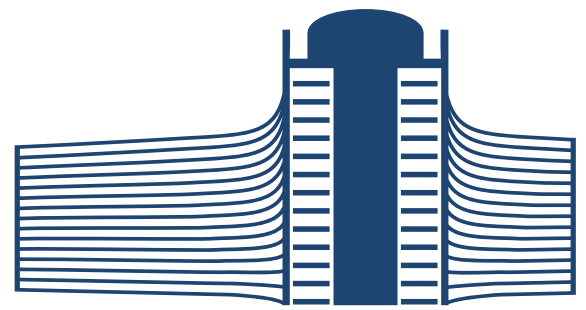


# From 'Little Putin' and 'Little Hitler' to Making Peace Together





European Commission by Gerald Wildmoser from Noun Project

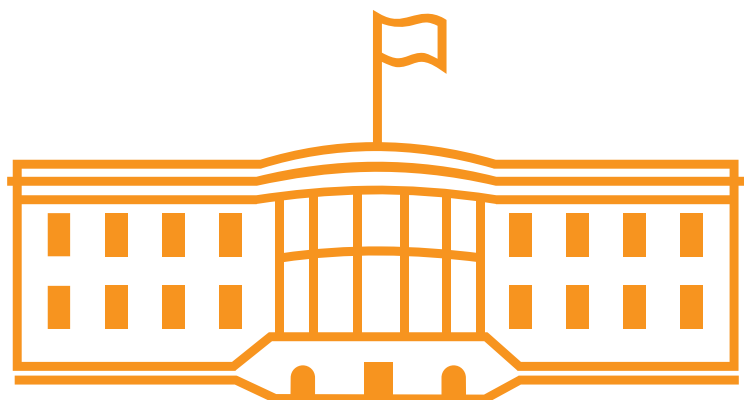
# FROM 'LITTLE PUTIN' AND 'LITTLE HITLER' TO MAKING PEACE TOGETHER

Only months ago, Kosovo's prime minister Albin Kurti and Serbia's president Aleksandar Vucic likened each other to Vladimir Putin and Adolf Hitler, with Kurti calling Vucic "little Putin" and Vucic in turn calling Kurti "little Hitler." On several occasions last year, they came to the brink of conflict. But last week the two leaders embraced an agreement that could potentially transform their quarter-century long conflict. The agreement aims to break the impasse in the Kosovo-Serbia relations and delay the status questions for a later, more favorable stage.

To assess this eventual transformation of the conflict and the effects the agreement could have in the normalizations of relations between Kosovo and Serbia, the New Social Initiative (NSI) brought together for a discussion a number of keen political observers and analysts from Kosovo and Serbia.

The discussion was held on March 10, 2023 in Brezovica, Kosovo. The project is supported by the National Endowment for Democracy.

This report is based on the discussions, which were held under the Chatham House Rule. The report does not necessarily represent the views of NSI or of individual participants. It is simply a brief summary of the discussions.



White house by James Keuning from Noun Project

Though their war ended in 1999, Kosovo and Serbia remain a trouble spot on the political map of Europe, one that the EU and the US are very keen in resolving. The West's target is not just peace between Serbia and Kosovo but also strengthening security in Europe. The EU leads the negotiation process, but the US is "the quiet elephant" in the process. The new EU and US approach of 'take it leave' reflects a new style of conflict resolution that emphasizes strong intervention and imposed solutions over open-ended dialogues, a number of speakers argued. The tandem of stick and carrots has been an essential part of the process, but, many speakers noted, the sticks have been producing better results.

This new EU and US approach marks a departure from the more democratic negotiation process like the Brussels dialogue. The EU and the US may have realized that "you can't have a democratic peace process with non-democratic conflict-prone leaders." Unlike the Brussels dialogue, the new process is not a bargaining table. "It's simply a take it or leave it." But 'leaving it' has repercussions for both countries and leaders. Though this is an EU process, some speakers said that both Serbia and Kosovo look at the US as the power with enough clout to break their impasse. Many speakers argued that the EU and US target is not just Kosovo and Serbia, but also strengthening peace and security in Europe in the face of Russia's aggression on Ukraine.

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Here are some of the key points of the discussion.

## 1. *Kosovo and Serbia should promote the agreement as a win-win solution.*

If the agreement is implemented and holds, Serbia, Kosovo, and the Serbs in Kosovo have much to gain from a reset in relations. For Kosovo, it could open the door for more recognitions, especially from the EU non-recognizers, and membership in international organizations. For Serbia, it could accelerate its EU membership path, bring new investment, and improve economic prospects. And the Serbs in Kosovo could have their demands for more local power accommodated.

## 2. *The EU and the US should remain just as committed to the process after the agreement.*

The EU and US engagement—not the will of Pristina and Belgrade, unfortunately—will determine the fate of the agreement and its implementation. The process is entirely driven by the West's pressure. [1] The EU and the US know it and this is why they did not engage the parties in the drafting of the framework agreement, but offered it them as 'take it or leave it,' or, as a speaker put it, "take it or take it." The EU and the US should know that if left alone, Pristina and Belgrade will not implement the agreement. The EU and the US should be ready to employ more resources in the implementation process if they want an irreversible breakthrough. As the post-German 1972 Treaty period illustrates, the subsequent negotiations between the two German states on implementation were difficult and often intractable. Many said same should be expected between Pristina and Belgrade.

## 3. *The Association/Community of Serb-Majority Municipalities (ASM) should be implemented within the timeliness.*

Though only one of the elements of the agreement, ASM is the 'make it or break it.' In other words, it is a precondition for the implementation of the entire agreement. "If there is no ASM, there is no agreement." The trick will be how to squeeze it between the central and local institutions. Many speakers said that the ASM should incorporate the existing Serbian system in Kosovo (education, healthcare, and the temporary administration).



Photo: Radio Kontakt Plus

[1] Some speakers pointed out that this is benign pressure and should not be confused with blackmailing. The pressure and sanctions, especially personal ones, many participants said, are an important deterrent to prevent misbehavior. Therefore, many said the sanctions should remain 'active' throughout the process.

## 4 • *Failure of implementation could lead to escalation.*

The stakes in the process are high. Returning to a pre-2022 status quo is not an option. Failure to implement the agreement would likely lead to escalation. One hypothetical risk is that if Pristina fails to establish the ASM, the Serbs in the north do it on their own, Pristina reacts and so on. Some also said that there is a risk that the agreement turns from an instrument to break the deadlock into an instrument for Kurti and Vucic to restate and strengthen their old positions. Kurti could also “provoke the situation in the north.” Some argued that Kurti’s approach towards the north has been “reckless, basically free-riding on American security.” He believes that “Americans would come to rescue.” But many argued that this could not be taken for granted if Kurti doesn’t cooperate with the US. Some, however, said that Kurti believes he doesn’t need the West. “Kurti’s confidence in Kosovo’s strength, especially in controlling the north, is not just dangerous, it is possibly delusional too.”

## 5 • *The good news is that Serbia and Kosovo cannot easily break free from dependence on the EU and the US.*

Therefore, they will likely cooperate to a satisfactory degree. The agreement aims not only to improve relations between Kosovo and Serbia but also bring them closer to the EU. “If they they better relations with the EU and the US, they need to have better relations with each other.”

Though grudgingly, Prime Minister Kurti and President Vucic endorsed the framework agreement in February and agreed in March on the annex, which is supposed to put some meat on the bones of the framework. The next step is to implement it. “Real problems will appear after the agreement,” a speaker said, “when the implementation phase begins.” The first and most critical test will be played out in Kosovo’s north, where the Serbs have withdrawn from institutions and refuse to recognize Kosovo’s authority. To get their cooperation, Kosovo will have to form the ASM, a seemingly precondition to implementation of the agreement as a whole.

"If there is no ASM, there is no implementation." In other words, the ASM was not a precondition for signing the agreement, but it is for implementation. It is the first point in the implementation sequencing. A speaker explained that Kurti is trying to change the sequencing so that the ASM does not come first and potentially harm him politically among his supporters. But, many speakers said, chances for his success are slim. The EU and the US seem determined to "begin agreement implementation with ASM," whose implementation would appease Serbs in the north and offer a "symbolic victory to Belgrade." "ASM is the main chip for Serbia."

Inspired by the German Basic Treaty of 1972 (over 70 percent of the EU proposal's text is identical with the German treaty), the EU proposal tries to reconcile Serbia's and Kosovo's individual goals with what is possible under the circumstances. It allows both sides to claim success: Kosovo can say it got de facto recognition, that the document provides for relations based on equality and respect for territorial integrity; and Serbia can say it kept Kosovo within its legal order. Even after the Basic Treaty, the West Germany continued to consider itself the only legitimate

government of Germany as a whole. The EU proposal allows Serbia to continue to claim that Kosovo is part of Serbia, since it does not require Serbia's recognition. Just like the West Germany continues to claim that the Treaty enabled the continued existence of Germany as a whole, Serbia is using a similar premise, that the agreement does not take Kosovo away from Serbia. Also, the German Constitutional Court had concluded that the German Basic Treaty was not in conflict with the Constitution.



*The President of Serbia Aleksandar Vucic kissing on the lips with the Prime Minister of Kosovo Albin Kurti, painting by Emira Murati*

If asked to review the legality of the agreement, courts in Serbia or Kosovo are expected to come to the same conclusion, a number of participants said. The stakes are too high to "let some courts spoil the deal."

The participants found the EU proposal, together with its annex, an interesting document that carefully incorporates a list of “give and takes.” The proposal grants to Kosovo a number of important things it had long wanted. Among others, Serbia commits to develop “normal good-neighbourly relations” with Kosovo other on the basis of “equal rights.” The proposal also does not ask Serbia to recognize Kosovo nor change its constitution. And it gives the Serbs in Kosovo a level of “self-management,” though not yet clearly defined.

A number of participants explained that many in Serbia believe this is a complete ‘sell-out’ of Serbia’s former legal position. However, the “taking back” for Serbia begins in the preamble where the parties state that they both proceed “from the historical facts and without prejudice to the different views of the parties on fundamental questions, including the status questions.”

This crucial point is further emphasized by Vucic that the agreement does not conflict with Serbia’s aim to preserve Kosovo as its own territory. In other words, the agreement does not regulate the issue of status. Many speakers said, though, that this agreement will be a big step in the direction of solving the status questions.

To summarize, the EU proposal, together with the supplementary annexes, and the non-signing, presents a textbook illustration of the various devices which can 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. Just as the West Germany claimed the treaty was intra-German, Serbia could claim that this is an internal agreement (rather than international) with its own province. 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.”

Though Serbia and Kosovo accepted the EU proposal, failure to implement it is still an option. Both Vucic and Kurti styled themselves as transformative leaders during their rise to power, but gradually both have become very risk averse, avoiding steps that fundamentally transform their relations or reform their domestic system.



“Their transformative ambitions have been reduced to their desire to preserve power and please their constituents, so that they vote for them again and again.” The two leaders will not “voluntarily implement it,” but neither could “withstand EU and US pressure,” some speakers concluded.

However, the level of the EU and US determination in the post-agreement period is another unknown in the process.

The two leaders have built their political brands around nationalism and ethnic grievances and turning into peacemakers will be a complicated and likely long transition. Prime Minister Kurti wants his transitioning from a “stubborn politician to a constructive one” to be as unnoticeable as “watching paint dry,” so that it doesn’t attract close scrutiny from his core supporters.

President Vucic’s repositioning, on the other hand, is more conspicuous, with almost daily press briefings where he acknowledges the proposal includes some compromises but explains that saying no to the proposal has long-term repercussions for Serbia.



Illustration: Exit news

The goal of the EU and the US through this deal seem to be to secure peace between Kosovo and Serbia in the short term and develop good-neighborly relations in the longer term.

Participants concluded that there is no short-cut to normalization. The road to good-neighborly relations will be long and bumpy.





*Project "Strengthening Youth Civic Participation in Political Processes" is implemented New Social Initiative (NSI) and supported by National Endowment for Democracy (NED)*

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