



SCENARIOS FOR THE  
**'GRAND  
FINALE'**  
BETWEEN  
**KOSOVO AND SERBIA**

April 2018

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# SCENARIOS FOR THE 'GRAND FINALE' BETWEEN KOSOVO AND SERBIA

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**List of abbreviations**

<b>EC</b>	European Commission
<b>EEAS</b>	European External Action Service
<b>EU</b>	European Union
<b>EULEX</b>	European Union Rule of Law Mission in Kosovo
<b>FIFA</b>	The Federation International de Football Association
<b>IOC</b>	The International Olympic Committee
<b>KOSTT</b>	Transmission, system and market operator of energy in Kosovo
<b>MP</b>	Member of Parliament
<b>NATO</b>	North Atlantic Treaty Organization
<b>SAA</b>	Stabilization and Association Agreement
<b>SNS</b>	Serbian Progressive Party
<b>UEFA</b>	Union of European Football Associations
<b>UN</b>	United Nations
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>US</b>	United States

## **Executive Summary**

A decade since the declaration of independence of Kosovo and 7 years of EU-facilitated dialogue between Kosovo and Serbia have not managed to bring about full normalization of relations between the two countries. Despite considerable improvements related to the integration of local Serbs in the Kosovar system and easing of ethnic tensions, Kosovo and Serbia to this day remain locked in a political and diplomatic dispute regarding Kosovo's statehood and its international status.

Nonetheless, irrespective of achievements on the current dialogue and failures on both sides to implement some of the already-agreed provisions and agreements, political drawbacks and wider geopolitical events and factors, full normalization of relations between Kosovo and Serbia still remains high on the agenda of the European Union as stipulated in the European Commission's recent enlargement strategy. The European Commission (EC) has been unequivocal about the fact that 'a comprehensive, legally binding normalization agreement is urgent and crucial so that Serbia and Kosovo can advance on their respective European paths.'

In order for an agreement between Kosovo and Serbia to materialize, there are two key factors that should be taken into consideration. First, it has become clear that without a full normalization of Kosovo-Serbia relations there cannot be lasting stability in the region and that neither country will be in a position to join the EU. While the recent EC strategy makes it clear that Serbia won't be able to join without normalizing its relations with Kosovo, it nevertheless provides Serbia with a clearer timeframe and indicators necessary for EU membership to happen by 2025. On the other hand, Kosovo received a differentiated treatment confirming its status as an odd case out in the group of the six Western Balkans countries (WB6), not least due to lack of recognition from 5 EU members.

The second important aspect is related to Kosovo's internal dynamics and homework. Kosovo has already lost precious time in a dialogue without clear aims and timelines that ultimately has produced mixed results on the ground. Therefore, it cannot allow itself to spend another decade negotiating its internal issues and spend energy on a process that already seems to have lost the trust of the public, as indicated in the interviews conducted as part of this study. Clearly, Kosovo has no time to lose. It should

mobilize institutionally and politically to push for a final agreement that would enable it to close the chapter of the conflict with Serbia and thus shift the focus to internal reforms and consolidation of its institutions as a means of advancing its EU integration path.

There are various options regarding the future process' outcome. The first potential scenario is that of the continuation of status quo. This might be manifested in the variant of 'wait and see' (halting the dialogue). Alternatively, this can be expressed similarly to the process so far, which would involve political and technical negotiations on separate aspects without a general framework and a clear aim and deadline. Given that the status quo is not tenable and does not benefit Kosovo in particular, it has emerged from the interviewees that negotiating in the absence of a more robust EU involvement and a legally-binding agreement is not a solution.

The second scenario involves the signing of a comprehensive agreement on full normalization of relations. The first variant of this scenario, which is supported by the overwhelming majority of the interviewees, would result in mutual recognition. A more realistic variant of this scenario, however, includes the signing of a legally-binding agreement whereby Serbia accepts Kosovo's statehood, including its right to joining international organizations (UN, in the first instance), but without formally recognizing its independence. This will largely depend on EU's ability to exert pressure on both sides and offer clear rewards in the form of concrete roadmaps and timelines for EU membership in return for their cooperation and compromise.

The third option foresees full normalization, including mutual recognition, through border readjustment. While this alternative enjoys some sympathy in Belgrade and to a lesser extent in Prishtina, it carries many risks and unknowns, including its potential to destabilize the whole region. Such an agreement on territorial exchange is possible only after the two countries would have recognized each other. Although this option is opposed by the majority of the interviewees, it will likely become more attractive if other solutions prove unfeasible.

However, for any agreement to succeed and pave the way for full normalization of relations between the two parties, stabilization of the region and faster transition towards EU membership, it is essential that the agreement has the full support of all

sides, contains clear guarantees from the EU, is legally unambiguous and, last but not least, the process is politically and socially inclusive and transparent.

## 1. Introduction

Seven years since the beginning of the Kosovo-Serbia dialogue and five years since the signing of the 'First Agreement of Principles Governing the Normalization of Relations', the EU facilitated dialogue's record is mixed and contested. The April 2013 document that establishes the parameters for the inclusion of northern Kosovo within Pristina's legal framework, while increasing the level of rights for the Serb-dominated municipalities (especially the ones in the north) and providing the opportunity for closer cooperation through the Association/Community of Serb majority municipalities in Kosovo (hereafter Association/Community)<sup>1</sup>, as well as the other ensuing agreements, have proved difficult to implement and politically controversial. Although substantial progress has been achieved, primarily when it comes to the border management and freedom of travel, integration of police, organization of elections in the northern part of the country, telecommunication and judiciary, both countries have failed to implement the signed agreements completely.

Nonetheless, despite failures to implement the already-agreed provisions and agreements, political drawbacks and wider geopolitical events and factors, full normalization of relations between Kosovo and Serbia remains high on the agenda of the European Union, with the EU expected to push for a new/final agreement between the two countries that would provide for full normalization of relations. In July 2017, after an informal meeting in Brussels with the Presidents Aleksandar Vučić of Serbia and Hashim Thaçi of Kosovo, Federica Mogherini, the High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission, announced the start of a 'new phase' in the dialogue.

According to the official EU press release, "They [the two presidents] agreed to work on starting a new phase of the dialogue between Belgrade and Pristina for normalisation of relations and reconciliation, and they decided that the respective teams will start working on preparations. They also stressed the importance of the implementation of

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<sup>1</sup> Association/Community of Serb majority municipalities in Kosovo – general principles/main elements. [http://ec.europa.eu/archives/docs/statements-ec/eas/docs/150825\\_02\\_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements\\_en.pdf](http://ec.europa.eu/archives/docs/statements-ec/eas/docs/150825_02_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements_en.pdf)



the agreements reached in the dialogue without delay.”<sup>2</sup> While EU officials increasingly talk about this new comprehensive and legally binding agreement, its format, parameters and deadlines are yet to be decided.<sup>3</sup>

Taking stock of the on-going process and preparations for the new/final stage of the dialogue between Kosovo and Serbia, this research paper aims to outline a number of possible solutions, discuss their plausibility, wider implications and, importantly, their likelihood to bring about full normalization of relations between Kosovo and Serbia.

Therefore, this research paper provides a detailed analysis of the main potential scenarios for a final agreement between Kosovo and Serbia and a list of concrete recommendations for policy makers before the beginning of the final stage of the dialogue. It focuses on three main potential scenarios: a) continuation of the *status quo*; b) full normalization through a legally binding treaty/agreement; and, c) new territorial arrangements based on the principle of reciprocity (north Kosovo for Presevo Valley). While these are the key scenarios examined in this report, a number of potential sub-variants and options will be discussed under each of the three headings.

## 2. Methodology and structure

This is a study that utilizes primary sources (interviews, workshops and roundtables). In order to discuss these scenarios, including their likelihood and potential implications, the study draws on a very rich and diverse stock of primary sources. Namely, some one hundred interviews with policymakers, experts, civil society activists and diplomats as well as two workshops with civil society activists, scholars and experts have been conducted. These are supplemented by other media articles, policy studies and reports, as well as discussions and proposals on the relationship between the two countries and the future of Kosovo-Serbia relations.

Although occasionally the paper contains analytical discussion (only in cases where no explicit references are made to interviewees’ opinions in the form of direct quotes,

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<sup>2</sup> UEAE (2017) ‘Federica Mogherini meets with President Vučić of Serbia and Thaçi of Kosovo,’ *Press release*, 3 July. [https://ec.europa.eu/headquarters/headquarters-homepage\\_fr/29156/Federica%20Mogherini%20meets%20with%20President%20Vučić%20of%20Serbia%20and%20Thaçi%20of%20Kosovo](https://ec.europa.eu/headquarters/headquarters-homepage_fr/29156/Federica%20Mogherini%20meets%20with%20President%20Vučić%20of%20Serbia%20and%20Thaçi%20of%20Kosovo)

<sup>3</sup> Interview 65: EU Official in Brussels (07/12/2017).

paraphrases or summaries), the primary aim is to reflect the interviewees' opinions and positions unmediated. For this purpose, where possible, the report will categorize them into groups depending on the interviewee's specific attitudes and positions on a given issue, position or scenario. Unfortunately, given the large amount of text and information collected through interviews and workshops, and the fact that many answers overlap or converge, in some cases, it will be impossible to provide entries from each individual interview.

The rest of the paper is divided into four main parts. The first part provides an analysis of the achievements and failures of the dialogue so far and its impact on Kosovo's regional and international standing, economic development, integration of communities and so on. The second part discusses preparations for the new stage of the dialogue and eventual preconditions for a successful process of negotiations and an agreement that brings about stability and full normalization of relations. The third section explores the three key scenarios and various modalities within them. The last part provides an overview of the main scenarios and a list of recommendations for Kosovo's institutions to be taken into account during the next/final stage of the dialogue.

### **3. What has Kosovo achieved through the Brussels dialogue so far?**

The Kosovo-Serbia dialogue, which encompassed both technical and political issues, was launched on 8 March 2011 in Brussels. The EU-facilitated dialogue was envisioned as a conflict management mechanism to (i) promote cooperation between the two sides, (ii) help them achieve progress towards European integration, and (iii) have a practical positive effect on the lives of the people in Kosovo and Serbia.<sup>4</sup> In the words of an EU official in Brussels: "The main impact is to build up the bilateral relations between Kosovo and Serbia ... So, through the dialogue the aim was to start establishing bilateral relations and to start to be able to address the issues that were impacting the daily lives of people on both sides."<sup>5</sup>

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<sup>4</sup> David. I Philips (2017) *Implementation Review of the Kosovo-Serbia Dialogue* (New York: Colombia University, Institute for the Study of Human Rights), 7. [http://www.humanrightscolumbia.org/sites/default/files/2017\\_09\\_05\\_kosovo-serbia\\_report.pdf](http://www.humanrightscolumbia.org/sites/default/files/2017_09_05_kosovo-serbia_report.pdf)

<sup>5</sup> Interview 65.

In many ways, this is a follow up to the Vienna dialogue in 2005-2007 that led to the Ahtisaari Proposal, which in turn formed the bases upon which Kosovo declared its independence and established its institutional framework. Nonetheless, given that Serbia did not accept the Ahtisaari Proposal, it has been pushing for solutions that go beyond the proposal or the current institutional and legal framework in Kosovo.

So far, the two governments have reached more than thirty-three<sup>6</sup> different agreements covering a wide range of issues. However, according to the Government of Kosovo periodic reports<sup>7</sup> and those from the Civic Oversight of the Kosovo-Serbia Agreement Implementation,<sup>8</sup> roughly one third of the signed agreements have been fully implemented so far. The key agreements that have not been fully implemented yet include energy (independent operation of KOSTT), revitalization of the Mitrovica Bridge and the Association of Serb majority municipalities in Kosovo.

Agreement/Year	Status
Mitrovica Bridge (2011, 2015, 2017)	Partially completed
Civil Registry (2011)	Completed
Freedom of movement (2011)	Partially completed
Cadaster (2011)	Uncompleted
Customs Stamps (2011)	Completed
Mutual Acceptance of Diplomas (2011)	Uncompleted
Integrated Border Management (2011, 2015)	Partially completed
Regional Representation and Cooperation (2012)	Partially completed
Telecommunications (2013, 2015)	Completed
Energy (2013, 2015)	Uncompleted
Establishment of four municipalities (2013)	Completed
Association/Community of Serb municipalities (2015)	Uncompleted
Police (2013)	Completed
Security ('Civil Protection' dismantling) (2015)	Partially completed
Judiciary (2015, 2017)	Completed

Table 1. Key Brussels Agreements and their current status of implementation on the ground.

This table has been compiled based on the information gathered from the Kosovo Government periodic reports on the implementation of the Brussels agreements and from the Big Deal reports.

<sup>6</sup> Interview 46: Former Senior Kosovo Official on EU-facilitated Dialogue between Pristina and Belgrade (30/11/2017);

<sup>7</sup> Ministry for Dialogue (2016) *Brussels Agreements Implementation State of Play* (Report Submitted to the European Union / European External Action Service by The Government of the Republic of Kosova). [http://www.kryeministri-ks.net/repository/docs/Kosovo\\_Report\\_on\\_State\\_of\\_Play\\_in\\_implementation\\_of\\_the\\_Brussels\\_Agreements\\_25\\_November\\_2016.pdf](http://www.kryeministri-ks.net/repository/docs/Kosovo_Report_on_State_of_Play_in_implementation_of_the_Brussels_Agreements_25_November_2016.pdf)

<sup>8</sup> 'BIG DEAL: Split Asunder' (2015). <http://prishtinainsight.com/wp-content/uploads/2016/02/ENG-publikim-BIGDEAL-3-FINAL-1.pdf>

Most of interviewees who acknowledge the positive impact of the dialogue highlight Kosovo's gains from the border (IBM) and custom's agreement, civil register, police and judiciary integration, telecommunications, as well agreements on establishment of new municipalities and organization of elections in northern Kosovo.<sup>9</sup> According to a former Kosovo senior official involved in the EU-facilitated dialogue between Pristina and Belgrade, Kosovo also "gained in the European agenda, signed the SAA thus making official the integration process to EU, established special relations with NATO, and obtained membership in all relevant regional organizations as well as its country code 383 granted by ITU."<sup>10</sup>

However, significant parts of interviewees question the impact of the dialogue on the process of state consolidation for Kosovo. Likewise, the dialogue has failed to produce or produced little impact on bilateral relations between governments of Kosovo and Serbia, except the establishment of liaison offices. Serbia has managed to avoid interacting with the government of Kosovo outside the Brussels meetings or venues. Tensions have grown periodically between the two governments (e.g., Serbia and Kosovo train row, arrestment of Kosovo ex-PM Ramush Haradinaj in France on Serbian warrant, etc.).

### 3.1. The impact of the dialogue on the integration of communities

Importantly, in addition to the role of the Brussels agreements in enabling Kosovo to establish some sort of (limited) institutional presence and control in northern Kosovo for the first time, interviewees also stress the importance of the dialogue in *improving* the *overall inter-ethnic* situation in Kosovo. According to a former deputy-minister for foreign affairs, "internally, maybe the most significant effect was that inter-ethnic violence and inter-ethnic confrontation has really decreased tremendously. You have a good solid data from EULEX on individual cases of violence between the two communities and those have now dropped considerably; in 2016 in north were only less than 10 ethnic incidents, if you compare that to some years ago, you had stone

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<sup>9</sup> Interview 1: Official in the Office of the President of Kosovo (09/11/2017); Interview 63: Member of Kosovo Assembly, LDK (06/12/2017); Interview 67: Senior Official at LDK and a Member of Kosovo's Negotiations Team during Vienna negotiations on Kosovo's Future Status (2005-2007) (07/12/2017); Interview 49: Advisor to the President of Kosovo (01/12/2017); Interview 46.

<sup>10</sup> Interview 46.

throwing, burning, barricades etc.”<sup>11</sup> Others emphasize this, too: The effect of the dialogue has been positive in the sense of integrating some of the parallel structures in the north within the Kosovar system.<sup>12</sup> It also had a positive impact when it comes to creating a favourable environment for people and goods to move around and in general Kosovo has been relatively stable because of the dialogue process.<sup>13</sup>

The overall improvement of interethnic relations in Kosovo is also highlighted by other interviewees<sup>14</sup> as a dialogue achievement. According to a representative of the Serbian Orthodox Church in Kosovo, “dialogue is key to our survival and improvement of relations of people living in the area.”<sup>15</sup> Organization of local and parliamentary elections in north Kosovo for the first time since Kosovo’s independence is also considered a major success.<sup>16</sup>

The former Senior Kosovo Official on EU-facilitated Dialogue between Pristina and Belgrade argues that “Republic of Kosovo is determined to Euro-Atlantic future, namely integration in EU, NATO, UN and other relevant international organizations, therefore it is in our interest to be part of Brussels dialogue not only due to ensuring our Euro-Atlantic future but also for contributing to strengthen peace and stability in the region with a troubled past.”<sup>17</sup>

While participants of the dialogue from the Kosovar side defend it arguing that it has enabled Kosovo to integrate local Serbs in the political system, many oppositional figures and representatives of the civil society remain sceptical about the benefits of the dialogue.<sup>18</sup> A number of arguments in support of the position that the dialogue did not benefit Kosovo emerged from the interviews. Thus, according to some oppositional MPs, Kosovo has not achieved anything through the dialogue with Serbia: the only result has been Serbia’s progress in the EU integration agenda.<sup>19</sup>

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<sup>11</sup> Interview 39: Former Deputy Minister of Foreign Affairs (Pristina, 24/11/2017).

<sup>12</sup> Interview 22: Civil Society Activist (Pristina, 21/11/2017).

<sup>13</sup> Ibid.

<sup>14</sup> Interview 39; Interview 32: Senior Representative at AKTIV (Pristina, 23/11/2017).

<sup>15</sup> Interview 96: Senior Representative of Orthodox Church/Eparchy in Kosovo (28/12/2017).

<sup>16</sup> Interview 17: Senior Representative at the Security and Policy Research Center (SPRC) (Pristina, 16/11/2017); Interview 39.

<sup>17</sup> Interview 46.

<sup>18</sup> Interview 1; Interview 25: Member of Kosovo Assembly, LVV (21/11/2017); Interview 23: Member of Kosovo Assembly (21/11/2017); Interview 37: Senior Journalist at Koha Ditore (23/11/2017); Interview 11: Member of Kosovo Assembly, AAK (Pristina 14/11/2017).

<sup>19</sup> Interview 34: Member of Kosovo Assembly, LVV (Pristina, 23/11/2017); Interview 41: Member of Kosovo Assembly, LVV (Pristina, 27/11/2017); Interview 25.

Many point that a great number of agreements remain only on paper and have not been implemented or did not produce any results. For instance, although Kosovo and Serbia exchanged liaison officers many years ago, they did not produce any concrete effects in facilitating direct communication between Pristina and Belgrade.<sup>20</sup>

Serb and other non-Albanian communities' representatives are critical to the on-going dialogue, too. According to a former Serb MP, "while there has been some incremental success in extending Kosovo's sovereignty in the northern part of the territory and beginning to integrate Serbs from those parts in the Kosovar system, unfortunately, we have seen negative trends in the integration of Serbs in other parts of Kosovo."<sup>21</sup> Similarly, a Bosniak MP in the Kosovar Parliament<sup>22</sup> claims that the dialogue did not bring many positive effects on the ground.

Overall, one in two interviewees<sup>23</sup> thinks that the dialogue had a positive impact on the integration of communities in Kosovo. Moreover, one in five interviewees<sup>24</sup> considers that the dialogue had a negative impact on integration of communities.

<sup>20</sup> Workshop with Civil Society, Academia and Media Representatives organized by RIDEA and BPRG in Pristina, 16/01/2018.

<sup>21</sup> Interview 57: Former Member of Kosovo Assembly from Serb community in Kosovo (05/12/2017).

<sup>22</sup> Interview 9: Member of Kosovo Assembly, Coalition VAKAT (6+) (Pristina, 14/11/2017).

<sup>23</sup> Interview 59: Senior Official at the Kosovo's Ministry of Security Force (Pristina, 06/12/2017); Interview 22; Interview 37; Interview 36: Member of Kosovo Assembly, PREBK (6+), (Pristina, 23/11/2017); Interview 83: Advisor to the President of Kosovo (Pristina, 19/12/2017); Interview 60: Representative of the European Centre for Minority Issues in Kosovo (ECMI) (Pristina, 06/12/2017); Interview 56: Member of Kosovo's Academy of Arts and Science (ASHAK) (Pristina, 05/12/2017); Interview 4: Senior Official, Kosovo Ministry of Foreign Affairs (Pristina, 13/11/2017); Interview 97: Former Senior Government Official involved on the Pristina-Belgrade dialogue (Pristina, 29/12/2017); Interview 15: Senior Editor at Klan Kosova (Pristina 16/11/2017); Interview 1; Interview 12: Official at the Kosovo Chamber of Commerce (Pristina, 15/11/2017); Interview 81: Professor at the Faculty of Law, University of Pristina (Pristina, 18/12/2017); Interview 21: Member of Kosovo Assembly, NISMA (Pristina, 20/11/2017); Interview 49; Interview 17; Interview 87: Assistant Professor at the Faculty of Law, University of Pristina (Pristina, 21/12/2017); Interview 30: Member of Kosovo Assembly, PDAK, (6+), (Pristina, 23/11/2017); Interview 90: Civil Society Activist from the Serb community in Kosovo (Pristina, 22/12/2017); Interview 46; Interview 79: Member of Kosovo Assembly, PDK (Pristina, 18/12/2017); Interview 98: Lecturer of International and European law at the University of Business and Technology (UBT) (Pristina, 03/01/2018); Interview 8: Professor at the Faculty of Law, University of Pristina (Pristina, 13/11/2017); Interview 95: Assistant Professor of Economics at the University of Business and Technology (UBT) (Pristina, 27/12/2017); Interview 19: Senior Editor/Representative at the Radio Television 21 (RTV 21) (Pristina, 17/11/2017); Interview 26: Former Senior Official at the Ministry of Internal Affairs and Ministry of European Integration (Pristina, 21/11/2017); Interview 68: Lecturer of International Affairs at American University in Kosovo (AUK) (Pristina, 08/12/2017); Interview 48: Senior Representative at Kosovo Democratic Institute (KDI) (Pristina, 30/11/2017); Interview 72: Assistant Professor at the Department of Political Science, University of Pristina (Pristina, 12/12/2017); Interview 64: Advisor to the Kosovo's Minister of Foreign Affairs (Pristina, 07/12/2017); Interview 71: Senior Representative from the Serb community NGO in North Kosovo (North Mitrovica, 11/12/2017); Interview 24: Senior Representative at the Kosovo Institute for Policy Research and Development, (KIPRED) (Pristina, 21/11/2017); Interview 67; Interview 40: Member of Kosovo Assembly, PDK (Pristina, 27/11/2017); Interview 13: Senior Editor at the Radio Television of Kosovo (RTK) (Pristina, 16/11/2017); Interview 6: Senior Editor of Rrokum TV (Pristina, 13/11/2017); Interview 86: Senior Official at the Ministry of Internal Affairs (Pristina, 20/12/2017); Interview 32; Interview 7: General Manager at Health for All (HfA), Civil Society Activist from RAE Community in Kosovo (Fushë Kosovë, 13/11/2017); Interview 69: Member of Kosovo Assembly, PDK (Pristina, 11/12/2017); Interview 62: Member of Kosovo Assembly, LDK (Pristina, 06/12/2017); Interview 3: Senior Representative at the Centre for Research, Documentation and Publication (CRDP) (Pristina, 09/11/2017); Interview 89: Former Representative of Kosovo's government in the EU-facilitated dialogue between Pristina and Belgrade (Pristina, 21/12/2017); Interview 10: Former Deputy Minister of European Integration & Civil Society Activist (Pristina, 14/11/2017); Interview 76: Senior Official at the Islamic Community of Kosovo (Pristina, 14/12/2017); Interview 20: Advisor to the Kosovo Minister of European Integration (Pristina, 20/11/2017); Interview 53: Former Deputy Minister of Internal Affairs (Pristina, 01/12/2017); Interview 5: Political Analyst/Publicist (Pristina, 13/11/2017); Interview 50: Senior Representative at the Democracy for Development (D4D) (Pristina, 01/12/2017); Interview 82: Senior Representative of the Council for Inclusive Governance (CIG) (Pristina, 19/12/2017); Interview 29: Member of Kosovo Assembly, AAK (Pristina, 22/11/2017); Interview 70: Senior Representative at Democracy + (Pristina, 11/12/2017); Interview 18: Senior Representative of the political party – Movement for Unification- (LB) (Pristina, 16/11/2017); Interview 73: Member of Kosovo Assembly, PDK (Pristina, 12/12/2017); Interview 42: Member of Kosovo Assembly, PDK (Pristina, 29/11/2017).

<sup>24</sup> Interview 55: Senior Editor at Kohavision (Pristina, 04/12/2017); Interview 11; Interview 25; Interview 27: Senior Official at AAK& Member of Kosovo's Negotiations Team during Vienna negotiations on Kosovo's Future Status (2005-2007) (Pristina, 22/11/2017); Interview 45: Member of Kosovo Assembly, LDK (Pristina, 30/11/2017); Interview 43: Professor of Economics at American University in Kosovo (AUK) (Pristina, 29/11/2017); Interview 85: Senior Representative at the Institute for Development Policy (INDEF), (Pristina, 20/12/2017); Interview 52: Member of Kosovo Assembly, LVV (Pristina, 01/12/2017); Interview 91: Professor at the Faculty of Economy, University of Pristina (Pristina, 22/12/2017); Interview 9; Interview 41; Interview 34; Interview 33: Member of Kosovo Assembly, NISMA (Pristina, 23/11/2017); Interview 38: Member of Kosovo Assembly, LVV (Pristina, 24/11/2017); Interview 16: Member of Kosovo Assembly, LVV (Pristina 16/11/2017); Interview 23; Interview 31: Senior Representative at the Kosovo Foundation for Open Society (KFOS) (Pristina, 23/11/2017); Interview 44: Professor of Public Policy at American University in Kosovo (AUK) (Pristina, 29/11/2017); Interview 65; Interview 88: Civil Society Activist from the Serb community in Kosovo (Pristina, 21/12/2017); Interview 93: Civil Society Activist from the Serb community in Kosovo, NANSEN Mitrovica (North Mitrovica, 22/12/2017).

On the other hand, one in four interviewees<sup>25</sup> did not identify any positive or negative effects or did not answer the question at all.

### 3.2. The impact of the dialogue on economic development

Many interviewees criticize Kosovo's institutions for having failed to insist on setting clearer targets and deadlines at the beginning of the process<sup>26</sup> or that "people of Kosovo don't feel any gain from the dialogue."<sup>27</sup> In this respect, interviewees criticize lack of economic benefits from the process of dialogue and the fact that "economic development is something that has been on the wayside for a long time."<sup>28</sup>

However, according to the former Senior Kosovo Official on EU-facilitated Dialogue between Pristina and Belgrade, economic benefits are significant. According to this former senior official, economic benefits were linked at first instance with customs taxes that are being collected in the North of Kosovo.<sup>29</sup> In fact, from 2008-2013, Kosovo government had no control of customs points in the North and since the agreement on customs revenue collection has been reached in 2013, the situation has changed in a positive way. Thus, since then, Kosovo customs have collected more than 13 million Euros for the 'Development Fund of the four northern municipalities' from the two customs points in the North of Kosovo.<sup>30</sup> Kosovo Customs has extended the full authority at customs points in the North of Kosovo (Jarinje and Bernjak) to collect revenues, customs duties and VAT.<sup>31</sup> Others, too, emphasize the positive impact of the customs' agreement<sup>32</sup> as well as that on telecommunications<sup>33</sup> that benefits the Kosovar budget. Nevertheless, on a larger scale, the economic impact was rather limited,

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<sup>25</sup> Interview 47: Political Advisor to the Speaker of Kosovo Assembly (Pristina, 30/11/2017); Interview 28: Assistant Professor at the Department of Political Science, University of Pristina (Pristina, 22/11/2017); Interview 84: Lecturer of International Economy at Riinvest College (Pristina 20/12/2017); Interview 2: Associated Professor at the Department of Political Science, University of Pristina (Pristina, 09/11/2017); Interview 63; Interview 78: Associated Professor at the Department of Political Science, University of Pristina (Pristina, 18/12/2017); Interview 94: Senior Representative of Catholic Church/Eparchy in Kosovo (Pristina, 26/12/2017); Interview 66: Member of Kosovo Assembly, NDS (Pristina, 07/12/2017); Interview 61: Former Senior Official of Kosovo (Pristina, 06/12/2017); Interview 35: Member of Kosovo Assembly, KDTP (6+), (Pristina, 23/11/2017); Interview 100: Senior Representative of Kosovar Center for Security Studies (KCSS) (Pristina, 10/01/2018); Interview 99: Civil Society Activist and Policy Analyst (Pristina, 04/01/2018); Interview 74: Senior Official at NISMA and a Member of Kosovo's Negotiations Team during Vienna negotiations on Kosovo's Future Status (2005-2007) (Pristina, 12/12/2017); Interview 51: Member of Kosovo Assembly, LDK (Pristina, 01/12/2017); Interview 80: Lawyer & Lecturer of European and International Law at the University of Mitrovica 'Isa Boletini'(Mitrovica, 18/12/2017); Interview 14: Professor at the Faculty of Economy, University of Pristina (Pristina, 16/11/2017); Interview 57; Interview 75: Former Senior Official at Kosovo Assembly (Pristina, 13/12/2017); Interview 39; Interview 96; Interview 92: Member of Kosovo's Academy of Arts and Science (ASHAK) (Pristina, 26/12/2017); Interview 54: Member of Kosovo's Negotiations Team during Vienna negotiations on Kosovo's Future Status (2005-2007) (Pristina, 01/12/2017).

<sup>26</sup> Interview 11.

<sup>27</sup> Interview 27.

<sup>28</sup> Interview 51.

<sup>29</sup> Interview 46.

<sup>30</sup> Official Report from the Kosovo Customs, dated 27 February 2018.

<sup>31</sup> Ibid.

<sup>32</sup> Interview 14; Interview 49.

<sup>33</sup> Interview 83.

especially in terms of creating a better climate for foreign investments. As an interviewee put it, although “Kosovo has been relatively stable because of the dialogue it has also not resolved and removed any concerns that investors might have regarding the legal status of the country, and some of them might have some concerns regarding to that.”<sup>34</sup> Another negative aspect is related to Serbia’s interference in Kosovo’s energy system,<sup>35</sup> which costs the country millions of Euros per year. A professor of economy points out that Serbia’s opposition to Kosovo’s membership in international economic and political organizations is ultimately damaging Kosovo’s economy as well as the fact that local Serbs in northern Kosovo continue to oppose Kosovo’s statehood and institutions while using its resources.<sup>36</sup> Most interviewees argue that the dialogue has not helped Kosovo’s economic development.<sup>37</sup> Indeed, almost 2 in 3 interviewees<sup>38</sup> don’t see any positive impact of the dialogue on economy compared to 1 in 6<sup>39</sup> of them who claim the opposite and 1 in 5<sup>40</sup> who don’t see any positive or negative impact.

However, most of interviewees overlooked the impact of the SAA on Kosovo’s economy in terms of the advantages it creates for Kosovar business sector to have access in a joint market of some 500 million consumers. Although not a direct result of the dialogue, the signing of the SAA was closely linked to the overall progress in the dialogue.

### **3.3. The impact of the dialogue on Kosovo’s Euro-Atlantic integration and full participation in the international system/community**

Even though the Brussels dialogue has primarily to do with Kosovo’s relations with Serbia, it is nevertheless intricately connected to other domestic and regional/international processes. Irrespective of the fact that Kosovo and Serbia have reached an agreement on Kosovo’s regional representation, which was expected to

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<sup>34</sup> Interview 22.

<sup>35</sup> Interview 14.

<sup>36</sup> Interview 43.

<sup>37</sup> Interview 38; Interview 48.

<sup>38</sup> Interview 55; Interview 28; Interview 37; Interview 11; Interview 25; Interview 36; Interview 27; Interview 60; Interview 45; Interview 56; Interview 15; Interview 1; Interview 43; Interview 21; Interview 85; Interview 17; Interview 87; Interview 30; Interview 9; Interview 52; Interview 91; Interview 41; Interview 79; Interview 98; Interview 8; Interview 34; Interview 38; Interview 26; Interview 33; Interview 68; Interview 16; Interview 23; Interview 48; Interview 72; Interview 80; Interview 71; Interview 31; Interview 24; Interview 67; Interview 44; Interview 40; Interview 13; Interview 6; Interview 14; Interview 32; Interview 7; Interview 69; Interview 62; Interview 57; Interview 3; Interview 39; Interview 76; Interview 20; Interview 5; Interview 50; Interview 82; Interview 65; Interview 29; Interview 88; Interview 70; Interview 97; Interview 73; Interview 42.

<sup>39</sup> Interview 59; Interview 2; Interview 83; Interview 4; Interview 97; Interview 12; Interview 81; Interview 90; Interview 46; Interview 95; Interview 19; Interview 64; Interview 86; Interview 10; Interview 53; Interview 18.

<sup>40</sup> Interview 47; Interview 84; Interview 22; Interview 63; Interview 78; Interview 49; Interview 94; Interview 66; Interview 61; Interview 35; Interview 99; Interview 100; Interview 74; Interview 51; Interview 75; Interview 89; Interview 96; Interview 92; Interview 54.



allow Kosovo to participate in various regional organizations and meetings provided that the word 'Kosovo' is accompanied by an asterisk and a footnote, Serbia has proven to be a staunch opponent of Kosovo's membership in international organizations. Thus, Kosovo's success in increasing its participation in regional fora has been limited. In the words of a former government official, despite the expectation that Kosovo will become a member of all regional organizations, "in each one of them there were specific conditions, in each one of them Serbs did not play correctly, and tried to block where they can, tried to delay where they can, tried to diminish the Brussels agreement about membership and participation where they could."<sup>41</sup>

Serbia's obstruction became visible above all in the case of Kosovo's application for membership in UNESCO in 2015. Not only Serbia managed to limit international support for Kosovo's membership but it also waged an aggressive and derogatory campaign against Kosovo presenting it in an extremely negative light. Membership in UNESCO was meant to herald a new era in Kosovo's foreign policy and a shift from individual recognitions to membership in international organizations. Close as it might have been, failure to join UNESCO remains the biggest failure in Kosovo's foreign policy.

However, whereas the country failed to reach any major international political and cultural organization, it nevertheless made a breakthrough in sports first joining the International Olympic Committee (IOC), and more recently FIFA and UEFA despite Serbia's refusal. This is having a huge impact on youth since Kosovo sport clubs can participate in international competitions in football, basketball, judo, etc. At the same time, some international famous teams (e.g., Milan, Barcelona, etc.) are showing interest for the youngsters by sending their scouts to identify talents in Kosovo.

Notwithstanding, several interviewees stress the importance of the dialogue on advancing Kosovo's European ingratiation agenda, and even in terms of gaining more recognition internationally:

Without the dialogue it [Kosovo] would not have the ability to open up the opportunity for new recognitions of Kosovo as a state. Moreover, you would not be able to achieve

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<sup>41</sup> Interview 39.

progress in the membership in EU and also in NATO. Hence, you will not have international support for new recognitions if we don't have good relations with our neighbours. Dialogue is the only tool to cope with the issues that we have with Serbia.<sup>42</sup>

When it comes to the negotiations in Brussels there are a lot of positive sides (...) without the dialogue, there is no European integration for Serbia and Kosovo and the population would be most damaged on this regard.<sup>43</sup>

Kosovo is an international project and it is pointed out that through the dialogue it should solve the problems. Without the dialogue, Kosovo would have consequences on its progress towards the European Agenda.<sup>44</sup>

Kosovo has made achievements in strengthening sovereignty, advancing its European Agenda and also international recognitions of Kosovo. Furthermore, Kosovo now has the ability to walk through the path of integration in the international mechanisms while saying that dialogue has opened this opportunity for Kosovo. Without dialogue, Kosovo and Serbia will be losing a lot.<sup>45</sup>

Through the Brussels' dialogue Kosovo has achieved its effects in the matters of normalizing the relationships with Serbia; it has declared the reliability of our country that we are ready to solve the dilemmas in the peaceful way.<sup>46</sup>

The general positive climate that resulted from the dialogue has been helpful in widening Kosovo's regional involvement as well as in facilitating a form of consensus within the EU in terms of Kosovo's EU path and establishing bilateral contractual relations in the form of the SAA. Likewise, the dialogue has had positive effects on enhancing regional cooperation through the 'Berlin Process' with the participation of both countries.

For Kosovo the Berlin Process has brought considerable benefits in terms of participation in a large EU initiative, standing on an equal footing with the European Union and with its neighbours regarding projects and participation in the process, gaining a project on transport, and endorsing larger regional initiatives.<sup>47</sup>

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<sup>42</sup> Interview 1.

<sup>43</sup> Interview 90.

<sup>44</sup> Interview 91.

<sup>45</sup> Interview 7.

<sup>46</sup> Interview 59.

<sup>47</sup> Balkan Policy Research Group (BPRG) (2018) *The Berlin Process for the Western Balkans: Gains and Challenges for Kosovo*. [http://balkangroup.org/wp-content/uploads/2018/01/THE-BERLIN-PROCESS-FOR-THE-WESTERN-BALKANS\\_GAINS-AND-CHALLENGES-FOR-KOSOVO.pdf](http://balkangroup.org/wp-content/uploads/2018/01/THE-BERLIN-PROCESS-FOR-THE-WESTERN-BALKANS_GAINS-AND-CHALLENGES-FOR-KOSOVO.pdf)

Conversely, according to some interviewees, “Kosovo served just as a bridge of Serbia to reach everything they wanted to reach towards EU integration”<sup>48</sup> and its only effect was to “rehabilitate Serbia as a normal state.”<sup>49</sup> On the other hand, they argue, Kosovo’s gains were much more limited, especially in terms of its EU integration.

In fact, Kosovo’s achievements are limited to the signing of the Stabilization and Association Agreement with the EU in 2015; Kosovo still remains the only country in the Western Balkans that does not have visa liberalization with the EU and that has not applied for the status of a candidate country. Moreover, despite the initial optimism, both within the EU policy circles and Kosovo’s leaders, the EU still doesn’t speak with one voice when it comes to Kosovo, with the 5 non-recognizers standing firm in their position not to recognize Kosovo’s independence. In addition, the Brussels dialogue has also been of little use in enabling Kosovo to break certain barriers in terms of enhancing cooperation with non-recognizing states as well as its international standing. For instance, despite enhanced freedom of movement of people and goods between Kosovo and Serbia, Kosovo’s relations with Bosnia-Herzegovina have not improved, in large part due to the rigid position of Republika Srpska leadership. Likewise, despite indications that the Brussels dialogue could trigger a new wave of recognitions, including from the 5 EU non-recognizers, the process has stalled and new recognitions have been few and far between since 2011.

Thus, 1 in 3 interviewees<sup>50</sup> argues that progress in dialogue had a positive impact on Kosovo’s Euro-Atlantic integration whereas almost half of them<sup>51</sup> don’t see any positive impact. Moreover, in this context, one in four of the interviewees had neutral opinions on this matter<sup>52</sup>. Similar distribution of opinions was expressed regarding the impact of the progress on recognition and full participation of Kosovo in the international system/community: one in four interviewees<sup>53</sup> claim that dialogue has a positive

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<sup>48</sup> Interview 27.

<sup>49</sup> Interview 52.

<sup>50</sup> Interview 55; Interview 83; Interview 15; Interview 12; Interview 81; Interview 21; Interview 49; Interview 90; Interview 91; Interview 46; Interview 98; Interview 8; Interview 95; Interview 19; Interview 16; Interview 48; Interview 64; Interview 24; Interview 44; Interview 86; Interview 7; Interview 62; Interview 10; Interview 20; Interview 53; Interview 5; Interview 50; Interview 65; Interview 29; Interview 18; Interview 1.

<sup>51</sup> Interview 22; Interview 37; Interview 11; Interview 25; Interview 27; Interview 60; Interview 45; Interview 56; Interview 4; Interview 42; Interview 85; Interview 17; Interview 87; Interview 30; Interview 52; Interview 9; Interview 41; Interview 79; Interview 34; Interview 38; Interview 33; Interview 100; Interview 26; Interview 43; Interview 68; Interview 23; Interview 72; Interview 80; Interview 71; Interview 67; Interview 40; Interview 13; Interview 6; Interview 32; Interview 69; Interview 57; Interview 3; Interview 39; Interview 76; Interview 82; Interview 88; Interview 70.

<sup>52</sup> Interview 47; Interview 28; Interview 84; Interview 36; Interview 2; Interview 63; Interview 78; Interview 94; Interview 66; Interview 61; Interview 35; Interview 99; Interview 74; Interview 51; Interview 31; Interview 14; Interview 75; Interview 89; Interview 96; Interview 92; Interview 54; Interview 73.

<sup>53</sup> Interview 59; Interview 37; Interview 83; Interview 97; Interview 15; Interview 1; Interview 81; Interview 49; Interview 90; Interview 46; Interview 79; Interview 98; Interview 95; Interview 19; Interview 48; Interview 64; Interview 71; Interview 44; Interview 86; Interview 7; Interview 62; Interview 10; Interview 76; Interview 53; Interview 5; Interview 50; Interview 18.

impact, while 1 in 2<sup>54</sup> assert that they don't see any positive impact. On the other hand, 1 in 5 interviewees<sup>55</sup> thought it had neither a positive nor a negative impact.

### 3.4. Dialogue in a nutshell

More than seven years of negotiations have produced noticeable and substantial achievements for Kosovo, but a full normalization of relations remains yet an unsolved issue. Serbia's aggressive campaign against Kosovo's recognitions internationally, its membership in international organizations, as well the complete instrumentalization of the *Serbian List* by Serbia's ruling elite demonstrate the limited impact of the dialogue on full normalization of relations between the two neighbours.

In a nutshell, despite its biggest achievement – normalizing dialogue,<sup>56</sup> the current format of the Brussels dialogue has reached its limits<sup>57</sup> and will hardly achieve any substantial results without a change in the dialogue format and the push for a legally binding agreement between the two countries. The current *status quo* has become unattainable and only increases the risk of renewed violence and political instability in the region. Lowered American commitment to the Balkans, combined with increased Russian meddling and an EU that is distracted, disunited, and hesitant, make the *status quo* in Kosovo and the region unattainable.<sup>58</sup>

Importantly, EU's 'creative ambiguity' and its 'status neutral' approach, which was important in breaking the stalemate in 2011, not only has reached its 'use-by date', but also has made it impossible to continue the dialogue and reach new agreements without dealing with the key issue of Kosovo's status. Practice has shown that although the 2013 agreement presupposes that Kosovo's legal system is supreme in the territory of Kosovo, Serbia's insistence on the 'status neutral' character of the agreements has often become an insurmountable barrier to the implementation of its provisions and those of

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<sup>54</sup> Interview 55; Interview 28; Interview 22; Interview 11; Interview 25; Interview 84; Interview 36; Interview 27; Interview 60; Interview 45; Interview 56; Interview 4; Interview 12; Interview 43; Interview 21; Interview 85; Interview 17; Interview 87; Interview 30; Interview 52; Interview 9; Interview 91; Interview 41; Interview 8; Interview 34; Interview 38; Interview 33; Interview 26; Interview 100; Interview 68; Interview 16; Interview 23; Interview 72; Interview 80; Interview 31; Interview 67; Interview 40; Interview 13; Interview 6; Interview 14; Interview 32; Interview 69; Interview 57; Interview 3; Interview 20; Interview 82; Interview 65; Interview 29; Interview 88; Interview 70; Interview 73; Interview 42.

<sup>55</sup> Interview 47; Interview 2; Interview 63; Interview 78; Interview 94; Interview 66; Interview 61; Interview 35; Interview 99; Interview 74; Interview 51; Interview 24; Interview 75; Interview 39; Interview 89; Interview 96; Interview 92; Interview 54.

<sup>56</sup> Interview 98.

<sup>57</sup> Interview 24.

<sup>58</sup> Daniel P. Serwer (2017) 'The Unraveling of the Balkans Peace Agreements,' *Council on Foreign Relations*, 8 November. [https://www.cfr.org/report/unraveling-balkans-peace-agreements?utm\\_medium=social\\_share&utm\\_source=li](https://www.cfr.org/report/unraveling-balkans-peace-agreements?utm_medium=social_share&utm_source=li)

other agreements. Likewise, EU's 'status neutral' approach has become a major impediment for Kosovo in its EU integration path as the recent EC Enlargement Strategy from February 2018 attests.

#### 4. Preparing for the 'grand finale': what kind of dialogue and format?

Despite the dominant opinions in Brussels that the current dialogue has been successful in establishing some cooperation between Kosovo and Serbia and expand Kosovo's institutional reach in the Serb-dominated areas, a combination of factors related to the fatigue of international actors engaged in the region, growing fears about the increased Russian meddling and the overall sense that the status quo is not tenable, seem to have pushed in the direction of a new and maybe final agreement between Kosovo and Serbia. In particular, Germany and the US seem keen on using EU conditionality (chapter 35) to push Serbia towards a legally binding agreement with Kosovo that will eventually stabilize the region.

The EU enlargement strategy for the Western Balkans outlines clearly the path for full normalization of relations between Kosovo and Serbia. In fact, there needs to be a comprehensive, legally-binding normalization agreement between Serbia and Kosovo so that they can advance on their respective European paths.<sup>59</sup> This has also been reconfirmed by the High Representative/Vice-President Federica Mogherini who stated that "A comprehensive, legally-binding normalisation agreement between Serbia and Kosovo will be essential for progress on their respective European paths".<sup>60</sup> In this context, it is expected by the EU that by mid/end of 2019 Serbia will meet the benchmarks which include closing chapter 35<sup>61</sup> and reaching an agreement with Kosovo. Likewise, Kosovo will benefit considerably from a definitive normalization agreement with Serbia.<sup>62</sup> By the date Serbia closes all chapters, supposedly in 2023 a significant part of these agreements between the two countries should be implemented according to some German diplomats. This is a very ambitious agenda which will

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<sup>59</sup> European Commission (2018) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (p. 17). Available at: [https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf)

<sup>60</sup> European Union External Action (2018). Western Balkans Strategy: EU sets out clear path for accession. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/39450/western-balkans-strategy-eu-sets-out-clear-path-accession\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/39450/western-balkans-strategy-eu-sets-out-clear-path-accession_en)

<sup>61</sup> See footnote 59 (p. 8).

<sup>62</sup> See footnote 59 (p.8).

require extensive cooperation, coordination at three levels. At home, Kosovo institutions and elites should seize this opportunity and prepare as quickly as possible. In Serbia, the ongoing “domestic dialogue” has enhanced discussions and debates about a possible agreement with Kosovo but, yet, falls short of outlining concrete solutions. Despite the stated will of international community and EU institutions, it seems that they may lack coordination for the process to succeed. The EU with the support of key member states and US needs to present a framework and support Kosovo and Serbia concluding this overarching goal.

The majority of interviewees, especially those from the Kosovo Albanian side, express their criticism and highlight the limits and shortcomings of the current dialogue, and they tend to put the blame on Serbia for obstructing the dialogue or failing to implement signed agreements. Another critical element which may undermine the process and has been highlighted in the workshops<sup>63</sup> is linked to the poor performance of Kosovo’s state institutions in the domestic and regional context (i.e., weak governance, corruption and organized crime, border demarcation with Montenegro, etc.). Various interviewees stated the fact that the dialogue did not produce more results due to Serbia’s reluctance to respect all the agreements and dissolve its state structures in Kosovo. Hence, according to a university professor in Prishtina, “the alternative would have been to organize the dialogue based on the principle that no new agreements are reached before the existing ones are implemented.”<sup>64</sup>

According to a former Prime Minister of Kosovo, there is a fundamental difference in the way Kosovo and Serbia understand the dialogue. First, whereas Kosovo aims to integrate Serbs in the Kosovar system and society, Serbia seeks to disintegrate/distance them from Albanians and from Kosovo’s institutions. Second, whereas Kosovo works to accommodate local Serbs within the Kosovar system, Serbia is trying to use the dialogue to accommodate its institutions and its laws in Kosovo so that Kosovo Serbs would be part of the Serb system and society albeit physically part of Kosovo.<sup>65</sup>

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<sup>63</sup>Workshop with Civil Society, Academia and Media Representatives organized by BPRG and RIDEA in Pristina, 19/12/2017; Workshop with Civil Society, Academia and Media Representatives organized by RIDEA and BPRG in Pristina, 16/01/2018.

<sup>64</sup> Interview 28.

<sup>65</sup> Interview 59.

Several interviewees spoke in favour of a more active role of local Serbs in the process. An oppositional MP stated that the chief aim of the dialogue between Prishtina and Belgrade was to create a situation in which Kosovo Serbs are represented by Belgrade; “Albeit it was thought out as a shortcut to normalization of Serb-Albanian relations, the effect of such an approach proved to be detrimental on many accounts. Kosovo Serbs lost their opportunity for local authentic representation; local Serb parties ceased to function as well as communication between the Albanian majority and local Serbs.”<sup>66</sup> According to a Roma MP, participation of Kosovo Serbs in the dialogue as part of the Kosovo team would increase their responsibility and say.<sup>67</sup> Another alternative would be “for Kosovo to initiate a dialogue with local Serbs, an open dialogue, democratic and societal, a bottom-up one, for development.”<sup>68</sup>

Undoubtedly, the attitude in Kosovo is that the current format of the dialogue has reached its limits and that there is a need to move to the final stage of the dialogue that would bring about full normalization of relations between the two countries. As the senior journalist of a Pristina daily put it, “I don’t believe that stopping the dialogue now would be beneficial, but by the same token, continuation of the dialogue based on the same premises does not bring any benefits.”<sup>69</sup>

#### **4.1. What should be the objectives for a new dialogue?**

According to the interviewees, when it comes to the final dialogue phase, the first important factor is related to the timeframe and a clear roadmap. As an adviser to Kosovo’s President stated, “neither Kosovo nor Serbia have the potential to remain hostage of an aimless dialogue for the next 10 years.”<sup>70</sup> Hence there is a need for a dialogue framework that includes a clear timeline and a clear path for Kosovo where Serbia does not block Kosovo’s international legality, which also means a guaranteed path to the UN and mutual recognition”.<sup>71</sup>

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<sup>66</sup> Interview 41.

<sup>67</sup> Interview 36.

<sup>68</sup> Interview 38.

<sup>69</sup> Interview 37.

<sup>70</sup> Interview 1.

<sup>71</sup> Interview 22; Interview 84; Interview 83; Interview 56; Interview 15; Interview 32; Interview 82.

Another important factor is related to political and legal ambiguity; the next phase should avoid this ambiguity that has proved problematic when it comes to implementation of the existing agreements.<sup>72</sup> As a Pristina-based scholar put it, “I think that if the dialogue continues to produce agreements that are not going to be implemented, there is no reason to keep the dialogue happening just for the sake of having a dialogue, because it has turned into a show that it’s benefiting the political class in Kosovo and Serbia and not necessarily citizens.”<sup>73</sup> Thus, the need for a dialogue that includes a final formal and a legally binding agreement in the form of a treaty on good neighbourly relations and cooperation, to be ratified by the two respective parliaments.<sup>74</sup>

Additional important dialogue objectives proposed by the interviewees include normalization of relations that guarantees Kosovo’s full international membership without changing the constitutional order of Kosovo and explicit guarantees and deadlines in terms of EU membership for both Kosovo and Serbia.<sup>75</sup> Others emphasize the need to include mutual obligations and guarantees for protection and respect for minority rights in Kosovo and Serbia, as well as clear commitments to work together for a brighter future without obstructing each other because recognition (implicit or explicit) is not enough if the two countries do not cooperate with each other in the future.<sup>76</sup>

Some other interviewees stress the importance of focusing on pressing matters for citizens first and then move to the major issues. The dialogue should deal with concrete solutions for the benefit of the population because if everyday problems of citizens are solved, reaching the final solution will be much easier.”<sup>77</sup> Another group of interviewees highlight the necessity of assessing the state of the art in terms of implementation of the current agreements.<sup>78</sup> In brief, as discussed above, those were the viewpoints of the interviewees on the objectives of a new phase of the dialogue.

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<sup>72</sup> Interview 37; Interview 44.

<sup>73</sup> Interview 68.

<sup>74</sup> Interview 59; Interview 25; Interview 36; Interview 2; Interview 27; Interview 60; Interview 63; Interview 12; Interview 85; Interview 17; Interview 41; Interview 46; Interview 19; Interview 23; Interview 48; Interview 80; Interview 75; Interview 20; Interview 50; Interview 73; Interview 42.

<sup>75</sup> Interview 37; Interview 61; Interview 38; Interview 74; Interview 51; Interview 24; Interview 54.

<sup>76</sup> Interview 55; Interview 4; Interview 1; Interview 81; Interview 49; Interview 91; Interview 79; Interview 68; Interview 99; Interview 40; Interview 89; Interview 70.

<sup>77</sup> Interview 93; Interview 30; Interview 94; Interview 90; Interview 66; Interview 13; Interview 86; Interview 62; Interview 57; Interview 3; Interview 88.

<sup>78</sup> Interview 11; Interview 43; Interview 95; Interview 18; Workshop with Civil Society, Academia and Media Representatives organized by RIDEA and BPRG in Pristina, 16/01/2018.



## 4.2. How to organize a new dialogue? Who should be involved?

Interviewees' opinions about the new format and participants are very diverse. Some interviewees argue that Kosovo should insist on an enhanced role of the US and Germany.<sup>79</sup> In fact, both Kosovo's President and Prime Minister<sup>80</sup> have recurrently demanded a more direct US intervention in the process. According to a former senior Kosovo official on EU-facilitated dialogue between Pristina and Belgrade, "the final phase should have a clear timeframe, must be focused, shorter, and with EU and US mediation. I think that mediation (rather than facilitation) by third party would guarantee final endgame and push Serbia for implementation."<sup>81</sup> US involvement is deemed essential especially given the fact that the EU does not speak with one voice when it comes to Kosovo as a result of the 5 countries that do not recognize its independence.

Importantly, various interviewees have spoken in favour of a wider inclusiveness<sup>82</sup> in the dialogue, including civil society and academia, and maybe even the establishment of a unity team,<sup>83</sup> similar to the one in 2005-7. Non-Serb minorities would also want a wider participation of their representatives in the future talks.<sup>84</sup> Various interviewees raised the issue of lack of transparency and wider public information.<sup>85</sup> In particular, they suggest, the Kosovo Assembly should play an essential role in the process.<sup>86</sup> Of particular importance is the building of a wider social and national consensus, and maybe even organizing a referendum<sup>87</sup> on the agreement. According to some MPs:

To enter this phase of dialogue with Serbia, Kosovo first needs to have its internal political consensus, answer to ourselves what normalization means for us, define our bottom lines and request a strict timeline of a maximum period of eighteen months.<sup>88</sup>

I think that this is not an issue for one political party or one sector of our population, it's a national interest, is a matter of our national interest and I think the entire political

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<sup>79</sup> Interview 73; Interview 62; Interview 75; Interview 59; Interview 51.

<sup>80</sup> Beta (2017) 'Haradinaj wants United States to join Kosovo negotiations,' *B92*, 9 June. [https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=06&dd=09&nav\\_id=101508](https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=06&dd=09&nav_id=101508)

<sup>81</sup> Interview 46.

<sup>82</sup> Interview 47; Interview 100; Interview 7; Interview 10; Interview 92; Interview 5.

<sup>83</sup> Interview 35; Interview 55; Interview 59.

<sup>84</sup> Interview 35;

<sup>85</sup> Interview 12; Interview 45; Interview 70; Interview 13; Interview 29.

<sup>86</sup> Interview 45; Interview 97; Interview 78; Interview 21; Interview 87; Interview 9; Interview 26; Interview 16; Interview 67; Interview 69; Interview 33; Interview 52; Interview 37; Interview 11; Interview 67; Interview 34; Interview 48.

<sup>87</sup> Interview 4.

<sup>88</sup> Interview 23.

spectrum should be involved, just like in the past when we had the Unity Team, when they discussed certain issues with Serbia and so on.<sup>89</sup>

Political consensus is deemed essential given the political rift that has emerged in Kosovo in the last years related to the issue of demarcation of border with Montenegro, dialogue with Serbia, as well as government fragility (in terms of its limited support in parliament).<sup>90</sup>

Yet, according to the former deputy Minister of Foreign Affairs of Kosovo,

I don't agree that there is any time anywhere possible to have a consensus about dialogue. I don't think there was a consensus in the dialogue in Colombia, I don't think there was a consensus in Ireland, and consensus is the more over asked thing in the history of over asked things. If you can ratify, if you can vote on it, that's it. You cannot have everybody agreeing on something because you have nationalists, liberals, the right, the left, people in the government, and people against the government.<sup>91</sup>

Kosovo's President, Hashim Thaçi, has already announced that he intends to build a unity team in preparation for the final stage of the dialogue.<sup>92</sup> The opposition and some independent observers have opposed it and questioned Mr Thaçi's credibility to lead the process on behalf of Kosovo. "Format is less relevant, as long as the objectives are clear and as long as there is a broad political consensus on those objectives, and then we political parties should nominate a representative; who says that it should be the President of Kosovo, if we want someone else who is more credible than him."<sup>93</sup>

Others argue that since Kosovo is a state and has its institutions, they should take the lead in consultation with the opposition, and civil society should have a consultative role.<sup>94</sup> According to some workshop participants,<sup>95</sup> a dialogue at the presidential level would disadvantage Kosovo because whereas Mr Vučić is at the height of his political power, Mr Thaçi is probably at the weakest point of his political power and influence.

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<sup>89</sup> Interview 51.

<sup>90</sup> Workshop with Civil Society, Academia and Media Representatives organized by BFRG and RIDEA in Pristina, 19/12/2017.

<sup>91</sup> Interview 18.

<sup>92</sup> "Thaçi: Unity team to be established for negotiations," *European Western Balkans*, 30 August 2017. <https://europeanwesternbalkans.com/2017/08/30/thaci-unity-team-established-negotiations/>

<sup>93</sup> Interview 23.

<sup>94</sup> Interview 24.

<sup>95</sup> Workshop with Civil Society, Academia and Media Representatives organized by BFRG and RIDEA in Pristina, 19/12/2017.

However, concerns were expressed also about the lack of clarity in terms of the negotiating frame and goals and the short timeframe (2018-2019) for the signing of a new agreement that has been mentioned among various EU institutions and diplomats; particularly this is deemed problematic for Kosovo which does not seem to have the right institutional stability, wider political consensus and clear guarantees about the issue of mutual recognition.<sup>96</sup> Likewise, it remains unclear how the EU wants to move the dialogue to a new stage without the implementation of the existing agreements and lack of a proper monitoring mechanism.<sup>97</sup> Therefore, given the prospect of an intense diplomatic period ahead, it was suggested at the workshop that Kosovo could increase its bargaining power through: a) building internal political cohesion, b) improving its image abroad; and c) thinking of alternatives.<sup>98</sup>

Another important aspect discussed in one of the workshops was related to the fact that Kosovo's overall political agenda has been completely dominated by the Brussels dialogue. Thus, it was suggested that Kosovo should find ways to continue its state building agenda, internally (institutional reforms in education, healthcare, economic development) and externally (international recognition, economic diplomacy etc.), alongside the dialogue.<sup>99</sup>

In brief, opinions diverge from the predominant idea that the negotiations should enter their final stage, to the idea of building a national platform<sup>100</sup> and wider political consensus with the parliament at the helm, to the more radical ideas that negotiations should continue only after "Serbia apologizes for the crimes committed in Kosovo and then continues with the recognition of Kosovo's independence, and then moves on to the agreement on war reparations, pension fund, return of artefacts, etc."<sup>101</sup>

An important suggestion was also made regarding the need to widen the scope of the dialogue so that it includes a societal dialogue dimension between the Kosovar and Serb societies.<sup>102</sup> The common denominator is that in any way in the final phase of the dialogue all institutions should get involved directly: this might involve a team across

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<sup>96</sup> Workshop with Civil Society, Academia and Media Representatives organized by BPRG and RIDEA in Pristina, 19/12/2017.

<sup>97</sup> Workshop with Civil Society, Academia and Media Representatives organized by BPRG and RIDEA in Pristina, 16/01/2018.

<sup>98</sup> Workshop with Civil Society, Academia and Media Representatives organized by BPRG and RIDEA in Pristina, 19/12/2017.

<sup>99</sup> Workshop with Civil Society, Academia and Media Representatives organized by BPRG and RIDEA in Pristina, 16/01/2018.

<sup>100</sup> Interview 14.

<sup>101</sup> Interview 25.

<sup>102</sup> Interview 24.

political parties and interests, including civil society and academia which might be under the auspices of the President; a relevant committee within Kosovo's Assembly; and a specific office for the implementation of agreements within Kosovo's Government (Office of the Prime Minister).

## 5. Discussing potential scenarios

It is worth noting that the list of potential scenarios can be quite extensive. For instance, in 2014 the government of Kosovo had submitted to Brussels a document containing the main points that should be discussed in the *final stage* of negotiations. It contains 5 main points: 1) Establishment of the international border between the two states/demarcation of interstate border between Kosovo and Serbia; 2) Mutual recognition between two states. Respecting good neighbourly relations between the two states and non-interference in each other's sovereignty. Termination of Serbia's interferences in Kosovo in other areas that are not addressed in the Brussels Agreements, of April 19, 2013 and of technical dialogue; 3) Establishment of interstate cooperation in areas of mutual interest, in accordance to European and Euro-Atlantic standards; 4) War reparations; 5) Succession on the principle of disintegration of former Yugoslavia, where Kosovo was one of eight federal units.<sup>103</sup>

It is important to highlight that not only Kosovo prepares for the 'grand finale' with Serbia. Likewise, Serbian authorities have launched an internal dialogue on Kosovo. Promoted by the Serbian president Alexander Vučić, in November 2017 a working group was formed "to listen to the views of the citizens... and summarise the opinions". An extensive public debate about Kosovo is on-going with the involvement of NGOs, academia, politicians and opinion-makers. The discussions so far have produced several ideas that can be summarized in a number of options around which the policy is formed.<sup>104</sup> The first option is 'do nothing, wait and delay', until Russia becomes stronger. By then, in 5-10 years, Serbia can fight to revert Kosovo's independence and borders. Option two includes maintaining the *status quo* "talk only about the first agreement and wait until the EU and the U.S. presents a different option and Russia may

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<sup>103</sup> Government of Republic of Kosovo, Cabinet of Deputy Prime Minister Edita Tahiri (2014) *Brussels Dialogue – Topics for Next Phase*. Prishtina, March 29. [http://www.kryeministri-ks.net/repository/docs/BRUSSELS\\_DIALOGUE\\_TOPICS\\_FOR\\_NEXT\\_PHASE\\_310314-signed.pdf](http://www.kryeministri-ks.net/repository/docs/BRUSSELS_DIALOGUE_TOPICS_FOR_NEXT_PHASE_310314-signed.pdf)

<sup>104</sup> Balkans Group interviews with members of the working group, Belgrade, December 2017.

bring other options to the table...".<sup>105</sup> A third option includes "negotiation for a Comprehensive Agreement, which would include everything but No UN seat for Kosovo and no recognition." The fourth option includes seems the preferred one, "A comprehensive agreement with recognition on Serbian terms ... Independent Kosovo with adjusted borders". This has attracted broad support in Serbia.<sup>106</sup> Serbian authorities are waiting for the EU and member-states to tell them what "is the minimum for a comprehensive agreement ..., arguing that another Brussels Agreement, **Brussels Two**, could be enough to achieve full normalization of relations with Kosovo".<sup>107</sup> In their view, a new agreement that builds upon the First Agreement on Normalization of relations could help Serbia close chapter 35, and in practice would not change Serbia's stance on Kosovo' status.<sup>108</sup> This type of agreement might include recognition of the Kosovo authority and jurisdiction by Serbia, change of laws in Serbia with impact on Kosovo, removal of all parallel structures from Kosovo, agreement on airspace, etc. Before any serious offer is put on the table, Belgrade leadership may propose the 'Union of two states", at least as a temporary solution, suggests a government source in Belgrade.<sup>109</sup>

As it can be seen, the list of topics that Kosovo has presented to Brussels for the final stage of negotiations and the list of potential/hypothetical scenarios and modalities emerging from the 'internal dialogue' in Serbia are quite extensive.

In what follows and based on the interviews and other sources explained in the *methodology section*, we present in a summarized way the three scenarios and various modalities within them, as well as discuss their plausibility and likelihood of materialization and, importantly, their potential to bring about a full normalization of relations between Kosovo and Serbia and a lasting peace in the region.

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<sup>105</sup> Ibid.

<sup>106</sup> Balkans Group interviews with government officials, opinion makers and analyst, Belgrade, October-December 2017. See more: <http://www.novimagazin.rs/vesti/intervju-ivan-vejvoda-razmena-teritorija-sa-kosovom-nije-iskljucena>

<sup>107</sup> Balkans Group interview, Senior government officials, Office for Kosovo and Metohia, Belgrade, November 2017.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

## 5.1. Scenario I: continuation of the *status quo*

This scenario includes two different modalities:

### ***I (a). No dialogue (halting dialogue) – ‘wait and see’ approach.***

According to this scenario, which to some extent is an irresponsible scenario, there would be no dialogue, with the two parties standing firm on their diametrically opposing positions on the key issues related to Kosovo's status and Serbia's interference in Kosovo. Most probably, such a scenario would cement the current ethnic division and overlapping of Kosovar and Serb institutions in Kosovo and, worse, could even risk the current level of (relative) stability and inter-ethnic political communication in Kosovo.

The EU-facilitated dialogue between Kosovo and Serbia remains a very divisive and politicized issue in Kosovo. Nonetheless, the majority of the interviewees, despite differences in interpretation of the current dialogue's benefits and the future dialogue's modalities and aims, support dialogue as a tool of finding a solution for the open political issues between Kosovo and Serbia. The overwhelming majority of the interviewees argue that there is no alternative to dialogue.<sup>110</sup> Rejecting dialogue would have terrible consequences, including further isolation of Kosovo and overall stagnation.<sup>111</sup> Many interviewees highlight the risks associated with a potential withdrawal from the dialogue:

What is plan B? Plan B is with Istanbul, Moscow, the Middle East; there is no plan B for Kosovo in the geopolitical sense [...] Without the dialogue Kosovo would be on the path with straightforward steps of a 'failed' state notion. There is no alternative to the dialog; we have to learn to live on the matters of creating a comfortable zone of arrangements and compromise. Given the dilemmas of state-building that Kosovo has, there is no way they can be solved without a form of compromise.<sup>112</sup>

Likewise, others argue, withdrawal from the dialogue will serve only to diminish the position of Kosovo in international relations whereby Kosovo will not be seen as a

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<sup>110</sup> Interview 57; Interview 63; Interview 55; Interview 53; Interview 31; Interview 20; Interview 7; Interview 36; Interview 86; Interview 76; Interview 9; Interview 39.

<sup>111</sup> Interview 40; Interview 1.

<sup>112</sup> Interview 47.

factor of stability, but, it will be seen as an exporter of problems.<sup>113</sup> Some interviewees warn that were the dialogue to be halted, there will be no progress towards European integration, the status of the Serbian community will not improve, and tensions will only grow.<sup>114</sup> Moreover, the interviewees maintain, consequently, the Kosovo side will appear as not cooperative and not interested for dialogue<sup>115</sup> but also this could lead to the interruption of the implementation of the signed agreements.<sup>116</sup>

Worse, refusal to dialogue could entail the risk of “slipping into all kinds of extreme options and violent scenarios”<sup>117</sup> for “It would be harmful and detrimental to the whole process; if you don’t talk you would have to go the war and if you don’t want to go to war you have to talk”.<sup>118</sup> The fear is that withdrawal from the dialogue will restore the *status quo ante*: “Things could return as they were in the beginning and all the things that Kosovo achieved until now could be undone and we could backtrack to a situation where we did not have access in that part”.<sup>119</sup>

Rather than abolishing dialogue, many interviewees stated the need to redefine it. According to some interviewees, instead of interrupting the dialogue, “Kosovo should make it suitable to its strategic interests”<sup>120</sup> by “strengthening its position in the dialogue.”<sup>121</sup> Another MP suggests that “Kosovo should change its approach entirely: instead of a dialogue on normalization we should talk about a dialogue on good neighbourly relations.”<sup>122</sup> An oppositional MP insists that there could have been a different approach to dialogue: one where Kosovo prepares a national platform with clear targets before beginning of negotiations, something that existed in Serbia.<sup>123</sup>

An alternative suggested option would be to interrupt the dialogue with Serbia and replace it with a dialogue with local Serbs. Various local Serb representatives, non-Albanian communities and some oppositional figures in Kosovo maintain that internal dialogue with Kosovo Serbs is very important but not a substitute for the dialogue with

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<sup>113</sup> Interview 47; Interview 84; Interview 31.

<sup>114</sup> Interview 93; Interview 90; Interview 71.

<sup>115</sup> Interview 2; Interview 8; Interview 99.

<sup>116</sup> Interview 83; Interview 85; Interview 21; Interview 14; Interview 57; Interview 29; Interview 73.

<sup>117</sup> Interview 96.

<sup>118</sup> Interview 20.

<sup>119</sup> Interview 97.

<sup>120</sup> Interview 24.

<sup>121</sup> Interview 26.

<sup>122</sup> Interview 52.

<sup>123</sup> Interview 16.

Belgrade.<sup>124</sup> According to a Serb representative, “internal dialogue cannot be a substitute; it should be a normal and parallel process regardless of the inter-government dialogue. It should have happened in the past and it should happen now and in the future, and it should be separated since local dialogue should serve regardless of Belgrade-Pristina dialogue to bring better agreements, better implementations, better atmosphere and relations between Serbs and Albanians in Kosovo.”<sup>125</sup>

Nonetheless, overall, the interviewees argue that given Serbia’s influence among Kosovo Serbs, an internal dialogue with local Serbs did not seem a viable alternative to the dialogue with Serbia.<sup>126</sup> “Without normalization of relations between the two countries, internal dialogue would not succeed.”<sup>127</sup> According to a member of the Kosovo Serb civil society, internal dialogue is indispensable but, unfortunately, so far it has occurred sporadically in the form of conferences and roundtables.<sup>128</sup> According to a Serb official in the Kosovar government, it would have been helpful for Kosovo Serbs to be included in the dialogue for often agreements made without their participation create problems on the ground.<sup>129</sup>

However, not everyone is against the cancellation of the dialogue. For some, given the lack of any great results from the two sides, probably halting dialogue for the time being would not cause great damages.<sup>130</sup> Others argue that benefits of halting the dialogue are much larger than consequences,<sup>131</sup> although without being specific. Some opponents of the current dialogue format, point out the fact that consequences would be greater for Serbia, which thanks to this dialogue is advancing fast on the road to EU integration, without fulfilling any agreement and at the same time defining the topics of the dialogue that undermine the functionality of the Kosovar state.<sup>132</sup>

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<sup>124</sup> Interview 21; Interview 3; Interview 29; Interview 30; Interview 72; Interview 50; Interview 57; Interview 25; Interview 69; Interview 33; Interview 42; Interview 34.

<sup>125</sup> Interview 53.

<sup>126</sup> Interview 10; Interview 8; Interview 19; Interview 56; Interview 60; Interview 47.

<sup>127</sup> Interview 24.

<sup>128</sup> Interview 32.

<sup>129</sup> Interview 83.

<sup>130</sup> Interview 95; Interview 23; Interview 74.

<sup>131</sup> Interview 56; Interview 69; Interview 33.

<sup>132</sup> Interview 25; Interview 43; Interview 52; Interview 41; Interview 38; Interview 82.



In sum, despite divergences in terms of the attitude towards the current format of dialogue or its achievements/shortcomings, only a minority of interviewees support a 'no-dialogue' (halting dialogue) scenario.

***I (b). Continuation of the current format of dialogue. The EU will maintain its current level of engagement and will use EU conditionality to pressure both Kosovo and Serbia to implement the existing agreements and maybe reach additional agreements on education and healthcare but without the obligation to sign a comprehensive and legally binding agreement between the two.***

Two key factors that might prolong the status quo are related to: a) the inability of the Kosovo-Serbia issue to gain momentum internationally due to the wider issues related to the refugee crisis, internal problems within the EU (not least the rise of right wing parties), lowered US commitment in the Balkans and the growing influence of Russia; and b) lack of progress in the implementation of the existing agreements and political instability in Kosovo and Serbia that constantly produces political crises and triggers new elections.

While Kosovo is very much interested in implementing the already agreed modalities on energy, freedom of movement, car plates and so on, consecutive Kosovar governments have been dragging their feet on the implementation of the agreement on the Association/Community. Things have become complicated in the light of the protests from the opposition and Kosovo's Constitutional Court ruling which holds that "the Association/Community of the Serb majority municipalities is to be established as provided by the First Agreement [...] Principles as elaborated in the "Association/Community of Serb majority municipalities in Kosovo - general principles/main elements" are not entirely in compliance with the spirit of the Constitution..."<sup>133</sup>

Judging by the current political climate in Kosovo, characterized by political impasses and conflict between the government and opposition, as well the Constitutional Court' ruling, the process of establishing Association/Community will be protracted. Certainly,

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<sup>133</sup> Constitutional Court of Kosovo (2015). Case No. K0130/15. [http://www.gjk-ks.org/repository/docs/gjk\\_ks\\_130\\_15\\_ang.pdf](http://www.gjk-ks.org/repository/docs/gjk_ks_130_15_ang.pdf)

there will be many legal issues and practical challenges rising along the path, thus making the whole process a daunting endeavour. It remains to be seen whether the recent 'threat' from Kosovo Serbs and Serbia to establish the Association/Community unilaterally would make Kosovo institutions give in and take concrete steps towards its establishment.

Most of the interviewees seem to reject the continuation of the *status quo*. Some argue that the continuation of the *status quo* would benefit Serbia in the first instance, for it enables it to actively undermine Kosovo's independence both internally (through its structures that are directly controlled by the ruling party - SNS) and internationally by blocking its membership in various international organizations. Importantly, instead of accommodation of local Serbs through such a 'legally ambiguous' dialogue, Serbia will seek to accommodate its structures in Kosovo<sup>134</sup> further, in particular through the Association/Community.

The continuation of the *status quo* is supported by some Kosovo Serb leaders. According to a former Serb MP and party leader, continuation of the *status quo* would be the best option for now given that we lack visionary leaders in Pristina and Belgrade.<sup>135</sup>

However, whereas such a scenario would benefit Serbia – many radical voices in Belgrade have called for the maintenance of the *status quo* hoping that international political constellation is shifting in Serbia's favour - which would maintain its political and financial control over local Serbs in Kosovo while at the same time advancing in its EU path, it will most certainly keep Kosovo in standstill both in terms of state-building and EU integration.

On the other hand, it has become clear that Kosovo's path towards EU integration is blocked as long as the five non-recognizers maintain their rigid position. Due to the fact that Kosovo's EU path has been tied to the dialogue with Serbia, it is in its interest to insist in having a final agreement with Serbia that will bring about full normalization of relations, complete its state-building process and advance in the EU and Euro-Atlantic integration processes.

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<sup>134</sup> Interview 59.

<sup>135</sup> Interview 57.

Furthermore, prolongation of the *status quo* will only increase the frustration among local people and the possibility for radical (political and religious) agendas and movements to gain momentum. Most importantly, a prolongation of the current *status quo* risks locking Kosovo in the category of 'grey areas of sovereignty' and 'frozen conflicts', similar to the Russia-supported contested states in the Caucasus (Abkhazia, South Ossetia, and Transnistria). In what follows we look at the two other scenarios and their sub-modalities for a solution of the Kosovo-Serbia conundrum.

## 5.2. Scenario II: full normalization of relations through a bilateral agreement/treaty

The second scenario includes the signing of a comprehensive and legally binding agreement between Kosovo and Serbia that would pave the way for a genuine normalization of relations. Such a scenario includes at least two different modalities:

***II(a) Full normalization through mutual recognition that confirms Kosovo's statehood internally and externally, in return for enhanced political, cultural and religious rights and protection for Kosovo Serbs (in line with Kosovo's Constitution) as well as progressive EU integration for Serbia.***

This is another eventual scenario to solve the issue, achieve full normalization and bring stability to the region. The absolute majority of the interviewees seem to have a positive view on such solution.<sup>136</sup> In the opinion of a former senior Kosovo official on EU-facilitated dialogue between Pristina and Belgrade, "Kosovo has made clear that the final phase of dialogue should end up in mutual recognition between Kosovo and Serbia, as the only way of establishing lasting peace between both states and even both nations Albanians and Serbs."<sup>137</sup> Likewise, according to an adviser to the President of Kosovo, "the ideal option to end the dialogue would be for Serbia to recognize Kosovo, enabling UN membership, provided that we establish the Association/Community and eventually revise a number of provisions and rights, including the protection of cultural and religious monuments, for this way we preserve Kosovo's borders and its multi-ethnic

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<sup>136</sup> Interview 2; Interview 41; Interview 17; Interview 45; Interview 73.

<sup>137</sup> Interview 46.

character.”<sup>138</sup> Similarly, the chief of the parliamentary group of an opposition party reiterates that “For Kosovo the objectives should be the universally recognized an independent Republic of Kosovo, member of the UN and without damaging anymore internal functionality of the state.”<sup>139</sup> By the same token, an independent MP argues that “The final objective of Kosovo should be recognition by Serbia, and also Serbia’s commitment to no longer fight Kosovo’s membership in UN and other international organizations.”<sup>140</sup> According to another oppositional MP, “Serbia should apologize for the past crimes, be ready to recognize Kosovo’s independence and to pay war reparations for the past destruction and suffering.”<sup>141</sup> While the idea of full recognition of independence is very appealing to most of the interviewees, they are very wary of the risks associated with the price Kosovo might have to pay in return for Serbia’s eventual offer to recognize Kosovo. Hence, the emphasis on Kosovo’s red lines in the future dialogue: no discussion on the constitutional order, Ahtisaari proposal, independence and territorial integrity.<sup>142</sup> Furthermore, only 1 in 10<sup>143</sup> interviewees claimed to have a positive view on further concessions by Kosovo side on the dialogue. 2 in 3<sup>144</sup> assert to have a negative view (no further concessions), and one in eight<sup>145</sup> interviewees were neutral. This illustrates the fact that the majority of the interviewees are against any further concessions.

These red-lines were echoed by a former senior Kosovo official on EU-facilitated dialogue between Pristina and Belgrade, too; “Kosovo has provided sufficient rights to the Serb minority, beyond any international standards. For example, Serb minority presents roughly 5% of Kosovo population while they run 25% of Kosovo municipalities.”<sup>146</sup> Therefore, “in Brussels, Kosovo and Serbia should conduct dialogue about inter-state relations and not about the internal constitutional order of Kosovo,

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<sup>138</sup> Interview 1.

<sup>139</sup> Interview 23.

<sup>140</sup> Interview 51.

<sup>141</sup> Interview 38.

<sup>142</sup> Interview 61; Interview 64; Interview 66; Interview 28; Interview 55; Interview 37; Interview 63; Interview 48; Interview 45; Interview 42; Interview 50; Interview 60; Interview 69; Interview 72; Interview 74.

<sup>143</sup> Interview 22; Interview 4; Interview 95; Interview 100; Interview 31; Interview 40; Interview 6; Interview 7; Interview 60.

<sup>144</sup> Interview 28; Interview 59; Interview 37; Interview 11; Interview 25; Interview 84; Interview 36; Interview 2; Interview 83; Interview 27; Interview 45; Interview 56; Interview 63; Interview 97; Interview 78; Interview 1; Interview 12; Interview 81; Interview 43; Interview 21; Interview 49; Interview 85; Interview 30; Interview 52; Interview 94; Interview 90; Interview 91; Interview 9; Interview 41; Interview 46; Interview 79; Interview 66; Interview 98; Interview 8; Interview 61; Interview 34; Interview 35; Interview 38; Interview 68; Interview 16; Interview 23; Interview 99; Interview 48; Interview 72; Interview 64; Interview 51; Interview 80; Interview 71; Interview 24; Interview 67; Interview 44; Interview 13; Interview 14; Interview 69; Interview 62; Interview 57; Interview 3; Interview 39; Interview 10; Interview 76; Interview 92; Interview 20; Interview 5; Interview 50; Interview 82; Interview 29; Interview 88; Interview 70; Interview 18; Interview 54; Interview 33; Interview 42.

<sup>145</sup> Interview 47; Interview 15; Interview 17; Interview 87; Interview 19; Interview 26; Interview 74; Interview 86; Interview 32; Interview 75; Interview 89; Interview 53; Interview 65.

<sup>146</sup> Interview 46.

because that is a constitutional matter for Kosovo's citizens to decide," maintains the editor in chief of a daily newspaper in Pristina.<sup>147</sup>

Indeed, as many interviewees reiterate, Kosovo has done a great deal to implement the Ahtisaari plan and provide for extensive rights and protection for the non-dominant communities. Moreover, the on-going dialogue has added a new dimension of rights and protection for the Serb community that significantly stretches out the original provisions of the Ahtisaari plan and in certain cases even goes beyond it. In some ways, the Brussels dialogue has established the contours of an Ahtisaari 'Plus' arrangement but without the recognition of Kosovo from Serbia. According to a former member of the Kosovo Negotiating Team in Vienna, "I don't see a problem with the Ahtisaari Plan. The problem stems from the political dialogue in Brussels that should not have happened and which has gone beyond the Ahtisaari Plan."<sup>148</sup>

The fear in Kosovo is that Serbia will manage to push for more extensive rights for local Serbs and even territorial and political autonomy while maintaining its non-recognition position. According to an oppositional MP, "Kosovo can't make a bigger compromise than the Association of Serb municipalities."<sup>149</sup> For a university professor, "Kosovo's red line should be to avoid dual sovereignty in the north, avoid any provisions that hinder its institutional functionality and manage its natural resources, something that was guaranteed by the 1974 constitution, too."<sup>150</sup>

Regarding the issue of education, healthcare and cultural heritage, several interviewees agree that they should be regulated exclusively according to the provisions of the Ahtisaari Plan and Kosovo's Constitution.<sup>151</sup> In the words of an advisor to the President of Kosovo, "Serb community is guaranteed the right to maintain ties with Serbia, so that Serbia provides aid to the Serb community in Kosovo, especially when it comes to education and cultural issues. We already have the frame, so now we just need to work in the implementation of the Ahtisaari Plan framework."<sup>152</sup> However, a Serb official in the Kosovar Government thinks that due to issues related to budget as well as different

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<sup>147</sup> Interview 37.

<sup>148</sup> Interview 74.

<sup>149</sup> Interview 62.

<sup>150</sup> Interview 14.

<sup>151</sup> Interview 68; Interview 70.

<sup>152</sup> Interview 83.

training and organization practices, especially in the healthcare sector, it is very difficult for Kosovo to integrate them within its system.<sup>153</sup>

According to an advisor to the President of Kosovo, “Kosovo should insist in the full implementation of the Ahtisaari plan and enriching it with provisions that won’t contest Kosovo’s statehood but would ensure further integration of the Serb community.”<sup>154</sup> Another MP insists that “the best way to integrate the Serbian community and any other community that lives in Kosovo is to provide wellbeing.”<sup>155</sup>

In addition to full and unambiguous recognition of Kosovo by Serbia, according to this scenario, Kosovo should insist on a wider package that includes additional obligations on Serbia related to war reparations, solving the problem of missing people,<sup>156</sup> as well as property restitution and return of the pension fund.<sup>157</sup>

The return of the pension fund is very important; it is 2.1 billion euros of Kosovo's citizens' contributions which sits in Belgrade and which was illegally stolen in 1999. So, that should be one. An absolute paramount request, of course, is the return of missing persons but that, at the same time, is not a one-sided process for there are minority missing persons as well.<sup>158</sup>

However, some interviewees insist on dividing the two for “the issue of missing persons is a legal obligation, and lack of its implementation can lead to punishments according to the International Human Rights Law. This is an obligation and should not be set as a political condition.”<sup>159</sup>

Although these are crucial issues and Kosovo should insist on them, it is highly unlikely that in the given context and circumstances, Kosovo would be in a position to impose such decisions, especially when it comes to reparations.<sup>160</sup> In many ways, these issues are part of a larger problem related to the issue of state succession that usually does not apply in the case of secession. Moreover, they are intricately related to other issues

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<sup>153</sup> Interview 86.

<sup>154</sup> Interview 49.

<sup>155</sup> Interview 51.

<sup>156</sup> Interview 55.

<sup>157</sup> Interview 59; Interview 63; Interview 23; Interview 14.

<sup>158</sup> Interview 23.

<sup>159</sup> Interview 41.

<sup>160</sup> Interview 5; Interview 6; Interview 47; Interview 20; Interview 8.

raised by Serbia related to the Yugoslav/Serb state property in Kosovo, external debt and so on.

Some interviewees argue that Kosovo should insist on the principle of reciprocity when it comes to the rights of Serbs in Kosovo and Albanians in Serbia,<sup>161</sup> not least due to Kosovo's experience with minority right and its advanced model of affirmative rights.<sup>162</sup> In fact, as argued by a Pristina-based publicist, "Recognition of minority rights in Kosovo, provides it with an argument and right to demand the same for Albanians in the region."<sup>163</sup>

In conclusion, notwithstanding the advantages of such scenario – full normalization, universal recognition and UN membership - it is unlikely that Serbia's leadership is ready/willing to formally recognize Kosovo in return for a progressive EU membership. Various Serbian leaders of different political backgrounds and functions have reiterated that Serbia will never recognize Kosovo. Moreover, important as it may be, Serbia's EU membership does not depend solely on its relations with Kosovo. Serbia has been using its close ties with Russia both as a blackmail and a bargaining chip in its negotiations with Brussels. Most importantly, Serbia's leadership has made it clear that a final solution should include a compromise that should satisfy both sides. Obviously, for Serbia, Kosovo's advanced model of minority protection deriving from the Ahtisaari plan and enshrined in the Kosovar constitution, is not a compromise.

Last but not least, it is highly unlikely that a divided EU with five member states opposing Kosovo's independence will be in a position to force Serbia to recognize Kosovo's independence *de jure* and perhaps not even *de facto*. EU's 'status neutrality' is a major disadvantage for Kosovo in any case and in any future negotiating format or arrangement.

Next we discuss a different variant of normalization of relations through a bilateral treaty/agreement. Namely, informal recognition that might eventually enable Kosovo to join the UN.

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<sup>161</sup> Interview 18; Interview 43; Interview 14; Interview 13; Interview 12; Interview 56; Interview 64; Interview 92.

<sup>162</sup> Interview 13.

<sup>163</sup> Interview 6.

***II(b) Kosovo and Serbia sign a legally binding agreement whereby Serbia recognizes Kosovo's separate political and legal system (including the possibility of gaining a UN seat) but without formal recognition in return for enhanced political, cultural and religious rights and protection for Kosovo Serbs (in line with Kosovo's Constitution) as well as progressive EU integration for Serbia.***

For some time now, various local leaders and international diplomats have been hinting to the idea of Kosovo and Serbia signing a legally binding agreement that *de facto* recognizes Kosovo's independence and allows it to join the UN in return for enhanced rights for the Serb community in Kosovo and Serbia's speedy integration in the EU. Such an agreement has been often referred to as 'full normalization without recognition', 'recognition of jurisdiction' or the 'German model'. Indeed, the latter model had been offered to both parties back in 2007 by the former EU representative in the status talks, Wolfgang Ischinger,<sup>164</sup> but was rejected.

Albeit a second best alternative for Kosovo compared to outright recognition, one advantage of such scenario includes Kosovo's UN membership. UN membership has gained increased value for Kosovo in the face of its failed campaign to join UNESCO and other international organizations. Various politicians in Kosovo are aware that an implicit recognition from Serbia that includes a UN seat is all that Kosovo can hope in the given circumstances.<sup>165</sup>

Many interviewees highlighted the importance of a UN seat for Kosovo being part of the final agreement.<sup>166</sup> According to an oppositional MP, UN seat should be the red line; "we cannot miss out on that opportunity and we are entitled to a membership in the UN not as an observer but as a full member."<sup>167</sup> By the same token, an adviser to the President of Kosovo insists that "Serbia should remove all the obstacles to enable Kosovo to become a UN member, something that will then also unlock the process of recognition by the remaining 5 EU members."<sup>168</sup>

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<sup>164</sup> Bardh Shkreli (2013) 'Two Germanys Model' Suggested for Kosovo,' *Balkan Insight*, 29 May. <http://www.balkaninsight.com/en/article/two-germanys-model-suggested-for-kosovo/1589/6>

<sup>165</sup> Interview 40.

<sup>166</sup> Interview 22; Interview 15.

<sup>167</sup> Interview 23.

<sup>168</sup> Interview 1.



According to a member of Kosovo's Academy of Arts and Sciences, given that Serbia won't recognize Kosovo's independence in the next 10, 20, 30 years, Serbia should pledge internationally and adopt a resolution in the parliament which clearly states that it won't oppose Kosovo's membership in international organizations.<sup>169</sup> Other emphasizes the fact that Serbia is not the only problem: "We have to think about the countries that block Kosovo, too. We focus our energy and efforts on Serbia and Serbia may not be the answer to all our problems. Isolating Serbia and dealing our problems with Serbia may not solve the whole puzzle."<sup>170</sup> However, a former Speaker of Kosovo's Assembly is very adamant on the necessity of reciprocal recognition: "The main objective should be mutual recognition. We should not compromise on that, even if the process lasts for a century."<sup>171</sup>

Although for the most part Serbia's leadership has ruled out conceding on Kosovo's UN membership, in a recent statement, Serbia's President Aleksandar Vučić said that there is "no chance Kosovo will get a chair in the United Nations, except an agreement with Serbia."<sup>172</sup> He went on saying that "Serbia must have something" out of that agreement - instead of "have nothing and be humiliated." In other words, Serbia would be willing to allow Kosovo to join UN provided that Kosovo makes further concessions to local Serbs. Albeit Serbia's position is not clearly formulated and is subject to change, not least due to the on going 'internal debate on Kosovo,' it is believed to push for political and territorial autonomy for northern part of Kosovo. In several occasions Serb officials have made it clear that Kosovo Serbs should have a high level of autonomy, based on the models applied elsewhere in Europe (e.g. Catalonia).

As discussed above, there is a dominant perception among Kosovar politicians, commentators and civil society activists that Kosovo is in no position to make further concessions in negotiations, since it risks its institutional and constitutional functionality. The refusal of the Serbian List to vote the transformation of Kosovo's

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<sup>169</sup> Interview 56.

<sup>170</sup> Interview 68.

<sup>171</sup> Interview 75.

<sup>172</sup> "Kosovo can only get UN chair through agreement with Serbia," *B92*, 5 December 2017. [https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=12&dd=05&nav\\_id=102957](https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=12&dd=05&nav_id=102957)

Security Force into an armed force through constitutional changes has already raised the spectre of Republika Srpska in Kosovo.

Going back to the issue of UN membership, while the possibility of such a 'reward' for Kosovo looks too appealing, such a modality would guarantee neither Kosovo's stability and progress nor full normalization of relations between Kosovo and Serbia for several reasons. First, UN membership might help Kosovo establish itself internationally but international sovereignty does not necessarily guarantee internal sovereignty. Lack of formal recognition will provide Serbia with a leeway to continue obstructing Kosovo's statehood internally (through local Serbs and the Association/Community), risking to turn it into a dysfunctional state plagued by political stalemates and legal impasses. As a member of the Kosovo Academy of Arts and Sciences put it, "Kosovo shouldn't buy UN membership with some concessions that could violate its sovereignty and territorial integrity."<sup>173</sup>

Formal recognition is deemed essential by many interviewees: "Kosovo could become a UN member but the issue will be unsolved, we won't have good and full relations without recognition"<sup>174</sup>; "Recognition is the core of the problem and if there is no mutual recognition there won't be normalization";<sup>175</sup> "Palestine is UN member. Bosnia too. But both of them are dysfunctional. The most important thing is citizens' wellbeing, which could be seriously hindered by the establishment of [political] constructions that can't be maintained."<sup>176</sup>

Second, UN membership is important but not the most important aspect of statehood and does not necessarily confirm statehood. It is worth recalling that in the past non-state entities used to be UN members (Ukraine and Belarus, as constituent parts of the Soviet Union). Were Kosovo to join the UN according to the Ukraine and Belarus formula, to paraphrase an international lawyer, it would have limited international subjectivity.<sup>177</sup>

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<sup>173</sup> Interview 92.

<sup>174</sup> Interview 24.

<sup>175</sup> Interview 2.

<sup>176</sup> Interview 52.

<sup>177</sup> Uibopuu, Henn-Jüri. "International Legal Personality of Union Republics of U. S. S. R." *The International and Comparative Law Quarterly*, vol. 24, no. 4, 1975, pp. 811–845.

On the other hand, Somalia has managed to maintain its international subjectivity and a UN seat although it is a failed state since 1991. In sum, UN membership should not be seen as an aim in itself. Kosovo has been prevented from joining the UN due to Serbia's (with the support of Russia) refusal and resistance; hence, lack of UN membership is the consequence of Serbia's position and not vice-versa.

Moreover, as some interviewees suggest, Serbia's agreement not to block Kosovo in its application for UN membership would not automatically lift the Russian (and maybe Chinese) veto at the Security Council.<sup>178</sup> As a civil society activist explains, "even if Kosovo and Serbia want to come to an agreement, maybe Russia would not allow it, and it has the power in the Security Council. So, I think the worst scenario for us is to actually be able to agree and then for Russia to sort of still create that legal obstacle."<sup>179</sup>

According to such a scenario, Kosovo could make a considerable advancement in strengthening its international subjectivity by the virtue of UN membership but that won't solve its 'stateness' problem entirely, neither would guarantee full normalization of relations and removal of obstacles in its EU path.

However, regarding the latter, some EU officials remain optimistic: "A comprehensive agreement in a form of normalization, in a form of an agreement between Kosovo and Serbia would of course help you enormously in terms of convincing the countries that recognized you to hopefully change their position."<sup>180</sup> Yet, Kosovo civil society activists and publicist remain sceptical about EU's power to guarantee Kosovo's UN membership in such a scenario given that it could not even speak in one voice when it comes to Kosovo even a decade after the declaration of independence.<sup>181</sup>

Although it is difficult at this stage to foresee what such a scenario would entail in detail and what its impact on the ground would be, it is certain that any on-going legal and political ambiguity would keep Kosovo in a state of diminished statehood and risk rendering it dysfunctional in the long run.

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<sup>178</sup> Workshop with Civil Society, Academia and Media Representatives organized by RIDEA and BPRG in Pristina, 16/01/2018.

<sup>179</sup> Interview 22.

<sup>180</sup> Interview 65.

<sup>181</sup> Workshop with Civil Society, Academia and Media Representatives organized by RIDEA and BPRG in Pristina, 19/12/2017.

### 5.3. Scenario III: new territorial arrangements

***Territorial exchange based on the quid pro quo principle: the Serb dominated municipalities in north Kosovo, which remain largely under the control of Serbia's structures, would join Serbia and Presevo Valley would join Kosovo. Such a territorial adjustment would be regulated by a peace treaty of mutual recognition guaranteed by the EU, US and other relevant actors.***

This is the least likely, most complex and potentially a risky scenario, but still it is an eventual scenario. In fact, this scenario has been depicted based on the interviews and some eventual mutual benefits both for Kosovo and Serbia were identified: 1) First, it would in principle close the century-long territorial dispute over Kosovo; 2) It would grant Kosovo recognition by Serbia and full international sovereignty and subjectivity; 3) It would enhance domestic sovereignty, statehood legitimacy and enable faster and more meaningful integration of the remaining Serbs in the Kosovar system as equal citizens; 4) Given that it would be a mutually agreed solution, it does not violate any international norms (i.e. Helsinki Final Act) and eventually does not imply tectonic shifts in the wider region.

Given the relatively clear-cut ethnic boundaries in place in these regions (the Municipality of Medvedja is an exception for it currently has a Serb majority), that would not imply any large scale population transfers and would increase homogeneity of the respective states. Territory wise, the two areas have similar size: northern Kosovo (Northern Mitrovica, Zvecan, Leposavic, Zubin Potok) includes an area of approximately 1007 km<sup>2</sup> whereas Presevo Valley (Presevo, Bujanoc and Medvedja) include an area of approximately 1249 km<sup>2</sup>. In some ways, such a solution would mean a sort of return to the ethnic/historic borders in the region.

Though part of Serbia, Presevo Valley is intrinsically linked to Kosovo. The region's Albanians point out they have far fewer self-governing rights than Kosovo already gives to the Serbs; already before Kosovo declared independence, Presevo Valley's leaders passed a resolution stating they would agree to remain in Serbia but "in case of ...

eventual change of Kosovo's borders the Valley will work toward unification with Kosovo".<sup>182</sup>

Last but not least, this would provide Kosovo with the only viable means for the time being to do something for Albanians in south Serbia. Despite the rhetoric in Pristina, Kosovo institutions have been powerless to do anything substantial to improve the position of Albanians there. Given the lack of recognition from Serbia, Kosovo is in no position to impose any reciprocity between the rights of Serbs in Kosovo and Albanians in Serbia.<sup>183</sup> In the words of a civil society activist, "We might have the moral right and obligation to say something but we don't have much leverage because Serbia, but also sometimes the international community, does not accept us as the party responsible to discuss on behalf of Albanians there."<sup>184</sup>

However, such an agreement seems implausible for a number of reasons. First, it would represent a major departure from the long-standing U.S. and EU policy of border preservation. Second, it would violate one of the main principles of the Ahtisaari Plan and Kosovar Constitution: namely, it would undermine Kosovo's territorial integrity. Third, there is fear that any process of territorial arrangement is more likely to take the form of a different modality; namely, re-definition of the whole region based on local/regional ethnic majority and it is difficult to be implemented in practice without violent conflicts.

A significant number of interviewees don't<sup>185</sup> support any change of the existing borders on the grounds that it will trigger a chain reaction in the region<sup>186</sup> but also it means it will open the issue of Kosovo's status,<sup>187</sup> and even lead to renewed conflict.<sup>188</sup> Others argue that it would "be a strategic mistake" and Kosovo will be the loser in the process.<sup>189</sup>

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<sup>182</sup> Marko Prelec (2013) 'Preševo's grievances and the Kosovo-Serbia talks,' *Crisis Group*, 1 February. <http://blog.crisisgroup.org/europe-central-asia/2013/02/01/presevos-grievances-and-the-kosovo-serbia-talks/>

<sup>183</sup> Interview 55; Interview 59; Interview 3; Interview 45.

<sup>184</sup> Interview 22.

<sup>185</sup> Interview 17; Interview 24; Interview 9; Interview 12; Interview 26; Interview 27; Interview 32; Interview 33; Interview 35; Interview 36; Interview 38; Interview 42; Interview 56; Interview 66.

<sup>186</sup> Interview 55; Interview 47; Interview 28; Interview 59; Interview 63; Interview 53; Interview 5; Interview 46; Interview 62; Interview 64; Interview 68; Interview 69; Interview 70; Interview 72.

<sup>187</sup> Interview 37.

<sup>188</sup> Interview 13;

<sup>189</sup> Interview 8; Interview 7; Interview 45.

A member of the Kosovo's negotiating team in Vienna does not believe that there is a divided Kosovo that will be recognized by Serbia. "Kosovo minus its territorial integrity is something else and not the Kosovar state. If Serbia agrees to Kosovo's division, it does not do so in order to compensate it with recognition, it does such a thing precisely to avoid recognition and divide it with someone else."<sup>190</sup>

Some of the interviewees oppose such scenario on the grounds that it presents a gateway to the longstanding project of 'Greater Serbia' and it marks a return to the 1990s nationalist conflicts. According to a former senior Kosovo official on EU-facilitated dialogue between Pristina and Belgrade, "This is one of the dangerous scenarios of Serbia, along with others, that their neo-hegemonic mind-set produces, and inspired by Russia's renewed geopolitical ambitions towards Balkans. Kosovo is an independent state and it is sovereign in its territorial integrity and borders (...) Serbia is looking for change of borders in Kosovo and Bosnia, in attempts of creating Greater Serbia at the expense of other nations."<sup>191</sup> Similarly, an opposition MP argues that such a scenario "would be the victory of Milošević 's politics. We should not forget that Serbia started the wars in former Yugoslavia in order to have mono ethnic states, the West intervened not to allow that fascist politics win, so what is the idea to return to the roots of fascism and creating this mono ethnic state."<sup>192</sup> A similar opinion was expressed by another oppositional MP: "Change of borders based on ethnic criteria would first be internationally unacceptable and second, would not be allowed locally/regionally. At least four states in the Balkans would be extremely disturbed by such logic: Serbia, Bosnia, Kosovo and Macedonia."<sup>193</sup>

Such an option would also imply that Kosovo is questioning its own status and borders and, moreover, it risks having profound implications for the region and postpone Kosovo's EU integration process for another 20 years.<sup>194</sup> According to another interviewee, such an agreement wouldn't suit the Serb community either, given the fact that more ethnic Serbs live south of Ibar river, but neither it suits Kosovo economically:

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<sup>190</sup> Interview 54.

<sup>191</sup> Interview 46.

<sup>192</sup> Interview 23.

<sup>193</sup> Interview 41.

<sup>194</sup> Workshop with Civil Society, Academia and Media Representatives organized by RIDEA and BPRG in Pristina, 19/12/2017.

Kosovo's economy (agriculture and electricity production) depend heavily on the Gazivoda lake.<sup>195</sup>

However, not everyone is against this option. These opinions seem to appear for the following reasons: the failure of Kosovo to achieve full recognition, frustrations stemming from the slow pace in EU integration process, a growing popular feeling that Kosovo is treated as second hand state, in which case double standards apply. Various politicians in Kosovo<sup>196</sup> as well as in Serbia<sup>197</sup> have spoken publicly in support of ethnic border readjustment. Serbia's Foreign Minister has been a supporter of such an idea for a long time now. In a statement in the summer of 2017 he called for a 'delimitation' of Serb and Albanian territories. "Through agreement of the Serbs and Albanians, this is a possible permanent compromise solution, along with a special status for our churches and monasteries and the Community of Serb Municipalities in the south of Kosovo."<sup>198</sup> Later on, responding to his critics, Dačić claimed that such a solution would provide a lasting peace: "If the Netherlands and Belgium can exchange territory, if India and Bangladesh can do it, and many others, why not Serbs and Albanians should be allowed, if that guarantees peace in this century."<sup>199</sup>

In a similar vein, Serbia's President, Vučić, in an op-ed piece for the Serbian daily *Blic*,<sup>200</sup> which was an open invitation for an 'internal dialogue' on Kosovo, stated that "We must try to be realistic, not lose or give away what we have, but not expect to receive what we lost long ago." In some way, it hinted to the idea of territorial exchange although he has never stated that clearly.

As regards international reactions, the US and EU official position seems to be clearly against this option. But, there may be some nuances or differences, in this context within various EU member-states.

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<sup>195</sup> Interview 83.

<sup>196</sup> 'Lutfi Haziri: Ti këmbëjmë territoret me Serbinë, Lugina e Preshevës t'i bashkohet Kosovës,' *Bota Sot*, 3 February 2017. <http://www.botasot.info/politika-lajme/649797/lutfi-haziri-perserit-ident-e-shkembimit-te-territoreve-me-serbine/>

<sup>197</sup> 'Dacic Wants Clear Distinction Between Serbian and Albanian Areas in Kosovo,' *Novinite*, 31 July 2017. <http://www.novinite.com/articles/181780/Dacic+Wants+Clear+Distinction+Between+Serbian+and+Albanian+Areas+in+Kosovo>

<sup>198</sup> Beta (2017) "Dacic for 'delimitation' of Kosovo's Serb and Albanian areas," *B92*, 31 July. [https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=07&dd=31&nav\\_id=101943](https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=07&dd=31&nav_id=101943)

<sup>199</sup> Tanjug (2017) 'Dacic mentions 'exchange of territory,' *B92*, 2 August. [https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=08&dd=02&nav\\_id=101966](https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=08&dd=02&nav_id=101966)

<sup>200</sup> Aleksandar Vučić (2017) 'Zašto nam je potreban unutrašnji dijalog o Kosovu,' *Blic*, 24 July. <http://www.blic.rs/vesti/politika/ekskluzivno-autorski-tekst-predsednika-aleksandra-vucica-za-blic-zasto-nam-je/v7xgl6q>

Equally, this eventually might overcome Russian veto; since Russia has constantly reiterated that it would agree to any solution that Serbia agrees to. During the recent visit of Vučić in Moscow, it was agreed that “Russia will firmly represent Belgrade's position regarding the final status of Kosovo.”<sup>201</sup>

The idea of territorial exchange is not without some supporters in Kosovo either. Especially among civil society activists and academic circles who do not exclude any agreement that brings a long lasting solution.<sup>202</sup> Some of the interviewees’ opinions on the matter include:

I think if it is done under international supervision yes, but I think that it is difficult to think that kind of solution is sanctioned by the EU, the UN or anyone else, especially when we have in mind the Catalonia situation. But, if it comes with an agreement on dealing with Trepca and Gazivoda and property issues, it could be a practical solution, but that leads to redesigning the whole Kosovo state.<sup>203</sup>

It has been a taboo question for a long time. I hear it more and more. It is mentioned as a potential solution. It would be viable if it would be only Kosovo and Serbia involved, if the effects would remain isolated only within Kosovo and Serbia. If in the Balkans the only territorial dispute would be Kosovo and Serbia, the small exchange that will happen would be viable. The problem is that it will open up a whole new game in the region, and that’s why there has always been this reluctance from international community to accept anything of this sort, otherwise everything is possible.<sup>204</sup>

This is an unavoidable element in the future ... This is not a quick process, it should not begin right now, but in my opinion, we should never give up on that.<sup>205</sup>

Unification of Presevo Valley with Kosovo and north Kosovo with Serbia, in my opinion, would go in Kosovo’s interest for it would get rid of a huge burden; north Kosovo and Serb municipalities would be a huge historical burden on Kosovo.”<sup>206</sup>

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<sup>201</sup> Vecernje Novosti (2017) ‘Vucic and Putin ‘agree on Kosovo, S-300s, Turkish Stream’, B92, 21 December. [https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=12&dd=21&nav\\_id=103093](https://www.b92.net/eng/news/politics.php?yyyy=2017&mm=12&dd=21&nav_id=103093)

<sup>202</sup> Interview 31; Interview 22.

<sup>203</sup> Interview 10.

<sup>204</sup> Interview 22.

<sup>205</sup> Interview 75.

<sup>206</sup> Interview 92.



In fact, border (re)definition based on self-determination principle has been a long standing demand of a minor political party – *Lëvizja për Bashkim* (Movement for Unification). According to a senior official of the party,

Kosovo's red line should be that it does not negotiate only about Kosovo but about Serbia, too. Nothing else is a red line for me, not even constitutional change or border change based on a mutual agreement ... provided that we agree and international community agrees too, I believe that the best solution is to consult people in north Kosovo and Presevo Valley whether they want to live in Kosovo or Serbia. Border definition that is based on self-determination is fundamentally different from territorial exchange. I think the final agreement is border redefinition according to the will of the citizens.<sup>207</sup>

For others, border adjustment seems an acceptable solution only “if nothing else works.”<sup>208</sup> A similar opinion was expressed by an official of Kosovo: “If territorial exchange would enable Kosovo to gain UN membership, recognition by Serbia and would close the century old conflict with Serbia, that would be acceptable and a functional solution but in practice it is impossible.”<sup>209</sup>

According to an MP from the ruling coalition, “if the dialogue does not deliver in the longer run, we should start thinking outside of the current frame.”<sup>210</sup> In the opinion of a civil society activist, “Exchange of territories is always feasible provided that there is mutual agreement but I doubt that there will be agreements on such issue.”<sup>211</sup> Given the wider regional implications, some participants at the workshop proposed an international conference that would also discuss other regional outstanding border issues.<sup>212</sup>

That scenario seems to have some support in north Kosovo, too: according to a civil society activist in North Mitrovica, although not currently realistic, exchange of territories is a long lasting and sustainable solution that, in a way establishes a balance in the Balkans between the two largest nations (Serbs and Albanians).<sup>213</sup> However, a

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<sup>207</sup> Interview 18.

<sup>208</sup> Interview 20.

<sup>209</sup> Interview 1.

<sup>210</sup> Interview 40.

<sup>211</sup> Interview 60.

<sup>212</sup> Workshop with Civil Society, Academia and Media Representatives organized by RIDEA and BPRG in Pristina, 19/12/2017.

<sup>213</sup> Interview 71.

Serb official in the Kosovar Government argues that while this solution solves some problems, ultimately “it all depends whether the society is ready to accept such a solution, which at the moment, I think, is not.”<sup>214</sup>

A renowned journalist claimed that exchange of territory should occur only if approved by the US and the EU and it should exclude North Mitrovica.<sup>215</sup> A similar distinction is made by a leading politician from one of the opposition parties, who promotes the idea of ethnic demarcation based on the cadastral criteria.<sup>216</sup>

Nevertheless, some interviewees argue that exchange of territory could be discussed only after mutual recognition between the two states. This is for two reasons: first, in the current situation, Kosovo is disadvantaged in this respect because Serbia controls the Presevo Valley but also has control in north Kosovo.<sup>217</sup> Second, in international law and international relations, territorial exchange can occur only between two sovereign states.<sup>218</sup> Alternatively, such a solution would be part of a wider package of normalization that stems from an internationally mediated conference and is approved by the Security Council.

To summarize some of the key points from the interviewees, from Kosovo’s perspective, such a scenario raises three complex issues. *First*, it might increase pressures among Kosovo Albanians to seek unification with Albania, thus leading to the dissolution of Kosovo’s statehood. *Second*, given that northern Kosovo holds the biggest water resource in Kosovo (Gazivoda Lake) as well as considerable mineral wealth, exchange of territory would deprive it of them. *Third*, due to the fact that most of the Serbs live south of river Ibar, Kosovo might still have to maintain most of the minority rights constitutional provisions in place, especially when it comes to the ‘double majority’ principle, political representation, local self-governance, as well as protection of the cultural and religious monuments in Kosovo.

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<sup>214</sup> Interview 86.

<sup>215</sup> Interview 15.

<sup>216</sup> Interview 67.

<sup>217</sup> Interview 11; Interview 2; Interview 52.

<sup>218</sup> Interview 5; Interview 21.

Clearly, of all the three scenarios, this is the most dangerous, unfeasible in the current circumstances and complex one, although with some potential to solve the Serb-Albanian quagmire for good. But, it will likely become more attractive if other solutions prove unfeasible. However, the only way for it to succeed is for a final package to be approved at an international conference as well as adopted by the Security Council.

## **6. Conclusions**

The research paper has discussed the on-going dialogue, including achievements and failures, preparations for the final stage of the dialogue and outlined the main eventual scenarios, including some sub variants. Responses from the interviewees and workshops indicate that the opinion is divided on the issue of Kosovo's benefits from the current dialogue. While a majority recognizes significant achievements with respect to (sometimes formal and symbolic) integration of Serbs from northern Kosovo in the political system and exercise of sovereignty in that part of territory, the other side argues that Serbia has benefited far more, especially in terms of EU integration.

Also, regarding the issue of preparations for the next stage, various interviewees criticized the current format and lack of political consensus and a clear negotiating strategy and platform. At the same time, it was suggested that Kosovo today is politically too fragile, unconsolidated and internally divided on the eve of the final stage of negotiations. Thus, it is suggested, the best way for Kosovo to increase its bargaining power is to build internal cohesion, coordinate more closely its allies (the US in particular), insist on a clear timeframe and roadmap and, importantly, provide for a wider inclusion in the process with the Kosovo Assembly playing an important role.

In addition to this, a substantial majority of interviewees believe that Kosovo cannot make any further concession which goes beyond the current legal and constitutional system. Overall, there is no appetite for further concessions and not much guidance can be found for further concessions based on the majority of interviews and workshops which have been conducted in the past months. Likewise, it can be concluded that any territorial and political autonomy for the north of Kosovo would make Kosovo a dysfunctional state and would be only as the first step towards its partition.

As regards the three scenarios, clearly, there is little support for the continuation of the status quo, especially given Kosovo's limited gains internally and externally; limited recognition, lack of membership in international organizations and slow pace of advancement in EU integration.

By far the most supported scenario is that of mutual recognition. It was argued that Kosovo must insist on formal recognition for only in that way Kosovo could complete its statehood (including universal recognition and UN membership), normalize its relations with Serbia, integrate local Serbs in its institutions and work together towards EU and NATO membership. Mutual recognition would also provide for a wider societal dialogue and reconciliation, and also pave the way for solving other outstanding issues related to missing persons, formal apology, and property and so on.

Regarding the other sub-variant of this scenario, which includes *de facto* recognition through the removal of Kosovo from Serbia's Constitution (but without formal recognition) with the promise of Kosovo joining the UN, the opinion seems much divided. A number of interviewees seem to support this scenario, not least because it is more feasible in the given circumstances. This, they suggest, would close the status issue through eventual UN membership as well as the issue of recognition from the 5 EU non-recognizers. In turn, Kosovo would establish the Association/Community and find ways to accommodate education, healthcare and cultural rights provided that they don't go beyond the existing legal provisions and don't hinder Kosovo's institutional functionality and sovereignty.

On the other hand, opponents argue that any agreement that does not include formal recognition is tricky and dangerous, even if it comes with the promise of a UN seat. It is very likely that Kosovo's UN membership would be blocked by Russia (or China) and, importantly, Serbia would use this situation to continue interfering in its internal affairs.

The most divisive scenario is the third scenario that includes territorial exchange (northern Kosovo for the Presevo Valley). Despite its potential for bringing about a long lasting peace and normalization, many warned of its even higher potential to destabilize the region, its negative economic implications (Gazivoda), or that it might lead to (rump) Kosovo's loss of statehood (in case of unification with Albania). However, it was emphasized, that provided that this scenario has wider international support and to a certain extent satisfies both parties, it could prove a feasible long term solution, if other

options would prove not feasible. And, it may happen only after the two countries would have recognized each other.

The three options, including advantages and disadvantages are presented in the table below, based on the feedback received from interviewees:

Scenarios	Advantages according to those arguing in favour of this scenario	Disadvantages according to those arguing against this scenario
<p>I(a): No dialogue</p>	<ul style="list-style-type: none"> <li>➤ May not provide Serbia the leverage to advance its EU integration path by using the dialogue with Kosovo as a tool.</li> <li>➤ Gives time to Kosovo in defining and revising its interests and goals.</li> <li>➤ Shifts the focus from the bilateral dialogue to an internal dialogue between Albanians and Serbs in Kosovo.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Prevents the integration of local Serbs.</li> <li>➤ Contributes to regional instability.</li> <li>➤ Prevents universal recognition and UN membership.</li> <li>➤ Keeps Kosovo's EU prospects in limbo.</li> <li>➤ Risks turning Kosovo into a 'frozen conflict'.</li> <li>➤ Kosovo risks international isolation. Stagnation of relations with the international actors.</li> <li>➤ May damage inter-ethnic relations and postpone the reconciliation process.</li> <li>➤ If Kosovo stops the dialogue, may not receive institutional support from the EU in implementing the SAA.</li> <li>➤ Would be an obstacle for further recognition, integration into the Euro-Atlantic institutions, and membership in international organizations.</li> <li>➤ Halting the dialogue creates obstacles for both Serbia and Kosovo in their paths to European integration.</li> <li>➤ Stagnation can increase Russia's influence in the Balkans.</li> </ul>
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<p>I(b): Continuation of the <i>status quo</i> (technical dialogue)</p>	<ul style="list-style-type: none"> <li>➤ It may provide time to Kosovo to reflect on the dialogue and the achievements reached up to date.</li> <li>➤ It may contribute in improving bilateral relations between Kosovo and Serbia.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Allows Serbia to interfere in Kosovo while advancing its EU agenda.</li> <li>➤ If the dialogue stops or delays, Kosovo misses the opportunity to solve bilateral issues that needs to be addressed as matters of urgency.</li> <li>➤ The <i>status quo</i> would negatively affect the implementation of all agreements signed so far.</li> </ul>
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<p><b>II(a): Mutual recognition</b></p>	<ul style="list-style-type: none"> <li>➤ Enables full normalization.</li> <li>➤ Enables Kosovo's universal recognition and UN membership.</li> <li>➤ Stabilizes the region.</li> <li>➤ Enhances EU integration process</li> <li>➤ Improves inter-ethnic relations, and ensures the integration of local Serbs.</li> <li>➤ Facilitates EU and NATO eventual integration of the whole region.</li> <li>➤ Paves the way for reconciliation.</li> <li>➤ Paves the way for additional agreements on pensions, missing people, property etc.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Should the Association/Community with extra executive competences be part of this solution, Kosovo risks political dysfunctionality in the long run.</li> <li>➤ Interference in the constitutional arrangement of Kosovo.</li> <li>➤ The risk of creating an autonomous Serb entity in return for recognition.</li> </ul>
<p><b>II(b): Signing of a legally binding agreement, but no formal recognition</b></p>	<ul style="list-style-type: none"> <li>➤ Serbia recognizes Kosovo's separate legal framework.</li> <li>➤ It may positively impact the 5 EU non-recognizers.</li> <li>➤ Facilitates both countries' path to EU integration.</li> <li>➤ Has a positive regional impact.</li> <li>➤ Enables Kosovo to focus on other important issues, such as economy.</li> <li>➤ Increases the level of integration of local Serbs in Kosovo's institutions.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Doesn't automatically guarantee UN membership and universal recognition.</li> <li>➤ Enables Serbia to undermine Kosovo's statehood internally through its control of the Association/Community and 'Srpska Lista'.</li> <li>➤ Risks reopening the status and border issue in the future.</li> <li>➤ UN accession depends on Russia and China. UN membership is independent from the dialogue with Serbia.</li> <li>➤ Kosovo risks turning into a dysfunctional state, due to its domestic structural construction.</li> <li>➤ UN membership does not ensure the normalization of relations with Serbia. Kosovo needs formal recognition for normalization. In the long-term may not produce benefits.</li> <li>➤ Russia has used the veto power in more than 60% of cases in the UN; it is very likely that they will use it in the case of Kosovo. And the idea of conditioning the dialogue with a potential UN membership may be too ambitious.</li> </ul>
<p><b>III: Border adjustment</b></p>	<ul style="list-style-type: none"> <li>➤ It may create preconditions for a full</li> </ul>	<ul style="list-style-type: none"> <li>➤ Risks triggering a chain reaction in the region.</li> </ul>

(territorial exchange)	<p>normalization of relations.</p> <ul style="list-style-type: none"> <li>➤ It may be interpreted as a relief for Kosovo of the burden of (unruly) territory thus strengthening its sovereignty.</li> <li>➤ It might receive the support of both populations (Serbs in Northern Kosovo and Albanians in the Presevo Valley).</li> <li>➤ May be a practical solution if it comes with a deal over Trepça and Gazidova.</li> <li>➤ No possibility should be excluded, as long as Serbia and Kosovo agree, especially if other options would prove unfeasible.</li> </ul>	<ul style="list-style-type: none"> <li>➤ May renew regional conflicts.</li> <li>➤ It presents a victory of the 1990s nationalist vision, establishment of mono-ethnic states – something against the Western values.             <ul style="list-style-type: none"> <li>➤ It will not solve the issue of Serbs living south of Ibar river.</li> <li>➤ Deprives Kosovo of important natural resources (Gazivoda, Trepca).</li> <li>➤ May initiate internal clashes, various political actors may oppose the idea as well as having conflicting opinions.</li> <li>➤ Would be challenging for Kosovo to make Serbia relinquish power over the Presevo Valley. Serbia controls the Presevo Valley and to a large extent also the north of Kosovo.                 <ul style="list-style-type: none"> <li>➤ Demonstrates the incapability of Kosovo to find reasonable solutions, and instead opt for solutions that cannot be advanced.</li> <li>➤ Kosovo is a multi-ethnic country, therefore it would be challenging to promote a single ethnic community.</li> <li>➤ The compromise and the consent of Serbia is not guaranteed.</li> <li>➤ Counterproductive effects, Serbia may demand more from Kosovo in return for the Presevo Valley.</li> <li>➤ Most likely the international community would oppose such a solution.</li> </ul> </li> </ul> </li> </ul>
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*Table 2. Scenarios – Advantages and Disadvantages*

## 7. Recommendations

The following recommendations are based on the discussions at workshops and interviews which have been conducted for this research paper:

- Kosovo should commit to this dialogue and seize this opportunity to resolve all bilateral issues with Serbia, prove its desire for good neighbourly relations and a prompt Euro-Atlantic perspective.



- Kosovo should seek an agreement on full normalization and mutual recognition with Serbia. Kosovo institutions need to be aware that UN membership most likely cannot be guaranteed in these negotiations, not least in the current format.
- It is advisable that Kosovo institutions avoid/do not follow the first and third scenario identified in this study, and their attempt should be oriented for the second scenario, preferably the first variant.
- Regardless of which scenario is pursued, Kosovo's government should initiate a review of the existing agreements to define the pathway to ensure their implementation and draw lessons for any future negotiations. The review process should be conducted in a transparent manner, should include all the key institutional and civil society stakeholders and preferably be concluded before the new dialogue enters its final stage.
- Kosovo's institutions should seek to build a wider political and societal consensus and inclusion in the process with continuous parliamentary oversight. This could be stretched through three mechanisms: the first one might take the form of a team across political parties and interests, including civil society and academia; the second one should consist of the Kosovo Assembly (including its relevant committees); and the third one a technical and coordinating office at the Office of the Prime Minister, which would cover the implementation of the agreements.
- Given the somewhat limited time at disposal before the new phase of the dialogue begins, Kosovo's institutions should initiate a process of wide political and public consultations with the aim of adopting a mandate and a structure for the negotiating team and a negotiating platform.
- Kosovo leaders should insist that the final stage of the dialogue should have a clear timetable and should result in a final agreement that is legally binding and unambiguous.

- Kosovo's institutions should make sure that the dialogue does not overshadow other aspects of institutional reform (in education, healthcare, economy, fight against corruption and organized crime, etc.) and state-building, which should continue alongside the dialogue.
- Any final agreement must be discussed publicly and institutionally and approved by the Kosovo Assembly in line with constitutional procedures (i.e., with a 2/3 majority).
- Kosovo Government should intensify an internal and societal dialogue with local Serbs (representatives, community leaders and civil society) alongside the inter-governmental dialogue with Serbia as a way of integrating and empowering local/Kosovo Serbs.

## Annex: Questionnaire

# DIALOGUE SCENARIOS AND EVENTUAL FINAL AGREEMENT BETWEEN KOSOVO AND SERBIA

*Please note that the following questions are indicative and are meant to provide the basis of an informal discussion. We do not assume that interviewees will be able to answer all of them. The interviewees' answers will be confidential and will be used solely for this study/research paper.*

1. What was the impact of dialogue on (select as needed):
  - a) Strengthening of sovereignty in the north and integration of Serbs in Kosovo;
  - b) In advancing the European agenda of Kosovo;
  - c) Further international recognition of Kosovo and Kosovo's membership in regional and international organizations;
  - d) In the economic development of the country.
  
2. What has Kosovo achieved through the Brussels dialogue? Given the achievements and the stagnation in the current dialogue, do you think that there was any other alternative? If yes, which alternative?
  
3. What would be the consequences of the eventual halting of dialogue?
  
4. How to organize a new dialogue? Who should be involved? Do you think the dialogue format and Kosovo's approach to dialogue should be changed?
  
5. What should be the objectives for the new dialogue and what format should the next (final) phase of the dialogue have?
  
6. Is internal dialogue with local Serbs a substitute for dialogue with Serbia?
  
7. Does wider involvement of the political spectrum (opposition), civil society, business and other stakeholders is needed in the dialogue? If so, who should be involved, what structures, etc?

- 8.** What do you think should be the red lines of Kosovo in the new phase of dialogue?
  
- 9.** Can and needs Kosovo to do further concessions regarding the autonomy of Serbs in Kosovo, social and state property of the former Yugoslavia, cultural monuments etc. in exchange of a final agreement that would be enabling Kosovo to join the UN?
  
- 10.** Should Kosovo condition any new agreement with Serbia with indemnity for war damages and the return of missing individual's bodies? What other conditions should Kosovo put in place?
  
- 11.** What solutions should Kosovo offer on the issue of Serbia's education and healthcare system in Kosovo? What else should Kosovo offer to Serbs, as part of goodwill, without undermining the country's functionality and sovereignty?
  
- 12.** Can and does Kosovo needs to seek more rights for Albanians in the Preshevo Valley in exchange of extended autonomy (executive powers for AKS) for Serbs in Kosovo?
  
- 13.** Is the border adjustment (exchanging the north with the Preshevo Valley or the union of the north with Serbia) a viable and acceptable option for Kosovo in exchange for recognition from Serbia?
  
- 14.** In case of opening the issue of border change, should Kosovo seek unification with Albania?
  
- 15.** Is there any other feasible scenario or model that can emerge from the dialogue with Serbia?
  
- 16.** In these circumstances, what could be the possible compromise between Kosovo and Serbia? Think about a moment and give me a straightforward scenario that could be acceptable compromise for Albanians and Serbs?
  
- 17.** Do you have any further ideas or suggestions about this topic?
  
- 18.** Can we refer to/ quote by your name and surname or just as an official of the institution that you represent?



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