

## A New Framework for a New Stage of Dialogue

The Council for Inclusive Governance (CIG) organized on November 26, 2022 in Belgrade, Serbia, a workshop for a group of experts from Serbia and Kosovo to discuss the potential for a new stage of the dialogue. The latest events signaled that the decade-long *status quo* has likely been broken down. Now there are two options: a new *status quo* or a breakthrough. The international community has offered the parties several principles and a framework for negotiations, known as the French-German/EU proposal (later referred in the text as proposal). So far, Pristina's and Belgrade's signals to the proposal are ambiguous.

How to help this new process succeed was the main question posed to the group. The participants debated several topics including sustainability of the current *status quo*, preventing a new *status quo* from setting in, possibilities for an agreement on the new negotiating framework (i.e., if the Proposal represents a credible offer), the role of the powerbrokers, and willingness of the parties to engage. Held under the Chatham House Rule, the meeting is part of a larger project on the normalization of relations supported by and implemented in cooperation with the Swiss Federal Department of Foreign Affairs (FDFA). The report does not necessarily reflect the views of individual participants, CIG, or FDFA but is rather based on the discussion as a whole.

### **Moving away from the old *status quo* while preventing a new from setting in**

Although recent developments suggest the *status quo* may not survive the disruptions, participants disagreed over whether the new developments could lead to a new *status quo* or to a breakthrough. While some, mostly from Kosovo, said the *status quo* was beyond repair, others, mostly from Serbia, were not as certain. Some said the *status quo* has been disrupted both externally and internally. Externally, the primary driving forces are the Ukraine war, EU's and US's reshuffled priorities, and the foreign policy of the most influential EU member states. Internally, the driving forces are both Serbian President Aleksandar Vucic and Kosovo Prime Minister Albin Kurti who are not satisfied with the current state of affairs and want change, though it is not clear in what direction: do they want a new *status quo* or an agreement? Some said Kurti wants a final agreement now, while Vucic wants to implement the Association/Community of the Serb Majority Municipalities (ASM) before negotiating a final agreement. Participants agreed that the EU and the US want a final agreement but were not sure how determined and what resources they are willing to employ to make it happen.

Some Serbian participants were not optimistic in seeing the *status quo* as broken, arguing the Kosovo Serb walk out of the institutions offers a chance for the preservation of the existing *status quo* or for setting in of a new, even more challenging one. “The situation is worse in many aspects than in 2011, before the technical negotiations between Serbia and Kosovo started.” A participant suggested for two parallel negotiation frameworks to be fully merged into one: a) accommodation of the Serb community in Kosovo, which was supposed to end with the establishment of the ASM, and b) integration of Kosovo into the international community. The first one, at least for the north, has been reversed, while the second is more challenging than ever. In other words, the recent car plate crisis was just an excuse, “a tip of the iceberg” that marked the dismemberment of many elements achieved so far.” Some Kosovo participants considered Vucic’s move a “nuclear option,” making it harder for both parties to engage in a meaningful dialogue. Others outlined a general lack of understanding of the north in Pristina: “All have forgotten that people in the north did not want to integrate into Kosovo in the first place... It was Vucic who enabled the integration, and now it has been shattered... If Vucic controls the north, if he does, to what extent?”

Some said both parties are ready for a final agreement but disagree on sequencing. Kosovo wants a deal that would encompass everything, including the normalization of relations, if not a full recognition from Serbia, the ASM, no partition, no misuse of the Kosovo Serbs by Serbia, the Decani Monastery. And for Vucic, this is out of the question as he wants to have all previous agreements implemented first. Some said the implementation of the ASM before the final agreement is problematic. As one participant put it, the Self-Determination Movement (VV) has invested “too much of its political capital to demonize the ASM,” and now it is hard for it to reverse the course. “Both parties have barricaded themselves, and the signals they send are discouraging.”

A participant said that the current events are actually the pinnacle of the previous phase that started with the 2013 Brussels Agreement. He said that this is the finalization of the whole process and that for the next phase to begin, “things have to become worse to become better.” In other words, he predicted further escalation on the ground, which would lead to a negotiating framework with the West’s involvement.

Another element is that the West is losing patience because of the war in Ukraine and wants to close as many of the outstanding issues as possible; thus, it has to have a credible offer on the table. “There are not enough carrots and sticks are limited.” As one participant explained, this could be an offer of a gradual integration into the EU, but there are no clear indications that something like that will happen. The only institution openly discussing the possibility of a gradual integration has been the European Parliament, whose influence is limited. As for sticks, there is always a possibility of suspension of the Stabilization and Association Treaties for Serbia and Kosovo. But this option could disrupt the stability in the region, and in the end, maintaining stability could be one of the likely outcomes of the current situation. The problem is also that the EU has lost much of its credibility in Kosovo. “The dragging of the visa liberalization undercut EU’s influence in Kosovo.” A lack of carrots and sticks opens up a possibility for preserving the current *status quo* or establishing a new and much more volatile one.

## **Possibilities for a new negotiating framework**

According to various reports, there is a new Franco-German/EU proposal for the normalization of relations between Serbia and Kosovo. Some participants said the proposal resembles the 1972 Basic Treaty between the Federal Republic of Germany and the German Democratic Republic, which could be narrowed to two basic elements: Serbia will not officially recognize Kosovo but it will respect its territorial integrity and it will not prevent Kosovo from integrating into the international organizations. “The solution is there,” a speaker said. Some said the proposal represents a list of principles and a sound basis for the negotiations. They also pointed out that there seem to be “carrots” that would facilitate the process, i.e. enhancement of the Berlin Process and regional integration, money, work with the non-recognizers, and energy investments that would help the energy transition in Belgrade and Pristina. But these are, for now, mainly rumors.

Some participants from Kosovo stressed that Kurti seems interested in the proposal but does not want to implement the previous agreements before the new negotiation phase. In other words, he wants everything to be part of a package deal. Some said that a new framework, even if it leads to a successful negotiation and an agreement on normalization, would not guarantee fulfillment of all of Pristina’s international ambitions, such as the UN membership which depends on Russia. Another key caveat is readiness of all of the five non-recognizers to move towards recognizing Kosovo’s independence in the case of an implicit recognition by Serbia.

The participants also debated the format of the new process. A participant suggested a conference with a clear agenda and a timeframe. Some speculated that Kosovo may prefer a conference over shuttle diplomacy. Many participants said Belgrade would most likely prefer a process without strict timeliness. Participants agreed that the EU cannot alone broker a deal. It needs the US. EU’s main member states Germany and France can also have a more active and consequential role. The US is already intensifying its engagement. Belgrade is also interested in becoming a more vital partner to the US. Therefore, there could be trust between both parties in the US as an informal or even a formal mediator.

On the other hand, Kosovo’s involvement will be without many problems, as the opposition in Kosovo also advocates more alignment with the US. The US will be there to push things through, but the ownership of the process will be in the hands of the EU. And due to the current international context, as few participants outlined, it could be even counterproductive to have the US leading the process officially. The likely scenario could be that the US invites the parties to a conference or negotiations (as both the parties cannot reject it) while the official EU leads the process, which at a particular moment could go high-level with the agreement signing happening in one of the EU capitals.

For a successful process, the international community must invest in it. Without such an investment, the situation could only further deteriorate.

## Conclusions

The participants have composed a list of elements of an eventual normalization agreement based on the Franco-German/EU proposal and the issues that must be addressed for a successful process. The lists are not based on consensus and are a summary of what different individuals have proposed.

Elements for the normalization agreement:

- The agreement should entail an implicit recognition of Kosovo. In other words, the normalization agreement should open a path to the fulfillment of Kosovo's international ambitions and especially its NATO membership;
- The agreement should be precise;
- Pristina should form the ASM and accommodate the Serb community in Kosovo;
- The agreement should facilitate the opening of the full potential for regional cooperation;
- International incentives should be an integral part of the agreement. In particular, this relates to funding for energy projects to achieve energy transition, sustainability, and energy independence. A necessary element should also be a reasonable offer by the EU for the membership of Serbia and Kosovo centered on the staged accession;
- The agreement has to be good enough for the five non-recognizers to move forward in their own relationship with Pristina.

Process issues to be determined before entering into negotiations:

- The parties should agree on the rules of the process: no surprises during the process, no hate speech, unequivocal and constant support of the process in public, respectful behavior, joint interpretation of agreed elements, joint statements, maintaining of a back channel, and the right of the mediator to arbitrate;
- The parties should agree on topics: ASM, representation of Kosovo in regional initiatives (CEFTA in particular), Serbian cultural and religious heritage, healthcare and education, missing persons, international ambitions of Kosovo, regional cooperation, etc.;
- The range of options that the normalization agreement could have should be narrowed;
- The mediator should visualize opportunities to the parties, i.e. what will or not happen in case of them reaching an agreement and stimulate the parties' behavior by setting clear deadlines;
- The parties should commit to a public outreach to include more voices in the process and to gain greater support. The parties should commit to thoroughly preparing the process through consultations at home. Both VV's and the Serbian Progressive Party's voters are potential serious spoilers and have to be dealt with by the leaders;
- The final agreement should confirm all agreements reached before and commit to their implementation. It should also encompass a strong and clear mechanism for implementation;
- There should be an EU-US consensus on the implementation, and the international community should be the guarantor of it.

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