

Giving people a voice in the EU-facilitated dialogue between Kosovo and Serbia

Pristina, 6 February 2015

The restoration of stable relations between Kosovo and Serbia has been impeded by the failure of high-level dialogue between the countries to provide opportunities for civil society and communities to voice their concerns. Poor communication and a lack of transparency by negotiating parties has led to differing interpretations and expectations of what impact the Brussels Agreement will have, as well as heightened mistrust and tension between people.

Ahead of the European Union (EU)-facilitated dialogue resuming on 9 February 2015, this briefing asks the Prime Minister of Kosovo, the Prime Minister of Serbia, and the EU High Representative for Foreign Affairs and Security Policy to improve the way the dialogue is managed, by including members of civil society who will be able feed in communities' views, expectations and concerns on relations between Kosovo and Serbia. The briefing calls for the negotiating parties to set new standards of transparency and practice better consultation and reporting, as well as address people's concerns about the Agreement's potential effects on their lives. Without this impetus, there is a risk that ethnic divisions will result in renewed violence, jeopardising progress on reconciliation between Kosovo and Serbia.

Context

As part of the EU's commitment to restoring stable relations between Kosovo and Serbia, the EU-facilitated dialogue between the two countries is soon to resume. This challenging dialogue, facilitated by the High Representative of the European External Action Service (EEAS), began in March 2011 and resulted in the adoption of the 'First Agreement on the Principles Governing the Normalisation of Relations', also known as the Brussels Agreement, in April 2013. The Agreement aims to resolve economic, social and political disputes, while progress in its implementation is expected to contribute to enhancing both countries' prospects of EU integration, and to improving peace and stability in the region.

Recent high-level visits to Kosovo by Serbia's senior government officials, and to Serbia by Kosovo's, mark new momentum and demonstrate commitment by both 'new' governments to continue their efforts towards normalising relations between the two countries. Kosovo's foreign minister Enver Hoxhaj's visit to Serbia, during which he attended a regional conference organised by the EU, was considered historic as it was the first official visit by a minister since the declaration of Kosovo's independence in 2008. Serbia's Prime Minister Aleksandar Vučić visited Kosovo in January 2015.

However, statements¹ made by Serbia's government officials during their visit to Kosovo triggered reactions in the country, while an attempt by Serb pilgrims from Belgrade to visit an Orthodox church in Gjakova/Đakovica provoked protests - revealing unhealed wounds in Kosovo and fragile relations between the two countries. Large-scale protests, which quickly turned violent, followed in Prishtinë/Priština after Kosovo minister Jablanović made offensive remarks² towards Kosovo Albanian protesters who rallied against Serb pilgrims. This incident led to the dismissal of minister Jablanović³. Further protests around sensitive subjects relating to future dialogue meetings in Brussels have been announced in Kosovo. Coupled with an increasing number of strikes and demands on the Government of Kosovo to deliver on its commitments, and a dramatic rise in the number of people leaving Kosovo to illegally reach EU countries, these protests demonstrate people's level of frustration, lack of prospects, and diminishing patience.

¹ <http://www.balkaneu.com/kosovo-cradle-serbia-pm-vucic/>

² <http://www.presstv.ir/Detail/2015/01/28/395042/Protests-turn-violent-in-Kosovos-capital-->

³ <http://www.reuters.com/article/2015/02/03/us-kosovo-minister-idUSKBN0L726C20150203>

Since its inception, parties involved in this high-level dialogue have failed to provide opportunities for civil society organisations (CSOs) and local communities to voice their concerns and expectations related to the dialogue. The dialogue has therefore mainly been carried out solely within the scope of ‘two people’. Lack of transparency and communication by the negotiating parties has resulted in ambiguity over what has been agreed and the likely impacts on the ground. Differing and controversial interpretations of the Agreement are creating different levels of expectation and in turn leading to scepticism and disenfranchisement of the population, polarisation of opinion, mistrust, and tensions. For example, there have been claims in Belgrade and the north of Kosovo that the ‘Association/Community of Kosovo Serb Municipalities’, which is to be established in Kosovo under the Agreement, will have executive and legislative powers. Similarly, some political parties, analysts and civil society members in Kosovo have warned that the north of Kosovo is turning into Republika Srpska, and in turn creating a dysfunctional state that will further destabilise the country.

The lack of transparency and communication about the dialogue and the absence of a comprehensive assessment on the implications of the (non)-implemented agreements have been criticised multiple times. A report released by the Balkan Investigative Reporting Network (BIRN) states that “the agreements were made behind closed doors in the boardrooms of Brussels. Though it is known what has been agreed in principle, often, complete information about the meetings and the agreements reached does not reach the public.”⁴ It also notes that in cases where the process was not completely described in the agreement, such as in the case of the establishment of the ‘Association/Community of Kosovo Serb Municipalities’ and on the future judicial system, progress has stalled. A paper released by PAX for Peace states that the dialogue “is perceived among different communities in Kosovo as a black box, imposing half-baked solutions”⁵ and a joint report by the Forum for Security (FS) in Prishtinë/Priština and the Conflict Prevention Forum (CPF) in the north of Kosovo argues that “people are not informed about the potential immediate and long-term effects of the agreements in their lives.”⁶

Elections and political development within the EU, Kosovo, and Serbia in 2014 resulted in changes in political leadership, with new prime ministers for Kosovo and Serbia coming to power and shifts within the EU High Representative for Foreign Affairs and Security Policy, which will now be chaired by Federica Mogherini. The two prime ministers - Isa Mustafa (Kosovo) and Aleksandar Vučić (Serbia) and their deputies Hashim Thaçi (Kosovo) and Ivica Dačić (Serbia) - will meet with Federica Mogherini in Brussels on 9 February 2015 to begin the next round of dialogue, for which the agenda has not yet been publicised.

Shifting from a ‘two-person’ to a ‘people-centred’ dialogue

It is critical that the national dialogue process is informed by and responds to the needs and concerns of communities if it is to address unresolved issues and contribute to lasting peace and stability in the region. The process must seriously address people’s concerns about the potential immediate and long-term effects of the agreements on peoples’ lives. The two new negotiators/teams and the EU facilitator(s) must not repeat the same mistakes as their predecessors, and should instead consistently apply principles of transparency and inclusiveness. They should encourage and promote better consultation processes and greater accountability mechanisms for implementation of the agreements, including through parliamentary reporting.

In addition, they should enter into an open and constructive country dialogue with civil society actors (‘track two’ dialogue) so that they better understand and respond to people’s concerns, which include freedom of movement, recognition of university diplomas, the impact of the agreements on people’s jobs, the functioning of the police and justice in the north, establishment and functioning of ‘Association/Community of Kosovo Serb Municipalities’, and other highly sensitive issues such as missing persons. Creating space for CSOs to take an active part in bringing communities’ perspectives to the dialogue in a well-coordinated and managed manner will contribute to building a broader consensus, increased confidence and ownership in the processes, and increase the potential for improved relationships at all levels - not just political - thereby having a multiplying effect.

It is crucial, therefore, to build on the recent progress on and momentum around the dialogue, as there is a high possibility of settling differences through effective implementation of the agreements. A proactive and informed civil society can play a significant part in making this happen. If this momentum is lost, there is potential for

⁴ <http://birm.eu.com/en/file/show/BIG%20DEAL%20FINAL%20ENG.pdf>

⁵ North of Kosovo in 2020 – future in the making by PAX for Peace, May 2014

⁶ <http://www.saferworld.org.uk/resources/view-resource/790-peoples-views-on-key-peace-and-security-issues-in-kosovo>

ethnic divisions and resentment to lead to new and recurring violent protests, threatening any progress for further reconciliation efforts.

Recommendations

- The Prime Ministers of Kosovo and Serbia should hold regular consultation meetings with civil society actors, informing them of the content of the dialogue and constructively engaging with them in order to feed people's views and concerns into the dialogue process. This will increase the potential for greater public support and more effective implementation.
- Parliaments in Kosovo and Serbia should exercise their oversight role and demand reporting from the Prime Ministers on the progress and challenges related to the dialogue and implementation of the existing and future agreements.
- Parties involved in the dialogue should take time to ensure the clarity of both the content for future dialogue meetings and the process for implementing and assessing the progress, before striking future agreements, to avoid any confusion and delays.
- Foreign embassies and donors should support a 'track two' dialogue between prime ministers/governments and civil society actors in Kosovo and Serbia and promote EU principles and values on transparency, inclusiveness and accountability of governments.
- Civil society organisations should engage with government representatives to feed people's views into the dialogue in a well-coordinated and managed manner as this will contribute to building broader consensus, confidence and ownership.
- The European External Action Service should ensure that the content of dialogue meetings is well communicated and that any agreements reached are published on its website. Furthermore, it should ensure that transparency and accountability are the guiding principles of the dialogue.
- The EU parliament should demand regular debate and reporting from the High Representative for Foreign Affairs and Security Policy, Federica Mogherini, on the dialogue process as well as on the progress and challenges on the implementations of agreements.
- Messages in Belgrade and Pristina should echo messages in Brussels, and be free from any rhetoric and daily consumption, to mitigate the potential for polarisation of opinion, mistrust and tension.
- The official visit of Kosovo's foreign minister to Belgrade is an encouraging start and parties in the dialogue should continue exploring all possible avenues for similar visits and meetings to take place in Pristina and Belgrade. Concerted efforts are required to ensure conflict sensitivity of their actions and messages, and that all visits and statements contribute to building confidence and good relations between people.
- The Government of Kosovo, civil society and political leaders should reach out and establish regular dialogue with Kosovo Serbs in the north of Kosovo to understand their concerns and provide them with support to overcome existing and future challenges.
- The dialogue should include the issue of missing persons - an issue that requires urgent and serious attention.

About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives.

Saferworld has worked in the Western Balkans since 2001 and established a Kosovo office in 2005. Since then, we have successfully contributed to improved coordination, communication and exchange between civil society and national and external actors working on community security and small arms and light weapons control in Kosovo, and have promoted dialogue and cooperation between civil society organisations, practitioners, academia and authorities in the Western Balkans on these issues.

As part of its new Western Balkans strategy 2014-17, Saferworld aims to strengthen dialogue and cooperation between civil society and national/external actors in the processes aimed at building trust and solving disputes within and between communities and countries in the Western Balkans, thus contributing to lasting peace and security and greater EU prospects for the region.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, Asia, Europe and the Middle East.

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