

Serbia-Kosovo negotiations – playing for time under pressure from the West

Marta Szpala

The negotiations between Serbia and Kosovo aimed at reaching a comprehensive agreement to normalise relations between the two states are to enter a new phase in September. Although the negotiations, which have been going on since 2011 under the oversight of the European Union, may have prompted the incorporation of the Serbian minority and the territories it inhabits into Kosovo's institutional system, they have been at a standstill for three years. The authorities in Prishtina are unwilling to agree to further concessions to the Serbs until Belgrade recognises Kosovo's independence, at least on a *de facto* basis. Any compromise will come at a high political cost for the authorities of both Serbia and Kosovo, due to hostility on the part of the public and the opposition in both states. Meanwhile, the EU and the US are putting pressure on Belgrade and Prishtina to reach an agreement by no later than mid-2019. The Serbian and Kosovar elites cannot ignore this pressure as they largely owe their political positions to support from the West, and for this reason the authorities in both states wish to play for time and prolong the talks. They are doing this by periodically escalating tensions and putting forward solutions that are unacceptable to the other party or the international community. One example of this was the proposals made in July by the presidents of Serbia and Kosovo, Aleksandar Vučić and Hashim Thaçi, to exchange territory and change borders, which caused a great deal of controversy inside and outside the countries. Moreover, divisions between countries in the West, which do not have a united strategy regarding the negotiations, may hamper moves to reach a compromise. The United States is pushing for a quick resolution of the dispute, even if this means reviewing the borders. However, Germany is opposed to that solution as it fears that this would strengthen separatist movements throughout the entire Balkans. Both Serbs and Kosovo Albanians will try to exploit these divisions, while the success of the process of normalising Serbian-Kosovar relations will in fact depend upon effective pressure from the West.

Impasse

The dialogue between Serbia and Kosovo under EU supervision began in March 2011, three years after Kosovo declared independence. The European Commission used the two states' aspirations towards EU membership as an incentive to resolve the contentious issues, offering progress in European integration in exchange.

Thirty-three agreements were reached, mainly regarding technical issues. In April 2013, the Brussels agreement was signed, which gave Prishtina control over the entire country. The authorities in Belgrade agreed that four Serbian municipalities in northern Kosovo and their power structures (the police and civil defence formations), together with the justice and law enforcement authorities in Kosovo,

would be controlled by authorities in Prishtina. In exchange, Kosovo was to grant a broad range of rights to the Association of Serbian Municipalities (*Zajednica Srpskih Opština*, ZSO). This association was to be established by 10 municipalities in which the majority of inhabitants are Serbs¹. However, the ZSO agreement has still not been implemented today due to public hostility and protests by the opposition in Kosovo.

Serbian-Kosovo negotiations have been at a standstill for three years and relations between the two states are becoming increasingly strained.

The authorities in Belgrade retain an influence over the internal situation in Kosovo, controlling the main Serb minority grouping. Kosovar opponents to the agreement with Serbia say that creating the ZSO would cause the situation to deteriorate further and render Kosovo dependent on Serbia's policies, and furthermore that Prishtina has gained nothing in return for these concessions because Serbia has still not recognised Kosovo's independence. The act establishing the ZSO was blocked in 2015 by the Constitutional Court of Kosovo, upon which Prishtina proposed renegotiating the agreement. However, Serbia has consistently demanded that it be implemented in the agreed form. At the same time, the negotiation formula used to date – with a focus on resolving technical issues but not the question of Kosovo's status – has run its course. The dialogue has continued despite this, even though it proved impossible to reach further agreements, and the imple-

mentation of those already reached has slowed considerably. As a result, relations between Belgrade and Prishtina have become increasingly strained instead of improving. There has been a significant increase in public opposition to the negotiations, especially in Kosovo.

Serbia's moves to draw out the talks

Resolving the Serbian-Kosovo dispute does not serve the purposes of the authorities in Belgrade because it is their main bargaining chip in their relations with the EU, and Serbia's influence in Kosovo gives it better international standing. In exchange for a conciliatory approach towards Kosovo, the EU states and the US are tolerating undemocratic practices on the part of the Belgrade authorities. Recognition of Kosovo's independence (even at a *de facto* level) and the signing of a comprehensive agreement with Prishtina at an early stage of Serbia's integration into the EU would thus harm Belgrade's interests. Serbia has no guarantee that it will actually be admitted, even if it meets all the criteria.

In Serbia, there is a great deal of opposition to any agreement with Kosovo. Opinion polls reveal that 81% of Serbs are against recognising Kosovo's independence even if this would accelerate EU integration. At the same time, 43% of respondents say they realise that Serbia has lost Kosovo, while 45% take the opposite view². For 63% of respondents, the 'frozen conflict' is the optimal solution to the current situation, and only 21% are in favour of an agreement with the authorities in Prishtina³. However, President Aleksandar Vučić's dominance on the political scene means that he would be able to win over the public to a compromise with Prishtina both in Serbia, where the opposition is weak and fragmented, and among Serbs in Kosovo, because the Serb groups there are controlled by

¹ First agreement of principles governing the normalization of relations, http://www.kryeministri-ks.net/repository/docs/FIRST_AGREEMENT_OF_PRINCIPLES_GOVERNING_THE_NORMALIZATION_OF_RELATIONS,_APRIL_19,_2013_BRUSSELS_en.pdf. An additional agreement was signed in August 2015 laying down the precise entitlements of the ZSO, Association/Community of Serb majority municipalities in Kosovo – general principles/main elements, http://eeas.europa.eu/archives/docs/statements-eeas/docs/150825_02_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements_en.pdf

² O. Karaberg, *Može li Vučić preživeti referendum o Kosovu?*, Radio Slobodna Evropa, 8 July 2018, <https://www.slobodnaevropa.org/a/most-referendum-kosovo/29348775.html>

³ B. Baković, *Dve trećine Srba tuguje zbog Kosova*, "Politika", 8 June 2018, <http://www.politika.rs/sr/clanak/405205/Dve-trecine-Srba-tuguje-zbog-Kosova>

Vučić hardliners. The fact that the major Serbian media are controlled by businessmen linked to the president would also make this easier.

Kosovo unwilling to make concessions

Reaching an agreement is a priority for Kosovo because without Serbia's recognition Prishtina cannot function effectively in the international arena. However, an agreement would mean concessions to Belgrade, which the public opposes. The negotiations are hampered by the lack of strong political leaders ready to lend their face to the process of normalisation of relations with Serbia. President Hashim Thaçi, who is leading the negotiations, has a low political standing, even within the ruling Kosovo Democratic Party with which he is associated. Both the opposition and members of his parent grouping alike allege that the President owes his position to support from the West, especially the US, and in return is making concessions to Serbia that harm the country's national interests. The fragmentation and fierce rivalry within the Kosovo political scene mean that the leaders of individual groups are more likely to wish to build their position based on taking an uncompromising stance towards Belgrade than supporting compromise. Moreover, the opposition grouping Vetëvendosje, which contests any concessions made to Serbia, is actively stirring up public opposition to the negotiations.

Incidents and staged provocations

In view of the domestic situation, the authorities in Serbia and Kosovo are more interested in exploiting the negotiations for ongoing political gain and enhancing their image as defenders of national interests than working out compromises. In recent years, the escalation of tension has led to increased public opposition to an agreement, which serves the purposes of both Kosovar and Serbian politicians in relations with the West as a convenient pretext for prolonging the negotiations. Belgrade and Prishtina have resorted to stag-

ing provocative incidents in bilateral relations, aimed at mobilising the electorate and making the candidates of the ruling parties more popular as defenders of their national interests. One example of such measures was the political crisis that broke out in January 2017 when a train bearing the words 'Kosovo is Serbia' was sent to Mitrovica in Kosovo just before the presidential election in Serbia.

Refusal to recognise Kosovo's independence is hampering Prishtina's activities on the international scene, making it unwilling to accept further concessions towards the Serbs until Belgrade recognises Kosovo's independence at least at a *de facto* level.

In March 2018, there was an incident in which Marko Đurić, Director of the Office for Kosovo and Metohija, was detained by the Kosovo special services. There is much evidence that at the time the Serbian authorities needed the spectacular detention of a high-level Serbian official.

Seeking a comprehensive resolution

The stalemate in the negotiations and the increasingly fragile situation in the Balkans have led the EU to reassess its position on the Kosovo issue. In July 2017, facing pressure from the EU, Presidents Hashim Thaçi and Aleksandar Vučić announced that they were entering a new phase of talks aimed at producing a comprehensive agreement normalising Kosovo-Serbian relations. The complicated situation following the elections in Germany, which plays a key role in formulating EU Balkan policy, prevented the member states and EU institutions from devising a negotiation strategy. This provided the authorities in Belgrade and Prishtina with a pretext for delaying the next round of negotiations, which was the need to build a national consensus on a solution to the contentious issues. In July 2017, President Vučić announced a broad range of national consultations on the

future of Kosovo, while in Kosovo in spring this year an attempt was made to build a non-partisan consensus in favour of dialogue with Serbia. Neither of these initiatives led to the formulation of a negotiating position, but they did allow those in power to acclimatise the public to the concept of a Kosovo-Serbian agreement.

Maintaining the *status quo* in relations with Prishtina is advantageous to Serbia, but, facing pressure from the West, Belgrade has agreed to talks to work out an all-embracing agreement with Kosovo.

In its new strategy for the Western Balkans, announced in February, the European Commission stated that Serbia had an opportunity to join the EU by 2025 provided that it concluded a legally binding agreement with Kosovo. For this deadline to be met, an agreement would have to be worked out by no later than the end of 2019⁴. The United States is also pushing for a solution. An all-embracing solution would cover a range of issues: demarcation of the border, the form and procedure for the mutual recognition of independence, questions concerning private and state-owned assets, and the positions of the Serbian minority and the Serbian Orthodox Church and places of worship in the Kosovo legal system. Another troublesome issue is accountability for war crimes in the two states. Reaching an agreement on this issue will be very difficult. Before the round of negotiations scheduled for September, the two parties have proposed solutions intended to strengthen their negotiating positions both with the West and on the domestic stage. These proposals will also be a means of testing the West's reaction and the reaction of their own public.

⁴ *Scenarios for the 'Grand Finale' between Kosovo and Serbia*, April 2018, <http://balkansgroup.org/wp-content/uploads/2018/04/SCENARIOS-FOR-THE-GRAND-FINALE-BETWEEN-KOSOVO-AND-SERBIA.pdf>

The Serbian proposal to divide Kosovo

Prior to and subsequent to Kosovo's declaration of independence, Serbian politicians (as well as foreign analysts) have speculated at times on the benefits of the possible division of Kosovo and rejoining the northern part of the country to Serbia in exchange for recognition of independence⁵. This concerns four municipalities and North Mitrovica. Although most Serbs in Kosovo live in enclaves in the south of the country (totalling between 45,000 and 75,000 people)⁶, it is in fact North Mitrovica, as the only Serbian urban concentration, that is the administrative centre for the Serb minority in Kosovo. The idea of dividing Kosovo was not a major factor in the debate for a number of years because it contradicted the principle of the inviolability of administrative boundaries from Yugoslavian times and the proposal to create multi-ethnic states, which were the foundation of the West's policy towards the Balkans. In recent weeks, a public debate about division of Kosovo was triggered by an interview given by the US ambassador in Prishtina, Greg Delawie. When asked about the US' view on the issue, for the first time Greg Delawie did not give a purely negative response, but gave a more evasive answer⁷. This comment prompted wide speculation about a change in Washington's position, which until that time had been to officially rule out that possibility⁸. Statements made by the US embassies in Prishtina and Belgrade that

⁵ At one time this was favoured among others by the prime minister Zoran Djindjić, 'Moguća podela KiM u dve faze', "Blic", 27 March 2007, <https://www.blic.rs/vesti/politika/moguca-podela-kim-u-dve-faze/fc68tv0>

⁶ M. Milošević, *Krizna grupa i kosovska rupa*, "Vreme", 2 September 2010, <https://www.vreme.com/cms/view.php?id=948073>

⁷ *US Ambassador in Pristina Sparks Kosovo Partition Speculations*, "Balkan Insight", 20 July 2018, <http://www.balkaninsight.com/en/article/us-ambassador-to-pristina-delawie-kosovo-partition-07-20-2018>

⁸ In June 2018 the CEAS, a think tank working closely with the US, also published a report recommending partition of Kosovo. See *West Side Story*, CEAS, June 2018, https://www.ceas-serbia.org/images/2018/CEAS_Study_-West_Side_Story.pdf

“creativity and flexibility” were needed to produce permanent solutions in relations between the two states exacerbated the unease⁹.

The Kosovo and Serbian authorities will try to play for time because any concessions to the opposite party will come at a political cost; strong pressure is needed from the West if an agreement is to be reached.

The President of Serbia, Aleksandar Vučić, seized this opportunity, trying to find a balance between pressure from the West for a compromise with Prishtina and public opposition to recognising Kosovo’s independence. In an interview for the Croatian weekly *Globus* at the end of July, Vučić stated that “the Serbs know that Kosovo has been lost, but will do anything to preserve what it can”¹⁰. This statement is an indication that Vučić is willing to present the accession of the four municipalities to Serbia as a success¹¹. In such a case Belgrade would undoubtedly stress that Serbia has taken over the most valuable enterprise in the area, such as the Trepča mining, metalwork and chemical complex, with deposits such as silver, zinc, and lead, and a complex of water reservoirs, dams and the Gazivoda power station. This would make it easier for the president to convince the public to accept Kosovo’s independence. Foreign minister Ivica Dačić¹² also spoke out in favour of that solution during a visit to the US, promoting that concept among people work-

ing with Donald Trump¹³. Reviewing the borders between Serbia and Kosovo in accordance with the ethnic spread of the population would probably also be used by Serbian politicians in Bosnia and Hercegovina as grounds for their own aspirations to secession.

This would also have negative consequences for Serbia. It would significantly undermine Belgrade’s influence over the authorities in Prishtina and the position of the Serbian minority. In such a situation, Serbia would not be likely to negotiate solutions favourable for the minority and the Serbian Orthodox Church (the most important Serbian religious sites are located in south Kosovo). If they were deprived of their special status, Serbs would probably leave the enclave in the south of the country even more quickly. For this reason, orthodox priests from Kosovo are most opposed to the partition. In an open letter, Bishop Teodosije of Raska-Prizren criticised this idea, saying that it would mean an end to the Serbian presence in the region¹⁴. Contrary to Belgrade’s intentions, this proposal could be taken advantage of by the minorities living in Serbia – apart from the Albanians from the Preševo Valley, the Bosnians from the Sandžak as well.

Kosovo’s counterproposal

The rejoining of the four Serbian municipalities to Serbia would be very hard for the Kosovo public to accept. For Prishtina too, any solution of this kind would also be harmful from an economic and strategic point of view. The Gazivoda reservoir is crucial in supplying the capital with electricity and water and as a cooler for the Obilić power station, which produces 97% of the electricity in Kosovo. Handing over the Serbian municipalities would also deprive Kosovo of the potential revenue from mining

⁹ *SAD: Dalekovidost i fleksibilnost potrebni za održivo rešenje za Kosovo*, RTS 9 August 2018, <http://www.rts.rs/page/stories/sr/story/9/politika/3225429/sad-dalekovidost-i-fleksibilnost-potrebni-za-odrzivo-resenje.html>

¹⁰ *Vučić za hrvatski “Globus”: Svi Srbi znaju da su izgubili Kosovo*, “Blic”, 26 July 2018, <https://www.blic.rs/vesti/politika/vucic-za-hrvatski-globus-svi-srbi-znaju-da-su-izgubili-kosovo/ht8qxgz>

¹¹ 33% of respondents in Serbia are in favour of the partition of Kosovo. O. Karaberg, *Može li Vučić preživeti referendum...*

¹² *Dačić: Podela Kosova jedino moguće i brzo rešenje, ali treba videti i druge opcije*, “Blic”, 28 May 2018, <https://www.blic.rs/vesti/politika/dacic-podela-kosova-jedino-moguće-i-brzo-resenje-ali-treba-videti-i-druge-opcije/l9pefsm>

¹³ *Server: Na ideju o podeli Kosova Amerikaci će reći ne*, “Danas”, 16 August 2018. <https://www.danas.rs/politika/server-na-ideju-o-podeli-kosova-amerikaci-ce- reci-ne/>

¹⁴ *Vladika Teodosije: Podela KiM vodi iseljavanju Srba, stradanju baštine...*, RTS, 25 July 2018, <http://www.rts.rs/page/stories/sr/story/9/politika/3210651/vladika-teodosije-podela-kim-vodi-iseljavanju-srba-stradanju-bastine.html>

the deposits in Trepča. Despite this, Kosovo's President Hashim Thaçi has not unequivocally rejected the Serbian proposal, but did propose revising the borders and joining three Serbian municipalities inhabited by an Albanian minority (such as the Preševo Valley) to Kosovo.

The US is seeking a quick solution to the Kosovo question even if this means establishing new borders, but this is unacceptable for Berlin.

The president's proposal was rejected by all of the parliamentary groups in Kosovo. The ruling Kosovo Democratic Party, co-founded by Hashim Thaçi, has also said that it opposes this solution. However, President Thaçi has stated that he would accept certain changes to borders. This would probably mean handing a few villages in the north of Kosovo over to Serbia.

Prospects

The authorities in Kosovo and Serbia are not keen to enter into a comprehensive agreement because any concessions made to the other side will come at a high political cost. There are numerous opponents to the negotiations in both countries. There is also little likelihood of the process of the two states' EU integration being accelerated in exchange for a compromise, which was the principal prerequisite for the previous agreements. At the same time, however, two states' leaders of the will gain support from the West by demonstrating a will to resolve the dispute, in contrast to the opposition forces in both states, which reject any proposals for a compromise. It is therefore in the interest of the authorities in Kosovo and Serbia to prolong the negotiations and not work out an understanding. This is achieved through periodically exacerbating tensions between the two states to give them a pretext to put off the next round of negotiations. These practices will probably continue.

Any agreement between Belgrade and Prishtina will depend above all on how effective pressure from the West is, and whether the EU countries and the US are capable of formulating a common strategy in negotiations with Serbia and Kosovo. Washington seems to be seeking a quick solution to the Kosovo question and is willing to reward Belgrade for concessions with a favourable re-establishment of borders. Assistant Secretary of State A. Wess Mitchell has said that the US' priority is resolving the contentious issues in the Balkans in cooperation with the EU, because this contention enables Russia to strengthen its position in the region¹⁵. It seems that Washington's influence in Kosovo is sufficient for the US to be able to win the Kosovo elites over to this solution, but it is not acceptable to Germany and the UK¹⁶, due to the fear of a domino effect¹⁷. Chancellor Angela Merkel has rejected the idea of changing borders in the Balkans¹⁸. Russia will probably be active in moves to prevent the question of Kosovo's independence being resolved as it would lose its main means of exerting pressure on Serbia. At the same time, a solution in which there were territorial changes would benefit Russia, because this would be a flywheel for territorial revisionism in the region, making it easier for Moscow to destabilise the countries in the region and crush their pro-Western aspirations.

¹⁵ Assistant Secretary of the Bureau of European and Eurasian Affairs A. Wess Mitchell's speech at the Heritage Foundation, 6 June 2018, <https://ge.usembassy.gov/assistant-secretary-of-the-bureau-of-european-and-eurasian-affairs-a-wess-mitchells-speech-at-the-heritage-foundation-as-prepared-june-6/>; *Vladika Teodosije: Podela KiM...*, RTS, 25 July 2018, <http://www.rts.rs/page/stories/sr/story/9/politika/3210651/vladika-teodosije-pode-la-kim-vodi-iseljavanju-srba-stradanju-bastine.html>

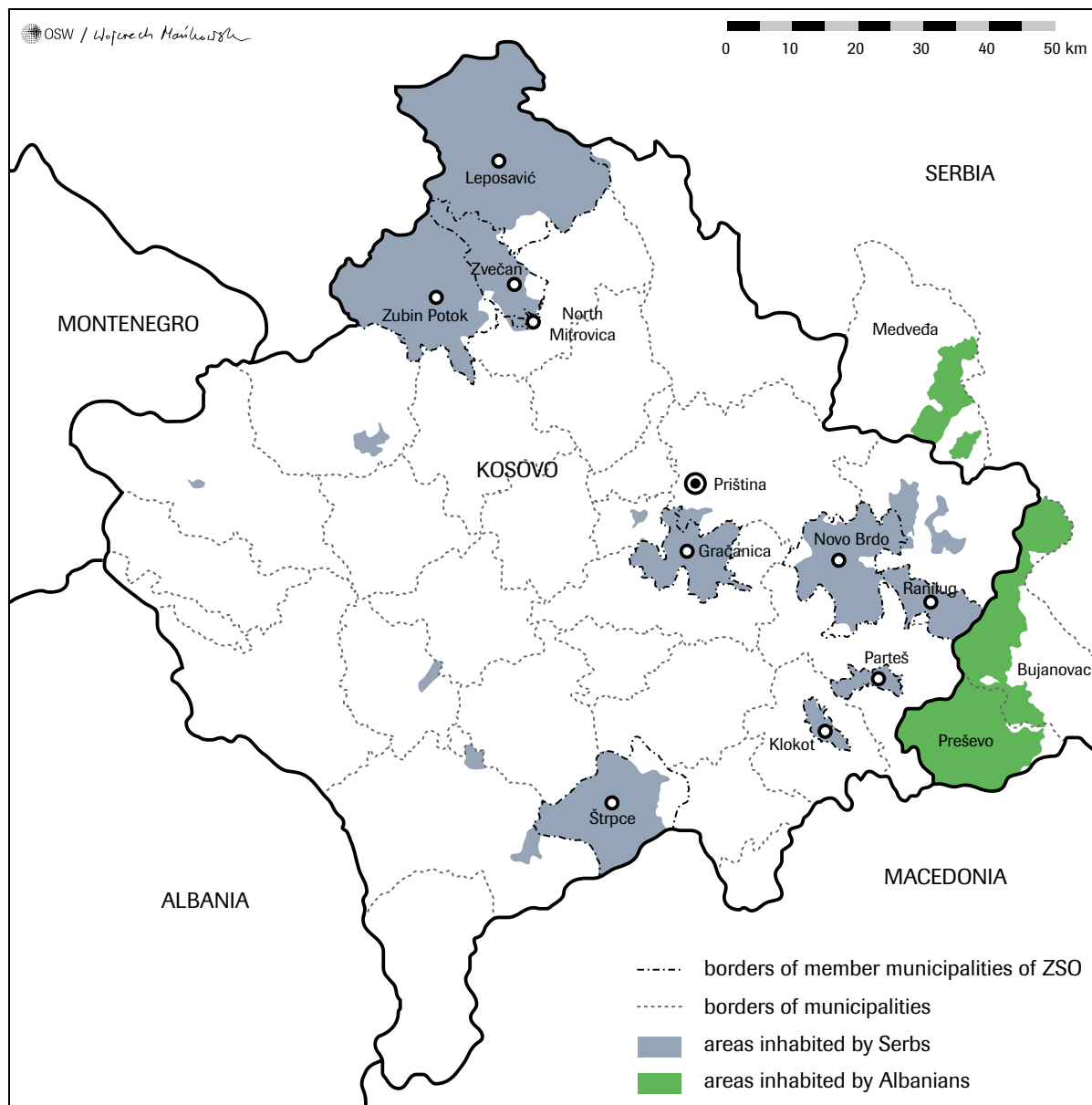
¹⁶ A.Z. Loxha, *London i Berlin protiv 'korekcije granica'*, Radio Slobodna Evropa, 9 August 2018, <https://www.slobodnaevropa.org/a/kosovo-podele-granice-medjunarodna-zajednica/29422044.html>

¹⁷ The re-establishment of borders in Kosovo would probably prompt such proposals from, for instance, the Albanian minority in Montenegro and Macedonia, and the Bosniaks in Serbia's Novi Pazar area.

¹⁸ A. Grey, *Angela Merkel: No Balkan border changes*, Politico, 13 August 2018, <https://www.politico.eu/article/angela-merkel-no-balkan-border-changes-kosovo-serbia-vucic-thaci/>

MAP

Serbian minority in Kosovo and Albanian minority in Serbia



EDITORS: Mateusz Gniazdowski, Jakub Groszkowski,

Anna Łabuszewska, Katarzyna Kazimierska

TRANSLATION: Jon Tappenden

COOPERATION: Jim Todd

DTP: Bohdan Wędrychowski

The views expressed by the authors of the papers do not necessarily reflect the opinion of Polish authorities

Centre for Eastern Studies

Koszykowa 6a, 00-564 Warsaw

phone: +48 | 22 | 525 80 00

e-mail: info@osw.waw.pl

Visit our website: www.osw.waw.pl