

New Deal, Old Troubles

A new beginning in the Serbia-Kosovo relations or more of the old

Introduction

The mood was not celebratory. Enthusiasm for a new beginning began to fade soon after the promises were made. The negotiators were reluctant to sign the agreement offered to them by the EU as a ‘take it or leave it’ document. They instead offered oral commitments, and only after the agreement’s terms were considerably diluted. A bad omen for implementation. Two months later, the parties have taken no steps toward the implementation. If anything, they have been backtracking. Analysts now rightly ask whether the March 2023 Ohrid Agreement between Kosovo and Serbia is just another likely broken commitment. After all, “an agreement is just as good as the parties,” and Kosovo’s and Serbia’s record of ‘keeping promises’ is dismal, with their leaders notorious for making and particularly breaking promises. Serbia’s and Kosovo’s leaderships have built their political brands around nationalist populism and ethnic grievances and their evolution into peacemakers seems to be a stubborn task.

Though ‘public bets’ in Serbia and Kosovo are on non-implementation, the agreement could still succeed. The EU and the US could prove the publics wrong. What determines the agreement’s success or failure is the level of the EU and US engagement. The bad news is that Serbia’s President Aleksandar Vucic and Kosovo’s Prime Minister Albin Kurti will not do anything substantial voluntarily. The good news is that both Mr. Vucic and Mr. Kurti responded positively to EU’s and US’s resolute ‘take it or leave it’ approach in Ohrid, reflecting, for all their spirit of defiance and pride, their vulnerability to international determination. “Put the right pressure and our leaders would go further and faster.” However, the international influence has also its limits. The EU and the US had to give in to the parties’ stubbornness when they significantly weakened the agreement’s annex on implementation.

Hoping to help drive the implementation of the Ohrid Agreement in the right direction, the Council for Inclusive Governance (CIG) convened a group of political observers from Serbia and Kosovo for a discussion on changing the fundamental dynamic in relations between Serbia and Kosovo and define a number of steps that could ease the barriers to the implementation. The workshop was held in Belgrade, Serbia, in May 2023 and was supported by the Friedrich Ebert Stiftung (FES) in Serbia and the Swiss Federal Department of Foreign Affairs (FDFA). CIG’s vice president Shpetim Gashi prepared this report. The report outlines the key discussion takeaways and it does not necessarily represent the views of individual participants or the group as a whole, CIG, FES, and FDFA.

The new EU and US approach of ‘take it or leave it’ reflects a new style of conflict resolution in the Kosovo-Serbia case that emphasizes strong intervention and imposed solutions over open-

ended dialogues. This new approach marks a radical departure from the more democratic negotiation process like the Brussels dialogue, but the West perhaps realized “it can’t have a democratic process with non-democrats.” Unlike the Brussels dialogue, the Ohrid negotiations were not a bargaining table. It was ‘take it or leave it.’ The tandem of sticks and carrots was an essential part of the process, but, many speakers noted, the sticks have been producing better results.

To sum it up, the EU proposal, together with the supplementary annex and the non-signing, presents a textbook illustration of the various devices that can be used to soften the substance of an agreement in order to make it acceptable to both parties. Among others, it is also “an agreement to disagree” on the central question of the dispute, the status question. Without accommodation of Serbia’s non-recognition policy, there would have been no agreement. At the same time, it allows Kosovo to consider it an agreement “between neighbors.”

A major feature of the Ohrid Agreement is its unpredictability. A question that needs to be asked is why does unpredictability characterizes every agreement and aspect of relations between Kosovo and Serbia. “Why can’t we keep our promises?” Another problem with the Ohrid Agreement is that there was too much focus on “how to sell its content rather than on how to improve the quality of the content.” Non-implementation could also introduce new risks in the relations and wipe out the little trust developed recently.

Mr. Kurti and his party is feeding ethnic spite. Mr. Vucic and the Serb List are not lagging behind in this regard. Ethnic polarization is at a high level. Public skepticism about the agreement implementation is also high. The EU and the US are trying to build support for the process but that is proving to be an uphill battle even for the two superpowers. The EU is using membership in the Union as a magnet for the parties, but the parties know that their EU prospects are weak, and “Mr. Kurti and Mr. Vucic are sure their countries will not be able to join the EU while they are in power, so as to claim the credit for it.” Kosovo’s and Serbia’s leaderships “don’t care as much about long-term interests” for which “they won’t be able to claim credit for personally.” Both Kosovo and Serbia want the agreement to fail, but perhaps “Serbia wants failure more” in the hope that it gets a better package later. “Mr. Vucic wants territory and wants it now,” said a speaker, adding, “the EU membership will not work, even if it is offered to him today.”

Steps to change the fundamental dynamic in relations

The Ohrid deal is a sign that the relations may be beginning to improve, but the fundamental dynamic between Kosovo and Serbia has yet to change. The workshop participants were skeptical that the Ohrid deal ushers in a ‘new beginning’ in the Serbia-Kosovo relations. “A fundamental dynamic change?” asked a participant. “I doubt it.” The immediate post-Ohrid interactions seemed less belligerent, but the underlying hostility in the Kosovo-Serbia relations remains intact, best reflected in recent clashes in Kosovo’s north. Mr. Vucic and Mr. Kurti continue to speak with their vengeful styles, reflected in their frequent lecturesome, humorless, and monomaniacal speeches, which continue to “shape and control public thinking and discourse.” A democratic opinion-making process in Serbia and Kosovo has somehow not been able to take root.

Both Mr. Kurti and Mr. Vucic insist that normalization has to be on ‘just terms,’ but their ‘just terms’ are radically different from one other. Both leaders also seem to believe that the terms of

the Agreement could be violated without serious repercussions. All of this means that it will likely take a long time for conventional wisdom to acknowledge the benefits of normalization that seem “apparent to the peace proponents.” Of all the ways to undermine a process, the easiest is to just “make the other side seem hopelessly bad.” By contrast, leaders interested in solutions conduct more conventional negotiations centered on “solutions rather than on defeating the other side.” “Neither the Republicans nor the Democrats got what they wanted, but the American people got what they needed,” said President Joe Biden upon concluding a deal on the debt ceiling. Our leaders should also focus more on “what their people need, not only on what the leaders want.”

The workshop participants offered five steps to change the fundamental dynamic.

1. **Use common threats as a source for cooperation.** During the Cold War, the threat of the Soviet Union unified the West. Now, again, the West has been unified by Russia’s intransigence and China’s ascendance. “We should learn from the West.” Kosovo and Serbia, too, face some major common threats that they should use to forge cooperation and solutions to ongoing disputes. *Depopulation* is a major economic and security threat for both. “The labor force is leaving and soon we will have more pensioners than workers, inevitably leading to system bankruptcy.” *Instability* and *unpredictability*, though more abstract, are two other major common political and economic threats, spoiling both domestic and foreign investors. “Nobody wants to park their money in places threatened by war.” If common threats work for the West, “they should work for us too,” or, at least, “we should try to make them work for us.” These threats could serve as common drivers to move towards resolving our biggest threat, “which is us perceiving each other as permanent threats.” “We need instead to focus on common threats, and we have plenty.”
2. **The non-governmental political community should promote new thinking.** Serbs and Albanians are profoundly confused about their relations. The old thinking of simply considering each other as permanent enemies is non-effective and a new thinking has not yet been born. The liberal political observers, analysts, civil society activists, academics, and liberal wings of political parties should intensify their efforts to promote a reconciliatory vision for the future relations between these two former foes. In the short term, a new vision would offer a departure from the status quo and in the long term would serve as a basis for a healthy relationship based on friendship. The non-governmental political community should regularly counter the rhetoric and actions of Kosovo’s and Serbia’s governments and their political parties that feed and spread suspicions, fear, conspiracies, provocations, and outright hostility. The leaderships’ behavior today is “shoot first, ask questions later.” The non-governmental political community can mitigate these risks by serving as a kind of “healing mechanism for the past and creating room for optimism for the future.” It all starts with “positive rhetoric.” Building liberal democratic societies should be the guiding principle in building a “better Serbia and a better Kosovo and a better relationship between the two.” The international community could help, too, by encouraging and amplifying this eventual new thinking.
3. **Address the past without fueling more resentment.** The relations between Serbia and Kosovo remain frozen in time, largely because of the way they address the past, allowing radical nationalism and nationalist populism to flourish. Though the war ended a quarter century ago, “both sides talk of it as if it ended yesterday.” Efforts to build a more reconciliatory narrative are strongly rejected by political leaderships and publics who feel a more ‘western

narrative' would disempower them. "The feeling of victimization is power." Everyone wants to believe their own version of the story only. If an Albanian would say that Serbs are good people of vice-versa, "he'd be breaking a taboo." Most Albanians also see their own Serb community in Kosovo as "complicit in their subjugation in the 1990s." These narratives continue to fuel resentment at a time when "we need some healing the most." Serbs and Albanians need to make the lessons of the past about human rights, protection of non-majority communities, and co-existence. Reconciliatory messages have begun to gain some ground, but very slowly. Mr. Kurti's acknowledgment that about one-third of missing persons are non-Albanians and Mr. Vucic's recent statement that Serbs need peace with Albanians are good steps. Friendship between the two former foes should be the centerpiece of these eventual new efforts to address the past. The new thinking should be focused on finding every reason why Serbs and Albanians should have good relations.

4. **Make the Serb community in Kosovo happy.** To fully integrate and begin to trust the institutions, Kosovo Serbs should be convinced that "Kosovo's institutions have their back" and accommodate their demand for more local governance through the formation of the Association/Community. Certain to be a permanent minority on the central level, the Serbs want more decision-making powers in local areas where they constitute a majority. Such demands for more control over local affairs might be considered normal in developed democracies, but this is not the case in countries with deep ethnic divisions—where even trivial transfers of power appear to have high stakes. The idea that the state can meet one community's demands without hurting the others has not yet taken root in Kosovo and Serbia. Nonetheless, it would be difficult but not impossible to allay widespread Albanian fears that the Association/Community will lead to state dysfunctionality or partition. Even if municipalities in the Association/Community gained more local competencies, Pristina would still retain control in areas such as taxation, the judiciary, the police, border control, and customs. Kosovo should establish the Association/Community, even if this requires some changes in the current minority policy legislation, and integrate this portion of its population into the system. Currently, Belgrade is understandably the only actor the Serbs trust. Belgrade is paying for their education, health, pensions, while "Pristina is trying to impose 'solutions' on them." Kosovo's north—about 1,000-square kilometers, about 10 percent of Kosovo's territory, with over 90 percent Serb majority—is the largest cloud hanging over the relations between Kosovo and Serbia and affecting internal stability in Kosovo. The Association/Community is the "best chemical" to clear out this cloud. The Association/Community is also a key test of the Albanian majority's ability to build sustainable relations with its key minority community. Kosovo Serbs say it is "fair for Kosovo to yield to their demands" if "Kosovo wants them to become full citizens."
5. **The West should help shield leaders from domestic scrutiny.** Both Mr. Kurti's Self-Determination Movement (VV) and Mr. Vucic's Serbian Progressive Party (SNS) have strong radical wings that party leaders cannot ignore. Mr. Vucic and Mr. Kurti have to walk a fine line between keeping their electorates at home happy and meeting international demands. And, unfortunately, Mr. Vucic and Mr. Kurti themselves have contributed to building the conditions at home for opposing peace with the former foe. But, some participants said, both Mr. Vucic and Mr. Kurti are "pragmatic and opportunistic enough" so that the international community can get them to do the right things, even if they are not popular with their constituents. Therefore, EU and the US should take some steps to share more responsibility, and an eventual

blame, with Mr. Kurti and Mr. Vucic by a) offering more public support to leaders, b) make publics believe their leaders have no choice, that their surrender, if some see it as such, is involuntary, but that it is in the public interest, and c) become a party to implementation by arbitrating on disputes and guiding the drafting of documents (for instance, offer a draft on the Association/Community). Though the polls show people are not favorable to the agreement, Mr. Kurti and Mr. Vucic, strongly supported by the EU and the US, can shift that. As a first step, they need to acknowledge that this cannot be done through showy confrontation over nationalist politics. The EU and the US could help our leaders in the process of “evolving from youthful nationalists to grow-up leaders.”

The normalization between Kosovo and Serbia remains a matchstick tower. But that is not necessarily a sign of failure. It is a lesson that peace processes are never final; that they need regular updates and repair to endure. The problem with the Serbia-Kosovo peace process is that everyone wants total victory. Anything less is a defeat. Their rhetoric is heavy on distorted history and nationalist populism. This is reflected in the pattern of always saying ‘no’ before saying ‘yes’ to almost any agreement between the two parties since 2010 when the dialogue in Brussels began. Furthermore, Belgrade and Pristina rarely take initiatives to improve relations, but rather wait for the international community’s initiatives. This seemingly “fear of losing” can be substituted with a “culture of winning,” that there is a substitute for total victory.

It is imperative that all stakeholders work in installing this culture of winning in both Serbia and Kosovo. It will require considerable political courage and risks to move forward, especially that the political leaders seem to have more entrenched views in opposing normalization than even the broader public. Constant tensions could trigger a wave of nationalism that could intensify fast and jeopardize the gains of the past decade. The leaders should sacrifice some of their selfish goals for the public interest. They could criticize the process but should not attack the agreements, such as the Ohrid Agreement, they themselves committed to implement. The leaders believe they could sustain the conflict for a long time—and are laying domestic groundwork for it. That is why the EU and the US should narrow the leaders’ political maneuvering room, enforce implementation of the agreed deals, and press the leaders to make new compromises.

And though the public opposition to the normalization is broad, it is shallow—it is not based on fundamental political positions or ideological views, so it is not a stable opposition—so it could shift quickly in the right direction if the leaderships “become more mature.” In the end, both Serbs and Albanians would appreciate mature leadership that does not gamble with their futures, but these publics still “don’t know what mature leadership looks like.” Once, if ever, they see it, “they will like it and support it.” For now, it is still easier to rally frustrated Serbs and Albanians around saying ‘no’ to good relations with a former foe than to figure out something they will say ‘yes’ to.

Kosovo’s and Serbia’s spectrum of options is quite broad, from resolving the conflict now to continuing it for another hundred years.

The choice should not be theirs alone. The international community should “help us make the right choice and soon.”

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