

## KOSOVO-SERBIA DIALOGUE: PATH TO THE AGREEMENT

*Make the framework clear for mutual recognition, and simultaneously build bridges to advance normalisation.*

The dialogue between Kosovo and Serbia has entered a new phase in the search for a final and comprehensive agreement. The EU's efforts and support of the Member States have instilled some hope. Yet, the new trial in progress is happening because the mediators have pursued the agenda, not that parties have prepared or are willing to compromise.

Old obstacles remain, and the dialogue will soon encounter new roadblocks, some of which are already happening. All parties involved believe they are doing the right thing. Looking at deeper, all parties, looking inward, are failing to act on central issues. Kosovo and Serbia are not wholeheartedly committed to the dialogue, and domestic dynamics are preventing any forward-looking solutions. The EU's framework of "nothing is agreed until everything is agreed" sounds to be a promising plan, but it needs other actions in parallel to stay true. EU Member States are busy with their coordination among themselves about the dialogue giving less attention to the negotiating parties. Parallel processes and agendas developing in Brussels and Washington DC are undermining the leverage of one and the other.

To consolidate the dialogue, all sides should change the mode of operation toward more converging actions. The process of the dialogue between Kosovo and Serbia should be treated as a multi-track and multi-agenda framework. The EU Member States should reformulate their offers for the membership perspective for Serbia and Kosovo to sound more convincing to local constituencies. Agendas developed in the White House and under the Berlin Process should be integrated within one, and both, the EU and the U.S., should push forward the implementation of a converging actions for the Western Balkans. The EU should insist on the implementation of the practical agreements reached earlier between Prishtina and Belgrade. Those agreements have a direct impact on people's life which consequently will help raise the trust in the dialogue

process. A set of rules for communications between parties should become an integral part of the framework for the dialogue; to support that, a multi-track locally-driven dialogue will help counter the wrong narrative and encourage a healthier outreach. Communications also need to urgently be developed within and between the countries as well as the societies of the negotiating parties, Kosovo and Serbia.

An agreement that involves recognition and resolution of all open issues between Kosovo and Serbia should not be compromised. It will unlock the perspectives of the two countries and will have an enormous impact in the whole region. To achieve this, Belgrade and Prishtina need to engage in major concessions which are still seen as controversial by many in Kosovo and Serbia. To increase the chances for mutual recognition, the EU should speak out more loudly. The op-ed of German and French Ministers of Foreign Affairs, Heiko Maas and Jean-Yves Le Drian respectively, which calls for "for the resolution of all open issues" between two countries was the first profound public statement from the European Union in this regard.

Yet, it was barely read this way in Serbia and Kosovo. Passing private messages to the leaders of one country and the other will not suffice. Few in Serbia believe that the EU or the Member States will explicitly request from their government to recognise Kosovo. In Prishtina, almost nobody believes that the EU will condition Belgrade to do so. Until a significant number of EU Member States, collectively make this criterion explicit, the local perceptions will not change. Convergingly, governments of Kosovo and Serbia should develop a matching agenda to move toward the same goal. A load of work is needed in both countries to shift the dynamics toward a more constructive dialogue. All sides should focus in creating an enabling environment in Kosovo and Serbia in parallel to the ongoing Brussels format, with no delay.

The Brussels-led dialogue between Kosovo and Serbia that began in 2011 concluded with numerous arrangements that helped establish communications between the two governments, reduced tensions and calmed the north of Kosovo. The dialogue proved that it is possible to reach agreements between two hostile governments.<sup>1</sup> Considerable parts of these agreements have been implemented, but the dialogue has failed to build a sense of normalisation between the two countries and their societies. Both governments and elites failed to genuinely invest in and promote this process, using it as a trump card in internal political dynamics. The EU and other European and transatlantic factors are not entirely faultless.

Following the 2013 First Agreement of Principles Governing the Normalisation of Relations between Kosovo and Serbia, the EU and Germany launched other regional initiatives for the Western Balkans.<sup>2</sup> These agendas had considerable impact in bringing all six Western Balkan countries together, establishing regional cooperation and implementing numerous projects. Yet, in the presence of difficult bilateral relations between Kosovo and Serbia and Bosnia and Herzegovina, regional initiatives have reached their limits. It is challenging to pursue regional cooperation, while bilateral tensions grow or at least remain constant.

Many EU and Belgrade officials saw regional cooperation as a substitute for resolving bilateral disputes. This proposition was opposed by many others, notably in Kosovo, and proved to be accurate. In line with the European Copenhagen criteria, the Berlin Process or any other agenda should bring the resolution of state-to-state relations to the forefront of any work. Equally important, regional agendas and fora should bring regional actors in support of resolving bilateral issues between the countries and help them prepare for EU membership.

In recent years, divisions between key international actors involved in the Western Balkans continue to grow.<sup>3</sup> Kosovo and Serbia view these growing differences between the EU Member States (i.e. Germany) and the US with significant concern. Not only have Washington and Berlin disagreed on the potential outcome, but also on the process, actors and participation.<sup>4</sup> This has rarely happened in the past and has now confused Prishtina and Belgrade. Admittedly, several political leaders in Kosovo and Serbia have happily exploited those differences. These divisions, though unintentional, have been deepened in Kosovo's domestic politics.<sup>5</sup>

<sup>3</sup> In the words of an EU official, "the relations between EU and Washington DC, at the best one can say are unpleasant... it will be dishonest to say nothing has happened", Civil Society event, June 2020.

<sup>4</sup> Balkans Group interviews with European External Action Service officials, officials of the State Department, of the German Federal Foreign Office, German Members of the European Parliament, June-August 2020.

<sup>5</sup> In March 2020, the US countered the unprecedented demarche of Germany and France to the LDK, the minor ruling coalition partner of Vetëvendosje, opposing the vote of no-confidence, initiated by the LDK. See Naim Rashiti's Kosovo: Crisis Uninterrupted, and Albin Kurti's Victory to work out an Old Agenda of Kosovo, available at <https://balkansgroup.org/en/policy-articles-and-ops/>

<sup>1</sup> See Balkans Group reports, Serb Integration in Kosovo after the Brussels Agreement, 15 March 2014, and The Association of Serb Municipalities: Understanding conflicting views of Albanians and Serbs, 22 January 201.

<sup>2</sup> See the Balkans Group report, The Berlin Process for the Western Balkans: Gains and Challenges for Kosovo, 17 January 2018.

It is fair to say that neither Serbian nor Kosovo politics aim to choose between the EU and the US. Neither of the actors can do so and would find it impossible to navigate such situation. It is the sole responsibility of the EU, Germany and other Member States, as well as the US, to build a common position and approach towards an issue of common interest, resolving a long-standing conflict between Kosovo and Serbia which has broader implications for the region. Yet, leaders of Kosovo and Serbia can help converge those actions by enhancing the cooperation on the ground to integrate arrangements made within the EU process and those made recently at the White House.<sup>6</sup>

The appointment of Miroslav Lajčák, the EU Special Representative for the Kosovo-Serbia dialogue, offers a new opportunity. Coordination with US envoys would empower the dialogue, and chances for success will significantly increase.<sup>7</sup> Yet, the European External Action Service (EEAS) and EU Member States (i.e. Germany) cannot pause. The complex and challenging dialogue between Serbia and Kosovo will require Berlin to step-up its efforts, complementary to the EEAS-led process. In the early days of the dialogue between Prishtina and Belgrade, Berlin and US administration had to intervene with demarches to support implementation, set agendas and conditions that helped move the process along. Nothing similar

has happened since 2016.<sup>8</sup>

### **Turbulent local dynamics: the growing disparity between the negotiating parties**

Three factors had made possible the agreement between Serbia and Kosovo in April 2013. First, the international community was united and coordinated; following Chancellor Angela Merkel's visit to Belgrade in August 2011, the EU mobilised and worked tête-à-tête with the US.<sup>9</sup>

Second, Kosovo's political system was much more stable, and institutions that had emerged from the supervised independence were growing and ambitious.<sup>10</sup> Confidence was much higher. Third, Serbia's leadership was in desperate need for a new relationship with the European Union.<sup>11</sup> Admittedly, the Agreement of 2013 was much less sensitive compared to the current dialogue and its aims. However, the 2011-2013 Agreements were the first which the parties had signed in recent

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<sup>8</sup> See more at International Crisis Group report, "Serbia and Kosovo: The Path to Normalisation" Brussels, 19 February 2013, pg. 13 available at <https://www.crisisgroup.org/europe-central-asia/balkans/serbia/serbia-and-kosovo-path-normalisation>

<sup>9</sup> DW, "Merkel's Mission auf dem Balkan" ["Merkel's mission in the Balkans"], 21 August 2011, available at <https://www.dw.com/de/merkels-mission-auf-dem-balkan/a-15330946> US State Department officials have consulted and met with parties ahead of the meetings at the European External Action Service or participated in joint meetings. See US and EU push for progress in troubled Balkans, Belgrade, 30 October 2012, available at <https://www.reuters.com/article/us-balkans-usa-idUSBRE89T16M20121030>

<sup>10</sup> European Commission, Kosovo\* 2013 Progress Report, 16 October 2013

<sup>11</sup> At the time, Tomislav Nikolic, a nationalist was just elected President of Serbia but stated that "Serbia will not walk away from its path to the EU." See New York Times, "Nationalist Wins Serbian Presidency, Clouding Ties to the West", 20 May 2011, available at <https://www.nytimes.com/2012/05/21/world/europe/serbian-presidential-elections.html>

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<sup>6</sup> Kosovo and Serbia Economic Normalization Agreements, 04 September 2020

<sup>7</sup> With the understanding that efforts are being made, both sides have made public statements that have not been encouraging. The messaging and coordination is vital to present a joint effort to the negotiating sides, Kosovo and Serbia.

history.

Seven years later, much has changed, not all for the better. While disagreements among the international community have become very visible, Kosovo and Serbia have made no progress in preparing for a new and potentially final agreements.<sup>12</sup> Kosovo is in a much worse situation than in 2013, its institutions remain weak, and the political system is dangerously fragmented.<sup>13</sup> Kosovo has failed to implement the will of the people or meet voter's expectations, leaving many agendas unresolved, despite repeated free and fair democratic elections.<sup>14</sup> The state-building agenda has become a difficult one; failing to strengthen its institutions, the country has made little progress in improving its economic development and public services or in joining international organisations. Political parties (will) use the dialogue with Serbia and any other important agenda for domestic political advantages.<sup>15</sup> The announced indictments of the Hague-based Kosovo Specialist Chambers and Specialist Prosecutor's Office against key leaders of the former Kosovo Liberation Army (KLA) have further disturbed the mood in the

country.<sup>16</sup> To its detriment, Kosovo's elites and society also disagree at large on the structure of the dialogue process and who should lead it. Normalisation and peace-making with Serbia have become agendas for political battles and ploys; with rhetoric favouring those unwilling to compromise above all else rather than those best suited to lead it. With indictments likely to come, the political landscape will also change. Ruling parties and the PDK (Democratic Party of Kosovo) remain unpopular.<sup>17</sup> The Vetvëndosje Movement (LVV), its leader Albin Kurti, and the Chairwoman of the Assembly of Kosovo, Vjosa Osmani, appear very strong in polls.<sup>18</sup> However, having long run an agenda against the dialogue with Serbia, both will oppose and refuse to make arrangements with

<sup>12</sup> See more at EU briefing "Kosovo – Serbia Relations", Brussels, 2019, available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635512/EPRS\\_BRI\(2019\)635512\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635512/EPRS_BRI(2019)635512_EN.pdf)

<sup>13</sup> See Balkans Group reports, The Association of Serb Municipalities: Understanding conflicting views of Albanians and Serbs, 22 January 2017, and Kosovo 2020: A Complex Agenda for the New Government, 17 December 2019,

<sup>14</sup> Naim Rashiti, "Albin Kurti's Victory to work out an old agenda of Kosovo", 27 December 2019, available at <https://balkansgroup.org/en/albin-kurtis-victory-to-work-out-an-Old-Agenda-of-kosovo-2/>

<sup>15</sup> In 2015/16, political parties turned the border demarcation agreement with Montenegro and the agreement on the Association of Serb Municipalities into nationalist agendas used for political battles with one another. The course of the majority of parties has not changed since then.

<sup>16</sup> Balkan Insight, "Were Prosecutors Right to Publicise Charges Against Kosovo's Thaci?" 14 July 2020, Washington DC: <https://balkaninsight.com/2020/07/14/were-prosecutors-right-to-publicise-charges-against-kosovos-thaci/>

<sup>17</sup> The ruling parties' coalition consists of LDK (Democratic League of Kosovo), AAK (Alliance for the Future of Kosovo) and NISMA (NISMA Social Democratic Initiative) with PDK (Democratic Party of Kosovo), Vetvëndosje Movement (LVV) in opposition.

See UNDP, Public Pulse Brief 17, 30 May 2020, available at <https://www.ks.undp.org/content/kosovo/en/home/library/democratic-governance/public-pulse-xviii.html>, & Balkans Group report, Kosovo 2020: A Complex Agenda for the New Government, 17 December 2019, available at <https://balkansgroup.org/en/kosovo-2020-a-complex-agenda-for-the-new-government-2/>

<sup>18</sup> UNDP, Public Pulse Brief 17, 30 May 2020. Many other polls and observations support these findings.

Belgrade that will require further compromises.<sup>19</sup>

In Serbia, Aleksandar Vučić won a landslide victory in recent elections.<sup>20</sup> Building upon other examples in the region, including some of the EU Member States, Vučić's level of state capture has reached an unprecedented level.<sup>21</sup> Observers warn that the 'next step is to change the constitution in favour of unlimited presidential terms for him', said a Belgrade-based opinion maker.<sup>22</sup> Others warn 'either now, in the next years or never' referring to Serbia's ability to resolve the Kosovo issue.<sup>23</sup> Also, Serbia's 'growing alliances' with other major world

powers saw a significant increase in recent years.<sup>24</sup> With uncontested power, Aleksandar Vučić has become much more confident, and his behaviour in the dialogue and intentions in the negotiations with Kosovo have become highly unpredictable. Many in Serbia doubt President Vučić's intentions and claim that he uses the dialogue with Kosovo to further undermine democratic institutions, the rule of law and to maintain power; it is a trick the EU has bought in.<sup>25</sup> According to international experts, Vučić's ambitions have increased, and he will be much 'more demanding, or much less giving... It is hard to think of how one can make him recognise Kosovo'.<sup>26</sup>

Yet, with no progress on the dialogue, the status quo will further deteriorate domestic developments in both countries. Kosovo and Serbia's progress and development will halt, and both will become much more unstable; already, the signs are telling. To reverse the trends, significant coordinated actions and efforts will be required to build prospects for a final agreement between the two countries. Leaving this complex process to either one of the envoys alone will not suffice.

### **The dialogue process key, details of the outcome at the end...**

Framing the detailed final arrangements of this dialogue may prove unproductive. Equally, talks about the outcome in the absence of a real process has harmed the dialogue and the domestic

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<sup>19</sup> Albin Kurti and Vjosa Osmani have been constant critics of this dialogue, and their public support is built significantly on opposing "this type of dialogue and compromises with Serbia", along with the fight against corruption and ineffectiveness of the institutions. Vjosa Osmani stated that the platform proposed by the government was a mistake, because "the assembly lacks any mechanism to overview the President's work on the dialogue", Prishtina, 4 June 2020, available at <https://balkaninsight.com/2018/06/04/kosovo-assembly-to-debate-the-state-platform-on-dialogue-with-serbia-06-01-2018/> Albin Kurti: Kosovo – Serbia dialogue is 'Dead', Prishtina, 29 August 2017 available at <https://balkaninsight.com/2017/08/29/albin-kurti-kosovo-serbia-dialogue-is-dead-08-29-2017/>

<sup>20</sup> Financial Times: "Vucic's nationalist party wins landslide victory in Serbian polls", 22 June 2020, see more at <https://www.ft.com/content/98d52f1b-2f71-4feb-a9f4-2c6bfd26349f>

<sup>21</sup> Since the 2000 regime change in Serbia, the country has not seen an authoritarian rule of this kind. See Foreign Policy, "How Aleksandar Vucic Became Europe's Favorite Autocrat", 9 March 2018, available at <https://foreignpolicy.com/2018/03/09/how-aleksandar-vucic-became-europes-favorite-autocrat/>

<sup>22</sup> Balkans Group interview, July 2020

<sup>23</sup> Remarks made by a senior Serbian expert in a forum dedicated to the Kosovo -Serbia dialogue, June 2020. EU officials share a similar view, remarks made in brainstorming sessions about the dialogue between Kosovo and Serbia, July 2020.

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<sup>24</sup> "Russia remains a constant. I am more worried about China" noted a Serbia policy expert. Balkans Group interview, June 2020. By the statute of the Serbian Progressive Party (SNS), President Aleksandar Vučić is solely in charge of relations with China and Russia. Balkans Group interview with a Serbian expert, March 2020.

<sup>25</sup> Balkans Group conversations within Serb civil society representatives, Berlin Process Civil Society Forum, July 2019

<sup>26</sup> Balkans Group interview, July 2020

consensus. Kosovo's elites have largely opposed any potential arrangement involving border adjustments. Yet many (the same amount) oppose other arrangements, such as the establishment of an Association/Community of Serb Municipalities in Kosovo agreed in Brussels, with an increased autonomy of self-government for Kosovo Serbs.<sup>27</sup> It is important to build a sustainable process and create sufficient space for negotiations for a final package without strictly limiting the possibilities.

### **Yet, no more step-by-step normalisation**

When it began in 2011, the dialogue between Prishtina and Belgrade aimed to achieve normalisation step-by-step. It was a successful exercise of launching the dialogue between the two conflicting sides. It could have succeeded if the dialogue was much more intensive and had parties negotiating and implementing in good faith. Ten years after, it is impossible to convince parties, notably Kosovo, to engage in another agreement of normalisation - a new stage that potentially leaves many arrangements unimplemented. Under the current framework, at least on the Kosovo side, initial talks seen as 'restarting the dialogue' were

opposed at large.<sup>28</sup> Yet, implementing some of the key agreements may be vital to establishing trust, at least for the public. However, the best way to build trust is through complementary dialogue.<sup>29</sup>

### **Seek a conclusive agreement; normalisation, and recognition plus**

Kosovo and Serbia see this dialogue as "winning over the other with as little compromise as possible".<sup>30</sup> Yet, any agreement will require a genuine and persistent change of policy in Belgrade and Prishtina, something that neither side has done. The Prespa Agreement between Greece and North Macedonia has shown that is possible to go beyond signatory ceremonies; a unique case for

<sup>28</sup> Many of the political parties in Kosovo, including the Presidency, were against renewed technical talks describing it as a quagmire for the future of the dialogue and a final agreement. See Radio Free Europe, "PDK: Kryeministri u nxitua që shkoi në Bruksel" ["PDK: The Prime Minister rushed to go to Brussels"] available at <https://www.evropaelire.org/a/30734814.html> and "Hoti: Dialog vetëm për marrëveshje finale me Serbinë" ["Hoti: Dialogue only for a final agreement with Serbia"], 20 July 2020, available at <https://www.evropaelire.org/a/dialogu-teknik-dhe-ai-politike-/30736860.html>. When the former European External Action Service chief, Federica Mogherini launched political dialogue for the final agreement in July 2017, the unintended implication was that 'the dialogue up to then had failed'.

<sup>29</sup> EU or Germany should establish a permanent Track Two dialogue. This is vital to build and maintain a degree of trust not only ahead of any formal dialogue process but also to prevent crisis and tensions. Any dialogue of this long process would have seen a massive turnover of the people engaged in the progress. In Kosovo, governments frequently change, which always bring new fresh people to the dialogue. It is vital to establish a Track Two dialogue that invites important actors from both countries and help them better understand each other. Initiatives funded by the government of Switzerland, i.e. Council for Inclusive Governance have played a key role in early years of the dialogue.

<sup>30</sup> Both Serbia and Kosovo will use the talks to present their positions and will eventually engage in harsh distributive negotiations "to get as much as possible of the pie".

<sup>27</sup> For the Vetëvendosje Movement, the Association will have executive competencies and as such is a step towards the 'bosnianization' of Kosovo. At the time, then-Prime Minister Taçi had countered these claims that the Association would function based on the concepts of non-governmental organisations. However, later on, as President Taçi stated that 'nor will there be autonomy and no association, because it would mean a Serb Republic within Kosovo. Al Jazeera, "Kosovars use bricks, tear gas protesting EU agreement", Prishtina, 23 December 2015, available at <https://www.aljazeera.com/indepth/features/2015/12/kosovars-bricks-tear-gas-protesting-eu-agreement-151220110123486.html>

the Western Balkans.<sup>31</sup> It is vital to heal the wounds and ensure long-lasting peace between Kosovo and Serbia. Framing the agreements from outside may be counterproductive. Beyond full normalisation and recognition, the agreement should include Belgrade's commitment and support for Kosovo's participation and membership in all international organisations, its path to the EU, and Prishtina's commitment to the irreversible protection of community rights and peace with an open borders policy between the two countries. Should the leaders commit to good neighbourly relations, then civil society, academia, non-governmental actors and other interest groups will undoubtedly do more and go much further. The framework for mutual recognition should not be negotiable and the facilitators should not compromise this principle.

Making the end goal an explicit aim of the dialogue will help shift but also test the position of the Serbian leadership and their constituency toward more realistic and proactive negotiations, even if their demands potentially increase. Likewise, the framework for "full recognition" will help Kosovo's elites move away from their current position of refusal to reconsider the constitutional arrangements deriving from the Ahtisaari Plan or other compromises. In other words, modalities of self-government and special arrangements for the Serb-majority areas of north Kosovo that Serbia will likely demand, could become more plausible. While a considerable part of the Kosovo elite rejects "border changes", they will be persistent in the dialogue to reciprocate the rights of the Kosovo Serbs with the rights of the Albanians in the south of Serbia. In other words, they will

demand to balance rights of communities to the extent possible; it remains a policy of "seeking the same concessions that they may be asked to make internally".<sup>32</sup>

### **Inclusive:**

In recent years, foreign facilitators have confined the involvement of civil society and other actors into and closer to the dialogue process. Furthermore, the EU and the US have consolidated the dialogue only around top leaders. If it is to be so in the coming months, other actors, (i.e. Germany and other countries willing to help) should step-up and support citizens' groups, civil society, think-tanks and other societal actors to actively engage and promote the process of normalisation between two countries and societies. It will be essential to strengthen the process; a parallel/complementary process of confidence building, exchanges, thinking and supporting of the EU-led talks (and of the US) would strengthen the role of the envoys, ensure a degree of transparency, the right tone and explanations, and enhance public support for the process. Inviting civil society later on in the process, or as usually only after the agreements are made, will be too late and leave the agreement handicapped and very likely much more difficult to honour and implement. Mobilising non-governmental actors and locally-driven initiatives will increase local support and help engage numerous local actors in the way that the international community cannot. It will

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<sup>32</sup> Balkans Group interview with government officials, February-July 2020. In recent years, visits of the Kosovo officials and political representatives have become frequent to the Albanian-majority Municipalities of Presevo and Bujanovac in the south of Serbia. Vjosa Osmani visited Presevo and Bujanovac in December 2018, a delegation of Kosovo's members of parliament visited Presevo and Bujanovac, Minister of Health Armend Zemaj in August 2020, a joint-visit by Minister of Justice Selim Selimi and Minister of Foreign Affairs and Diaspora Meliza Haradinja-Stublla in July 2020

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<sup>31</sup> The Prespa Agreement, 12 June 2018, available at <https://s.kathimerini.gr/resources/article-files/symfwnia-aggliko-keimeno.pdf#Question>

also help bring all international actors much closer around the local debate and new ideas, which will supplement the talks and also contribute to getting “the EU and the US closer to the process”.<sup>33</sup>

### **European membership: the only integrative negotiation goal**

Serbia and Kosovo have plenty to resolve, issues of the past, present and future relations. Leaders would need to conduct proactive talks to project a better future for the citizens and institutions of both countries. Yet, for each of the topics, they have and hold on to very strong positions and will negotiate with hard ‘distributive bargaining’ to gain more concessions or give as less as possible. It is difficult to see how they can jointly seek to resolve numerous pending issues as they hold very contradictory positions. However, there is one thing they agree: both continually seek to join the European Union.

Opponents of the dialogue in Kosovo and Serbia (also in the region) use the failure of the enlargement policy to attack the dialogue. Others blame the participants as “pleasing EU agenda and not reaching a meaningful normalisation”.<sup>34</sup> Both may be true. Failure to project “the dialogue and normalisation in support of Kosovo and Serbia’s EU membership path” will increase opposition in both countries. In other words, societal actors will be less enthusiastic for the dialogue should they see no benefit on the EU agenda. With the membership to the EU being the only common goal of Kosovo and Serbia and the only framework for integrative talks, this topic will play a vital role in the success

of the negotiations between the two countries now or anytime in the future. Though the roadmap exists on paper<sup>35</sup> and few countries, i.e. Germany have made those commitments more robustly,<sup>36</sup> the region feels otherwise.<sup>37</sup> The presentation of the “European perspective must take a different course and different shape” and should be more convincing to the citizens. The European notion is growing more distant for the constituencies of the countries involved in this dialogue but also for the whole region.<sup>38</sup>

### **Bringing the region closer to the process**

The region remains distant and concerned, somehow hostile toward the dialogue between Kosovo and Serbia. North Macedonia, Albania, Montenegro and more importantly Bosnia and Herzegovina have their problems; but they have also seen very little benefits from the Prishtina-Belgrade dialogue up to now. This needs to change and key countries, like Germany, should support activities and initiatives to raise awareness, mobilise other actors and bring the region to the debate to better understand the process of the dialogue between Kosovo and

<sup>35</sup> Balkans Group report, EU Enlargement strategy for the Western Balkans: Kosovo on the Bench, 06 February 2018

<sup>36</sup> “Germany will offer a ‘guaranteed membership’ to Serbia for recognition of Kosovo. Interview with a member of the European parliament, July 2020.

<sup>37</sup> “If Germany supports us, does not mean that France or Netherlands will do so, look at our case with visa issue”, Balkans Group interview with a Kosovo government official, July 2020. A European official noted, “Serbia does not trust the EU”, interview, Prishtina, September 2020

<sup>38</sup> “The COVID-19 pandemic has widened the distance between us and the EU. Clearly, our governments failed to manage the pandemic, but the EU established a new border with the Western Balkans. The perceptions of the threat coming from the Western Balkans in EU member states is much higher than of any other region in the world”, remarks made by a member of the European Parliament, Conference on EU and Western Balkans, August 2020.

<sup>33</sup> “We can help numerous in ways, propose specific topics and modalities to agree on”, Balkans Group interviews with non-governmental organisation representatives from Kosovo and Serbia, July 2020

<sup>34</sup> Remarks made in particular by the Belgrade-based civil society members, July 2019



Serbia. Inviting elites and societies, think-tanks, non-governmental organisations and experts to debates and discussions with actors of Kosovo and Serbia would be highly beneficial to build a better mood in the region. Again, with the support of local actors of Kosovo and Serbia, a series of high-level roundtables, informal events and advocacy activities involving governmental and non-governmental opinion-makers will help in better understanding the dialogue process, relations and issues at stake for all neighbouring countries.

On 4 September 2020, Prime Minister Avdullah Hoti of Kosovo and President Alexander Vučić of Serbia each signed separate document aimed at “normalising the economic relations between the two” in the White House.<sup>39</sup> Parties committed to work on joint development projects through US intermediaries. The highlight is put on infrastructure projects: the Niš-Merdare-Prishtina highway and rail link between Kosovo and Serbia.<sup>40</sup> Controversially, the US officials promised to conduct a feasibility study for the Ujmani/Gazivode Lake in north Kosovo for generation of the electricity and shared use between Kosovo and Serbia.<sup>41</sup> Other arrangements include the opening and operationalisation of the Merdare Common Crossing Point between the two countries, mutual recognition of diplomas and of the professional certificates. Both of these agreements were previously reached within the

Brussels Agreement and EU had failed to peruse parties to implement them.<sup>42</sup> The parties committed to joining and implementing the “mini-Schengen” arrangement at the regional level.<sup>43</sup> This process develops in parallel with the Regional Economic Area agreed in the 2017 Trieste Summit within the Berlin Process.<sup>44</sup>

In Kosovo, a “quite” debate about the agreements and their impact rapidly evolved with most actors remaining hesitant to comment on. Instead political actors criticised the government for failing to negotiate better wording in the document.<sup>45</sup> Likewise in Serbia, many were caught by surprise: some of the content was expected (for instance, the

<sup>42</sup> Integrated Border Management (IBM) is a result of a 2012 agreement from the Brussels-led dialogue after which the EU funded the construction of three common crossing points at Merdarë, Mutivodë and Bërnjak (under planning approval) between Kosovo and Serbia to facilitate free trade and the movement of goods and people. Similarly, in 2011, as part of the Brussels-led dialogue, Kosovo and Serbia agreed on reciprocal recognition of university diplomas.

<sup>43</sup> The “mini-Schengen” was initiated the President of Serbia Aleksandar Vučić, the Prime Minister of Albania Edi Rama and Prime Minister of North Macedonia Zoran Zaev, in October 2019, to establish the free movement of people, goods, services and capital in the Western Balkans. For more at <https://balkaninsight.com/2019/12/03/mini-schengen-a-balkan-breakthrough-or-political-stunt/>

<sup>44</sup> The “mini-Schengen” is an initiative announced by Serbia, Albania and North Macedonia on October 2019 in Novi Sad, to establish the free movement of people, goods, services and capital in the Western Balkans. Kosovo had refused to join the initiative due to its non-recognition by Serbia and Bosnia and Herzegovina. Montenegro and Bosnia and Herzegovina have stated that they are focused on joining the European Union.

<sup>45</sup> During the talks in the White House the minor coalition partner of the government Ramush Haradinaj threatened to walk out. Opposition parties but also members of the ruling party and of the coalition partners have reservations about the agreement of 04 September. <https://indeksonline.net/krasnqi-hotit-ne-washington-nuk-nenshkrutat-marreshje-por-nje-leter-a4-vet-me-veten/>

<sup>39</sup> Remarks by President Trump, President Vučić of Serbia, and Prime Minister Hoti of Kosovo in a Trilateral Meeting, 4 September 2020, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-vucic-serbia-prime-minister-hoti-kosovo-trilateral-meeting/>. The two documents signed differed in the final point, where Kosovo and Israel agree to mutually recognise each other while Serbia agrees to open a commercial office, and a ministry of state offices, in Jerusalem, on September 20, 2020, and move its embassy to Jerusalem by July 1, 2021

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

“Mini-Schengen” initiative), but others (references to energy diversification and 5G) were not. Observers note that the “exchange of statements of intent” does not contain many formal commitments other than the ones related to Israel, moving the Embassy from Tel Aviv to Jerusalem.<sup>46</sup> It was widely understood as a sign of Serbia’s readiness to take its chances with Trump administration.<sup>47</sup> From Belgrade’s point of view, Serbia achieved two things: avoided talks about explicit recognition of Kosovo (something the US has long seen as a logical conclusion of any process), and secured the support of Washington – although, “valid only in the case of President Trump’s re-election”.<sup>48</sup> The follow-up visits of a US delegation to Kosovo and Serbia after the agreement were aimed at giving those arrangements a shape.<sup>49</sup>

Following the agreements in the White House, the EU Special Representative Miroslav Lajčák held a joint meeting with US Deputy Assistant Secretary/ Envoy for the Western Balkans Matthew Palmer and the leaders of Kosovo and Serbia, showing some signs of renewed cooperation between the

EU and the US.<sup>50</sup>

Yet, little has changed; the same difficulties of the past, unwillingness and unpreparedness of the parties persist. Recently, delegations of one and other country walked away when they were scheduled to negotiate the “financial claims and the community rights”. Those agendas are difficult and complicated, in particular, when parties lack will.<sup>51</sup> Progress is unlikely, and parties seems not ready to change their mode of operation. The dialogue and the process of normalisation between Kosovo and Serbia should be treated as a multi-track and multi-agenda framework. All actors should reframe their actions.

**1.** The EU, its DG NEAR (Directorate-General for Neighbourhood and Enlargement Negotiations), the German government and other EU members of the Berlin Process should mobilise to implement important agreements that will have an impact on the people’s lives, public perceptions and increase the trust on the process of the dialogue. With immediate effect, implementation of agreements

<sup>46</sup> “It seems that the only unwanted result was placing a precise date on moving Serbia’s Embassy to Jerusalem; Belgrade had hoped for a general commitment, within no specific timeframe”, Balkans Group interviews with political representatives, September 2020.

<sup>47</sup> Balkans Group interview, September 2020.

<sup>48</sup> Balkans Group interview with NGO representative, September 2020.

<sup>49</sup> On 21-22 September 2020, Adam Boehler, CEO of the US International Development Finance Corporation (DFC), US envoy Richard Grenell and an ‘economic delegation’ met officials in Prishtina and Belgrade to start the implementation of the agreements signed on 04 September 2020 in Washington DC, Balkans Group interview, 23 September 2020.

<sup>50</sup> See Miroslav Lajčák’s tweet on 06 September 2020 regarding the meeting in Brussels and accompanying photos with the President of Serbia Aleksander Vučić, US envoy Matthew Palmer and Prime Minister of Kosovo Avdullah Hoti, available at <https://twitter.com/MiroslavLajcak/status/1302690186367823874?s=20>

<sup>51</sup> On 17 September 2020, Skender Hyseni of Kosovo and Marko Đurić of Serbia clashed regarding the Association of Serb Municipalities/Community of Serb Municipalities. Ahead of the meeting, Serbian officials insisted that no progress will be made in the dialogue before Kosovo implement the Association/Community of Serb Municipalities. The President of Kosovo Hashim Thaçi in a press release stated that “opening of the topics on the rights of communities and the Association of Serbian Municipalities in the Brussels dialogue, is a grave and a very dangerous mistake made by the Government of Kosovo.”. For the full press release, see <https://president-ksgov.net/en/news/press-release-from-the-office-of-the-president-of-the-republic-of-kosovo>. The cycle of reactions made it impossible for the Government of Kosovo to open the issue.

on freedom of movement, integrated border management, mutual recognition of diplomas, energy, etc., should proceed. Within the Berlin process, the Multi-annual Action Plan for a Regional Economic Area (MAP REA) should integrate the initiative of the “mini-Schengen”, prioritise the implementation of the priority arrangements on easing of the cross-border travel, removal of licence restrictions, etc., with no delay and in parallel with the Lajčák-led process.

**2.** A multi-layered dialogue and an urgent Track Two dialogue is needed. Engaging the government and non-governmental actors of both sides, officials from the European External Action Service and the Member States, US, other donors, and experts from the region and elsewhere to develop an adequate informal process should aim to better understand the framework, the process, and build confidence between all those involved. Multi-track dialogues are vital to build and maintain a degree of trust not only ahead of any formal dialogue process but also to prevent crisis and tensions. Any dialogue with such a long process would have seen a massive turnover of people engaged in the progress. In Kosovo, governments frequently change, which always bring new, fresh people to the dialogue. Track Two can keep relevant actors always involved. Multi-track talks, would help reduce tensions over the difficult agendas and seek ways to address them.

**3.** Support initiatives on the ground to mitigate the inaccurate narratives of one and the other and help develop a more substantial narrative in support of dialogue between the states and societies. Local actors, non-governmental organisations, coalitions, journalists and other groups of interest know best how one or the other should communicate to the

citizens and the government about the dialogue.<sup>52</sup> Numerous initiatives can also help change the public mood for the dialogue and improve communication and outreach to the citizens.

**4.** Engage the governments and launch projects to mitigate tensions and “hot issues or areas”. Talks about compromises will involve certain areas, northern Kosovo Serb-majority municipalities and other communities living in the area or along the Ibar River, Albanian communities in Serbia, and citizens affected by tensions and reactions of one or the other government. Projects initiatives targeting these cross-border areas that have an immediate impact on their economic situation and create a better perception of relations between two states will have a considerable impact on how the media, communities and local representatives see the dialogue and concessions. Large green projects for the north of Kosovo, a development project around the Deçani Monastery, infrastructure and supply projects for Albanians in the south of Serbia will also have a significant impact.

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<sup>52</sup> For a great example, see Kosovo Serbia Policy Advocacy Group. Indeed, other good initiatives and projects are working to support peace, reconciliation and cooperation between the two countries.