

POLICY PAPER ON THE FUTURE OF SERBIA-KOSOVO RELATIONS

by Arian Starova *

Problem background and definition

Since the end of the conflict in Kosovo by the NATO intervention, in June 1999, and the declaration of independence of Kosovo, in February 2008, the development of relations between Serbia and Kosovo has gone through various ups and downs with a general positive tendency of improvement, especially by the rounds of the EU facilitated negotiations between the respective governments of both the countries which began in 2011.

Now, many years later, new realities and new national political goals have created new political agendas in Kosovo and Serbia. Recently, **the need for further developments in these relations has been going into contradiction with their national development agendas**. A special part of this problem is also the European integration of Serbia and Kosovo and the clear stand of the EU which has been stipulating that the EU integration of these countries depends on the settlement of the problem between them. Hence, there is a growing awareness among the political elites of Kosovo and Serbia of the necessity of further improvement in their bilateral relations and, possibly, negotiating a final solution of the problem between the two countries. In more concrete terms, Kosovo, essentially, needs to be officially recognized by Serbia, while Serbia requests a higher legal status for the Serbian minority inside Kosovo. Both the countries have become sensitive as they understand they are losing time in their national developments and their European integration agenda. At the same time, it must be noted that there reigns a good climate of interethnic relations between Serbians and Albanians within Kosovo. However, there are still anomalies in the rule of law owing to residual nationalist mentalities, especially in North Mitrovica and, consequentially, in the respective interethnic relations. Nevertheless, it can never be said that there are hints of a frozen conflict.

The status quo as non-solution

Among the possible solutions that can be noted in the general expert and public discussions on a final normalization agreement between Serbia and Kosovo, the preserving of

* Atlantic Council of Albania, Institute of Southeastern European Studies

the status quo i.e. the postponing of the final solution of the problems between Serbia and Kosovo is one of them. This could be called a non-solution option.

And the ground for that seems to be very clear, for the range of so called technical issues being discussed though the EU moderated dialogue has been narrowing and the issue of a final agreement between the two countries is increasingly and unavoidably emerging. Also, following this option would mean exposing the EU intermediation to criticism for doing nothing, or for being ineffective and unrealistic. As the EU continues to very seriously contribute to the strengthening of the rule of law and democratic institutions in Kosovo, what about the extension of this rule of law to the North of Mitrovica by the legal authorities of Kosovo?!

Additionally, that lingering situation could encourage various extra-regional actors, or stakeholders, to destabilize the region to the benefit of their hidden competitive agendas or other ones.

Considering this option as a possible solution would be the same as putting a new label on the present status quo, whereas both the countries would continue to lose time in their European integrations.

It should be taken as something indispensable that the improvement of the future relations between Serbia and Kosovo passes through a final settlement of the main problems which are linked with the recognition of the status of Kosovo as an independent state.

Analysis of the problem and the related options

Very recently, a couple of months ago, a vivid debate on the possible territorial swaps involved a large number of experts and media analysts in Albania, Serbia, Kosovo and beyond.

I - Not brand new as an idea, its public re-emergence was taken very seriously as an effort to open new horizons of the development of future relations between Serbia and Kosovo and as a way to accelerate the European integrations of both the countries. This debate was initiated by President Taçi of Kosovo and President Vučić of Serbia. The fact that it was initiated at such a high political level was an indication of serious efforts directed at finding a final solution to the problems between the two countries.

However viable, or non-viable might seem this option, the following finer SWOT [strengths, weaknesses, opportunities, threats] analysis should be considered.

1. *Strengths:*

- It would be a possibility to offer a final solution to the problems between the two countries and investing their resources and energies in positive developments of their countries,
- It is firmly based on the principle of Kosovo as a unique case,
- It is not a change of borders, but a refining of them in view of the facilities they offer to parts of populations, what is the case in other countries as well,
- It could eliminate the risks of tensions and other conflicts in the interethnic relations between Serbians and Albanians,
- It is not based upon any worsening of the situation of the inter-ethnic relations between the two communities,
- It would open the way to European integrations for both the countries,
- It will be a move based upon the free will of the two countries and their mutual agreement.

2. *Weaknesses:*

- There could be a lot of practical difficulties with the border demarcation on the spot that could also delay the process and be time-consuming,
- Being in contradiction with the European integration project and the global trends of integration, it seems not to be very soundly supported internationally,
- It would demand substantial efforts to build the required support inside the two countries.

3. *Opportunities:*

- The inter-ethnic relations between Serbians and Albanians have very much improved during the past years, one strong indication being the development of trade and movement of people of the two countries,
- In general, there is support among the populations of both the countries, while the opposing political views seem to be motivated by the needs of political protagonism,
- Both the parties, Serbia and Kosovo have a strong interest in improving their relations and closing the chapter of the past conflicts,

- There are strong Euro-Atlantic interests in the stability and security of the Western Balkans, as the international security is becoming more and more an international issue of priority,
- There are significant interests of the ethnic communities living in the territories to be possibly swapped,
- USA and the EU welcome any agreements between the two countries that would find their respective consensus, meaning that, they do not exclude the swap of territories,
- The success of this option very much depends on the political will of the political elites of the regional countries which need to be considered and officially consulted,
- The swap of territories could be linked with the mutual official recognition of the two countries in one final agreement,
- It will be a boost for the development of bilateral relations,
- It strengthens the stability and security of the Western Balkan region and beyond it.

4. *Threats:*

- It might urge certain communities in the region or outside the region to try to make use of this possible territorial swap case as an example to follow, although considering Kosovo as a unique case, this seems impossible and the international community should be very strongly entitled not to allow it to happen. So, there is little chance of a potential partition of a country, or end of existence of any country in the region,
- Swap of territories has no chance of creating a “domino effect” and many chances of success depend on the efforts to be put in getting the public opinion in general and the leading international actors onside
- It could encourage aggressive nationalist groupings inside Serbia and Kosovo and in the other countries in the region to follow up nationalist seclusion policies and keep alive old nationalist mentalities.

II - The other option for the future of the Serbia-Kosovo relations is the normalizations of these relations through the EU-intermediated Serbia-Kosovo relations. This option is very similar to the option of preserving the status quo, as this, naturally and in a piecemeal way, eventually leads to a normalization of the relations between the countries with the passing of time. Therefore, this type of normalization can't produce more results than it has already produced.

However, it is a realistic option and the following SWOT analysis could bring more details on this option.

1. Strengths:

- This option does not create any imminent risk in the relations between the countries,
- Its progress is slow, but almost guaranteed,
- The development of the relations between the two countries could be done under the guidance of the EU policymaking,
- It helps create a stronger basis for the future EU integration of both the countries,
- The climate of interethnic relations would increasingly improve.

2. Weaknesses:

- It creates time-space for nationalist groups to abuse the people's discontent from the prolonged processes of settling various concrete problems,
- It hampers, or slows down the implementation of national political agendas of both the countries,
- It is time-consuming and exhausting for the political elites and populations,
- This option could never avoid and would for sure come across the need for a final agreement that would eventually settle all the main problems between the two countries, such as the official mutual recognition.

3. Opportunities:

- The countries with similar, or stronger multi-ethnic composition would support this option,
- This option creates conditions for the political elites of both the countries to get closer to each other, accumulate political experience and establish good relations among them and with the EU authorities,
- The length of time passed through such a slow way of normalization could have a deeper good impact in the mentalities of people who already for years have a lot of inter-ethnic exchanges connected to trade, economy, tourism, etc.

4. Threats:

- A prolonged process could provoke radicalization of the situation and encourage nationalist groupings to try new ways of meeting their demands faster,
- There could be a negative impact on the image of EU role as an efficient international mediator,
- It postpones the EU membership process for an indefinite period of time.
- It would keep the countries and their bilateral relations hostage of a delayed final agreement on normalization of their relations,
- It is very likely that various extra-regional actors, or stakeholders would push for a slow progress of normalization of the relations between Kosovo and Serbia, in order that earn time for their own interests,
- In the context of unpredictability of the international security situation, there might be efforts of terrorist groups or violent extremist cells, who would like to preserve a slow and delayed process of normalization of the relations of these countries, so that they might use these territories as their possible safe haven.

On other possible options

Besides the options considered above, other options are also possible for the improvement of the relations between Serbia and Kosovo. Two of them could be:

- A- Full recognition of the actual independence of Kosovo by Serbia as soon as possible. Although this option might also be called a non-option, practically, there seems to be no arguments in support of non-recognition of Kosovo by Serbia. For many years now, there are normal relations between the two ethnicities inside Kosovo and there were no complaints on the side of EU and the other international organization about this. It remains only the historical argument of Serbia which, in the long run, is very much debatable if placed against the historical argument of Kosovo and so, history doesn't help at all in this issue. However, if realized, this option would open immediately a new horizon of development for both the countries.
- B- Accelerated European integration of all the Balkan countries. Afterwards, the problem of improvement of Serbia-Kosovo relations would find a solution step by step inside the EU and under its guidance. This option could be realizable if the EU would adopt an

enlargement policy for the Western Balkans that is based only upon political criteria that would stress the great importance of this policy for the EU.

This option would also be a great step forward for the improvement of Serbia-Kosovo relations and their promising future.

On some general criteria to follow with regard to the above-discussed options

- Kosovo problem as a unique case, not comparable to that of Bosnia-Herzegovina.
- Demarcation of borders instead of swapping of territories, if the respective option is decided upon.
- Selection of the option with a clear support by the international community [USA and EU].
- A selected option based upon a bilateral consensual agreement.
- Mutual recognition of Kosovo and Serbia and their European integration as part of a selected option.
- A selected option that guarantees the Serbian minority rights.

Interim recommendations

While the efforts to find a final solution for a long-term improvement of the relations between Serbia and Kosovo have not yet produced results, there are lots of other efforts to be done for further improving the atmosphere of these relations. In the follow-up, there are some of them considered to be of value.

- Being aware that there are still a lot of residual nationalist ideas and mentalities in the populations of the two countries and that they could be misused to spoil the recent good inter-ethnic climate, it is important that, at least, they do not exercise their influence in the political elites of these countries. There seems to be very necessary for the political leaders of Serbia and Kosovo to refrain from statements, or actions that might heighten the tensions and have a bad impact on the mentalities of the people of both the countries.
- No need of repeating incessantly by Serbia that Kosovo is undeniably part of Serbia. If Serbia and Kosovo are to be part of the European Union, what is the significance of repeating time and again that Serbia will never recognize Kosovo as an independent country and to whom is this statement addressed?! It may be said that this doesn't help

the prospect of the good future relations between these countries. Moreover there is a Berlin Process put together to accelerate the integration of the Western Balkan countries into the EU.

- Some confidence building measures could help the general state of Serbia-Kosovo relations and serve as a catalyst for the dialogue on the future of them. We saw the Secretary General of NATO, Mr. Stoltenberg, to express pardon for the casualties of NATO air campaign in Belgrade, on last October 8 and it would be quite a major political move on the side of Serbian authorities to do that for the casualties of the last conflict in Kosovo. Other measure could be explored in this regard.
- A range of non-political activities through well-thought programs and projects is badly needed for a further relaxation of the relations between the two countries.