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## Serbia and Kosovo, not just license plates: dialogue to the test of truth

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### *A hot and restless Balkan summer*

It has been a hot summer in every sense of the word, restless and full of anxiety and apprehension, on the Balkan peninsula, the area of the European continent that has become synonymous with conflictual instability and has for centuries been associated with the image of the “pressure cooker”, in less dramatic moments, or the “powder keg”, in the bloodiest ones. Unrest and nervousness have characterised the political situation in all the Balkan countries, but the most bitter and alarming tensions have been felt in Bosnia-Herzegovina and Kosovo, the post-Yugoslavian realities where the wounds of the war are still open and deep and for which, more than two decades after the end of the “10-year war” that followed the violent disintegration of Yugoslavia, we cannot yet speak of stabilisation or normalisation, or even of a linear and promising process of rapprochement with the European Union. It is no coincidence that Bosnia-Herzegovina and Kosovo are referred to in diplomatic language, and sometimes in the media, as the “*un-finished Balkans’ businesses*”. It is true that these tensions - whether low, medium or high intensity - have been a constant in recent decades, but it is equally true that Russia’s dastardly invasion of Ukraine, which wiped out all the security, cooperation and welfare equations of the entire continent in one fell swoop, starting on the fateful date of 24 February, has inevitably cast a long and heavy shadow over them. However, it is undeniable that the recent crises are the result of local and endogenous factors, largely the result of the logic and choices of local ethnonationalist leaders who continue to use the leverage of ethnic resentment to preserve and consolidate power, aggravated by the international community’s inability to find long-term solutions and effective and lasting compromises. From this perspective, the limitations of Brussels and the EU Member States in the stabilisation and integration of the area, which until a few years ago was defined as a “historic mission” through the “European perspective of the Western Balkans”, a process that now appears moribund, are increasingly evident, a weary repetition of vague promises and disjointed demands without a precise conceptual design, a feasible plan of action and above all a common line accepted by the 27 Member States, leading to the bitter conclusion that in its attempt to “Europeanise the Balkans”, the EU has ended up balkanising itself.

It is precisely in the framework of the “*un-finished Balkans’ businesses*” that the escalation of the sovereignty dispute between Belgrade and Pristina, with this summer’s so-called “license plate crisis”, is framed. The tensions have manifested themselves in roadblocks, barricades and a few skirmishes that are more verbal than factual, in the strip of land in northern Kosovo furrowed by the river Ibar - a territory less extensive than the metropolitan area of Rome and inhabited in all by about 50.000 citizens, the overwhelming majority of whom are ethnic Serbs (Serbo-Kosovars in the whole of Kosovo number around 140,000, equal to 7-8% of the total population) residing in the four municipalities of North Mitrovica (the only European city divided into two parts, not by a wall, but by a bridge), Zvečan, Zubin Potok and Leposavić.

### *The case of the license plates and the documents of discord*

The issue of the rules for the registration of motor vehicles, and thus for the corresponding license plates allowed in circulation, combined with that of the identity documents required for transit from one country to another, acted as a catalyst for the crisis, as was already the case a year ago, and not for the first time. It could well be said that for the past 14 and a half years,

namely since Kosovo's independence - as is well known, recognised by some 110 UN Member States, but not by Serbia, Russia and China, as well as the rest of the international community - there has been a periodic rekindling of the "licence plate crisis". This year, the crisis has been exaggeratedly promoted to the status of a "licence plate war" by the opposing propaganda of Belgrade and Pristina with their respective allies - Moscow for Belgrade, above all, in bombastic and threatening tones - and by many media, including international ones, in search of easy suggestive headlines as well as instrumental slogans.

The *affaire* of the license plates belongs to the list of issues that have been addressed since 2011 in the so-called "technical dialogue" between Belgrade and Pristina mediated by Brussels that, under the auspices of the UN General Assembly, was supposed to try to break the deadlock following Belgrade's refusal to accept the opinion of the International Court of Justice in The Hague (non-binding, but requested by Belgrade) that had defined the Kosovan declaration of independence as not contrary to UN Resolution 1244/99 nor to international law. Recognising once again the impossibility of reaching a "political" agreement between the two sides on the so-called "*status*", at the strong urging of Brussels and Washington, it was decided to at least initiate a "dialogue" focused on concrete issues in order to improve the living conditions of those who suffered the most from the dispute, namely the Kosovar citizens of all ethnic groups and social conditions. It was a matter of reaching agreements "*on technical issues of primary importance for citizens' daily lives*". Among these "*technical issues*", such as the cadastral register, the civil registry, the mutual recognition of school diplomas, of vital importance was the issue of license plates in an attempt to put an end to what the operators on the ground called the "Far West of license plates". The author of this paper well remembers the scenes of Kosovar citizens of all ethnicities who, in order to transit with a certain level of security between one area and another of the country with a different ethnic majority (for those relations which persisted on a personal level, despite the rigidity of the opposing ethnonationalist leaderships) travelled with all kinds of license plates at hand in their cars (in addition to the official Kosovan ones, plates produced at the time by the UNMIK administration, Serbian plates and even pre-war Yugoslavian plates) to change them "on the spot" when necessary, scenes that often reached sublime peaks of grotesque Balkan surrealism. In 2011, a solution, albeit a transitional one (valid for five years) was reached: The authorities in Pristina allowed Serbs in Kosovo to use license plates with the initials "KS" rather than "RKS" for the Republic of Kosovo (since the "R" for Belgrade was unacceptable), while Belgrade in turn allowed cars with Kosovo plates to pass through its territory, but only on the condition that at border crossings a sticker covering the infamous "R" would be affixed to the blue strip bearing the national initials (consequently, a sticker on the Serbian initials would be affixed to Serbian license plates when entering Kosovo). The arrangement was complemented by an agreement on identity documents for freedom of movement and transit from one country to another, since Kosovo citizens were not allowed to enter Serbia with documents issued by the Kosovo state. Consequently, citizens with identity documents issued in Serbia were granted full freedom of movement within Kosovo territory. The transitional license plate agreement was renewed for another five years in 2016, but things got complicated. Firstly, the agreement on freedom of movement had never been implemented on the Serbian side and Kosovars arriving at the crossings were issued a temporary transit and residence permit upon payment of a "toll". Moreover, Belgrade had intensively resumed the production of license plates with the indication of Kosovo towns, primarily Mitrovica, causing further friction. When the extension expired in September 2021, Kosovan Prime Minister Albin

Kurti therefore demanded the enforcement of reciprocity, announcing the adoption of a law on the re-registration of all license plates with the initials KS, making the initials “RKS” compulsory for all. In the North, protests broke out, barricades were erected, and the crossings were blocked: to avoid an incendiary escalation, European and American diplomacy immediately intervened by putting strong pressure on Kurti and inducing him to suspend the measures for a year, while waiting for an overall agreement that they undertook to promote. However, a year passed without any step on either side.

### ***2011 the technical dialogue***

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### *Chronicle of a crisis foretold*

The scenario repeated itself punctually in the middle of this summer, also due to the consequences of the war in Ukraine and the deterioration of the general context. Once the fire was put out, the embers remained lit, ready to ignite. At the end of June, the Kosovan government announced the introduction, as of 1 August, not only of measures on license plates but also of the issuance of provisional documents for those who, when entering through the border with Serbia, had shown Serbian identity documents, a move motivated in the name of “reciprocity” with Belgrade policies. The announcement immediately unleashed the wrath of Serbian President Aleksandar Vučić, “the strong man of Belgrade”, who went so far as to accuse Pristina of planning “a general attack on northern Kosovo, by 1 October at the latest” and of wanting to “make a new Storm”, with a clear reference to Operation Oluja implemented by the Croatian army in Krajina in 1995. Those who have lived and worked in the Balkan and post-Yugoslavian countries over the past decades know well that since the ghosts of the past, remote and recent, are still in the air and almost tangible, when one resorts to the evocation of events such as those evoked by Vučić, then the storm can really erupt. It was not this feeling, but perhaps only the urgency to calm the waters, given also the pressure from Moscow, which has heavily exploited the affair for its own propaganda purposes, that led to the new firebrand intervention by Brussels and Washington, prompting the Kosovan government to suspend the measures until 1 September and launching an intense summer diplomatic “shuttle diplomacy”. This also led to a “face-to-face” between Kurti and Vučić in Brussels on 20 August, in the presence of the EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, which however turned out to be far from conclusive. In the end, on 27 August, Borrell announced in a tweet that an agreement had been reached between the parties, albeit partial and only verbal, to abolish entry and exit documents in both directions on the Kosovo-Serbian border, both for citizens with Kosovo and Serbian documents. On the issue of license plates, however, this will have to be discussed again, with the measure nevertheless entering into force on 1 September, albeit with two months for its implementation. In concrete terms, the agreement reached, albeit only verbal, undoubtedly marks a point in Kurti’s favour as Kosovar citizens will see their identity documents recognised by the Serbian authorities for the first time. However, Vučić was quick to make it clear, emphasising that this is only a verbal agreement without anything signed, that this does not in any case imply any recognition, not even implicit, of the Kosovan state and Pristina’s independence.

### ***A dialogue between the deaf mediated by the blind***

Despite the fact that this is a partial and verbal agreement, it remains the only small positive development in the last few years of the more than decade-long dialogue process between Kosovo and Serbia, which I described in an analysis in April 2021 as a shining example of a “dialogue between the deaf mediated by the blind”. After the promising start at the technical level, it had come to the signing in 2013, by Hashim Thaçi (then Kosovo Prime Minister) and Vučić himself, of the Brussels Agreement on the “normalisation of relations”, presented as “historic”, much prematurely since its essential points were not implemented. There then followed various attempts at revitalisation: Some were ill-advised and forced, as in 2015 when European diplomacy, and American diplomacy on the rebound, seemed to endorse the hypothesis of a “land swap” between Serbia and Kosovo, a hypothesis that anyone familiar with the Balkans knows would open a “Pandora’s box” with devastating consequences throughout the area, and not only. Other attempts were pretentious and even clumsy, such as that of Trumpian diplomacy that led in September 2020 to the signing of the so-called “White House Agreements”, which resulted in a mere “photo opportunity” in the Oval Office and in an authentic, useless and damaging mess, denied by the signatories themselves, on which it is better to gloss over here. High Representative Borrell has assured that the EU will immediately intensify its efforts to relaunch the process and reach not only a final agreement on the license plates, but also agreements on the issues that remain open, or have not been implemented after previous agreements, such as electricity, missing persons, and the Association/Community of Serbian Municipalities in Kosovo, in order to resume the path towards a “normalisation of relations” (and he was echoed in Washington in the same vein). The fact is that in order to do so credibly, a conceptual change of step is required, a vision that goes beyond what has been the obvious limitation of the dialogue process, starting at least since its transition from the technical to the political phase in 2013, namely having initiated and built the entire process on so-called “constructive ambiguity”.

### ***The crux of the matter, beyond “constructive ambiguity”, on the ground, but also in Brussels***

Il nocciolo della questione, oltre la “*construtive ambiguity*”, sul terreno, ma anche a Bruxelles. L’accordo di Bruxelles firmato il 19 aprile 2013 conteneva l’indicazione di un processo graduale che, tramite intese specifiche su questioni essenziali (prima tra tutte la creazione di una Associazione/Comunità delle municipalità serbe in Kosovo, con un grado di autonomia molto più avanzato rispetto al decentramento previsto dall’attuale ordinamento kosovaro), doveva portare al cosiddetto “*end-game*”, vale a dire alla “normalizzazione delle relazioni” tra Belgrado e Pristina. Data la distanza tra le parti, a Bruxelles si preferì però utilizzare un linguaggio vago e tutt’altro che preciso, con una “*constructive ambiguity*” che si sarebbe potuto dettagliare in futuro quando eventuali sviluppi positivi sul campo, e nel processo di integrazione europea di entrambi i paesi, l’avrebbero consentito.

In primo luogo, non venne neppure chiarito cosa si intendesse per “normalizzazione delle relazioni”: per Pristina, Washington e la maggior parte dei paesi UE ciò significava un riconoscimento del Kosovo da parte serba, almeno “*de facto*” se non “*de iure*”, mentre per Belgrado equivaleva soltanto a una serie di aggiustamenti pratici sul terreno relativi alla tutela della minoranza serba. La stessa questione della forma di autonomia delle municipalità a

maggioranza serba non fu chiarita e venne adottata la duplice formulazione “Associazione/Comunità” perché Pristina non accettava solo il termine “associazione”, che a suo avviso implicava una vera e propria struttura federale, quasi un “cavallo di Troia” (alla stregua della Republika Srpska in Bosnia-Erzegovina) con effetti deleteri per la governabilità. Non a caso, l’Associazione/Comunità è rimasta solo sulla carta e la Corte Costituzionale del Kosovo ne ha perfino dichiarato la contrarietà alla carta costituzionale.

Il fatto è che da questa ambiguità originaria non si è stati più capaci di uscire, ed essa è risultata tutt’altro che costruttiva, anzi ha reso vani anche quei pochi sviluppi positivi sul terreno: infatti, molte delle intese “tecniche” già raggiunte (come quella sui documenti d’identità per il transito) non sono state applicate da una o entrambe le parti perché le hanno considerate un ostacolo, e non un passo in avanti per il proprio obiettivo finale.

### *The core of the Kosovo issue*

In order to finally start the dialogue on a solid and credible basis, it will be necessary to have the strength and courage to clarify: even between two deaf people, one can understand each other if the signs used to communicate mean the same thing to both, but it is important that the mediator is not blind, so as to grasp these signs quickly and help solve problems without pandering to ambiguity. In this sense, it is the EU itself that needs to get out of ambiguity with regard to Kosovo, a glaring demonstration of which is the languishing state of the European perspective of the country, potentially a candidate (back in 2016 the SAA, i.e. the Stabilisation and Association Agreement, came into force) but without any real concrete progress on the road to integration, given the irreducible opposition of the 5 non-recognisers (Spain, Romania, Slovakia, Greece, Cyprus) and the ill-concealed distrust of others. The citizens of Kosovo, unique among all the countries of the area, are still subject to a visa requirement for the Schengen area as visa liberalisation has been denied despite the Commission having recommended it for more than 6 years. A relaunch of the enlargement process cannot be separated from a review of the entire European policy in the Balkan area, and, in this context, Kosovo is a priority. Even in Brussels, and in the European capitals, and not only in Pristina and Belgrade, it will therefore be necessary to have the courage to look reality in the face, and above all to break out of this destructive ambiguity.