

Parliaments and Normalization

Introduction

The Kosovo-Serbia normalization process seems to be hostage of the countries' reluctance to implement agreements. The 'blame game' between Kosovo and Serbia, along with the "your win is my loss" mindset continues to stand in the way of a successful dialogue. This has led to a Kosovo-Serbia normalization process based on fear rather than hope for the future. This approach needs to change and the first step towards changing the perception on the future is to change the narrative about the present. Kosovo and Serbia need to acknowledge and appreciate the progress achieved thus far, instead of dwelling on shortcomings. Both Kosovo Prime Minister Albin Kurti and Serbian President Aleksandar Vucic are strong leaders, and if they truly want normalization, they could use constructive ambiguity and easily sell the agreements at home. However, neither party wants to take responsibility for difficult-perceived compromises in exchange for minimal-regarded benefits in a dialogue without a clear framework. The EU and the US could help in this regard by involving opposition parties and parliaments of both countries as stakeholders in the dialogue, thus 'distribute' the burden of responsibility and offer a different perspective on a common future. Kosovo's and Serbia's parliaments should establish formal communication channels and organize regular meetings to discuss normalization of relations between Kosovo and Serbia, while separately negotiate with the EU and the US the "terms of the agreement." Including other actors, such as opposition and parliamentarians in the process could result in narrowing the leaders' political manoeuvring space, enforce implementation of previously endorsed agreements and 'pressure' them to make amends based on their citizens' need, not their personal desires.

To discuss the current state of affairs between Kosovo and Serbia and explore ways on how could parliamentarians from both countries contribute to the normalization process, the Council for Inclusive Governance (CIG) convened a roundtable on April 20, 2024, in Tirana, Albania. Senior politicians, including current and former members of parliaments from Serbia and Kosovo as well as political analysts participated in the discussion. This roundtable was organized in cooperation with the Swiss Federal Department of Foreign Affairs (FDFA) which funds the project. The discussion adhered to the Chatham House Rule, thus ensuring the confidentiality of the participants' contributions. This report is a collective summary of the overall discussion and may not necessarily reflect the opinions of individual participants, CIG, or FDFA. Gresa Baftiu, CIG's Associate in Kosovo, prepared the report.

Recommendations

Participants identified issues that stakeholders could individually and jointly undertake to support normalization. The lists of issues are based on group proposals, not general consensus.

Kosovo:

1. ***Internalize the issue of the ASM:*** Kosovo should view the Association of Serb-Majority Municipalities (ASM) as an internal issue, not as a variable depending on the progress of its dialogue with Serbia. As such, Kosovo should take the first concrete step and submit the ASM draft to its Constitutional Court for revision to ensure it fully complies with the country's legal standards.
2. ***Initiate internal dialogue with Kosovo Serbs.*** Kosovo authorities should (re)launch a constructive dialogue with the Serb community representatives. Rather than adopting a "preaching" stance, engaging in constructive and honest dialogue will help Kosovo authorities to address the concerns of Kosovo Serbs effectively. With such an approach, not only would concerns of Kosovo Serbs be identified and properly addressed, but it would also help both parties to gain a better understanding of each other's perspectives and thus jointly contribute to the dismantling of the 'demonizing' myth about cooperating with "the other side".
3. ***Establish confidence-building measures, starting from Kosovo's north.*** The situation on the ground is currently tense. Some concrete steps should be taken to normalize the situation.

Serbia:

1. ***Refrain from lobbying against Kosovo on the international arena.*** Blocking the other country's membership to international organizations is a direct violation of the Brussels agreement, which Serbia has committed to. Serbia should abolish its efforts to obstruct Kosovo's accession to international organizations and show it can be a reliable partner.
2. ***Encourage Kosovo Serbs' return to public institutions.*** Serbia should encourage Kosovo Serbs to participate in public institutions and political processes in Kosovo. This is essential for fostering inclusivity and ensuring the representation of all communities in Kosovo's decision-making processes.
3. ***Engage in confidence-building measures:*** Serbia should also undertake confidence-building measures to de-escalate tensions in Kosovo's north. With Belgrade's extensive influence over Kosovo Serbs, Serbia should refrain from encouraging violent actions which seriously impede security and stability of its people.

Kosovo Serbs:

1. ***Engage in constructive dialogue.*** Kosovo Serbs are stakeholders in the dialogue between Pristina and Belgrade. They should engage in constructive and honest dialogue with both Kosovo and Serbia authorities to address their concerns and aspirations. This is crucial for building trust and finding mutually acceptable solutions to shared challenges.
2. ***Return to Kosovo institutions in full capacity.*** Kosovo Serbs should return in full capacity and actively participate in political processes and decision-making in Kosovo. This is necessary for ensuring the effective representation of Kosovo Serbs in Kosovo's governance.
3. ***Cooperate in de-escalation efforts:*** The situation on the ground in Kosovo's north often reflects the political dynamics of negotiating parties. But sometimes, however, the hostile environment deepens the political disputes and offers the perfect excuse for the political leaderships to escape from implementing agreements. The Serb community should commit to efforts which contribute to the de-escalation of tensions, including refraining from actions that could exacerbate existing conflicts. This is essential for promoting stability and fostering a peaceful coexistence between communities in Kosovo and the region.

The EU:

1. ***Change the dialogue's setup.*** International actors, particularly the EU, should acknowledge that the dialogue is a dynamic process and requires a changed approach. The EU should view the dialogue as a three-party discussion and consider to step-up from a 'mediator' to the role of a 'negotiator'.
2. ***Introduce sticks and carrots.*** International actors should (re)introduce carrots and sticks to influence both parties' constructive behaviors or limit their undermining conducts. The introduction of Serbia's obligations from the Brussels and Ohrid agreements into Chapter 35 of accession negotiations with the EU seems to encourage progress in the dialogue.
3. ***Clarify its vision regarding Kosovo's five non-recognizers.*** While the EU supports Kosovo's EU integration path, Kosovo's non recognition by Cyprus, Greece, Romania, Slovakia, and Spain conveys conflicting messages about the EU's enlargement policy vis-à-vis Kosovo and diminishes its credibility as a reliable partner.

Where we currently stand vs. where we want to be

Over the last months, the Kosovo-Serbia dialogue has resembled more to a "showroom" for asserting dominance rather than a negotiation platform for normalizing relations. Unfortunately, the increased tensions at the political level, most often reflected to escalations on the ground in Kosovo's north, have transformed the dialogue, a platform aimed to normalize the Serbia-Kosovo relations through a series of EU-facilitated talks, into separate bilateral meetings for "crisis management."

While we previously complained of an "over-a-decade" long process which didn't produce any concrete results from the high-level meetings in Brussels, we have now ended up with two political leaders who 'refuse' to even meet and discuss. When they do, they go to Brussels with the aim of hurting and humiliating the other party rather than to find a compromise due to the false belief that the EU-mediated dialogue is a 'zero-sum' game with "winners" and "losers." That's why every time compromises are to be made from one party, there is this need for tensions "on the ground" to compensate for the perceived loss and "make the other side look bad too." The "your win is my loss" political mentality has instilled false beliefs among citizens that the dialogue is 'a failure' and that the normalization of relations is a 'dead process', but how can we blame the process if we continue with such 'unconstructive' approach?

"The high level of mistrust between Serbia and Kosovo and their increasing reluctance towards the EU as a mediator is being used by current leaders as a justification to not implement past agreements." And history tells us that the non-implementation of agreements doesn't have repercussions. The EU and the US should step up their efforts as stakeholders and (re)introduce sticks and carrots as a means of negotiations, thus limiting both leaders' space for political maneuvers that only serve for domestic consumption and increased populism. One speaker said that the inclusion of Serbia's obligations on implementing the Brussels and Ohrid agreements in Chapter 35 of its accession negotiation with the EU, and the agenda of Kosovo's Special Group on Normalisation which will equally reflect Kosovo's new obligations stemming from the Agreement and the Annex were a good start.

A participant added that the main problem with the dialogue is that both Pristina and Belgrade focus on winning the debate with the "other side" rather than finding a common ground which

benefits both in the long run. “Politicians are producing electorates that are sceptical of normalisation. The negotiators want to humiliate the other side and win,” one participant said. Others suggested that the reason why Kosovo and Serbia were constantly in a ‘fighting mode’ during negotiations was because of the lack of a clear framework of the dialogue and a common goal for normalizing relations. The parties have totally conflicting expectations from the normalization process. While Kosovo’s goal is recognition from Serbia, Serbia’s ultimate goal is, if not getting Kosovo’s ‘territory’ back’, to prolong the status quo indefinitely. If Pristina and Belgrade have conflicting goals to begin with, the success of the normalization purely depends on the EU’s and the US’s engagements. They should format the process and redefine the framework, and they should step-up as stakeholders in negotiations with both countries separately.

Unfortunately, Kosovo Serbs, especially those living in the Kosovo north are the biggest losers, as they have been left out in the limbo between Belgrade’s influence and Pristina’s formal attempts to integrate the territory. “Serbs in Kosovo lost their trust in Belgrade’s honest support in negotiations with Pristina and they feel unwanted and unwelcomed in public institutions of Kosovo,” one speaker added. Another speaker suggested that Pristina was the main responsible actor for accommodating Kosovo Serbs’ needs and concerns, but it currently “lacked a better offer than Belgrade.” One participant argued that the main problem with Serbs’ integration into public institutions was the lack of a clear definition on “integration.” “If Kosovo Serbs want to integrate into institutions whose authority they don’t recognize, this is something unacceptable for Kosovo.” While most participants agreed that Kosovo Serbs should return in full capacity to public institutions in Kosovo and engage in the political sphere, some suggested that the international community offer some incentives to Kosovo, such as membership in international organizations.

With the ongoing war in Ukraine, lingering disputes in the region remain high at the US’s and the EU’s agenda and both Kosovo and Serbia should seize the opportunity and normalize relations. The leaderships however struggle in envisioning a common future where “fostering good relations with neighbours and embracing a shared EU perspective” is a normality. One participant suggested that if not driven by altruism, there was a logical self-interest in normalizing relations with your neighbours, as it had a direct impact of the country’s own security. “If you don’t want to do it out of a good will for others, do it for yourself. It’s better to proactively prevent tensions rather than react to their consequences.”

While both Kosovo and Serbia preach that EU integration is the “only path”, this doesn’t equally reflect in their leaders’ actions and political rhetoric. Neither leaders nor citizens truly believe that their countries will join the EU in the foreseeable future. So why risk with unpopular bold compromises just for the sake of the “EU perspective,” when such perspective is far from visible? The EU should be more proactive in its enlargement policy towards the region and together with the US help Serbia and Kosovo shift their perspectives from “what could we lose because of normalization” to “what could we win from it.”

Participants

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