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**A Comparative Critical Analysis
of Suggested Policies, Solutions and Guidelines**



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Kosovo is one of the key issues that Serbia needs to address on its path to becoming a European Union member state – Negotiating Chapter 35 clearly states that Serbian accession to the EU depends on its capability to normalize its relations with Kosovo.¹ With this in mind, the following comparative critical analysis – which is conceived as a comprehensive political document – aims to provide a policy paper that, if implemented, has the potential to contribute to the European integration efforts of the Republic of Serbia.²

Most of the solutions, suggestions, guidelines and policies that are taken into consideration within this policy paper identify the normalization of relations between Belgrade and Pristina as their ultimate goal, meaning that political stability and regional security of Western Balkans can be viewed as a subsequent aim of the policies in question. The normalization of Belgrade-Pristina relations would also contribute to the intensification of the democratization process within the states of the region and would further strengthen their economic cooperation, which could accelerate the process of European integrations in an all-encompassing manner. The concluding segments of this document thus present a comparative critical analysis of all

1 https://euinfo.rs/files/Publikacije-srp/35_koraka_za_web.pdf

2 This analysis is a result of a project called “The Local Dialogue regarding the Solutions to the Issue of Kosovo: Security Aspects”, which was conducted with the aim of providing fresh insights into the possible solutions to the Serbia-Kosovo issue. The project made an effort to include expert authors from the region of Southeast Europe in the dialogue with the aim of providing a regional outlook on the three possible solutions to the problem of Kosovo; solutions that have derived from the local dialogue which has taken place within Serbia. The texts provided by the authors were presented at a conference held at the Faculty of Political Science in Belgrade in December of 2018, as well as at three thematically specific roundtables that were organized in March of 2019.

the policies which derived from the local dialogue concerning Belgrade-Pristina relations and which could contribute to the stated goals and aims. Besides the three most often mentioned policies – 1) maintaining status quo, 2) changing and/or delimitating existing borders and 3) normalizing relations by signing a legally binding agreement – the analysis also encompasses all other relevant policies and sub-policies identified by expert authors with the goal of comparing them and finding the most optimal solutions regarding the future of Belgrade-Pristina relations and regarding the final status of Kosovo.

THE STRUCTURE OF THE COMPARATIVE CRITICAL ANALYSIS

The ensuing analysis adheres to standard policy paper form and is therefore structured in the following manner. The first section problematizes the current relations between Serbia and Kosovo through the prism of existing obstacles which hinder further normalization by mainly focusing on local, regional, European and global level problems identified by expert authors. Subsequently, the second section investigates the advantages and disadvantages of existing policies which are currently being implemented. Key emphasis is placed on policies which are being enforced by Belgrade and Pristina, although attention is occasionally diverted to policies applied by regional, European, and global actors that the authors mention. Next, the third section unitizes SWOT analysis methods in order to individually evaluate the strengths, weaknesses, opportunities and threats of each of the three main potential policies that deal with the future of Belgrade-Pristina relations. The aim of this section is first to identify and visually present all the possible sub-policies of the three main policies – such as “preventing” or “delaying solutions” (which are potential sub-policies of the “maintaining status quo” policy), “Serbia-Kosovo land swap” or “border delimitation” (which are potential sub-policies of the “border change” policy) and “implicit recognition of Kosovo’s independence by Serbia” or “establishing bilateral relations between Serbia and Kosovo” (which are potential sub-policies of the “signing of a legally binding agreement” policy) – and second to conduct an all-encompassing SWOT analysis which should point to the most optimal path for achieving normalized relations between Serbia and Kosovo.

The strengths and weaknesses of the three main potential policies (and their sub-policies) are then compared and contrasted within the next section, while the fifth section utilises this comparison, as well as the results of the SWOT analysis, in order to offer recommendations to the leaders from Belgrade and Pristina regarding how to most efficiently achieve the normalization of relations between Serbia and Kosovo. These recommendations primarily emphasise policies that advocate for the signing of a legally binding agreement that would ensure the normalization of relations between Serbia and Kosovo within a reasonable timeframe, while suggesting how to make the best use of the status quo period. At the very end the sixth and final section offer a few concluding remarks.

Problematising Belgrade-Pristina Relations

The Lack of Serious Political Will and Leadership Capabilities in Serbia and Kosovo

President of Serbia Aleksandar Vučić and Kosovo President Hashim Thaçi met in Berlin on April 29th this year, this time at the gathering of Western Balkan leaders that was hosted by German Chancellor Angela Merkel and French President Emmanuel Macron. This was their first meeting since the Belgrade-Pristina talks came to a halt last year, mostly due to Kosovo's domestic political dispute regarding who has the democratic and legal authority to negotiate with Serbia on Kosovo's behalf, how the negotiations should be conducted, what goals should be pursued and what the negotiation process should mean for Kosovo; a dispute which took place at the highest state level. Although the most recent meeting was not an official continuation of Belgrade-Pristina talks, the relationship between Serbia and Kosovo was the main and only subject on the agenda. The outcome, however, was rather disappointing, as the Berlin meeting did little more than exemplify that the problems which the expert authors pointed to are still inhibiting the relations between Serbia and Kosovo. Consequentially, these problems – such as the failure to implement already signed agreements, the politicisation of history, the declaration of negative aims and goals, the persistent utilization of populist rhetoric, as well as the decision of Kosovo's authorities to implement a high import tax on goods coming from Serbia and

Bosnia and Herzegovina – are hindering political stability, economic prosperity and the security situation in the region.

All in all, it seems that the Berlin meeting pointed to the obstacles that stand on the way of normalizing the relations between Serbia and Kosovo more than it brought the positions of the two opposed sides closer together and more than it fulfilled its other initial aims, such as highlighting the importance of continuing the Belgrade-Pristina talks in the near future, and the importance of finding a path to normalizing Serbia-Kosovo relations by involving all the states of the region in an effort to achieve long-term stability of Southeast Europe through strengthening Western Balkan EU accession prospects. This is best exemplified by the events that followed. Just three days after the Berlin meeting President Taçi stated that he will dedicate his energy to the goal of incorporating Serbian municipalities of Preševo, Bujanovac and Medveđa into the Republic of Kosovo in order to – as he declared – undo the historical injustice committed against the Albanian people living on those territories,¹ while other Kosovo officials continued boosting their political popularity by introducing new measures against Serbia, such as the Draft resolution accusing Serbia of committing genocide against ethnic Albanians during the 1998-99 war, one which has little to no practical purpose.²

Simultaneously, the weeks following the Berlin meeting also witnessed a rise in populist rhetoric in Serbia, one characterised by open insults aimed towards Kosovo officials, with Defence Minister Aleksandar Vulin leading the way with his statements addressed to Kosovo's Parliament President Kari Veseli.³ At the same time, Serbia's President Aleksandar Vučić made a discouraging statement in which he claimed that it will take many years for existing disputes between Serbs and Albanians to be resolved, adding that any international pressure aimed at reaching a hasty solution (at Serbia's expense) won't be successful.⁴

1 <http://rs.n1info.com/Vesti/a480786/Taci-Radim-snazno-na-tome-da-se-Presevska-dolina-priposi-Kosovu.html>

2 <https://www.danas.rs/politika/komisija-kosovske-skupstine-usvojila-nacrt-rezolucije-osude-genocida-i-zlocina-srbije/>

3 <http://tanjug.rs/full-view.aspx?izb=478929>

4 <https://beta.rs/vesti/politika-vesti-region/110704-vucic-i-taci-se-rukovali-u-tirani>

French President Macron made a similar claim, although in a more positive tone, in which he stated that the final agreement between Belgrade and Pristina must not be imposed from abroad, as it can only be sustainable if the two sides reach it by negotiating.¹ However, if the just described mannerisms of local leaders are taken into account, it is easy to question whether Serbia and Kosovo possess honest political will and real leadership capacities necessary for reaching locally owned solutions and compromises, ones which would be capable of normalizing relations based on a legally binding agreement, or whether prolonging status quo by constantly rising tensions is the preferred tactic which local leaders purposefully employ in order evade making any compromises with the other negotiation side, as not to endanger their personal popularity and party ratings.

Mismatched policies of regional states regarding the normalization of Belgrade-Pristina relations

However, it should be highlighted that the local political circumstances (which are most definitely in large part responsible for obstructing the negotiation process) are not to be solely blamed for the fact that Serbia and Kosovo have not yet signed a legally binding agreement, as the roots of the problem can be found at several levels. Expert authors have identified unfavourable circumstances at the regional, European and global level. When it comes to regional circumstances hindering the Belgrade-Pristina negotiation process, expert authors who have analysed political stances of neighbouring countries regarding the issues related to Serbia-Kosovo talks have pointed to several difficulties which prevent regional states (some more than others) from taking a more active role in the process of normalizing Belgrade-Pristina relations.

For example, Greece and (quite similarly) Romania take a passive stance towards Kosovo in order not to disturb their traditionally good relations with Serbia, as they have chosen the strategy of waiting for Belgrade and Pristina to solve existing disputes on their own (primarily the dispute

1 <http://www.rts.rs/page/stories/sr/story/9/politika/3505151/samit-u-berlinu-vucic-samerkelovom-i-makronom.html>

regarding the international status of Kosovo) even though a prompt normalization of Serbia-Kosovo relations would be their preferred outcome, due both to political and economic reasons ([Butnaru-Tronkota](#)). Yet, even though this approach is moderate and dedicated to finding locally owned solutions, it does not stimulate the negotiating sides to give up all the comforts of maintaining status quo and to actively work towards reaching and implementing solutions that would ultimately also benefit Greece and Romania. A similar passive stance is also taken by Bulgaria, even though this country recognises Kosovo's independence unlike the two previously mentioned states which abide by the "soft non-recognition" policy, meaning that they do maintain a certain level of bilateral relations and economic cooperation with Kosovo without explicitly recognizing its independence ([Cifakis](#)).

Unlike their eastern neighbours, western neighbours of Serbia and Kosovo – primarily Croatia and Albania – actively follow and contribute to the negotiation process. However, as expert authors noticed, problems are caused by nationalistic political actors within these two states, as normalizing relations between Serbia and Kosovo is not their priority as much as weakening Serbia's regional influence is ([Vukadinović](#)). For example, Kosovo's decision to raise import taxes on goods coming from Serbia and Bosnia and Herzegovina for an astounding 100% was helped by Albanian encouragement, as Albanian officials assured Kosovan leaders that they will have their full support (within CEFTA and elsewhere) in implementing this economic policy ([Rapačić](#)). So, even though Albania and Croatia do not take a passive stance when it comes to Serbia-Kosovo relations, certain policies that they promote do not play a constructive role in this regard, making this a considerable regional problem.

North Macedonia, Montenegro and Bosnia and Herzegovina can be placed within the third group of regional actors in line with the similarities which they exhibit in their treatment of the Kosovo issue, as their foreign policies aimed at Kosovo are mostly influenced by their domestic interethnic relations. Expert authors from these three states have – for this very reason – stressed the importance of preserving existing borders in the Balkans, which is an argument that coincides with official policies of their respective states. However, those official policies – as well as all other policies which concern Serbia-Kosovo relations – are constantly challenged by the leadership of Republika Srpska within Bosnia and Herzegovina, as well as by the will of the Albanian and Serbian minorities within North Macedonia

and Montenegro. Such a regional context, in which some potential solutions to the issue of Kosovo could destabilize neighbouring states, only further contributes to the already difficult and tiresome process of normalizing Belgrade-Pristina relations.

The Lack of Unity within the European Union and Different Geopolitical Interests of Russia and the United States of America

The uneven approach to the process of normalizing Belgrade-Pristina relations is not only characteristic of the states of the region, as it also exists on the European and global level. Expert authors believe that one of the biggest obstacles on the path to normalizing relations between Belgrade and Pristina lies in the fact that European Union member states do not possess a unitary stance when it comes to the international legal status of Kosovo ([Novaković](#)). It has become apparent that an absence of a unified policy of EU member states towards Kosovo results in the lack of objective political power and control mechanism through which the EU could secure the implementation of agreements that were signed as a part of the first round of Brussels talks in 2013. Some expert authors also question the success with which the EU has established and enhanced the rule of law in North Kosovo through its EULEX mission efforts ([Novaković](#)), which casts further doubt on the capabilities of the EU to successfully take on the role of a serious international mediator which has the capacity to secure the signing and implementing of a legally binding agreement regarding the normalization of relations between Serbia and Kosovo. Political events such as Brexit, the migrant crisis and the growing rise of the populist right in Western Europe are also relevant, as they force EU member states to make Belgrade-Pristina relations a second-degree issue, which in turn does not stimulate the negotiating sides to search for sustainable solutions and approach the talks seriously.

While the EU does not have a unified stance on how promptly to tackle the issue of Serbia-Kosovo relations, the wider international community lacks any kind of unified vision regarding the future international status

of Kosovo. Such circumstances – which are primarily a consequence of opposing geopolitical interests of great powers such as the United States and Russia (and to some extent China) – make the negotiating process even more difficult, as Belgrade and Pristina became used to turning to their international allies in searching for support; a tactic that prevents them from investing substantive efforts in finding mutual and locally owned solutions. Kosovo continues to insist of the greater role of the US within the negotiation process, which exemplifies its clear lack of readiness to make a full commitment to the existing format of the talks with Serbia. On the other hand, Serbia keeps relying on Russia's geopolitical interest of maintaining status quo in the Balkans, a policy which subsequently makes it hard for Kosovo to become a member of international organizations such as the United Nations, with the final result being the absence of normalized relations between Serbia and Kosovo.

Existing Policies Concerning Belgrade-Pristina Relations

The described problems are evidently multi-layered, which is why they hinder the normalization of Belgrade-Pristina relations in many different ways, and why in turn an agreement regarding the final international status of Kosovo has not yet been reached. This is precisely why the policies which aim to overcome existing obstacles must be constructive, courageous and aimed at a better future, which most of the currently applied policies are not. When focusing on the policies of great powers that approach the issue of Kosovo from the perspective of their own interests, it becomes apparent that:

- Russian foreign policy is to actively work on preventing any change of the existing situation,
- the change in US foreign policy regarding borders within the Western Balkan region (which ensued after the recent changes within US state administration) mostly contributed to further confusion rather than to any solutions,
- the lack of concrete policies and control mechanism through which the EU could secure implementation of the agreements that were signed as a part of the first Brussels Agreement in 2013 discourages the leaders of Serbia and Kosovo to approach the new cycle of negotiations more seriously.

Local “negative” policies – such as Kosovo’s decision to implement a tax regime on goods being imported from Serbia and Bosnia and Herzegovina, its open refusal to establish the Association of Serbian Municipalities in Kosovo, Serbia’s active prevention of Kosovo’s attempts to join international organizations and its active attempts to reduce the number of

countries that recognize Kosovo – seem to be a logical outcome of the described European and global circumstances. Even though Serbian and Kosovan negotiators utilize recognisable pro-European discourses, the current policies employed by their governments seem to strive towards the achievement of nationalistic goals more than towards the fulfilment of aims relevant for the EU integration process.

However, some existing policies can be described as “positive”. For example, the recent German and French initiative should be praised, as the presence of the highest officials of the two respective countries at the Berlin meeting had the aim of stimulating further negotiations in the direction of signing a legally binding agreement between Serbia and Kosovo. Serbia’s decision not to take economic countermeasures after Kosovo decided to raise its import taxes should also be praised, as Serbian leadership took a mature stance by not escalating the conflict further, even though it had justifiable reasons to act reciprocally towards Kosovo. Serbia’s domestic dialogue on the issue of Kosovo should also be viewed as a step in the right direction, even though the dialogue has yet to take on a form of an all-inclusive public debate. Policies which expert authors classify under “Ahtisaari’s package/framework/plan” should also be mentioned in a positive light, as they are implemented in Kosovo to a certain extent, and certain aspects of these policies (such as the minority protection framework) should be included within the final legally binding agreement. Nevertheless, it is clear that there is a need for fresh approaches to the issue of Serbia-Kosovo relations; approaches that would provide innovating and daring solutions to existing problems, ones which would provide new energy to the negotiation process and which would in turn stimulate tangible advances in the process of normalizing the relations between Serbia and Kosovo.

EXISTING POLICIES RELATED TO BELGRADE-PRISTINA RELATIONS

<i>European and International</i>	<i>Local</i>
<ul style="list-style-type: none"> • Negotiations – Brussels Dialogue • Silent and gradual recognition of Kosovo by individual local actors • Active/passive approaching of the issue by EU member states • Complete US support of Kosovo • Reserved and careful approach to the issue • Russian attempts of maintaining status quo • Recognizing Kosovo's independence only after and agreement has been reached 	<ul style="list-style-type: none"> • Arbitrary respect/disrespect of the Brussels Agreement • Leadership of Vučić and Taçi • Kosovo's tax regime on goods being imported from Serbia and Bosnia and Herzegovina • Serbia's prevention of Kosovo's attempts to join international organizations • Nationalistic policies instead of policies in line with the European integration process • Serbia's policy not to impose countermeasures regarding Kosovo's tax policy • Serbia's appeal to the international community to persuade Kosovo to continue with the Belgrade-Pristina talks • Serbia's domestic dialogue regarding the issue of Kosovo, which has a questionable level of inclusivity • Partial implementation of the Ahtisaari Plan and mechanisms in Kosovo • Hardline stances and policies of the Serbian Orthodox Church towards Kosovo

Three Potential Scenarios of Future Belgrade-Pristina Relations

The SWOT analysis that follows has the objective to identify and visually present all the policies considered by the expert authors who participated in this project. The strengths, weaknesses, opportunities, and threats of policies related to the maintenance of the status quo are considered first, while “border delineation” is considered as the second possible policy, whereas the “signing of a legally binding agreement regarding the normalization of relations between Serbia and Kosovo” is analysed as the final possible policy; a policy supported by the largest number of expert authors that contributed to this publication.

1. *Maintaining Status Quo*

The policy of maintaining status quo offers two possibilities regarding the future of Serbia-Kosovo relations. The first (preventing solutions) is of regressive nature and implies great risks and next to no opportunities, while the other (delaying solutions) is somewhat progressive as it can potentially bring about a true normalization of relations between Belgrade and Pristina.

Most expert authors agree that the strengths and advantages of maintaining status quo are of practical value, and not of normative value. Since Belgrade-Pristina talks came to a halt, it seem that maintaining status quo is the policy that will be implemented for the time being. Most expert

authors claim that the greatest advantage of this policy is that it does not represent an immediate threat to the security and stability of the region. Furthermore, status quo has the potential to produce a better solution to the issue of Serbia-Kosovo relations than the one that is currently applied (“The Brussels agreement and further talks”). However, most expert authors agree that the current status quo is not sustainable in the long run, as it only possess a “tactical” advantage, rather than a “strategical” one. Certain expert authors ([Starova](#)) argue that that the scenario of maintaining status quo is a “non-solution” which only serves the interests of local actors who want to avoid signing any conclusive agreements. However, others claim that the time can still be used productively if it contributes to the solution of other problems that exist in Southeast Europe. In other words, the policy of maintaining status quo in the case of Kosovo can direct attention of regional and international actors to other issues of the region, which – when solved – could contribute to the normalization of Serbia-Kosovo relations.

The weaknesses related to the policy of maintaining status quo are mostly related to its negative effects on economic development, on the process of European and NATO integration of the region and on the overall state of uncertainty which accompanies it. Simultaneously, the entire region is left exposed to the influence of more authoritarian international powers such as Russia, China and Turkey. This is why any postponement of solutions that aim to address the issue of Serbia-Kosovo relations will have negative effects on the geopolitical stability of the region, and consequentially on the geopolitical stability of the European Union. Furthermore, it is clear that negative demographic trends will continue to plague the region if Serbia-Kosovo relations do not stabilize and if regional prosperity continues to stagnate as a result. The uncertain future of the region, which is a product of the prolonged issue of Kosovo’s unresolved international status, will surely contribute to the continuation of a gradual but unstoppable emigration of Serbs from Kosovo, as well as to the continuation of problems that internally displaced persons and refugees from Kosovo have to contend with. On the other hand, the emigration problem is not localized to Kosovo, as the decades of unresolved issues related to the issue of Kosovo’s status also contribute to negative demographic trends within Serbia. However, although negative demographic trends are a substantive problem, most expert authors see the reproduction of strong ethnic nationalism as the greatest negative consequence of maintaining status quo in Serbia-Kosovo relations.

The opportunities provided by this scenario are not numerous, but a few should be mentioned. One of the opportunities that status quo provides is for Kosovo and Serbia to focus on fulfilling the Copenhagen criteria before addressing potential solutions to the issue of Kosovo's international status, which would ensure a quicker EU accession process of the region ([Cifakis](#)). Similar conclusions were made at the roundtable discussion about the "Current challenges of the normalization process of Serbia and Kosovo". By taking into account the current state of events in which further negotiations are hindered by multiple problems, the participants concluded that additional postponing of the normalization process could bring about a complete change in the political and negotiating paradigm of the two sides, as they could potentially give up the zero sum distributive logic which they currently abide by. In other words, the failure of the current negotiation format in providing any tangible results could stimulate a radical revision of the starting points from which the two sides approach the negotiation process ([Daskalovski](#)).

The threats which the status quo scenario brings about are mostly related to the unpredictability of future events as long as Kosovo's international status is not specified. Expert authors have reached a consensus that the longer status quo is prolonged the higher the risks of conflict escalation become. The fact that Kosovo has temporarily withdrawn from the negotiation process only highlights the potential threats. The increasingly more passive mediating role of the European Union further strengthens the nationalistic tendencies of the negotiating sides, which brings about the threat of conflict escalation. The constant possibility of new incidents raises security risks and opens the possibility for greater involvement of foreign authoritarian actors who aim to achieve greater geopolitical influence in Western Balkans. Finally, the policy of maintaining status quo has a negative result on minority rights both in Serbia and Kosovo, as institutional capacity building is left for "a better time".

Scenario 1 MAINTAINING STATUS QUO

OPTIONS	<i>Preventing solutions</i>	<i>Delaying solutions</i>
POSSIBLE POLICIES	<ul style="list-style-type: none"> • Maintain the frozen conflict • Follow the example of Israel and Palestine • Follow the example of Cyprus and the Turkish Republic of Northern Cyprus • Insist on solutions that do not take the interests of the other side into account • Insist on the history of the conflict • Insist on nationalistic instead of pro-European policies • Insist on not changing current constitutions of Serbia and Kosovo • Utilize Russian influence and veto votes in international institutions • Maintain the rate of import taxes at the 100% level • Reciprocity: Serbia and Bosnia and Herzegovina should place high taxes on goods from Kosovo 	<ul style="list-style-type: none"> • Invest more time in finding a better solution • Wait for better political circumstances in the international arena • Wait for better political circumstances in Serbia and in Kosovo • Wait for international, regional and local leaders who will be more agile • Wait for the next generation, one which will not be weighted down by the past • Make the democratization of Serbia and Kosovo a priority • Conduct all-encompassing domestic dialogues within Serbia and Kosovo • Concentrate on real everyday problems that citizens of both societies face • Take the interests of all actors and stakeholders into account • Empower the region so that it becomes capable of finding, maintaining and owning the solution to the issue of Serbia-Kosovo relations • Empower regional forums • Respect the UN Resolution 1244 • Conduct tests: Examine public reactions to various potential solutions • Use the time to convince the local population in the benefits of the chosen policies and solutions • Only implement the solutions once Serbia and Kosovo have accepted them

Scenario 1 MAINTAINING STATUS QUO

OPTIONS	<i>Preventing solutions</i>	<i>Delaying solutions</i>
STRENGTHS	<ul style="list-style-type: none"> • In the interest of some international actors • In line with the Constitution of Serbia and the Constitution of Kosovo 	<ul style="list-style-type: none"> • In the interest of various actors and local stakeholders • This seems to be the most likely outcome and it demands the least amount of effort • This policy allows both sides to concentrate on finding solutions to everyday problems of the citizens • It provides additional time for fulfilling the Copenhagen criteria
WEAKNESSES	<ul style="list-style-type: none"> • North Kosovo remains an area with <i>de facto</i> no rule of law • It is certain that without an agreement Kosovo Serbs will find themselves in an ever more difficult situation. • it is certain that southern Serbia will remain unstable • It is certain that economy will continue to suffer • Constant political tensions will continue and this will affect both societies • Conflict escalation remains a possibility 	<ul style="list-style-type: none"> • The process of EU accession is certain to come to a halt • Unsustainable economic development • Creates unfavorable circumstances for foreign investments • Kosovo will remain the most important political question which will keep holding Serbia back • This policy is not in the interest of many global and regional stakeholders • The initiative of presidents Vučić and Thaçi could be wasted • This policy does not encourage further democratization of Kosovo • Citizens of Serbia and Kosovo pay the highest price of maintaining status quo • Negative demographic trends are certain to continue and worsen • Status quo can last forever

Scenario 1 MAINTAINING STATUS QUO

OPTIONS	<i>Preventing solutions</i>	<i>Delaying solutions</i>
OPPORTUNITIES	<ul style="list-style-type: none"> • Ahtisaari's policies will continue be implemented • The painstaking process of changing the Constitution of Serbia and the Constitution of Kosovo will be avoided 	<ul style="list-style-type: none"> • Maintaining existing stability by maintaining the current state of affairs • Provides more time for finding adequate solutions • More time can be dedicated to regular issues if less time is dedicated to the issue of Kosovo's international status • The future might bring more agile global, regional and local leaders who will be capable of solving the issue of Serbia-Kosovo relations • New generations might be ready to accept solutions based on compromises • Time might give rise to a radical revision of starting negotiation positions of each side, which might contribute to the emergence of new solutions that will be based on compromises
THREATS	<ul style="list-style-type: none"> • Regional destabilization • Rising nationalism • North Kosovo remains an area where organized crime flourishes • Russian influence over Serbia will continue to grow • The European integration process may fail in the Western Balkan region • Expulsion of Serbs from Kosovo (similar to the expulsion that took place in 2004) 	<ul style="list-style-type: none"> • Economic regression • Higher interest rates on international loans • Lower number of foreign investors • Deterioration of regional relations due to different policies concerning Kosovo • Further polarization of the ruling and opposing parties in Serbia regarding the issue of Kosovo

2. Border Change Based on a Legally Binding Agreement

The recent initiative of President Vučić and Thaçi – regardless of their questionable legitimacy to negotiate on behalf of Serbia and Kosovo and regardless of the fact that they primarily concentrated on territorial rather than practical political issues – provided hope that a compromise could finally be reached, but recent statements made by the respective leaders seem to imply that the policies which they had in mind will not be realized after all. However, in order to take into account all the policies discussed by expert authors within the publication, this policy paper will also analyse the “border change” policy and its “land swap” and “border delimitation” sub-policies.

The strengths and advantages of this policy are primarily related to the supposed fast momentum by which they can be achieved. Another advantage mentioned by the expert authors is the fact that the policy of changing borders would be locally owned, as it would be based on the free will and a mutual agreement of the two negotiation sides. The supposition is that the final outcome of this scenario would be mutual recognition of Serbia and Kosovo, which might not be the end result of the other two potential policies. It was also suggested that this scenario would most likely minimize any future conflicts in the future, as the two sides would give up further territorial claims. If observed from the regional perspective, it is clear that any legally binding solution would be more welcomed than the policy of maintaining status quo, as it would bring a frozen conflict which has for decades been a political burden of the Western Balkan region for decades to its end. This would open new possibilities regarding economic and democratic development of the region, which would in turn make the European and NATO integration processes more feasible. Regional and international actors interested in developing the region (primarily the European Union and the United States) would then be able to divert their attention to essential issues such, for instance, the rule of law.

The weaknesses of this scenario mostly lie in the fact that it is neither supported by the population of Kosovo nor by the leading EU member states, at least not at the present moment. As expert author [Butnaru-Tronkota](#) has pointed out, the act of changing borders based on the ethnicity principle is

not compatible with fundamental contemporary European values, nor with the principles of conflict management. Besides, the exact manner in which this policy would be implemented was never made clear by its proponents, and this vagueness is one of its biggest weaknesses. Another highly likely negative outcome of the border change policy would be the weakening of collective rights of the Albanians remaining in Serbia, and especially of the Serbs remaining in the Kosovo enclaves, which would most certainly lose the privileges provided to them by the Ahtisaari plan and that are currently implemented in Kosovo to a degree. As a result, those who find themselves on the “wrong side of the border” after the land swap policy is implemented would eventually find it more practical to move rather than to integrate. Finally, it is important to note that a key weakness of this policy is to be found in the fact that its most prominent promoters, presidents Vučić and Taçi, do not have clear democratic and legal legitimacy to negotiate about border changes of their countries, making it unclear how a potential agreement that they might reach should be enforced ([Hasani](#)).

The opportunities which could derive as a result of implementing the policy of changing borders are similar to those which could come about with the implementation of the policy of signing a legally binding agreement on normalization of relations between Serbia and Kosovo. In other words, if Serbia and Kosovo manage to exchange territories and change borders without any significant problems within a reasonable timeframe (which seems to be a highly unlikely final outcome if current circumstances are taken into consideration) there would be no other major obstacles which would hinder the acceleration of the European and NATO integration process of the entire region. However, it should be mentioned that the realization of this scenario depends on the fulfillment of a few, but very important conditions. First and foremost, as [Vesela Černeva](#) noticed, solving territorial and geopolitical questions will still leave the issues of democracy and rule of law open, and Serbia will need to close these issues before joining the European Union. Second, the economic development of the region also needs to improve, and although some expert authors believed that solving territorial disputes through the policy of changing borders and exchanging territory would allow for regional economic growth to become a priority, others were not certain about the sustainability of the initial boost that this policy might provide ([Knezović](#)). It should also be mentioned that this policy (similarly to the policy of signing a legally binding agreement) has

the potential to decrease the influence of foreign actors within the region, as it would be locally owned.

The potential threats that the expert authors identified in relation to the border change policy can be grouped within regional security concerns. Even though the countries that have recognized Kosovo's independence did so by arguing that Kosovo represents a "unique case", most expert authors agree that it as a case has the potential to create unwanted precedents, even within the widest bounds of what could be considered the region of Southeast Europe (Cyprus), but also within the wider international context. However, some expert authors rejected the notion that potential territorial exchanges between Serbia and Kosovo – if conducted within the bounds of International Law – could set in motion an unwanted domino effect within the region by legitimizing ethnic irredentist and secessionist claims and political goals. However, a large proportion of expert authors did state that there is viable concern that the border change policy might establish consequential precedents, and that ethnic groups and/or states of the region could in the future try to base their territorial claims on those precedents. The general consensus of the expert authors is, therefore, that this policy brings about too many uncertainties and potential risks (especially for Bosnia and Herzegovina, North Macedonia, but also for Serbia). If the policy were to be implemented, it must be done with outmost caution, and it should clearly be stated that the implementation of the border change policy applies only to Serbia and Kosovo and that it therefore does not legitimize all-encompassing regional border change and territorial exchange.

On the other hand, if the border change policy is interpreted as advocating border delimitation instead of territorial exchange and land swap – i.e. if it is interpreted as an act of reaching a legally binding agreement that establishes international borders between two territorial units – than this policy seems to offer optimal solutions which might not necessarily introduce any of the mentioned risks. The policy of delimitating borders would secure the signing of a specific legally binding international agreement between Serbia and Kosovo, one which would perhaps include some minimal adjustments to the existing border and which would, by its nature, be binding ([Omerdić](#)). Serbia would not come out of this agreement as the defeated side, as the border adjustment process would allow some land appropriation based on the effective governance principle, while the problem of the international status of Kosovo would be solved.

Scenario 2 BORDER CHANGE BASED ON A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Border delimitation</i>	<i>Land swap</i>
POSSIBLE POLICIES	<ul style="list-style-type: none"> • Minimal border adjustments • Respect International Law guidelines regarding delimitation • Rely on the effective governance principle • Conduct territorial demarcation • Sign a legally binding treaty on border delimitation • Follow the Belgian-Dutch delimitation example • Follow the India-Bangladesh delimitation example 	<ul style="list-style-type: none"> • Establish ethnic borders • Utilize the initiative of presidents Vučić and Thaçi • Accession of Kopaonik villages to Serbia • Accession of four Serbian municipalities in North Kosovo to Serbia • Accession of Gazivode lake to Serbia • Accession of Preševo and Bujanovac municipalities to Kosovo • Accession of parts of Medveđa municipality to Kosovo • Exchange population • Conduct transparent land swap negotiations • Consult local population about the land swap policy • Sign a legally binding land swap treaty • Guarantee the immovability of other borders within the Western Balkan region • The recognition of Kosovo's independence should come before the land swap • Serbia should implicitly recognize Kosovo by implementing the land swap policy
STRENGTHS	<ul style="list-style-type: none"> • Border adjustment is an act of technical, not of political nature, and it represents a big step toward establishing bilateral relations • Delimitation is not a legally questionable act and it would not require the change of Kosovo's constitution • Delimitation would not bring about the risk of further border change within the region 	<ul style="list-style-type: none"> • Any agreement seems better than maintaining status quo • Presidents Vučić and Thaçi have an implicit mutual understanding in this regard • The United States is not against such an arrangement • This policy is inline with the national self-determination principle • This policy would imply at least an implicit recognition of Kosovo's independence by Serbia • Ethnically homogeneous states would be more stable • This policy would be owned by Serbia and Kosovo

Scenario 2 BORDER CHANGE BASED ON A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Border delimitation</i>	<i>Land swap</i>
STRENGTHS	<ul style="list-style-type: none"> • Serbia and Kosovo could create an example for others 	<ul style="list-style-type: none"> • Serbia would not suffer complete defeat if this policy is implemented • North Kosovo would stop being a gray zone in legal terms as rule of law would be established
WEAKNESSES	<ul style="list-style-type: none"> • Delimitation might not be possible if Serbia-Kosovo relations are not normalized • Delimitation is a process that depends on full and honest commitment of both sides, which might be unachievable at this moment in time • Delimitation is a policy which could easily be criticized and utilized by populist politicians of Serbia and Kosovo 	<ul style="list-style-type: none"> • Public opinion in Serbia and Kosovo is strictly against the land swap policy • Germany is strictly against the land swap policy • Regional states such as Montenegro, Bosnia and Herzegovina and North Macedonia are strictly against any border changes • The Serbian Orthodox Church is strictly against the land swap policy • Presidents Vučić and Thaçi have no legal authority and legitimacy to conduct negotiations about territorial exchanges between Serbia and Kosovo • Land swap negotiations are not being conducted transparently • New borders have not been specified, nor have the criteria for determining potential new borders • No single border can fully separate two nations • Most Kosovo Serbs live in enclaves that would not be acceded to Serbia • A portion of the E75 would be acceded to Kosovo • Ethnic borders are incompatible with European values and would, as such, mean that EU policies within the region have failed • Ethnically homogeneous states would be more stableThe very purpose of changing borders is questionable if both Serbia and Kosovo intend to join the EU, as the EU has highly developed mechanisms for cross-border municipality cooperation • Problems related to managing of the Trepča mines and Lake Gazivode would not be solved by the land swap policy

Scenario 2 BORDER CHANGE BASED ON A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Border delimitation</i>	<i>Land swap</i>
OPPORTUNITIES	<ul style="list-style-type: none"> • Delimitation could be used as a method through which Serbia would explicitly recognize Kosovo's independence • Serbian municipalities would gain autonomy within Kosovo • Serbian monasteries could attain a special legal status within Kosovo • The delimitation policy could serve as a model for solving border disputes of the region 	<ul style="list-style-type: none"> • Land swap is a policy that would at least secure Serbia's implicit recognition of Kosovo's independence • Interethnic tensions would be lowered • Serbs and Albanians could reconcile if their respective states reach a new border agreement • Parallel institutions would cease to exist in North Kosovo
THREATS	<ul style="list-style-type: none"> • Delimitation might be wrongly interpreted as an act of territorial exchange by irredentist forces of the region • Delimitation can potentially escalate the conflict by mobilizing those who disagree with this policy 	<ul style="list-style-type: none"> • The region could be destabilized through a domino effect of border changes • Reverting to historical practices is a danger • Serbs residing in the enclaves would become the only obstacle on the path of achieving an ethnically homogeneous Kosovo state, which would expose them to great danger • The greater Albanian state would become feasible • Negative precedents would be established • Turkey could expand its influence in Kosovo

3. Normalizing Serbia-Kosovo Relations by Signing a Legally Binding Agreement

The strengths and advantages of implementing this policy (regardless of which of its two sub-policies is chosen; explicit or implicit recognition of Kosovo by Serbia) are greater in number and quality when compared to the strengths and advantages of the other two potential scenarios, which is a conclusion that expert authors from the region (including Serbia and Kosovo) agree on. Expert authors from Serbia see the main advantages of this policy in the fact that it offers greater opportunities for securing the position of Serbs who live in Kosovo, as well as for securing the position of the Serbian Orthodox Church, while it does not necessarily demand an explicit recognition of Kosovo's independence by Serbia. At the same time, this policy does not undermine Serbia's current efforts to join the European Union. From the perspective of expert authors from Kosovo, it is assumed that this policy would secure a UN seat for Kosovo and other relevant international organizations, as well as the continuation of a negotiation process which would ultimately lead to Serbia officially recognizing Kosovo's independence. Just like the second possible scenario, this scenario also established firm ground for European and NATO integration of the region, for further economic development, for advancements in rule of law and for the lowering of foreign actors' influence within the region. Finally, expert authors of the region consider this policy to be the most confirmative of EU principles and values, which is a fact most welcomed by experts of the region.

The weaknesses of this scenario, according to most of the expert authors, are mostly related to the low probability of its implementation in the near future. For example, the policy of forming an Association of Serbian municipalities in Kosovo has been met with strong opposition not just within the Kosovo-Albanian community, but also the Serbian community. Furthermore, even if this scenario were to be fully implemented, there would be no guarantees that the disputes between Serbia and Kosovo would be settled once and for all: mutual recognition of sovereignty is not an obligatory end-result of the legally binding agreement on normalizing Serbia-Kosovo relations, nor can the agreement guarantee UN membership to Kosovo.

Also, Serbia's recognition of Kosovo's independence opens the doors for other countries of the EU that have not yet recognized Kosovo to do so, but there is no guarantee that they will follow this initiative. On the other hand, even if Serbia explicitly recognizes Kosovo, it might still fail to join the EU within a reasonable timeframe, as the success of the integration process depends on the fulfilment of all the negotiation chapters, not just Chapter 35. If it decides to do so only implicitly, any of the EU member states which recognize Kosovo might block its accession to the EU based solely on this purpose.

Additionally, a legally binding agreement on normalizing Serbia-Kosovo relations might never be fully implemented, even if signed and ratified, which is an easily imaginable outcome if one takes into consideration the way in which Serbia and Kosovo have treated the agreements signed thus far. If the EU fails to secure the implementation of an agreement that was signed as a part of its conflict mediation, its institutional legitimacy will weaken within the Western. Another significant weakness of this scenario lies in the fact that public and private property ownership issues have not yet been resolved in Kosovo, even though they are a seemingly necessary precondition for the signing of any legally binding agreement between Serbia and Kosovo, as the participants of the "Economic aspects of Serbia-Kosovo relations" roundtable noted.¹ The same weakness also applies to the second scenario, and just like in the second scenario it could have a profound negative effect on further economic development of Serbia and Kosovo.

The opportunities offered by the policy of signing a legally binding agreement are mostly related to the possibility of normalizing relations between the two sides by turning to the next chapter of their political interaction. Expert authors of the region noted that the normalization of Serbia-Kosovo relations would also offer other Western Balkan states an opportunity to overcome the difficulties in maintaining good relations with both of sides without jeopardizing relations with either of them. Naturally, normalized relations would also offer much greater opportunities for economic cooperation of their respective countries with Kosovo. This is especially true for those states that have not yet recognized Kosovo's independence,

¹ Sandra Davidović's book contains more information on this subject. She was a participant of a roundtable organized by the Belgrade Forum for the World of Equals in 2018 in Belgrade: UNMIK administration's role in privatizing socially owned corporations in Kosovo.

but also for North Macedonia, and to some extent Montenegro. A few expert authors also mentioned the positive outcomes that the normalization of relations between Serbia and Kosovo would have not just on bilateral, but also multilateral relations of the regional states.

The threats of this scenario can be collectively described as similar but lesser threats when compared to those which derive from the first scenario (maintaining status quo). In other words, the process of achieving normalized relations between Serbia and Kosovo is expected to be time-consuming, and the time needed for the final legally binding agreement to be reached implicitly implies temporarily maintaining status quo, which brings about all the already mentioned potential negative outcomes such as conflict escalation, the opportunity of populist nationalistic politicians to increase their power, the increase of foreign autocratic states' presence in the region, the rise in criminal activity in Northern Kosovo, the decline in respect for European values and the interruption in the process of EU and NATO integration of the region, not to mention the decline of rule of law and human and minority rights.

Scenario 3 NORMALIZING RELATIONS BY SIGNING A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Implicit recognition of Kosovo by Serbia</i>	<i>Establishing bilateral relations</i>
POSSIBLE POLICIES	<ul style="list-style-type: none"> • Efforts could be focused on solving practical issues before concentrating on legal issues • Evading the issue of Kosovo's international status could open quicker paths to finding sustainable solutions • The dialogue must continue regardless of everything else • Signed agreement and EU recommendations must be implemented • The Association of Serbian municipalities must be formed in Kosovo • China and Taiwan could serve as an example • West and East Germany could serve as an example • Greek policy of soft non-recognition could be utilized • Political culture needs to change • The conflict needs to deescalate • The negotiation sides need to overcome the substance of the conflict and focus on practical solutions • Local politicians must do away with populist rhetoric • The two negotiation sides need to respect their different understanding of the past and their opposing values • The negotiating sides should follow each other in implementing solutions step by step • Serbia and Kosovo need to invest an effort in strengthening the cooperation of liaison offices • A reconciliation commission needs to be formed 	<ul style="list-style-type: none"> • Complete mutual recognition of Serbia and Kosovo • The international status of Kosovo should be the fundamental issue that needs to be resolved • Apply the <i>uti possidetis iuris</i> principle • Stick to Badinter's principles • Modify the Constitution of Serbia • Establish bilateral relations on all levels • Implement restorative justice • Follow the example of Greece and North Macedonia • Follow the example of Serbia and Croatia • Strengthen the role of the United States in the negotiation process • The European Union should implement the policy of conditioning the negotiation sides • Place the interests of both societies above the interests of the two states • Cease blocking Kosovo's accession to international organizations • Offer concrete benefits to Serbia if it recognizes Kosovo's independence • Secure a special status for Serbian Orthodox Church Monasteries located in Kosovo • Agree on a model for mutual financing of Serbian municipalities and enclaves in Kosovo

Scenario 3 NORMALIZING RELATIONS BY SIGNING A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Implicit recognition of Kosovo by Serbia</i>	<i>Establishing bilateral relations</i>
POSSIBLE POLICIES	<ul style="list-style-type: none"> • Both sides should publicly apologize for harms they have caused the other side during the war • Politicians should withdraw from making statements about the proceedings of the Court for Kosovo Liberation Army War Crimes • Serbia should stop its policy of blocking Kosovo's accession to international organizations • Kosovo should be allowed to join the United Nations • Serbia and Kosovo should invest efforts in joining the World Trade Organization • Kosovo should be allowed to join Interpol • The two negotiating sides need to sign an agreement on managing Lake Gazivode • Trepča mines should be privatized • All institutions should follow the example of Serbia and Kosovo Commerce Chamber cooperation • Mutual efforts in building infrastructure are needed • Investment policies should be aligned • An agreement on recognizing diplomas should be signed by the negotiating sides • The negotiation sides should exchange people at the grassroots level • The issue of missing persons needs to be solved • The issue of internally displaced persons needs to be resolved • Kosovo needs to resolve the issue of private and public property 	<ul style="list-style-type: none"> • Remove import taxes on goods coming into Kosovo from Serbia and Bosnia and Herzegovina • Propagate the concept of a multicultural state • Preserve the multi-ethnic character of Kosovo • Functionally integrate the North of Kosovo into the rest of Kosovo's institutional framework • The EU should work on integrating the Western Balkan region as soon as possible after a binding legal agreement is signed between Serbia and Kosovo

Scenario 3 NORMALIZING RELATIONS BY SIGNING A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Implicit recognition of Kosovo by Serbia</i>	<i>Establishing bilateral relations</i>
POSSIBLE POLICIES	<ul style="list-style-type: none"> • The two negotiating sides should work on reaching an agreement which they will own • The two sides should delegate legitimate negotiators to the negotiating table • Determine clear sanctioning mechanisms that should be implemented if agreements are not respected by either side • Establish a monitoring commission which will oversee the implementation of signed agreements • Work towards creating unified and all-inclusive European society • Kosovo should fully implement the Stabilization and Association Agreement • Serbia should not leave Negotiating Chapter 35 for the very end of the negotiation process • Both societies should work on further democratization, as the EU integration process is not based solely on resolving the issue of Kosovo • Follow the basic guidelines of the Ahtisaari plan • Respect of UN Resolution 64/298 • Be aware of rising nationalism • Increase the role of regional actors in the negotiation process • Stimulate the involvement of the intellectual elite in the process of finding solutions • Involve the NGO sector to a greater extent • Decrease the influence of the Serbian Orthodox Church on the policies implemented by the Government of Serbia • Great powers should work towards aligning their interests in Kosovo 	

Scenario 3 NORMALIZING RELATIONS BY SIGNING A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Implicit recognition of Kosovo by Serbia</i>	<i>Establishing bilateral relations</i>
STRENGTHS	<ul style="list-style-type: none"> • Nowhere is it explicitly stated that Serbia needs to explicitly recognize Kosovo's independence in order to join the European Union • Serbia would be much more open to accepting Kosovo's independence if it does not have to recognize it explicitly • Kosovo would be de facto independent, which would solve most of the practical problems that exist today 	<ul style="list-style-type: none"> • The talks regarding the normalization of relations between Serbia and Kosovo have already started and their full potential should be achieved • The EU and the United States offer their full support to this policy • Almost all regional actors fully support this policy • Greater regional stability is certain • This policy will create firm ground for the continuation of the EU accession process • Trade will be restored back to normal • A series of possibilities for deeper economic cooperation will be opened up • Relations between Serbia and Kosovo will eventually have to be normalized by the nature of things
WEAKNESSES	<ul style="list-style-type: none"> • Without explicit recognition of Kosovo's independence Kosovo will always remain an issue for Serbia • The conflict would be deescalated if this policy is implemented, but an outbreak would still be possible • The EU and NATO integration of Kosovo will remain a difficult task if Serbia does not recognize it's independence, as EU and NATO member states which also don't recognize Kosovo as an independent country will oppose its membership bids 	<ul style="list-style-type: none"> • The negotiations on normalizing Serbia-Kosovo relations might have reached their full potential already • There is very little advancement in the negotiation process • The normalization of Serbia-Kosovo relations demands great compromises, which might bring about internal political instability and revolts in both Serbia and Kosovo • This policy creates a paradox as it demands that local politicians make agreements which they cannot easily present to the local public

Scenario 3 NORMALIZING RELATIONS BY SIGNING A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Implicit recognition of Kosovo by Serbia</i>	<i>Establishing bilateral relations</i>
WEAKNESSES		<ul style="list-style-type: none"> • Local leaders who are involved in the negotiation process would benefit more from maintaining status quo, as it provides them the safety of not having to take on any political responsibility • Any agreement made between the two negotiation sides might not be ratified by their respective parliaments
	<ul style="list-style-type: none"> • Serbia's explicit recognition of Kosovo's independence could be set aside for better times, leaving room for the establishment of functional relations between Serbia and Kosovo • The establishment of functional relations can be viewed as the first step on Serbia's path of recognizing Kosovo's independence 	<ul style="list-style-type: none"> • This policy could bring the two peoples closer together • This policy could stimulate further democratization of both societies • Regulating the legal status and the financing of Serbian enclaves in Kosovo • Regulating the status of the Serbian Orthodox Church in Kosovo • Serbia could become the economic and political leader of the region once it resolves its disputes with Kosovo • Better living standards of both Serbian and Kosovo citizens • Kosovo's independence will cease being an issue which divides the international community • Functional integration of Serbs within Kosovo's society and institutions • Similar frozen conflicts within the region could also be solved on the basis of the Serbia-Kosovo legally binding agreement • International attention could be turned to internal problems of Bosnia and Herzegovina
OPPORTUNITIES		

Scenario 3 NORMALIZING RELATIONS BY SIGNING A LEGALLY BINDING AGREEMENT

OPTIONS	<i>Implicit recognition of Kosovo by Serbia</i>	<i>Establishing bilateral relations</i>
THREATS	<ul style="list-style-type: none"> • If Serbia does explicitly not recognize Kosovo, Kosovo will remain an eternal political topic within Serbia • An agreement can be reached and ratified by both parliaments, but this still does not guarantee its implementation in practice 	<ul style="list-style-type: none"> • Serbia and Kosovo remain trapped within the negotiation process • Tensions could rise during the process of integrating Serbs into Kosovo institutional framework • The solution can reach a stalemate if one of the two parliaments decides not to ratify the legally binding agreement • Kosovo's membership in UNESCO would represent a huge blow to Serbian national identity • Even if recognized by Serbia, there are no guarantees that Kosovo will become a functional state • Kosovo and Albania could decide to unite into a single state

IV A Comparative Critical Analysis of the Possible Policies, Solutions and Guidelines

The conducted SWOT analysis highlighted the strengths, weaknesses, opportunities and threats of all the policies and sub-policies related to the future of Serbia-Kosovo relations which were scrutinized by the expert authors. It is quite clear that an ideal solution does not exist, as each of the three main scenarios/policies, as well as each of the six sub-policies (preventing solutions, delaying solutions, border delamination, land swap, implicit recognition of Kosovo by Serbia or establishing bilateral relations) includes some potential risks. Still, a comparative critical analysis of all the potential solutions can provide an answer to the question regarding which of the guidelines, options, policies and sub-policies provide more possibilities and better advantages in comparison to others.

When the sub-policies of the first scenario are compared – the possibility of maintaining status quo in order to prevent solutions versus the possibility of maintaining status quo in order to delay solutions – it is rather clear that the sub-policy of delaying solutions offers more moderate and reasonable solutions. The sub-policy of preventing solutions is sure to lead to further escalation of the currently frozen conflict, while the sub-policy of delaying solutions could potentially secure the normalization of Belgrade-Pristina relations in the future. The biggest advantage of delaying solutions is to be found in the additional time which seems to be of outmost importance for implementing policies such as conducting domestic dialogue both in Serbia and Kosovo on the issue of Belgrade-Pristina relations, as the dialogue would only be fruitful if it included the opinions of the academic community, the NGO sector, the expert community and the wider public

(something which takes time to achieve). Time could also bring about better circumstances and more agile leaders who would be ready to make bold moves in the direction of making compromises with the other negotiating side. This was best exemplified by the issue of Former Yugoslav Republic of Macedonia's name, which was resolved only after new political leaders came to power in Greece and in what is now North Macedonia, as these leader were ready to reach a solution through honest negotiations.

However, time – which is seen as the greatest advantage of policies related to the proposal of delaying solutions – also implies considerable risks, as there are no guarantees that time will work in the favor of resolving the issue of Serbia-Kosovo relations. On the contrary, if the current situation is observed, it seems that the current moment – even with all of its difficulties – is an opportunity which should be seized, as Belgrade and Pristina are negotiation with the prospect of joining the European Union in mind. At the same time, presidents of Serbia and Kosovo are hinting towards the fact that they are ready to make a historical compromise and solve the problem of Serbia-Kosovo relations as leading negotiators. As it should not be assumed that time is working in favor of normalizing Belgrade-Pristina relations, the present should be viewed as the best possible moment for finding and implementing legally binding solutions which the two negotiating sides would be ready to accept, thus ending status quo. The risks that the policy of maintaining status quo brings about represent the notable reason because of which the sub-policy of “preventing solutions” emerges as the least promising solution in comparison to other five possibilities, while the “land swap” sub-policy is the only other one less favorable than the second sub-policy of the “maintaining status quo” policy (delaying solutions).

Regardless of the term that is used to describe it – land swap, territorial exchange, border correction, border adjustment, partial land exchange, peaceful form of ethnic cleansing or the division of Kosovo – expert authors have tied this policy to most varied problems that could occur as a part of its implementation. Furthermore, public opinion in Serbia and Kosovo is strongly against any solution that would be based on potential border changes, which is also true for most of the regional and European stakeholders. The policy is not helped by the fact that its strongest proponents, presidents Vučić and Thaçi, have not clarified what the historical agreement between Serbia and Kosovo based on the policy of territorial exchange implies, nor have they proposed any criteria for determining new borders. It is also not helped by

the fact that their legal authority for negotiating border changes on behalf of their countries is questionable, at best. Being that it is difficult to predict how Kosovan and Serbian citizens would react to any official proposals related to the land swap policy, one must welcome the fact that the policy of exchanging territory seems less and less likely as time passes, as it seems that such a development is positive not only for the stability of Serbia and Kosovo, but for the stability of the entire region as well.

However, if the border exchange policy is interpreted as being synonymous to the act of border delimitation, as is done by expert author [Omerdić](#), it can take on the form of a progressive solution. The delimitation sub-policy has an advantage over the land swap sub-policy as it allows for minimal border corrections which serve to resolve certain administrative and practical issues and aspects of border management, while not undermining the validity of the existing administrative border. As such, delimitation – unlike the land swap policy - is not opposed to the aim of normalizing relations between Serbia and Kosovo, as it can serve to benefit the achievement of this aim. For example, the policy of border delimitation can encompass the process of finding solutions to the problem of managing Lake Gazivode, as well as to other similar issues which must be resolved before the signing of a legally binding agreement on normalizing Serbia-Kosovo relations.

It is clear that most expert authors consider the signing of a legally binding agreement between Serbia and Kosovo to be the policy which has the biggest potential to secure political stability and regional security within the Western Balkans. However, the policy of normalizing relations through a legally binding agreement consists of two mutually exclusive sub-policies. Some expert authors expressed their belief that the process normalizing Belgrade-Pristina relations should not infer Serbia's explicit recognition of Kosovo's independence, as energy should be focused on achieving bilateral relations de facto, not de iure. Yet, it becomes clear that in order for Serbia to join the EU it will eventually have to legally recognize Kosovo's independence, being that the procedure for expanding the European Union requires that all existing member states ratify the Accession Agreement signed with the new member state, and being that out of the 27 EU member states (excluding the United Kingdom), 22 have recognized Kosovo's independence. As [Butnaru-Tronkota](#) argued, it is that 22 EU member states will ratify an Accession Agreement with a country that considers Kosovo – a

state that they have established bilateral relations with – to be a part of its territory. Likewise, it is unlikely that countries such as Spain will consider Kosovo's accession to the European Union seriously before Serbia establishes bilateral relations with Kosovo, opening the way for other EU member states to do the same. This is why the political leaders of Serbia and Kosovo need to accept the unescapable fact that they are mutually interdependent and that they will not be able to achieve the political aims of their respective nations (joining the European Union and/or NATO) if they do not embark on a road of honest and open cooperation to normalize Serbia-Kosovo relations by signing a legally binding agreement.

VALUE BASED RANKING OF SIX POTENTIAL FUTURE OPTIONS FOR BELGRADE-PRISTINA RELATIONS

- 1.** Reaching a legally binding agreement on the establishment of bilateral relations between Serbia and Kosovo
- 2.** Reaching a legally binding agreement on normalizing relations without Serbia explicitly recognizing Kosovo's independence
- 3.** Reaching a legally binding agreement through the process of border delimitation
- 4.** Maintaining status quo in awaiting better circumstances for the signing of a legally binding agreement between Belgrade and Pristina
- 5.** Land swap based on the ethnic principle
- 6.** Maintaining status quo in order to prevent the normalization of relations between Belgrade and Pristina

V Recommendations

The following recommendations provide a framework for achieving permanent normalization of Belgrade-Pristina relations. The implementation of the suggested recommendations involves the employment of policies which have the primary purpose of creating the conditions for the signing of a legally binding agreement on the establishment of bilateral relations between Serbia and Kosovo. The recommendations consist of constructive and achievable policies which the expert authors have derived at by examining the three possible scenarios. They are separated into three stages, and the success of each stage depends on complete implementation of the policies of the previous “stage”.

FIRST STAGE:

Policies which could and should be implemented in the imminent future

1. Continue with the Belgrade-Pristina talks

- Remove 100% import taxes on goods coming into Kosovo from Serbia and Bosnia and Herzegovina
- Respect the existing negotiating format which includes the EU as the mediator
- Abstain from making counterproductive media statements

- Increase the transparency of the negotiation process
- Secure legal and democratic legitimacy of the leading negotiators
- Reach an agreement regarding the mechanisms for managing Lake Gazivode and the Trepča mines
- Determine clear sanctioning mechanisms that should be implemented if agreements are not respected by either side
- Establish a monitoring commission which will oversee the implementation of signed agreements

2. Respect the 2013 Brussels Agreement

- Establish the Association of Serbian Municipalities in Kosovo
- The EU and the international community should compel both sides to respect the agreement

3. Make positive declarative aims and give up on negative declarative aims

- Stop preventing Kosovo from joining international organizations
- Stop persuading states that have recognized Kosovo's independence to withdraw their recognition
- Give up on the "Genocide Resolution" and sustain from exhibiting similar counterproductive behavior
- Deescalate the conflict through responsible behavior

4. Invest efforts in reconciling the Serbian and Albanian peoples

- A reconciliation commission needs to be formed
- Both sides should publicly apologize for harms they have caused the other side during the war
- Resolve the issues of missing persons, refugees and internally displaced persons
- Politicians should withdraw from making statements about the proceedings of the Court for Kosovo Liberation Army War

SECOND STAGE:

Policies which rely on certain preconditions being fulfilled

5. Invest efforts in establishing *de facto* bilateral relations between Serbia and Kosovo

- Primarily concentrate on improving Serbia-Kosovo relations, not on the legal issue of Kosovo's international status
- Strengthen the cooperation of the liaison offices of Serbia and Kosovo
- All institutions should follow the example of Serbia and Kosovo Commerce Chamber cooperation
- Mutual efforts in building infrastructure are needed
- Investment policies should be aligned
- Regional forums should be empowered
- An agreement on recognizing diplomas should be signed by the negotiating sides
- The negotiation sides should exchange people

6. Invest efforts in democratizing both societies

- Kosovo should fully implement the Stabilization and Association Agreement
- Serbia should not leave Negotiating Chapter 35 for the very end of the negotiation process
- Focus attention on solving practical issues which hinder further development of both societies
- The two negotiation sides need to respect their different understanding of the past and their opposing values

7. Conduct all-encompassing domestic dialogues within Serbia and Kosovo

- Stimulate the involvement of the intellectual elite in the process of finding solutions
- Involve the NGO sector to a greater extent
- The media should become more open to hosting inclusive public debates regarding the future of Serbia-Kosovo relations

8. Resolve the issue of property ownership rights

- Resolve the issue of internally displaced persons' property in Kosovo
- Resolve the issue of Serbian public and private property in Kosovo
- Reach an agreement of the management of Republic of Serbia's property in Kosovo
- Form a commission for reevaluating the process of property privatization in Kosovo

THIRD STAGE:

Policies which guarantee the normalization of Belgrade-Pristina relations if implemented

9. Place the interests of both societies above the interests of the two states

- Follow the example of Greece and North Macedonia
- Be persistent in implementing pro-European policies and values
- Integrate North Kosovo into the rest of Kosovo in a manner which would allow the Serbian community to accept Kosovo institutions as their own

10. Resolve technical issues

- Modify the Constitution of the Republic of Serbia
- Modify the Constitution of Kosovo
- Respect the provisions of International Law regarding the establishment of international borders
- Use delimitation mechanisms to make minimal border corrections in line with the principle of effective governance

11. Sign a legally binding agreement on establishing bilateral relations between Serbia and Kosovo

- Work on creating political circumstances for signing the agreement instead of waiting for them to come about on their own
- The legal agreement should guarantee the stability of other borders within the Western Balkan region

- Create a framework for building a truly multicultural society in Kosovo
- Devise a model for mutual financing of Serbian municipalities and enclaves in Kosovo
- Devise a special status model for Serbian monasteries in Kosovo

12. The EU should work on integrating the Western Balkan region as soon as possible after a binding legal agreement is signed between Serbia and Kosovo

- The remaining five EU member states that have not established bilateral relations with Kosovo should do so
- Serbia and the European Union should invest mutual efforts in closing all the negotiation chapters regarding Serbia's accession to the EU
- Kosovo should begin negotiations with the EU regarding its accession

VI Concluding Remarks

The outlined recommendations provide a framework for a complete normalization of Serbia-Kosovo relations. If the political will which is necessary for implementing the outlined recommendations still exists, it should be aimed at basing the normalization process on reconciliation and democratization of both societies, while the legally binding agreement should be viewed as the natural outcome of the normalization process (and not its precondition), one which would bring the two negotiating sides closer to achieving their aims of accession to the EU and/or NATO. However, it is unreasonable to expect that the process of normalizing Serbia-Kosovo relations will end in the near future, being that the implementation of recommended policies (and especially those categorized within the first stage) depends on the existence of true and honest political will in Belgrade and Pristina.

Such a conclusion comes as no surprise if one considers the growing popularity rate of Serbian and Kosovan politicians who propagate precisely those policies which have the aim of not normalizing Belgrade-Pristina relations. Ramush Haradinaj, the Prime Minister of Kosovo, is the most popular politician of his country precisely because he chose to take a firm stance towards Belgrade by introducing high import taxes on goods from Serbia and Bosnia and Herzegovina, while President Thaçi is losing the support which he once enjoyed partially due to his attempts to find a solution by negotiating with Serbia, which was interpreted as a weakness, and presented as such by his political rivals. On the other hand, President Aleksandar Vučić keeps using populist rhetoric when speaking about the issue of Kosovo even though he has been negotiating with Kosovo on Serbia's behalf for years.

Defense Minister Aleksandar Vulin and Minister of Foreign Affairs Ivica Dačić also habitually turn to populist rhetoric when making statements regarding Kosovo. All in all, the discursive escalation of every political crisis that takes place within North Kosovo clearly shows that there is a serious lack of substantial political will to normalize Serbia-Kosovo relations. In order to show a true presence of political will for resolving the issue of Serbia-Kosovo relations, local politicians would need to stop turning to populist rhetoric, invest greater efforts in finding solutions at the negotiating table, while Kosovo officials would need to revert their import tax decisions and establish a normal trading regime with Serbia.

We conclude the analysis by expressing hope that the political leaders of Serbia and Kosovo will show sufficient political maturity and wisdom in recognizing the opportunity to utilize EU's mediation to resolve decades-long issues; issues that present a burden not only to Serbian-Albanian relations, but also to the stability, security and economic prosperity of the entire region. We believe that rational decisions will outweigh populist and emotion-based policies and we hope that the analyses, guidelines and recommendations provided here will contribute to such an outcome.