

# Timing and the Dialogue: Reconsidering the urgency of a final agreement

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Timing and the Dialogue: Reconsidering the urgency of a final agreement

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# TIMING AND THE DIALOGUE: RECONSIDERING THE URGENCY OF A FINAL AGREEMENT

## Introduction

Proponents of a final agreement with Serbia, ranging from the President to various pundits, have been ringing the alarm bells on the timing of such a deal. They argue that timewise this is the final train to get a good deal. In their efforts to convince political opponents and the people in Kosovo, the finger is pointed at various political developments taking place in the European Union (EU). To be more precise, public discourse revolves around the rise of far-right parties that presumably are going to shape anew the Union leading to an EU that is going to disregard the issues between Kosovo and Serbia, or that whoever will replace Federica Mogherini as EU High Representative for Foreign Affairs and Security Policy will not have the dialogue high on the agenda.

Whilst the opposition parties and the Prime Minister have adamantly refused most of the arguments lately brought forward by President Thaci and his followers, they have rarely dwelt into this particular issue. This policy note aims to fill in that gap. Can one rightly argue that this is the best timing to finalize the dialogue with Serbia? How do predictions about the upcoming European Parliament elections line in with such an assumption? To do so, we firstly analyze the current constellation of powers within the different EU institutions and how they might be affected by current predictions, in particular by novelties surrounding this round of elections. Afterwards, two more angles will be scrutinized, how the timing argument relates to ongoing internal political struggles in the two biggest EU member states, Germany and France. Lastly, the policy note

will delve into how other influential parties not directly linked to the European Union, such as the US and Russia, play in into this conundrum.

## Current state of affairs with the EU

The first claim that has to be looked more in detail is that the current state of affairs in the European Union pressures the Kosovar political elite to seize the opportunity before the European elections in May 2019. In order to understand the weight of such a claim, we have to look at the current separation of political powers within the Union to determine what role the elections play therein.

European elections have become crucial since the coming into force of the Treaty of Lisbon in 2009. The Treaty constituted a significant reform of the EU and aimed to increase the democratic legitimacy of the EU by, inter alia, boosting the powers of the European Parliament. In the Parliament's plenary, the number of Members of European Parliament (MEPs) per country must not be lower than 6 or higher than 96 representatives.<sup>1</sup> For the first time in the history of the EU, the Parliament was vested with the authority to elect the highest rank job in the EU – President of the EU Commission – after the proposal of the Council of the European Union.<sup>2</sup> This represented a paradigmatic shift as the power to elect the head of the Commission previously belonged only to the head of states of the member states.

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<sup>1</sup> European Parliament, "How many MEPs will each country get after European Parliament elections in 2014?", 13 March 2013, available at: <http://www.europarl.europa.eu/news/en/headlines/eu-affairs/20130308STO06280/how-many->

[meps-will-each-country-get-after-european-parliament-elections-in-2014](#)

<sup>2</sup> Article 17 (7) of the Treaty on the European Union

In line with these reforms, the concept of *Spitzenkandidat* (derived from the German word 'top candidate') was introduced. The European parties would run with a *Spitzenkandidat*, similar to national elections, and the party that won the most seats in the EU Parliament, depending on the capacity to form a majority, would propose their candidate as the head of the EU Commission.<sup>3</sup>

The 2014 European parliament elections were the first that tested the application of these new rules. The end results of seating distribution showed a weaker European People's Party (EPP) with approximately 30 percent of the votes, followed by an increase of the Social Democratic alliance with 25 percent of the total votes and six other alliances that had less than 10 percent of the votes.<sup>4</sup> To be noted is the fact that the smaller alliances elected had a fair share of eurosceptic parties, like Nigel Farage's Alliance for Direct Democracy in Europe party which carries an open anti-EU program, while federalist leaning parties lost a share of their support. Primarily due to these facts, the overall election results were regarded as frightening for the future of the EU.

A big coalition would soon be announced with the Group of the European People's Party (EPP) and the one of the Progressive Alliance of Socialists and Democrats (S&D) separating the positions in accordance with the results. The EPP's *spitzenkandidat*, Jean-Claude Juncker, became the head of the European Commission, whereas the Social Democrats *spitzenkandidat*, Martin Schulz got the second best prize, as the President of the European Parliament. As things stand, Juncker will finish his mandate in 2019 and EPP's Antonio Tajani has since taken over as President of the European Parliament. The

MEPs are currently distributed among 8 different political groups: EPP, S&D, European Conservatives and Reformists (ECR), Alliance of Liberals and Democrats for Europe (ALDE), European United Left/Nordic Green Left (GUE-NGL), Group of Greens/European Free Alliance (Greens-EFA), Europe of Freedom and Direct Democracy (EFDD) and Europe of Nations and Freedom (ENF), besides those MEPs who do not belong to any political group.

A rise of European Union skeptic parties in the Parliament has been noticeable in recent years. This has been fueled by the recession that affected the economies of some member states derived from the market breakdown of 2008, and the growing security concerns over significant refugee influxes and illegal crossings of borders by economic migrants happening since 2014. A case of point is the fact that the current European Parliament for the first time encompasses two stable far-right groups in its formation which reject European centralization and promote nationalist values: the Europe of Freedom and Direct Democracy party (EFDD) and the Europe of Nations and Freedom (ENF) party, formed in 2014 and 2015, respectively. Moreover, an anti-establishment sentiment has become prevalent in recent national elections in the EU member countries.

This said, it is not implausible to presume that the 2019 elections are going to be marked by changes. Two interrelated factors will likely be the main catalyst of such a change. For the first time since its inception, the European Union is faced with the withdrawal of one of its members, the United Kingdom. The impending Brexit is going to affect the size of the EU Parliament, decreasing the number of the Members of

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<sup>3</sup> European Parliament, "Election of the President of the European Commission - Understanding the *Spitzenkandidaten* process", 8 November 2018, available at: <http://www.europarl.europa.eu/RegData/etudes/>

BRIE/2018/630264/EPRS\_BRI(2018)630264\_EN.pdf

<sup>4</sup> European Parliament, "Results of the 2014 European Elections", 1 July 2014, available at: <http://www.europarl.europa.eu/elections2014-results/en/election-results-2014.html>

the Parliament from 750 to 701.<sup>5</sup> At the same time, the parties that form the S&D alliance are facing a downward spiral in terms of popularity in their national constituencies – with recent forecasts confirming that that will likely be the case in the EU elections as well.<sup>6</sup> Although the EPP is going to remain the biggest party in the Parliament, it seems unlikely that the “Big Coalition” will be able to maintain a majority. Hence, the big coalition will have to include new alliances to form a majority.<sup>7</sup> Reaching a consensus in a more diverse coalition is going to be more complex and perhaps time consuming; however, an anti-EU coalition is more difficult to be achieved, given that forecasts predict that only a quarter of the votes will go to the Eurosceptic parties. Besides, there’s no “one size fits all” to define these parties, as they do not push for a unified agenda and most of them belong to different alliances of parties.<sup>8</sup>

On the EU sphere of influence, the rotating presidency of the Council of the EU must also be considered when examining the best timing for a final deal to be reached in the dialogue between Kosovo and Serbia. Operating on a rotating basis, the Presidency of the Council of the EU is held by member states for a six-month period, with Austria taking the helm since July 1, 2018. A focus of the Austrian presidency was the cementing the Western Balkans’ European paths. Among this, visa liberalization for Kosovo was set as a main issue and heavy lobbying was undertaken during the presidency’s months between high level Kosovar officials and their Austrian counterparts.<sup>9</sup> However, visa-free

travel has yet to happen for Kosovar citizens, being at a standstill in the negotiating table of the EU institutions. Timing-wise, this matters for the next member state to take over the Presidency of the Council of the EU is Romania. Being a non-recognizer, Romania is not expected to shed efforts or proactively look to advance issues related to Kosovo’s statehood or visa-exemption. For this reason, the next 6 months of EU Council activities may prove not to be too favorable for Kosovo’s edge over EU officials during the dialogue talks.

## Country politics as determinants of change: the cases of Germany and France

The European Union is a peculiar political animal. While far-right parties are gaining ground in different member countries, they have only on rare occasions expressed their willingness to leave the EU, if elected. In general, there is no catch-all rule that would assert how the rise of far-right parties nationally influences the position a country takes within the EU.

Some of the most infamous EU national leaders have, as a rule, never expressed the ambition to leave the EU. Rather, they prefer a looser EU that does not bind them to rigid communal rules. To take an example, the flux of migrants has not negatively affected Warsaw; however, their political leaders were keen to make the topic a highlight of their political campaigns. A similar example can be found in Austria.

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<sup>5</sup> European Parliament, “Number of MEPs to be reduced after EU elections in 2019”, 13 June 2019, available at: <http://www.europarl.europa.eu/news/en/press-room/20180607IPR05241/number-of-meps-to-be-reduced-after-eu-elections-in-2019>

<sup>6</sup> For example the Social Democratic Party have lost a big share of their votes in the recent Landtag elections in Germany

<sup>7</sup> Pascale Joannin, Robert Schuman Foundation, “European Elections 2019: what will the new Parliament's composition be?”, 5 November 2018, available at: <https://www.robert-schuman.eu/en/european-issues/0491-european->

[elections-2019-what-will-the-new-parliament-s-composition-be](#)

<sup>8</sup> Ibid.

<sup>9</sup> Republic of Kosovo Ministry of European Integration, “Minister Hoxha meets Austrian Minister Blümel- seeking to conclude decision-making on visa liberalization during the Austrian presidency”, 27 September 2018, available at: <http://mei-ks.net/en/lajmet/minister-hoxha-meets-austrian-minister-blmel--seeking-to-conclude-decision-making-on-visa-liberalization-during-the-austrian-presidency>, last accessed 12 December 2018.

Although representative of a younger generation of politicians, their Prime Minister, Sebastian Kurz, encapsulates some of these far-right sentiments. Nonetheless, he is also a promoter of the EU. These issues serve to illustrate that national politics are not, as a rule, reflective of the stance of these countries regarding the EU as a whole. Anticipating that the rise of far right parties is going to affect the overall situation in the EU and, hence, be detrimental to the Kosovo Serbia dialogue is, at best, exaggerated.

This situation looks more complex in the bigger member states that have, as of recent events in particular, been crucial to the Kosovo-Serbia dialogue: Germany and France. Both face political turmoil internally.

After two disappointing state elections for CDU in Germany, Chancellor Merkel had to face the music.<sup>10</sup> As a result, she announced that she will not stand in another election for the CDU leadership.<sup>11</sup> Consequently, even if CDU remains the biggest party in Germany, the change of leadership could affect the general foreign policy consideration of the party. Mrs. Angela Merkel's position as the longest serving chancellor in the history of Germany combined with the fact that she witnessed the former Yugoslavian wars in the course of her political career benefited the region and especially Kosovo. As her star is fading away, that will not be the case before the next elections that are foreseen to be held in 2021. As a result, the Kosovar government can forecast that the current position of Germany will not drastically alter within the next couple of years. On the contrary, the successor of the chairmanship of the CDU, Mrs. Annegret Kramp-Karrenbauer, is

considered an ardent supporter of Chancellor Merkel and her policies.<sup>12</sup>

France, on the other hand, started a new chapter of its political history when Emmanuel Macron's centrist and liberal movement easily won over his opponent's nationalist rhetoric in the 2017 presidential election. Macron was lauded as a breath of young, fresh air after 8 years of a socialist government. When he took office, the newly inaugurated President asked for a great commitment of the French people to bring France to the frontline of Europe, a similar thinking which applies to the EU population with regards to the prosperity of the EU. His *En Marche* movement heavily bet on a pro-EU agenda that would reenergize France's role in the Union as well as in global affairs. Macron has put forth far-reaching proposals for an improved role of the EU in the current international state of affairs, from the creation of a European Army to a reform of the Eurozone.<sup>13</sup> He believes a reformed, more functional EU is the best answer to the nationalist sentiments developing across member states, and wants France to lead the way for future success of the EU28 community. In line with this, he set modern domestic reforms and European reforms as the cornerstone of his mandate, calling for a structured centralization on fields such as the environment, defense, and the Eurozone.

On the latter, he has pushed for more economic and banking convergence in the 19-country single currency bloc. Macron's priority is to return trust in the political and financial institutions of the European Union in order to rehabilitate it in a sustainable way. For this reason, he has been vocally hesitant toward further enlargement of EU borders,

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<sup>10</sup> Zeit Online, "Die Grünen sind die großen Gewinner/The Greens are the big winners", 29 October 2018, available at: <https://www.zeit.de/politik/deutschland/2018-10/hessen-wahl-landtagswahl-liveblog>

<sup>11</sup> The Guardian, "German chancellor Angela Merkel will not seek re-election in 2021", 29 October 2018, available at: <https://www.theguardian.com/world/2018/oct/29/angela-merkel-wont-seek-re-election-as-cdu-party-leader>

<sup>12</sup> The Guardian, "Who is Annegret Kramp-Karrenbauer, the new leader of Germany's CDU?", 7 December 2018, available at: <https://www.theguardian.com/world/2018/dec/07/who-is-annegret-kramp-karrenbauer-the-new-leader-of-germanys-cdu>

<sup>13</sup> DW, "How France's Emmanuel Macron Wants to Reform the EU", 13 March 2018, available at: <https://www.dw.com/en/how-frances-emmanuel-macron-wants-to-reform-the-eu/a-43002078>

namely to the Western Balkans. "I don't want a Europe that, functioning with difficulty as 28 and tomorrow as 27, decides that we can gallop off to be 30 or 32 with the same rules",<sup>14</sup> argued Macron in the context of the last EU-Western Balkans summit in May 2018. He seeks better efficiency and results in the EU to be achieved by reformed institutions, and another enlargement does not meet this strategic objective of his.

Although he sold his agenda as a progressive movement uniting both the left and the right of the country, it has since led to a politically divided France. As is, mass protests have been taking place in all major French cities throughout the month of December. The Yellow Vests (*Gilets Jaunes*) movement initially started as protests against the rise of fuel prices, justified by the President as needed to be able to fund renewable energy investments seeing that the fight against climate change is an anchor of his mandate. Yet, it has escalated into demonstrations against economic frustration, generalized high tax burdens, and inadequate minimum wages. It is the biggest challenge Macron's presidency has faced and will be a testament to how far his reforms are able to go in the current sociopolitical climate. After weeks of revolts, the President announced a 7% increase in the minimum wage from 2019 onward and tax concessions to low-income pensioners and employees in order to appease the protesters.<sup>15</sup> Macron's grand nation-building vision for France was therefore halted in light of strong backlash and noticeable social divisions.

The same applies for the European level of reforms. Macron's proposed plans for further strengthening political cooperation in the European Union and banking convergence in the Eurozone requires a clear

framework to be agreed upon and implemented by all members, and might not go as smoothly as President Macron envisions. In the meantime, however, the enlargement of the EU toward the Western Balkans is sidelined in the French agenda in favor of prioritizing stability and cohesion within the current EU borders. This is harmful for Kosovo's European prospects, in having a key EU state actor discourage attention be given to external candidate or potential countries. From the French vantage point, the dialogue between Kosovo and Serbia is down on the list of priorities they have set for the future of the EU or the geopolitical interests they have for the region.

## Non-EU sphere of influence: the cases of the United States and Russia

In parallel to the European Union and the role the abovementioned two member states play in Kosovo, two other international actors show strong influence over the country's affairs: the United States and Russia.

Diplomatic relations between the United States (US) and Kosovo have been strong since the moment the latter declared independence from Serbia in 2008. American foreign policy has always been supportive of Kosovo's state-building process as a multi-ethnic democracy, wider recognition by the international community and Euro-Atlantic integration. This is part of the US' interest in stabilizing regional security in the Balkan Peninsula. For this reason, the US has supported the EU-facilitated talks on the normalization of relations between Kosovo and Serbia since its implementation. As things currently stand, Philip Scott Kosnett in December 2018 took over the position as

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<sup>14</sup> Politico, "Spain, France upset Brussels' Balkan plans", 16 May 2018, available at: <https://www.politico.eu/article/johannes-hahn-mariano-rajoy-emmanuel-macron-balkan-enlargement-spain-france-upset-brussels-balkan-plans/>

<sup>15</sup> BBC News, "France yellow vest protests: Macron promises wage rise", 10 December 2018, available at: <https://www.bbc.com/news/world-europe-46513189>, last accessed 12 December 2018.

US Ambassador to Kosovo and stated in his inauguration that "There are no two countries that are closer friends than the United States and Kosovo".<sup>16</sup> Since his 3-year mandate is just now starting, it is still unclear what impact Ambassador Kosnett will have with regards to Kosovo's statehood struggles and the outcome of the intended final agreement with Serbia. In fact, Washington officials have come out to vocally support President Thaci's supposed border correction idea should a deal be finalized between Kosovo and Serbia. National Security Advisor, John Bolton, has particularly expressed his support of the Kosovar head of state's decision to reach a settlement on these terms. Additionally, President Trump sent a letter to both Presidents, Thaci and Vucic, supporting a swift deal, stressing that similar circumstances are unlikely to be repeated soon. Despite this institutional respect, the point of fact is mass protests have been organized in Prishtina against the border correction, which appears to be one being pushed by the President regardless of popular interest and fear this geostrategic deal would propel further destabilization in the region. At the same time, the negotiating team that was confirmed by a vote in the Kosovar Parliament does not enjoy the support of the two main opposition parties that make up for 44 votes.

In addition to this, the current US administration has shown a rocky track record in the international scene. President Trump has been alienating European allies and strengthening ties with Russia. In matters of external relations, the high level position of Secretary of State of the United States has also shown a rocky track record in the current administration. Earlier last year Rex Tillerson was dismissed and Mike Pompeo, the current incumbent, was nominated. This sudden change in foreign

affairs leadership does not offer great stability prospects domestically, let alone on the voice the US hopes to have in the Kosovo statehood issue and in the dialogue agreement with Serbia.

The possibility that the Kosovo-Serbia dialogue is going to come to an end has attracted the attention of yet another influential country. In the background of ceremonies surrounding the hundredth anniversary of the WW1 armistice, the Kosovar President met his Russian counterpart, Mr. Vladimir Putin. The President explained that the longtime Russian leader has expressed his support to any agreement that would be achieved peacefully.<sup>17</sup> With Serbia as a frontrunner to be integrated into the European Union, the conclusion of the dialogue would further accelerate the possibility of a quick accession process. Given Russia intrusion in Montenegrin affairs as they were acceding to NATO and criticism of the recent Prespa agreement – such a soft handed approach to any agreement between Kosovo and Serbia seems unprecedented. Especially when considering that Russia's foreign policy has not been undergoing any significant changes, with the same group of politicians switching positions of power in the last two decades. Moreover, Russia's objection to Kosovo's independence has only partly been based in the normative order in international law, that is, whether the declaring independence without the parent state approval is lawful. Rather, it has also been a policy that ought to protect its spheres of influence in the Balkans. A scenario in which the Western Balkan knot is untied, would swing the pendulum towards the EU and in detriment of Russian interest. Hence the support of Russia at this given time, has to be approached with caution.

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<sup>16</sup> <https://xk.usembassy.gov/ambassador-statement-credentials/>

<sup>17</sup> Balkan Insight, "Putin Will Back Kosovo-Serbia Deal, Thaci Insists", 12 November 2018, available at: <http://www.balkaninsight.com/en/article/kosovo-s-thaci-putin-supports-an-agreement-between-kosovo-and-serbia-11-12-2018>

## Concluding Remarks

With the exception of a silent President Vucic, the majority of the actors involved in the Kosovo-Serbia dialogue are in a rush to conclude the process with a comprehensive agreement. The coming months are to be decisive in reaching the necessary consensus between the parties. After a long stalemate, increased attention to the dialogue was positively welcomed in Kosovo. It has since become clear that such attention has also its disadvantages. Notwithstanding the length of the dialogue, the “final” phase finds Kosovo unprepared. The political elite remains divided as to whether the dialogue can proceed in the current form and Kosovo’s expectations from the final agreement are yet to be formulated. Draft documents that are supposed to resemble what the agreement is supposed to look like for Kosovo are presented in a sporadic manner and come from the different – mostly uncoordinated between another – institutions in Kosovo. Consequently, Kosovo needs more time to reach the necessary consensus and arrive at a cross-party platform.

As was argued above, there is no real risk in case that the agreement is not going to be concluded in the next couple of months. The European Union, with the High Representative for Foreign Affairs and Security Policy as the main facilitator of the dialogue has failed to show that it has the ability to broker meaningful negotiations between the parties. Moreover, while the end of these European elections may witness a more diverse European parliament it will not necessarily reflect badly for Kosovo’s position. Under the current EU leadership, Kosovo failed to secure the much awaited visa liberalization. With the Greece Macedonia name dispute ending, Mogherini’s replacement could revitalize the EU policy to the Kosovo Serbia dialogue. At the same time, the political stance of Germany and France are not going to change any time soon, as their elected leaders are in the beginning of their terms.

Admittedly, the situation has become more complex. For the first time, Kosovo’s

political agenda is not in complete alignment with that of its firmest supporter, the United States of America. However, that is not only by Kosovo’s doing. US policy towards Kosovo’s relation with Serbia has shifted significantly and thereby divided Kosovo’s political elite, between the ones that accept this new direction whatsoever, and those who do not agree with it because of implications that Kosovo’s borders may have to be changed. Adding to that, the traditional international alliances are in peril. The USA has collided on issues of trade and foreign policy with their European counterparts and some of the staunchest promoters of US-EU promoters in the Trump administration have resigned or been dismissed. Similarly, Germany and the USA are not on the same page regarding how the final agreement can look like. Rather, Russia seems more content with the pace and potential conclusion of the agreement. This conundrum calls for Kosovo to be even more cautious. If in the final instance, Kosovo and Serbia aim to become members of the European Union, reaching a quick agreement against Germany’s wishes could be counterproductive to that aim. Moreover, the agreement is expected to come to a conclusion as Serbia is in the midst of anti-government protests and with Kosovo in a practical state deadlock and with deep divisions between its political elites. If the agreement’s goal is to be comprehensive and secure a peaceful coexistence between the two countries, it cannot achieve that goal by alienating the citizens.

In order to minimize the risks, the Kosovo delegation has to present a detailed timeline of the topics that have to be discussed with their Serbian counterparts. By doing so, the parties have the chance to prove that they are willing to undertake genuine negotiations with one another. For the process to be successful it has to have local ownership. By putting forward a baseline of negotiations and the timeline, Kosovo ensures that it is perceived as a constructive player and has more time to reach an internal consensus and cannot bypass topics that are crucial for peace.

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