

A Trans-Atlantic Initiative to Conclude the Kosovo-Serbia Conflict

The Council for Inclusive Governance (CIG) facilitated a series of discussions in 2020 and 2021 for a group of US and EU former senior diplomats and academics who served in the Balkans or were involved in Balkan affairs to brainstorm ideas and develop recommendations for a new trans-Atlantic initiative aiming to conclude the decades-long conflict between Kosovo and Serbia. The recommendations are based either on consensus or broad agreement. They do not necessarily reflect the views of individual participants, CIG, or the Rockefeller Brothers Fund, which supported the initiative. CIG prepared the report and takes the responsibility for its content.

Recommendations

The conflict between Kosovo and Serbia remains a serious threat to security and stability in the Western Balkans. The US and the EU should consider taking a bold initiative to resolve it. The UN-mandated and EU-sponsored Brussels Dialogue did bring considerable normalcy to the Kosovo-Serbia relations, but it did not conclude the conflict. A new trans-Atlantic initiative should address the root causes of the conflict, including the status, and bring it to an end through a peace agreement.

1. Though solving the Kosovo-Serbia dispute is not a top foreign policy priority for Washington and Brussels now, the two capitals should begin consultations to develop a strategy to resolve the conflict. If the EU-US working relationship is to recover from the Trump administration trauma, the Western Balkans, and the Kosovo-Serbia conflict specifically, should be a point of unity rather than friction. There is a window of opportunity for action now.
2. The EU and the US should agree on a coordinated initiative early in 2021. Trans-Atlantic coordination is important and fundamental to making progress on a specific proposal. Furthermore, Brussels and Washington should commit not to take independent initiatives or make statements that would surprise or undercut the other.
3. In parallel with work on a formal peace proposal – Belgrade and Pristina should all be included in the consultation process – the ongoing Brussels dialogue should continue to primarily focus on practical measures that will ease the daily life and enhance the prosperity of citizens in both Kosovo and Serbia.
4. Brussels and Washington should agree to give greater weight – jointly and individually – to their engagement with civil society and non-governmental organizations in Serbia and Kosovo. This should include coordinating their resources to help civil society generate momentum and build public support for a peace deal and promote rule of law. In this context, efforts should also be made to strengthen the rather marginalized and disenfranchised Serb community in Kosovo.

5. There are a number of feasible interim and permanent solutions for the conflict. Washington and Brussels should study all these options and take action accordingly. A number of participants recommended particular focus on the so-called ‘two Germanys’ model as an interim deal, which would include a) the resolution of practical issues, b) Kosovo’s membership in the UN and other international organizations, and c) allow Serbia to make progress toward EU membership without formal recognition of Kosovo. The EU and the US should also agree on a post-agreement economic package for both Kosovo and Serbia and commit to help them with the agreement implementation. A participant also suggested creating a special economic zone covering an area from Kosovo’s Mitrovica region to Serbia’s Novi Pazar region.
6. The US and the EU should take steps to facilitate Kosovo’s fuller and normal interactions with the international community and multinational organizations, including coordinating with the five EU non-recognizers to get their commitment for Kosovo’s recognition either before or at least once an agreement – with or without recognition – between Kosovo and Serbia is reached.

It is imperative that Washington and Brussels officially reaffirm their commitment to see the Kosovo-Serbia conflict concluded within a reasonable timeline. There was consensus among the participants that the US and the EU have the capacity and resources to put together an ambitious peace plan, but that they can do it only by working together. Alternatively, a lack of trans-Atlantic ambition and serious commitment would prolong the conflict, affecting both the region’s security and trans-Atlantic interests in the Western Balkans.

Background

Though it addressed a number of concrete problems – including energy, telecommunications, travel documents, civil registry, border points, customs, the north’s integration, diplomas – the EU sponsored dialogue did not conclude the conflict between Kosovo and Serbia. A final peace agreement was not the Brussels dialogue’s stated goal, but it was an ambition. Though the EU officially led the dialogue, the US offered consistent diplomatic support and assisted in the implementation of the agreements, about 80 percent of which have been implemented. In 2018, after eight years of talks, the then EU’s foreign affairs chief, Federica Mogherini, reportedly presented with a land-swap idea by Serbia’s and Kosovo’s leaders, abandoned the incremental process and aimed for a quick, ‘big bang’ deal. The US and most of the EU members were not enthusiastic about it. The initiative failed and the Brussels dialogue came to a halt.

Last year, in 2020, the EU appointed a special envoy, Miroslav Lajcak, with a mandate to revive the dialogue and build a package of issue-based agreements that would eventually become the core of a comprehensive normalization agreement. The Trump administration had also appointed in late 2019 its own special envoy, Richard Grenell, who ran his own initiative. It was the first time the trans-Atlantic partners were working separately on the Kosovo issue. There was almost no coordination between the two envoys. Grenell’s rather aggressive approach ‘won’ the hearts and minds of certain leaders in Kosovo and Serbia, and it offered a ‘signing ceremony’ in the presence of the US president. It also promised abundant funds for economic development. The separate and often conflicting initiatives of EU and US reflected the overall trans-Atlantic rift that had developed during the Trump administration on issues ranging from climate change to the Iran deal.

The late 2020 and early 2021 brought some fundamental leadership changes in the US and in Kosovo. Joe Biden of the Democratic Party won the November 2020 US presidential elections. In Kosovo, Albin Kurti's Self-Determination Movement won a landslide victory in the February 2021 snap parliamentary election and is expected to form a government in late March. Kurti's first government last year was brought down only after two months in office after he effectively rejected engagement in Grenell's initiative, turning both his governing partners and Grenell himself against him. The Democratic League of Kosovo, which had been Kurti's governing partner, then cobbled together a rather fragile governing coalition, tacitly supported by then president Hashim Thaci, and engaged in both Brussels and Washington initiatives. But the new government also fell just six months later when the Constitutional Court found it was not elected by sufficient valid votes in parliament.

Serbia has been cooperative with both Washington and Brussels, not showing preferences for one or the other. However, with the changes in the US administration, few expect Serbia will honor all the Washington Agreement's components, such as relocating its embassy in Israel from Tel Aviv to Jerusalem. The fate of the entire Washington Agreement is unknown for now. Kosovo is not expected to honor all of the components either. President Biden sent in February letters to both Serbia's President Aleksandar Vucic and Kosovo's Acting President Vjosa Osmani, congratulating them on their countries' respective independence anniversaries, where he pointed out that a peace agreement based on "mutual recognition" is the solution the US supports. While acknowledging that international pressure on Belgrade might increase, President Vucic says Kosovo's recognition is out of the question. Kosovo's prime minister designate Albin Kurti, on the other, argues that a solution without recognition is not a solution. In the meantime, EU is about to extend its envoy's mandate for another 17 months with the unchanged task of building the components of a comprehensive agreement. The new US administration has signaled it would support EU's process and has no intention in reviving Grenell's initiative.

It is clear the EU and the US intend to reestablish cooperation on the Kosovo-Serbia dispute, but what is not clear is how committed they plan to be to push for a permanent settlement. Whether they intend to run a process to simply manage the Kosovo-Serbia conflict or to put together an ambitious peace plan that resolves the conflict remains to be seen.

Expanded Discussion

1. **Embed the Kosovo-Serbia negotiations in the new trans-Atlantic partnership.** Though the Kosovo-Serbia issue is not expected to be a top priority for the Biden administration, it will nevertheless be a US foreign policy issue, as indicated in the letters President Biden sent to Serbia's and Kosovo's presidents this February. The Kosovo issue should be incorporated into the trans-Atlantic package of priorities that the EU and the US are working on now. Given that security in the region is a trans-Atlantic interest, the US and the EU should formulate a joint strategy to address all open issues in the Western Balkans. Together the EU and US have the resources to resolve the region's outstanding disputes and gradually integrate it into the EU and NATO.
2. **Coordinate early in 2021 on a jointly led process.** The US and the EU should agree on a joint negotiating process for Kosovo and Serbia with clear goals, a single team, and an

implementation schedule. The US leadership is critical for a breakthrough, so the process should preferably be co-led, but if it is EU-led the US should have a strong role in it. American and European diplomats should gather in early 2021 to design such negotiating process. The key principle of cooperation should be ‘no surprises’; neither should undertake initiatives or make statements without consultation with the other.

3. **Simultaneously focus on practical measures and on a sweeping solution.** President Vucic will most likely not take steps to resolve the status before the next Serbian presidential election in 2022 where he is likely to be reelected. Kosovo’s incoming prime minister Kurti will also most likely focus on addressing some domestic issues he promised in his campaign before engaging seriously in negotiations with Belgrade. Neither party will be ready for a ‘big bang’ solution in 2021. Therefore, rather than immediately tabling a new proposal for a comprehensive solution, the EU and the US should continue the current dialogue with less ambitious immediate goals in 2021. The process should seek to ‘normalize’ the idea of negotiation and compromise, to reframe the internal narratives, and to build public support for a European future by focusing on measures that enhance free economic exchange, freedom of movement, and other steps that would improve daily life and build confidence. However, in parallel with these efforts, the US and the EU, in consultation with Belgrade and Pristina, should begin to think about and work on a permanent solution that could be on the negotiating table in the second half of 2022.
4. **Engage civil society in building public support for peace and promoting rule of law.** A clear trans-Atlantic message on anti-corruption, independent justice systems and free media should be directed to political leaders and citizens of both Serbia and Kosovo. While the role of political leaders is fundamental in resolving the conflict and implementing reforms, a strong civil society is essential to make these processes sustainable and irreversible. The US and the EU should commit both expertise and resources to good governance issues and engage more actively with non-governmental constituencies in Serbia and Kosovo. They should encourage the Kosovo and Serbian constituencies to demand more accountability from their governments. Inclusion of civil society – non-governmental organizations, independent media, academia, and interest groups – in a deliberative, non-partisan debate could contribute to decrease the public’s vulnerability to party politics and disinformation and help break the politicians’ monopoly over the public sphere. The work with civil society should include but not concentrate only on the Kosovo-Serbia dialogue. It should promote public support for a peace deal between Kosovo and Serbia but also focus on promoting an independent media and anti-corruption efforts. President Biden himself has identified the fight against corruption and organized crime in the US and abroad as a top priority. The US and the EU should align their priorities in the region as much as they can with Serbia’s and Kosovo’s domestic priorities, particularly helping them strengthen the rule of law and combat corruption.
5. **Preparing a new comprehensive proposal.** The most basic rules in negotiations are ‘do no harm’ and ‘do not beat a dead horse.’ A speaker favored a ‘big bang’ option through a “land swap deal.” The majority of speakers disagreed, arguing that border changes “create more problems than they resolve.” As an alternative temporary solution, some participants suggested the ‘two Germanys’ model, whereby a number of practical problems are resolved, Kosovo joins the UN and other international organizations, and Serbia makes progress towards EU

integration without recognizing Kosovo *de jure*. In other words, such a solution would sidestep the issue of recognition, but allow for better relations between Pristina and Belgrade. However, a participant said the German model is not enough for Serbia. “I see what Kosovo gets, but don’t see much in it for Serbia; it would close Chapter 35 but that is not enough.” Some other speakers argued that allowing Serbia to move towards EU accession without recognizing Kosovo is a significant benefit for Serbia. To sweeten the deal, another speaker suggested the agreement could include upgrading the status of Serbian churches and the rights for the Serb community in Kosovo. A speaker was optimistic that “with good mediators,” the parties could reach a ‘two Germanys’ deal “within two years.” However, the EU and US should be clear that this is just a temporary solution. Under the deal, Serbia’s recognition of Kosovo is not needed for it to open new chapters with the EU, but recognition would remain a “non-negotiable condition” for formal EU membership.

- 6. Facilitating Kosovo’s ‘international integration.’** The US can speak with one voice, but the EU cannot. It has an internal problem; five of its members – Cyprus, Greece, Romania, Slovakia, and Spain – do not recognize Kosovo. EU’s status neutral position, and its foreign policy chief and dialogue envoy coming from Spain and Slovakia respectively, two ‘non-recognizers’ are hurting EU’s credibility in Kosovo. Furthermore, EU denies Kosovo of visa liberalization even after Kosovo ratified the border demarcation agreement with Montenegro, considered as the ‘last hurdle’ by the EU itself. The US and the EU’s key members and first Kosovo recognizers, such as Germany and France, should work more with the ‘five non-recognizers’ to bring them closer to recognition. EU’s collective recognition of Kosovo would make things a lot easier. The US and the EU key member states should also help Kosovo join international organizations such as UNESCO and Interpol.

Additional Points of Discussion

Increase of foreign influence in the region at the expense of the US and the EU interests is worrisome, some speakers argued. Taking advantage of the US and EU ‘neglect’ of the region, trans-Atlantic challengers have made significant political and economic inroads. The growing influence of Russia, China, and Turkey in the politics and economies of the Western Balkans is visible. Themselves authoritarian, China’s ‘belt and road initiative’ in Serbia and Russia’s and Turkey’s privatization of key national security sectors in Serbia and Kosovo – such as energy and telecommunications – cement their interests, prop up the region’s semi-authoritarian leaders, undermine democratic progress, and threaten trans-Atlantic interests in the region. The resolution of the remaining Balkan conflicts and an irreversible democratic course in the region are both Balkan and trans-Atlantic interests.

Russia’s role in the Kosovo-Serbia negotiations was also addressed. If the German model includes Kosovo’s UN membership, then Russia’s endorsement is required. Russia was not involved in the Brussels dialogue. But Russia was an active participant in the 1999 diplomatic efforts where it supported the UNSC 1244 Resolution, even though it had opposed NATO’s intervention. It also took part in the 2007 Vienna negotiations, though it did not support the negotiations’ outcome but neither did much to undermine the process. It is not clear how much influence Russia has over Serbia’s leadership. Pundits are divided on the issue: some say Serbian President Vucic cannot agree to a deal with Kosovo without Moscow’s blessing, while others say that if Vucic has to

choose between the West and Russia, he will choose the former. The majority of the participants did not support Russia's direct engagement in negotiations between Belgrade and Pristina, arguing that Russian president Vladimir Putin would use his seat at the table to simply spoil the process. But they acknowledged Moscow's influence on Belgrade and agreed that Russia should be managed somehow but without giving it a direct say in the process.

A speaker proposed abandoning the Brussels dialogue model altogether, arguing that it gives Belgrade too much leverage. "Everyone seems to be 'begging Serbia to recognize Kosovo.'" Belgrade should not be allowed to manipulate indefinitely the 'recognition leverage' it has. "US's and EU's leverage is much stronger and should be used in a new process." Pointing to EU's weakness, another speaker said the EU has proved incapable to ensure even the implementation of the agreements it itself mediated. A number of speakers, therefore, said the US should co-lead the negotiating process together with the EU, and that the new process should have a timeline for reaching a deal. "We should abandon open-ended negotiations."

Pristina and Belgrade have shown they can make deals – around 30 agreements were reached within the Brussels dialogue – when their interests intersect and when the US and the EU coordinate their efforts and leverage. Considered by the Kosovo population as the state's 'founder,' the US has unparalleled influence in Kosovo and could use it to get Kosovo's leaders to agree to a interim deal, even without *de jure* recognition, and convince them to make compromises for a permanent solution. On the other hand, the EU, with its 'membership carrot,' has more leverage than the US over Serbia. An effective combination of US's and EU's leverage and efforts could lead to a successful outcome within a reasonable timeframe.

The participants concluded that the US and the EU have the capacity and resources to bring permanent peace between Kosovo and Serbia but only through joint and bold action.

Participants

English Alphabetical Order

Gordon Bardos, President, SEERECON

Jennifer Brush, Former Director, Office for South Central Europe, U.S. Department of State;
Former Deputy Special Representative of the UN Secretary General in Kosovo

Steven Burg, Professor, Brandeis University

Robert Cooper, Former Counselor, European External Action Service

Thomas Countryman, Former Assistant Secretary, U.S. Department of State

Greg Delawie, Former U.S. Ambassador to Kosovo

Shpetim Gashi, Vice President, Council for Inclusive Governance

Sebastian Gricourt, Director, Balkans Observatory, Foundation Jean Jaures; Advisor on
International and Defense Issues, Socialist Party

Stephen Heintz, President, Rockefeller Brothers Fund

Jean-Hubert Lebet, Former Swiss Ambassador to Kosovo

Pierre Mirel, Honorary Director General, European Commission

Cameron Munter, Former U.S. Ambassador to Serbia

Igor Novakovic, Associate in Serbia, Council for Inclusive Governance

Alex Roinishvili Grigorev, President, Council for Inclusive Governance

Joachim Ruecker, Former Head of the UN Mission and Special Representative of the UN
Secretary General in Kosovo

Kyle Scott, Former U.S. Ambassador to Serbia

Christoph Spaeti, Program Officer for Caucasus and Western Balkans, Swiss Federal Department
of Foreign Affairs

Karsten Voigt, Former Coordinator of German-North American Relations, German Federal
Foreign Office; Former President, NATO Parliamentary Assembly

Mia Vukojevic, Program Director, Western Balkans, Rockefeller Brothers Fund

Hoyt Yee, Former Deputy Assistant Secretary, U.S. Department of State

Samuel Zbogar, Former Foreign Minister of Slovenia; Former Head of the EU Office and EU
Special Representative in Kosovo