

Hotspot Balkans: Serbia and Kosovo

Despite various efforts at reconciliation, the road to a viable settlement between Serbia and Kosovo remains long. But without normalizing relations, neither Kosovo nor Serbia is likely to achieve its goals of integration into European governance structures.

By Andrej Marković and Jeronim Perović

Serbia has never recognized Kosovo's 2008 declaration of independence. EU Member States Spain, Greece, Slovakia, Cyprus, and Romania also refuse to recognize Kosovo, fearing that the widespread recognition of a breakaway region could set an unwanted precedent for minority secessionist movements. As a result, Kosovo continues to be denied the integration into the EU that it seeks. However, Brussels has also made it clear to Serbia that the normalization of relations with Kosovo is a condition for its EU membership.

In recent years, there have been some steps toward rapprochement between Serbia and Kosovo. Since 2011, both sides have been negotiating under the mediation of the EU, whose membership both Balkan countries aspire to. In 2013, Kosovo and Serbia concluded the "Brussels Agreement," which was intended to regulate the integration of the Serb minority into Kosovo's institutions. While this was followed by a series of accords, their implementation has proven to be a key challenge. As a result, relations between the two countries have been marked by periodic crises.

From Brussels' perspective, the Western Balkans is a zone with high conflict potential. The presence of Russia and China in the region, both of which support Belgrade



Serbian President Aleksandar Vučić and Kosovar Prime Minister Albin Kurti attend EU-sponsored talks in Brussels in February 2023. *Johanna Geron/ Reuters*

in its stance of non-recognition of Kosovo, is viewed critically. Against the backdrop of the Russian-Ukrainian war and tensions between Russia and the West, both the EU and the US have made efforts to normalize relations between Serbia and Kosovo.

In the spring of 2023, a new agreement was negotiated that built on previous agreements and forge a path forward for the re-

gion. Serbia agreed to de facto recognize Kosovo as a separate state and to renounce its claim to represent Kosovo internationally. This will also likely make it easier for the remaining five EU Member States to recognize Kosovo. Pristina, in turn, is to grant the Serbian minority in Kosovo the right to self-government. This is intended to fulfill a key demand of Serbia, but also to advance the integration of Kosovo's Serb

population. Whether the latest attempt to normalize relations will be more successful is questionable, however, as thus far both sides have found it difficult to implement agreements.

Background

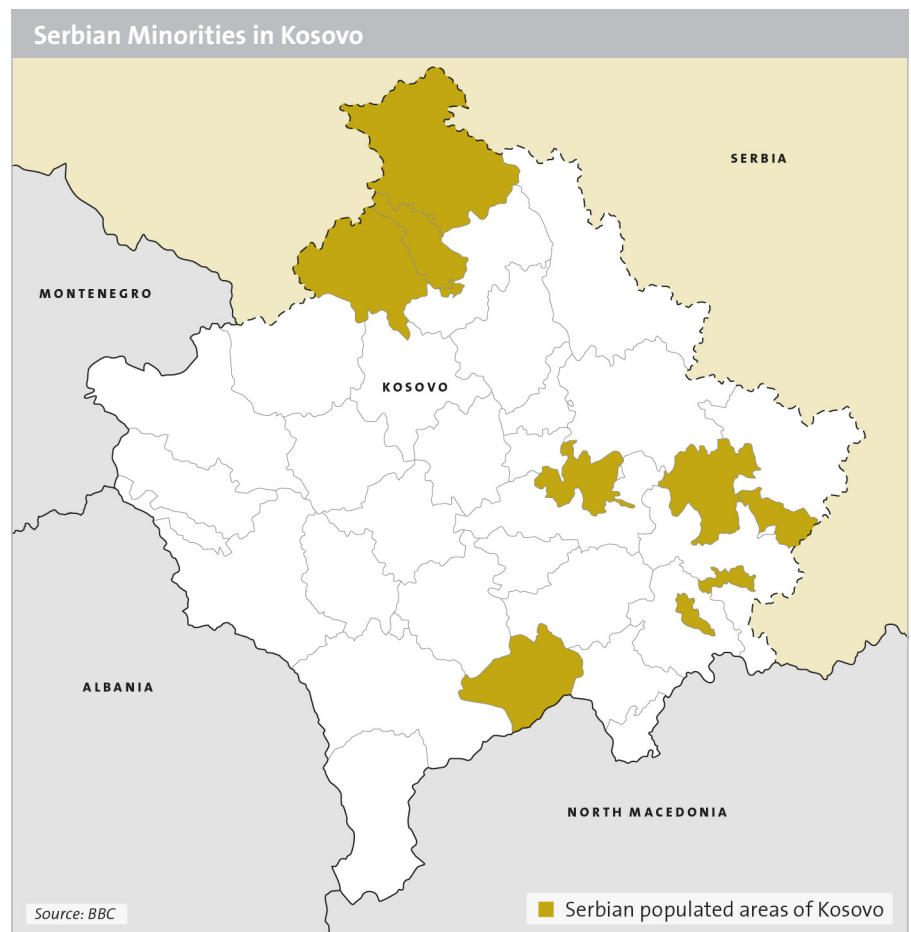
Relations between Kosovo and Serbia continue to be burdened by the unresolved past. Belgrade escalated its policy of repression against Kosovo's Albanian majority in 1998–1999 in response to the armed struggle for independence by the Kosovo Independence Army (UÇK). Hundreds of thousands of Kosovar Albanians were expelled and were thousands killed. Members of the Serbian state and military leadership were found guilty of crimes against humanity by the International Criminal Tribunal for the Former Yugoslavia in The Hague. The war, which cost more than 10 000 lives, ended after a three-month NATO bombing campaign that forced Belgrade to surrender. Kosovo was placed under UN civilian administration and, following a UN Security Council mandate, a NATO-led international peacekeeping force (known as “KFOR”) was deployed.

The international presence could not prevent possibly more than one hundred thousand Serbs from leaving Kosovo shortly after the end of the war and in the years that followed. Ethnic Serbs fled attacks that either had taken place or were feared, or they found it unappealing to continue living in Kosovo. Many had lost their former privileges, while new elites had become politically dominant. These included former top UÇK cadres who had gained respect during the war and successfully offered themselves to international forces as

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guarantors of stability on the ground. They paved the way for Kosovo's independence. The KFOR contingent, now numbering some 3700 troops, continues to play a role. As a guarantor of military security, this international force contribute to stability in Kosovo, which is a prerequisite for the success of the ongoing negotiations between Kosovo and Serbia.

Although peace has largely been maintained, many of the deeper issues remain unresolved. Both sides insist on their respective interpretations of the past. Serbia



largely refuses to acknowledge its historical guilt. At the forefront is resentment over the loss of a territory that many see as the medieval cradle of the Serbian nation-state. In Kosovo, the focus is on building a Kosovar Albanian nation whose success story often leaves little room for the experiences of other victims. In both countries, the public criticizes judicial decisions by international courts as biased against their own side. Such attitudes make it difficult to clarify the fate of the more than 1500 remaining missing persons and to discuss reparations for the victims of the war.

Given the importance Kosovo to Serbian nationalism, a de facto recognition of independence poses no small risk for Serbian politics. Even Serbian President Aleksandar Vučić – who has led the state as a strongman for over a decade and wields considerable power, a broad parliamentary majority, and control over much of the mass media – could risk his position by recognizing Kosovo. Vučić remains dependent on

the support of conservative forces, and it is primarily his overwhelming popularity, that ensures electoral victories, which holds together his party, a heterogeneous coalition of interests. An unpopular Kosovo policy would put this arrangement to a severe test. At the same time, the unresolved relationship with Kosovo also holds advantages for Vučić: For as long as Western capitals trust him to successfully implement a settlement in Serbia precisely because of his power, criticism of the country's democratic shortcomings will remain largely rhetorical.

Unlike in Serbia, Kosovo has had different coalitions in power over the past ten years. Negotiations have been difficult for all of them, however, as the issue of concessions to Serbia remains hotly contested. Navigating this situation has been particularly difficult for the incumbent Prime Minister Albin Kurti, who came to power in part as a pronounced advocate of Kosovar national interests and has promised his constituents a tough negotiating stance toward Serbia. Keeping this promise is particularly important since his governments second major

goal, the expansion of the welfare state, is difficult to realize. However, since Kurti, like Vučić, has a majority of voters behind him, there is hope in Western countries that the Kosovar prime minister will be able to implement agreements.

Kosovo's Serbian question

The issue of the Serb minority in Kosovo is crucial because Serbia is unlikely to move without concessions on this issue. Moreover, with some 100,000 Serbs living in Kosovo, a viable plan for their integration

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is critical to the long-term functioning of a Kosovar state. Members of the largest minority in the country are concentrated in compact geographical areas: Slightly more than half of the Serbs live in several municipalities in the south and east of Kosovo, and the rest in an area bordering Serbia in the north. This area, in particular, has been insufficiently integrated into the Kosovo state, but even the Serb communities in the south partly resemble enclaves. This situation is a result of Kosovo's municipal autonomy and Serbian policies. Belgrade operates a set of parallel institutions, and the Serbian ruling party's offshoot regularly wins close to 90 per cent of the Serbian votes in elections. This makes Serbia a central actor within the Kosovo Serb community. Without state funds from Belgrade, the operation of Serbian institutions within Kosovo would be inconceivable, and for many Serbs, this source of funding is a critical part of their personal livelihood.

Although Kosovo has committed itself to guaranteeing considerably minority rights, the manner of integration into the Kosovar state, the return of refugees, and the future relationship of the Serb minority in Kosovo to Serbia still remain unresolved challenges. Consequently, the negotiations between Kosovo and Serbia have focused on autonomy rights for the minority. In addition, the treatment of the Serbian Orthodox Church and its medieval cultural monuments remains to be clarified. Their great importance for Serb collective identity and Serb warnings about their possible usurpation and risk of being damaged have led to calls for a special status for the Church.

Serbia's requests aroused fears on the Kosovar side that Belgrade was deliberately undermining Kosovo's statehood. In response, Pristina has resisted the demands for au-

tonomy rights for the Serb minority. The result of this attitude is a hardening of the opinion among the Serb minority, the vast majority of whom refuse to be fully integrated into an independent Kosovar state. In view of all these challenges, it is difficult to see how Kosovo and Serbia can reach a viable solution without external support.

A Decade of Negotiations and Crises

Since 2011, the EU has been intensively mediating between the two sides. In doing so, it has created a framework for high-level talks between Kosovo and Serbia. At the core of these talks has long been a kind of barter deal: de facto recognition of Kosovo by Serbia on the one hand, and autonomy rights for the Serbian minority in Kosovo on the other.

The more than 30 agreements, some of which regulate important individual issues, must also be considered a success. A particularly important achievement was the integration into the Kosovo state of Serbian institutions that had previously operated in parallel in northern Kosovo, including the police, the judiciary, and customs. Agreements were also reached on the handling of identity documents, civil registers, the establishment of liaison offices in both countries, and telecommunication issues.

Despite these accomplishments, many of the agreements have been implemented inadequately or not at all. For example, the establishment of an association of municipalities with a Serbian majority, to which self-government rights were to be transferred, was agreed to as early as 2013. This was an unpopular prospect in much of Kosovo. Since the Kosovo Constitutional Court ruled in 2015 that certain agreed-upon implementation principles were unconstitutional, successive Kosovar governments have made little progress in implementing this agreement on the association of municipalities.

The difficulty in implementing what has been agreed is due to the importance of this issue for each side, as it touches on core demands that are at the same time essential elements of the negotiating positions of both states. The fact that momentous questions, such as how to deal with the formerly common state property, have yet to be clarified also makes it difficult to reach viable agreements on contentious issues.

In any case, relations between Serbia and Kosovo are fraught with conflict. The de-

Swiss Presence in Kosovo

Switzerland has many ties with Kosovo and has been involved in the Balkan country for a long time. Since 1999, the Swiss Armed Forces have provided a contingent of up to 195 personnel for KFOR - the SWISSCOY. Two transport helicopters also represent a valuable contribution to this mission. Switzerland is also active in the field of development cooperation, focusing on democratic governance and sustainable development as well as on climate change, water supply, and health care. Given the difficulties that even major powers are facing in brokering an agreement between Kosovo and Serbia, Switzerland's policy to date is in line with its capacity to act. Looking ahead, Switzerland may be particularly well suited to contribute its institutional knowledge on key issues such as the implementation of municipal autonomy.

nial of Kosovo's independent statehood represents a major goal of Serbian foreign policy. Belgrade has even succeeded in getting a number of states in the Global South to withdraw their recognition. In 2018, Kosovo in turn claimed Serbian discrimination against Kosovar exports and imposed heavy punitive tariffs on goods imported from Serbia. In response, Serbia temporarily suspended its participation in the EU-mediated dialogue. Only after heavy pressure from the US did Kosovo lift the tariffs again in 2020.

Probably the most serious disputes occurred in northern Kosovo in 2022. The region has been a source of tension for years, with both Kosovo and Serbia asserting claims to sovereignty. After Kosovo introduced Kosovar license plates, which had been agreed upon for some time, simmering tensions led to riots in northern Kosovo. Roads were blocked on several occasions, with the specific involvement of Serbian state actors. Kosovo increased the presence of special police units, which were unpopular in northern Kosovo, and Serbia moved military forces to the border.

Even then, open armed conflict was virtually impossible. Instead, the dispute escalated at the political level; in November 2022, Serbs living in Kosovo collectively withdrew from institutions in northern Kosovo. By-elections held in April 2023 were held without Serb participation, severely undermining the integrity of Kosovar institutions in northern Kosovo. The situation remains precarious. Belgrade may

still instruct the Kosovo Serbians to re-engage with Kosovar government infrastructure, but Serbia has made the establishment of the Serbian municipal association and the withdrawal of the special units of the Kosovar police a condition for this.

At the same time, Washington and Brussels have become increasingly involved in the negotiations. In the spring of 2023, a

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new agreement was reached on the implementation of previous agreements. Serbia promised to stop obstructing Kosovo's accession efforts in international organizations, while Kosovo renewed its commitment to establish the association of municipalities. However, neither party could agree on the details of implementation, which risks further obstructing the process. Because of the implementation difficulties described above, the process is dependent on confidence-building measures. If these fail to materialize, it is unclear how meaningful progress towards fulfilling these commitments and normalizing relations can be achieved.

Ultimately, the EU accession process is supposed to ensure progress in implementing these agreements. However, this process has lost a great deal of credibility among the populations, especially since neither Kosovo nor Serbia have any concrete prospects for accession. Alternatively, the EU could exert pressure by withhold-

ing funds. But it has good reasons to refrain from doing so, as this would run counter to the goal of greater integration of the Western Balkans. In the case of Serbia, Brussels sees itself as competing for influence with China and Russia, whose presence in the Western Balkans depends heavily on a partnership with Serbia. Belgrade, for its part, declares EU accession to be its goal, but also actively pursues good relations with China and Russia: Serbia does not officially support Western sanctions against Russia, receives Chinese loans as well as Russian energy, and counts on the support of the two permanent members of the UN Security Council on the Kosovo issue. In this complex geopolitical dynamic, Brussels and Washington are pursuing cautious policy that favors incentives over overt pressure.

Outlook

In the absence of better alternatives, the EU is likely to continue with its current approach, as is the US. Both want to achieve a breakthrough by 2024. While this may seem ambitious, the likelihood of significant and meaningful progress towards normalization is higher now than in the recent past. Serbia's negotiating position, for example, has deteriorated. The West's reaction to Russia's invasion of Ukraine in 2022 and its more confrontational approach to China have narrowed the space for Belgrade's foreign policy maneuvering. Pressure is mounting on Serbia to align its foreign policy more closely with that of its most important economic partner, the EU. It is conceivable that Serbia's claim to international representation vis-à-vis Kosovo will increasingly be deprioritized to avoid

confrontations with Brussels. Kosovo is also under increasing pressure. The United States, for example, has declared that its contribution to the normalization process is to ensure the establishment of the municipal association.

Ultimately, both countries participate in the dialogue expecting the mediators to successfully persuade the other side to give in. Such expectations remain unfulfilled since both Belgrade and Pristina have withstood international pressure well. It is thus questionable if the current dialogue framework is well-suited to bolster trust between Kosovo and Serbia – a key prerequisite for both sides to meet their respective, far-reaching obligations. Consequently, the EU and the US face the option of handing over more responsibility to Serbia and Kosovo. For as important as mediation remains: A successful normalization of relations will only succeed after societies in both countries have openly discussed the disadvantages of their current situation.

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