Lessons from Serbia and Kosovo for Israel and Palestine:
All Process, No Peace?

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A. Introduction

How did one of the world's toughest conflicts reach a diplomatic breakthrough after 14 years of political stalemate? Why did the process then stagnate?

In 1999, NATO led the largest international military intervention in Europe since World War II, to stop Serbia's actions in Kosovo, then a province of Serbia. The war ended with a long and tense political standoff. After negotiations in the mid-2000s failed, Kosovo declared independence in 2008, in a move vehemently opposed by Serbia.

Then in 2013, the two sides took a major step forward, signing a set of principles intended to advance future normalization of relations. It was not a full-fledged peace agreement but contained two major aspects: neither side would block the access of the other to eventual EU accession, and the small Serb minority living in Kosovo would create a municipal association, while being more integrated into Kosovo's governing structures. Many thought Serbia was coming to accept the increasing fact of Kosovo's independence.[1] Kosovo implicitly acknowledged the right of the Serb minority to a measure of autonomy and special protection.

The agreement was viewed as a historic step. The international community was thrilled – cautious but unmistakably optimistic.[2]

Thus the first inquiry of this paper is what can be learned from this relatively recent leap towards conflict resolution that may be relevant for Israelis and Palestinians? What factors – incentives, pressure, international or domestic dynamics – contributed to Belgrade and Pristina's progress, that Israelis and Palestinians can learn from?

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[1] Marko Prelec, "The Kosovo Agreement: Why Less is More," *International Crisis Group*, 7 May, 2013.
[2] Even the International Crisis Group, normally deadpan, wrote an uncharacteristically emotional description. The agreement was "an earthquake in Balkan politics: the ground lurched, familiar landmarks toppled, the aftershocks are still rumbling…" Prelec, *ibid.*

The second inquiry regards the agreement itself. What are the core ideas for a workable arrangement between the two entities struggling between forced marriage and contested separation? How were Kosovo's claims to total sovereignty reconciled with Serbia's equally unwavering demand that Kosovo remain Serbian sovereign territory, with only circumscribed autonomy? Here the political and constitutional arrangements will be reviewed to consider applicable ideas or lessons for eventual Israeli-Palestinian final-status arrangements.

The paper will then address a third and perhaps thorniest question: the current status of negotiations. Nearly four years after the flurry of optimism, in 2017, the dialogues have been beset by major problems of both interpretation and implementation. Relations between the two regions have stagnated at best, or soured. This mixed and worrying outcome will be compared to experiences in the past and present of the Israeli-Palestinian conflict, to consider ways to improve such a process in the future.

The analysis reaches several key insights. One is that intensive detail for implementation of an agreement may not substitute for clarity of the core principles for resolving the conflict, and commitment to those political goals by both parties. The lack of agreement on the final status vision, sensitive as this may be, hampers negotiation and erodes chances for eventual resolution. Other insights touch on the need to include parties directly affected by the conflict in the resolution process, or boost their role in negotiations; the possibility that under certain circumstances, hawkish leaders may be the more likely figures to advance peace; as well as the need for protection of minorities while preserving sovereignty – while minimizing ambiguity of sovereignty over any given area.

The paper first outlines the background of the Serbia-Kosovo conflict, then highlights main areas of comparison to the Israeli-Palestinian conflict – beginning with general core issues in common, and moving to a more detailed analysis of the trajectory of negotiations.

B. Background

Source: BBC News

Throughout the 20th century, Kosovo was a province of Serbia, and the latter was the largest constituent republic in the federation of Yugoslavia. The majority of Kosovo's population is Albanian and it shares a border with Albania; Serbs are a minority, yet Kosovo holds deep historic, national and religious importance for Serbian society. In the late 1980s, Serbian leader Slobodan Milosevic used this historical symbolism of Kosovo to inflame nationalist sentiment throughout Yugoslavia, driving separatism and eventually war – ending in the dissolution of the Yugoslavian federation. Kosovar Albanians meanwhile had historically longed for unification with Albania and as Yugoslavia crumbled, stepped up demands for secession. Instead, in 1989 Milosevic abrogated Kosovo's autonomy and in 1991 he declared martial law, ejecting ethnic Albanians from the public sector. Kosovo Albanians declared independence, but lacking any de facto control, this was ignored by Belgrade and the rest of the world. Still, it signaled the start of a nascent state-building project. Kosovar Albanians, with help from their diaspora, began to organize parallel state structures as a form of civil resistance, as well as survival.[3]

In 1995, the Dayton accords brokered between Serb, Bosnian and Croatian leaders, led by American negotiators in Ohio, ended the war in Bosnia. But the accords did not address the status of Kosovo. Many Kosovar Albanians concluded that civil resistance had failed and violence escalated as guerilla attacks provoked heavy Serbian responses. Massive numbers of Albanians began to flee violence and atrocities; negotiation attempts and ultimatums against Serbia failed, until in 1999, a US-led NATO force staged a massive military intervention. After a 78-day air war against Serbia, Milosevic surrendered. The war ended Serbia's grip over Kosovo, but still provided no clear political status for the region: it could hardly remain under Serbian rule; but the international community could not actually support secessionism. Serbs who remained felt threatened; in 2004 riots against Serbs swept Kosovo.[4] The number of Serbs dwindled from about 10 percent before the war to roughly 5-7 percent today.[5] Kosovo was administered by UN agencies building nascent self-governing institutions, based on a single, open-ended UN resolution.[6] In essence, this was statebuilding without an acknowledged end goal of statehood.

Serbia insisted that Kosovo would always be part of its sovereign territory. Kosovo's majority Albanian community sought nothing less than full independence. Negotiations in the mid-2000s failed, and in 2008, Kosovo declared its independence again. This time, given the war that ended Serbian control and

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[3] Much has been written about this phase in Kosovo's development; the most comprehensive guide is Howard Clark, *Civil Resistance in Kosovo*, (London and Sterling, VA: Pluto Press, 2000). For an excellent narrative explanation of the loss of faith in civil resistance and turn to violence, see Stacy Sullivan, *Be Not Afraid, for You Have Sons in America*, (New York: St. Martin's Press, 2004).

[4] According to the OSCE, 8 Kosovar Serbs were killed, and 11 Albanians; 900 were injured and roughly 50,000 people participated in riots throughout Kosovo. "Four Years Later: Follow up of March 2004 Riots Cases before the Kosovo Criminal Justice System," *OSCE/UNMIK*, July 2008.

[5] For population breakdown prior to the war, see Helge Brunborg, "Report on the size and ethnic composition of the population of Kosovo," prepared for International Criminal Tribunal for the Former Yugoslavia (ICTY), 14 August 2002; current estimates are unreliable but based on absolute numbers, Serbs in Kosovo represent between 5 and 8 percent of the population. For a full discussion see Marko Prelec and Naim Rashiti, "Serb Integration in Kosovo after Brussels Agreement," *Balkans Policy Research Group*, 19 March 2015.

[6] UNSC Resolution 1244, *United Nations*, 10 June 1999.

the de facto autonomy of Kosovo, as well as the failure of negotiations to reach an agreement on Kosovo's status, recognition was forthcoming: over 100 countries have recognized Kosovo (to date), including 22 out of 28 EU members; Serbia devoted itself to preventing recognition, which became central to its foreign policy.[7] But in 2011, negotiations began again, leading to the Brussels agreement in 2013. Most of the 15 items in the agreement addressed the status of the Serb minority in Kosovo, allowing an association of Serb municipalities with autonomy over local affairs, but integration of certain civic institutions into Kosovo's structures.[8]

But at present, the "dialogue" has faltered and faces a steep loss of credibility in Kosovo. Meetings and contact between officials continue but are limited and highly circumscribed; there have been incidents, mutual accusations of obstructionism or bad faith, and tension, causing anxiety in the region. It is not clear where it will lead, and what are the costs of failure.

C. Comparisons

Serbia and Kosovo and the Israeli-Palestinian conflict are both asymmetrical conflicts between two national groups distinguished by religion, language, culture and ethnicity. One party is a sovereign state and the other is struggling to become independent and recognized as a state, on territory the first sovereign state claims to own. Both have historic grievances of one side oppressing the other, and major violence has been committed on both sides in recent or living memory (this situation continues in the present, in Israel and Palestine) – adding to historic injury that lives on in collective memory. Each has zero-sum attitudes towards their claims.

In both places, there are highly emotional and symbolic questions of ownership and access to old or ancient holy sites at stake – in each conflict, one side (or both sides) believes that its opponent is holding its holiest land, the cradle of its culture. In both conflicts, the parties claim to strive for ethnic-territorial separation, but in both, there are pockets of one community embedded in the other – there are Serbs in Kosovo, Jewish-Israeli settlers in Palestinian territories, Albanians living as citizens in Serbia and Palestinians/Arab citizens of Israel. These realities preclude total ethnic division. In both, the politically weaker side (Palestinians and Kosovar Albanians) feel greater urgency to reach an agreement, as their lives are deeply affected by their subordinate political status. The recognized, sovereign parties (Israel and Serbia), are less motivated to make concessions, and have demonstrated de facto willingness to live with the status quo.

There are also several differences that are important for this analysis. Historic grievances aside, the phases of the modern political conflicts are different. Serbia's hostile military rule over Kosovo lasted mainly from 1991 to 1999. By contrast, Israel's military occupation of the Palestinians has been going on for 50 years.

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[7] For a detailed description of these efforts, see James Ker Lindsay, *The Foreign Policy of Counter-Secession: Preventing the Recognition of Contested States*, (Oxford: Oxford University Press, 2012), Chapter 4.
[8] The full text of the agreement can be seen in "Text of Leaked Copy of Serbia-Kosovo Agreement," *Radio Free Europe/Radio Liberty*, 20 April,2013. http://www.rferl.org/a/text-leaked-copy-serbia-kosovo-agreement-brussels/24963542.html

Yugoslavia had a different geopolitical etiology as a federation of six constituent states, who all eventually seceded in the wake of the Communist collapse. Yugoslavia played a specific role in Cold War power dynamics, and Serbia continues to hold an important position between Russia and the West. Israel has (mostly) been squarely pro-Western and a steadfast American ally. Finally, the international role in Kosovo was a massive military intervention followed by nearly two decades of institutional peacekeeping and statebuilding, as well as negotiations. In Israel and Palestine there have been innumerable escalations, attacks, uprisings, and actual wars. Yet the international community has never intervened militarily – at least openly.[9] Like in Kosovo, the international community has contributed to institution-building for Palestinians, but mostly indirectly through financing; and of course there have been extensive attempts at international support for negotiations.

The following section will focus on the factors leading to negotiations and the diplomatic breakthrough, the nature of the 2013 agreement, and the reasons why this process is currently deeply endangered. These sections focus specifically on elements that are identified as relevant for comparison, then consider their applicable lessons for the Israeli-Palestinian conflict, with concluding insights at the end.

1. Breakthrough: Mutual incentives, right leadership. From 1999 through 2011, the political situation faced uneasy stagnation, with no resolution in sight. International negotiations in the mid-2000s led by Finnish negotiator Martti Ahtisaari, as a UN special envoy, failed – possibly because Serbia rejected the explicit understanding that the end-point of negotiations would be independence for Kosovo.[10] But the negotiations that began again in 2011 were based on a new and far more powerful incentive than conflict resolution alone: EU accession.

Since the early days of its independence quest, Kosovo had longed to be part of Europe.[11] Serbia too had come to see EU accession as the lifeline to reform and economic recovery, among leaders and people alike.[12] But the reason the EU was such a positive incentive was also partially the result of negative developments: both entities faced harsh economic conditions at home, and believed that Europe was the answer.

For Serbia, at least two other factors contributed to the shift from total rejection of Kosovo's independence to the 2013 agreement.

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[9] However, it is important to note that international arms sales on a grand scale from the US to Israel are another form of military intervention.

[10] Dejan Guzina and Branka Marijan, "A Fine Balance: the EU and the Process of Normalizing Serbia-Kosovo Relations," CIGI Papers No. 23, *The Centre for International Governance Innovation*, January 2014, p. 6; Prelec and Rashiti, *ibid*, p. 11.

[11] See for example Denisa Kostovicova, *Kosovo: The politics of identity and space* (Oxon, UK: Routledge, 2005).

[12] Based on author's extensive public opinion research, including qualitative, and political analysis of Serbia from late 2006 onward. See also public data such as: "Survey of Serbian Public Opinion," International Republican Institute, December 2015, slide 4 (the time series shows strong support up to 2015).

The sharpest stick: military intervention. The war in 1999 changed the political situation between Kosovo and Serbia on the ground. Following Serbia's defeat, many Serbians had come to acknowledge that Kosovo was de facto lost. While the war did not dampen the emotional attachment to Kosovo as a symbol in Serbian mythological identity, concerns about quality of life at home took center stage and the battle for a lost prize appeared increasingly futile. By 2006, data shows that just 18 percent of Serbs cited Kosovo's status as their highest priority, while about 75 percent chose economic themes.[13] By the start of the next decade, those who cited Kosovo as their highest priority were in the single digits, with the country focused almost entirely on domestic problems.[14]

The right makes peace? As observed, in the 2000s, leaders from the "democratic" (pro-Western) camp – the equivalent of left-wing – were concerned about criticism from both voters and parties in the "nationalist" (right wing) camp, in their considerations about concessions needed to resolve the situation in Kosovo.[15] But in 2012 a nationalist government took over in Serbia. Both the Prime Minister and the head of the largest party had served in Milosevic's government; they could hardly be accused of being soft. These leaders faced both the negative developments and incentives mentioned above, and brought an additional factor of political credibility within the national narrative. It was this government that advanced the dialogues to the point of signing on the agreements of 2013.

Thus for Kosovo the incentives to reach an agreement involve primarily the longing for final resolution of its political status, in order to continue with statebuilding and international integration, including their aspirations to join the EU.

For Serbia, the main agent that held the power to allow such a diplomatic breakthrough, the factors included massive external intervention (negative pressure) contributing to the grudging public acceptance of the loss; the powerful positive incentive of potential EU accession (driven by economic hardship); and hardline leaders with the credibility for concession.

Comparing these to Israel and the Palestinians, the idea of the right-wing being more successful at peacemaking is not new. There is a logic to this dynamic, which presumes that the moderate camp will generally support progress towards conflict resolution; but a right-wing leader can elicit support in its camp that the doves cannot. The alternative of a dovish leader making bold strides towards peace may be more intuitive – but faces severe challenges from the hawkish camp in that case that may eventually undermine the agreements. This can be a takeaway from the Israeli experience of the Oslo accords, led by Yitzhak Rabin

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[13] "Kosovo Future Status Process Knowledge-Attitudes-Practices (KAP) Survey – Key Findings Briefing," *Strategic Marketing* (Research company), 18 July 2006 (unpublished).
[14] Author's research.
[15] These labels are not entirely discrete – as the Democratic Opposition in Serbia that took over the country after the fall of Milosevic contained nationalist parties within its coalition, one of which held the premiership for much of the 2000s; while power is shared between the Prime Minister and the President.

but "buried" by both rejectionist and violent opposition during his term, and by his right-wing successor.[16]

By contrast, one agreement led by the right – Israel's peace with Egypt – has been steadfast since its signing. The treaty with Jordan (led by Rabin) has been stable too, but this was hardly controversial. We might then conclude that when there is a deep social division between right and left, leadership is more likely to succeed from the right.

The question of external intervention to goad concessions, either through pressure or incentives, is highly fraught. Incentives such as joining international institutions comparable to the EU have proven insufficient to shift Israeli policy – probably due to Israel's relative economic success, or because it enjoys membership in international clubs unrelated to conflict resolution.[17]

Negative intervention (or "pressure" in the local context) against Israel has been mostly declarative (such as UN resolutions including the most recent UN Security Council resolution 2334), or very mild steps towards economic measures (such as EU guidelines against funding Israeli projects in the West Bank, or product labeling); these are met with outrage and accusations that the Western countries are "singling out" Israel for punishment. The Balkan experience is a reminder of the weakness of "singling out" argument: in other countries, the UN, EU and the US do not just threaten but actually *enact* sanctions and even military action. That action was not only severe, but forced an entirely new political reality onto Serbia (and was therefore highly controversial), in which Kosovo was in reality lost.

However, are there means of creating a new political reality around Palestine that are not punitive to Israel, but positive in terms of treating Palestine as a full, recognized state? Whether through expanded trade relations or full-fledged diplomatic recognition, visa relaxation and symbolic representation of Palestine as a sovereign state or even a UN member – perhaps there are means of advancing a different political reality to Israelis. If these advance the sense that Palestine is already "lost", perhaps the occupation will come to see increasingly futile. At present, there is no such activity, and internally, Israel is advancing an annexationist agenda at an accelerated pace – through creeping annexation policies on West Bank land in recent years, particularly in Area C,[18] a massive push for new settlement homes in 2017, and most recently, through incipient legislation attempts to formalize Israel's sovereignty there, albeit piecemeal.[19] For those who support annexation, it can appear that 50 years of occupation have actually paid off.

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[16] It can be argued that Rabin was not a left-winger, but he was viewed in that role, at that time, by the Israeli public. It can also be argued that not only right-wing successors but also Ehud Barak helped to "bury" Oslo, but Netanyahu was the first to reverse course most significantly and Barak was only in power for 18 months.

[17] For example, Israel acceded to the OECD in 2010, and the EU is among Israel's top trade partners. Thus international integration does not represent a missing piece, as an incentive.

[18] "49 Years of Control Without Rights," *Association for Civil Rights in Israel*, 1 June 2016.

[19] See for example the "Annexation bill," designed to extend Israeli sovereignty to the West Bank settlement of Ma'aleh Adumim.

2. The agreement: Normalization framework ambiguous on core conflict issues. If the first main incentive for the 2011 negotiations process was the potential for both sides to advance towards the EU, the second major aspect involved the future of the Serb minority in Kosovo.[20] The issue of their minority status received extensive treatment but was ultimately still ambiguous; the final political status was also left essentially unspecified, at least explicitly. Further, the final political status of Kosovo as a sovereign state, or something else, has been left open in the 2013 principles. These two are explained below.

Ambiguity on minority status. This aspect is particularly relevant due to the overlapping situation of the Israeli minority in the West Bank, including, like the Serbs, some who are spread out beyond the specific territories with a concentrated Jewish population.[21] Like Israeli Jews, the Serbs in Kosovo prior to 2013 lived completely on Serbia's "grid" – many are public servants paid by Serbian institutions. These were known as "parallel institutions," and for Kosovo, Serbia's direct involvement did not allow for full sovereignty.

In 2013, Serbia seemed to acknowledge that the Serbs living there would be integrated into the governing structures of Kosovo. Kosovo in return agreed that its Serb minority would have a significant measure of autonomy. The agreement accomplished these by determining that the Serb-majority municipalities would form an "Association," a concept which took up 12 of the 15 items of the agreement. Analysts viewed (or hoped) it was intended to "ease Serbia out," of Kosovo (Prelec and Rashiti 2015 used this terminology), and the International Crisis Group read the agreement as showing that "the Serbian government has given up on keeping northern Kosovo in its system and has ceded its authority to Pristina."[22]

There is no direct parallel proposal for integrating minorities in the Israeli-Palestinian conflict. The Western powers that midwifed the birth of Kosovo insisted that the latter become a multi-ethnic society. Israel and the Palestinians are not envisioned as European nations, and the ethos of multi-cultural societies is not part of rhetoric and policy for either side. Further, the relevant minorities in the Middle East have different goals from one another: Arabs in Israel have generally sought total political integration into Israeli institutions; settlers in the West Bank deny the very existence of a Palestinian political entity, want no role in it, but demand Israeli dominance instead (in this they are close to Serbia's original attitude towards Kosovo). Whether Israelis and Palestinians ought to consider a stronger focus on minority integration in peace agreements raises an interesting question. It could be relevant in a situation where settlers would remain

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[20] Besa Shahini made the point that these two factors were the most vital incentives; Besa Shahini, civil society researcher and writer, author conversation, 31 January 2017.

[21] According to the most thorough estimates accounting for variations in data, roughly 43 percent of Serbs in Kosovo live in the north (Serb-majority areas) – Prelec and Rashiti, *ibid*; parallel data are not readily available in Israel and depend on how "blocs" are defined, but it is commonly assumed that roughly 80,000-110,000 live east of the barrier – meaning that approximately three-quarters of Israeli settlers live in "blocs" west of the barrier. See for example Mara Rudman and Brian Katulis, "A Practical Plan on the Israeli Palestinian Front," *Center for American Progress*, 21 December 2016, and "A Look at Israeli Settlers, By the Numbers," *AP/Times of Israel*, 18 August 2013 (based on data from Central Bureau of Statistics and Settlement Watch).

[22] Prelec, *ibid*.

inside a future sovereign Palestinian state as citizens or permanent residents of that state. Perhaps such a value could weaken the occasional talk of a "Jew-free" Palestinian state. A focus on minority integration could also lead the parties to address the Arab citizens of Israel – not in the direction of autonomy, which the latter do not seek, but perhaps in terms of historic recognition or more extensive collective cultural rights.

Destructive ambiguity on sovereignty. International observers generally viewed the Brussels agreement as the start of a path towards Serbia accepting – if not recognizing – Kosovo's independence. This is closely linked to the political framework offered to Kosovo-Serbs: Kosovar Albanians live in fear that greater levels of Serb autonomy are biting into their future sovereignty through political mechanisms. The more elaborate Serb political structures, the more they undermine the authority of Kosovo's central government. This is an interesting parallel to the problem of land erosion in the West Bank, and the Palestinian argument that land settlement leads to ever-more elaborate physical support systems that undermine the physical, geographical and infrastructural integrity of the future Palestinian state.[23] The next section shows how these two assumptions proved to be inter-related, and not what they first appeared to be.

3. Progress, interrupted: Why negotiations are faltering at present. The early optimism of the 2013 breakthrough has dissipated. The Serbian government fears political challenges from the further right and seems to prefer stagnation of the process to ensure indifference at home. However, in Kosovo, attitudes have gone deeply sour. In 2006, 78 percent of Kosovar Albanians supported the direction of Martti Ahtisaari's negotiations – as noted, his plan would eventually imply independence for Kosovo.[24] At present, polls show that political discontent is very high; just over half view the Brussels agreement with Serbia as important, 75 percent support opposition protests,[25] and half think the dialogues are failing to achieve their goal.[26] In late 2016 and early 2017, Kosovars spoke of several "provocations" by Serbia and tensions appeared to escalate precipitously.[27] It is hard to find anyone in civil society who supports the process, though some civil

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[23] This is not to suggest a historic, moral or legal parallel between Kosovar Serbs and Israeli settlers. The former lived as citizens of the province when the sovereign federation of Yugoslavia dissembled. Israeli settlers moved to the West Bank with the political (religious-ideological) mission of disenfranchising Palestinians, either through their own ideology or with their government's incentives. But there is a useful parallel when comparing the results in the present: a minority from the politically dominant group living inside the group seeking independence, and blocking that process. Thus the search for solutions becomes a valuable, even necessary comparison.

[24] International Crisis Group, "Kosovo: No Good Alternatives to the Ahtisaari Plan," *Crisis Group Europe Report* N°182, 14 May 2007.

[25] Atdhe Hetemi, Iris Duri, and Kaltrina Kusari, "Public Pulse XI," *UNDP and USAID*, May 2016.

[26] Die Morina and Maja Zivanovic, "Kosovo-Serbia Talks fail to Defuse Tensions," *Balkan Insight*, 2 February, 2017.

[27] Government advisers cited three developments: The train from Serbia emblazoned with the slogan "Kosovo is Serbia," stopped at the Kosovar border by authorities; the arrest of former Kosovar Prime Minister Ramush Haradinaj in France for suspected war crimes and possible indictment, and the construction of a wall dividing the Serbian side of Mitrovica in the north – symbolizing partition aspirations. Author conversation with Arjeta Rexhaj and Gizmi Raci, political advisors to Edita Tahiri, Minister Responsible for Dialogue (Kosovo), 30 January 2017.

society actors originally did; and the process itself seems to have foundered at present. What led to this situation?

Lack of agreement on final status. In 2011, Kosovo and Serbia started with zero-sum perspectives on the final political outcome of the talks – independence or something less, respectively. A third option of partition of Kosovo hung in the air, like a specter or a beacon, respectively. Over the years, Serbs have developed the notion that partition of Kosovo and annexation of Serb-majority areas in the north to Serbia represents a fair compensation for their own partition – the loss of their beloved province. For Kosovar Albanians, the idea generates visceral rejection, contention and anxiety. Kosovo opposition parties who rejected the dialogue accuse it primarily of being a road to partition; at present, even some who once supported the dialogue now fear that Serbia's actual intention has been to gain a subversive permanent foothold in the north, to undermine Kosovo's sovereign powers and advance de facto partition: As a former government advisor said: "Dialogue has become a symbol of Serbia's return to Kosovo […] Their goals have not changed. It's not to re-annex, but to control as much as they can. If they could, they would return in a heartbeat. This government's official policy is the partition of Kosovo."[28]

Lack of agreement on a solution to the core issue. Ultimately, the political Pandora's box of the Serb Association was underestimated in 2013. At present, uncertainty of its meaning appears to have become a profound threat to the ongoing success of the entire diplomatic process. Kosovo has accused Serbia of extending and deepening Belgrade's control, by keeping autonomous Serb institutions on its payroll and fostering a new Serb political party with even closer links to Belgrade. Kosovar Albanians are so disturbed by this situation that the Constitutional Court ruled the Association a violation of the entity's constitutional principles. The most critical voices believe that Kosovo is more partitioned now than in the past and that this was Belgrade's intention from the start. Some believe that Belgrade's designs go far beyond Kosovo, which they view as just a precedent for a future partition of Bosnia that would prise away the autonomous Republika Srpska and lead eventually to re-constitution of a larger Serb state.[29]

Since there is no parallel Israeli-Palestinian agreement to compare at present, the basic problems outlined in this section apply to the general course of 25 years' worth of negotiation between the latter. In all that time, the notion of establishing an independent sovereign Palestinian state has been less than explicit, although deeply implied. Still the lack of open commitment to this vision in Israel is probably linked to ongoing ambiguity (it may not be possible to distinguish cause and effect). Palestinians, too, are divided between the two state vision and the old-style maximalist view of conquering historic Palestine from the river to the sea. Beyond this big vision problem, core issues such as settlements face similarly (and famously) ambiguous treatment: Israel states its support for a two state solution in the West Bank, yet nurtures settlement growth and expands its army and infrastructure in ways that make two states unlikely. The meaning and potential lessons of these parallels will be discussed below.

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[28] This sentiment emerged in nearly all interviews.
[29] This aspect has been mentioned in various conversations with Kosovar Albanians, but off-record and on condition of anonymity due to the sensitivity of the source of their suspicions.

D. Lessons and Recommendations

1. The need to avoid the pitfalls of constructive ambiguity. The obfuscation of political goals regarding both final political status and the status of the Serb minority can be termed "constructive ambiguity." It is a quality that has characterized other hopeful peace agreements or negotiations, from Cyprus to the Oslo accords. The benefits can be clear: in Kosovo and Serbia, leaving the larger political goals undefined in 2011 may have enabled both parties to face their societies and justify the de facto concessions they appeared to be making. But constructive ambiguity may be a fair-weathered friend, capable of undermining rather than helping negotiation processes.[30]

Reconsidering the Oslo process in this light can be insightful. In 1993 the Declaration of Principles created an autonomous Palestinian entity but refrained from defining its final status as a state and pushed off negotiations on final status until a later time. While the two state paradigm remains the main negotiation goal, over two decades later, this paradigm is now openly rejected by large portions of Israel's governing coalition and Palestinians justifiably doubt that Israel ever intends to reach such a solution. Palestinian attitudes too have soured over the idea of a state, given how badly the territory has been eroded. While negotiations are defunct, the two state option becomes even more distant.

In both cases, there was a wealth of detail for implementation policy, but intentional murkiness of the overall political meaning. And in both cases, constructive ambiguity led to destructive stagnation. The conclusion is that in some cases, the core principles for final political status should be agreed and stated clearly, either at the start or even prior to negotiations; while leaving the technical implementation aspects to the "later" negotiation process. Without such agreement, the sensitive process of negotiations, rife with symbolic concessions and injury, has no guaranteed justification and is more likely to generate opposition at home. Further, at least in Israel and Palestine, there has long been a fairly clear vision of what those principles should be in the event of a traditional two state solution (if this is still relevant, notwithstanding the concerns above).[31] Thus they are available and do not need to be re-invented.

2. The need to clearly define minority status. Kosovo's experience regarding the question of the Serb minority is instructive for the Israeli-Palestinian conflict as well. There are obviously different guiding principles between the two cases: in Kosovo, the international community insists on a multi-ethnic character for society, which it will probably never demand for Israel or Palestine (who are not

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[30] Cyprus too has leaned on "constructive ambiguity," which was a defining characteristic of the 2004 Annan Plan. Ultimately, the Greek and Turkish sides could not agree on the bi-zonal, bi-communal federation due to conflicting visions of whether the island would be more divided or more united. One Turkish Cypriot academic said in an interview that ultimately, it appeared the Greek Cypriot side had never truly accepted the formulation, and this lies, directly or indirectly, at the root of countless failures.

[31] Since the Camp David negotiations in July 2000, the core principles for a two state solution have been essentially known, and reinforced with just subtle adjustments through various mechanisms including later official negotiations, civil society activism such as the Geneva Initiative, and most recently, the Kerry parameters laid out in a speech just prior to his departure as Secretary of State.

after all expected to one day join the EU). However, the takeaway from Kosovo is that *ambiguity* of autonomy regarding minority status is deeply unhealthy and contributes to escalations of tensions, possible failure of the agreements, and the looming threat of violence is never far behind.

This should not lead to a conclusion that there are no workable formulas for collective minority rights, on either side of a conflict (otherwise many conflicts may never be resolved). But it may imply that solutions involving grey zones of sovereignty or divisions of executive powers over the lives of citizens within a newly-created entity are likely to undermine achieving or implementing a final agreement and should be avoided. Instead workable solutions should favor clarity of sovereignty definitions for minorities – be it collective rights under a sovereign and unitary state, or full-out partition. The clarity and transparency of this status is as important as the actual nature of sovereignty agreements.

Another controversial angle in Israel and Palestine is the opinion some have voiced that Kosovo Serbs should be represented at the negotiations, which they currently are not, for two reasons: first, it is their fate that is at stake, and second, since they represent potential spoilers, giving them ownership over the process could boost their commitment.

This is a critique sometimes heard in the Karabakh negotiations as well, in which Karabakh Armenians are not represented – only Armenians and Azerbaijanis from their respective recognized states. The parallel proposal would probably sound radical in the Israeli context, and may very well be a non-starter for Palestinian negotiators. Nonetheless, at present settlers and their leaders are almost uniformly an obstacle, and so far nothing has eroded their rejectionism. Palestinian-Israelis, too, are stakeholders whose lives will be directly affected, or similarly, Palestinians living in refugee camps both in Palestine and in the neighboring countries. They too could be brought in – not least because surveys show that they are the most supportive community in the entire region for a two state solution (and more supportive of all other solutions). Such a move would need to be done carefully, as there must be a limit to the number of parties who can possibly be represented, and a limit to their influence and veto power.[32] But a properly circumscribed role could open up possibilities for success rather than undermining from the outside.

3. The need for equality of actors. One of the major complaints of Kosovars at this point is that the process is a dialogue of unequals: a recognized sovereign state and a non-state entity, lacking needed recognition (from individual states) and membership in international clubs. Some feel that full recognition of Kosovo must happen at present, not as a final prize for negotiations (recognition by the international community, as even Kosovars realize that recognition of Serbia would be too much to expect). Thus two states can negotiate as equals, and every setback does not sour Kosovars on the entire process, in fear that they might

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[32] Thus, it might be argued based on this that other interest groups such as the Palestinian diaspora or Jewish diaspora be brought into the process. This would be unwieldy and unfeasible, and is not clearly justified. Palestinian refugees still living in refugee camps outside the region (i.e., not already represented by the Palestinian leadership) could arguably be another such constituency to be directly represented at negotiations.

never reach statehood they urgently need. It is notable that as this paper was being written, Israel's head of the opposition MK Isaac Herzog proposed a peace plan – unlikely to gain significant momentum – which proposed recognizing a Palestinian state with provisional borders prior to negotiations.[33] It could be that this type of recognition also provides a clear reward for participating and fulfilling obligations, generating greater incentive to support negotiations to reach a full agreement.

4. The need to acknowledge the cost of status quo. As I have argued elsewhere, a lengthy negotiation and implementation process holds dangers[34] – this was the case in Israel/Palestine and it may be worth taking that lesson to the Balkans. In Kosovo, mounting frustration flowing from the political ambiguity grows over time as long as the ambiguity is unresolved and appears to justify their fears (of partition). While Kosovar Albanians are not living under the same sort of suffocating military regime as Palestinians, interviewees describe status issue as an underlying issue dragging down their development at multiple levels. Unresolved, it will make EU integration impossible. This holds back economic development. It generates deep unrest and becomes the basis for internal political competition, instead of parties competing for successfully serving citizens' economic and social needs, or fighting corruption.

Many earlier supporters of the dialogue in Kosovo have now turned against it.[35] Some have floated consequences should their deep fear come true: In Albania in 2015, the Prime Minister once spoke of "inevitable" reunification – generating anger from Serbia,[36] and in early 2017, an Albanian party leader stated openly that if the negotiations lead to partition of Kosovo, the remaining portion should reunite with Albania.[37] Such a development would change the map of the Balkans once again and stoke Serbian angst of a "greater Albania" – the kind of nationalist fears that contributed to the wars of the 1990s from the start. Further, Serbia appears to have an interest in the simmering status quo, as Israel does at home – Israel's preference for the status quo has been long noted by analysis, and appears to reflect the belief that conflict management avoids painful compromise, in addition to the view that time will favor Israel's advantages on the ground;[38] both should recall that political sovereignty and military strength is not a guarantee against undesired developments due to a festering, unresolved conflict.

5. De facto political change. Regarding negotiations and the factors that may induce them – one aspect observed here was Serbia's gradual, grudging realization that Kosovo was already gone. Advancing a policy to help advance Palestine's

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[33] Isaac Herzog, "Isaac Herzog Details his 10 Point Plan for Israeli-Palestinian Peace," *Haaretz*, 23 February 2017.

[34] Dahlia Scheindlin, "What Went Wrong? Learning from the Mistakes of Oslo," *+972 Magazine*, 31 July 2013.

[35] Several interviewees in Kosovo expressed having made this transition.

[36] Gordana Andric, Una Hajdari. "Serbian PM vows to stop Albanians uniting," *Balkan Insight*, 7 April 2017.

[37] "Without the North, Kosovo Joints Albania," *Albanian Daily News*, 26 January 2017.

[38] For a more detailed exploration of Israel's preference for the status quo from a comparative perspective, see Dahlia Scheindlin, "Lessons from Cyprus for Israel-Palestine: Can Negotiations Still Work?," *Mitvim – The Israeli Institute for Regional Foreign Policies*, September 2016.

independence and drive home the reality that the West Bank and Gaza will never belong to Israel can be a step in that direction, and it need not be a direct negative intervention. Normalizing trade and foreign relations with Palestine and increasingly welcoming it into international clubs are examples of a changed political reality that do not actually harm Israel (save perhaps for its pride). However, looking at the other side, international punitive measures against Serbia or other countries when their policies are deemed wrong is a grim reminder that the international community could hit harder and far more painfully if it were to decide to.

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In conclusion, the Serbia-Kosovo case provides at least as many warnings as lessons. However, there is still a dialogue process, unlike the present situation in Israel and Palestine. Despite all the hurdles and fears, the violence of the 1990s has not recurred and both places are more peaceful now than in the past. This is largely because Kosovo has advanced towards its political goals, even if they are still far from being completely fulfilled. Israel has generally insisted that only force can keep Palestinian violence in check. But genuine political progress towards Palestinian self-government and eventually statehood, not only in name, may be the alternative not yet tried.

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