

SERBIA–KOSOVO RELATIONS

AND THE SECURITY IN SOUTH-EASTERN EUROPE

– Potential Security Issues In the Three Main Options

From the Internal Dialogue - SWOT Analysis –

by Igor Novaković*

1) Preserving a status quo / postponing the solving of the problem

According to Serbian President Aleksandar Vucic, status quo is favored by most of the participants who took part in the internal dialogue sessions. The main rationale for those who favor it is that Serbia should wait for better times. But the President himself said that that status quo is not a good option and that Belgrade will try to avoid it. This position was later supported also by Prime Minister Ana Brnabic. However, there are various opposition political options that openly advocate postponing the resolution of the Kosovo problem. This option is most likely if there is a failure of the current dialogue.

Strengths

1. With this option the Constitution of Serbia will stay intact. The preamble and Articles 114 and 182 that define Kosovo as an integral and indivisible part of Serbia will remain intact. This would also prevent opening a potentially challenging internal debate and even political clashes over the issue of Kosovo.

2. Status quo is likely to preserve the current state of interethnic relations in Serbia in accordance with the framework for protection of national minorities of Serbia (the Law on National Minorities and the Law on the National Councils). It is also likely that the ongoing worrying tendencies in Sandzak/Raska region and in the south of Serbia would remain, but they would probably not escalate.

* International and Security Affairs Centre (ISAC), Belgrade, Serbia

3. Status quo preserves the Ahtisaari mechanism in Kosovo, meaning that the protection measures for minorities/communities in Kosovo will stay in place, although it is likely that in parts there will be lack of implementation (for example, official usage of the Serbian language). This is especially important for the Serb majority municipalities in the south of Kosovo (Gracanica, Strpce, Novo Brdo, Klokot Ranilug, Partes) and several enclaves, which depend on it more than the Serbs in the four northern municipalities (Mitrovica North, Zubin Potok, Leposavic and Zvecan). It is likely that there will be migrations from Kosovo Serb southern municipalities to Serbia, but not en masse, hence there will be no major humanitarian crisis. The Ahtisaari mechanisms however do not ensure all of the aspects of human security, and it is likely that the economic dimension would remain a problem for these municipalities, and that they will remain dependent on the support from Serbia.

4. Status quo does not endanger the interethnic relations in neighboring countries, and it is likely that they would not divert due to the influences of Belgrade-Pristina relations. So it is likely to expect that the interethnic situation in Bosnia and Hercegovina, Macedonia, and Montenegro would probably not be affected by Serbia-Kosovo dynamics.

Weaknesses

1. Kosovo problem remains unresolved, and as such it will continue to represent an obstacle to the full advancement of both Serbia and Kosovo, and constant threat of the conflict escalation would be looming over the wider region.

2. Kosovo remains the most important issue in Serbia and hampers the debate about the other important topics.

3. Despite not endangering the current level of interethnic relations in the country, the unresolved status of Kosovo, interethnic integration in Serbia leaves Sandzak/Raska (where the majority of Bosnjaks live) and the south of Serbia (with a large population of Albanians) as weak security points in the social fabric of Serbia. The lack of carefully planned and implemented interethnic integration is not beneficial for other minorities either, although probably there would be no security concerns.

4. Unresolved issue of Kosovo leaves the door open for external influences. Continuation of the frozen conflict is in the particular interest of Russia which uses it as a tool for advancing its own interests in Serbia as well as elsewhere in the Balkans. In the future, this could be also valid for China and to an extent for Turkey (in Kosovo, Sandzak/Raska region and southern Serbia).

5. It hampers the economic development of Serbia, as it is likely that Serbia will continue to be perceived as an unstable and risky place for investments. Serbia would likely continue to attract (as it does now) investments through subsidies to big foreign companies, and the

main investments would continue to be simple production areas that do not need qualified labor force. Hence, it could contribute to bad situation in the domain of the human security in Serbia, which would also result in migrations

6. It prevents the continuation of Serbia's EU integration process, and as such contributes to future instabilities in the wider region. It is detrimental for the implementation of key reforms in Serbia regarding the rule of law, internal processes, and overall democratization of society.

7. Constantly volatile situation between Kosovo and Serbia could have a spill over effect on neighboring countries in case there is a major conflict

8. Rule of law in the north of Kosovo stays the same, i.e. no rule of law.

Opportunities

1. Frozen conflict does not bring any opportunities, apart from the fact that it could provide more time for negotiations and the normalization of relations, of course, granting the parties in this process have good will.

Threats

1. The status of the Serb community in Kosovo remains at best the same, with a risk of reduced rights (through the lack of implementation of rights guaranteed by the Ahtisaari plan) which could instigate a slow Serb exodus to Serbia.

2. Status quo would result in a further deterioration of political relations inside Kosovo between Albanians and Serbs. Kosovo Serbs would continue to be seen as a "culprit" for the lack of completed statehood of Kosovo and as an 'extended hand' of Serbia.

3. Kosovo's north remains not integrated, or integrated just on paper. It would remain a hot bed for organized crime with the continued potential for spill-over effect on Serbia (criminal structures in the north, according to information from certain media, already have a considerable influence in Serbia).

4. If there is a status quo, a potential for an armed clash in the future, with grave consequences for the region, remains.

2) Serbia-Kosovo border changes/ swapping of territories

This border change idea has been promoted by certain circles of Serbian intellectuals for many years. But one of the most vocal proponents of this idea in Serbia in past few years was the current Minister of Foreign Affairs Ivica Dacic. The idea is gaining support, with both Presidents of Serbia and Kosovo, Aleksandar Vucic and Hashim Thaci, referring to this idea as realistic (although officially they presented two different alternatives – in Serbian version is mostly about the partition of Kosovo where the north and possible most important holy places of the Serbian Orthodox Church go to Serbia, while in Thaci's version this only means that Presevo, Medvedja and Bujanovac will become part of Kosovo, while the current territory of Kosovo remains intact). Recently, this solution, under the condition that it was accepted by both sides, was also supported by certain prominent personalities from the West, including the members of the EU administration. However, some of the key EU member states, like Germany, remain strongly against it mostly because they fear regional implications, especially in Bosnia and Herzegovina. Germany believes that the final objective of President Vucic is not the four Kosovo municipalities in the north, but Republika Srpska.

Strengths

1. Contributes to greater internal stability in Serbia (among ethnic Serbs and “not dangerous” minorities), since the “small victory” on Kosovo issue would satisfy the majority of the population. With this card in hand, it is likely that the leadership of Serbia could secure the approval of the option in the referendum that is likely to take place if there is a proposal for a final solution.
2. If major EU powers agree with this proposal, the focus of the EU integration process will be placed on the key chapters 23 and 24, i.e. rule of law and others. It would be concentrated on the accession process based on merits - fulfilling the conditions aimed at reform and the transformation of the country and society. Eventually, it could also contribute to economic development of both Serbia and Kosovo.
3. Relations between Serbs and Albanians could be significantly improved as this solution could open a path for a meaningful reconciliation. Major friction point – the north - would be probably out of Kosovo, and chances for the direct conflict would be reduced.
4. Division/swap of territories is likely to reduce the influence of Russia and other third countries in Serbia, as there would be no more key leverage – their support to Serbia's

efforts in the UN and other key international organizations. However, this would not mean that their influences will disappear entirely, as there are other tools that they can employ to prevent Serbia's EU path, as well as the successful integration of the whole region in the EU.

5. It represents a quick solution that momentarily solves some of the key issues between Serbia and Kosovo: Serbia gets something from Kosovo, and Kosovo has a better perspective for UN and EU membership.

6. North of Kosovo would not be the key issue anymore and consequently organized crime could be significantly reduced.

Weaknesses

1. It contributes only to solving of the Serbia's "Trianon syndrome," but there could be a potential for creating the new kind of "Trianon syndrome" in Kosovo for decades to come. Even with border changes, considerable populations of Serbs and Albanians will remain in Kosovo and Serbia, and their status would remain uncertain in the new circumstances.

2. Partition/land swap endangers Serbia's control over the southern flank of the Corridor 10, the most important corridor in Serbia, as it passes through the Bujanovac and Presevo municipalities. However, it remains unclear if the land swap would include the highway, but most likely not.

3. It would probably result with the recognition of the independence of Kosovo by Serbia, which could spark activities of extremist groups that oppose any changes regarding Serbia's approach to Kosovo. It is likely that Russia and other actors could support the activities of these groups in a clandestine manner. Russia's potential position on the deal is not clear though.

4. Russia could be interested to see Kosovo issue settled with the partition/swap of territories due to her own claim to the Crimea. However, this argument has in fact little worth. It is more likely it will do whatever it can to prevent such an outcome. But in the end, it will not openly oppose it since it would potentially reduce its influence in Serbia, especially among the governing structures.

5. It brings to the forefront the Chapter 31 (Common Foreign, Security and Defense Policy) of Serbia's EU negotiations process and sets the focus on the Serbia-Russia relations, but also Serbia's relations with China, Iran and various African and Asian countries.

6. EU integration of Serbia could be endangered if the key EU states continue to object the implementation of this option. But if the EU institutions (EEAS, Commission) support this option, and some of the member states do not, it could undermine the EU's image.

7. Recognition by Serbia does not guarantee that Kosovo will be recognized by the five EU non-recognizers and that Russia and China will support its UN bid.

8. Resurrects ethnic solutions to ethnic problems, and it represents an “un-European” solution

Opportunities

1. Serbia could become a leader in the EU integration process and as such an anchor for the integration of the remaining states of the Western Balkans.

2. It could improve the dialogue on Euro-Atlantic integration of Serbia and open a path for the potential NATO membership, as the primary source of misunderstanding, the status of Kosovo, would be out of the way and Serbia would have a sort of historic “small victory” that would probably satisfy its citizens.

3. Serbia would not object Kosovo’s integration in Interpol and other security related organizations, which would have a beneficial effect to overall security situation in the Balkans.

Threats

1. This solution does not guarantee an immediate normalization between the two societies. It is more likely that this would remain a gradual process, and as such it would represent an obstacle to the Europeanisation of both societies.

2. It is likely that the rights of Serbs and other minorities would be reduced (i.e. Ahtisaari package), what would result in a gradual exodus of Serbs from the south of Kosovo to Serbia.

3. It could have negative consequences for the status of the Serbian Orthodox Church in Kosovo, which by the Ahtisaari package has a kind of extraterritorial status.

4. Bosnjaks in Sandzak/Raska would have more ground to seek autonomy in Serbia or even a separation, which could create more internal instability in Serbia in perspective.

5. It opens a path for Kosovo to lose its statehood and for the creation of Greater Albania. This could spark a domino effect in the Western Balkans and the South Eastern Europe for the other ethnic groups (Macedonia, Bosnia and Montenegro) that could significantly contribute to instability in the region.

3) Normalization of relations based on legally binding bilateral agreement to be reached through the ongoing EU-moderated Serbia - Kosovo negotiations

Normalization based on the current EU facilitated process was spearheaded in the media since the signing of the 2013 Brussels Agreement (First of principles governing the normalization of relations). However, this process is not smooth and more than five years after the signing, it remains not implemented in its entirety. Almost every part of the Agreement had to be renegotiated. Major part of the Agreement (6 out of 15 points) that deals with the principles for the establishment of the Association/Community of Serb majority municipalities is not implemented to this date, and due to the internal situation in Kosovo, it is not likely that it would be implemented before the final deal is reached. Kosovo's North largely remains non-integrated despite the integration of Serbia's security structures (police and civil protection), successful elections that resulted in mayors and assemblies established according to the Kosovo law and integration of the judiciary. In fact, the administration of the four northern municipalities is still dependant on the interim Serbian municipality administration which continue to provide basic services. On the other hand, if Serbia wants to join the EU at the earliest possible date – 2025, as it was outlined in the Strategy for the Western Balkans (A credible enlargement perspective for and enhanced EU engagement with the Western Balkans) issued in February 2018, Serbia will have to complete the negotiations with Kosovo and implement the normalization by 2023, when the process of ratification of accession should start. According to many officials, normalization of relations does not entail de facto recognition of Kosovo, but something similar to normalization of relations between the two Germanys in 1972 (although within an entirely different context).

Strengths

1. This option does not endanger current framework of Serbia's EU negotiations.
2. Serbia could still claim that it did not "sell out" Kosovo, what would keep extremists in check. It would save face of the current ruling elite in Belgrade in the eyes of the majority of population.
3. It would probably not result in instability in Serbia and it should entail a comprehensive normalization (of course, if there is no demand for recognition). Serbia and Kosovo would establish sort of bilateral relations and a regular line for dialogue which would be beneficial for both sides and their internal security.
4. It would probably not contribute to the rise of interethnic tensions in Serbia.

5. It would result in preservation of the Ahtisaari package in Kosovo and could bring even more benefits for ethnic Serbs. The Association/Community of Serb majority municipalities is likely to be implemented, and its powers might surpass the ones outlined in the decision of Kosovo's Constitutional Court about the 2015 Agreement on the Association/Community.
6. It would preserve the status of the Serbian Orthodox Church in Kosovo, which is important for Serbia.
7. It would not cause the domino effect in the region. Internal stability in all of these countries would be preserved.

Weaknesses

1. It does not resolve the problem, and the issue of recognition will remain on the table for the time to come.
2. It would not permanently end the potential for conflict, although it would significantly reduce it.
3. Although there are certain opinions that in this case Serbia would not have to change its Constitution, it is likely that this will happen. That could spark internal political clashes in Serbia and potentially endanger the agreement.
4. It would allow Kosovo's integration into UNESCO, in what could be a huge blow to Serbian national identity (as Kosovo would become "owner" of Serb Orthodox holy places and monasteries). Hence, it could bring the rise of tensions and strengthen the extremists' positions.
5. It brings no guarantees that Kosovo's integration into the EU would continue, as the current process of Kosovo's integration is already challenged by the five non-recognizers. Same goes for the UN membership, it is not likely that Serbia would support this nor that it would manage to persuade Russia and China to allow it. This could create instability in Kosovo and consequently have a spill over effect on Serbs in Kosovo, and as such for Serbia too.
6. It would probably not significantly weaken the negative influence of third actors in Serbia and the region, above all the influence of Russia.

Opportunities

1. Serbia could use this process for overall reconciliation with Kosovo Albanians, what could have positive effects on both the internal situation in Serbia and the situation in the region.

2. It could help the democratization of both societies. In Serbia in particular it would set the focus on chapters 23 and 24 which are the key for the transformation of the country.

3. The EU would save its face and it could be the major stepping stone for more integrated foreign policy approach of the EU.

Threats

1. There are no guarantees that Serbia would not be conditioned to recognize Kosovo just before its formal entrance into the EU by some of the member states. This could endanger or even stop the EU integration process, open a path for more extreme forces in power in Belgrade, and for an increased Russia's involvement and in total for the destabilization of the whole region.

2. It would also set the focus on Serbia's relations with Russia and the Chapter 31 of Serbia's negotiation framework with the EU, which could spark internal tensions and political instability.

3. Without the full settlement, it would keep the shadow of the frozen conflict looming. It would keep some sort of frustration on both sides, and it would probably be perceived as the interim agreement.

4. Like with the previous treaties, it might be signed but never implemented.

5. In case of the lack of EU, NATO and UN perspective, Kosovo might opt for unification with Albania which could open "Pandora's box" in the region.