more sensitive and complicated issues, such as border changes?"

The EU is also not speaking with the same voice, thus creating more confusion in the process. Even former dialogue mediators, such as Robert Cooper, admit now that the Brussels dialogue has failed to reach its objectives, and that the sides should search for more “bold solutions.” The majority of the speakers said that the Brussels process should be declared dead and focus on starting a new process. The EU consensus is essential to generate a successful process. There are major differences between individual politicians and member states within the EU about the next steps. While some countries support the border exchange idea or are neutral, such as France, others, such as Germany, strongly oppose it. A clear EU agenda on the Kosovo-Serbia dialogue is crucial to mobilize the EU around one idea and send unequivocal messages to Belgrade and Pristina that normalization “based on civic principles” has no alternative. “The current EU conflicting messages and actions only contribute to maintaining the status quo and complicating the circumstances for starting a new process.”

The new process needs a set of guiding principles. Some speakers explained how all other previous processes, such as the 2007 Vienna negotiations, had guiding principles set by the international community. “Now we have no principles at all. While some countries support a multiethnic Kosovo, others want it divided along ethnic lines,” a participant said. He suggested that some of the guiding principles should be “no border changes, no EU membership without full normalization, and mutual recognition.” A Serbian speaker, however, said that the main guiding principle should be that “both sides get something,” that there are no losers and winners in the process.

The international community should become more involved and use its leverage to pressure sides to reach an agreement. “It is amateurish to tell us to find our own solutions. If we were left to find solutions on our own, we would still be fighting in the Balkans.” A speaker said that a new initiative does not have to be led by Brussels; it could be led by Germany and the US instead. Some were skeptical about the US role in a new process. “No one knows what is the position of the US nowadays. Is it what is said by National Security Adviser John Bolton or the State Department officials or Secretary of Defense James Mattis?” Many Serbian speakers said that Russia’s involvement is also essential. “A final agreement should have not only the support of Belgrade and Pristina, but also of the EU, US, and Russia.”

The agreement is supposed to accommodate not only the wishes of Kosovo and Serbia but also of the international community. “Reconciling the wishes of all these actors is difficult, therefore an agreement remains elusive.” Some said that the politicians in Serbia and Kosovo are not as interested in reaching a deal as much as they are in preserving the status quo and power. “Once the Kosovo-Serbia dispute is resolved, voters will begin to ask about the rule of law, economic development, education, and our politicians have no answers to these questions.”

Some said they are also hoping that the geopolitical circumstances might change in their favor. Serbian politicians hope that Germany’s position might change once Chancellor Merkel retires. But the US’s position also may change if President Trump does not get reelected and a democrat becomes the next president. “Those that wait for the geopolitics or leadership changes are simply gambling. It could go either way.”

The new dialogue should be put in a European context, that an agreement between Belgrade and Pristina should be in line with the EU values and offer clear membership prospects, a number of speakers said. There were disagreements among the participants about the level of leverage the EU has on Serbia and Kosovo. While some said that stronger EU conditioning could pressure Serbia to make compromises, a Serbian speaker said that the EU membership is not as important for Serbia as many think. "Serbia will not agree to EU membership at any cost, Serbia will never recognize Kosovo." Another speaker, however, said that the EU membership is the main goal of Serbia's foreign policy. A Kosovo speaker said that while Vucic tells the people in Serbia that he will never recognize Kosovo, his message to international community and Pristina is that he would recognize Kosovo in exchange for the north.

The new process needs a mediator and a guarantor for the implementation of eventual agreements, not just a facilitator such as in the Brussels process. Some said that the international community should push more aggressively for a solution. While some said that Pristina and Belgrade should themselves reach a solution, others argued that the international community should become more proactive. A speaker said that, "the key to the solution is in Belgrade, that its leadership should be pressured to recognize Kosovo." If Belgrade asks for something in exchange, "it should ask from the EU, not Kosovo. Kosovo has nothing to give to Serbia, but EU does."

A Kosovo speaker said that no new negotiation process is needed. "A new process would only help Serbia on its path to EU membership. No more process, just outright recognition, we are getting tired of processes."

Many Kosovo speakers complained that Serbia is undermining the spirit of normalization and good faith. It is not possible to normalize relations with Serbia as long as it lobbies against Kosovo's membership in international organizations, meddles into Kosovo's internal affairs, and makes territorial claims. Some also said that the EU favors Serbia in the dialogue. "While EU granted Serbia candidate status and opened many chapters, it has not given Kosovo even the visa liberalization."

Some Kosovo speakers suggested that Kosovo itself should increase pressure on Serbia. "If Serbia plays unfair, Kosovo should reciprocate. Kosovo should impose tariffs on Serbia's exports in Kosovo." Kosovo is the largest importer of Serbia on per capita basis. A Kosovar imports about 150 euros worth of goods from Serbia while a Russian only about 8 euros. Serbia exports to Kosovo annually about 350 million euros worth of goods. Some argued, however, that tariffs would harm Serbia but not help Kosovo. Kosovars will simply import more from Macedonia, with little effect on the domestic production capacity.

The participants suggested that the stakeholders should begin preparing for a new, final process that brings the conflict to an end. The agreement should be clear, detailed, and have timeliness for implementation, preferable no longer than six months. The international community is

essential in helping to reach and implement an eventual agreement. “Leaving it only to Pristina and Belgrade to find a solution is immature.”

Conclusion

An agreement most likely would include compromises. What should the potential compromises in the new process be? Obviously Serbia does not want Kosovo’s reintegration into Serbia—at least it has no such official plan—but at the same time it is not willing to give it up without something in return. The obvious ‘trade off’ is the north of Kosovo in exchange for recognition. But Kosovo Albanians argue that 12 percent of their territory is not worth Serbia’s recognition.

What option short of partition would be acceptable for Serbia? Some speakers said that some form of autonomy for the north through the formation of the Association/Community could be acceptable to all stakeholders. But members of some Kosovo opposition parties said that autonomy or the Association/Community with executive powers endangers Kosovo’s institutional integrity. Some said that asking Pristina to form the Association/Community at this point is too sensitive. “So is to ask Belgrade to recognize Kosovo,” a Serbian speaker replied.

Given these conflicting positions, the participants asserted that no solution is in sight. But they urged their capitals and the international community to reenergize their efforts to conclude the dispute, arguing that the status quo is neither desirable nor tenable. “A solution is inevitable but it depends on us whether we reach it in 5 years or in 30 years.” Some said that other drivers, such as economic cooperation and social interactions would push for more normalization.

Interethnic social interactions and peoples’ distrust of their political leaders have improved the ethnic relations to a considerable degree. People are not responding to incidents mostly “created by politicians.” “The majority of Kosovars thought Marko Djuric’s arrest and parading him in Pristina was disgusting, just as Serbs thought that banning Shkelzen Maliqi from going to Belgrade was cowardly.” In this context, perhaps the main precondition for reaching a peace deal is democratization of political systems in Serbia and Kosovo where we get “leaders and not simply manipulators.”

Many concluded that Belgrade and Pristina cannot afford not to cooperate for too long because of their interdependency. “Just look at the long lines of cars and trucks of both sides in Merdare. If you do not know the context, you would think Serbia and Kosovo have the best relations, they just need a better road.”

Participants

English Alphabetical Order

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