

# CEPS COMMENTARY



Thinking ahead for Europe

## EU Facilitated Dialogue: Another exercise in constructive ambiguity

Dušan Reljić

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Under the auspices of the EU, Belgrade and Pristina have signed new agreements on how to further normalise their mutual relations. The implementation of these agreements remains something of a challenge, however.

Everyone involved is expressing joy and satisfaction – and in the case of the potentates in Belgrade and Pristina – even triumphalism. The reason for this is that on August 25th in Brussels, Prime Ministers Aleksandar Vučić (Serbia) and Isa Mustafa (Kosovo) signed four agreements, facilitated by EU High Representative Federica Mogherini. In Mogherini's words to the press: this outcome is a “landmark achievement” in the normalisation process between Belgrade and Pristina. In view of the festering Serb-Albanian resentments in the Belgrade-Pristina-Tirana triangle, how come everyone is so pleased?

One reason is that the wording of the most important of the four agreements – on the establishment of the *Association/Community of Serb majority municipalities in Kosovo*<sup>1</sup> – is one more exercise in “constructive ambiguity”. I heard this phrase for the first time when a former high-ranking EU official was explaining why, from the beginning, most of the agreements between Belgrade and Pristina were written in such foggy terms. If we do not sustain the necessary level of *ambiguity*, he explained, they would never agree on anything, because their domestic constituencies would reject genuine concessions. Yet, he added, we need to move on *constructively*. Indeed, the latest Serb-Albanian arrangements are a continuation of this exercise in *constructive ambiguity*. They permit Vučić, Mustafa, and Mogherini to continue telling their audiences that they have won, once again and in outright terms. This has been so since April 2013, when Belgrade and Pristina signed their first “historic” agreement on the normalisation of relations.

The title of the agreement – on the *Association/Community* – is telling in itself. Belgrade insists on calling the invention a “Community”, suggesting that it is a legal entity with executive powers. Pristina is adamant about sticking to the term “Association”; insisting that this is only a kind of a non-governmental organisation with no executive powers. The agreement

<sup>1</sup> For the text of the agreement, see: ([http://eeas.europa.eu/statements-eeas/docs/150825\\_02\\_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements\\_en.pdf](http://eeas.europa.eu/statements-eeas/docs/150825_02_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements_en.pdf)). The other three agreements deal with energy, telecoms, and the “Freedom of Movement/Mitrovica Bridge”.

Dušan Reljić is Head of Brussels office of the German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP Berlin).

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promises to the Association/Community its own budget and a “full overview” (whatever that may mean) of the local economy, education, health care, spatial planning and so on. However, the entity will operate under Kosovo law and will have to work with the central authorities of Kosovo. It will be interesting to observe whether within four months, as stipulated in the agreement, the Association/Community will receive its statute and then indeed what its implementation will eventually look like. If past practice in the EU-facilitated process is anything to go by, one should not have too many high hopes. Each previous agreement was followed by hesitant steps to put it into effect and fresh bickering between the two sides.

Four months is a long time in political life, especially for southeast European leaders. Belgrade and Pristina are hoping for important political gains in the next 120 days that might bolster the standing of the incumbent governments. Vučić wishes that during this time Berlin and other chief decision-makers in the EU will agree to the opening of the first chapters of the accession negotiations with Serbia – something that Belgrade has been striving for since receiving candidate status a year and a half ago. Mustafa would love to gain visa-free travel entry for his compatriots (bearers of Kosovan passports are the only ones in southeast Europe who still need entry permits for the Schengen-zone). All of this would be highly appreciated for domestic use. Vučić is publicly discussing snap elections; even though he already holds a comfortable parliamentary majority, any further deterioration of the economic situation could darken his perspectives. Mustafa is aware that if the Specialist Chambers and Prosecutor’s Office (established recently after much arm-wrestling by the US and the EU) were to investigate allegations of war crimes by members of the Kosovo Liberation Army, this could decimate the present political cohort in Pristina – leaving him more steadfastly in pole position than he is now.

The other agreements – on energy, telecoms, opening the bridge in the divided city of Mitrovica for pedestrians – are also highly ambiguous. Yes, Kosovo will receive its own international dialling code (+383), but the Serbian code will remain functional in the northern Serbian municipalities and calls to and from Serbia will be billed as national calls. And so it goes on...

Admittedly, each new agreement between Belgrade and Pristina diminishes the presence of Serbian law and state institutions in the north of Kosovo. However, although Pristina can *de jure* claim sovereignty over the majoritarian Serb north, it also diminishes the chances that the Albanian-dominated central authorities might take effective control over this area. Effectively, a condominium between Belgrade and Pristina over the north of Kosovo is formalised step by step. This denouement could prove satisfying for both sides, at least until EU accession comes really close.

In a similar vein, Kosovo’s status after the unilateral declaration of independence in 2008 remains open, with no indication that Russia and China might permit its UN membership or that the five EU countries that refuse to recognise Kosovo as a sovereign and independent state might change their attitude. Any steps to normalise mutual relations between Belgrade and Pristina are, obviously, better than new confrontations and new security risks. Yet ultimately, should Serbia’s bid for EU membership come closer to realisation any time soon, the Kosovo issue may become a permanent barrier, in the same way that Turkey’s path to the EU remains blocked by the North Cyprus issue.

Constructive ambiguity would have to take on new dimensions to enable an agreement that would: a) reconcile the competing sovereignty claims over Kosovo; b) satisfy the demand of the US and most EU members for a binding solution based on the acceptance of Kosovo’s sovereignty; c) take into account the interest of some EU members (and powerful global actors such as Russia and China) not to consent to unilateral secessions that create

precedents that are potentially harmful to their own territorial integrity. Solving this conundrum remains a challenge for all parties involved. What makes the task it even harder is the unremitting deterioration of the economic and social situation in southeast Europe.

Kosovo's populace is already showing signs of despair. According to official data, in the last twelve months as many as 100,000 Albanians and Roma from Kosovo and Albania proper have applied for political asylum in Germany alone. In reality, they are not politically persecuted but neglected by their governments, which seem incapable of fostering growth and social welfare. The economic situation in the whole region, including in EU-member Croatia, is dire, with horrendous unemployment rates especially among the younger generation (50-70% in Kosovo, according to estimates of international financial institutions) and rising poverty. Before wasting their lives and the lives of their children in deprivation, many people in the region decide to risk irregular migration.

EU member states are only now starting to grasp that these exodus waves will not cease any time soon. This realisation might induce them to regulate their labour markets for entrants from the Western Balkans and to foster modern vocational training programmes in this region. Also, they might consider a Keynesian-style investment programme for southeast Europe, in order to boost employment there.