The Conflict between Serbia and Kosovo

The Conflict between Serbia and Kosovo: Change through Rapprochement?

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This study aims to delineate Serbian-Kosovo normalisation relations, without restricting itself to a merely legal, moral, or purely realpolitik point of view, which would also be a possible approach in such an analysis. The author is aware that the level of cooperation is not so developed and stable yet as to merit a sophisticated critical analysis. Against this background, and on the empirical basis available, this policy analysis only traces the ongoing political regulatory process.

Austria’s scope of experience with the political geography of the Western Balkans is extensive. Hence, this journal appears to be the right forum for a text, which traces and analyses the development of relations between Serbia and Kosovo as a focal point central to European security, to stimulate discourse on the further course of European policy resulting therefrom.

In a first step, and to aid understanding, the Serb-Kosovo Albanian conflict structure[1] will be broken down into a number of key points within the complex, compelling history of interrelated events. Only if the historical backgrounds and contexts are clear, you can only understand the present if you are familiar with the past. By means of systematic cross sections the following chapters deal with various fields of inquiry essential to the central question: has the alignment of divergent positions and points of view promoted conflict resolution between Serbia and Kosovo and initiated a change through rapprochement[2], a political paradigm shift? This question is highly relevant to the creation of a stability culture in the Western Balkans and therefore to the European security and peace regime.

For diplomats in Brussels[3] mediating between Serbia and Kosovo, the historical blueprint for a desired balancing of this ethno-territorial conflict will be the political approach of German Ostpolitik and détente, which aimed to overcome the Cold War by defusing the conflict. The German-French initiative was already being discussed in 1970, two years prior to negotiations starting between Serbian and Kosovo Albanian top-ranking politicians - by researchers and diplomats[4] as a prime example of Serbian-Kosovo Albanian co-existence[5] to be determined.

It is general knowledge that the framework conditions, implications and reasons which led to the East-West confrontation being overcome are varied, extremely complex and interdependent. This is why there is no agreement in historical research as to whether it was really the policy model of neoliberal institutionalism - defusing the confrontation through processes of détente, rapprochement or interdependence such as the Treaties of Warsaw and Moscow, various fora for dialogue, the CSCE, and disarmament agreements - which paved the way for the change in the GDR, East-central Europe and the Soviet Union. The long breath of diplomacy as well as sustained political empathy, according to this point of view, had employed the strategic concept of change through rapprochement to defuse the antagonism of the systems and had initiated a bridging between East and West.[6]

Another school of thought[7] states that it was rather the neorealist policy of the USA - and here, especially, the arms race that proved too costly for the Soviet Union - which forced the communist elites into an unwinnable clash of systems. Perestroika, the attempt at a way out, however, only led to the collapse of the Soviet system. From this point of view, it was only the transformation of the East-West confrontation that made a real East-West rapprochement possible, which finally led to EU membership of the states of central and eastern Europe. This could be viewed as rapprochement through change.

Historical experience, however, shows that sustainable and resilient political designs cannot, in general, be established on the basis of either-or strategies[8], but have to rely on as- well-as strategies oriented towards compromise[9].

The attempt at a settlement between Serbia and Kosovo is an important first step towards de-alienation and reconciliation.[10] There is, doubtless no direct analogy with the former West-Eastern policy of détente. Serbia and Kosovo do not stand in any comparable confrontational, ideological, and power-political dogmatic opposition to each other. Many templates of détente, however - e.g., whoever attempts to change a prevailing situation must at first acknowledge it and be prepared to compromise on diplomatic package solutions; as well as the creation of a politics of dialogue consisting of small, co-operative steps towards stabilisation - also guide the political mediation Brussels attempts in the process of reconciliation between Serbia and Kosovo-Albania.

Whether or not this also points the way towards a future, stable, neighbourly cooperation, cannot yet be assessed.

This case study shines a spotlight on questions hitherto left in the dark or completely unraised in journalistic treatises[11] and studies[12], or - to stay with the metaphor - throws new light on them. In this context, the author will consciously adopt judgment-based positions.

The Conflict Structure

"The heart must submit itself courageously to life’s call to part and start again without a hint of grief." These well-known lines from Hermann Hesse’s poem Steps do not yet reflect Serb-Kosovo Albanian relations - on the contrary, Serbia and Kosovo are historically and ethno-politically intertwined, both fatefully and tragically. Their reciprocal national narratives and views of history make this quite clear. They antagonistically refer to each other.[13] The Kosovo Albanians regard themselves as descendants of the Illyrian Dardanians (Protoalbanians). They settled in the Balkans already in Late Antiquity, in what was then the Roman province of Dardania. From the Serbian point of view, Slav settlements in the sixth century provided them with an entry in the historical land charge register. In this context, thinking in time-honoured claims is also something the Albanians engage in. The incessant quest for national liberation also forms the template for both historiographies.[14]
If a longitudinal historical analysis is applied, the Orthodox Church plays an outstanding role in giving and preserving Serbian identity.[15] For centuries, religion, initially Catholicism, then Islam, also acted as a strong root for Albanian self-identification; it was, however, language and relations that finally became powerful nation builders.[16] Since the middle of the 19th century, the union of state and nation has been the central political goal for Serbs. In contrast, the Albanians superordinate the ethnic community, understood as the nation, in relationship to the state. There is no evidence of conflicts between the two nationalities in the Middle Ages. “There were periods in which Serbs and Albanians were united in their quest to liberate themselves from Ottoman power. At the time of the Austro-Ottoman wars at the end of the 17th century, the Albanian insurgents, led by Catholic bishop Pjet Bogdanj, as well as the Serbian troops joined the Austrian forces, conquering towns and areas of the Balkans.”[17]

Ethno-territorial conflicts are no natural phenomena, and cannot be traced to a big bang. As a rule, a longer history informs them. This also applies to the genesis of the Serb-(Kosovo)Albanian conflict. An investigation of the reasons shows a long path leading back to the 19th century, when, in the course of growing nationalism in Europe, and also in Serbia and Albania, national history underwent new or re-interpretations, and the historical missions and their priorities were put on the political agenda. One was the Great Power constellation from the middle of the 19th century onward, something that can only be roughly sketched in this text.[18] After Königgrätz in 1866, Austro-Hungarian foreign policy focused on the Balkans. The weakening of Turkish predominance in this area led to a discrepancy in strategic interests between Russia and Austro-Hungary. “Russia as well as Austro-Hungary felt a historical calling to exert hegemony in those territories vacated by the Ottomans. The House of Hapsburg always had the traditional role of guarding Europe’s eastern door against the Turks. In Russia, the ideology of Pan-Slavism propagated a natural commonality of interests between the emerging Slav (pre-eminently orthodox) nations of the Balkans peninsula and their protector in St Petersburg.”[19]

The Russo-Turkish War (1877–78) ended with the defeat of the Sublime Porte. At the Congress of Berlin, a meeting of the European great powers hosted by Otto von Bismarck (13 June - 13 July 1878) on the territorial reordering of the Balkans, a new (fragile) order for south-east Europe was negotiated.[20] “The representatives of the Balkan states were not allowed to participate in the deliberations, neither were the This was precisely what the representatives of the Balkan states were not allowed to participate in the deliberations, neither were the Serbs and the Albanians. Both were allowed to participate as individuals, however.”[21] The Congress confirmed the idea of a Greater Serbian nation, as it had existed in the Middle Ages under Stefan Dušan (1331-1355), before the expansion of the Ottoman Empire, and in the same way, had covered almost the entire area of what today is Serbia, all of Albania, as well as important parts of Macedonia and Greece. “Where a Serb lives, there is Serbia”. The idea that the Danube monarchy wanted to frustrate. The Treaty of London of 30 May 1913 marked the end of the First Balkan War and confirmed Albania’s independence[26], declared unilaterally on 28 November 1912, “irrespective of the fact that almost half of the area populated by Albanians was outside of the borders agreed to in London.”[27] A considerable part of them lived in the region of Kosovo, which was now awarded Serbia. Following the annexation, a Serbianisation in the fields of demography and language policy began.[28]

A further mainspring of the long-term Serbian-(Kosovo)Albanian confrontation, which can also be only cursorily portrayed here, is connected with the Great Power constellation already described, and is rooted in Serbian emotional state and political-missionary ambitions. “The idea of unifying all Serbs had a mental picture of Serbia as a template, which had little to do with the political map of the Balkan peninsula at the turn of the century. This idea found its most influential expression in a secret memorandum which the Serbian Minister of the Interior, Ilija Garašanin, had written for Count Alexander Karadjordjevi already in 1844. […] The influence this document had on Serbian politicians and patriots cannot be underestimated; over time it became the Magna Carta of the Serbian national movement.”[29] At the centre of its vision was the creation of a Greater Serbian nation, as it had existed in the Middle Ages under Stefan Dušan (1321-1355), before the expansion of the Ottoman Empire, and had covered almost the entire area of what today is Serbia, all of Albania, as well as important parts of Macedonia and Greece. “Where a Serb lives, there is Serbia.”[30] At the same time, this nationalist rallying cry also constituted a geopolitical concept, in which Kosovo, in view of the Battle of Kosovo on 28 June 1389, played an exceptional role in idealised and mythologised Serbian historiography. Both commanders died in the battle, Serbian Count Lazar Hrebeljanovi, leading the Serbian coalition forces, as well as Sultan Murad I, commanding the Ottoman troops. The Battle of Kosovo also produced no clear winner; it was, however, the starting point for Ottoman expansion in the Balkans. As a new factor of power in Southeastern Europe, the Serbian Principality was an Ottoman vassal state until 1912.[31] “Given the incongruity between national vision and ethnic realities, it was unavoidable that the realisation of Serbian goals would prove violent, and not just on a regional level, where the interests of the (more or less big) powers came to bear, but also in the towns and villages in the disputed areas.”[32]

The struggle for emancipation, both as a nation and a nation state in the Balkans, was part of the so-called Eastern Question[33], in which the striving over, competition for, and tensions in connection with the maintenance of the European balance of power was directly connected with the decline of Ottoman political power. The unresolved and unstable reordering created the great Eastern Crisis (1875-1878). Its, in turn, decidedly weak settlements co-triggered the Balkan Wars of 1912/1913. There was also a causal link between the outbreak of the First World War and the unresolved conflict potential in the Balkans. “There are good reasons for historians to interpret the two Balkan Wars as the first phase of the First World War, which then, from a South-East European perspective, represents a ‘third Balkan War’.”[34]

“In the wake of the Italian and German processes of unification, the concept of a nation being the foundation for nation building also influenced South-Eastern Europe. […] National movements by Serbs and Greeks were followed, step by step, by those of the Albanians (from the middle of the 19th century), Albanians (since 1878), Macedonians (since the 1890s), and Turks (following the turn of the century).”[35] Whereas in the 19th century, Serbs, Bulgarians, Greeks and Montenegrins fought concerted actions for national liberation from Ottoman rule in their respective territories, the Albanian uprising never moved beyond locally restricted attacks. Their religious fragmentation[36] made a national liberation movement impossible. Against this background, the Rilindja Kombtare (national renaissance)[37] established itself, with an identity-generating Albanian national spirit as its political wake-up call: ‘The Albanians’ religion is their Albanianess.’[38] This way, the Albanian community of fate, threatened from the outside, was to become more powerful in its national unity than any religious differences.
With the aim of foiling their territory's dismemberment between Serbia, Greece, and Montenegro, a number of influential Albanians met in Istanbul and called a convention on the foundation of an Albanian League, to be held in the Bajrak Mosque in Prizren/Kosovo on 10 June 1878. The creation of a League of Prizren was contemporaneous with the Berlin Congress and the decisions taken there. “In the League of Prizren (1879-1881), all regional Albanian politicians (300 delegates) were united in their resistance to decisions taken by the great powers (Peace of San Stefano of March 1878, and Berlin Congress in June of the same year), which had led to the Albanians being disconnected and cut off from each other.” [39] Chancellor Bismarck’s statement at the conference - “Albania is only a geographical term” [40] - may have correctly reflected the situation as it presented itself in realpolitik terms; to the Albanians, however, the great powers’ ignorance of ethnicity manifested itself in this statement. “On 13 June, the first day of the Berlin Congress, the League sent a memorandum to the British Prime Minister Lord Beaconsfield in which the Albanian demands were laid out. Albanians […] were a people in its own right, with its own traditions. They might differ in their religious affiliations, but had not forgotten their common ancestry. Just as they did not want to be Turks, they resisted being made Slavs, Greeks, or Austrians.” [41]

Serbia’s expansion “sanctioned by the Berlin Congress, was accompanied by mass expulsions of Albanians, the majority of whom the Porte settled in Kosovo. This led to an even greater ethnic dominance of Albanians in Kosovo, as well as to hostilities vis-à-vis the openly expansionist Serbs.” [42] Vasa ubrilović, influential advisor to the royal Serb government and later a highly respected historian, had, on 7 March 1937, used a confidential memorandum to the government to provide a vertical and horizontal historical account, legitimating this “expulsion of Albanians” as a nationalistic and geopolitical strive. According to him, “in the 19th century, which ‘by relying on its base in Dabar-Rogozna and the ethnic hinterland, reached as far as Nis, and separated our ancestral regions in Raska from Macedonia and the Vardar valley. […] Serbia had already begun to crush this Albanian part in the first uprising by driving out the northernmost Albanian inhabitants, starting from Jagodina. Following the annexation of Toplica and Kosanica, and thanks to Rovan Ristić’s broad concepts of the state, Serbia also cut off a part of this wedge. At that time, the areas from Jastrebac to South Morava had been radically cleansed of Albanians. It has been the task of our state since 1918 to smash the rest of the Albanian Triangle. This has not happened. There are a number of reasons for this …” [43]

The majority of Western European historians who focus on the Balkans agree that Albanians mostly regard the recognition of Serbian independence, as a result of the Berlin Congress, to be the beginning of their painful history of living with Serbs. The thoughtful question posed by the renowned historian and political scientist Peter Graf Kielmannsegg in connection with the responsibility for the outbreak of World War I, should, however, also be posed in connection with Albanian-Serbian relations: “Could it be that in the historical reconstruction, complex historical developments cannot be reproduced in a single account, a single analytical breakdown, with an exclusive claim to truth?” [44]

The Myth of Greater Albania

The pursuit of Albanian unity became a political reality under Benito Mussolini, albeit in the shape of a vassal state. In 1939, the Italian dictator annexed Albania to the Kingdom and, together with occupied Greece and Greek areas, created Greater Albania in 1941. After the Second World War, the communist leadership under Josip Broz Tito sought a Balkan Federation, by incorporating Bulgaria, Albania, and, if possible, also Greece in liberated Yugoslavia. Because Albania had not yet been recognised internationally, Belgrade attended to its external relations. Thousands of Yugoslav communist helpers aided in the establishment of socialism there. In 1948, upon Stalin’s directive, the unification of both countries was only a step away. [45] The Kosovo question, in the shape of a union of all Albanians, would therefore have been resolved. A Balkan empire under Tito’s leadership would have been conceivable. In Stalin’s eyes, however, in Albanian, not some other, politics. He thus clandestinely and successfully encouraged the Albanian communist leader Enver Hoxha, to liberate himself from being utterly dependent on Tito and to follow him. Tito’s and Stalin’s battle for Albania led to the mutual break, and, as a result, to Belgrade being expelled from Cominform in June 1948, and the massive purges of communists loyal to Moscow in Yugoslavia. [46] At one stroke, all attempts at integrating Albania and therefore unifying Albanians under Belgrade’s leadership were set at naught. Hopes for a Greater Albania have, however, not yet been shelved. It is still being discussed as a political concept. [47]

In today’s Kosovo, the Vetevendosje (‘self-determination’) Party and its pursuit of a unified Kosovo and Albania meets with the approval of, especially, young intellectuals. In the parliamentary elections of 8 June 2014, it became the third-biggest party (13.5% and 16 seats). In an interview on the aimed-for unification of Kosovo and Albania, given in November 2010, Albin Kurti, the founding chairman, stated: “The Albanians in the Balkans are one single nation. The border between Kosovo and Albania is unjust and brutal. If there were a referendum in both countries, there would be majorities in favour of unification. The proscription of referenda in the Kosovo constitution is a restriction of its independence, as a result of the Berlin Congress, to be the beginning of their painful history of living with Serbs.” [48] In Albania, neither the government, nor the people, nor the politicians would even consider unification. The idea of an Albanian state, as a possible political solution, then, would mean accepting Tito’s and Stalin’s battle for Albania, and the sovereignity of the Albanian nation. It would therefore mean accepting the mutually exclusive claims of the two states. The idea of Greater Albania diverges from the national identity of the Albanian people. Albanians in Kosovo, as well as in Macedonia and other parts of the former Yugoslavia, would not accept it. They would resist the idea of an Albanian state and prefer remaining part of their own state. The idea of Greater Albania ignores the complex ethnic make-up of the Balkan region. It ignores the fact that a number of ethnic groups, such as Macedonians and Croats, could challenge their present homeland. The painful process of pacifying the Western Balkans would, as likely as not, again be put at risk by the spiralling forces of nationalism.

This, however, is not the place to give vent to political alarmism. Greater Albania may have been floating around as a dream, its concrete pursuit has, nonetheless, not been on the political agenda up to now. Yet, with a view to Kosovo, where Albanian flags far outnumber those of Kosovo, the myth of Greater Albania is certainly not just a mere glass bead game or political escapism. At present, the targeted pursuit of a union does not feature as the most pressing problem for the political elites in Albania and Kosovo in the hard slog of daily politics. Even Vetevendosje does not push for an immediate annexation of Kosovo, but rather postulates a referendum of the Kosovo Albanians on this question as an expression of the right to self-determination. It often uses verbal provocations in parliament and, again and again, noisily orchestrated demonstrations in the extra-parliamentary area to air this guiding demand, sometimes referred to as the United States of Albania, as well as that for a clearer quid-pro-quo vis-à-vis the fellow Serb citizens and especially Serbia. It will be up to the Time in Being to show whether Karl Marx’s statement applies to the unification with Albania: “however, theory also becomes material violence, once it has gripped the masses. Theory is capable of gripping the masses, as soon as it protests ad hominem, and it protests ad hominem as soon as it becomes radical.” [50]

Following the parliamentary elections of 8 June, it is not foreseeable whether the new, yet to be formed Kosovo government also has to rely on Vetevendosje’s votes. Snap elections cannot be ruled out either, given the present constitutional dispute concerning the forming of the government.

Disputed legal status
In 1991, the European Economic Community set up the Arbitration Commission of the Conference on Yugoslavia (president: Robert Badinter) consisting of the presidents of the constitutional courts of France, Germany, Spain, Italy, and Belgium, to deal with questions of international law created by the ongoing dissolution of the Federal Republic of Yugoslavia. At the end of the year, the so-called Badinter Commission declared that "all member states will decide on their relations with Kosovo, in keeping with their national conventions and international law.""[51] As a result of the 1974 constitutional reform and until the new Serb constitution of 1990, Kosovo, on the initiative of President Slobodan Milošević, may have had extensive political, economic, and cultural autonomy rights; its legal status, however, was not equal to that of the republics. It had been more that of a province wanting statehood."[52] From then on, this interpretation of the law was the basis on which the international community of states rejected Kosovo-Albanian efforts at secession, and negated the concomitant changes to internationally recognised borders.

On 10 June 1999,[53], following the 78-day NATO intervention, the UN Security Council passed Resolution 1244,[54], which is still in force. It reflects the divergent positions of the USA and Russia on Kosovo’s legal status, which had been moulded into a compromise. In this resolution, Washington asserted comprehensive autonomy rights for Kosovo. Moscow insisted on an affirmation that the recognition of the Federal Republic of Yugoslavia’s - i.e. Serbia’s - territorial integrity would continue. How much, or how little, statehood should Kosovo be allowed to have? The principles of international law, the right to self-determination versus the inviolability of borders constituted the post-war Kosovo conflict. This was the issue for the following years on many levels: in the UN Security Council, in the EU, as well as between Belgrade and Pristina. Resolution 1244 determined that it was the main task of the international civil presence “Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648)."[55] Pursuant to 1244, the final status was to be decided in a political process between Serbs and Kosovo Albanians - similar to the Rambouillet accords of 23 February 1999.[56] Following a three-year transition period, laid down there, the final status would be decided upon, taking into account the wishes of the population.

It was especially among Kosovo Albanians that disillusionment and disappointment with the restricted territorial sovereignty, which lacked any discernible perspective, grew. In connection with the disastrous socio-economic situation, the pent-up frustrations exploded in Pogrom-like riots, which left 19 dead, and drove out approximately 4.000 Serbs, Roma, and Ashkali. Around 30 Orthodox religious buildings - churches and monasteries - were either destroyed or damaged. The triggers were emotion-driven, nationalist-sensationalist reports in the Kosovo media, whipping each other into a frenzy, on the death by drowning of three Albanian children, allegedly the fault of, and ethnically motivated by, Kosovo Serbs. In order to eliminate any excuse for such ethno-political excesses in the future, the European community of states and, especially the USA, decided to grant Kosovo more national responsibilities.[57]

In 2006, at the behest of the Security Council, Former Finnish President Martti Ahtisaari tried, in vain, for months and in fifteen rounds of negotiations to find a mutually satisfactory solution between the Kosovo-Albanian demand for sovereignty and the Serbian offer of more autonomy within a Serb nation. His comprehensive plan of March 2007 for a conditioned, monitored independence of Kosovo on a multi-ethnic, democratic basis in accordance with the rule of law, failed in the Security Council because of Russian resistance.[58] Moscow drew attention to the fact that this might create a potentially negative precedent for international politics[59] - most likely with a view to separatist tendencies in the Russian North Caucasus. Thereupon, the USA and the majority of EU members determined to opt for an independent Kosovo, also without approval by the UN Security Council. From their point of view, the expected boost in stability in the Western Balkans justified flouting territorial integrity as a principle of international law.[60]

On 17 February 2008, following consultations with its Western supporters, the Kosovo government declared national independence, thus creating Europe’s youngest state. The very next day, the German government recognised it diplomatically. In its appraisal, the German foreign ministry argued that “the obligations of the UN member states contained in the preamble, as well as in attachment 2 of Resolution 1244, concerning the protection of the Federal Republic of Yugoslavia (Serbia and Montenegro) and territorial integrity concerned the transitional regime, which was established with the Resolution. [...] Given that all possibilities for a settlement between Serbs and Kosovars were exhausted with the, fruitless, end of the so-called Troika Process, other possibilities of solving the status question, in line with international law, are no longer ruled out.”[61] This reasoning under international law neither convinced the two members of the Security Council, China and Russia, nor did it sway Serbia. For Belgrade, the following continues to apply: “If only one party to a conflict wants a divorce, the marriage is still valid.”

Until 10 September 2012, Kosovo's independence was still, with the proviso of implementing the Ahtisaari Plan, 'under observation' by the International Steering Group (ISG) of western states.[62] However, Kosovo’s status under international law remains contentious, even following the ISG’s disbandment. In its Advisory Opinion of 22 July 2010, the International Court of Justice stated that the 2008 declaration of independence did not violate international law. At the same time, the court avoided any statement concerning an appraisal of secessions under international law, therefore also on Kosovo’s legitimacy under international law, and declared Resolution 1244 to be still in force.[63] Under international law, Kosovo therefore remains in a type of hybrid position, with continued disagreement on the measure under international law.

The compromise formula of 1244 is status neutrality. On this basis, KFOR (the Kosovo Force), led by NATO, has guaranteed a stable environment in Kosovo since the end of the war. At the same time, Pristina became the seat of UNMIK (the United Nations Interim Administration Mission in Kosovo), headed by an SRSG (Special Representative of the Secretary General). Since independence however, the Kosovo government has tried to limit contact to UNMIK to the bare necessities.

On the question of Kosovo statehood, the Security Council and the community of nations continue to be split. The three permanent members of the Security Council, the USA, Great Britain and France have embassies in Pristina. The Peoples Republic of China and Russia continue to refuse any de jure recognition; and of the 193 UN member states, only - or, depending on the political angle, already - 108 regard Kosovo as sovereign. The EU is also at odds, however. Whereas a majority of 23 member states has recognised Kosovo as an international legal personality, Spain, Cyprus, Romania, Greece, and Slovakia continue to refuse to do so. A reason can be seen in the fear that also in their countries, such a recognition could stir up secessionist movements. Only a day after independence (18 February), the European Union declared that “all member states will decide on their relations with Kosovo, in keeping with their national conventions and international law.”[64] On the following day it stated that Kosovo, like all states of the Western Balkans, has a European perspective.[65] On 8 July 2010, the European Parliament called on all member states to recognise Kosovo.[66]

The Twisted Road to EU Membership

Immediately after Slobodan Milošević’s fall in 2000, first talks took place between Brussels and the State Union of Serbia-Montenegro, which still existed at that time, concerning a potential path to the EU. At its June 2003 meeting in Thessaloniki, the European Council reiterated that all states of the Western Balkans have a European perspective. In November 2005, negotiations on a Stabilisation and Association Agreement (SAA) began, in order to bring legal and economic standards in line with those of the EU. In this context, the EU also demanded a solution to the ethno-political Kosovo problem. Because of Belgrade’s insufficient cooperation with the ICTY (International Criminal Tribunal for the former Yugoslavia) in The Hague, i.e. the failure to extradite Radovan Karadžić, ideological rabble-rouser for a Greater Serbia, as well as Ratko Mladić (former Bosnian Serb military leader) and Goran Hadži (former president of the Republic of Serbia Krajina), the EU suspended negotiations in May 2008.

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According to the Chief Prosecutor, Carla del Ponte, cooperation improved under Boris Tadi, the new president. Negotiations resumed in June 2007. The SAA was signed in November, however, because of renewed criticism by The Hague of Serbian stalling tactics, Belgium and the Netherlands withheld their approval. Following cumbersome internal discussions, the EU members finally, in 2008, agreed to sign, with the caveat that the SAA would only become effective subject to total cooperation by the Serbian government with The Hague. Three months later, Karadži was arrested in Belgrade and, on only a few days later, extradited to the ICTY. In May 2011, Mladi was arrested in the small village of Lazarevo.

The Netherlands, sceptical because of Serbia’s past, ratified the SAA in February 2012, with Lithuania only doing so in September 2013, as the last of the 27 EU member states (at that time). Serbia is therefore an associated member of the EU and has fulfilled all formal conditions for negotiations on accession to start. It was granted candidate status already in March 2012, after a bilateral agreement on the protection of national minorities had been signed, in the face of pressure by Romania, concerning the Vlachs, a Balkan-Romance ethnic group in the mountainous region of East Serbia. At the same time, Brussels wanted to give political support to Boris Tadi, regarded as pro-European, in the presidential election against the nationalist challenger Tomislav Nikoli. The latter, however, won. To the disappointment of the Serbian government, the European Council, at its June 2013 meeting, linked a date for the desired accession negotiations with the implementation of the normalisation with Kosovo agreed to in a contract in April. In the middle of December, Belgrade was given the longed-for green light from Brussels that the starting gun would sound in January 2014. Prior to this, Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, had declared that considerable progress had been made in the process of normalisation between Serbia and Kosovo.67

Kosovo’s position vis-à-vis Europe has three aspects. The government continues to consist of stiltwart supporters of integration. They are fully aware of the six-step, protracted road-map leading to the home straight that is accession. They proudly point to the conclusion of negotiations on the SAA on 6 May 2014, which is to be initialled in summer. However, because six EU member states have not recognised Kosovo, this SAA is, compared with the previous ones, purely an EU agreement. Despite this, it must be ratified by all 28 member states. Brussels’ campaign for this will prove to be a drawn-out and difficult operation, with an outcome that is, as yet, uncertain. The responsible politicians in Pristina, however, only vaguely broach the issue of what must be asked of the population during the various stages before membership, and which diverging interests Kosovo will then be at the mercy of. They rather stress the harmony of the European community of states. In this spirit, President Atifete Jahjaga stated in a speech in Germany on 24 October 2013: ‘The EU is not the place where we resolve our problems, but the forum where we contribute to the building of the common European future and where our differences are transformed into advantage and our cooperation into an important value for all the members of this union.’68 And: ‘We are Europeans, our identity is European.’69

The public opinion has grown long since internalised shibboleths such as these and looks forward to the EU full of hope.70 In a survey of May 2013, 42% of Kosovo Albanians were in favour of their country joining the EU, among students questioned the figure is even higher - 97%. Whereas 47% think that membership will be achieved within the next five years, 40% of students are more realistic and expect a longer time frame.71

Many people have developed a certain romantic perspective in that they correlate membership with a type of healing power. The mantra: “Once we are all united in the EU, everything will be well” often ends political lamentations on the socio-economic realities and the unsolved ethnic integration in the country.

NGOs, in contrast, are critical. They fear massive negative socio-political and economic consequences as a result of accession, and publicly voice their frustration with EU institutions in Kosovo, especially EULEX, the largest EU mission worldwide, with 2,250 international and Kosovo-Albanian personnel.72 Whereas, in April 2009, the majority of the population gladly and optimistically welcomed full operability, what prevails today about the allegations of corruption in the management of EULEX, and about the dismantling of the court and the containment of organised crime. Recent accusations of corruption were made against EULEX judges and prosecutors.73 Kosovo-Albanian veteran groups, however, invariably stage protests if EULEX arrests former KLA (Kosovo Liberation Army) members suspected of having carried out massive human rights abuses during the war.74 After the arrest of five former KLA commanders, some of whom by now in high political office, parliament in Pristina passed a resolution at the end of July 2013 to close down the EULEX mission when its mandate expires in June.75

This resulted in a tug of war between Brussels, supported by Washington, and Pristina as to whether EULEX stays or goes. This showdown was domestically highly charged, because, upon pressure by the EU and the USA, it was also connected with a special tribunal to investigate, and, if guilt was established, to punish potential war crimes committed by high-level Kosovo fighters.77 On 23 April 2014, the Kosovo parliament finally, through gritted teeth and with a large majority, voted for the creation of a special tribunal to investigate war crimes in Kosovo78, as well as for the extension of the EULEX mission until June 2016.79 Not surprisingly, the Vetevendosje MPs, to a man, voted against the motions. To them, the KLA fighters were patriotic freedom fighters and their armed struggle therefore legitimate. For the population at large, this approach is common sense.

Actually the tribunal was to start its work at the beginning of 2015, with Pristina and The Hague as the two venues, and supported by the EU to the tune of € 300 million. It can be ascertained from diplomatic circles that US chief investigator John Clint Williamson, the man Brussels put forward, had been appointed chief investigator. John Clint Williamson, the man Brussels put forward, had been appointed chief investigator. According to the Chief Prosecutor, Carla del Ponte, cooperation improved under the new president. Negotiations resumed in June 2007. The SAA was signed in November, however, because of renewed criticism by The Hague of Serbian stalling tactics, Belgium and the Netherlands withheld their approval.

According to a survey82, the population does not think that the EU institutions in Kosovo have any significant influence on the improvement of the country’s situation. The scepticism vis-à-vis these institutions also stems from the imputation that they, to a certain degree, frustrate an economic boom. In this context, organised political discussions often come up with the suggestion that it is not bad governance alone which is responsible for the inadequate economic recovery. In 2013, Kosovo managed 111th place out of 175 states listed in Transparency International’s Corruption Perceptions Index, six places worse than in 2012. And on a scale of 1 to 7 (with 7 being “not free”), Freedom House evaluated political rights in the country at 5.83

Rapprochement on a Bumpy Road

With a view to its interpretation of the history of settlements in the region, as well as with regard to Resolution 1244, Serbia continues to deny any national sovereignty of Kosovo. Concerning the problem of ethnic groups, Kosovo in turn now finds itself in a situation comparable to that of Serbia before: whereas in the latter’s state Kosovo-Albanians were a trapped minority, this is now the position of the Serbs in Kosovo. In this context, Belgrade, as a matter of course and also following the declaration of the Republic of Kosovo, has been providing financial and political support for its compatriots, who mostly live in ten communities in Kosovo, and has, through so-called “parallel structures”84, ensured its influence, especially in the north of the country (four communities, solidly Serb). Belgrade finances the education, health, legal, and security services, thereby controlling practically all of public life in the north. Since the war ended in 1999, 300 million euros have been paid in wages to employees who actually no longer live in Kosovo for their imaginary jobs in the administration, justice system, schools, and the health service.85

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47% think that membership will be achieved within the next five years, 40% of students are more realistic and expect a longer time frame.
Almost without exception, the 50,000 Serbs living here, separated from the rest of the country by the Ibar River, regard Serbia as their home country and define Kosovo as a Serb province. The Kosovo Albanians therefore view these lives of others with suspicion. The Serbs here often regard themselves as a second-class society. They are like exilees who continue to live at home. In this mock-homelessness they are similar to the citizens of Transnistria, South Ossetia, and Abchasia, who are politically oriented towards Russia. For years, Belgrade has exhorted and encouraged the Serbs in the north to persevere as the spearhead of a cultural-ideological Serbian identity. Pristina therefore has not been able to assert its authority there. The loudly expressed dreams of reunification with Serbia have reverberated in Kosovo-Albanian echo chambers as traumatia. The mood between the governments of Serbia and Kosovo has been glacial; it is a political frozen conflict.[86]

Since the end of the war, the EU has been supporting Kosovo in matters pertaining to the rule of law[87] and finance.[88] On the one hand, as already mentioned, EULEX, the European Union Rule of Law Mission, fosters and supervises Kosovo’s legal and security systems. On the other hand, Brussels has been promoting the rapprochement between Pristina and Belgrade. In March 2011, at the diplomatic level and within the framework of the technical dialogue, first results were achieved in the following fields: freedom of movement and residence; recognition of high school diplomas; integrated border management; register of births, deaths and marriages; land register; free movement of goods; and Kosovo’s participation in regional organisations. In structure and goal, needless to say not in content, is reminiscent of the former policy between East and West Germany of taking small steps and entering a series of agreements.

Lady Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, moderated the political dialogue from October 2012; i.e. meetings at the highest level between Prime Ministers Hashim Thaçi (Kosovo) and Ivica Dati (Serbia). This mediation, both time-consuming and skillful, produced some results: in the case of Serbia, Brussels linked the conclusion of a normalisation agreement with Kosovo to the beginning of accession negotiations, and in the case of Kosovo, to the promise of negotiations on a stabilisation and association agreement. Following long and difficult negotiations, which required painful concessions from both Belgrade and Pristina, a breakthrough was achieved. On 19 April 2013, both politicians signed a normalisation agreement.[89] A fundamental, political-normative regulation of relations, such as achieved in the Treaties of Warsaw and Moscow, as well as in the Basic Treaty, was not possible or desired.

Normalisation Agreement

At the heart of the agreement’s 15 points are regulations pertaining to the future status of the Serbs in northern Kosovo. Only the two points concerning the power supply and telecommunication, as well as the declaration not to block each other on the way to the EU, are general in scope. Belgrade was able to get its way especially as regards the rights to self-government[90] for the communities with a Serbian majority.

By signing the normalisation agreement, the Belgrade government committed itself to breaking up the structures under its control, especially those in the security sector, as well as to providing information on the areas of administration with governmental funding. Furthermore, Kosovo-Albanian security forces may only become active in the north subject to permission by KFOR. Ergo, per 31 December 2013, the Serb Ministry of the Interior would retain all its police personnel whose place of residence was in the north of Kosovo. What was especially important to Serbia was the contractual concession concerning the unification, into an association of municipalities, of the four communities in the north, populated by Serbs, with the further six enclave-type communities in Kosovo, some of which only boast a Serb majority. This association is to be included in the economic development, the education sector, the health service, as well as urban and rural planning, and will have a right to representation at all key levels in the Kosovo government.

However, the positions concerning the concrete design of responsibilities diverge widely. Whereas Serbia demands far-reaching autonomy rights for the association, Kosovo regards it as a type of NGO, with only an advisory function.[91] Slubodan Petrovic, the Deputy Prime Minister, was realistic in his assessment that the association’s inaugural meeting could only take place after parliamentary elections in Kosovo.[92] The election results in North Mitrovica[93] (northern Kosovo), was one of the reasons for the delay.[94] Such far-reaching autonomy, however, had not been demanded by the six Serbian communities. Their minority rights have been protected since the state was founded, and the level of integration into state and society is pretty good. Against this background, Kosovo-Albanian political observers suspect that Belgrade could be planning to gain influence on local affairs through the association, because in four of the six Serbian enclave-communities in Kosovo the nationalist Srpska Party (launched by Serbia) won.[95]

The agreement also regulates the incorporation of hitherto Serbian police structures into the Kosovo security system.[96] Now a Serb regional commander, appointed by Pristina, heads the police in the north. At the end of March 2014, in the 23rd (!) round of negotiations mediated by Brussels, Pristina and Belgrade agreed to establish a joint court in North Mitrovica. Its head will be a Serb, the prosecutors will be an equal number of Kosovo-Albanians and Serbs. The law applicable will be that of Kosovo. In day-to-day practice, this will continue to produce conflicts for some time. In summary, it is the main concern of the agreement, which has been praised as historic, to award the Serbs far-reaching local autonomy rights for the association, Kosovo regards it as a type of NGO, with only an advisory function.[91] Slubodan Petrovic, the Deputy Prime Minister, was realistic in his assessment that the association’s inaugural meeting could only take place after parliamentary elections in Kosovo.[92] The election results in North Mitrovica[93] (northern Kosovo), was one of the reasons for the delay.[94] Such far-reaching autonomy, however, had not been demanded by the six Serbian communities. Their minority rights have been protected since the state was founded, and the level of integration into state and society is pretty good. Against this background, Kosovo-Albanian political observers suspect that Belgrade could be planning to gain influence on local affairs through the association, because in four of the six Serbian enclave-communities in Kosovo the nationalist Srpska Party (launched by Serbia) won.[95]

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Battle for Interpretations and Positions

It was not surprising that this agreement led to heated public debates and discussions, intermixed with fears and legends.[98] A profound and comprehensive socio-political appraisal of recent history is still outstanding on either side, and there is still a long way to go towards inter-ethnic reconciliation. A considerable part of the citizenry, expecting much from a future accession to the EU, has hopes for prosperity and that ethnic differences will be levelled by future EU membership. They therefore welcome any step which takes the country further in the direction of the EU and hence support the normalisation agreement.[99]

In the parliamentary and extra-parliamentary fields, it is especially the opposition party Vetevendosje which is not prepared to pay any national price (allegedly) for EU membership beckoning from afar. It may not be opposed to EU integration, however it fears that the future Serbian association of municipalities might demand such autonomy rights that there is the danger of producing a state-within-a-state situation, similar to that in Bosnia Herzegovina with the Republika Srpska. They are afraid that there might be separation rather than integration of the Serb communities.[100]

On 27 June 2013, they voted against the ratification process, citing the reasons that the implementation of the agreement had already begun before ratification, that the agreement’s constitutionality had neither been reviewed by the committee on legal affairs nor the constitutional court, and that the committee on foreign affairs had not conducted a single public hearing.[101] A majority of 84 out of 120 votes, however, ratified the agreement, with all Serbian MPs voting in favour. A poll[102] of May 2013 illustrated how divided Kosovo-Albanian society is vis-à-vis the normalisation agreement with Serbia. 49% were in favour of the agreement, 38% against, only 21% of those surveyed regarded it as being beneficial for Kosovo, with 30% believing that Serbia profits more.
Lights Showing Red

The four Serbian communities in northern Kosovo illustrate the consequences of the normalisation agreement.[103] The majority of Serbs there see themselves as the real losers of the Kosovo-Serbia conflict. While many still think themselves sold down the river by their mother country, their nationalist-separatist positions and actions also did not really contribute to their popularity in the ‘stepmother’ country. The agreement also produces existential fears among all the recipients of the above-average benefits paid by Belgrade over the years.

The meeting of all northern Kosovo mayors and councillors, held on 16 August last year, unanimously decided not only to refuse participation in the local elections of 3 November, but also to do their utmost to achieve a boycott. In this, they were supported by the Serbian Orthodox Church. This was an open challenge to their own’ Serbian government, which was busy banging the election drum. Belgrade was very interested in the elections going smoothly, because the European Council had stated, 26 June, that elections going fair and orderly regional elections would be the prerequisite for the start of negotiations on EU accession. As a consequence of being snubbed, Belgrade sacked all councillors. They, in turn, were again unanimous in their defiance and refused to be deposed.

Pristina was outraged when Prime Minister Ivica Dai and his deputy Aleksandar Vui personally campaigned for the Citizens’ Initiative Srpska. During a campaign stop in Graanca close to Pristina (with a Serb majority), Vui told the crowds: “Serbia has not, Serbia must not, Serbia cannot, and Serbia will not abandon you, ever.”[104] During the campaign, massive threats were made against Serbs who followed Belgrade’s appeal to vote, or who wanted to play a role in the elections, either as candidates or as helpers. Bombing their homes and election offices was to discourage them effectively. Internally, EULEX assumed that much pointed in the direction of radical Serb nationalists, mostly represented the opposition Democratic Party of Serbia (DSS) of former President Vojislav Koštunica, as well as criminal clan structures, and sometimes a medley of both. It was in the latter’s interest, of course, to maintain their hitherto extensive legal license for their mafia-type operations, damaging the community. They therefore again and again sabotaged the newly implemented border checks, installed pursuant to the agreement.

19 September 2013 showed just how much enmity had accumulated, also vis-à-vis the so-called internationals, identified as being responsible for the detested agreement. EULEX personnel, stationed at the border crossing close to Mitrovica and driving home at the end of their shift, were ambushed and attacked. A Lithuanian officer died of his injuries. In its fatal outcome, this crime did not, however, reflect the collective mood, but was perpetrated by a splinter group that has yet to be identified.[105]

Hopes of the International Community

The fact that the agreement was signed, made especially the EU and the USA confident that, in future, there would be peaceful coexistence of Serbs and Kosovo-Albanians.[106] If only the period before the elections is analysed, it becomes clear how fragile the process of rapprochement still is, and how much bargaining and how much enmity was at work behind the scenes. In a first step, and as an act of reconciliation, the Kosovo Parliament passed an amnesty, which was domestically highly controversial. Its aim was to make it possible for Serbs in North Kosovo to participate in Kosovo’s administration and governmental structures without ending up with a criminal record. What should have been understood as a prelude to greater integration, could not, however, from a Serbian perspective, expect to be greeted by a sigh of relief. They are firmly convinced that theirs always was a legal and legitimate resistance against the “actual separatists in Pristina”.

In a second step, especially those Serbs working in the security sector were, for the most part, assured of transfer to the newly created North Kosovo institutions. Their integration not only plays an important role politically but also guarantees their livelihood, given the extremely dire chances of employment in the region.

The behavioural change aimed for is also to be promoted with EU financial aid. At the end of October 2013, until the end of the year, the EU commission provided a further 15 million euros for projects in the fields of infrastructure, administration, and regional development in North Kosovo. The intention is to compensate partially for Serbian transfer payments which may already have been discontinued. These funds came in addition to the 65 to 70 million euros which the Kosovo received in any case in that year.[107]

However, the most convincing argument, from a European perspective, for living in a democratic environment and in accordance with the rule of law, which was to motivate the Serbs also to vote Kosovo as their state, was, hardly ever discussed in the media.

Historical Regional Elections

The candidates of the Citizens’ Initiative Srpska, a unified list of candidates created by Belgrade, were supported consistently and in every way. Kristimir Panti, the mayoral candidate of the citizens’ initiative for North Mitrovica, candidly and publically stated that his election programme was not about integration or multi-ethnicity, but about the fight against heteronomy in Kosovo and for unification with Serbia.[108] At close inspection, Srpska functioned as Belgrade’s pawn and served two interests. On the one hand, the Serbs in Kosovo were to be motivated to vote. It was, after all, the first time that Belgrade called upon its compatriots in Kosovo, and especially in the north, to vote. With an eye on Brussels, Belgrade broadcasts this as a message indicating a professed paradigm shift. Belgrade’s work against permanent calls for a boycott drew international applause and earned it the label reasonable and moderate. On the other hand, the well-funded campaign hurt other independent Serb candidates seriously interested in integration.

Much was at stake for the EU. Lady Ashton had declared the elections a “key moment for Kosovo’s future”. For Thaçi, the elections were a “European test of democracy”. And Serbia hoped that the future association of municipalities would give it a legitimate, political say in Kosovo.

Election Disaster

Election Day, 3 November, was overshadowed by violent clashes in North Kosovo.[109] Under cover of darkness, violent, masked saboteurs destroyed ballot boxes in three polling stations in North Mitrovica and attacked voters, as they did in other communities. Up to that point, only 700 voters had cast their votes in North Mitrovica. KFOR, the international protection force, was not prepared for such attacks and could neither stop nor arrest the forty or so men, but, at least, managed to secure several ballot boxes. Concerning the motives of the troublemakers little guesswork is needed: it was obviously planned that, as a result of the attacks, the elections would be declared void, and the north would therefore remain a region where democratic structures and the rule of law cannot be enforced.[110] These attacks constituted not only a declaration of war on Serbia but also on the EU. However, in the medium term, and even less so in the long run, this feud cannot be won.

Up to the point when the election was wrecked, the Serbs in the four municipalities in the north had clearly followed the calls for a boycott. Turnout was only between 11% and 22 %, with the mayoral candidates of the Citizens’ Initiative Srpska receiving most of the votes. In the other six municipalities with a Serb majority, however, 50% to 60% of voters went to the ballot boxes unimimidated. In four municipalities, the voters also gave Srpska a majority.[111]
The Kosovo government, the central electoral commission, and the OSCE deemed the elections an overall success, apart from the disturbances in the north. Pristina had proved that its statehood was recognised in the overwhelming part of the country, also by the majority of Serbs living there. It was also capable of holding statutory elections, to an international standard. So soon after the normalisation agreement, it was not surprising that its sovereignty could not be similarly enforced in the north.

**North Mitrovica By-Elections**

The agents of violence had taken a risk and lost. For a start, and counter to its original plans, NATO decided not to reduce its KFOR troops. Ivica Dai and Hashim Thaçi furthermore agreed, again mediated by Catherine Ashton, to have by-elections in only three districts in North Mitrovica, with approximately 23,000 registered voters. As there are plans to make North Mitrovica the future centre of the association of Serb municipalities, Dai implored his fellow countrymen to vote, at a rally in North Mitrovica, two days before the by-election: “This time Serbia cannot help you with rifles and tanks. Not because we do not want to, but because we are not allowed to. […] This time we can only win with strong political ties and smart decisions. This is why you have to take power here.”[112] His appeal did not go unheeded. This time voter turnout was slightly over 22%.

The visible presence of police, EULEX, and KFOR throughout the entire city certainly contributed to the protection of the voters. The EU, Belgrade, but also Pristina, were happy with the election result, in that despite the low turnout the Kosovo-Albanian mayor candidate did not manage to win. This would, as Dai had threateningly announced in North Mitrovica, “produce conflicts, maybe even armed conflicts, and in this case Serbia would not be in a position to help.”[113]

A turnout of 22% is neither tantamount to a boycott, nor is it symbolic of a better integration of the Serbs into the state and society of Kosovo, because 78% of voters stayed at home. In eight out of nine municipalities with a Serb majority, the mayor was now Srpska. The future will show whether this also points towards imminent disputes between Kosovo-Albanians and Serbs concerning Belgrade’s future role in the association of municipalities.

**Parliamentary Election: Test Passed**

For the first time, the subsequent parliamentary elections of 8 June 2014 were also held in north Kosovo - without any disruptions worth speaking of. Their national agenda made them a litmus test for Srpska’s willingness to integrate, as well as for Belgrade’s role in the Machiavellian intrigues that are Kosovo-Albanian politics. Initial threats by Srpska mayors in the four northern municipalities to boycott the elections because of the Kosovo national coat of arms on the ballot papers[114], were retracted following a meeting with Prime Minister Aleksandar Vučić.[115] Srpska now wanted to win as many seats as possible in addition to the ten which the constitution guarantees them. However, the pros and cons concerning a participation in the elections had an impact on voter turnout, which was between 17% and 40%. Srpska only won 5.2% of the total vote. This way, the Serbian minority will only be represented by its ten, guaranteed seats in the Pristina Parliament, just as it was in the previous one.[116]

**The EU’s Twelve Golden Stars or Divided Heavens Over Kosovo?**

What is Kosovo’s future in the context of the normalisation agreement? Here, the term ‘future’ is not to be understood as wishful thinking, but as sober paradigms of possibilities or realistic profiles of probabilities. A viable pragmatic approach utilises scenarios incorporating certain imponderables that cannot be ruled out. In this way, scenarios are no mere prognoses with extrapolations with regard to the future based on information past and present and with traditional structures and behavioural patterns retained. Rather, they constitute a spectrum of possible futures, while bearing in mind institutional, normative, as well as political-cultural constants and framework conditions.

In this respect, the normalisation agreement sets out the course to be followed by Kosovo-Albanian politics. After numerous discussions and prolonged research by the author in the fields of journalism, politics, and research as dealing with Kosovo, two scenarios have emerged as possible working hypotheses.

The optimistic-pragmatic (white) scenario: on 6 May 2014, Stefan Füle, the Czech EU Commissioner for Enlargement and Neighbourhood Policy, declared that negotiations on the stabilisation and association agreement with Kosovo had been concluded. It was the first step on the arduous path towards EU membership. At the Conference of Western Balkans States on 28 August 2014, in front of the eight heads of state from this region, Chancellor Angela Merkel again stressed that all states of the Western Balkans have the perspective of EU membership. Croatia could serve as a reference concerning the lengthy timeline that was to be expected. In 2001, Zagreb signed the SAA, and on 1 July 2013 Croatia acceded to the EU as its 28th member. In the case of Pristina it could take even longer. Difficult hurdles have to be taken in the process, because five EU member states do not recognise Kosovo. This is why the agreement has to remain status-neutral and only focus on those areas in which the Union has authority. Concerning Kosovo’s situation, unclear as regards international law, Brussels must prove its ability to work out political compromises, as well as show imagination and skill with regard to the next steps towards membership, which must include all member states’ national parliaments in the ratification process.

The results of the recent parliamentary elections can also be regarded as an implicit message by voters to continue with the inter-ethnic process of rapprochement, because Vetvendosje managed to gain only two additional seats in comparison with the last elections. The newly elected government and parliament will have to display great political skill in their goal of setting up their own armed forces. Whether this will be within the remit of those who will form the future executive and legislative branch after the parliamentary elections of 8 June 2014, or whether there will be snap elections because of a parliamentary stalemate as a result of the elections, cannot be foreseen. According to plans by the government of Hashim Thaçi, the Kosovo Security Forces (KSF) - currently 2,500 personnel and 800 reservists and limited to civil protection tasks - should, by 2019, consist of 5,000 active soldiers and 3,000 reservists. Thaçi stated in an interview published in the German newspaper “Die Welt” at the end of August 2014 that the project was “in a final phase, our parliament will vote on it in one of its next sessions. Augmentation will be done in close cooperation with NATO, which has already been professionally trained our security forces.”[117] However, UN Resolution 1244, still in force, dictates the demilitarisation of the Kosovo Liberation Army, which formed the basis of the KSF.[118] At the beginning of May, when parliament was to decide on the necessary constitutional change, the MPs of the Serb minority boycotted the vote. They were primarily interested in maintaining the temporary constitutional regulation pursuant to which 10 seats are reserved for them, irrespective of the 5% threshold, a number which, up to now, they were in a position to increase through additional mandates.[119] Since the last election, however, the 5% threshold has been binding also for minorities.
According to this scenario, cooperation between Pristina and the association of Serb municipalities as part of the normalisation agreement and as a result of the local elections, is chaotic rather than orderly. Pursuant to the agreement, and because of massive socio-economic problems, Serbia pulls out of north Kosovo. In the course of Serbia’s and Kosovo’s processes of EU integration, but also concomitant with an improvement of the socio-economic situation and targeted support measures in the north of the country, the hostile attitude of the resident Serbs changes step by step due to the normative power of the factual. Prime Minister Aleksandar Vui, who as a radical nationalist in the 1990’s politically supported the massacres of Bosnian Muslims, now pursues a policy of sustained realpolitik concerning Kosovo. An indication of this was his government policy statement following his assumption of office at the beginning of April 2014. In a three-hour speech, he spent a total of 75 seconds (!) on Kosovo, with the remark that mistakes had been made in the past, and that his country would not recognise Kosovo’s sovereignty, but wanted to live in peace with the Kosovo Albanians.[120]

Inalienable human rights, the rule of law, as well as democratic control and representation as the bedrock of European values, exert their subversive force in Serbia and Kosovo, and offer space for the development of post-heroic concepts, views, and styles of politics unfettered by ideology, National honour and dignity, as guiding political paradigms in the context of history and geography become significantly less relevant to the shaping of mutual political identities when it comes to asserting needs, potentials, and strategic rationales.

Taking this as a given, a gradual development could take place in which the formation and evolution of Austro-German relations could serve as a point of reference for the relations between Serbia and Kosovo. After the Battle of Königgrätz in 1866 and the dissolution of the German Confederation in the Peace of Prague of the same year, Austria no longer participated in the reshaping of Germany. The inhabitants of the historically Austrian area that was the Austro-Hungarian monarchy developed collective identities on the basis of the social context, as well as deep bonds with, and a sense of belonging to, norms, customs, traditions, and communities of manageable size which were regarded as home. From the standpoint of the sociology of culture, this communal, affective link was essential for the creation of an Austrian identity, and, after 1945/1955, for the manifestation of a primordial Austrian nation (nation of attachment).[121] In this manner, after the war of separation from Serbia, the creation of a new state, and the contractually agreed normalisation with Serbia, an individual, primordial Kosovar national identity could gradually develop, via an emerging We-in-Kosovo mentality.

The stoical-stagnant (black) scenario: after the positive statement by the EU Commission on Kosovo’s application for membership, the five EU members refusing recognition ‘successfully’ manage to frustrate the necessary ratification by the EU Parliament. For a long time, therefore, the integration process remains in a waiting position. The population’s political support for the government’s European course wanes massively. The economic recovery fails to materialise. More and more, especially young people, leave the country in search of a better perspective. This brain drain correlates with a weakening of institutions, a lack of skilled workers in key areas such as health and education, as well as a loss of innovative power. So far, potentially positive effects, such as retransfers from the Diaspora, which could act as catalysts for entrepreneurial efforts in Kosovo, as carriers of knowledge transfer or as relief for the domestic labour market, have not been successfully used to achieve a strategic benefit.

The Serb association of municipalities is founded in very difficult circumstances. The Srpska mayors act as the mouthpiece of political-regressive, parliament-oppositional Belgrade forces and vacillate between the pursuit of more or less independence, depending on the respective political fashion. Prime Minister Vui also moves in this orbit. “He employs both export rhetoric and domestic rhetoric. In the West he acts more European oriented, at home he jettisons any nuances and allies himself with the worst forces of Serbian nationalism.”[122] And in Kosovo those parliamentary and extra-parliamentary forces become stronger for whom the political compromises with Serbia have been going too far for far too long.

The blockade within the EU deprives Europe of any leverage on further Serb-Kosovarian normalisation. Kosovo’s policy of asserting its sovereignty is by continued, wide-scale passive resistance in the north. The region is a frozen conflict. The political idea, raised in Serbia and Kosovo some two years ago, but never really discussed, of exchanging the northern part of Kosovo with the Preševo valley in southern Serbia, is suddenly given a boost by a growing number of proponents in political circles and the media. The problem that Brussels did not, right from the start, also invite a Serbian representative of the north, now forming the boycott avant-garde, to the Serb-Kosovo Albanian negotiations comes home to roost.

Result of the Research

Under the aegis of the EU, with the Brussels Agreement of 19 April 2013, it was possible to contain the manifest historical and ethno-territorial antagonism between Serbia and Kosovo, with its most recent crises in the June 1999 war and the 2008 declaration of independence. Given that democratic peace is the EU’s raison d’être, the provision of incentives for Serbia and Kosovo by giving them the perspective of EU membership[123], and the resultant processes of integration, aim at the democratisation of the two countries’ political structures - as well as at the normalisation of their bilateral relationship. The cooperation between Belgrade and Pristina, initiated by the EU, as well as Brussels’ accession-driven policy of conditionality have produced a change in the mutual relationship through a rapprochement of standpoints, points of view, and a channelling of interests - although a happy medium has yet to be found - and have not initiated a zero-sum game.

However, only a comprehensive, sustainable democratisation of both countries’ states and societies will constitute the precondition for a stability that fosters peace. This rapprochement through change will, probably, only take place jointly with EU membership, because the EU constitutes an area of freedom, security and justice. It does not simply limit its establishment of order to the management of inter-state disorder but generates the pacification of entire societies. Doubtless, much history will be traded between Belgrade and Pristina even following EU accession in the medium or long term, but with a strong chance that the burden of history is carried by both sides more in the shape of a post-heroic culture of remembrance, rather than dormant political wake-up calls. This outlook is fragile, however, because ‘the parallels between Ukraine and the Western Balkans are shocking. Both regions are in an alarming socio-economic state. In both regions, ethnic groups are instrumentalized by political elites, as are societies untrained in democracy. And: in both regions the EU vacillates in its neighbourhood and the economic aid expected by the governments remain strictly linked to progress inspections. The hoped-for economic recovery fails to materialise. More and more, especially young people, emigrate, given the lack of any career perspective. This brain drain correlates with a weakening of institutions, a lack of skilled workers in key areas such as health and education, as well as a loss of innovative power. So far, potentially positive effects, such as retransfers from the Diaspora, which could act as catalysts for entrepreneurial efforts in Kosovo, as carriers of knowledge transfer or as relief for the domestic labour market, have not been successfully used to achieve a strategic benefit.’

In addition to attaining EU membership, Kosovo wants to become a member of NATO. Serbia, however, does not want to take the path to the Alliance (yet), for domestic reasons[125], and certainly out of consideration for Russia.[126] Whatever decisions will be taken in Pristina, Belgrade, and Brussels, they will have a security-political dimension for Europe, as well as for its relationship with Russia. In this, European statecraft will have - through a policy that is both coordinated and shared, and therefore necessarily one that requires small steps - to generate collective security in the Western Balkans that can be shaped in the medium term. Already during the process of rapprochement with the EU - rather than as part of its frame of reference - Serbia’s and Kosovo’s political accomplishment will consist in developing a common understanding of the interdependent roles, and, in a forward-looking manner, focusing on common interests and the chances and possibilities for cooperation resulting therefrom.

This formula was used by Egon Bahr as the leitmotiv of his speech in the Evangelische Akademie Tutzing on 15 July 1963, and paved the way for Willy Brandt’s *Östpolitik*. *Deutschland Archiv, Zeitschrift für Fragen der DDR und der Deutschenpolitik*, 8/1973, p. 862-865.

This was stressed numerous times by high-ranking Kosovo-Albanian diplomats and politicians vis-à-vis the author who is the head of a large German political foundation with a political-consulting mandate in Kosovo. The notes are kept in the author’s personal archive.

keyword: Basic Treaty of 21 December 1972, in effect as of 21 June 1973

cf. Wolfgang Ischinger, *Kosovo und Serbien: Möglichkeiten für einen Modus vivendi?* In: *Südosteuropa Mitteilungen*, 04-05 2010, p. 7/8. In 2007, Ischinger represented the EU as part of the *tropa* (EU, USA, Russia) in the negotiations concerning the future of the Kosovo...


Such an antagonism of positions has frustrated, e.g., a sound Israeli-Palestinian peace accord. The exclusive right to represent the entire German nation expressed in the *Hallstein Doctrine* (1955 to 1969) - whose creator was not Walter Hallstein, a permanent secretary in the... 


This lack of interest found its apogee in Bismarck's remark in front of the... 

http://geb.uni-giessen.de

*cf. Gülcan Akkaya,*... 

This was stressed numerous times by high-ranking Kosovo-Albanian diplomats and politicians... 

In 2007, Ischinger represented the EU as part of the *tropa* (EU, USA, Russia) in the negotiations concerning the future of the Kosovo...
An excellent, short illustration of this period in time is offered by: Bruno Schoch, 'Demokratisierung im ungeklärten Staat? Das UN-Europarecht Europarecht', downloaded on 10 April 2014.


Up to now, the government in Kosovo still has not published this document. Not really a case of political responsibility, transparency, and finance help.

Between 2008 and 2012 Kosovo received approx. 497 million Euro in IPA (Instument for Pre-Accession Assistance), as well as macro financing help.

The legislative basis for EULEX is UN Security Council Resolution 1199, and therefore requires status neutrality.

The current budget: 111 million Euro.


To the Serbs, these are not mono, but are monost, because they are their own, Serbian structures.


Wulf Lapis, Mevlidy Hyseni, library.les.de/pdf-files/id-moe/10785.pdf, p. 3/4 (downloaded on 12 June 2014)

Kosovo Foundation for Open Society (Soros), ed., Serb Community in Kosovo, June 2012.

Wulf Lapis, Veivlydie Hyseni, library.les.de/pdf-files/id-moe/10785.pdf, p. 3/4 (downloaded on 12 June 2014)

Kosovo Foundation for Open Society (Soros), ed., Serb Community in Kosovo, June 2012.

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Wulf Lapis, Veivlydie Hyseni, library.les.de/pdf-files/id-moe/10785.pdf, p. 3/4 (downloaded on 12 June 2014)

Kosovo Foundation for Open Society (Soros), ed., Serb Community in Kosovo, June 2012.
The author followed the intensive debates in the media.

Through the PfP Programme we have excellent relations with NATO. We will develop these relations, it is, however, too early to pose anybody in Serbia the question of NATO membership.