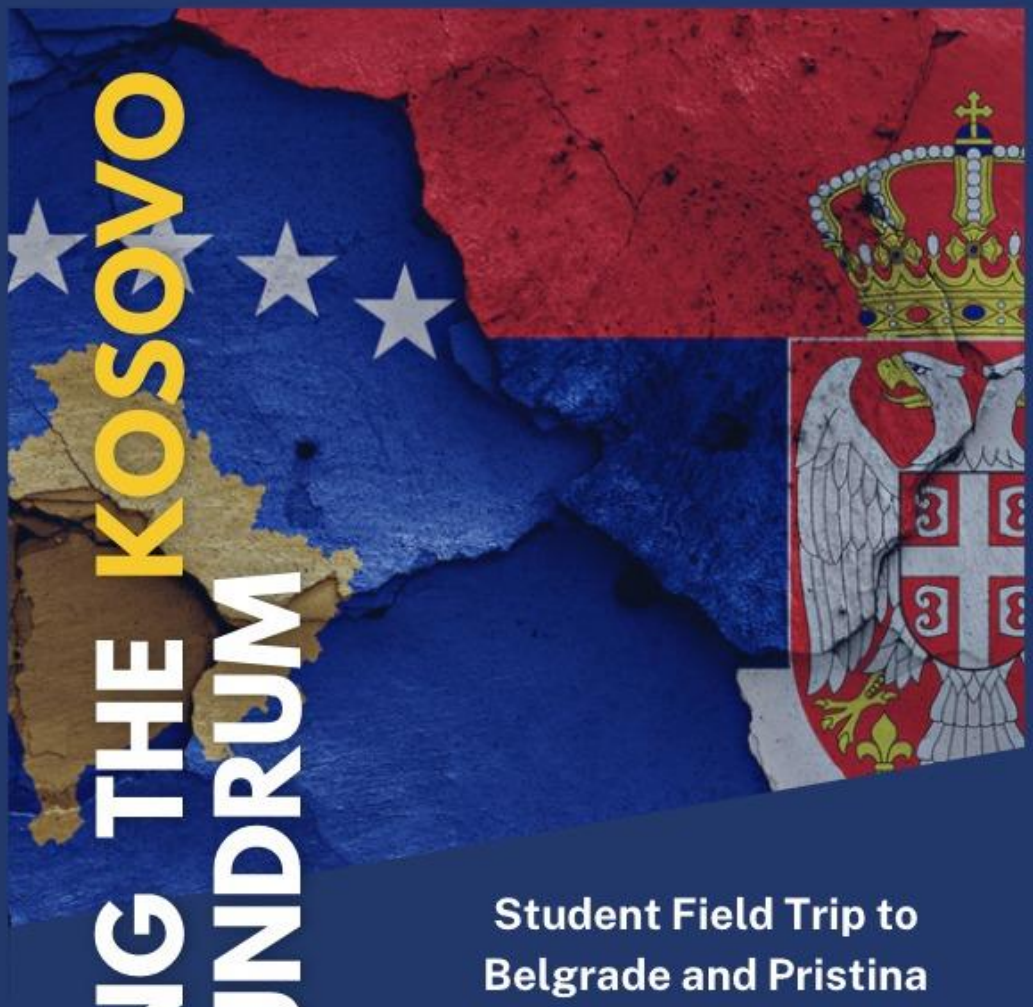
JOHNS HOPKINS UNIVERSITY, SAIS

REPORT



ENDING THE KOSOVO CONUNDRUM

Student Field Trip to Belgrade and Pristina

Conflict Management Program, 2021

Edited by Dr. Daniel P. Serwer and Dr. Siniša Vuković

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Introduction: A Virtual Trip to a Still Real Conflict

Daniel Serwer

More than 20 years had passed since the 1999 war between NATO and Yugoslavia over Kosovo, and more than 12 years since the erstwhile "autonomous province" declared its independence, when 15 SAIS students and two professors landed via Zoom in Pristina and Belgrade at the height of the COVID-19 epidemic in January 2021. No large-scale violence has occurred in Kosovo since 2004. Both countries have become "transitional" or "hybrid" regimes in Freedom House parlance. While they still have a long way to go, they hold mostly free but not fair elections and choose parliaments that pass laws and empower governments in accordance with their respective constitutions. Both countries aspire to European Union membership. Kosovo also wants to join NATO but Serbia does not.

The relationship between the two neighbors is still conflictual. Even if Kosovo has been recognized by more than 100 countries, it lacks Serbian recognition as well as UN membership. Belgrade still claims sovereignty in principle, though it has in practice given up any hope of ever again governing the more than 90% of the population that is Albanian. Kosovo Albanians regard their republic as independent and sovereign. A segment of Kosovo north of the Ibar River and contiguous with Serbia is majority Serb and controlled in part by Belgrade, but most Serbs in Kosovo—many elderly—live in enclaves south of the Ibar, where the principal Serb monasteries and other religious sites are located.

Our task was to analyze what had been done so far in achieving peace during the previous two decades and to consider what more could and should be done to achieve a self-sustaining settlement. Our focus was broad. We started the enterprise with readings on security, rule of law, governance, the economy, the two societies, and international relations as well as with briefings from US- and Europe-based experts. We spent two weeks in January interviewing people in Pristina and Belgrade via Zoom. The following chapters are the result of these interviews (listed at the end of this report) and related research. This introduction will set out a common historical and analytical basis for those chapters. The conclusions by my colleague Siniša Vuković in the last chapter summarize main findings of the 14 student-authored chapters.

Background to the Conflict

Serbs and Albanians have lived in the territory of modern-day Kosovo for a thousand years or more. Their languages are mutually incomprehensible. Most people who regard themselves as Serb are Orthodox Christians. The Serbian state is constitutionally defined as a "state of Serbian people and all citizens who live in it" and traces its origins, dominant religion, and culture to Kosovo. Most Kosovo Albanians are nominally Muslim, but many are non-practicing and define themselves not by religion but by language and parentage. The Republic of Kosovo (Kosova in Albanian) is a recent creation defined constitutionally as a state of its citizens with no territorial claims against, or ambition to seek union with, any other state.

The two groups have lived many years side-by-side in peace. They have also fought, sometimes against each other and sometimes together against common enemies. Ancient hatreds, while sometimes exploited to mobilize hostility, are not the proximate cause of their current conflict, which has its origins in the aftermath of the Balkan war of 1912, when Serbian forces took control of Kosovo's current territory. Socialist Yugoslavia in the aftermath of World War II initially sought to repress Albanian nationalism in favor of Tito's "Brotherhood and Unity." When that effort failed, the province of Kosovo in 1974 was promoted to autonomous status within Serbia, one of six republics of former Yugoslavia. The autonomous province had its own parliament, government, police force, and other republic attributes, including a representative on Yugoslavia's collective presidency.

The Milošević Era

Slobodan Milošević rose to power in Socialist Yugoslavia as the Berlin Wall was falling. A life-long communist apparatchik, he adopted Serbian nationalism as a means of gaining and staying in power. Promising to protect Serbs in Serbia and the five other republics of former Yugoslavia and later to annex them and their lands to Serbia, Milošević lost wars in Slovenia (1991) as well as in Croatia and Bosnia and Herzegovina (1995). He held on tight to Kosovo, where he had launched his rise to power, and repressed non-violent Albanian resistance there, led by Ibrahim Rugova.

The Albanian rebellion turned violent from 1996 onwards. Disappointed in the failure of the international community to seek a solution for Kosovo at the Dayton peace talks on Bosnia, Kosovo Albanians took advantage of an influx of weapons from Albania, where the post-communist state had collapsed, to arm and equip several thousand Kosovo Liberation Army (KLA) fighters, financed by a European- and American-based diaspora. Despite deployment of international observers, Serbian human rights abuses and the failure of peace talks at Rambouillet, France in early 1999 brought NATO into the war, bombing Serb forces and infrastructure in both Kosovo and Serbia proper. Serbia responded by redoubling abuses against the Albanian population in Kosovo and chasing half of them out of the country, mainly to Macedonia and Albania.

That war ended with a military-technical agreement signed at Kumanovo, Macedonia, and UN Security Council resolution 1244, which referred in its preamble to Yugoslav sovereignty. A NATO-led force, KFOR, deployed throughout Kosovo in support of a UN-led civilian administration. Most Serbian forces, and a large part of the Serb population, withdrew from Kosovo. The Security Council charged a UN civilian administration with creating "provisional institutions of self-governance" in anticipation of an eventual international decision on Kosovo's political status.

From Milošević to the Declaration of Independence

Milošević, mistakenly confident of his hold on power, called early elections for September 2000 that he lost to opposition nationalist Vojislav Koštunica, who had ample international support. Forced to resign by massive but largely peaceful demonstrations in favor of the election results, Milošević was arrested and sent to the International Criminal Tribunal for the former Yugoslavia

(ICTY) in June 2001, where he died while still on trial for war crimes, crimes against humanity, and genocide in 2006.

In the meanwhile, Kosovo and Serbia largely parted ways. The new, more democratic government in Belgrade refocused its efforts on preparing for European Union membership, the prospect of which was promised to all the former Yugoslav republics and Kosovo at a summit in Thessaloniki in 2003. The UN protectorate in Kosovo focused on getting the institutions it set up to meet democratic standards "before status." Rioting of obscure origins in Kosovo in March 2004 led to deaths of both Albanians and Serbs as well as the destruction of a substantial number of Serb religious sites and displacement of thousands more Serbs.

A report prepared by Norwegian diplomat Kai Eide in the aftermath of the rioting suggested that the UN had to proceed to try to resolve the status issue, which would come only "with standards." Led by Finnish President Ahtisaari with EU and US support, negotiations between Belgrade and Pristina culminated in a plan that offered a greater than proportional level of representation for Kosovo Serbs in Pristina and a high level of protection for Serbs and Serb sites throughout Kosovo, with implementation monitored by an International Civilian Office. Ahtisaari also recommended to the UN that Kosovo become independent, but Serbia and Russia did not accept that recommendation.

From Independence to the Present

Kosovo accepted the Ahtisaari plan and declared independence in February 2008. Except for Serbia and Bosnia and Herzegovina, other Balkan countries recognized it quickly, as did the United States and all but five EU countries: Spain, Romania, Slovakia, Greece, and Cyprus. Except for Cyprus, the nonrecognizers are also NATO members. Backed by the UN General Assembly, Serbia asked for an advisory opinion from the International Court of Justice (ICJ) on the legality of Kosovo's independence declaration. The ICJ found in 2010 that it breached no international law.

That decision led to a UN General Assembly mandate to the EU to conduct a dialogue between Belgrade and Pristina focused initially on "technical" issues, avoiding status, borders, and other politically charged topics associated with sovereignty. The issues eventually included missing people, mutual recognition of diplomas and certificates, integrated border posts, cadastral records, electricity, telecommunications, and other issues believed to have potential for improving the lives of citizens in both countries, regardless of status. Several dozen agreements have been signed, but only a handful have been implemented to the satisfaction of both capitals.

In addition, in August 2013 Pristina and Belgrade signed a more political Brussels Agreement that called for establishment of an association of Serb-majority municipalities, acknowledged validity of the Kosovo constitution on its entire territory, extended the authority of Pristina's law enforcement and courts to four Serb-controlled northern municipalities, and acknowledged that Serbia and Kosovo would qualify separately, each at its own pace and implicitly as sovereign states, for EU membership. Belgrade wants the association of Serb-majority municipalities to have executive authority in areas like health and education while Pristina

fears that would make its governance dysfunctional by creating an intermediate level of governance, like Republika Srpska in Bosnia and Herzegovina. The Kosovo Constitutional Court has ruled executive functions for the association impermissible. The association remains unimplemented.

The EU dialogue process continued after the Brussels Agreement at the political level but stalled at the technical level. Presidents Vučić and Thaçi began to entertain the idea of mutually agreed land and people swaps or "border correction," which would only be possible between two sovereign states, therefore after Serbian recognition. The US National Security Advisor and the EU's High Representative let it be known that they welcomed this discussion, without however committing to it. The proposition aroused opposition in both Serbia and Kosovo. Some in Belgrade did not want to surrender Albanian-majority territory in southern Serbia to Kosovo. Kosovo Albanians and Serbs living south of the Ibar did not want to see northern Kosovo transferred to Serbia.

The idea also aroused intense opposition in Macedonia and in the non-Serb majority parts of Bosnia and Herzegovina, which feared it would lead to more ethnic partition, and in parts of the international community, especially Germany, which feared domino effects in Ukraine as well as Georgia and Moldova. Russia consequently liked the idea. In the end, "border correction" expired on its merits: Thaçi and Vučić could not agree on new lines of division. Most of the region and international community breathed a collective sigh of relief.

After much hesitation and efforts to gain Kosovo Serb support, Pristina's parliament decided in December 2018 to convert its still rudimentary and light-armed security forces into a NATO-compatible army of 5000 active-duty troops and 3000 reserves, with assistance from the US and UK. This decision was taken by legislation rather than constitutional amendment, whose passage the Serb members of parliament had blocked. Belgrade claims the Kosovo army is a security threat and illegal because of Serbia's sovereignty. Pristina regards it as necessary to join NATO and a source of national pride even if it will not be able to protect the country from a much larger and better equipped Serbian Army. Pristina seeks to deploy its troops abroad as peacekeepers. Its parliament authorized the Kosovo Security Force (KSF) to deploy to the Middle East, embedded with the Iowa National Guard (with which KSF has a cooperative relationship comparable to one between Serbia and the Ohio National Guard). A first deployment to Kuwait was initiated in spring 2021.

Kosovo's sovereignty is still limited in several ways: KFOR is responsible for its territorial defense, international prosecutors and judges in its court system handle interethnic crime and high-level corruption cases, an internationally-staffed court (the Special Chambers) has been established under Kosovo law in The Hague to handle war crimes that occurred after the 1999 war, and UN Security Council resolution 1244 is still regarded as valid by non-recognizing countries, especially Serbia, Russia, and China. Kosovo is a member of the IMF, the World Bank, the European Bank for Reconstruction and Development, and the International Olympic Committee (as well as many other regional organizations and international sports federations), but not of the United Nations

and its Specialized Agencies or Interpol and other intergovernmental organizations. Kosovo's currency is the euro and its legislation is consistent with EU requirements.

The Current Situation

Kosovo and Serbia are both today countries with nominally democratic constitutions, but political behavior is often far from democratic standards. While Kosovo has improved its election administration, high-level corruption and wartime crimes are rarely prosecuted successfully. The population respects the police but not the lower-level courts, which are believed subject to political influence. Nepotism and party affiliation are important factors in hiring, especially in the still dominant public sector. The media are relatively free and civil society is robust and sometimes influential.

By contrast, Serbia has a far more developed private sector as well as a public administration subject to tight political control, including the courts, but also suffers from high-level corruption and impunity for war crimes. High-level perpetrators were prosecuted at the International Criminal Tribunal for the former Yugoslavia but none are prosecuted locally. The media in Serbia are not independent and pay homage to the presidency. Civil society is highly developed but has little influence on policy, which is tightly controlled by President Aleksandar Vučić. His political party provides jobs and contracts with the public sector.

Foreign Policy and Domestic Politics

Vučić rose to power in the 2010s promising to take Serbia into the EU but has increasingly turned his attention to improving relations with Russia and China. Following in the tradition of Yugoslavia's non-alignment, his foreign policy is one of hedging: he seeks political approval from Washington, pre-accession funding from the EU, weapons and the veto on Kosovo UN membership from Russia, and weapons and investment from China. As the opposition mostly boycotted the June 2020 election, Vučić controls about four-fifths of the current parliament. The prime minister cooperates with whatever he wants. Elections are not required until spring 2022 but could occur earlier. Vučić also controls de facto all the Serb members of Kosovo's parliament, who belong to a political party he created for that purpose, the Serbian List. Its members are far less inclined to accept Pristina's authority than their predecessors, who were less tied to Belgrade.

The political situation in Pristina is more fraught than in Belgrade. Kosovo in its post-Yugoslav period relies heavily for external political support on the United States, for military cooperation on the US and UK, and for economic support on the EU, where the five nonrecognizers hinder but do not halt cooperation. Pristina has no political traction with Moscow or Beijing, though trade with China is increasing. On most international issues, Pristina "bandwagons" with the Americans and Europeans. The Kosovo Assembly, based on a proportional voting system with reserved seats for minorities, has had difficulty forming stable majorities. Kosovo has had five governments in the last ten years.

A government installed in February 2020 lasted only months due to Trump Administration distaste for the prime minister, Albin Kurti, who was less pliable than his predecessors. President

Hashim Thaçi resigned in November 2020 to defend himself, along with other KLA leaders, from an indictment brought by the Special Chambers prosecutor in The Hague. The most recent Kosovo government had but a one-vote majority, which it lost in a matter of months due to a Constitutional Court decision invalidating the election of a member of the then governing coalition. The resulting early election February 14 brought Kurti back to power with a strengthened majority. The new parliament has selected his electoral partner Vjosa Osmani as President and has appointed a new negotiating team for the dialogue with Belgrade, which is expected to restart in June 2021.

Relations with the EU and the US

Both Serbia and Kosovo suffer from the EU's current malaise. Brexit, several immigration crises, the financial crisis of 2008, the current economic recession, and COVID-19 have made Brussels and member state capitals far more hesitant about enlargement than when the promise of eventual accession to Balkan states was made in 2003. The EU Commission has raised standards, especially for rule of law. France and the Netherlands are proving particularly reluctant about enlargement. They blocked the opening of accession negotiations with Macedonia and Albania for several years and will not allow Kosovo access to the Schengen visa waiver program that all other Balkan countries enjoy, despite Pristina's fulfillment of more than 100 conditions. Belgrade is engaged in accession negotiations but was blocked from opening any new chapters in 2020 due to EU concern about backsliding on rule of law and democracy. The appeal of the EU "carrot" is declining.

EU fatigue was made more damaging in recent years by what citizens of both countries viewed as divergence between Europe and the US. President Trump appointed as his chief negotiator an American ambassador to Germany who had dreadful relations with Berlin, the President disdained the EU, and Trump's doubts about NATO were unsettling to countries whose reform efforts were premised on gaining membership, Kosovo to NATO and both Kosovo and Serbia eventually to the EU. The Germans, who have often cooperated with the Americans in the Balkans, were non-plussed. President Trump at a NATO Summit in 2017 intentionally shoved the Prime Minister of Montenegro, which was in the process of accession, out of the way. Washington for a time seemed to lean more in Serbia's direction than in Kosovo's, a reversal of its usual attitude that was inimical to Pristina and perplexing to many Europeans.

Dialogue Between Belgrade and Pristina

The history of dialogue between Belgrade and Pristina is long and fraught. Before the NATO/Yugoslavia war they talked unsuccessfully under St. Egidio auspices about reopening the educational system in Kosovo to Albanians and tried to avoid war at the French-hosted Rambouillet peace talks in early 1999, which failed. UN-led talks in 2006-7 produced the Ahtisaari Plan and the recommendation for independence, rejected by Serbia and Russia, while the EU-hosted dialogue of 2011-12 generated a series of technical agreements and later the political-level Brussels Agreement of 2013. Dialogue after that aimed at a comprehensive settlement stalled on the issue of land swaps/border correction. A US effort to get President Trump bragging rights for his 2020 election campaign produced a rudimentary agreement on transportation links supported

by the Biden Administration but not yet implemented. The US initiative caused friction with the EU, which felt inadequately consulted.

The EU dialogue has focused recently on political normalization, which to Kosovo means mutual recognition, UN membership, and exchange of ambassadorial-level representatives, along with a series of agreements on missing people, financial issues, borders, trade, and other sovereignty-related issues. Nothing is agreed until everything is agreed. But Serbia refuses to discuss mutual recognition and insists it must "get something." Belgrade has used the ongoing talks to convince nonrecognizing countries both in the EU and outside to wait until normalization is complete.

The positions of Pristina and Belgrade are incompatible: the former seeks recognition and the latter refuses to consider it. There is no "zone of possible agreement," in conflict management terminology. But this hurting stalemate is not entirely mutual. Belgrade suffers little from its refusal to recognize Kosovo and hopes that holding out will eventually be rewarded with a big prize, like EU accession. Even if Belgrade were to recognize Kosovo, there would still be the issue of UN membership, which Moscow and Beijing can veto. Kosovo's Albanians, by contrast, are nervous about their state's current limbo, which provides their politicians with an excuse for their failure to attract more recognition and foreign investment. In both Serbia and Kosovo, intransigence toward the other is politically beneficial. Both Serbs and Albanians regard themselves as victims, the former of NATO and the latter of Serbia. There is little to be gained in either capital from anything but tough and uncompromising denunciations of the adversary, often expressed in belligerent terms, including with ethnic slurs.

This Report

We began preparation of this report with interviews in Washington as well as student-assigned readings throughout the fall of 2020. Our virtual "visits" to Pristina and Belgrade occurred in January 2021. We sought and generally achieved meetings with as wide a political spectrum as possible, but time did not permit interviews with minorities other than the Serbs in Kosovo.

Our chapters are organized as follows:

<u>The Conflict</u>

Jessica Fang introduces us to ethnic narratives that have emphasized conflict and victimhood among both Serbs and Albanians. *Jonathan Meyer* focuses on the fulcrum of conflict in northern Kosovo and possible solutions to bridging the divide, not only there but more broadly.

Society

Alexandria Polk examines how education has contributed to the conflict and what might be done to reverse that process. *Elizabeth Courtney* likewise examines how gender was weaponsized in wartime as well as thereafter and what can still be done to ensure accountability. *Cassia King* looks at the role of civil society in both Serbia and Kosovo as well as relations between them.

Security

Erin Coldsmith focuses on the Kosovo Security Force as a source of friction with Serbia and what might be done to ameliorate the situation. *JM Ascienzo* appraises the impact of the US National Guard cooperation with both Kosovo (Iowa National Guard) and Serbia (Ohio National Guard).

Politics and Diplomacy

Adam DuBard describes the Kosovar push for statehood and Serbia's responses, both political and diplomatic. *Tucker McGownd* takes on the issue there of criminal enterprise and its impact on state stability in Kosovo. *Sam Nibali* appraises obstacles on the path to EU accession, including democratization/rule of law, Russia, the United States, and the EU itself.

International Relations

Sophia Stoeckl examines the impact of the EU accession process on how politicians in Kosovo and Serbia handle needed reforms. *Valerie Cariello* focuses on Russian hybrid warfare in the Balkans and how it affects relations between Pristina and Belgrade. *Xiang Li* focuses on the role of China in the region. *Xin Tan* looks more broadly at Kosovo and Serbia relations with US, EU, China, Russia.

Conclusions

My professorial colleague *Siniša Vuković* surveys the main conclusions derived from all the chapters, focused on finding a way forward in the Belgrade/Pristina dialogue and on measures aimed at making the dialogue more productive.

A special word of thanks is due to all those who took time to speak with us from Washington, Brussels, Berlin, Belgrade, and Pristina. They were generous with their time and thinking on a set of problems that has persisted now for more than 20 post-war years. We can only wish that the good will shown to us will somehow materialize in the comprehensive settlement the ongoing dialogue between Pristina and Belgrade seeks. The people of Serbia and Kosovo want security, peace, prosperity, and justice. We hope their leaders find the ways and means to deliver them.

Ethnic Narratives: The Story of Two Victims

Jessica Fang

The conflict between Serbia and Kosovo is among the most intractable conflicts globally. More than two decades after the end of the war, many issues and disagreement between Belgrade and Pristina remain unresolved, most notable of which is the status of Kosovo. One factor that has long complicated conflict resolution is the ethnic narratives of each side, which feature collective self-victimization. Serbs, Kosovo Albanians, and Kosovo Serbs all see themselves as suffering the most during and after the war. Furthermore, they have tried to assert that their sufferings are greater than those of others, attempting to claim the status of the ultimate victims in this protracted conflict. This chapter examines these narratives.

In the following sections, an overview of the idea of collective victimhood will first be provided, followed by an examination of the victimization narratives espoused in Serbia and Kosovo respectively. Lastly, this chapter will conclude by analyzing the impact of these self-victimization narratives, followed by policy recommendation.

Collective Victimhood: An Overview

Objective experience as well as the social construction of such experience both play a role in shaping the collective sense of victimhood (Bar-Tal et al. 2009, 234). Individuals see their sufferings as directed toward them due to their identification with a group, and this self-perceived victimhood is based on and reflected in shared societal beliefs, attitudes, and emotions. The shared societal beliefs help to construct a common reality, identity, and solidarity. Internalized past harms can "transform them into powerful cultural narratives which become an integral part of the social identity" (Suarez-Orozco and Robben 2000, 23).

In intractable conflicts, self-perceived victimization emerges as a major element. The shared societal belief and collective memory tend to portray one's own group as the victim, and the narrative focuses on the atrocities and unjust harm perpetrated by the adversary. This view is shaped over a prolonged period of violence. The more the group perceives that it is suffering and oppressed, and the more intensive and extensive is the notion that the harm inflicted is unjust and unwarranted, the more prevalent and entrenched the collective sense of victimhood will be (Bar-Tel et al. 2009, 240). Self-victimization narratives are passed down from generation to generation, through means such as mass communication and education. In the aftermath of a protracted conflict, group members may assert that their own victimizing experiences were greater than those of other groups, attempting to claim and compete for ultimate victim status. This process, known as "competitive victimhood," can become a great obstacle to peaceful co-existence in societies undergoing conflict transition (Nadler and Saguy 2004).

Collective victimhood can be useful in a few ways. It can justify any action, violent or not, against the rival outgroup, especially if the outgroup is framed as a threat, or if the action is seen as a legitimate response to the past harm inflicted on the ingroup. This can instigate a new round of conflict. In addition, self-victimization narratives can offer strong justification for evading guilt

and responsibility for the ingroup's misdeeds. When the ingroup's sufferings are perceived as greater than those of the outgroup, the ingroup may resist any idea of facing its own wrongdoings, rendering pursuit of justice impossible. Another function of collective victimhood is its mobilizing power in the political arena as well as its role in drawing international attention to the ingroup's diminished condition (Andrighetto et al. 2012, 514; Lynch and Joyce 2018, 186-187).

Both Albanians and Serbs believe that they are the victims of atrocities. They have engaged in competitive victimhood, repeatedly trying to prove that their suffering is greater than that of the other side, and thus all the subsequent actions are justified with little accountability.

Analyzing the Self-Victimization Narrative in Serbia

In 1997, a declaration that was signed by four bishops and a group of prominent intellectuals and artists, including those from the Serbian Academy of Sciences and Arts, read:

> The history of Serbian land…is full of instance of genocide against the Serbs and of exoduses to which they were exposed. Processes of annihilation of Serbs in the most diverse and brutal ways have been continuous. Throughout their history they have faced the fiercest forms of genocides and exoduses that have jeopardized their existence, yet they have always been self-defenders of their own existence, spirituality, culture, and democratic convictions (Anzulovic 1999, 124).

This declaration sheds light on the collective victimhood Serbs have maintained due to their experience with violence. In this narrative, the story of Serbs is one of continued suffering. The story begins with the battle of Kosovo Polje in 1389, where Christian armies fought against the invading Ottoman troops. The battle of Kosovo Polje stands as a symbol of the resilience of Serb culture during the centuries of Ottoman rule. This narrative was revitalized in late nineteenth century and later became an integral part to Serb nationalist mobilization under Milošević's regime (Bieber 2002, 98-100). Serb suffering also comprises the ordeals Serbs endured during the two World Wars. The First World War is remembered as one in which Serbs made great sacrifices for allied goals (Serbian Ministry of Foreign Affairs 2014), while the memory of the Second World War is one of Serb suffering at the hands of Nazi-aligned Croatian Ustashe (Scheindlin 2019).

The Kosovo War and NATO military intervention in the Spring of 1999 marked a dramatic resurgence of Serb self-victimization within the broader Serbian nationalist discourse. The narrative espoused by the government underscored that Serbs were the victims of violence incited by neighboring countries as well as international community (Bieber 2002, 105). Since Aleksandar Vučić came to power in 2012, his government has doubled down on the narrative that views NATO's military intervention as aggression against Serbia. Soldiers who fought in the war are celebrated as heroes who defended Serb identity and the notion of Serbdom in the Balkans. In 2013, as Serbian First Deputy Prime Minister Vučić attended the annual commemoration of the NATO bombing. In his speech, he called Serbs to remember "the bravest" who defended their country against a much stronger aggressor (Mandić 2016, 467). The Serbian government narrative

has remained consistent over the past few years. At the most recent commemoration held in March 2021, Vučić once again condemned the NATO bombing as "a horrific act of crime and act of aggression" (Xinhua 2021). In 2019, the Serbian Defense Ministry openly promoted books written by convicted war criminals who deny Serb forces any responsibility for mass killing during the conflict (Stojanovic 2019).

Self-victimization played a role in the rise of President Vučić, as it allows him to portray himself as the defender of nationalist turf. Vučić rose to prominence during the breakup of Yugoslavia. He was appointed information minister a few weeks after Serbian forces launched a deadly attack in Kosovo, when in the face of foreign criticism he fiercely defended Belgrade's position. He argued that sending troops was necessary to defend against the KLA (Scheindlin 2019). The sophisticated employment of the victimization narrative with the nationalist portrayal of himself shows that Vučić is deeply aware of the mobilizing power of collective victimhood. In a similar vein, the rhetorical attacks coming from Vučić's Kosovar counterparts are likely to further consolidate his power, as nothing is more politically profitable for an autocrat than the sense that the nation is subject to pressure, oppression, and aggression (SAIS Group Meeting, 20 January 2021).

Over time, Serbian society has developed what is described as "denial syndrome"—a combination of selective perception, selective recollection, and selective interpretation that serves to block the recognition of information which the person in question cannot bear (Ramet 2007, 42). Derived from propaganda and historical revisionism during the Milošević era, Ramet (2007, 45-47) observed that denial syndrome has resulted in guilt being transposed onto the oppressed, including Kosovo Albanians. The predominant attitude in Serbia is to dwell on Serbs' own sufferings, rather than the sufferings caused by Serbia. Such emotion is best captured by a survey conducted in Serbia in 2012, in which a majority of the respondents regarded Serbs as suffering the most during the conflict in 1990s and claimed that Croats committed most war crimes, followed by Albanians and Bosniaks, and lastly, the Serbs (Ristić 2012).

The violence perpetrated by Kosovo Liberation Army (KLA) against Serbs impacted heavily on public opinion in Serbia, contributing to the lingering sentiment of self-victimization. In 2012, the International Criminal Tribunal for the former Yugoslavia (ICTY) formally acquitted Ramush Haradinaj, former Kosovo Prime Minister and KLA commander, and two other co-defendants of war crime charges. The decision provoked fury in Serbia. Tomislav Nikolić, Serbian president at the time, said in a statement that ICTY was established "to try the Serbian people" (BBC 2012). His frustration was shared among Serbs, many of whom felt that there had been little accountability for crimes committed against them during the wars of 1990s (BBC 2012). Such perception of impunity enjoyed by KLA soldiers as well as the asymmetry in treating war crimes committed by both sides have further strengthened the self-victimization narrative among Serbs. This sentiment was also reflected during the conversations with our interlocutors in Belgrade. ICTY and Serbian courts have indicted many Serb generals and politicians, whereas only recently have there been prosecutions of former KLA leaders (SAIS Group Meeting, 21 January 2021). The self-victimization narrative offers an escape from assuming responsibility of the group's

misdeeds, and the perceived Western double standard has cemented the self-victimization narrative among Serbs. Together these form a vicious cycle, making prosecution of war crimes even more challenging.

Excessively lengthy proceedings add to the challenge. Humanitarian Law Center (2019, 8-9) has found that there is a protracted delay in the proceedings of war crimes trials in Serbia's domestic courts. In one of the most glaring cases, four years after the final judgement and ten years after the indictment a case was remanded for reconsideration on appeal. Such an excessive delay has far-reaching implications for prosecuting war crimes. As years pass, defendants and witnesses either die or lose trust in Serbia's judiciary. The long proceedings also send a discouraging signal to victims that getting a verdict through Serbian institutions can be grueling, if not outright impossible (Humanitarian Law Center 2019, 8).

Convicted war criminals in Serbia are hailed as role models and awarded with high-level appointment after they served their sentence. Nikola Šainović, who was convicted for war crimes and crimes against humanity committed during the Kosovo War, was appointed to the governing board of the Socialist Party, Serbia's co-ruling party, within a week of his release in 2015. In 2017, Vladimir Lazarević, who was convicted of war crimes for forced deportation of ethnic Albanians, was hired to teach at Serbia's Military Academy. When confirming Lazarević's appointment, Defense Minister Aleksandar Vulin called Lazarevic "the role model for the cadets" (Robinson and Vasovic 2017). Moreover, both Šainović and Lazarević appeared on Serbia's public broadcaster Radio-Television Serbia and openly dismissed any war crime responsibilities during this year's NATO bombing commemoration (Stojanovic 2021).

The glorification and rehabilitation of war criminals in Serbia show that, as suggested by the victimization narrative, they are not regarded as the perpetrators of the outgroups' sufferings. Rather, they are celebrated as the defenders of ingroup's interests and rights.

Ethnic Narratives and Self-Victimization in Kosovo

The narrative in Kosovo is largely defined by the discrimination Albanians experienced under Milošević's regime, starting from 1987, as well as the atrocities that would later culminate between 1997 and 1999. Since Kosovo declared independence in 2008, Serbs have remained the largest minority group in Kosovo, and their narrative is slightly different from their fellow Serbs living in Serbia. Therefore, this section will examine the narratives espoused by Kosovo Albanians and Kosovo Serbs respectively, followed by an analysis on the dynamics between them.

<u>Among Kosovo Albanians</u>

The experience living under the oppressive Milošević regime and wartime suffering between 1997 and 1999 forms a central part of Kosovo Albanian identity. Because of the widespread atrocities and the sheer scale of violence before and during the war, such experience is likely to be transmitted from generation to generation, affecting people who did not personally go through the same period. Memory of war, shaped by family experiences, education, or mass communication,

contributes to collective self-victimhood, informing even people who do not have personal recollection of the conflict.

The narratives put forth by the media offer a sense of Kosovo Albanian self-victimization. The master narrative commonly used is one of threat—the historical as well as continuing threat imposed by Kosovo Serbs and the state of Serbia against Kosovo Albanians. Serbs are therefore the enemies to be feared, contested, and fought against (Zdravković-Zonta 2011, 181-182). Furthermore, following the master narrative, the same analysis identifies two main frames through which stories are told: Threat to the State, and Threat to Security. The former, the Threat to State frame, includes denying statehood, disrupting institutional order, and hindering economic progress. The latter frame, i.e., the Threat to Security frame, has three key elements: extremism, criminal activities, and war crimes and human rights violations (Zdravković-Zonta 2011, 182-183). All topics under the two frames have a common theme: Kosovo and Kosovo Albanians as victims. This emphasis is one-sided. Through disproportionately focusing on the suffering of Albanians while ignoring the ordeals of other ethnic groups in Kosovo, Albanian-language media are constantly reminding the audience of the connection between Serbs and perpetrators, thus perpetuating the images of Kosovo Albanians as the victims. They overlook the plight of Kosovo Serbs, for example, that led to the establishment of KoSSev, a Mitrovica-based independent media outlet, in 2014 (SAIS Group Meeting with Tatjana Lazarevic, 19 January 2021).

Indictment Against Former Leaders of Kosovo Liberation Army: Impacts and Muted Debate

On June 24, 2020, several of Kosovo's most prominent politicians—including then President Hashim Thaçi, a wartime hero turned politician—were charged with war crimes by the Kosovo Specialist Chambers and Specialist Prosecutor's Office in The Hague. The others accused included Kadri Veseli, then head of the Democratic Party of Kosovo (PDK), former Assembly Chair Jakup Krasniqi, and Rexhep Selimi, the parliamentary leader of Vetëvendosje (Self-Determination), the largest political party in Kosovo (which won a landslide victory in the 2021 parliamentary election). All of them were high-ranking members of KLA accused of having committed or ordered war crimes against Serbs, Roma, and Albanians (Kosovo Specialist Chambers 2020).

The indictment resulted in a political crisis in Kosovo. Thaçi resigned after the indictment was announced, as he indicated that he did not want to appear before the court as the President to protect the integrity of the presidency (Krasniqi 2020). When asked about this during interviews, many of our interlocutors in Pristina expressed grievance against the indictment. They recognized that there were individual crimes committed against Serbs and other ethnic minorities; nonetheless, they claim those crimes were different because they were not orchestrated by a state. They especially highlighted the imbalance in treating war crimes in Serbia, as the Specialist Chambers deal only with the territory of Kosovo, which is a one-sided approach. Previous international efforts in dealing with war crimes committed by Serbian military are deemed insufficient. (SAIS Group Meetings, January 2021).

Meanwhile, Kosovo's new president Osmani has defined Serbian rule as genocidal. She has said that Kosovo intends to sue Serbia for genocide and wants its leader to atone for the crimes

committed during the war and the systemic oppression against Kosovo Albanians that preceded the war (McLaughlin 2021). Additionally, while serving as the acting president last year, she had also sought support from abroad, urging the Albanian Parliament to adopt a resolution that condemns Serbian genocide against Albanians during the Kosovo War (Exit 2020).

The Specialist Chambers war crime indictments have reinforced self-victimization narratives in Kosovo. When announcing his resignation, Thaçi argued the indictment was an attempt to rewrite history, emphasizing that "Kosovo has been the victim. Serbia has been the aggressor" (Gray 2020). It is noteworthy that Thaçi attempted to associate his own indictment with the entire Kosovo state. This collectivization of guilt is especially salient when the moral standing of the self-victimized ingroup is called into question (Sullivan et al. 2012, 779). Thaçi is a revered wartime hero in Kosovo, so his frustration was echoed among Kosovars, deeply upset at the "injustice" committed by putting on trial their "liberators" (Krasniqi 2020).

Comments from our interlocutors indicate a dynamic of competitive victimhood, another common strategy when the moral standing of the ingroup is eroded (Sullivan et al. 2012, 779). The overwhelming majority of the victims during the war were Albanians, succumbing to atrocities perpetrated by Serbs. But that does not diminish the fact that there were crimes committed by Albanians against others. Kosovo Albanians have long supported the trial of war crimes conducted in Serbia, yet they have reacted strongly against the idea that Albanians accused of war crimes should be put on a par with Serb perpetrators (Ingimundarson 2007, 108). They have cast themselves as the victims, and for this idea to be challenged has provoked an uncomfortable reality that they, too, might have to answer for actions committed both during and after the conflict.

The grievance prompted by the recent indictments of former KLA leaders was not an isolated incident. One precedent is the arrest of Rustrem Mustafa, former KLA commander, in 2002. His arrest incited protest in his hometown of Podujevo in northeast Kosovo. There has been only tentative discussion on how much the KLA had to do with possible war crimes, and anyone attempting to broach this topic is castigated publicly. This is exemplified recently by the case of Shkelzen Gashi, a political analyst and advisor to then Prime Minister Albin Kurti. In April 2020, during an interview, Gashi suggested that some KLA leaders had committed war crimes and that perpetrators should be punished. His comments sparked outrage in Kosovo. In the aftermath of that interview, he received death threats, and was sacked by Prime Minister Kurti (Haxhiaj 2020).

Another factor that has contributed to the muted debate in Kosovo and exacerbated the sense of self-victimization is the lack of effort within Serbia to confront Belgrade's own war crimes. In its 2020 report, Human Rights Watch notes that progress on war crimes prosecutions in Serbia is slow, and political will and resources are inadequate. The lack of political will is demonstrated by a controversial remark made by Ivica Dačić, former Foreign Minister of Serbia and now President of the National Assembly. He publicly criticized Serbs who helped investigators to locate the mass graves from the 1990s conflicts (Bami 2020). The perceived imbalance in treating war crimes, coupled with the fact that most victims of wartime atrocities were Kosovo Albanians, have reinforced the notion that indictment of KLA leaders, or any Kosovo Albanians, is unjust.

Collective victimhood narratives have strong power in mobilizing support and action of in-group members (Lynch and Joyce 2018, 187), especially in electoral politics. Indictment for war crimes has been helping candidates and politicians, not hurting them, and indicted political leaders are being normalized (SAIS Group Meeting, 11 January 2021). In Kosovo, as in Serbia, indicted and convicted war criminals hold public office and are celebrated as role models and heroes (Radovanovic 2020). For instance, Rustrem Mustafa, whose arrest stirred dissent in 2002, was appointed by President Thaçi in 2019 as an advisor, after being found guilty and imprisoned for four years for war crimes in 2013. He was also decorated twice, including the presidential medal awarded by President Thaçi for his "valuable contribution to freedom and independence" (Osmani 2019). The glorification of indicted and convicted individuals as heroes can further solidify societal belief in victimization narratives, which incites even stronger emotions when similar incidents take place once again.

In addition to reinforcing the self-victimization narrative, the indictment of former KLA leaders could also hamper engagement between Belgrade and Pristina. President Thaçi was indicted while en route to Washington to sign the economic cooperation agreement with Serbian President Vučić. Thaçi subsequently pulled out of the talks (Gray 2020). On the other hand, even though the indictment itself is unlikely to have a substantial impact on the Belgrade-Pristina dialogue in Brussels, it has ignited debate within Kosovo from the right, which questions the decision to talk to Serbia in the first place, and from the left, which doubts the validity of the dialogue. For some, such skepticism is justified by the indictment (SAIS Group Meeting, 12 January 2021).

Among Kosovo Serbs

The narrative among Kosovo Serbs is entirely different from that of Kosovo Albanians, as well as that of Serbs living in Serbia. Serbs are the largest minority group in Kosovo, with a total of ten municipalities where Serbs are a majority. Most live south of the Ibar River, but there is a significant concentration in the north, contiguous with Serbia. Kosovo Serbs have long lived in limbo, facing economic exclusion and limited political participation (MRG 2018).

Kosovo Serbs blame their victimhood on the Albanian-dominated Pristina government and the majority population. Serbs in Kosovo inherited the negative images and narratives associated with Serbia in the immediate aftermath of the war, blamed for the atrocities committed by Serbian national institutions. There is a strong perception among Kosovo Serbs that they are unwanted but imposed guests alienated from mainstream Kosovo society, while Kosovo Albanians have criticized them for refusing to be integrated (SAIS Group Meeting, 19 January 2021). The 2004 Albanian rioting against Kosovo Serbs and their Church buildings magnified these feelings. There is a general expectation among Kosovo Serbs and the Serbian Orthodox Church that Pristina has to put more emphasis on the protection of minority rights, the preservation of Serbian cultural holy sites, and economic development for and cooperation with Kosovo Serb community, so as to effectively improve ethnic relations within Kosovo (SAIS Group Meeting, 21 January 2021).

The abovementioned grievance felt by Kosovo Serbs demonstrates another dynamic of competitive victimization between Serbs and Albanians. The Kosovo Albanian self-victimization narrative is employed to justify or to turn a blind eye to the alienation and plight suffered by Kosovo Serbs. This reinforces the sense of deprivation among Kosovo Serbs, hence perpetuating the disconnection between these two groups within Kosovo. The predicament facing Kosovo Serbs also feeds into the self-victimization narrative of Serbs in Serbia. Some regard it as the proof that Serbs have been suffering from the West's double standard in a place that carries integral significance to Serb identity and history (SAIS Group Meeting, 21 January 2021).

The Need for Reconciliation

This chapter is not suggesting that a comparison or equivalence between the atrocities perpetrated by Serbia against Kosovo Albanians during the war with those committed by the KLA. But there is no impunity just because one was a victim in the past. Not every subsequent action can be justified by old sufferings. Self-victimization narratives tend to legitimize the harm to the outgroup and increase collective forgiveness for detrimental acts committed by the ingroup (Sullivan et al. 2012, 779). In addition, both Belgrade's and Pristina's resistance to solutions comes from their insistence on self-victimization narratives. Therefore, it is crucial to address the self-victimization narratives both governments espouse. To change the narrative overnight is unlikely, but there are steps that can be taken to address the negative impacts.

Reconciliation is based on a sense of justice and a shared account of historic events. The analyses above have shown that for both sides, the pursuit of justice, or the lack thereof, is one of the sticking points. Both Belgrade and Pristina can and should dedicate more resources and will to make sure that crimes conducted during the war, regardless the ethnicity of the perpetrators and victims, are prosecuted and tried. And more importantly, the two governments should show support for such efforts and keep the public informed.

Finding shared historical narratives can be even more challenging. Changing the narratives overnight is unlikely, but steps can be taken by both sides to better understand the other side's perspectives and grievances as well as to find the possibility for convergence in the future. The model of Andrighetto et al (2012, 523) shows that fostering intergroup trust and perspective can effectively mitigate competitive victimhood, and it can be done through extended contact. This is unlikely to happen during the Belgrade-Pristina dialogue, especially when the dialogue has been making little progress over the past few years. By contrast, the workshop facilitated by European Council on Foreign Relations (ECFR) presents an opportunity. Aiming to support and influence the Track I dialogue, the ECFR workshops have invited civil society groups and political leaders to discuss a wide range of issues within the framework of the dialogue (SAIS Group Meeting, 13 January 2021). There is potential for expanding those sessions to include more grassroot-level dialogues, creating a safe environment for people to interact and cultivate trust. In addition, within Kosovo, Prime Minister Kurti has also proposed interethnic dialogue between Kosovo Albanians and Kosovo Serbs, which can also potentially mitigate the self-victimization and competitive victimhood.

Conclusion

Self-victimization narratives and competitive victimhood have essentially trapped both Serbia and Kosovo in an intractable conflict twenty years after the war ended. While both sides agonize over the traumas of war and the perceived lack of postwar justice, younger generations in Serbia and Kosovo are coming of age and becoming politically engaged without the baggage of their parents. They might be able to collaborate with each other more but currently lack the opportunity to do so (SAIS Group Meetings, January 2021). It is therefore crucial to create such opportunities. When both governments are reluctant to make changes, a bottom-up approach might be able to gradually bring about individual changes that could eventually drive larger shift in the society.

Recommendations

To the European Union and the Special Representative Lajčák

- **More emphasis should be put on grassroot-level interaction between Kosovo and Serbia, as well as within Kosovo between Albanians and Serbs.** The ECFR-facilitated workshops can play an integral role in reducing the self-victimization and competitive victimhood by creating a safe environment for two parties to interact, to cultivate trust and willingness to understand each other.
- **More support should be given to the internal dialogue between Kosovo Albanians and Kosovo Serbs as proposed by Prime Minister Kurti.** International endorsement and assistance can be critical for supporting Kosovo government to undertake such a dialogue. In addition to offering much-needed mediation, the EU can also help mitigate the political costs likely associated with such a proposal.
- **The EU should establish a working group composed of policymakers from Belgrade and Pristina and third-party experts to examine and develop a new, common history curriculum.**

To the Kosovo Government

- **The Kosovo Government should acknowledge war crimes perpetrated by KLA leaders and soldiers.** More should be done to investigate and prosecute wartime misconduct.
- **Pristina should re-evaluate if it is appropriate to allow individuals convicted of war crimes to hold public office.** Currently, there is no legal provision against such appointment.
- **The plight facing Kosovo Serbs should be acknowledged.** The de facto segregation of the Serb population in Kosovo needs to be addressed. Even without agreement on the solution to northern Kosovo, the daily life of Kosovo Serbs should and can be ameliorated by Pristina government, by measures including but not limited to reforming economic and social infrastructure.

- **The government should actively rally support for internal dialogue across the political spectrum.** Serb communities should be given the freedom to choose their own delegates to participate in the dialogue.

To the Serbian Government

- **More resources and political will should be dedicated to prosecuting the atrocities committed during the conflict.** More serious effort needs to be put into assisting the Serbian War Crimes Prosecutor's Office and the Belgrade Higher Court's special department for war crimes to achieve meaningful progress. Belgrade should call for individuals facing investigation or indictment to cooperate with the authority. Additionally, the trials should be given more media coverage, to increase visibility and keep the public informed about war crimes trials.
- **Belgrade should re-evaluate if it is appropriate to allow convicted war criminals to assume public office, including positions in Military Academy.** Currently, there is no legal provision against such appointment.
- **The Serbian government should take concrete steps to help advance pursuing justice for victims to wartime atrocity.** For example, efforts to locate mass graves deserve more support from the government.
- **Public officials should refrain from openly obstructing efforts to advance reconciliation.** Rhetoric such as threatening people who offer such help should be publicly denounced.

Bridging the Divide: Solutions for Northern Kosovo

Jonathan Meyer

Northern Kosovo represents in many ways the crux of current negotiations between Kosovo and Serbia over Kosovo's recognition. Nearly all the recent proposed solutions to the negotiations have involved northern Kosovo in one way or another. The question of northern Kosovo's status – as a part of Serbia, as an autonomous part of Kosovo, or as a fully integrated part of Kosovo – remains a major obstacle to any solution to the Kosovo-Serbia conflict.

In this paper, I assess the most recently proposed solutions for northern Kosovo: the land swap, the Association/Community of Serb majority Municipalities, mini-Schengen, and a mini-Marshall Plan. Some of these proposed solutions aim to tackle issues beyond just northern Kosovo, but all have been touted either directly or indirectly as ways to "solve" the question of northern Kosovo. After assessing these proposals, I present my own proposition: in lieu of any short-term progress in negotiations between Kosovo and Serbia, the most fruitful avenue for finding a solution to northern Kosovo would be a series of reforms initiated by the Kosovo government to improve its treatment of the Kosovo Serb population. I finish with recommendations to the governments of Kosovo and Serbia, as well as to the US and EU, on what actions they should take.

Background on the Northern Kosovo Municipalities and the Kosovo Serbs

Northern Kosovo consists of the Serb-majority municipalities of Leposavić, Zubin Potok, Zvečan, and North Mitrovica, making up around 10% of Kosovo's territory and 3% of its population (ICG 2011, 1). The mass movement of Serbs and Albanians during and immediately following the 1999 war caused northern Kosovo to become a key population cluster for Serbs in Kosovo, and the Serb majority in the north was further consolidated following ethnic clashes in 2004. The city of Mitrovica, split by the Ibar river, is often viewed as the most representative example of the divide between Serb-majority northern Kosovo and the Albanian-majority south, with the city consisting of mostly Albanians in the more populous south side of the river and mostly Serbs on the north side (Clark 2016, 532). A crucial dynamic of the Kosovo Serb population is that, while northern Kosovo gets the most attention, a majority of Kosovo Serbs live south of the Ibar river (MRGI, 2018). This fact complicates any solution proposed to target only the Serb community in northern Kosovo.

Following Kosovo's declaration of independence in 2008, Serbia organized local elections in northern Kosovo and established parallel institutional structures in the northern municipalities, but a major turning point in the northern Kosovo situation came through parallel affirmations made by Kosovo and Serbia in the 2013 Brussels Agreement (RTS 2013). Serbia allowed Kosovo to hold elections in the northern municipalities and begin integrating them into Kosovo's legal system (Balfour and Pappas 2013, 1). In exchange, Kosovo would create a Community/Association of Serb majority municipalities throughout Kosovo.

While the international community, including the US, widely praised the progress achieved through the 2013 local elections, the view on the ground was different (Abazi 2013). The election

process was marred by violence, intimidation of voters and politicians (Delauney 2013), and a wide election boycott that resulted in only 10-20% voter turnout in the northern municipalities (Balfour and Pappas, 1). Those Serbs who did vote were pressured to elect the Belgrade-backed Srpska Lista, which ultimately won (Delauney 2013).

Despite the claimed success of these elections, the parallel structures of the northern municipalities still operate in some sectors (Mijacic et al 2017). While many of the parallel courts and security forces have been shut down since 2014, Serbia still effectively runs the education and health care sectors and is the main bankroller of jobs and welfare payments to Kosovo Serbs (Crisis Group 2021).

Proposed Solutions to Northern Kosovo

There have been several proposals made over the past decade toward solving the question of northern Kosovo in the dialogue between Pristina and Belgrade. The validity of these proposals will each be discussed below.

The Land Swap

The idea of a land swap or "border correction" between Kosovo and Serbia became a concrete proposal between then-Kosovo President Thaçi and Serbian President Vučić in 2018 as a means of resolving the northern Kosovo issue and reaching a resolution to Kosovo's status issue. This proposal has been criticized for several reasons.

First, the proposed lands to be swapped are by no means ethnically homogenous, and therefore would not solve the issues of ethnic tensions inherent in the northern Kosovo debate. While it has been difficult to collect reliable population data due to census boycotts, the OSCE estimated in 2018 that ethnic Serbs make up around 88% of the population in the northern Kosovo municipalities (OSCE 2018, 32-58). While a dominating majority, that still leaves 12% of the population as non-Serbs who would be forcibly transferred to Serbia with no guarantees of equal treatment. The same issue applies to the Presevo Valley, which would become a part of Kosovo in return. Its three provinces are even more diverse, with only 64.7% of its population being Albanian as of 2002 (OSCE 2008, 7). While there are question marks over the true demographics of both sets of municipalities today, a land swap would not do much to ensure fair treatment of either country's ethnic minorities.

Furthermore, more than 100 clerics of the Serbian Orthodox Church in Kosovo opposed the land swap, arguing that the most important parts of Serbia's cultural heritage in Kosovo lie south of the Ibar river (Zivanovic 2018). A land swap would leave the remaining Serbs vulnerable to displacement and the main Serb cultural and religious heritage sites in Kosovo less viable.

Beside members of the Serbian Orthodox Church, the land swap proposal is highly unpopular among the populations of both Kosovo and Serbia. Recent surveys found 89% of Kosovars to be against the land swap (Avdiu 2020), while 85.5% of Serbians also opposed the idea (Bjelos, SAIS Events 2020). Although there is no concrete data on why each side opposes it, most Serbs likely fear such a proposal could lead to the mass evacuation of Serbs south of the Ibar and

endangerment of Serb cultural sites. Kosovars are loath to forfeit any of Kosovo's territory to Serbia. The loss of its Serb population would also undermine Kosovo's distinctive character as a state separate from Albania. While the "border correction" may have been a fleeting interest for Kosovo and Serb political elites, it does not reflect the will of either country's citizens.

Beyond domestic considerations, the land swap proposal would open Pandora's box for other potential "border corrections" in the Balkan region and beyond, with Russia eager to use it as a precedent for legitimizing its efforts to separate ethnic Russian populations from Ukraine, Georgia, and Moldova. Respublika Srpska in Bosnia could use it as a pretense for a declaration of independence from Bosnia and potential reunification with Serbia (Bugajski 2020).

With these points in mind, along with rapidly fading support from political elites in both Serbia and Kosovo, it is safe to say that a land swap is not the way forward and should not be a consideration in negotiations moving forward.

The Association/Community of Serb Majority Municipalities

The establishment of an association of Serb municipalities as proposed in the 2013 Brussels agreement and follow-up 2015 agreement stalled after Kosovo's Constitutional Court declared portions of the proposal unconstitutional (Rama-Hajrizi et al. 2015, 39). While the court did not believe the establishment of a community is unconstitutional in principle, it found that the agreement conflicted with multiple aspects of the Kosovo constitution, specifically Article 3 and Chapters II and III, which lay out the rights of Kosovo's citizens as well as those of Communities and their members (Rama-Hajrizi et al. 2015, 38). The community's establishment specifically as comprising "Serb" municipalities is problematic, as claiming that a municipality is officially a "Serb" municipality violates the principles of equality of all individuals in Article 3 of the constitution (Kosovo Constitution, 7). Given the fact that none of the Serb-majority municipalities is entirely composed of Serbs, such a community would inherently prioritize Serbs in the municipalities over other groups. This is especially problematic as more than 23% of the populations of the included municipalities are non-Serb (SAIS Group Meeting with Lulzim Peci, Kosovo, 11 January 2021).

The other issue that has been the most pervasive concern among Kosovo Albanians is the fear of a "third layer of governance." While the constitutional court confirmed the right to establish an intermunicipal community, it expressed concern over the lack of municipalities' rights to leave the Association/Community (Rama-Hajrizi et al. 2015, 12). This suggests that membership in the organization would be mandatory, which would be in violation of the constitution as representing a third layer of governance between local/municipal governance and national/state governance.

The greatest fear of this Association/Community among many Kosovo Albanians is that the formation of such an association would lead to a situation like that of Republika Srpska in Bosnia. President Vjosa Osmani, for example, has expressed skepticism over the formation of an Association/Community, referring to it as "some sort of mini state" counter to European values (Bami 2020), and expressed particular concern over any provision of veto rights for an association (SAIS Group Meeting with Vjosa Osmani, Kosovo, 14 January 2021).

These fears are understandable given the development of Respublika Srpska in Bosnia, even if unrealistic given the significantly different circumstances in Kosovo. While there is some ambiguity in the Association/Community's ability to exercise "full overview" of certain governance sectors that the constitutional court agreed should be addressed (Rama-Hajrizi et al. 2015, 26), there is no explicit provision granting any sort of veto power over national laws in the guidelines, and any such provision would clearly conflict with the Kosovo constitution. Additionally, the Serb community in Kosovo is far smaller, likely no more than 10%, than that of Bosnia and Herzegovina, where Serbs constitute over 30% of the total population (Agency for Statistics 2019, 23). No association of Serb municipalities in Kosovo should have the ability to cripple the national government in the way they are Republika Srpska is able to in Bosnia.

Given the incompatibilities with Kosovo's constitution, the likelihood of the Association/Community of Serb majority municipalities agreement passing in a form Belgrade would accept without changes to the Kosovo constitution is nearly zero. This presents quite the conundrum for the future of any association. Article 144 of the Kosovo constitution requires approval by 2/3 of Kosovo's parliament (Kosovo Constitution 2016, 51). Such a vote is unlikely given Kosovo's current political climate, especially with Vetëvendosje's skepticism toward any such association. The likelihood of creating an association that is compatible with Kosovo's constitution is also questionable. If it cannot be an association specifically for Serbs, such an association would be redundant given the already-existing Association of Kosovo Municipalities that was formed in 2001 to facilitate general intermunicipal cooperation (Association of Kosovo Municipalities 2018). In lieu of either of these possibilities, the formation of such a Serb-focused Association/Community in the foreseeable future is an unrealistic solution to northern Kosovo.

Mini-Schengen

The "mini-Schengen" solution has been a particular focus for US strategy as an alternative path toward normalization of relations between Serbia and Kosovo. It was the principal focus of the Washington Agreement, in which Serbia and Kosovo supposedly agreed in principle to economic normalization and joining of the mini-Schengen area initially proposed by Serbia, Albania, and North Macedonia in 2019 (Robinson 2020). The idea is that the Western Balkans would form their own zone of free movement of people, goods, services, and capital that would eventually transition into the full Schengen zone upon the countries' EU accession (ETIAS 2020).

However, there are concerns over mini-Schengen and its potential impact on Serbia-Kosovo relations. Many Albanian Kosovars have expressed concerns over mini-Schengen becoming a pretense for a "Mini-Yugoslavia", in which Serbia would renew its economic and political influence over the region (Kütük 2020).

Beyond this is the question of implementation. Previous agreements such as the 2006 Central European Free Trade Agreement (CEFTA) attempted to clear economic barriers (CEFTA 2006, 3). Despite signatories sharing a commitment to establish a free trade area and eliminating barriers to trade, it has failed to stop Serbian non-tariff barriers on Kosovo trade, nor did it prevent Kosovo's imposition of 100 percent tariffs on Bosnia and Serbia between 2018 and 2020 (EWB

2020). While the mini-Schengen proposal adds free movement of people to the agenda, it is still unclear how such an agreement can improve upon CEFTA without proper frameworks for implementation.

If mini-Schengen can successfully implement the goals of CEFTA and freedom of movement, there are some potential benefits to this idea with regards to the question of northern Kosovo. Increased trade between countries of the region could provide economic opportunities for citizens of the northern municipalities. Freedom of movement would give northern Kosovo Serb citizens and the Serbian government greater peace of mind, knowing that recognition of Kosovo and greater integration of northern Kosovo into the country would not cut Kosovo Serbs off from Serbia. Economic normalization could also facilitate greater multilateral cooperation in cracking down on regional organized crime groups, which are of particular concern in northern Kosovo (Kosovar Newsroom 2021).

Despite some potential to facilitate cooperation between Kosovo and Serbia and perhaps lay some groundwork for softening each country's position, mini-Schengen does not address enough of the underlying issues in northern Kosovo to be realistically considered a solution. It will take far more than open borders and questionable trade opportunities for the question of the northern Serb-majority municipalities to be resolved. Mini-Schengen cannot be more than a supplement to more comprehensive solutions for northern Kosovo.

The Mini-Marshall Plan

The "mini-Marshall Plan" idea has been touted by Prime Minister Albin Kurti as a potential solution for the Serbia-Kosovo issue and the Western Balkans more generally (SAIS Group Meeting with Albin Kurti, Kosovo, 11 January 2021).

The proposed "mini-Marshall Plan," financed in theory by the European Union, would include Kosovo, Albania, North Macedonia, Montenegro, Bosnia and Herzegovina, and Serbia, and provide a clear avenue to EU accession through accompanying democratization and anti-corruption initiatives (Semini 2021) The combined GDP of these 6 countries is just under $113 billion (World Bank 2019). This is a miniscule number compared to the combined GDP of EU countries ($15.6 trillion) and the US ($21.4 trillion), so a mini-Marshall Plan would on paper not be an infeasible investment for the EU or the US.

However, this idea makes several questionable assumptions. Most importantly, it assumes that the money provided would decrease corruption instead of deepening it. Corruption is a major issue in the Balkans, and simply throwing a massive amount of money at the region could instead exacerbate it. Although there are already mechanisms in place by which the EU or US would have control over disbursement of funds, the main difficulties with investing in Kosovo have been finding the right sector to invest in (SAIS Group Meeting with Berat Rukiqi, Kosovo, 14 January 2021). Even if they do find the right sectors to invest in, those sectors receiving investment would still be subject to corruption issues after the money is spent. In Kosovo's case, while the reported incidence of bribery by firms is only 3.2%, 56.1% of firms in the country identify corruption as a major constraint on business (World Bank Enterprise Surveys 2019).

The mini-Marshall Plan could impact northern Kosovo in a few ways. Albin Kurti specifically considers this an opportunity to facilitate reconciliation in divided towns throughout the Balkans, including Mitrovica, by investing in substantial economic development and creating multiethnic universities in these towns (SAIS Group Meeting with Albin Kurti, Kosovo, 11 January 2021). The mini-Marshall Plan could help Kosovo take economic responsibility for northern Kosovo, easing the region's dependence on Serbia.

However, it is unlikely that an influx of money would magically solve the underlying concerns over northern Kosovo. While economic development is sorely needed in northern Kosovo and its development could help improve interethnic relations, there are non-economic drivers of conflict between Kosovo Serbs and Albanians, including concerns over protection of Serb cultural and religious sites in Kosovo, autonomy for the Serb community in Kosovo, and Kosovo's lack of service provisions to the northern municipalities. A mini-Marshall Plan is unlikely to solve these structural drivers of the Serbia-Kosovo conflict, and would be more helpful after the implementation of reforms and palpable improvement in Kosovo's treatment of its Serb community, not before.

Moreover, even if the expense of a mini-Marshall Plan would not normally be beyond the realm of imagination, the ongoing COVID-19 pandemic has all but erased the likelihood of such a significant investment package. Domestic constituencies of the US and EU countries would be outraged at leaders announcing a massive spending plan on the Western Balkans when their own citizens are struggling to recover from the pandemic-induced economic downturn. Until the US or EU is in a better financial positions, Kosovo should not expect any major increase in investment and should instead focus on alternatives to making progress in the northern Kosovo issue.

An Alternative Path

The evaluation thus far of proposed solutions to the northern Kosovo issue suggests pessimism. The reality is that substantial progress between Kosovo and Serbia in direct talks is highly unlikely in the next few years given the expected post-election turbulence in Kosovo (Semini 2021), as well as the upcoming elections in Serbia expected by April 2022 (Dragojlo 2020). It may be wiser, then, to consider progress that can be made through avenues not involving direct negotiations between the governments of Kosovo and Serbia. The path with greatest potential concerns the treatment of Kosovo Serbs inside Kosovo.

<u>Problems with Kosovo Serbs</u>

Serbs are consistently made not only to feel as unwelcome guests in Kosovo, but also imposed guests (SAIS Group Meeting with Tatjana Lazarevic, 19 January 2021). This attitude is expressed in a number of ways, not least through the portrayal of Serbs in Kosovar textbooks, which describe the migration of Slavs into the Balkans as an "invasion" (Gjinovci 2016). As previously mentioned, Serbia is also still the largest employer and investor in northern Kosovo, which not only enables Belgrade's de facto control over the region but is also indicative of a failure on Kosovo's part to provide for its citizens.

The Kosovo government's inability or unwillingness to effectively take on this economic responsibility sends a message to the northern Kosovo municipalities that they are not an important part of the country. Perhaps the clearest message of this unwantedness was displayed by the Kosovo government's willingness to entertain the land swap proposal without any consideration of its own Serb citizens' opinions. This showed that, despite the common argument that Kosovo grants significant rights and concessions to its minority populations, in practice Kosovo has not treated its Serb community, particularly those in the northern provinces, with the dignity owed as citizens of the country.

Another important factor is the status of Serb cultural and religious heritage sites in Kosovo. While they are supposed to be protected under the Kosovo constitution, this has not happened in practice. A recent example of this involves the construction of a road in the Decani municipality (Bami 2020). Despite a 2016 Constitutional Court decision that declared lands in the area belong to the Serb Orthodox Visoki Monastery, calls by former Prime Minister Hoti to halt construction, and a commitment to implement this decision in the Washington Agreement, progress on the road has continued (Washington Agreement, 2020). Additionally, in 2015, the Kosovo government proposed a law which would declare all property of architectural heritage within Kosovo as belonging to the state (Republic of Kosovo 2015, 17). This would have threatened the preservation of Serb cultural and religious heritage sites. While the draft law was eventually redrawn in more favorable terms after backlash from the Serb Orthodox community, such proposals add to the feeling that the Kosovo government does not have adequate respect for the heritage of its Serb community.

Admittedly, Kosovo's Serb community, particularly that of northern Kosovo, has not been an enthusiastic partner in the pursuit of reconciliation and integration. This is due in part to Srpska Lista, which largely answers to the Serbian government and retains an iron grip over Kosovo's Serb-majority municipalities due to a combination of political violence, intimidation, and Serbian funding (Begisholli, 2019). However, even when Srpska Lista took control of northern Kosovo in 2013, there was an even larger parallel boycott campaign of the municipal elections by Serbs who did not want any cooperation with or legitimization of the Kosovo state (Delauney, 2013). The combination of the Kosovo Serb public's reluctance to engage and Srpska Lista's dominance of official politics of the municipalities means that Pristina will need to make the first move and focus greater efforts on grassroots engagement rather than direct talks with Srpska Lista.

The Solution: Inclusion

Kosovo can pursue several initiatives to tackle these issues. These include financial investment into northern Kosovo, strengthening of property rights, improved protection of Serb religious and cultural heritage sites, and inclusion of Kosovo Serb civil society in the dialogue with Serbia. While Kosovo Albanians may be opposed to anything seen as a concession to Serbs, such proposals will not require Serbia's engagement and can benefit Kosovo as a whole. Implementation of these initiatives would signal to Kosovo Serbs that the Kosovo government is ready to fundamentally change its relationship with its Serb citizens.

Benefits to Kosovo Serbs from Albin Kurti's "Jobs and Justice" efforts would be an excellent place to start. Kosovo can reduce Kosovo Serb dependence on Serbian financial support by creating sustainable local jobs and showing concrete steps toward improving the protection of minority rights. A consistent concern shared among Serbs both in Kosovo and Serbia across the political spectrum has been property rights, which have been woefully lacking throughout Kosovo (Rudic and Haxhiaj 2018). While there are certainly new laws that should be passed to empower government bodies such as the Agency for Comparison and Verification of Property (AKKVP), new laws will not matter without committed implementation. The same issue of implementation is true for the preservation of Serb religious sites in Kosovo. The 2016 Constitutional Court decision showed that laws or court rulings do not matter without actual implementation.

Regarding religious heritage sites, one potential solution to calming interethnic tensions in Kosovo could lie in providing extraterritoriality to Serb religious heritage sites. Mount Athos in Greece is an oft-cited example of how such an arrangement could work (Surlic & Novakovic 2020, 17). While Mount Athos operates its own institutions, it is formally a part of Greece, which manages foreign affairs and some public order, but it is under the spiritual jurisdiction of the Ecumenical Patriarchate in Istanbul. A similar setup could work for Kosovo and its Serb Orthodox monasteries. The religious sites would still be subject to the Kosovo Constitution and remain an official part of Kosovo, but the sites would operate autonomously in most of their daily affairs, while remaining under the spiritual jurisdiction of the Serb Orthodox Church. The provision of such an extraterritoriality agreement could send a message to the Kosovo Serb community that the Pristina government is prepared to protect its heritage and rights while also allaying Serbian and Serb Orthodox Church fears over the status of these sites.

Once Kosovo has taken palpable steps toward better treatment of its Serb community, there may be more room for productive communication between Kosovo Serbs and Albanians. This is already taking place through Track 1.5 talks through the European Council on Foreign Relations (ECFR), which have included Kosovo Albanians, Kosovo Serbs, and Serbs from Serbia (SAIS Group Meeting with Engjellushe Morina, 13 January 2021). These can serve as a powerful way to foster reconciliation between Albanians and Serbs as well as discuss potential new solutions to the question of northern Kosovo.

The Kosovo government could go a step further and reach out to its Serb citizens directly by including Kosovo Serb representation at the negotiating table with Serbia. However, official representation of Kosovo Serbs, Srpska Lista, would not necessarily be a productive presence in official negotiations. A more productive strategy would be to identify and support alternative Serb voices throughout Kosovo, whether individuals or civil society groups, and give them a seat at the table in Track 1 negotiations with Serbia. Kosovo can also hold forums in Serb communities where the government listens to and addresses community grievances and recommendations with relation to the dialogue. Kosovo's Consultative Council of Communities can help organize these forums and use them as an opportunity to hear from Serbs as well as other minorities (OSCE 2016). The crucial factor in this approach would be actual implementation of the results of these forums in the negotiating process to show that the Kosovo government truly cares about Kosovo Serb opinions.

Upon implementation of these wide-ranging efforts to reconcile and integrate Kosovo's Serb population, significant financial investment from the US and the EU, especially into northern Kosovo, could not only provide a powerful carrot to encourage these actions, but also serve as a transformative tool for reducing Serbia's de facto control over northern Kosovo. If such investment can help Kosovo take economic responsibility for the north, Kosovo Serbs will be far less inclined to follow Serbia's orders and make them more receptive to direct negotiations with the Kosovo government. The fact that none of these suggested initiatives would need to involve Serbia means that they can be carried out in the short term and significantly transform Kosovo's leverage and legitimacy once Pristina decides to return the dialogue with Serbia.

Conclusion

As Kosovo enters its 14th year since declaring independence, it seems no closer to resolving the question of its northern municipalities. This has come at great cost to Kosovo as a whole, but at particularly great cost to Kosovo Serbs, who remain economically underserved, dependent on Serbian assistance, and consistently used as bargaining chips in Kosovo-Serbia negotiations. Unfortunately, the most widely proposed solutions of the past several years are either unlikely to succeed or unlikely to directly address the issue of northern Kosovo due to a variety of political, legal, and economic factors.

With negotiations unlikely to progress meaningfully for at least the next two years, Kosovo needs to think seriously about what it wants to achieve in the meantime. A focus on its relations with Kosovo Serbs could be a key to short-term success domestically and long-term success in negotiations with Serbia. Until now, Kosovo has not shown itself a willing provider of peace, security, and prosperity to its Serb population. Rhetoric from the Kosovo government sends the message that Serbs are unwelcome guests in the country. Threatening preservation of Serb religious sites, neglect of economic responsibilities in northern Kosovo, and lack of implementation of laws and court rulings turn those messages into a reality that breeds Serb unwillingness to participate in Kosovo government and society.

If Pristina takes real action to provide "Justice and Jobs" to its Serb population along with protection of property rights and Serb religious heritage sites as well as grassroots engagement of Kosovo Serbs in negotiations, Kosovo could create a country that Kosovo Serbs want to be a part of, and as a result gain greater leverage in future negotiations with Serbia. Without addressing the needs of their domestic constituencies, Kosovo runs the risk of stagnating in its bid for a solution to its status in negotiations with Serbia.

Recommendations

<u>To the Kosovo and Serbia Governments</u>

- **Stop treating northern Kosovo as a bargaining chip in negotiations.** Any further negotiations concerning northern Kosovo should have local involvement and focus on determining how best to provide people of the northern Kosovo municipalities with peace, security, and prosperity.

- **Avoid any further proposals for redrawing of borders.** Proposals in the negotiations should reflect the interests and will of each government's constituents.

To the Kosovo Government

- **Engage in direct talks with Kosovo Serbs to better understand what they want out of negotiations with Serbia and how best to facilitate the Serb community's active participation in Kosovo politics and society.** This engagement should include Serbs from throughout Kosovo, and Serb civil society groups should be included in official dialogue with Serbia.
- **Kosovo should take concrete steps to show that it is ready and willing to treat its Serb community as a welcome and active part of the country, rather than an imposed burden.** This includes an economic development package for Kosovo's Serb-majority municipalities.
- **Kosovo should strengthen protection of property rights, particularly for its minorities, and implement these protections.** This includes implementation of the 2016 Constitutional Court decision recognizing the Visoki Decani monastery's land ownership. Kosovo should provide extraterritoriality to Serb Orthodox church lands to reassure the Serb community and allow international security forces to remain at the sites.

To the Serbian Government

- **Loosen control over Lista Srpska and allow space in northern Kosovo for alternative voices and ideas to widen the possibility of solutions for the region.** Supporting protection of Serb cultural and religious sites in Kosovo should be the top priority.

To the European Union

- **Do not permit discussion of territorial exchanges in the Kosovo-Serbia dialogue.**
- **Consider increasing investment in Kosovo, particularly northern Kosovo, if Pristina takes steps to improve treatment of its minority populations.**

To the United States Government

- **Work with EU partners to emphasize to Kosovo the importance of implementing its responsibilities to treat all its citizens equally.** Encourage Kosovo implementation of its Constitutional Court decision regarding church lands as stipulated in the Washington Agreement.
- **Consider boosting investment, particularly into northern Kosovo.**

Education: A Platform for Negotiation and Reconciliation

Alexandria Polk

Education is the foremost institution related to youth engagement. It plays an essential role in democratic development, post-conflict transition, and reconciliation. While the school systems in Kosovo and Serbia have tumultuous histories, they are crucial to ongoing efforts in identity, peace, and state-building. This is especially true for the ongoing dialogues between Pristina and Belgrade.

This chapter explores how education influences youth perceptions of identity and peacebuilding, especially related to the current dialogue process. This requires a review of the educational history of Kosovo in relation to Serbia. Examining current curricula and education systems illustrates how schools shape youth opinion on the current negotiations and inter-ethnic dynamics. The potential impact negotiations could have on education leads to recommendations addressing gaps related to youth opinion and the future of Kosovo-Serbia relations.

Background

Following the 1989 abolition of Kosovo's autonomy under the Milošević regime, ethnic Albanian teachers and students were expelled en masse from schools and universities throughout the province (Kastrati 2016). Kosovo Albanians responded to these repressive measures by establishing a "parallel system" of education founded in private homes, garages, or school buildings after the Serbian school hours (Kastrati 2016). The parallel system lasted from 1990 to 1998 (Vickers 1998). The parallel systems erased ethnic Albanians and Serb opportunities to interact within educational institutions (Kastrati 2016).

Creating a parallel system presented an opportunity for ethnic Albanians to develop their own curricula that promoted the history, language, and culture previously dismissed under the Serbian education system. The parallel education system "was the cause that galvanized the entire Albanian community in Kosovo into action, while triggering its unprecedented homogenization" (2005, 97). Albanian nationalism was emphasized, with different textbooks and language lessons promoting a Kosovo identity distinct from Serbian nationality (SAIS Group Meeting, 2021). Divisions became ingrained for a generation of Kosovans, both Albanian and Serb, through the segregated schools. The ensuing Kosovo War further entrenched the discord between the Kosovo Serbs and Albanians, and the tension has persisted to the present.

Current Education System

Today the separate Kosovo and Serbian education systems continue to influence national identity development among youth. The systems, curricula, and textbooks utilized in Kosovo and Serbia propagate narratives that self-victimize the in-group and vilify the other. Analyzing both states' systems, curricula, and textbooks highlights the role of education in identity building and schools' influence on youth perspectives towards the ongoing peacebuilding initiatives and negotiations.

Kosovo

Kosovo currently has two parallel education systems, characterized by a separation of governing authority and an emphasis on opposing national identities for the Kosovo Albanian and Kosovo Serb populations (Kastrati 2016). The Albanian curriculum emphasizes the Albanian language and is administered by the Republic of Kosovo's Ministry of Education, Science, and Technology (MEST) in Pristina. The Serbian curriculum teaches the Serbian language and uses materials generated by the Serbian Ministry for Education, Science and Technological Development (MESTD) in Belgrade (OSCE 2018; Kastrati 2016). No formal cooperation between the two education systems exists, and this division has allowed both to push ethnic narratives of victimhood. "Both ethnic and national identities play important roles in guiding their [youth] political behavior," thereby affecting youth perceptions of identity, the out-group, and inter-ethnic conflict (Kastrati 2016, 150). This presents a "stateness problem," which influences the long-term state-building and Kosovo's trajectory as a developing democracy (Kastrati 2016, 150).

The creation of the dual education systems has furthered segregation between the ethnic Kosovo Serbs and Kosovo Albanians. The University of Pristina, which succeeds the pre-war establishment from the 1960s, has two separate institutions: one based in Pristina and the other in North Mitrovica (Picciano and Elbasani 2019). While the original University of Pristina centered on Serbian-language education in the 1990s, the current institution in Pristina caters to the Albanian-speaking population and follows a Kosovo-based curriculum. Meanwhile, the University of Pristina in North Mitrovica has acted as the "temporary seat" for ethnic Serbian students and faculty since 2001, following the Serbian curriculum and language of instruction (Schuch 2008). The international community has perpetuated the ethnic separation of the school systems, with the United Nations Mission in Kosovo (UNMIK) recognizing the segregated system as an interim security measure soon after the war (Picciano and Elbasani 2019). As disunion between the ethnic groups continued, the segregated system became a norm leading to the propagation of educational division twenty years later.

The curricula for language education have also been a tool for developing disparate ethnic identities rather than a "Kosovan" national identity. According to the Constitution, the official state languages in Kosovo are Albanian and Serbian, with Bosnian, Turkish, and Roma categorized as official languages on the municipal level (Const. Kos. art. V). Nevertheless, Kosovo law stipulates that education in only one of the official languages is required (On the Use of Language. art. XIX). The MEST education system, per the Law on Pre-University Education, focuses on fair, equal, and non-discriminatory access to education (art. V) and guarantees the "right to receive public education at all levels in one of the official languages of Kosovo of their choice" (On the Protection of the Rights of Communities. art. VIII). In turn, this permits Serbian-language schools to utilize curricula and teaching materials developed by the Serbian MESTD "upon notification to the Kosovo Ministry of Education, Science and Technology" (Law on Education in the Municipalities. art. XII). However, this provision was temporary, as the 2007 Comprehensive Proposal for the Kosovo Status Settlement indicated that the MEST would develop a Serbian-language curriculum within its own system (OSCE 2018). This has yet to occur. Albanian language

education remains the only option for students under the Kosovo system, while Serbian language education is the only option for students in the Serbian system.

The language division under the parallel education systems has consequences for other non-Serb minorities in Kosovo, which has six minority groups in addition to the Kosovo Serbs: Bosniak, Turkish, Ashkali, Egyptian, Gorani, and Roma peoples. These populations also choose between the Albanian and Serbian language systems, forcing a division between communities who do not identify as either Albanian or Serbian (Božić 2010). The division prompts these smaller ethnic groups to align more closely with either the Albanian or Serbian ethnic education and cause (2010, 284). In general, the Turkish, Egyptian, Ashkali, and Bosniak populations follow the Albanian-led system, especially in primary and secondary schools (Božić 2010, 284). Meanwhile, Gorani and some Roma use the Serbian language system developed by MESTD. The Gorani community emphasizes that "Serbian helps increase opportunities for quality education, employment, and consequently for regional integration" (Božić 2010, 279).

Divided education leads to inter-ethnic tension between these non-Serb minorities and further entrenches ethnic identity development in youths within these communities. For example, Kosovo Bosniak politicians focus on developing a "greater Bosniak identity" by pushing for education in the Bosnian language in municipalities where communities of Bosniak and non-Bosniak populations reside (Božić 2010, 279). For the Gorani community, the supposition of a Bosniak education is a veiled effort to suppress the Gorani identity via the Kosovo education system. By leveraging educational and professional opportunities, other minority groups attempt to mobilize youth populations to support ethnic identity over a national "Kosovan" identity (Božić 2010). As a result, multi-ethnic division and tension permeates throughout Kosovo, where education provides a platform for conflict.

The issue of language instruction connects to another curricular concern, textbooks. The Kosovo and Serbian parallel education systems use different textbook materials when covering language, history, and national identity. Younger generations receive diverging accounts of Kosovo's social, political, and ethnic narratives. Textbooks developed by the MEST emphasize the autonomy of Kosovo, the Kosovo War and the Kosovo Liberation Army (KLA), and Albanian nationalism during the 1990s: "freedom was won with blood, that is why it is sacred" (Pushkolli qtd. in Kostovicova 2005, 210). Notably, the MEST textbooks also emphasize Serbian crimes against humanity during the Yugoslav Wars but make no mention of the KLA's crimes against Serbs (Gashi 2020, 74). These narratives and texts are taught primarily in Albanian, as producing corresponding texts in other languages (such as Bosnian or Turkish) is costly, thereby providing limited language accessibility for the other minority groups within Kosovo (Božić 2010, 286).

Serbia

The Serbian education system is dictated by the MESTD, which oversees the development and of Serbian curricula and textbooks. This education system pertains to both the state of Serbia and the Serbian-speaking schools of Kosovo and plays a significant role in establishing the Serbian identity and perpetuating narratives related to language, geography, ethnicity, and politics. As such, the

MESTD, like the MEST, entrenches ethnic identity in contrast to the narrative of the "other." These efforts to emphasize the Serb narrative are evident in the country's history curriculum and textbooks and provide a foil to the Kosovo Albanian education system.

At the start of the 21st century, developers of Serbia's history curriculum opted to omit recent events from the 1990s wars, creating a void in students' education on the recent history and narrative of Serbia (Šuica, Radaković, and Rudić 2020, 130). This gap in history education is filled by extracurricular sources, mainly social media and familial relations, thereby providing students with a more informal and biased narrative of victimization in Serbia (Šuica, Radaković and Rudić 2020, 130-135). Like the MEST history curriculum, Serbian history emphasizes an "us vs. them" narrative that paints the Serbs (including those in Kosovo) as the primary victims of the Yugoslav Wars (Gashi 2020, 81). War crimes committed by the KLA against the Serbs and the NATO bombings are highlighted (Gashi 2020, 75), while mention of crimes perpetrated by Serbian forces use vague language and do not assign responsibility (Šuica, Radaković and Rudić 2020, 138).

In a 2020 study, Serbian teaching trends highlighted the difficulty educators face in teaching the Yugoslav Wars due to the recency of the conflict and the emotional effect it has on students and teachers (Jovanović and Marić 2020, 641). Serbian teachers acknowledged that the "Wars in the 1990s" are the most challenging topic to teach in and outside of the history curricula, a discrepancy that Jovanović and Marić assign to the scant direction on teaching the theme (2020, 647). As a result, Serbian teachers often choose to end their history lessons before the 1990s or in the year 2000. "Some teachers completely exclude the 1990s wars" (Jovanović and Marić 2020, 649). By contrast, Albanian teachers in Kosovo often finish their curricula with the country's 2008 declaration of independence, thereby "ending history lessons on a positive note" (Jovanović and Marić 2020, 650). Serb students get an incomplete account of the region's history that pushes them to seek information regarding the Yugoslav Wars elsewhere.

The gaps in Serbian history education are also demonstrated through the MESTD's textbooks. According to one Serbian speaker, many history textbooks have not been updated since the early 2000s and make little mention of the wars in the 1990s (SAIS Group Meeting, Virtual, 2021). "The entire period was described in five paragraphs, occupying just over a half of the page. Nearly as much or little room, to be more precise, was dedicated to the NATO intervention" (Kostovicova 2005, 210). Geographic representations of Kosovo show it as a part of Serbia or under UNMIK's authority (Kostovicova 2005, 210). The lack of emphasis on Serbia's role in the Yugoslav Wars suggests that the narrative of "perpetrator" conflicts with the identity of "victim," which better serves Serbian political interests. Images within the textbooks also stress the traumatization of Serbia, with some newer books showing images of Serbian Orthodox Churches burning following Kosovo's declaration of independence (Simić and Petrović qtd. in Šuica, Radaković, and Rudić 2020, 149).

These textbooks and curricula are also utilized by the Serbian-language schools in Kosovo, especially in the northern part of the country, where there is a majority Serb population. The narratives provided to youths in Serbia are further disseminated to Kosovo Serb students in 131 schools throughout Kosovo (OSCE 2018, 20). The lack of formal cooperation between the Kosovo

and Serbian-led education systems is emphasized in Kosovo Serb communities by the diverging structures and curriculum content between the MEST and MESTD. Some school facilities host students and faculty from both systems simultaneously, but there is no interaction between the two groups. This has resulted in issues concerning school holidays, building capacity, and resource access (OSCE 2018, 21). These issues exacerbate a sense of victimization in the Kosovo Serb population (and, occasionally other minority groups) and reinforce the narrative presented in the Serbian curriculum and historical narrative. The "us vs. them" mentality has led to a greater separation between Kosovo Albanian and Serb communities; the propagation of ethnic narratives over Kosovan identity enhances the overarching Serbian identity favored by Belgrade.

Education, Youth, and Negotiation Perspectives

Given the importance of ethnic identity narratives in both Kosovo and Serbia's education systems, the influence of school curricula on youth opinions of the current negotiations is strong. Students represent the next generation for both countries. Highlighting their views of the EU-facilitated dialogue between Pristina and Belgrade is crucial to understanding the potential implications and long-term outcomes of the negotiations. While the current Pristina-Belgrade dialogue has included agreements on technical issues, such as the mutual recognition of diplomas, few discussions have been held on the content and development of cooperative and integrated education systems for both countries (Kastrati 2016, 150). The previous analysis showed that the current education systems sow division between the two countries and their corresponding ethnic majorities. Consequently, Kosovar and Serb youth perspectives towards the dialogue present a barrier to encouraging public acceptance of any negotiated agreement.

Young Kosovo Albanians tend to favor the ongoing dialogue facilitated by the EU. The Kosovo-led education system positively views Western institutions such as the EU, US, and NATO for their role in the Kosovo War (Rrumbullaku 2019, 75). This then manifests in an overall confidence that the dialogue will eventually lead to Kosovo's accession into the EU, with 43% reporting in 2018 that they believe that membership into the EU will occur in the next five years (Rrumbullaku 2019, 76). With regards to the impact of education on this perspective, it is notable that more than one-third of young Kosovo Albanians do not see the need to learn Serbian within the school system in Kosovo (Rrumbullaku 2019, 80). This viewpoint suggests that the language divisions and segregated education systems significantly impact young Kosovo Albanians' perspectives towards inter-ethnic divides, identity, and the EU-facilitated dialogue.

Young ethnic Serbs, both in Serbia and Kosovo, tend to deviate from these favorable and optimistic views. Students report negative opinions regarding EU membership, the ongoing dialogue between Pristina and Belgrade, and Kosovo's independence. In Serbia, a 2016 survey showed that 74% of the youth population opposed EU membership if stipulated on surrendering claims to Kosovo (Vaulasvirta 2018). This opinion appears linked to education developed by the Serbian government. The history textbooks emphasize Serbian victimhood due to NATO bombings, thus creating the narrative of a "Western conspiracy" against the Serb people (SAIS

Group Meeting, 2021). Student accounts echo this, with one student stating that "it feels unfair that Serbia is being given this ultimatum [to recognize Kosovo]" (Vaulasvirta 2018).

In Kosovo Serb communities, these views are reinforced through the Serbian-led education system. In 2018, 30% of young Kosovo Serbs stated that Serbia would never recognize Kosovo, and 33% asserted that Kosovo should not join the EU (Rrumbullaku 2019, 76-79). Furthermore, almost half of the Kosovo Serb youth population stated that learning Albanian was unnecessary in either the Serbian-led or Kosovo-led education systems (Rrumbullaku 2019, 80). It appears that in Kosovo Serb communities education promotes in-group identity, inter-ethnic antagonism, and unfavorable views of the ongoing dialogues as well as promises of EU membership.

Potential for Collaboration?

Despite the divergent education received by students in Kosovo and Serbia, some internationally led student collaboration efforts have been undertaken to provide opportunities for fostering youth support for the negotiations. The UN, EU, and various regional NGOs have established initiatives and youth networks to build interethnic relations or reform curricula while building mutual understanding between young people. For example, from December 2019 to November 2020, the Regional Youth Cooperation Office (RYCO) in Albania funded a joint project between Kosovo's Centre for Counselling, Social Services and Research (SIT) and Serbia's Edukacioni Centar Leskovac (RYCO 2020). This "Break the Ice" project connected students from Pristina, Kosovo and Leskovac, Serbia in a cultural exchange to "break prejudices and foster mutual understanding and dialogue among each other" (RYCO 2020). Students responded positively to these interactions, with participants stating they developed new friendships, learned languages, and hoped for future meetings with their counterparts (much of the project was conducted virtually due to disruptions from the COVID-19 pandemic) (SIT Center, "Break the Ice Documentary").

Other efforts to build tolerance directly address the school curricula. The Center for Democracy and Reconciliation in Southeast Europe (CDRSEE), based in Thessaloniki, Greece, enacted an EU-supported "Joint History Project" aimed at developing supplementary history workbooks for the Balkan region (Abram 2017). These six-volume workbooks, which cover the medieval period to 2008, emphasize multiple perspectives and showcase contemporary testimonies, data, and articles from different points of view (Abram 2017). The project accentuates these varied interpretations in order "to show students how some events are seen 'from the other side' and open a debate in the learning time" (Stojanović qtd. in Abram 2017). The CDRSEE also hosts workshops for teachers to transform history education in a way that is amenable to the difficult subject matter (Abram 2017).

The "Joint History Project" has received significant pushback, however. Some reporters in Kosovo have criticized the sixth volume, "Wars, Divisions, Integration (1990-2008)," for omitting significant atrocities committed against Kosovo Albanians and appearing "pro-Serb" (Gashi 2019). Other issues include the unwillingness to adapt school syllabi to include the workbooks, and data on the project's efficacy remain elusive (Abram 2017). Still, the CDRSEE project received

wide support from almost all of the Education Ministries in the Balkans (Abram 2017) and represents an opportunity for shared histories.

These initiatives provide an option for engaging youth in reconciliation efforts between Kosovo and Serbia. Connecting students from differing ethnic backgrounds and introducing supplementary multiethnic teaching materials can encourage youth to critically analyze recent history and engage with ongoing attempts to normalize relations, build national identities, and develop regional stability. Understanding how to integrate and reform educational processes to include cross-cultural engagement is key to moving towards normalization between Kosovo and Serbia while reconciling ethnic divisions.

Recommendations

Considering the influence of education on youth perceptions of identity and the negotiations, targeting education in further dialogues is critical to developing long-term solutions to entrenched tensions between Kosovo, Serbia, and their respective ethnic groups. By highlighting the next steps for the Kosovo and Serbian governments, as well as the structures of the dialogues, negotiations may be used to influence future youth perceptions of identity and peacebuilding, and vice versa. The following recommendations aim to support the success of the current dialogues while providing a framework for governmental entities to improve their educational systems.

<u>To the Kosovo Government</u>

- **The Kosovo MEST should develop and propagate a curriculum in Serbian under its education system**. As dictated by Kosovo's Law on the Protection and Promotion of the Rights of Communities and their Members, the MEST should develop a Serbian-language alternative for its curriculum as an option for students who prefer Serbian as their language of instruction. Furthermore, the language curriculum should provide elective education in either the Albanian and Serbian languages so that future generations have fluency and awareness in both of Kosovo's official languages.
- **The Kosovo MEST should develop and propagate a curriculum that meets the needs of non-Serb and non-Albanian minority groups in the country's respective municipalities**. Given the inter-ethnic tensions among Kosovo's other minority groups, their education concerns and needs should be met by the MEST. The language curriculum should incorporate elective education in other municipal official languages (such as Bosniak, Turkish, and Roma), and funding should target municipalities' capacity to develop extracurricular or cultural courses in other non-official languages (such as Gorani).

<u>To the European Union</u>

- **The Pristina-Belgrade Dialogue should include a parallel working group for youths from both countries to advocate for their right to quality education**. Developing a working group on education would integrate younger generations from Kosovo and Serbia in the negotiation process. Relevant topics can include history education, normalization of

relations, professional skills development needs in both countries, language study and instruction, digital literacy, and political participation and civic engagement. These parallel talks would provide a medium for youth to voice concerns about their respective education systems and, in the long-term, the trajectory of Kosovo, Serbia, and their relations.

- **The Pristina-Belgrade Dialogue should include concerns related to education in addition to mutual diploma recognition**. Additional education-focused agreements in the negotiations will address long-term issues such as inter-ethnic tension, youth isolation, and future concerns related to the labor force. The dialogues can focus on the creation of mutually respectful curricula related to national history. These talks would require a multi-stage approach. For one, the Kosovan government should work with the Kosovo Serb communities to assess their education and schooling needs. Simultaneously, parallel cooperation between the MEST and MESTD should emphasize textbook reform and curriculum development. These discussions would also provide a medium for administrators and educators to speak on school-related issues in their respective communities.

To the International Community

- **UNMIK should end its recognition of the parallel systems of education in Kosovo and shift to providing support for the above recommendations in creating an alternative**. Since UNMIK's recognition of the parallel systems of education helped standardize the current segregation in schooling, the international community should play a role in dismantling and reforming the existing education systems. This includes participation in the aforementioned working groups and providing pedagogical expertise.

To the Governments of Serbia and Kosovo

- **The MEST and MESTD should include supplemental education materials to teach multiethnic perspectives of history, while NGOs and municipal governments pursue cross-cultural exchanges for students of different ethnic backgrounds**. To address the issue of teaching sensitive materials, the MEST and MESTD should utilize the CDRSEE's workbooks and teacher workshops to provide a multiethnic lens for studying history. This would encourage students and educators to critically discuss and analyze recent events from differing perspectives while integrating with the current textbooks. Likewise, joint initiatives between municipalities in Kosovo and Serbia can connect students for cross-cultural engagement and collaboration on addressing shared issues such as unemployment, gender equality, or prejudice. Like the "Break the Ice" project, these exchanges can emphasize mutual understanding and cooperation and may be used to discuss current events like the ongoing negotiations.

Shame for the Victims and Impunity for the Victors: How Wartime Sexual Violence Has Gone Unpunished in Serbia and Kosovo

By Elizabeth Courtney

Please Be Aware: this article contains graphic descriptions of sexual violence, including rape

Among the open questions regarding conflict between Kosovo and Serbia, criminal accountability for the perpetrators of wartime sexual violence is a particularly unresolved and shameful legacy. While estimates suggest that 20,000 women were raped between spring 1998 and summer 1999, few perpetratorss have been indicted on charges related to wartime sexual violence. Common narratives suggest that this pervasive impunity is primarily due to stigma. This chapter will demonstrate how other factors such as UNMIK's underinvestment in justice and lack of gender expertise served to impede justice for survivors of wartime sexual violence. Furthermore, it will demonstrate the critical role that civil society organizations have played in supporting survivors, and how their victim-centric model of care can be adapted into state justice mechanisms going forward. This will answer the question of how such widespread violence has gone unanswered and highlight opportunities to help the surviving victims of wartime sexual violence in Kosovo.

Laying the Foundations for Violence

For women-focused NGOs in Serbia and Kosovo, the widespread use of sexual violence during the 1999 conflict was "not a surprise," but rather an unfortunately predictable result of years of misogynist rhetoric and ethnic politics in Milošević's Yugoslavia (Human Rights Watch 2000). At least on paper, women in Yugoslavia had always enjoyed political, economic, and reproductive rights. Socialist ideology placed value on women operating in the public sphere (Kaufman & Williams 2016). In practice, women never made up more than a third of the formal work force and they were underrepresented in legislative bodies (Kaufmann and Williams, 2016).

The real trouble started with the rise of ethnic nationalism in the 1980s. As politicians like President Slobodan Milošević capitalized on narratives of Serb supremacy, they grounded their political aims with ideological appeals promising a return to historic homelands and a mythicized Serb traditionalism. Within the package of Serb "tradition," there was an imperative to organize society along patriarchal gender roles that relegated women to the private sphere. This stance on gender relations highlights an important aspect of ethnic nationalist ideologies in this period, which represent not just a mode of governance but a re-ordering of social relations in the Balkans along ethnic and gender lines. This change was brought about through mutually reinforcing bottom-up and top-down socio-political forces. Popular support ushered in new political leaders who were able to use their positions to reify the philosophies that brought them to power and further dictate the character of people's everyday lives (Krasniqi et. al. 2020).

In Kosovo and Serbia, leaders utilized exaggerated and gendered depictions of Serbs and Albanians to build intra-ethnic solidarity and in some cases justify violence. The Serbian state published propaganda to represent Kosovo Albanian men as sexually aggressive and the women

as baby-factories who together would out-breed Serb populations in Kosovo as an intentional strategy to eventually repress the Serb population in "their homeland" (Di Lellio 2016). While some leaders in Kosovo responded with equally demeaning representations of Serb men and women, the power differential between Serbs and Albanians in Yugoslavia at this time meant that these tactics endangered mostly Kosovo Albanian women. In the context of an openly antagonistic Yugoslav state and a ramshackle set of parallel governing institutions established by independence-minded Kosovo Albanians, women who had been targeted had few places to turn for support, services, or justice.

In response several NGOs in Kosovo and Serbia began to mobilize and organize around themes such as human/women's rights, independence for Kosovo, or anti-militarism in Belgrade (Krasniqi et. al. 2020). In the pre-war years, these groups recorded how Kosovo Albanian women were subject to random abductions, attacks, and raids by Serb police forces and how women's bodies were increasingly sought out as physical and symbolic targets to express political agendas that were steeped in patriarchy and ethnic divisions (HRW 2000, Di Leillo 2016). In an interview with Human Rights Watch, a human rights worker in Kosovo described how she had been documenting cases of rape and abuse against women in Kosovo for ten years before the start of the NATO bombing campaign, acts which she says were spurred on by the "tremendous propaganda against Albanian women" (HRW 2000). Through ethno-nationalist propaganda, the foundations for using sexual violence as a form of politics by other means were established in the decade before the conflict began in 1998.

Sexual Violence During War

Wartime sexual violence (WSV) is a broad term that this report will use to refer to a range of conduct that international courts have condemned as war crimes, and/or crimes against humanity. The act of rape by military, paramilitary or other state forces during wartime is well established as a war crime and a violation of Protocol 2 of the Geneva Conventions, which prohibits "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault." (OHCHR 1978). While rape may be the most common act associated with WSV, there are other serious acts that fall under the term as well. For example, the International Criminal Tribunal for Rwanda (ICTR) established that, "Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact" (Akayesu Judgment 1998, found in HRW 2020). The International Criminal Tribunal for the former Yugoslavia (ICTY) similarly has held that sexual violence can include acts of "torture, outrages upon personal dignity, and inhuman treatment" (UN Office of Peacekeeping Operations 2010). In addition, prior to the war in Kosovo, the ICTY made international precedent when it ruled that systematic rape during conflict could in some cases be tried as a crime against humanity.

During the Kosovo conflict, WSV was used as a weapon by both sides, although Kosovo Albanian women were disproportionately victimized. Rapes were a systematic and intentional act by combatants against civilians, used to break their spirit. Instances of rape during the war were

not isolated acts, but rather an intentional strategy and weapon of war. Evidence indicates that WSV was applied with control and strategy in response to events that occurred on the conventional battlefield. After the NATO bombing campaign began in Belgrade reports of rape of Kosovo Albanian women by the Yugoslav Army and Serbian Police increased significantly as a form of retaliation or counterattack for the bombing (UNFPA 1999).

Estimates vary, but 20,000 women and girls raped is the generally accepted number (US Cong. HFAC 2019). There is considerable range in the experiences suffered. Some women and girls describe being abducted as a group by Serbian or Yugoslav armed forces. The group could be held in a second location for hours, days, or even longer while multiple men repeatedly violated, beat, and tortured them. Other women describe Serbian armed forces raiding their homes and making a point to rape women in front of their male family members to degrade the women and "shame" men for not protecting their families (Human Rights Watch 2000). Likewise, Kosovo Serb and Romani women describe how KLA forces raped them as a form of "revenge" both during and in the immediate aftermath of the conflict (Amnesty International 2017).

In contemporaneous accounts Kosovo Albanian women victims explained what they saw as a motivation for their rapes. They interpreted the action as a "'concrete manifestation' of the profound hate that Serbs felt toward Kosovars. Judging from the insults and threats of the torturers, some victims were allowed to live so that they could tell other people about the display of Serb power, and thus eliminate any desire on the part of the refugees to return (UNFPA 1999).

The international and domestic responses to evidence of widespread WSV the Yugoslav Army and Serbian Police committed were mixed, but generally insufficient to meet the needs of women victims of WSV. For those who did not witness or survive WSV first-hand, knowledge of the extensive WSV spread at first through rumors and media accounts beginning as early as 1998 (HRW 2000, UNFPA 1999). At the time some local and international NGOs spoke out to confirm these reports but governmental and intergovernmental bodies did not take much notice. For example, while the OSCE's Kosovo Verification Mission has verified that there was certainly WSV occurring before escalation in March 1999, they did not document such events adequately (OSCE 2003). As the ethnic cleansing operations by the Yugoslav Army and Serbian Police/paramilitaries accelerated, Kosovo Albanians were pushed out of their homes in droves and fled as refugees to Albania and Macedonia. Despite the early warnings of WSV and the fact that rampant WSV had been a prominent feature of conflicts in Croatia as well as Bosnia and Herzegovina only a few years prior, the international and domestic humanitarian staff in place at refugee camps took few steps even to record women's accounts of WSV, let alone provide the type of specialized services that are needed to assist victims (UNFPA 1999). A consultant with UNFPA reported in April 1999 that in interviews with women victims who expressed a desire to speak out about their experiences of sexual violence there was a "total lack of existing information on the subject by the humanitarian personnel," and some staff even denied claims that there had been such attacks (UNFPA 1999).

Evidence of women's experiences of WSV were not completely ignored though, when it was realized that publicizing accounts of WSV could help persuade international intervention on

behalf of Kosovo. Kosovo civil society and the KLA worked together to report instances of WSV to international organizations since, "Reports of women's victimization both provided evidence of Milošević's war crimes for eventual prosecution at the ICTY and bolstered the Albanian case in appealing for Western intervention against Serbia" (Di Lellio 2016, pg. 630). NATO leadership also cited publicly the worsening humanitarian situation, including instances of WSV, as a central justification for its engagement in the conflict (UK House of Commons 2000). Partnership between civil society organizations working on WSV issues and the domestic and international leadership in Kosovo would, however, not last.

(In)Justice in Transition

The word that interviewees used more than any other to describe the legacy of WSV in Kosovo was 'silence.' Whether the interview subject was Serb, Albanian, or American, all agreed that until very recently there was very little, if any, public attention paid to the issue of WSV or the experience of women during the war. Despite the estimate of 20,000 victims, very few cases involving WSV have been completed at ICTY or in the national courts of Serbia and Kosovo. Each woman as an individual is undoubtedly entitled to decide whether or how she would like to share experiences of WSV. However, recently activists and experts have begun to call more attention to the structural and social obstacles that have acted to silence women who may wish to seek services, recognition, reparations, or justice. The following section will explore these barriers to justice in Kosovo, where the vast majority of instances of WSV took place and where the survivors still live today.

Social Stigma

Feminist scholars have pointed out that the design of post-conflict justice mechanisms from Rambouillet to the Ahtisaari process was an almost entirely male-dominated exercise that inherited and perpetuated pre-war social stigmas against discussing sexual violence. At the start of the transition in 1999, political power on both sides belonged to former members of armed groups which were "male dominated and masculine in articulation" (Ni Aolain 2012). Not only did these groups not see achieving justice for crimes against women as a priority, even on the Kosovo side some actively sought to repress the issue in the public sphere.

In Kosovo, women activists who spoke out about WSV were smeared in the press and by political leaders, who said or implied that more important than litigating women's issues was shoring up the emerging nation's independence and "honor" (Di Lellio 2016). These two subjects, the Kosovo state's honor and the trauma of Kosovo Albanian victims of WSV, were contradictions according to the male-dominated political class (Krasniqi et. al. 2020). This may also have been the view of the Serbian state officers who had committed the crimes since many women who were raped during the war felt the reason they were attacked was so that the Serbian state forces could inflict a form of humiliation and dishonor on ethnic Albanians.

Furthermore, feminist scholars of transitional justice have noted that sexual crimes committed against women during wartime are often treated within patriarchal systems as crimes

against men's honor (Ni Aolain 2016). In this interpretation, it is not up to women to decide whether there should be justice for these crimes but rather it is up to the men who have suffered injuries of honor (and control nearly all levers of social and political power). This narrative was reiterated by several interviewees, who noted the strong social stigma that they believed kept women from speaking up, particularly to the men in their lives. Multiple NGOs and media accounts have reported women being further victimized by their husbands or families after sharing that they were abused (Haxhiaj 2017). Women have been divorced, abandoned, beaten, and even killed for being a victim of rape. When the consequences of speaking of your trauma could be so severe, it is not surprising that some women would choose silence.

Justice in Kosovo

While social stigma was certainly a factor in tamping down public discourse on WSV and preventing women from receiving services or seeking justice, governing authorities in Kosovo have also failed the victims of WSV by not adequately investigating or prosecuting the cases that were brought to their attention. By failing to engage the justice system on WSV issues, the Kosovo governing authorities have helped perpetuate a status quo defined by impunity for the perpetrator and implicit shame for the victims.

According to several of the subjects we interviewed with knowledge of the events, neither women's issues generally nor WSV specifically was discussed at Rambouillet nor in the run up to UN Security Council Resolution 1244 that established the UN Interim Administration Mission in Kosovo (UNMIK). It was assumed at that stage that most women's issues could be dealt with through coordination with local and international civil society organizations (CSOs) (SAIS Group Interviews, January 2021). UNMIK had the responsibility to uphold human rights, justice, and rule of law in Kosovo in the post-war period, which included responsibility for investigating and prosecuting war crimes.

In theory, this plan to coordinate on WSV issues with CSOs may sound like a progressive step towards bottom-up transitional justice. In reality, this method for pursuing justice for WSV victims failed, as there were no resources or political will to do anything on WSV even when CSOs hand-delivered cases for UNMIK to investigate. In 2017, an Amnesty International report found that CSOs held up their side of the bargain. In interviews with local CSO workers, they reported how their organizations provided services to victims of WSV, including accompanying women to file reports at UNMIK. UNMIK, despite receiving a significant number of statements from victims and witnesses to WSV, did not file a single indictment (Amnesty International 2017). Moreover, when its mandate expired, UNMIK had only nine open cases and provided no explanation to the women who had filed reports as to what steps–if any–had been taken on their cases.

UNMIK has been widely criticized for its handling of war crimes in general. Its capacity to investigate and prosecute offenses was limited by its funds and resources. Staff simply did not have the training or expertise to handle war crimes, let alone more sensitive and specialized cases like WSV (Amnesty International 2017). UNMIK also faced important technical challenges. For example, most alleged perpetrators of WSV had been members of the Serbian armed forces or

police and no longer remained in Kosovo. Without an extradition treaty with Serbia, this presents clear difficulties.

Amnesty's investigation demonstrates however that UNMIK failed to execute even basic functions to advance justice for victims of WSV like documenting statements or recording evidence. In 2016, a review of UNMIK by its Human Rights Advisory Panel found that it "did not exercise due diligence in the investigation of violence against women and indicated that its failure to conduct gender-sensitive investigations might have contributed to the general lack of documentation of conflict-related sexual violence in Kosovo and hampered access to justice by, and reparations for, victims" (Nowicki, Chinkin & Tulkens, 2017). None of these faults can be chalked up to honor culture, or social stigma. To suggest that social stigma is the reason that there were no prosecutions in Kosovo during this time is an insult to the victims who persevered through that stigma to tell their stories.

The strategy of relegating women's issues to CSOs and not institutionalizing a gender sensitive approach to WSV reflects the general apathy that governing authorities had for dealing with the issue. According to multiple interview subjects, at no time does it appear that international cooperation for justice for WSV was discussed, let alone settled, leaving the question of extradition unresolved but effectively answered in the negative (SAIS Group Meetings, January 2021). Furthermore, the subsequent administrations in Kosovo, including the European Union Rule of Law Mission (EULEX) and the Kosovo government, never made serious efforts to recover from these original sins and were further limited by decades of deteriorating evidence and missing data.

Today, the missing WSV caseloads fall under the jurisdiction of the Specialist Chambers, an office with only two Prosecutors. Not only do these two individuals have responsibility over all WSV cases, but also for a range of other war crimes and offenses relating to organized crime. It appears unlikely under these circumstances that any serious efforts can be made to address the extensive number of uninvestigated and untried WSV cases. Through chronic under-investment and negligence, the authorities in Kosovo allowed impunity for the perpetrators of WSV to persist.

Survivors Today

While EULEX, UNMIK and the Kosovo authorities neglected their duties to investigate and prosecute perpetrators of WSV, women in Serbia and Kosovo suffered. CSOs who work with women victims of WSV have described the severe emotional, mental, and physical trauma that victims have experienced since their rape. Compounding their struggle is the oppressive mantle of stigma and shame that has isolated victims of WSV and further prevented them from receiving important care. In the immediate aftermath of war, there were numerous reports of women being abandoned by their families or seeking out unsafe abortions after rape resulted in the conception (Haxhiaj 2019; Smith 2000; UNFPA 1999). There was never an attempt to account for how many children of WSV were born in Kosovo nor the welfare of such children. Activists say that WSV victims and their children (now in their early 20s) remain voiceless (Haxhiaj 2019). Stigma continues to impede medical care for victims. In order to provide services to victims, NGO Medica

Kosova often works under the pretense of providing other health services, in order to protect the reputation of any women seeking contact (DiLeillo and McCurn 2013).

Reconciliation

In recent years, activists, government agencies and the international community have put forth several mechanisms for transitional justice to help victims of WSV, overcome stigma, and enhance broader social cohesion. These initiatives focus on reconciliation, reparations, and reform.

Legal transitional justice proceedings are necessary processes to force accountability for conflict-related atrocities, but they fall short when it comes to promoting healing and social cohesion in a post-conflict context. Trial proceedings may promote reconciliation by establishing the criminality of specific perpetrators, rather than portioning blame on an entire ethnic group (Clark 2008). But legal processes inherently treat victim-witnesses as objects that produce testimony based on the needs of the court, regardless of whether such participation serves the needs of the witness for the mental, physical, emotional harm they suffered as a victim (Clark 2016, pg. 71). Within the context of widespread WSV, criminal trials also "tend to entrench the war meta-narrative, which in turn provides a gendered script in which women's many different experiences are neglected and muted into a scripted position as "women-as-victims" (Bjorkdahl and Selimovic 2015 pg. 172). To remedy these shortcomings, scholars and practitioners of transitional justice have advocated the adoption of truth and reconciliation commissions (TRCs). In contrast to legal justice processes, TRCs often feature victim-centered storytelling and grassroots engagement to promote healing for individuals and communities traumatized by war, ethnic tension, and WSV.

Despite the differences between retributive justice and TRCs, the reasons that reconciliation has stalled in Kosovo are remarkably similar to the reasons for the failures in prosecuting WSV. Following the conflicts in the Balkans in the late 20th century, a trio of prominent regional CSOs came together to advocate for an official TRC, to be named the Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the former Yugoslavia (RECOM). Its stated mission is as broad as it is ambitious: "deliver the truth of past violence, create a culture of compassion and solidarity with victims from all communities, and produce a shared historical knowledge, with the implicit hope of leading to a new consensus in the highly divisive successor states of Yugoslavia" (Di Lellio and McCurn 2013, pg. 130). While the process design has been lauded by the international community, and in particular the European Union, progress on any of its stated objectives has been limited. As with the post-war attempts at pursuing legal justice, local and international CSOs have thrown their weight behind the initiative in droves – thousands of CSOs have endorsed RECOM since it was founded in 2008. Reception among the public has been mixed. In 2011, a campaign to collect one million signatures throughout former Yugoslavia in support of RECOM fell short by 450,000 signatures. Notably, Kosovans made up a disproportionate number of the initial supporters with over 100,000 signatures (Jeffery & Jakala 2012). When researchers Di Lellio and McCurn (2013) conducted extensive fieldwork in Kosovo to better understand local attitudes towards RECOM, they found that the Kosovan public was reluctant to participate for a

myriad of complex reasons that boil down to feeling that the RECOM wouldn't sufficiently recognize their experienced reality or narrative of conflict. Di Lellio and McCurn only mention WSV victims briefly, noting that for the most part victims of WSV remain silent on their experiences due both to personal choice and the stigma of speaking out on the subject.

Any progress grassroots support might have made towards realizing a reconciliation initiative has been stalled since RECOM has not secured necessary governmental support. The governments of Kosovo, Serbia, Montenegro and North Macedonia had at one point pledged to participate in the initiative, but then unexpectedly cancelled a signing ceremony to affirm this support. Vesna Terselic, head of one of the three organizing CSOs commented to the press at the time, "Regional cooperation in this regard is growing weaker and weaker. There is insufficient solidarity with all victims because each country cares mostly about victims from its own group" (Haxhiaj 2020). Thus, a process that was ostensibly intended to function as a bottom-up reconciliation initiative for the people of former Yugoslavia has become mired in the same cross-border obstacle course that has also prevented progress on other policy matters raised in this report.

Reparations

The only significant exception to the general neglect that WSV has received from the Kosovo and Serbia governments was the presidency of Atifete Jahjaga in Kosovo. Under her leadership Kosovo established a Council for Survivors of Sexual Violence During the War. This body, while still lacking in resources or political relevancy, nevertheless reflects the first attempt to invest institutional attention in the issue. Soon after the Council was established, Kosovo's legislature amended its War Victims' law so that survivors of WSV could apply to receive a monthly pension roughly equal to 90% of the average Kosovan woman's salary. As of June 2020, over 1,200 women have applied for compensation, with over 800 approved and around 200 rejected (Zejneli Loxha 2020). The period to apply ends after five years, and the number of applicants is already dwindling according to one of the CSOs that is certified by the government to help counsel women through the process. Stigma is the primary reason for women's reluctance to come forward. One CSO worker stated that women worry about explaining where the money came from to their families, or fear that they will not be able to remain anonymous (Haxhiaj 2017).

Jahjaga acknowledges that stigma is not necessarily permanent, but rather something that government institutions can and should have a role in addressing. She states, "Stigma is something that needs to be worked on and dealt with constantly, in society but also within [state] institutions. […] We must continuously build this narrative, in order to continue to build survivors' trust in the institutions but also in the process itself" (Zejneli Loxha 2020). Jahjaga highlights through this statement the role that the Kosovo Government can continue to play to improve the lives of victims of WSV.

Reform?

Despite the two decades that have passed since the war, Kosovo's Special Prosecutor insists that it is not too late for victims of WSV to receive justice in Kosovo (UN Women 2019). While it is

true that there is no statute of limitations on war crimes (Elshani 2020), significant hurdles remain that would prevent an effective investigation of WSV. The Special Prosecutor's office has only one prosecutor per 10,000 estimated victims of WSV, plus other major criminal offenses that fall under its jurisdiction. Kosovo's poor record for WSV convictions and lack of adequate protection for witnesses serve as disincentives for victims to overload the Special Prosecutors with WSV cases (Clark 2016; Amnesty International 2017).

Problems with the current legal system for WSV run deeper than just under-investment. In both Kosovo and Serbia, prosecutors try WSV crimes under the 1976 Criminal Code of the Socialist Federal Republic of Yugoslavia (SFRY CC), since this was the statute that was in force at the time. This law falls short of international standards by requiring that prosecutors prove that WSV was "forced," and that the victim attempted to fight back (Amnesty International 2017). To prove such charges prosecutors often have to rely on physical evidence such as bruises or other injuries, evidence that is difficult to establish 20 years after the fact. Even when victims took pains to document the crimes, the records may no longer be accessible due to the misconduct of investigating authorities. Moreover, Kosovo and Serbia's reliance on the SFRY CC statute to prosecute WSV is out of line with international standards on prosecuting WSV that only require an element of "coercion" (Amnesty International 2017). If Kosovo and Serbia were both to explore the legal channels by which they could adopt such standards in their strategy for prosecuting WSV, it would lift a significant burden of proof off of victims and potentially increase prosecutors' ability to convict WSV cases.

The other significant hurdle that Kosovo's Specialist Prosecutor faces is the lack of legal cooperation and assistance between Pristina and Belgrade. Under UNMIK and EULEX there was a minimum of communication on legal matters between Kosovo and Serbia that has stalled since Kosovo assumed full control of its own courts (Maxhuni 2016; Amnesty International 2017). Since Serbia does not recognize Kosovo as a sovereign state, by extension it does not recognize the decisions or documents of Kosovo's courts. This disconnect allows individuals deemed criminals in Kosovo to shelter safely in Serbia, sometimes even within the Serbian state agencies (Maxhuni 2016; Amnesty International 2017). Serbia's lack of cooperation in dealing with Kosovo on WSV is not surprising given that even within its own courts, "Serbia has overwhelmingly failed in its responsibility to bring Serbian police, paramilitaries and members of the Yugoslav Army to justice, despite the undeniable body of evidence for their criminal responsibility for rape, torture and other [WSV] in Kosovo" (Amnesty International 2017 pg. 28). Victim rights activists in Serbia like the Humanitarian Law Centre also have called attention to the fact that witnesses in Serbia's Special War Crimes Court do not receive psychological support nor do they receive adequate protection to conceal their identity (Bogdanovic 2019).

Despite their political differences, it appears that Kosovo and Serbia have similar shortcomings in trying WSV crimes. Both governments have failed to deliver advances in justice for widespread WSV, eroding survivors' trust in justice. This failure harms the prospects of transitional justice unless prosecutors responsible for WSV in *both* Kosovo and Serbia take certain

steps such as updating legal strategies to reflect modern standards of international law, rebuilding WSV's victims trust, and increasing bilateral legal cooperation.

Conclusion

As one of the Kosovo government officials stated in an interview, when it comes to WSV victims, "We owe them justice" (SAIS Group Meetings, January 2021). Today, over twenty years after the WSV crimes were committed, it seems unlikely that many (or even any) perpetrators of WSV will have their day in court. Although the burden of cultural stigma has played a role in preventing more active discussion and progress in this sphere, it is not the only reason for impunity. UNMIK's negligence to follow basic investigative protocols and its lack of gender-expertise or sensitivity when interfacing with victims should be recognized as a \significant factor in the lack of criminal prosecutions of WSV. Before, during, and after the conflict local and international CSOs have conducted much of the work on WSV and women's issues more generally. While these services are important and commendable, the continued stigma and impunity in Kosovo demonstrates a compelling need for more institutional engagement from the Governments of Kosovo and Serbia on these critical issues.

Recommendations

<u>To Serbia and Kosovo</u>

- Establish a **high-level dialogue to engage on WSV legal issues,** including mutual legal cooperation, evidence sharing, and extradition.

<u>To Kosovo</u>

- Through the Council for Survivors of Sexual Violence During the War, the Government of Kosovo should create **public awareness campaigns to further reduce the stigma** surrounding WSV.
- In partnership with CSOs, the Government of Kosovo should **conduct an assessment** to determine what the primary unmet economic, psychological, emotional or health needs that survivors of WSV may have.
- **This assessment should make recommendations** for how the Government of Kosovo can better assist victims of WSV.
- **Extend the period to apply for reparations under the War Victims Law.** Considering it took Kosovo 20 years to establish a mechanism under which victims of WSV could receive compensation, there should be no deadline for victims to make their application.
- **Provide training on investigating and prosecuting WSV cases for the staff and Prosecutors in the Specialist Chamber.**
- **Support the RECOM process** and confirm Kosovo's participation in the regional reconciliation project.

To Serbia

- **Recognize the decisions and documentation of Kosovo's national courts**.
- **Support the RECOM process** and confirm Serbia's participation in the regional reconciliation process.
- Adopt protocols to ensure that WSV investigations and prosecutions are **conducted according to international standards** on conflict-related sexual violence.
- Provide witnesses in WSV trials with **trained and gender-sensitive psychological support** throughout their participation in a trial**.**
- **Provide training on investigating and prosecuting WSV cases for the staff and Prosecutors in the Special War Crimes Court.**

To International Donors

- **Continue to support CSOs in Kosovo** who work to support survivors of WSV, especially those CSOs that provide counselling, health services, and legal aid.

The Role of Civil Society: Working Towards Trust and Legitimacy

Cassia P. King

Introduction

Civil society development in Kosovo and Serbia is important piece to understanding the conflict between these two countries and the available capacity to build sustainable peace. Kosovo and Serbia have two different stories when it comes to civil society. Hope for any lasting agreement lies in their respective organizations' capabilities to coordinate with each other and to connect with their constituencies.

Kosovo's civil society began developing in the late 1980s in response to Belgrade's harsh rule, just preceding the global NGO boom of the 1990s. The flood of international organizations and donors that came in after the 1999 NATO bombing continues to shape the operations and funding structures of CSOs in Kosovo today. The country has seen significant progress in terms of democratization, rule of law, and government collaboration with civil society compared to its neighbors, but it still faces challenges in interethnic cooperation and engagement with constituencies. CSOs are constantly working to please international donors, sometimes at the expense of genuine interaction with the public they are meant to serve.

Serbia's civil society beginnings are deep and the number of CSOs is considerably larger. CSOs in Serbia have some historically proud moments, like the successful effort to vote out an oppressive, authoritarian regime under Slobodan Milošević. It was the result of an incredible display of unity and coordination among CSOs from varying ideological stances. Today, however, the country faces increasing polarization. The Serbian Orthodox Church (SOC) is a substantial force for stirring nationalistic rhetoric and is often a stumbling block to dialogue with Kosovo, though there are a few outliers within the organization. CSOs on the other end of the spectrum advocating for democratic values, human rights, and rule of law are increasingly silenced under President Aleksandar Vučić's government. Similar to Kosovo, these organizations are having a difficult time engaging citizens and generating the type of volunteerism that was present in the late 1990s. Where EU membership was once an enticing reward for Serbians, the divide between those who are "pro-EU" and those against is widening.

This chapter will detail civil society development in Kosovo and Serbia to present day. It will reveal a story of CSO progress in Kosovo and a story of regression in Serbia, while highlighting the impact international funding has had in each country. It will then analyze the SOC's impact on the peace process, CSOs' ability to connect with local constituencies, and areas of CSO cooperation and coordination, followed by a brief review of EU plans for the next round of Instrument for Pre-accession Assistance funding.

Civil Society Development in Kosovo

1980 – 1999

The first CSOs started budding in Kosovo in the late 1980s as a wave of civil society activity swept through Central and Eastern European countries. While Yugoslavia's communist regime crumbled, CSOs organized mainly by young people filled the vacuum (Bekaj 2008). Kosovo had been an autonomous province within Serbia since 1974, but under Slobodan Milošević Belgrade took over local institutions and removed Albanians from their official positions. On March 23, 1989, the Milošević regime stripped Kosovo of its autonomous powers. The day after, students erupted in protest in Pristina and a grass-roots civil society movement was launched in Kosovo (Haxhiaj 2020). This movement developed alongside parallel political structures led by the emerging Democratic League of Kosovo (LDK) (Bekaj 2008). Kosovo Albanians formed civil society groups and combined with the LDK in a show of non-violent resistance to Belgrade.

One of the first independent CSOs, the Council for the Defense of Human Rights and Freedoms (KMDLNJ), monitored police brutality and human rights violations committed by Belgrade throughout the 1990s (Bekaj 2008). It was one of the main avenues through which Kosovo Albanians could express their grievances. Shortly following KMDLNJ's establishment, the Mother Teresa Association formed in May 1990 as an independent organization that provided healthcare and welfare systems in Kosovo (Bekaj 2008). Its network expanded throughout the decade to more than 90 operational clinics throughout Kosovo (Bekaj 2008). Other groups like the Kosovo Helsinki Committee and the Union of Independent Trade Unions also got their start in 1990 (Pula 2005). After the 1999 NATO bombing campaign, the Mother Teresa Association assisted Kosovo's provisional government and the international community in reconstruction efforts and aid distribution until June 2002, when it transferred responsibility to the Kosovo's new Ministry of Welfare under the then-Provisional Institution of Self Government (PISG) (Bekaj 2008). This was the trend of the 1990's – groups like KMDLNJ and the Mother Teresa Association served alongside an emerging parallel political structure with the LDK in non-violent resistance. Kosovo's Serb minority conversely remained tied to Belgrade state institutions.

After witnessing the progress made towards independence in Bosnia and Croatia, Kosovo Albanians grew impatient with the LDK's passive resistance. While KMDLNJ and the Mother Teresa Association operated in close cooperation with LDK, other groups like the Independent Students' Union of the University of Pristina (UPSUP) grew restless and organized protests to galvanize Kosovo Albanians into taking more action. KLA attacks intensified on Serbian authorities until a massive, violent crackdown pushed the international community to get involved and the 1999 NATO bombings forced Serbian withdrawal from the territory.

2000 – 2008

There was a marked shift in Kosovo's civil society after the 1999 bombing. Global developments brought a mushrooming of NGOs in the 1990s and 2000s and this was reflected in Kosovo too. An estimated 65 NGOs operated in Kosovo from 1989 to 1998. By early 2004, there were almost

2,300 officially registered NGOs (Pula 2005, 8). International NGOs (INGOs) flooded into the country. Kosovo went from hosting only a small handful of INGOs like Mercy Corps International to more than 1,000. UNMIK integrated representation from domestic NGOs into its administrative structures, including the Transitional Council, which played a consultative role from 2000 to 2001, when the PISG was established (Pula 2005, 8). With UNMIK oversight and significant training from INGOs, Kosovo's civil society transformed from political resistance to reconstruction.

INGOs and the international donor community, consisting of USAID as well as development offices from Britain, Germany, Sweden and Switzerland, left an impact on the method by which Kosovo's NGOs would operate and raise money. Donors surged funding for NGO activities, expecting to decrease international funding as the NGOs began to raise funds domestically. Donor money in 2000 reached 411 million euros, decreased to 211 million euros in 2001 and then stabilized at 207 million in 2002 (Pula 2005, 11). Over 97% of NGO funding in 2000 and 2001 was from donor grants (Pula 2005, 12). The majority of funding was (and still is) done on the basis of short-term, project-based grants. Most donors do not offer long-term funding. As a result, NGOs focus their priorities and goals around international donor wants instead of focusing on engaging with the population and growing the type of volunteerism that was evident in the early 90s. Starting in 2000, NGOs were set up to be dependent on foreign donors, whose funding dwindled and fueled competition between groups.

2008 – Present

After Kosovo's Declaration of Independence in 2008, reconstruction-focused INGOs began to withdraw and a smaller group of INGOs focused on rule of law, transparency, and anti-corruption remained. Kosovo's civil society shifted from reconstruction to governance, nation building, and rights for women, Roma, and Serbs.

Today there are 9,545 registered NGOs, 9,015 of which are local and 530 that are foreign according to a 2018 Kosovar Civil Society Foundation report, though the report notes that only 973 are active (Puka 2018, 10). In the same year, foreign donors continued to be the main source of funding for NGOs, though the data show a downward trend and there was a slight increase in public funding (Puka 2018, 35). The EU is one of the largest foreign donors to Kosovo NGOs. Smaller local organizations face challenges in applying for funds. Most of the money goes to larger, internationalized NGOs in Pristina (Puka 2018, 42).

Kosovo's civil society has made significant progress when compared to the rest of the region. Media have remained independent, CSOs are called in by government for public consultations, voices critical of the government are not threatened as they are in Serbia. The Law on Freedom of Association was updated and approved in April 2019 and a strategic framework for cooperation between the government and civil society for the 2019-2023 period was approved after extensive consultations with CSOs and the general public (EC 2020). In 2017, Kosovo's government adopted the Regulation on CSO Criteria, Standards and Procedures for Public Financing to help make public funds to civil society more transparent (Puka 2018, 42). The USAID 2017 CSO Sustainability Report noted that "CSOs operate free of harassment by the government

and have minimal reporting requirements towards the state" (USAID 2017, 107). The public image of CSOs is faring relatively well, CSO experts enjoy significant media coverage, and CSOs were reported to have one of the highest levels of citizen trust recorded in UNDP's semi-annual Public Pulse (USAID 2019, 119).

There is still progress to be made however. CSOs are dependent on international funding and struggle to raise funds domestically. In 2010 USAID recognized that small grants and short-term projects were not benefiting CSO development, but rather left NGOs dependent on foreign aid and focused on international donor demands instead of local civil society needs (Mitchell 2010). While USAID has correctly identified short-term funding as problematic, the financial solvency of most CSOs in Kosovo still only ranges from six months to a year, and few are able to secure long-term funding (USAID 2019, 114). Money tends to stay in the hands of organizations in Pristina. Other groups struggle with engaging the population and growing their volunteer base. One of our interviewees from the civil society sector commented on Kosovo's "NGO tourism," in which NGOs are known more for their nice offices where they spend time trying to come up with policies relevant to their donors instead of the public. (SAIS Group Meeting with Haki Abazi, virtual Zoom, 15 January 2021). The question is, he said, how do you get NGOs to change their motivation from fighting for money to fighting for the people? (SAIS Group Meeting with Haki Abazi, virtual Zoom, 15 January 2021).

Civil Society Development in Serbia

1980 – 2000

The beginnings of Serbia's civil society can be traced back to the late 19th century, particularly to influence from the Serbian Orthodox Church, which operated humanitarian and educational activities in rural communities (Milivojević 2006, 27). The 1860's saw the establishment of new NGOs but a growing authoritarian regime under Josip Tito in the mid-20th century suspended many civil society activities. Any group that dealt with political issues was restricted and NGOs, endowments, funds, and legacies were brought under the control of the state (Milivojević 2006, 28). From 1945 through 1980 Serbia's civil society was characterized as *governmental non-governmental organizations* (Milivojević 2006, 35).

After Tito's death in 1980, there were general stirrings to bring about change to the old order. A mix of independent initiatives began to appear, including a populist revolution that would bring Slobodan Milosević to power called the "anti-bureaucratic revolution" (Spasić 2003, 449). What started as genuine popular concerns among the civilians, morphed into CSOs that would be formed from above though they presented themselves as grassroots (Spasić 2003, 449). Prominent leaders included the Serbian Orthodox Church and an intellectual elite that utilized professional organizations like the Academy of Sciences and the Writers' Union to engage a population frustrated with the status quo (Spasić 2003, 450). Though these efforts brought about a multiparty system in Serbia for the first time, they also ushered in a harsh, nationalistic regime under Milosević.

The 1990s saw genuine emergence of civil society in Serbia. The Milosević regime was hostile towards growing human rights organizations in the country, but still civil society actors continued to challenge the regime. A broad movement "from below" gathered students, women's movements, anti-war movements, and independent intellectuals. Organizations like the Civic Resistance Movement, Center for Antiwar Action, Belgrade Circle, and Women in Black coordinated events like the 1991 Peace Caravan, concerts for peace, and other protest meetings (Kmezić 2017, 23-24). A notable moment was in 1996 after local elections saw large-scale fraud. Protesters campaigned non-stop for three months, gathering opposition parties, civil rights groups, and independent intellectuals in an effort that forced the regime to recognize election results (Spasić 2003, 450).

The more oppressive Milosević became, the more the civil society movement gained momentum. When laws were enacted in 1998 to restrict free media and dissenting opinions, students from the University of Belgrade began a protest group called Otpor! (Resistance!) (Kmezić 2017, 24). Otpor and other dissenters became the target of the police and faced detentions, illegal beatings, interrogations and court trials (Spasić 2003, 452). But instead of suppressing the movement, brutality only further radicalized youth to protest. As the movement gained steam, USAID started sending money to Otpor and other CSOs committed to democracy like the Center for Free Elections and Democracy (CeSID) (Serwer 2019). Otpor grew to more than 70,000 activists. This impressive grassroots-led movement led to Milosević's ouster in the 2000 elections (Kmezić 2017, 24).

How was civil society able to strengthen opposition parties to topple an oppressive authoritarian regime? While Otpor helped organize the political opposition and worked to get out the vote, CeSID closely monitored the elections so that they knew the results before the Milosević regime could falsify them (Serwer 2019). Further, civil society was able to voice popular sentiments that a fragmented opposition was missing. NGOs, independent trade unions, intellectuals, universities, and independent media joined in opposition against Milosević. They were united, well-coordinated, and ran a decentralized operation that allowed local NGOs to identify community grievances and relate them to the same overarching cause (Spasić 2003, 451). In addition, the help of Western aid, estimated to be in the millions, cannot be denied. A series of 30 campaign concerts alone cost over $1 million (Spasić 2003, 452).

2000 – Present Day

Under the new Serbian Prime Minister Zoran Đindić, cooperation between the state and civil society was cultivated and the hostility NGOs and other organizations faced dissipated (Milivojević 2006, 30). But once Milosević was gone, and the cause that once united civil society and former opposition groups had been addressed, groups were left asking themselves, what is it that we are fighting for? The divergence of varying organizations' ideologies became apparent. To be clear, it was the groups advocating for human rights, democracy, anti-nationalism, multiculturalism, and gender equality that faced the brunt of Milosević's attacks (Spasić 2003, 455). On the conservative side, civil society in Serbia is represented by the Serbian Orthodox

Church, which entails youth groups, cultural centers, and media, as well as nationalist organizations independent of the church (Spasić 2003, 455). These groups are often working for the preservation of Serbian cultural heritage and some for the defense of Milosević and other Serbs indicted by the Hague Tribunal (Spasić 2003, 456).

At the same time, Western financing for civil society increased in the 2000s. The prospect of EU membership opened the door to an abundance of financial support to local NGOs. In addition, NGOs were able to add some of their key demands into the EU's accession plan for Serbia (Kmezić 2017, 24). But this did not necessarily translate into popular support for Western-funded NGOs. A 2006 CeSID poll showed that the majority of Serbia's citizens were distant from CSOs in the country. A majority said that "CSOs are neither authorized nor supposed to interfere with politics and political matters" (Milivojević 2006, 32). Further, 78 percent of respondents in the same questionnaire said they "don't know anything about non-governmental organizations" (Milivojević 2006, 32).

Today, CSOs that advocate for human rights, rule of law, and democratization are under attack by the Vučić government. One interviewee said that organizations receiving funding from Brussels and Washington are labeled as traitors and cronies of the West. Funds are thinning and there is not as much money coming from the US as there used to be. He went on to describe the dangerous conditions NGOs and the media face under Vučić, "For CSOs with a strong attachment to Western policies and values that try to promote EU accession, you can imagine the difficult atmosphere; what it's like to get out of your apartment and see graffiti against your family, people entering your apartment when you are not home and turning it upside down looking for something – this is what happens to journalists, they are beaten and fired. If you say anything publicly against [Vučić] in a public service job, you will get fired." The Executive Director of Belgrade Center for Security Policy (BCSP) further shared that since January 2020 the organization has seen over 100 attacks, including physical attacks, against civil society activists. He also noted that the government is using EU legislation meant to block money-laundering and terrorist financing to instead block credible CSOs. In July, a lawyer from the Bank of Serbia sent a document that listed 27 organizations and 30 individuals involved in terrorist financing. BCSP was on the list (SAIS Group Meeting with Igor Bandović, virtual Zoom, 19 January 2021).

Arguably, Serbia is replaying history from the 1990s as the Vučić regime grows increasingly oppressive. CSOs in Serbia say that the government controls most media, creates obstacles for civil society freedom of association, and harnesses secret police who try to silence civil society and media voices that speak in opposition to the party line. The European Commission 2020 Report on Serbia says government authorities criticize CSOs that bring awareness to rule of law developments and civil and political rights. These condemnations are further pronounced in the media (EC Serbia).

CSOs in the Peace Dialogue

The difference between the civil society uprising that took down Milosević and the state of CSOs today is that this time, the ideological split could prevent unity among groups.

Serbian Orthodox Church

The SOC is a major civil society actor affecting the Kosovo-Serbia dialogue. With claims to 1,500 Serbian Orthodox cultural heritage sites, the Church actively presses the Serbian government to avoid recognizing Kosovo's sovereignty in talks with Kosovo (Živanović 2018). The Church frequently states it will only accept an agreement in which Kosovo is a part of Serbia (Vijesti 2020). In 2013, then-head of the SOC Patriarch Irinej accused the government of considering "giving up" Kosovo in exchange for Serbia's EU membership accession. He openly challenged the government and stirred nationalist sentiments, saying "this appears to mark the pure surrender…of our most important territory in spiritual and historical terms" (Vasović 2013).

Not only does the Church affect dialogue with Kosovo on a political level, but it also has an historic influence over public perception, at times in concert with the Serbian Academy of Arts and Sciences. A major shift towards nationalism in the 1980s culminated in the Serbian Academy of Arts and Sciences' 1986 Memorandum. This paper ignited extreme nationalist mindsets and provided an academic foundation that would set Serbia on a course towards deeper polarization. Using a reordered timeline of historical events, the work argues that anti-Serb discrimination was rampant, and that Serbs had been victims of destruction, assimilation, forced religious conversions, cultural genocide, and ideological indoctrination (SANU 1986). The memorandum has become a cornerstone for Serb nationalists and today's Greater Serbia ideology (Sinaović 2020). Further, because SOC is a transnational institution with churches, eparchies, and monasteries in post-Yugoslav countries, it is naturally able to perform a soft power role for Greater Serbia advocates (Sinaović 2020).

Polarization in Serbia, Less in Kosovo

These nationalistic trends in Serbia clash with pro-EU accession voices. As the country becomes more polarized, pro-EU civil society groups are increasingly silenced. The newly elected patriarch of the SOC, Porfirije Perić, is considered to be close to President Vučić and has criticized civil society activists who challenge his government (Stojanović 2021). One interviewee further suggested that Vučić is trying to buy the Church's support. In 2019 the Serbian government donated about 10 million euros to the SOC for decorating work on the Church of Saint Sava in Belgrade (Vasovic 2019). While the Serbian government actively stifles pro-EU voices, CSOs will find it difficult to connect and communicate with their constituencies to garner trust and legitimacy. But Vučić's tight grip might also be what pushes civic groups to unite once again against growing authoritarianism, as they did against Milošević. The assault on political leader Borko Stefanović in 2018 launched thousands of protesters marching through downtown Belgrade to tell Vučić "stop the bloody shirts" (Reuters 2018). Protests continued through 2020 in a show of civil resistance to the state's corruption and media suppression (Pantelić 2020). The challenge this time however is the SOC's developing relations with the Serbian state and the influence it maintains over some public perceptions.

The polarization present in Serbia is not as concerning in Kosovo currently, but it is something to watch out for. One interviewee warned that polarizing trends in Eastern Europe are reaching Kosovo and some grassroots movements are emerging in the country with undemocratic agendas. Further, prominent CSOs are having trouble connecting with local constituencies. The 2017 USAID Report reveals that most groups are "unsuccessful at building constituencies or mobilizing the public" (USAID 2017). Though most active CSOs have clear mandates and strategies to address local needs, the report adds, "because of their dependence on donor funding, in most cases CSOs do not hesitate to stray from their strategic documents in order to pursue funding opportunities" (USAID 2017).

CSO Cooperation and Coordination from Pristina to Mitrovica to Belgrade

There is notable cooperation between like-minded CSOs in Kosovo and Serbia and Track II dialogues are being pursued with the help of European NGOs. Groups throughout the Western Balkans are also working together to advance democratization and EU membership aspirations. CSO networks like the Coalition for RECOM are working to promote truth-telling of human rights violations committed in the territory of former Yugoslavia. RECOM has joined together thousands of civil society representatives, including human rights organizations, lawyers, journalists, refugees, victims, and families of victims and missing persons, in its efforts to establish the facts of the region's past, including war crimes and human rights violations (RECOM).

Cooperation exists between Kosovo Albanian civil society groups and Kosovo Serb organizations but there are some gaps in coordination. According to a 2013 study supported by the Kosovo Foundation for Open Society, only 15 percent of Serbs in the northern part of Kosovo have some type of collaboration in their activities with their Albanian counterparts (Maksimović 2013). Similarly, only 17.4 percent of Albanian CSOs reported that they had interaction with Serb CSOs in northern Kosovo. Kosovo Serb participants in the study said that they feel that cooperation between Serbian and Albanian CSOs are "forced and artificial and are inspired only for short-term gains" (Maksimović 2013). Barriers to coordination include language differences, lack of understanding what the other CSOs want, and lack of shared goals. Several Kosovo Serb participants in the same study said that, while they focus on human and minority rights, they feel that Albanian groups have a completely different agenda that focuses only on internal development issues like governance, EU integration processes, and corruption (Maksimović 2013).

Funding from the European Union

Last year, the EU Technical Assistance to Civil Society Organizations in the Western Balkans and Turkey (TASCO) held consultation sessions with CSOs regarding the next round of funding priorities through Instrument for Pre-accession Assistance (IPA III) for years 2021-2027. Serbian CSOs gave special attention to the question of how smaller, local CSOs can benefit from the funding project (TASCO 2021). In last year's IPA III feedback report Serbian civil society respondents requested to add community engagement to IPA III thematic priorities (TASCO Apr.

2020, 21). Suggestions included youth activities, culture and arts, and inter-sectoral projects related to social justice and global issues.

Kosovo organizations that contributed to the IPA III consultation process last year were mostly from Pristina and it appears that no Kosovo Serb organizations submitted a consultation report (TASCO May 2020). TASCO opened up another round of written contributions to be submitted by Kosovo CSOs in March of this year, as well as for Serbian organizations around the same time (TASCO Dec. 2020).

Recommendations

To the European Union

- **Decentralize aid to civil society.** CSOs face difficulties in connecting and representing local community needs because they are driven by international donor short-term projects. In this next round of IPA III funding, local expertise and strategy should be incorporated into grant awards to better distribute aid. Priorities should include volunteerism and engagement with local communities. TASCO should also work to ensure that Kosovo Serb CSO voices are included in the IPA III consultations. Building trust and local ownership with Kosovar and Serb populations now is critical for future mediation efforts and any future agreement's longevity

To CSOs in Serbia and Kosovo

- **Focus on gaining legitimacy and trust from local constituencies.** Find ways to connect broad terms from the US and EU like democratization and rule of law to a strategic vision that directly benefits citizens.
- **Enhance coordination between Kosovo Albanian and Kosovo Serb CSOs.** Groups should regularly convene to identify shared objectives and offer new considerations. Active information sharing on community needs should take place and language barriers must be addressed to do so.

Transformation of the Kosovo Security Force

Erin Coldsmith

Kosovo's Parliament overwhelmingly voted on December 14, 2018, to transform the Kosovo Security Force (KSF) into a national military force. The Parliament voted on three draft laws, which would lead to the creation of a national military force and Ministry of Defense as well as regulate the conditions of service in the KSF (BIRN Consultancy 2018). Of Kosovo's 120-seat Parliament, 107 lawmakers voted to transform the KSF into an armed force, while the Parliament's 13 Serb lawmakers boycotted the vote (Surk 2018). The three laws were officially ratified by the Assembly of the Republic of Kosovo on January 4, 2019 (Law No. 06/L-123; Law No. 06/L-123; Law No. 06/L-124. 2019).

Kosovo's decision to transform the KSF into a military force was contentious not only with the ethnic Serb community in Kosovo and their representatives in Parliament, but also internationally. The United States, the United Kingdom, and Germany supported Kosovo's decision as a sovereign state to establish a national military; however, the Republic of Serbia vehemently opposed the decision, the North Atlantic Treaty Organization (NATO) considered it "ill-timed," and the European Union and United Nations each voiced concern that the decision could exacerbate tensions between Kosovo and Serbia (BIRN Consultancy 2018).

Background: The Evolution of the Kosovo Security Force

Security forces in Kosovo have undergone significant transformation since the end of the 1999 war between NATO and former Yugoslavia. United Nations Security Council Resolution (UNSCR) 1244 and the 1999 Military-Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia required the withdrawal from Kosovo of all former Yugoslavia and Republic of Serbia personnel and organizations that possessed a military capability and required the demilitarization of the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups (Military-technical agreement 1999; UNSCR 1244 1999). The Military-Technical Agreement also required that former Yugoslavia and Republic of Serbia forces withdraw from the Ground Safety Zone, which was a five-kilometer area that extended beyond Kosovo's border into the territory of the former Yugoslavia (Military-technical agreement 1999). UNSCR 1244 mandated the deployment of an international security force to Kosovo to deter renewed hostilities, demilitarize armed groups, and create a safe and secure environment, among other requirements (UNSCR 1244 1999). NATO established the Kosovo Force (KFOR) in June 1999 in support of UNSCR 1244 and the Military-Technical Agreement between NATO and the former Republic of Yugoslavia and Republic of Serbia (NATO's Role in Kosovo 2020).

After completing a full withdrawal, UNSCR 1244 allowed for a limited number of former Yugoslav and Serbian personnel to return to Kosovo in order to conduct the following functions: "liaison with the international civil mission and the international security presence; marking/clearing minefields; maintaining a presence at Serb patrimonial sites; maintaining a

presence at key border crossings" (UNSCR 1244 Annex 2 1999). The provision allowing the return of former Yugoslav and Serb personnel was required to be conducted under the supervision of the international security presence and was never fully implemented. On October 30, 2000, NATO declared that KFOR would implement this provision "when the time is right" (Kosovo Crisis 2000).

Upon the completed demobilization of the KLA on September 20, 1999, Bernard Kouchner, the UN Secretary General's Special Representative for Kosovo, issued United Nations Mission in Kosovo (UNMIK) Regulation Number 8, establishing the Kosovo Protection Corps (KPC). The intent of the KPC was to "absorb the manpower" of the KLA and establish a multiethnic civilian, uniformed, emergency response force capable of performing search and rescue, humanitarian assistance operations, de-mining, rebuilding infrastructure and responding to fires and other emergencies. The KPC consisted of 3,000 active and 2,000 reserve members and was stood up and supervised by KFOR (KFOR Press Conference 1999). The KPC worked under the supervision of NATO's KFOR from 1999 until its dissolution in 2009 (Kosovo Background Note 2009).

After Kosovo's February 2008 declaration of independence, the Comprehensive Proposal for the Kosovo Status Settlement, known as the "Ahtisaari Plan," called for the dissolution of the KPC and the creation of the Kosovo Security Force (Ahtisaari Plan 2007). The KSF was mandated to be a multiethnic, civilian-controlled organization responsible for providing crisis response, civil protection, explosive ordinance disposal and other security functions, as required. The KSF was developed to be a lightly armed force of no more than 2,500 active and 800 reserve members, and was supervised, monitored and operated under the authority of the KFOR international military presence. (Ahtisaari Plan 2007).

Annex VIII, Article 5.3 of the Ahtisaari Plan states that changes to the restrictions on the number of active and reserve members of the KSF, and the restrictions limiting the KSF to light weaponry, were to be reviewed "no earlier than 5 years from the date th[e] settlement enters into force" (Ahtisaari Plan 2007). Annex VIII, Article 5.3 also states that changes to the personnel and weapons limits are to be determined by the international military presence (KFOR) in coordination with the international civilian representative (Ahtisaari Plan 2007). Despite this article allowing for a re-evaluation of the KSF's strength and weaponry in 2012, the KSF maintained its designation as a lightly armed security force until the Kosovo Parliament's December 14, 2018, vote to transform the KSF into a national military.

Transformation of the Kosovo Security Force and Creation of Ministry of Defense

The Law on Kosovo Security Force, Law on Ministry of Defense, and Law on Service in the Kosovo Security Force each entered into force on January 4, 2019 and detail the responsibilities and objectives of each institution.

Article 4 of the 2019 Law on Kosovo Security Force states that the KSF shall "defend the sovereignty and territorial integrity, citizens, property and interests of the Republic of Kosovo" (Law No. 06/123 2019). It defines the general duties of the KSF as the responsibility to "defend

sovereignty and territorial integrity of the Republic of Kosovo;" to "provide military support to civilian authorities;" and "participation in international operations" (Law No. 06/123 2019). Article 4 also requires that the KSF be a "multiethnic, professional, armed and authorized military force to serve in the country and abroad" (Law No. 06/123 2019). The importance of maintaining a multiethnic force was reinforced in Article 5, which states that "the Kosovo Security Force reflects the ethnic diversity of the people of the Republic of Kosovo" and is based on the principle of a "comprehensive and multiethnic force" (Law No. 06/123 2019). Article 5, Section 1.4 of the Law on the Service on the KSF further affirms that the KSF is built on a principle of non-discrimination (Law No. 06/L-124. 2019).

The Law on Ministry of Defense mandates the reorganization and transfer of the Ministry of the Kosovo Security Force's personnel and responsibilities to the newly formed Ministry of Defense for the purpose of "administration, monitoring and democratic civilian control over the Kosovo Security Force" (Law No. 06/L-122 2019). The Ministry of Defense is composed of both civil servants and military personnel who are charged with designing and implementing strategic state defense policies (Law No. 06/L-122 2019).

The Kosovo Security Force Comprehensive Transition Plan

The Government of Kosovo intends to become a future member of NATO and is developing the KSF according to NATO standards. President Vjosa Osmani and multiple other representatives from the Government of Kosovo have stated that Kosovo's intent is to be a contributor, rather than consumer, of peace and security in Kosovo and in peacekeeping missions around the world (SAIS Group Meeting with Vjosa Osmani. 2021). In order to achieve this goal, the KSF will undergo a multi-year, capabilities-based transition to a national armed force.

The Kosovo Security Force Comprehensive Transition Plan (CTP) was approved by the Kosovo Minister of Defense on January 22, 2019, and plans for a phased, capabilities-based transition from 2019-2027 (KSF CTP 2019). The specific timing of each phase is unknown, as the transition from phase to phase is determined by the attainment of a capability rather than a pre-determined date.

Phase one of the CTP includes the drafting of laws, force doctrine and concepts; training, staffing and acquisitions; policy development and "enhance[ing] cooperation and military interoperability with allied countries and gaining experiences to participate in joint international operations" (KSF CTP 2019, 3). Phase two of the CTP focuses on recruitment and training, building of infantry skills, and development of command, control and communications capabilities. During phase two, the KSF will also achieve initial operational capability based on criteria included in the CTP (KSF CTP 2019). During phase three of the CTP, the KSF will complete the recruitment of personnel, complete individual and collective training, acquire the necessary equipment, and achieve full operational capability based on the CTP's specified criteria (KSF CTP 2019).

The criteria that will be used to determine when the KSF has achieved initial operational capability and full operational capability are not publicly available. If the KSF's transition

advances according to the CTP's timeline, the Government of Kosovo will have a fully operational force of up to 5,000 active members and 3,000 reserve members by the end of 2027 (Law No. 06/123 2019; KSF CTP 2019).

Creating a Multiethnic Kosovo Security Force

Charles Call demonstrates in *Why Peace Fails* that "military integration is a statistically significant factor in the consolidation of peace," and "exclusion from the military and police forces seems to be a very provocative factor in prompting war recurrence" (Call 2012, 190). Call asserts that the integration of former opposing sides "signifies a curb on the exercise of the arbitrary or deliberate targeting of former enemies by the state" (Call 2012, 190). Kosovo's deliberate intent to ensure that the KSF is a multiethnic force is an important and well-founded measure that Kosovo's minority communities should welcome.

The initiative has, however, been met with Serbian government opposition. The Government of Kosovo has made a concerted effort to increase minority representation in the KSF, as demonstrated by the Ministry of the KSF's 2017 "Recruitment Plan for the Active Part only for Non-Majority Communities" and its 2017-2020 "Strategy for Integration of Non-Majority Communities in the MKSF/KSF," the goal of which was to increase minority representation in the KSF to 10% and increase KSF activities and visibility in minority communities. The campaign was initially successful. Minority representation rose to over 10% of the force in 2017 (Multiethnicity Destruction Tendencies 2018). That number has since declined, however, after a wave of Kosovo Serb resignations due to what the Kosovar Center for Security Studies (KCSS) has characterized as "brutal interference" by Serbia "aim[ed] at destroying the multiethnicity and achievements made so far by the KSF (Multiethnicity Destruction Tendencies 2018, 5).

Serbia does not recognize Kosovo's independence and still considers Kosovo to be part of Serbia. As noted in the introduction to this volume, Kosovo's Parliament transformed the KSF into a national military force by legislation instead of constitutional amendment, since efforts at a constitutional amendment had been continually blocked by the Serb members of parliament. The Serb community's opposition to the transformation was further demonstrated by the Serb members' boycott of the December 14, 2018 vote on KSF transformation.

KFOR is the only military force in Kosovo that the Serbian government considers legitimate. The current Serbian administration considers the KSF to be an illegal armed group (Minister Stefanovic meets with KFOR Commander General Federici 2021). The Serbian government opposes the participation of any Kosovo Serbs in the KSF. This was made clear by Igor Simic, a member of the Assembly of the Republic of Kosovo and spokesperson of Serbian List, a Serb minority party, when he stated in July 2018 that "Kosovo Serbs should not be a part of a would-be Kosovo army. The position of Serbian List is very clear, and this attitude is shared by the entire Serbian people in Kosovo and Metohija. KFOR is the only legitimate military force in this region that is present on the basis of Belgrade's consent and on UN Resolution 1244" (Morina 2018).

There have been active acts of intimidation to dissuade Serb participation in the KSF. Residents in the Serb-majority town of Zubin Potok, in northern Kosovo, woke in February 2018 to a town littered with pamphlets threatening to "break [the] bones" of those Serb "traitors" who joined the KSF, and those of any shop owners who provide services to the KSF (Isufi and Mustafa 2018). Also in Zubin Potok, in May 2018, Molotov cocktails were thrown into the house of a Serb KSF member and the vehicle of another Serb KSF member was set on fire (Mustafa 2018). Serbian President Aleksander Vučić in June 2018 implored Serbs not to join the KSF with the following appeal: "…they do not have the right to form an army – I urge them not to do so and not to participate…We have one army – the Army of Serbia. And this is my request and my appeal" (Izvor 2018). According to the Kosovo Ministry of Defense, "more than 80 Kosovo Serbs resigned from the KSF between 2018 and 2019, citing alleged pressure from Serbian authorities and local Kosovo Serb community representatives" (Country Reports on Human Rights Practices: Kosovo 2019). The United States Department of State also notes that Kosovo Serb members of the KSF were "routinely subjected to detainment by Serbian authorities at Kosovo-Serbia border crossings" (Country Reports on Human Rights Practices: Kosovo 2019).

The Kosovo Serb community's perception of the KSF remains dismal. According to the survey results, which were published in November 2020, only 4% of Kosovo Serbs responded that they either "trust" or "completely trust" the KSF. Of the Kosovo Serb respondents, 57% stated that they have "no trust at all" in the KSF; 12% have "little trust;" 14% "somewhat" trust the KSF, and 12% gave no answer (KCSS 2020).

In stark comparison, 88% of Kosovo Albanians "trust" or "completely trust" the KSF, and poll data indicates that the KSF is perceived to be the most trusted of Kosovo's institutions (KCSS 2020). With public trust in the KSF varying so greatly by ethnicity, and the Serbian government's continued pressure on the Serb community to reject the KSF, the challenge of creating a truly multiethnic force will be substantial.

Implications

Serbian opposition to the KSF, and to the employment of Kosovo Serbs in the KSF, is rooted in the dispute between Serbia and Kosovo on the issue of status. From Serbia's perspective, Kosovo is still part of Serbia. Thus, the Serbian government considers the KSF to be an illegal armed force. The KSF also presents a political threat to Serbia, as Kosovo's establishment of a national military will be yet another tenet of statehood that Kosovo has achieved without Serbian recognition.

From Kosovo's perspective, the young country is exercising its sovereignty and developing a mechanism to defend its territory and contribute to regional security. As a sovereign nation, Kosovo has every right to raise a national military. Despite Serbia's rhetoric and non-recognition, the United Nations International Court of Justice ruled on July 22, 2010, that Kosovo's unilateral declaration of independence was in accordance with international law. This ruling was later acknowledged by the UN General Assembly on October 13, 2010, in Resolution 64/298 (A/RES/64/298 2010).

The root cause of the dispute over the KSF resides in Kosovo's status. The KSF is directly affected by Serb rhetoric and must contend with Serbia's attempts to disrupt its ranks and dissuade ethnic Serb participation, so the KSF is not able to independently resolve the status dispute. It can, however, continue to espouse inclusive policies and recruitment initiatives, while striving to gain increased trust and visibility in the Kosovo Serb communities.

The International Response to the Transformation of the KSF to a National Armed Force

Serbia

Serbia has been outspoken in its opposition to the transformation of the KSF into a national military force. Serbian authorities have deemed the move an "'act of political aggression' against Serbia and a violation of UN Security Council resolution 1244 (1999)," and have asked KFOR to prohibit the operation of a "Kosovo army" on Kosovo's territory (S/2019/102 2019). Additionally, President Vučić stated that "Belgrade would respond to any attempt to send the Kosovo Security Force and any heavily armed units controlled by Pristina to the four Kosovo-Serb majority municipalities in northern Kosovo" (S/2019/102. 2019).

Serbia has institutionalized this rhetoric in national policy and strategy documents, including the Republic of Serbia's 2019 National Defense and National Security Strategy. It lists the KSF as a security threat and states that "measures will also be taken to prevent the transformation of armed formations calling themselves 'Kosovo Security Forces' into armed forces" (Strategy of Defense of the Republic of Serbia 2019, 6, 10-11). Serbia's 2019 National Security Strategy similarly lists the KSF as a "destabilizing factor" that undermines regional security (Strategy of National Security of the Republic of Serbia 2019, 7, 24).

KSF a Political Threat, Not a Military Threat, to Serbia

Despite the rhetoric of Serbian politicians, the KSF does not present a military threat to the Republic of Serbia. The Kosovo government's active efforts to recruit Kosovo Serbs to join the KSF and form a multinational force that represents all of Kosovo's minorities signals that it likely does not present a threat to Serbian communities in Kosovo either.

The 1999 Military-Technical Agreement and UNSCR 1244 provide the authority under which KFOR maintains an international military presence in Kosovo, and to which the Republic of Serbia is party (Military Technical Agreement 1999; UNSCR 1244 1999). UNSCR 1244 called for the demobilization of all Kosovo Albanian armed groups at the end of the 1999 war. President Vučić stated to the UN Security Council on December 17, 2018, that he considers the KSF to be one of these armed groups and, as such, KFOR should not allow the KSF to operate (SC/13626 2018). Since Belgrade does not recognize Kosovo's independence and statehood, the Serb position is that KFOR is operating on Serbian territory to provide a safe and secure environment in Kosovo with Belgrade's permission. To this statement, Kosovo's Hashim Thaçi asserted that KSF is not in violation of UNSCR 1244 since Kosovo is now an independent state and establishing an army is a "natural step" (SC/13626 2019). Thaçi further underscored that the UN International Court of

Justice ruled in 2010 that Kosovo's 2008 declaration of independence was legal and was not in violation of any international law (SC/13626 2019).

Serbian political rhetoric on the "threat" of the KSF transforming into a national armed force is a reflection of Belgrade's acknowledgement that the KSF presents a political threat to the Republic of Serbia, as it further demonstrates Kosovo's independence. The brinkmanship displayed in Serbian rhetoric towards the KSF, and the government's activities to dissuade Serbs from employment in the KSF despite Kosovo's attempts to create a multiethnic force, do present threats to the Serbia-Kosovo dialogue in the form of escalatory rhetoric which could further entrench social and ethnic polarization. The issue of the KSF provides Serbia with an opportunity to refuse to move forward in the dialogue and for Kosovo Albanians and Serbs to become further entrenched in opposing positions, further narrowing the already narrow zone of possible agreement in the dialogue.

NATO

The Secretary General of NATO acknowledged that the transition of the KSF was a matter for Kosovo to decide; however, he "expressed regret at the decision, characterizing it as ill-timed and noting that it had been made despite the concerns expressed previously by NATO. He added that the decision would require the engagement of NATO with the Kosovo Security Force to be re-examined" (S/2019/102. 2019). The Secretary General had previously conveyed to Hashim Thaçi, President of Kosovo from April 2016 to November 2020, that NATO Allies had serious concerns with any unilateral steps to transform the KSF without constitutional change (Press Release 046 2017). The Secretary General called for both Kosovo and Serbia to exercise restraint and avoid escalatory actions, noting his concern for a "rise of tensions on the ground, particularly in northern Kosovo" (SC/13626 1999). Despite NATO's concern regarding the transformation of the KSF, KFOR has dedicated itself to working with, and supporting the development of, the KSF (KFOR Mission 2021).

European Union

The EU mirrored NATO's sentiment on the transformation of the KSF in a statement issued on December 14, 2018. The EU states that, "like NATO, the European Union continues to share the view that the mandate of the KSF should only be changed through an inclusive and gradual process in accordance with Kosovo Constitution" (Statement by the Spokesperson on the Kosovo Security Force 2018). Five European Union Member states do not recognize Kosovo's independence: Slovakia, Greece, Cyprus, Romania and Spain (Mitrovic 2015).

Despite the EU objections to the KSF's transformation without a constitutional amendment, EU Special Representative Miroslav Lajčák has stated that this rift has not impacted continuation of the EU-mediated Belgrade-Pristina Dialogue. The issue of the KSF is not a current topic for negotiation and is not within the scope of the mandate of the Belgrade-Pristina Dialogue (SAIS Group Meeting with EUSR Lajčák. Zoom, November 11, 2020).

United States

The position of the United States is that it is Kosovo's sovereign right to establish an armed force. The United States fully supports the transformation of the KSF into a national military and supports the "gradual, transparent transition to a professional, multiethnic, NATO-interoperable force that serves and reflects all of Kosovo's communities" (Hunter 2018). US Ambassador to Kosovo Kosnett affirmed during a meeting on January 12, 2021, that the United States is Kosovo's main security partner and that KSF officers are attending West Point and the US Air Force Academy to learn alongside their US counterparts (SAIS Group Meeting with AMB Kosnett 2021). The United States also works closely with the Kosovo Security Forces through the state partnership program with the Iowa National Guard, which is discussed at length in J.M. Ascienzo's chapter in this volume.

Security Dilemma

Kosovo's creation of a national armed force is legal; however, it does not come without risks, one of the most critical of which is the potential to intensify a security dilemma between Kosovo and Serbia, and with the Kosovo Serb community. According to Barry Posen:

> *Relative power is difficult to measure and is often subjectively appraised; what seems sufficient to one state's defence will seem, and will often be, offensive to its neighbours. Because neighbours wish to remain autonomous and secure, they will react by trying to strengthen their own positions. States can trigger these reactions even if they have no expansionist inclinations. This is the security dilemma: what one does to enhance one's own security causes reactions that, in the end, can make one less secure* (Posen 1993, 28).

Another factor that leads to a security dilemma is others' inability to distinguish preparations for defensive or offensive operations (Posen 1993). In such cases, perception is reality and groups that feel threatened will likely take actions to protect their interests. The greater the divergence in perception of the KSF across the Kosovo Albanian and Kosovo Serb communities, the greater the risk of conflict.

Conclusion

Kosovo's 2008 declaration of independence was found to be lawful by the UN International Court of Justice. It is Kosovo's right as a sovereign state to raise and maintain a national military force. The Serbian position that the KSF is an illegal armed force is rooted in Serbia's non-recognition of Kosovo's statehood. The KSF presents a political, not security, risk to Serbia, whose forces are approximately ten times larger and far more capable than the KSF.

Kosovo's dedication to creating a multiethnic military force and ensuring that all minority groups are represented should be lauded. Serbian overtures to dissuade and intimidate Kosovo Serbs from employment in the KSF has further distanced the Kosovo Albanian and Kosovo Serb communities and increases ethnic polarization. Serbia's opposition to the KSF's existence, and to

Serb participation in the KSF, is rooted in the issue of statehood. It is not an issue that the KSF will be able to unilaterally resolve but will require a whole-of-government effort from the Governments of Kosovo and Serbia.

Recommendations

To Kosovo

- **Serbian recognition of Kosovo's independence should be the top priority, and the preponderance of the government's effort for that purposes should be put towards the Belgrade-Pristina Dialogue.** The root cause of the dispute over the KSF resides in Serbian non-recognition of Kosovo's independence, and is not likely to be resolved until the issue of status is resolved.
- **Propose meetings between the Minister of Defense of the Republic of Kosovo and the Minister of Defense of the Republic of Serbia, and between the Commander of the Kosovo Security Force and the Chief of General Staff of the Serbian Armed Forces.** The purpose of these meetings should be to promote mutual understanding and establish communication channels between the organizations for the purpose of coordination and deconfliction. Communication, coordination and deconfliction will be critical to prevent potential escalatory situations that can result from misperceptions and/or miscommunications. These communications channels can also be used in the future to coordinate and/or cooperate on items of mutual benefit and concern.
- **Continue to recruit Kosovo Serbs and all minority groups to work towards a truly multiethnic force.** Despite current challenges, creating a multiethnic force will be critical for the long-term stability of Kosovo. Integration is a statistically significant factor in long-term peace building. Additionally, increased Kosovo Serb participation in the KSF can help to diminish the Kosovo Serb community's negative perceptions of the KSF, thereby reducing the perception of a security dilemma in the Kosovo Serb community.
- **Continue dialogue with Serb members of Parliament to attempt to gain support for the KSF.** The main NATO and the EU objections to the transition of the KSF centered on the fact that there was not enough Serb support for the transformation to pass a constitutional amendment. As the Kosovo Serb members of Parliament boycotted the December 14, 2018 vote, the process was perceived as unilateral and not inclusive. Kosovo Serb support for the KSF will help to resolve these concerns, which will be important for future NATO and/or EU accession.
- **Increase engagement, visibility, and trust-building activities with Serbian-majority communities in order to improve public perception of the KSF.**
- **Continue to coordinate closely with NATO, the United States, and other NATO allies to develop the KSF into a professional, multiethnic military force eligible for NATO membership.**

To Serbia

- **Deescalate rhetoric and any activities organized to prevent Kosovo Serbs from employment in the KSF.** Polarized rhetoric and the absence of Kosovo Serbs in the KSF increases the likelihood of escalation and future conflict. Such a conflict would threaten not only Kosovo Serbs, but also regional destabilization that would not be in Serbia's interest. All effort should be placed on the Belgrade-Pristina dialogue, as the issue of Kosovo's status is the root cause of this dispute.
- **Meet and establish channels of communication with the Kosovo Ministry of Defense and Commander of the Kosovo Security Force.** Despite Serbian non-recognition of the independence of Kosovo and opposition to the creation of the KSF, potential clashes/conflict between Serb and Kosovo forces due to misperception, miscommunication and other potential escalatory incidents are not in Serbia's interest. Coordination and deconfliction channels should be established to deconflict and de-escalate any such future interactions.

To The United States

- **Include both Serbia and Kosovo in future conferences and regional engagements hosted by US European Command in order to promote dialogue between the defense forces of the two countries.** General Wolters, Commander of European Command (EUCOM) and NATO Supreme Allied Commander, stated in his April 13, 2021 testimony to the United States Senate Committee on Armed Services that he encourages both Serbia and Kosovo to maintain dialogue that will lead to a peaceful solution (Wolters 2021). Inclusion of both Serbian and Kosovo defense leaders in future engagements will promote dialogue and mutual understanding between the two forces and will further EUCOM strategic objectives.

Citizen-Soldiers of the Western Balkans: The US National Guard State Partnership Programs with Serbia and Kosovo

J.M. Ascienzo

This chapter will analyze the US National Guard's State Partnership Programs between the Ohio National Guard and the Serbian Armed Forces and the Iowa National Guard and the Kosovo Security Force. I will provide an overview of the State Partnership Program and the two partnerships, analyze the successes and challenges of both programs, and make recommendations.

The US National Guard State Partnership Program with Serbia and Kosovo

With the disintegration of the USSR beginning in the late 1980s, the US undertook whole-of-government efforts to help stabilize and democratize the newly independent nations of Central and Eastern Europe. A top priority for US officials was establishing military-military relationships to help transform militaries based on a Soviet model adversarial to NATO to militaries under civilian control, with adherence to the rule of law, respectful of human rights, and with a defensive-oriented posture to allay Moscow's concerns of US intentions (Kapp and Serafino 2011, 2) (Lengyel 2018, 5). The US National Guard (NG) was called on to meet the requests of the Baltics for reserve-centric militaries and to demonstrate to Moscow that the US had benign intentions for its presence in former Soviet satellites, and in 1993 the first State Partnership Programs (SPP) were born (Kapp and Serafino 2011, 3). The program has since grown to include 82 SPPs with 89 partner nations on every continent except Antarctica and NGs from every US state and territory (The National Guard, n.d.).[1] The SPP is now a critical component of US and partner nation military and civilian global security cooperation for the 21st Century.

Today the SPP is charged with two overarching goals: to strengthen US and partner nation security goals through military-military engagements between state NGs and partner nations' militaries, security forces, or government organizations chiefly responsible for disaster or emergency response (Kapp and Serafino 2011); and to leverage an SPP's military-military and military-civilian relationships to spur whole-of-society engagements within nations and between US states and nations (The National Guard, n.d.).

Funded by the Pentagon, SPPs are executed by a state NG's highest officer, the Adjutant General, in support of US Geographic Combatant Command and US Chief of Mission security cooperation objectives and guided by Department of Defense and State Department policy goals (The National Guard 2020). A National Guardsman is selected as the SPP Coordinator to facilitate the day-to-day responsibilities of the program with her partner nation's counterpart (Kapp and Serafino 2011, 11).

[1] Current numbers as of August 2020. Several state NGs participate in more than one SPP partnership, and some SPPs feature two states partnering with one nation. Florida's and the Virgin Islands' NGs have a joint SPP partnership with the seven Regional Security System nations of Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines (The National Guard 2020).

The size and scope of SPP military-military events reflect the program's core military objectives and statutory roles. State NGs and partner nations prioritize interoperability, modernization, and safety through short-duration, relatively low-cost events with typically a few dozen members from a state NG and partner nation. Events are designed for the benefit of the Guardsmen and US security objectives as much as for the benefit of the partner nation. In US military parlance the NG is participating in "Little t" training, which is funded by the Pentagon. "Big T" training, in which the US military improves a foreign military's operational readiness, by, for example, conducting a month-long airborne training program, is funded almost exclusively through State Department foreign assistance funds (Lawson and Morgenstern 2020). Although military-military events are tailored to the mutual needs and policy goals of each SPP, events generally emphasize peacekeeping, medical, cybersecurity, emergency response/disaster management, search and rescue, and noncommissioned officer development (The National Guard 2020).

SPP engagements are predominantly bilateral but can include any number of nations or a multinational security partnership and take place in a partner nation or US state. Co-deployments for SPP partnerships are rare but have occurred with increasing frequency since the US wars in Afghanistan and Iraq began (Kapp and Serafino 2011, 5). State NGs and partner nations are paired based on their similarities in security objectives and capabilities, as well as for similarities between a US state and a foreign country (Lengyel 2018, 6). All seven countries that once formed Yugoslavia have SPPs (The National Guard 2020).

Overview of the State Partnership Program and Ohio-Serbia and Iowa-Kosovo Partnerships

Today, the Ohio-Serbia and Iowa-Kosovo SPPs play critical roles in contributing to stability in a volatile region, strengthening European and transatlantic cooperation, and facilitating public, private and people-to-people relationships. From a US perspective, both SPPs support Washington's Balkans strategy to prevent inter- and intrastate ethnic tensions from spiraling out of control, and to deter Russian destabilization and Chinese influence by improving capabilities and interoperability and developing and maintaining whole-of-society relationships (United States Senate Committee on Armed Services 2020, 6). For Belgrade, the SPP provides desired capabilities within its military, opportunities to enhance its peacekeeping role, and a firm Western relationship to ensure its military nonalignment by balancing its ties with Russia and China. For Pristina, the SPP provides vital opportunities to modernize, professionalize and legitimize its security force. The SPPs provide the US, Serbia and Kosovo with a unique foundation and latitude to strengthen transatlantic civilian relationships.

Ohio-Serbia State Partnership Program

Now approaching its 15th anniversary, the Ohio-Serbia SPP has generated meaningful military-military cooperation, some military-civilian partnerships, and more recently, efforts to spur substantive civilian-civilian relationships. Although there is room for improvement, the

partnership's longevity is a laudable achievement within the context of often tenuous US-Serbia relations since the end of the Yugoslav Wars.

The Ohio National Guard (OHNG)-Serbian Armed Forces (SAF) SPP was formalized in September 2006, a day after the US and Serbia signed a Status of Forces Agreement that allowed for military exchanges and exercises between the two countries (Burgess 2006). Then-Serbian President Boris Tadic visited Ohio and declared "a new page in our history" between the US and Serbia, with the SPP "a first step" (Haskell 2006). Ohio's rich Serbian heritage and ancestry made the pairing a logical fit (Ohio History Central, n.d.), as did the OHNG's pre-existing SPP with Serbia's neighbor, Hungary (Haskell 2006). The partnership has included approximately 25 military events annually, including emergency and disaster response, medical exchanges, peacekeeping operations, and a chaplaincy program (Menegay 2019).

Belgrade is particularly keen to partner with the OHNG to enhance its peacekeeping capabilities as it prizes its relatively large troop contributions to UN peacekeeping missions (United Nations Peacekeeping, n.d.), partly as testimony to its military nonalignment. The cornerstone of these efforts is the Platinum Wolf exercises, hosted annually by the SAF at Serbia's South Base. The two-week multinational exercise has grown to include 10 countries from the region, the US and the UK. Other state NGs have participated in Platinum Wolf when their respective SPP partner nation has joined (Menegay 2019).

The OHNG-SAF SPP also partners with the Hungarian Defence Forces -- the OHNG's other SPP partner -- in Exercise Neighbors, an annual week-long event focused on infantry tactics and interoperability that Serbia and Hungary take turns hosting (Carden 2018). Beginning in 2016, the OHNG-SAF SPP launched Cyber Tesla, an annual four-day cybersecurity exercise held in both Ohio and Serbia and named for the Serb-American inventor (Pierce 2017). A two-week long medical exercise in 2017 took the SAF and OHNG to Angola to partner with the Angolan Armed Forces and personnel from Hungary and other countries, marking the first time US armed forces had been invited to a military engagement with Angola (Kuhn 2017).

The nondenominational chaplaincy program has been a cherished aspect of the OHNG-SAF partnership. Col. Saša Milutinović, the head of division for religion for the SAF Chaplaincy program, said in 2018 that the OHNG "helped us to first organize and make the model for chaplaincy in the Serbian Armed Forces" (Holliker 2018), restarting a program that had been dormant for over 70 years (Mullen 2019). Now there are chaplaincies at SAF bases across Serbia (Holliker 2018), an essential service for a society in which the Serbian Orthodox Church plays a fundamental role. Chaplaincy exchanges now take place annually, including a 2019 visit by SAF chaplain corps members to the Cleveland area, where the delegation met with local communities and concelebrated -- or co-officiated -- a liturgy during a visit to a Serbian Orthodox Church (Mullen 2019).

The Ohio-Serbia SPP has increasingly featured military-civilian engagements, primarily as secondary agenda items to military-military engagements, including cultural exchanges, relief efforts, and discussions between military and civilian leadership. The OHNG participated in NATO's annual Euro-Atlantic Disaster Response Coordination Center exercise in 2018, which

Serbia hosted for the first time, partnering Guardsmen with the Serbian Ministry of the Interior to offer military perspectives on emergency and disaster response to natural and manmade disasters (Stennett 2018). One of the earliest military-civilian engagements was in 2012, when Guardsmen joined the SAF to help rebuild an elementary school in the town of Kraljevo, site of a 2010 earthquake that damaged nearly 6,000 buildings (Johnson 2012).

The earthquake relief efforts spurred a Sister City partnership between Kraljevo and South Euclid, an inner suburb of Cleveland with a large Serb-American population (Menegay 2019) (Bradshaw 2018). The cities' mayors signed a memorandum of understanding during the SPP's year-end week-long celebration and conference in Serbia in 2018 (Bradshaw 2018), and the SAF chaplain corps delegation visited South Euclid during their 2019 visit (Mullen 2019).

Other civilian-civilian partnerships have focused on business and academic opportunities. A 2019 visit to Ohio by Serbian Prime Minister Ana Brnabić helped jumpstart discussions on potential academic and economic partnerships, especially in the manufacturing and agriculture industries, important sectors for both Ohio and Serbia (Menegay 2019).

Iowa-Kosovo State Partnership Program

The Iowa National Guard (IANG)-Kosovo Security Force (KSF) SPP was established in March 2011. Major General Timothy Orr, then the IANG's Adjutant General, and other public and private state leaders had long desired to forge an SPP partnership as Iowa was one of the few remaining NGs without one (Virtual Interview with Orr, 18 February 2021). Likewise, Kosovo leaders desired opportunities to strengthen the KSF and establish stronger military-civilian and civilian-civilian ties with the US (Virtual Interview with Orr, 18 February 2021). The IANG had an existing relationship with Kosovo, where over 800 Iowa Guardsmen had served with NATO's Kosovo Force (KFOR) since 2003 (Greenhill 2015). In addition, both Iowa and Kosovo had relatively small, ethnically diverse populations with a culture and economy focused on agriculture. The IANG-KSF SPP now has approximately 50 exchanges annually (Crowder 2018), covering a wide spectrum of military-military and military-civilian events. The civilian-civilian partnership has blossomed into a largely self-sustaining enterprise, arguably the most fruitful of all SPP civilian-civilian partnerships.

The partnership's military-military events have been tailored to the unique nature and capabilities of the KSF -- a lightly armed, mostly nonmilitary force focused on emergency response (Garding 2020). The partnership emphasizes aspects central to professionalizing and modernizing, like junior leader training, noncommissioned officer development, and emergency management and disaster response skills (Greenhill 2015). Exercises have also included medical training, logistics, human resources, maintenance, cybersecurity, and COVID-19 pandemic response (Virtual Interview with Ruden, 25 February 2021). The partnership also includes a handful of annual standalone events, including Eagle 6, a multinational two-week natural and manmade disaster exercise the KSF hosts (Liptak 2018), Best Warrior Competitions to determine which soldier or noncommissioned officer rises above their peers through wide-ranging skills tests,

(Virtual Interview with Ruden, 25 February 2021), and an annual Humvee maintenance conference hosted by the IANG that includes other Balkan state SPP partnerships (McGhee 2019).

The military-military engagement's newest development is the plan for the IANG and KSF to co-deploy abroad. Under the plan the KSF will serve to augment IANG forces by providing logistical and maintenance support under IANG command somewhere in the US Central Command's Area of Responsibility (Virtual Interview with Ruden, 25 February 2021), which includes Egypt, much of the Middle East, and parts of Central and South Asia (US Central Command, n.d.). The plan received unanimous support from Kosovo's parliament (Associated Press 2021) and an initial deployment has occurred to Kuwait.

The Iowa-Kosovo SPP was conceptualized and launched as a whole-of-society program, with the IANG-KSF relationship as the fulcrum for secondary and tertiary civilian-civilian partnerships. The strategy found ready partners in Kosovo and Iowa. It especially benefitted from Iowa's citizen-diplomacy legacy, led by former Iowa Governor Terry Branstad and Iowa Sister States, with which Orr had collaborated when he led an IANG partnership with Iowa Sister State Stavropol, Russia (Virtual Interview with Orr, 18 February 2021). Arguably the most tangible result of the Iowa-Kosovo relationship has been the opening of a Kosovo Consulate in Des Moines in 2016 (Des Moines Register 2016). It was the first such foreign office for Iowa to host, and the first fully-staffed office for the Kosovo mission to open outside of its embassy in Washington, D.C. (Des Moines Register 2016).

Iowa Sister States has thrived in its SPP role as a driver of civilian-civilian relationships. Iowa and Kosovo have five Sister Cities dating back to 2013: Johnston and Peja (City of Johnston, n.d.), Fort Dodge and Gjakova (Editorial Board 2021), Des Moines and Pristina (Cownie 2018), Norwalk and Vushtrri (City of Norwalk, n.d.), and Sioux City and Gjilan (Butz 2020). Overall, the relationships have flourished, with delegations participating in activities all over Iowa and Kosovo, including youth summer camps and trade missions. Gjakova has even placed a Fort Dodge Lane along a walking path (Editorial Board 2021), and Vushtrri named a new recreational space The Norwalk Park (City of Norwalk, n.d.). The relationships have provided Iowans with opportunities typically reserved for Washington and New York. When Kosovo launched its 1,200-acre Kosovo American Economic Zone in 2019, offering US businesses free land and no property taxes, the consulate in Des Moines asked Hollie Zajicek, Norwalk's economic development director, to manage the US side of the program (Kay Albertson 2019). Kim Heidemann, who drove the civilian-civilian growth of the relationship while leading Iowa Sister States, has now joined the Kosovo Consulate in Des Moines (Virtual Interview with Heidemann, 19 February 2021). Iowa Sister States has also facilitated trips to Kosovo for the Iowa Amateur Athletic Union, visited with Iowa Peace Corps volunteers serving in Kosovo, and has joined with Sister Cities and Iowa Rotaries to partner with TOKA, a Kosovo NGO that focuses on youth summer camp exchanges (Virtual Interview with Heidemann, 19 February 2021).

The Iowa-Kosovo SPP has also launched academic exchanges, a scholarship program, and economic development. The highlight of the education partnership is between Des Moines Area Community College (DMACC) and Kosovo education and business leaders. DMACC and

Millennium Foundation Kosovo partnered to establish the Women in Energy Scholarship program with a grant of up to $1 million to train women for careers in the energy sector (Des Moines Area Community College, n.d.). DMACC has also partnered with Kosovo's Ministry of Economic Development to send faculty to Pristina to train instructors at the Kosovo Energy Corp. (Business Record 2019). The University of Iowa College of Law's "externship" program sends Iowans to study international law at the Kosovo Ministry of Foreign Affairs (Little 2021), and the College has received Kosovar Fulbright Scholars (Wong 2019). Drake University has led professional development exchanges with Gjakova and Prizren Universities (Drake University 2019). Iowa State University also has student and faculty exchange programs (Igram, n.d.), the latter focused on the dairy sector and food security (Love 2015).

Serbia and Kosovo: Military-Military Perspectives

For Belgrade, the OHNG-SAF SPP provides desired capabilities within its military, more options and opportunities to serve in a peacekeeping role, and a firm relationship to ensure its military nonalignment. Although there are opportunities for growth, the partnership's durability and enhancement over a 15-year period is a victory for both US and Serbian leadership.

One roadblock to achieving greater success is the reluctance of Serbian politicians to promote the partnership. The general sentiment from our interviewees was that Serbian politicians, regardless of Serbian policy or their private support for US and transatlantic security relationships, would be roundly chastised for publicly championing the benefits of Western military cooperation. Belgrade's political posturing and Serbian media coverage is oriented to Beijing and Moscow, and media outlets have come under increasing state control and intimidation (Radio Free Europe/Radio Liberty 2019).

For Pristina, the IANG-KSF SPP is an invaluable means to modernize, professionalize and legitimize its security force. The plan for a co-deployment with the IANG is a milestone for Kosovo. In addition to the experience gained in the field by the KSF, a co-deployment would strengthen Kosovo's legitimacy as a sovereign state and be a major step in its desire to become an "exporter" of security.

A significant opportunity exists for the US, Kosovo and Serbia to use the SPP as a vehicle for the SAF and KSF to collaborate, likely through participation in the same SPP event. For Pristina, the acceptance of a sovereign Kosovo with a security force that is eager to serve outside of its borders will remain a precondition to normalizing relations. It is highly unusual in the world for the security forces of neighboring countries not at war to have zero relations with each other. Establishing military-military relations seems, however, highly unlikely in the current political climates of both Belgrade and Pristina, but especially so long as Belgrade vehemently objects to the existence of Kosovo and the KSF. A partnership in any form would also likely require concessions on the part of Pristina, which might face opposition concerned that the KSF was partnering with military officials and soldiers responsible for war crimes in Kosovo.

Still, opportunities for partnership exist, including the multinational events in both countries and the US. For many of these the SAF has a standing invitation but has declined to

participate as long as the KSF will be there. This policy has extended to declining invitations to events in which the IANG is participating even though the KSF is not. This is unfortunate as several military-military and military-civilian events are primed for partnership, including chaplaincy and medical exchanges and emergency response. It would be unfortunate if in the event of a natural or manmade disaster on the border between Serbia and Kosovo the SAF and KSF could not collaborate to treat the wounded, save lives, or in grief and trauma find collective solace under the guidance of spiritual representatives.

Serbia and Kosovo: Military-Civilian and Civilian-Civilian Perspectives

The Ohio-Serbia SPP has produced a number of promising developments in the military-civilian and civilian-civilian realm. For Belgrade, the recent upswing in engagement with the US reflects its renewed desire to strengthen transatlantic and European ties, primarily its desire to join the European Union.

Serbia and Ohio could find traction pursuing business ties. Several of our interviewees stressed the need for a deliberate economic strategy with Ohio, with a focus on information technology in addition to manufacturing and agriculture. Washington's decision to headquarter its first overseas office of the International Development Finance Corporation in Belgrade should be a fulcrum for plans moving forward (Ravelli, n.d.). Exchanges through academic institutions and programs like Sister Cities are still nascent but have promise if both partners invest.

High-level exchanges between Ohio and Serbia like Brnabić's visit to Ohio could be the most beneficial outcome of the civilian-civilian partnership. Belgrade represents a focal point for US, European, Russian and Chinese interests, and the strengthening of people-to-people ties could help steer Belgrade toward the West. US Rep. Steve Stivers, who represents parts of central and southeast Ohio, has been engaged with the partnership for years as a Major General and Director of the Joint Staff of the OHNG and member of the Congressional Serbian American Caucus (Menegay 2019). Having these types of relationships strengthens the partnership but also helps as a backchannel to facilitate agreement and mitigate the potential for a cooling of relations.

Serbia should do more to champion the existing and potential civilian-civilian partnerships with Ohio. Belgrade's public relations and media posture favoring its relationship with Moscow and, more recently, Beijing, has created misperceptions that, for example, China is Serbia's largest donor, when in fact the EU, Germany, the US and the UN are (Conley et al. 2020). Belgrade should capitalize on US investments in Serbia, including the new International Development Finance Corporation office, to strengthen business opportunities. Creating new, reliable investments and trade opportunities will also help balance its increasing overreliance on Chinese partners.

The immense success of the military-civilian and civilian-civilian relationships of the Iowa-Kosovo SPP should continue to grow, the latter in particular. Our interviewees stressed the need to maintain and advance the progress the young country has made towards a functioning free-market democracy. Further capitalizing on the partnership with Iowa will help.

Partnerships in the education sector and economy have helped begin to fill a major void in Kosovo society. Higher education and training opportunities should provide a foundation for

needed skillsets in demanding sectors like energy and agriculture, and a focus on educating and training women should combat Kosovo's high unemployment rate for women in the formal economy. A major point of apprehension for many of our interviewees was that the Kosovo economy relies too heavily on public investment and remittances from the diaspora, which is not guaranteed as a continuing practice for the next generation of Kosovars born overseas.

The partnership has found the resources, mandate and support it needs from the Iowa Statehouse and Iowa's Congressional Delegation. Current Governor Kim Reynolds has continued Branstad's commitment to the partnership. US Senator Joni Ernst has a vested interest in the success of the partnership: she served in the Iowa National Guard, retiring as a Lieutenant Colonel after 23 years of service (US Senate, n.d.). Ernst serves on the Senate Armed Services Committee, which has oversight authority over the SPP and the US security agreements with Kosovo.

The relationship has steadily built up a key constituency to lobby Washington on behalf of Kosovo issues. This is especially timely with the electoral defeat of US Rep. Eliot Engel, who was not only the most prominent Kosovo advocate on Capitol Hill but also chairman of the House Foreign Affairs Committee. In addition to Ernst, Iowa's five remaining members of its Congressional delegation sit on committees with budgetary or authorizing control over defense and foreign aid programs. Although Iowa lacks an official association for its small Kosovar diaspora, it has a formidable network of civilian, military, public and private interests eager and willing to testify for its cause. In this sense the Iowa-Kosovo relationship has re-engineered the genesis of many SPP pairings, including Ohio's: rather than forming an SPP partnership because of a US state's previous heritage and connections to a country, the Iowa-Kosovo SPP partnership is *creating* a Kosovo heritage in Iowa.

US: Overall Perspectives

The Kosovo-Serb dialogue is at stalemate on fundamental issues, there is political dysfunction in Kosovo, the European Union is relatively weak and suffering from enlargement fatigue, Chinese influence is increasing, and Russia is making efforts to de-stabilize the Balkans. In this context, the OHNG-SAF and IANG-KSF SPPs provide the US with a critical tool to furthering its interests in the Western Balkans.

Two key aspects of the SPP are fundamental to its success. First, the nature of the National Guard. The Guard's citizen-soldier ethos and reserve-centric qualities enable Guardsmen to assist their partner nation counterparts on a wide-range of skills. Second, pairing a partner nation with a state through a whole-of-society approach ensures longevity that translates into institutional knowledge and long-lasting relationships for the NG and civilian communities. Establishing key relationships at the state level is critical for providing a partner nation more access to strengthening partnerships, access it might otherwise find difficult to secure at the federal level.

Strong on qualitative achievements, a continuing challenge for the SPP is demonstrating its *quantitative* value to Pentagon, Capitol Hill and White House officials. Major Jonathan Ruden, the IANG's current SPP Coordinator, points to the basic metrics of the program: How many people were trained, and at how many events? Ruden also highlights that the IANG often makes US

security investments worthwhile. “If the US sells the KSF a military range,” Ruden says, “[the KSF] needs the training. We can do that” (Virtual Interview with Ruden, 25 February 2021). Major General Orr, the IANG’s Adjutant General when the Iowa-Kosovo SPP partnership began, thinks the program’s non-military aspects should be weighed more heavily by officials: “One of the powers of the SPP is its longevity. Others in the US government have struggled for years to understand the soft power of this program. They’re not in the country to see the personal relationships, nor do they see the tangible benefits to both countries because of the turnover in our government every four or eight years.”

US officials would also likely invest more in SPPs if greater weight was given to measuring the civilian-civilian partnerships. But the strength of civilian-civilian partnerships is largely contingent on the investments made by individual US states in institutions that drive those partnerships, and not as a result of the effectiveness of the SPP’s military-military partnerships. Supplemental funding to drive the civilian-civilian relationships might instead come from State Department and partner nation sources.

A Government Accountability Office report would help Congress identify successes, challenges and opportunities for the SPP. The last report was issued in 2012, and a request for a new one was submitted in 2020 (National Guard Association of the United States 2020). US defense priorities and the SPP have changed to varying degrees since 2012. A new report could provide recommendations to Congress to help target SPP resources and implement reform.

It is useful to draw comparisons between the State Partnership Program and the Peace Corps, the US’s flagship government program for international volunteerism. Both programs focus on sustainable technical skills transfer to match host-country needs. Guardsmen and Peace Corps volunteers are embedded in their host communities. There is heavy emphasis on culture exchange. Both programs are given rare degrees of autonomy to operate. The Peace Corps often partners with foreign aid programs and whole-of-government initiatives but by law is an independent agency separate from the US State Department. The SPP establishes goals within the overall strategy of the Pentagon, geographic commands, and security cooperation frameworks, but often works solo with host-country partners. As force multipliers, both programs have spawned public and private efforts in host countries and in the US to buttress and complement the partnerships, raising private funds in the US for projects overseas, establishing scholarships, lobbying Congress for a host nation’s cause, and countless more unplanned endeavors of awareness, agency, and advocacy. People-to-people bonds are often these programs’ most celebrated features, qualitatively priceless measures of success for sure, yet lacking in the quantitative metrics sufficiently packageable to attract budget, despite both programs’ cost efficiency. Ultimately, mutual trust, understanding and reciprocity are the foundation of both programs.

With the new Administration in Washington, the Serbia-Kosovo relationship has the opportunity to make progress. The State Partnership Program is just one of many tools for Washington, Belgrade, and Pristina to engage with one another, but an important one. Below are recommendations within the context of the SPP for Ohio-Serbia, Iowa-Kosovo, and the USNG.

Recommendations

To the Ohio-Serbia State Partnership Program

- **Establish an Ohio-Serbia Association in Ohio and Serbia to act as the "point-of-contact" to facilitate civilian-to-civilian relationships.** Much like Iowa Sister States, the point-of-contact could facilitate tertiary partnerships independent of military-to-military or military-to-civilian relationships. Chambers of Commerce are potential points-of-contact given the economic potential of the relationship, but a distinct organization should be established to explicitly target the Ohio-Serbia relationship's potential.
- **Continue dialogues between business and educational leaders** and utilize the new US International Development Finance Corporation office.
- **Promote the SPP partnership** to a greater degree, especially on the part of Serbian politicians and media.
- **Work towards participating in an event that includes the Iowa-Kosovo SPP.** Chaplaincy and emergency response exchanges are of non-military nature and would be a low-risk engagement. As the KSF continues its transition to an army, and as both Serbia and Kosovo seek full European Union membership, this would be a modest first step to partnering with each other's defense forces.

To the Iowa-Kosovo State Partnership Program

- **Establish an Iowa-Kosovo Association in Iowa and Kosovo** to capitalize on the growing Kosovo presence in Iowa, serve as an advocacy organization for Kosovo issues to Iowa and US officials, and strengthen civilian-civilian relationships. An association could capitalize on the existing partnerships established by Iowa Sister States and the Kosovo Consulate in Des Moines and mitigate potential hurdles stemming from turnover or redirected priorities there.
- **Establish an Iowa Office in Kosovo** to help relevant Kosovo stakeholders strengthen Iowa-Kosovo ties, including business, academic, and people-to-people relationships.

To the US National Guard

- **Encourage an interagency effort to spur greater whole-of-society relationships between SPP states and partner nations.** The NG's budget and mission is limited in its ability to cultivate self-sustaining partnerships outside of military-military relationships. A stronger reliance on capabilities from other public and private partners, principally US overseas missions and partner nations' US missions, should be prioritized from the outset to spur lasting civilian-civilian relationships. The State Department, in particular, and USAID and US investment and trade agencies should prioritize existing and potential relationships.
- **The Government Accountability Office should conduct a comprehensive review of the SPP**, not done since 2012. (Such a report was requested by Congress in September 2020 (National Guard Association of the United States 2020). US defense priorities and the SPP

have changed to varying degrees since 2012. A new report could identify challenges and opportunities for the SPP, highlight best practices and "successful" programs, and provide recommendations to Congress to help target SPP resources and implement reform.

- **Provide language and culture training for the OHNG and IANG.** This could be facilitated at universities and colleges that partner with Serbia and Kosovo. This recommendation was made by a previous researcher who studied the SPP comprehensively (Jansen 2010, 26).

Kosovo's Pursuit of Legitimacy

Adam DuBard

Legitimacy is a crucial component for any potential statehood movement. In order to join the international community as a full member with all the rights afforded to an independent, sovereign state, any breakaway movement seeking statehood must acquire a sense of legitimacy that supports its cause. However, this process is much easier said than done. From Palestine to Catalonia to Kosovo, acquiring legitimacy for statehood has proven difficult, often stifling the movements' momentum.

The question presented then is how does a would-be state undertake acquiring this sense of legitimacy? Borders have solidified in the post-Cold War era, and acquiring the necessary justification and support is a significant task. The goal becomes more difficult when movements face intense resistance from a sovereign power that wishes to retain control of the aspiring breakaway region, as Palestine, Catalonia, and Kosovo can all attest to.

Fierce opposition from Serbia has stifled Kosovo's statehood movement. Serbia, which maintains significant economic and political influence over Kosovo and on the international stage, views Kosovo as an integral part of its territory due to its historical and religious importance to the Serb people. Even with the backing of international powers such as the United States and most of the European Union (EU), Kosovo faces stiff opposition from Serbia and an uphill climb to join the international community as an independent, sovereign state.

In the meantime, Kosovo faces numerous domestic and regional issues that require addressing before further international progress can be made. Corruption and inequality are prominent in Kosovo, while education and accountability for past war crimes are lingering problems. Most important to the relationship with Serbia is the condition of the Serb minority that lives within Kosovo. Despite being provided ten guaranteed spots in the Kosovo parliament, many Kosovo Serbs remain marginalized and separated from Kosovo society, which has fueled feelings of resentment (Maloku et. al 2016, 246). This is also a sticking point for Belgrade in negotiations between the two sides, as Serbia seeks to support the Serb minority while also protecting its important cultural and religious sites located within Kosovo.

Even as Kosovo managed to acquire recognition from over 100 United Nations (UN) member states, Serbia has done its best to undermine these efforts, convincing 15 states to withdraw recognition (*Euractiv*, August 27, 2019). Kosovo has also managed to gain entrance into some international organizations, but still lacks membership in the UN, EU, and NATO, all organizations it aspires to join. Many of Kosovo's attempts at acquiring legitimacy have undermined its relationship with Serbia, further harming its hopes of recognition. Until Kosovo manages to tackle its domestic issues and relationship with Serbia, the conflict will continue further into intractability, with the current stalemate persisting.

Determining a State's Legitimacy

The debate over what makes a legitimate state is one that has been litigated for decades, with numerous scholars coming to diverging conclusions. The Montevideo Convention on the Rights and Duties of States in 1933 defined the measure of states under international law as "equal sovereign units consisting of a permanent population, defined territorial boundaries, a government, and an ability to enter into agreements with other states," (Montevideo Convention). While this definition seems fairly straightforward, the case of Kosovo is anything but, and when dealing with international law there will always be nuances and gaps that prevent a universal consensus from forming. By this definition alone, Kosovo could make a clear argument that it is a fully functioning sovereign state, yet it still lacks entry and recognition from the UN and the two most powerful organizations in its region: NATO and the EU.

Domestic Legitimacy

Sociologist Max Weber has written much of the foundational text on states and legitimacy, where he puts forth that a state can only be legitimate if its citizens have faith, or *Legitimitätsglaube*, in the political order that they live under. Weber's three potential sources of political legitimacy are the longevity or tradition of a political regime, the charisma of its leaders, and the belief of its citizens in the legality of the state and the rule of law (Peter 2017). In the case of Kosovo, the last source is the most viable, providing the foundation for sustainable domestic legitimacy. However, this definition still proves problematic when considering the Serb and Orthodox minorities present in Kosovo. Although small in number, they represent a serious issue for Kosovo as it attempts to consolidate political legitimacy on the domestic front. Minorities in Kosovo feel largely alienated and threatened, and therefore distrustful of the Kosovo state.

International Recognition

International legitimacy also presents numerous obstacles for Kosovo. Kosovo and its foreign diplomats have expended significant political capital on acquiring recognition from states across the globe, with some notable success. However, they still lack membership in the three organizations Kosovo prioritizes most: the UN, NATO, and the EU, with no significant progress in recent years or on the horizon.

Recognition is crucial to a state's legitimacy on the international stage. Not only is this necessary for acceptance to international organizations and all the benefits that entails, but there is also a significant psychological aspect. As Greenhill writes, "recognition of the 'other' is essential to constituting the 'self'," (2008, 346). In order to create a sense of legitimacy domestically, Kosovo must still also work to achieve recognition on the international stage.

Kosovo has been proactive, as well as successful, in achieving recognition from other states worldwide. In the decade after Kosovo's declaration of independence in 2008, Kosovo managed to secure recognition from 116 nations, establish diplomatic relations with 80 nations, and acquire membership in more than 50 international and regional organizations (Visoka 2019, 176). Crucially, Kosovo has failed to establish recognition with five of the 27 EU member states: Cyprus,

Greece, Romania, Slovakia, and Spain, for varying reasons. Spain and Cyprus are concerned with their own aspiring breakaway regions, Catalonia and Northern Cyprus respectively, while Greece maintains its position in solidarity with Cyprus. For these countries, an independent Kosovo would set a dangerous precedent of providing legitimacy to would-be breakaway states. Slovakia and Romania both have significant Hungarian ethnic minorities within their borders to deal with, and similarly fear what precedents recognition of Kosovo could set (Turp-Balazs 2021).

However, just as domestic legitimacy relies on international recognition, international legitimacy also relies significantly on domestic politics. The EU has attempted to justify its recognitions based on states' "adherence to principles of international law, including protection for minorities and peaceful resolution of disputes between the seceding and former host states," (Newman and Visoka 2018a, 772). Although many states have recognized Kosovo on the basis of its "commitment to build a multiethnic and democratic state," Kosovo's actions have fallen short of its commitments, which undermines its pursuit of both domestic and international legitimacy (Newman and Visoka 2018b, 374).

Background to the Kosovo Statehood Movement

Incorporated into Serbia in 1912, in the post-World War II era Kosovo was granted increasing levels of autonomy as a part of Socialist Yugoslavia, although it remained formally part of Serbian territory. Serbia attempted to revoke Kosovo's autonomous status in 1989. By this time Yugoslavia was falling apart, as Croatia, Slovenia, Macedonia, and Bosnia and Herzegovina had all declared independence by March 1992.

With the international community focused on the war in Bosnia and Herzegovina, Kosovo was ignored at the Dayton peace talks in 1995, which would bring trouble in just a few years. In early 1998 clashes between Serbians and Kosovans led to mass protests across Kosovo, with Serbia responding with violent crackdowns (Lansford 2019, 5-6). After failed attempts by international mediators to resolve the conflict, NATO decided to act as violence continued to rise. The result would be the complete withdrawal of overt Serbian military and institutional presence, leading to the UN taking over administrative control of Kosovo (Russell 2009, 488).

As Kosovo built up its institutional and administrative capabilities, the UN made plans to relinquish its control. After failed attempts to come to an agreeable solution between Kosovo and Serbia, Kosovo took matters into its own hands. On February 17, 2008, Kosovo Prime Minister Hashim Thaçi declared Kosovo to be an independent nation, and two months later the Kosovo parliament voted 103-0 to adopt a new constitution (Lansford 2019, 7-8).

Since Kosovo declared its independence, it has struggled to acquire international legitimacy. Although the International Court of Justice (ICJ) ruled 10-4 in an advisory opinion that its declaration of independence did not violate international law, Kosovo still faces significant barriers to becoming a full-fledged member of the international community (Lansford 2019, 8). It strives to become a member of the UN, EU, and NATO, but non-recognizers prevent its accession. Relations with Serbia are stagnating. The status quo seems intractable. Until Kosovo resolves the remaining issues with Serbia, this situation is unlikely to change.

Significant Moments in the Fight for Statehood

Although the revered Kosovar leader Ibrahim Rugova preached nonviolent protest as a means of achieving independence, failure of the Dayton talks to address Kosovo's status was a turning point. Some Kosovars concluded that violent struggle was the best way to attract international attention.

The Move to Armed Struggle

As Russell writes, "the message of Dayton for Kosovo was that violence works," (2019, 500). If Kosovars wanted to acquire their long-held desire for independence from Serbia, an escalation of violence would serve notice to the international community, which was desperate to avoid further mass-casualty events that had happened in both Rwanda and Bosnia.

Radicals in Kosovo wasted little time in pressing their advantage. By 1996 the Kosovo Liberation Army (KLA) began attacking Serbian posts, provoking a violent Serbian response (Belloni 2006, 334). As violence began to escalate in the region, the world quickly took notice. In March 1996 the *New York Times* published an op-ed asking the question "Will Kosovo Explode?" (Topping and Rubin 1996). This escalation in violence was a crafted strategy to draw Serbia into an armed conflict, therefore attracting international attention to the fight for Kosovo statehood. The lessons from Dayton were that violence was a powerful tool to legitimize one's movement on the international stage. "The KLA calculated that a massive humanitarian crisis would compel NATO to intervene." They would be proven correct (Belloni 2006, 334). Serbia's response was to escalate the conflict with more violence, which attracted more attention from NATO. Ultimately, Serbia's violent tactics legitimized the KLA and its fight for independence, forcing Serbia to withdraw from Kosovo and setting the conflict on a new path (Belloni 2006, 334-35).

Declaration of Independence

Perhaps the most significant move in legitimizing the Kosovo statehood movement was the official declaration of independence in early 2008. While simply declaring independence is hardly sufficient for true sovereignty, as many breakaway movements across the world can attest, this was a crucial moment both for Kosovo and its relationship with Serbia. Serbia had previously rejected the UN's attempt at mediation, and in turn Kosovo decided to declare its independence.

This escalation was an unwelcome development for Serbia, which reacted swiftly. Shortly after Kosovo's declaration of independence, Serbia approached the ICJ to rule on this move, hoping to have it declared illegal under international law. Although the ICJ eventually advised that because there was no actual law against declaring one's independence, Kosovo did not break international law, Serbia maintained its strong opposition. Assisted by China and Russia, who have their own potential separatist movements to worry about, Serbia has spearheaded the movement against international recognition of Kosovo (Tansey 2011).

Post-Declaration Relations

In the years since the ICJ ruling, Serbia has responded to Kosovo's aspirations with various tactics. Serbia attempted to have the UN General Assembly vote to condemn Kosovo's unilateral

independence declaration, although it had to settle for a watered-down resolution that welcomed the EU to begin mediation between Kosovo and Serbia (Krastev 2010). Kosovo has secured membership in international organizations, including the World Bank, the International Monetary Fund, the Regional Cooperation Council, and the European Bank for Reconstruction and Development, among others. But Pristina has had to fight Serbia and its backers at every turn. Most of Kosovo's main recognition accomplishments occurred from 2008-2014, when it was still basking in the glow of its newly-declared independence. Since then, Kosovo's turbulent domestic political climate has hampered its foreign policy, and Serbia has taken advantage (Visoka 2018).

Although Serbia and Kosovo did achieve some progress in EU-brokered negotiations in the early 2010s, these have not amounted to much in recent years (Lansford, 10). The conflict has stagnated, fueled by nationalism and domestic political strife on both sides. Kosovo's decision in 2018 to create its own armed forces, transforming the Kosovo Security Force (KSF) into a full-time standing army, provoked strong condemnation from Serbia (Kosovo Approves New Army 2018). The issue is emblematic of where the two sides stand at the moment. What is viewed by Kosovo as a necessary move for its own security and legitimacy Serbia sees as an unnecessary act of aggression (SAIS Group Meetings Conducted Virtually Over Zoom January 2021).

Remaining Obstacles to Legitimacy on the International Stage

When looking at the conflict today, there are numerous obstacles on both sides that hinder the pathway towards sustainable peace. In order to find solutions that will prove acceptable to both Kosovo and Serbia, these obstacles, many of them domestic issues, must first be dealt.

Minority Rights in Kosovo

One of the most pressing issues for Serbia is the fate of the Serb minority in Kosovo and the accompanying religious and cultural sites that hold great historical significance for Serbs. Ethnically, Kosovo is 92% Albanian, with the Serb minority making up around 5.3% of the population, and various other ethnicities including Bosnians, Turks, Montenegrins, and Croats making up the remainder. Additionally, around 90% of Kosovans identify as Muslim or non-believers, with around 7% identifying as Serbian Orthodox and 3% as Roman Catholic (Lansford 2019, 3-4). Although Kosovo has taken some steps to reach out to its minority populations, these measures have proven insufficient. More will have to be done to make significant progress in integrating its ethnic and religious minorities into broader Kosovan society.

Serb minorities within Kosovo still feel largely marginalized. Because Kosovo Albanians enjoy a super majority within Kosovo, they tend to "project features of their own ethnic group onto the superordinate Kosovar identity," resulting in the alienation of minorities (Maloku et al. 2016, 249). Kosovo Serbs feel increasingly isolated and alienated. Many Serb Orthodox members feel threatened by Kosovo's independence and are unsure of their property rights in Kosovo. The defacing of Orthodox sites during the war and the failure of Kosovo to prosecute Kosovo Albanians accused of war crimes against Serbs have left scars for the Orthodox community. Kosovo's decision to apply for membership to UNESCO was a shock to Serbs in Kosovo, and also

resulted in harming negotiations between Kosovo and Serbia in 2015. While Kosovo Albanians maintain membership in UNESCO would contribute to better preservation of Serb historical sites, the Orthodox community saw this as a threat to its control over these sites and feared this was merely the first step towards Kosovo officials kicking the Serb minority out (SAIS Group Meetings Conducted Virtually Over Zoom with Father Sava, Agron Bajrami, and Marko Đurić, January 2021).

One of the primary issues regarding Kosovo's ethnic and religious minorities is the lack of inter-community mixing among the minority groups and Kosovo's majority Albanians. Most Kosovo Serbs attend different schools taught in a different language. Without meaningful daily interaction, radicals on both sides are further enabled to "otherize" different ethnic groups, creating more tension and animosity. Serbs and Albanians tend to hold negative stereotypes of each other and exhibit a similar level of unwillingness to interact. For example, Albanians view Serbs as exhibiting the traits of "low warmth" and "high competence," while Serbs view Albanians as exhibiting low levels of both warmth and competence (Maloku et. al 2016, 253).

Until Kosovo is able to provide more opportunity and security to Serbs, its relationship with Serbia and hopes of achieving international legitimacy will remain challenging. The Serb minority, as well as the important cultural and historical sites in Kosovo, are major sticking points for Belgrade. So long as Kosovo is unable or unwilling to provide better guarantees for their well-being, Serbia will remain hostile. However, Serbia also has a strong desire to see the Serb communities remain largely autonomous, which enables Belgrade to continue exerting influence within Kosovo. Unfortunately for Kosovo, the Serb minority also supports this. Finding the right balance between providing security and opportunity for the Serb minority while also allowing a sufficient measure of autonomy will be a difficult task, but one that would serve Kosovo well in the long run.

Kosovo's treatment of Serbs harms it on the international stage and provides the EU non-recognizers with further justification for their current stance. The EU is wary of allowing in new members, especially ones with human rights and democratic issues at home. Gathering more support for independence would benefit greatly from EU backing. The plight of Serbs residing in Kosovo is no marginal issue. Kosovo should treat it with the utmost priority as it looks to solidify its standing in the international community.

Domestic Politics

Domestic politics in both Serbia and Kosovo have hindered progress in negotiations. In 2020, Serbia's opposition political parties boycotted parliamentary elections, resulting in President Vučić gaining almost complete control over the Serbian state (Kingsley 2020). Combined with the Serbian state's control over the media and civil society, this has presented problems for democracy and human rights inside Serbia. Among Serbians, there is concern that President Vučić's nationalist tendencies have wasted opportunities to resolve the conflict with Kosovo. With Serbian nationalism on the rise, attempting any serious resolution with Kosovo will prove increasingly difficult. Until Serbia adopts serious democratic reforms and allows more freedom to the press and

civil society, attempting to negotiate a resolution to the conflict with Kosovo will remain elusive (SAIS Group Meeting Conducted with Sasa Jankovic, January 2021).

While Kosovo maintains a less constrained political environment, significant issues remain. As in Serbia, lack of prosecution of war criminals from the 1998-99 war continues to hinder progress towards reconciliation. In November 2020, Kosovo's President Thaçi resigned in order to face charges of war crimes by the Specialist Chambers in The Hague (Kosovo's President Hashim Thaçi Resigns 2020). In 2020 Freedom House marked Kosovo as "partly-free" due to weak institutions, "rampant corruption," and a lack of security and freedom for local press (Kosovo 2020: Freedom in the World Country Report 2020).

However, Kosovo's early 2021 elections represent a potential bright spot. Albin Kurti, a man described by *Politico* as a "former protester, prisoner and provocateur," won (Hajdari 2019). In our own discussion with Kurti, he highlighted the need for Kosovo to combat corruption, reform its education system, address past war crimes, and improve relations with its neighbors, including Serbia (SAIS Group Meeting Zoom, Albin Kurti, January 2021). Among Serbians, Kurti was described as a "pragmatist" as well as "young and not corrupt," (SAIS Group Meetings, January 2021). Only time will tell if Kurti will be able to steer Kosovo in the right direction, but Kosovo's ability to conduct efficient elections should be considered in itself positive.

Civil Society

In both Serbia and Kosovo, civil society is struggling. Although civil society organizations flourished in both in the period after the war as international donors flush with cash descended upon the region, civil society is now in a period of decline.

In Serbia, nationalism and infighting among civil society groups have contributed to the decline, along with political oppression. Although the situation is better in Kosovo for civil society, issues remain. Many NGOs are reliant upon international funding, and as a result prioritize their donors over the needs of their local constituents. Although in Kosovo there is no outright animosity towards civil society organizations as in Serbia, there is significant distrust. There is also a disconnect between civil society and the Kosovo parliament (SAIS Group Meeting with Ivana Cvetkovic Bajrovic, January 2021).

Civil society holds the potential to meaningfully improve society. Any free, democratic state relies upon a thriving civil society to increase participation and inclusiveness. Minorities within Kosovo are highly skeptical of the Kosovo government, and electoral boycotts have been frequent. Empowering and utilizing civil society groups to boost democratic participation will bolster both domestic and international legitimacy. A stronger civil society in both Serbia and Kosovo would improve the lives of its citizens and strengthen its institutions.

Conclusions

Legitimacy starts at home. For Kosovo to continue its journey toward full acceptance by the international community, it should undertake significant reforms—especially with regard to the Serb minority—to facilitate this goal. Serbia also has significant issues regarding democratic

freedoms, as it seems ready to head down a familiar authoritarian route. The leverage of the EU and the United States should be utilized while carrots and sticks remain viable. There is still an opportunity for satisfactory resolution to this conflict, but the longer the status quo remains, the more intractable the conflict becomes, while grievances and hostilities become more institutionalized.

Recommendations

To the Kosovo Government

- **Ensure protection and integration of Serbs within Kosovo**
  Kosovo should strive to undertake serious efforts to further integrate its Serb minority into its broader society and prevent the "othering" of groups. A more inclusive society will benefit all Kosovans and will also provide a pathway to better relations with Serbia. Kosovo must also allow the Serb minority sufficient autonomy, which will remain a delicate balancing act, and provide sufficient guarantees over the revered holy and cultural sites located in Kosovo. Kosovo should look to work with Serbia to provide proper protection and maintenance of these sites and use this as a steppingstone to further cooperation.
- **Strengthen rule of law**
  Corruption must be combatted to improve domestic political capacity. Local corruption provides international non-recognizers with another talking point to justify their stance, and also harms domestic trust in the government's legitimacy. The Kosovo government should take tangible steps to punish corruption and encourage good governance.

  Similarly, the lack of prosecutions of war criminals in Kosovo is an issue that harms its legitimacy at home and on the international stage. While some of these trials will be politically difficult and unpopular, this is a necessary step for acquiring further international legitimacy and will also improve the government's standing with local minorities who were harmed by Kosovans during the war.
- **Increase diplomatic overtures to EU non-recognizers**
  By addressing local governance issues and improving the situation for ethnic and religious minorities, Kosovo will enhance its prospects for full recognition. Kosovo should stress the uniqueness of its fight for independence and highlight that its independence would not necessarily set a precedent for other aspiring secessionist movements.

To the Serbian Government

- **Recommit to democracy**
  Serbia is currently dealing with significant domestic issues. There is close to zero legitimate political opposition after the last elections, and President Vučić enjoys near total power over the state apparatus. Journalists and citizens are oppressed. Civil society is struggling.

By widening the political process and increasing freedom for citizens and journalists, Serbia could bolster its own legitimacy on the international stage. Allowing for further political and personal expression is a must if Serbia is to continue as a democracy. Reversing the tide of autocracy in Serbia would show Serbia is serious about EU membership.

To the EU and the United States

- **Utilize leverage effectively and stop rewarding bad behavior**
  The EU and the US both have the leverage to alter behavior in Kosovo and Serbia. With their combined economic might, the EU and the US are unique in their ability to bring states to the table and extract concessions. Both should condition financial aid to Kosovo on its ability to implement real reform at home – in its democratic process, prosecution of war criminals, and the fight against corruption, among other issues. The EU should work harder to present the attractiveness of EU membership to Serbia to help bring it back to the negotiating table.

  The EU and US should pressure the remaining five non-recognizers to grant Kosovo recognition. This will require pressure from Germany, France, and others. A united front on this issue would provide Kosovo with significant legitimacy and highlight the EU's commitment to the Balkans.

Criminal Enterprise and State Prosperity in Kosovo

Tucker McGownd

Criminal enterprise is present everywhere but is especially prevalent in developing countries and has a significant impact on economic prosperity. In order to properly analyze the state of criminal enterprise in Kosovo and make recommendations to its government, this chapter will be separated into five sections: the impact that crime has on Kosovo's economy and governmental resources, the nature and extent of different kinds of criminality in the country, the effectiveness of steps that have been taken to limit crime, and steps Kosovo government can take to continue to combat criminal enterprise, with an eye towards an effective use of its limited resources.

The Impact of Crime

Widespread criminality and corruption cause a negative feedback loop undermining both the institutions and the economy of a country. When a government is unable to provide basic goods and services, public trust in that government decays. As "shadow economies" take the place of legitimate institutions, the cost of competing legally excludes law-abiding business owners from the market, and simultaneously disincentivizes investment. This also deprives the government of tax revenue necessary to provide the services it promises and to enforce its anti-criminal regimes. The Kosovo shadow economy is estimated to be 39% (Isa Mustafa 2019) of Kosovo's GDP, or roughly 2.66 billion dollars. Taxed at Kosovo's current general rate of 10% this shadow economy would yield an additional 266 million dollars in government revenues annually, not even accounting for the positive economic effect an even playing field could have on domestic business.

Not only do shadow economies and criminality impede governmental funding and licit enterprise, but high levels of corruption hinder foreign direct investment (FDI) (Woo 2010), a critical source of funding and growth for developing countries. Foreign direct investment in Kosovo as a percentage of GDP has settled at around 3.6% in 2019, less than half the levels in Serbia, Albania, and Montenegro (World Bank 2019). There is much room for greater investment if anti-crime institutions and the business environment are improved.

Nature and Extent of Criminality in Kosovo

In order to understand criminality and economic malfeasance within Kosovo, it has to be examined in terms of differentiated criminal behaviors. These range from drug and human trafficking to broad white-collar regulatory and tax evasion. The common thread is profit. Unlike violent crime, criminal enterprise and corruption discussed here intrinsically involve the enrichment of some individual or group at the expense of others.

Drug Trafficking

Although historically smuggling of drugs and licit goods like cigarettes has been widespread in Kosovo and throughout the Balkans, it is estimated that the importance of Kosovo to the European drug and tobacco trades has decreased substantially since the early 2000s. Kosovo was then

supplying “up to 40% of the heroin sold in Europe and North America” (The Guardian 2000) but more recent reports in other countries of cocaine and heroin coming via Kosovo have decreased. The UNODC estimates that Kosovo’s real seizure rate of drugs is much higher than neighboring Balkan countries, and that the total quantity of narcotics is much lower. (UNODC – Drug Money 2015) This is an indicator that although imperfect, Kosovo’s drug seizure protocols make it a less appealing drug trafficking transit country than its neighbors.

Human and Organ Trafficking

While there is some optimism when it comes to drug trafficking, there is less clarity about the state of human and organ trafficking in the country. In 2010 the KLA was accused of forcibly removing and selling the organs of Serbian prisoners following the withdrawal of Serbian forces in 1999, acts that were often accompanied or predicated by the execution of those prisoners. A task force funded by the European Union reported in 2014 that these accusations were credible, although it did not happen on a wide scale. Separately, former President Thaçi’s associates were named in the report, and in September of 2020 Thaçi and several others were indicted for over 100 murders and war crimes, though none of the finalized charges were for organ trafficking. According to the Department of State Trafficking in Persons Report, Kosovo is still a top transit and destination country for human and organ trafficking of all kinds because of its combination of poor regulatory oversight of the medical industry and sufficient medical training and standards to perform the transplants on paying recipients (Department of State 2020)

The Medicus case, a prominent example of transplant tourism in Kosovo, found that the Medicus clinic in Pristina had coerced at least 30 victims into selling kidneys to wealthy buyers in 2008 alone. The donors had been promised up to $30,000, but many received little to no money and were forced to sign documents they could not read indicating the voluntary nature of the donation without financial incentive. Most donors were not Kosovo citizens, but rather people trafficked to Kosovo for the purpose of coerced donation from other countries with high rates of poverty. The victim whose apprehension at an airport kickstarted the investigation was from Turkey (UNODC - Trafficking 2015). The Medicus case is also an example of corruption and ties between organized crime and the government. Despite organ transplantation being illegal in Kosovo, a medical license for transplantation was granted to Medicus by the Ministry of Health. Charges against two government officials for their involvement in this apparent breach of Kosovo medical licensing law were dropped, though five operators of the clinic were convicted and sentenced to between one and eight years of imprisonment.

In addition to organ trafficking, Kosovo exhibits signs of a significant human trafficking network. The information on this topic is limited both because the nature of human trafficking makes it hard to track and because Kosovo has made limited efforts to proactively analyze the extent of its own human trafficking problem, but the following statistics have been curated by the Department of State for its annual Trafficking of Persons reports (Department of State 2019 and 2020). Currently there are 74 open cases from previous years, a little over twice as many as were closed in 2019, although that backlog was reduced from 78 to 74 between 2018 and 2019.

The State Department classifies Kosovo as a Tier 2 country (out of three), noting that the government is increasing its efforts to reduce human trafficking but effectiveness is limited when it comes to both prevention and prosecution. Sentences for traffickers are more anemic than required by Kosovo law, with several convicted perpetrators receiving fines or suspended sentences far below the mandatory minimum of five years imprisonment. Meanwhile, the government's funding of NGO shelters for victims dropped from 73,000 USD to 71,000 USD in 2019. Most trafficking is sex trafficking, though there are some examples of slavery or forced servitude, and some children are trafficked to be beggars. There are few mechanisms other than open or closed criminal cases with which Kosovo or the international community can accurately track human trafficking routes, number of potential victims, or the accurate targeting of limited resources to prevent and dissuade traffickers. Low overall case numbers are unlikely to have any correlation to the number of people trafficked, and without some sort of centralized and proactive trafficking database the justice system's understanding of the situation is unlikely to improve.

Infrastructure Crime and Facilitated Regulatory Avoidance

State capture by commercial profit-seeking entities can have a significant long-term impact on the quality of life of Kosovo citizens. This has led Kosovo to warped market conditions and a low business density rate. The ramifications extend beyond economic health to environmental decay.

One clear example of this is the gravel industry born out of road infrastructure projects. A report produced by the Kosova Democratic Institute (KDI) in 2018 found that "Kosovo's largest river, the Drini i Bardhe, had a reported 861 hectares of degradation in 2009, but the degraded surface had reached 1,011 hectares in 2012." When the government finally generated the political will necessary to temporarily ban gravel extraction from riverbeds, many companies continued to extract illegally. Although that ban would at first glance indicate support for environmentalism, bans are meaningless if not enforced and if regulatory officials are corrupt, as is the case of the chief inspector of the independent commission for mines and minerals, who admitted to taking "a bribe from a gravel extracting company" (KDI 2018). The report notes that even when investigators are motivated to enforce regulations, threats of violence by the extraction companies and little support from the justice system result in little action against criminal extractors. A combination of tax avoidance and illegal mining sites make it necessary for a legitimate extractor to sell extracted media at a 50% higher price than a criminal extractor to cover extraction costs. The shadow economy for construction material warps the licit market, incentivizes criminal behavior, forces out legitimate businesses, and damages Kosovo's ecology.

Fraudulent sale of public land is another example of facilitated regulatory avoidance. In 2016, Azem Syla, a former KLA leader and associate of Thaçi, was indicted along with thirty-eight others on counts of money laundering, fraud, bribery, and organized crime. The group sold a parcel of publicly owned industrial land valued at 30 million euros to private buyers, defrauding the state. The endeavor was possible because the land was entitled to Serb families; the conspirators claimed the land on their behalf without their knowledge via falsified documents and bribed officials (Spaic 2016).

Bribery and Nepotism

In 2011, nearly 10% of the adult population of Kosovo had "direct or indirect exposure to a bribery experience with a public official," and "More than half of the population believes that corrupt practices occur often or very often" (UNODC 2011). This has the dual impact of reducing public trust in officials and institutions as well as demonstrating to unscrupulous individuals that behaving in this manner and seeking personal enrichment by abusing power within government and institutions is unlikely to be punished.

The dominant form of corruption in the region, nepotism and clientelism, are pervasive throughout Kosovo. According to polling done in cooperation with Opole University, 42% of respondents in a 999-person survey felt that they or someone in their family had been victims of nepotism. Of those, 43% said that the nepotism had occurred since Kosovo's independence, a percentage matched by the 43% who said that the nepotism had occurred after the Kosovo war but before Kosovo's independence in 2008. Only 12% said that the nepotism had occurred prior to the war. Rates of perceived nepotism do not appear to be falling, and 60% of respondents felt that "employment in Kosovo is difficult without support from outside" (Gjinovci 2016). Even where anti-corruption regulation exists, lack of repercussions for perpetrators has promoted both lack of competence in the professional workforce and public distrust in institutions perceived to be populated by nepotists. This mindset pervades both the public and private sectors.

Successful Steps

Although Kosovo's regulatory environment leaves much to be desired, there are a few factors that indicate the potential for significant reform. This includes the justice system, the policing system, and steps taken by Kosovo to come into compliance with international regulations regarding drug trafficking, human trafficking, and money laundering. Although many of these regulatory frameworks are underutilized and inconsistently enforced, their existence can function as scaffolding so that as non-corrupt officials take up positions of authority there are steps that can be taken to reform the commercial and legal landscape.

Justice System

Although long considered by citizens of Kosovo and bystanders alike a mostly toothless institution, over the last five years with the help of USAID several key metrics indicate improvement, especially in the operations of the courts. The case backlog for the Kosovo Basic Courts has dropped by 85%, and for the first time in Kosovo's history cases are being resolved at a faster rate than they are being filed (27% faster as of March 2020). The Constitutional Court flexed its authority in December when it declared Prime Minister Avdullah Hoti's election unconstitutional because of the criminal background of a parliamentary lawmaker whose vote gave Hoti's party its needed majority. As a result, Acting President Osmani called a snap election, and Albin Kurti's Vetëvendosje won more than 50 seats in the national assembly. Subsequently in January, the Central Election Commission declared that Kurti (along with 46 other candidates)

was ineligible to run to be a member of parliament because of a recent conviction in which he had opened a tear gas canister within the assembly chambers. This ineligibility did not extend to the Prime Ministership because the position is mandated by the winning party rather than being elected, so Kurti was subsequently sworn in as the Prime Minister of Kosovo on March 23, 2021.

Just as decreased public faith in the government results in fewer resources and less capacity to provide necessary services, a positive reinforcement cycle can occur if actions by an institution result in greater public trust and support. Although that can be hard to quantify, a sign of increasing public trust in the courts can be seen in the percentage of queried court users who felt they had been treated fairly. In 2017 that number was 60%, but by 2019 it was 86% (USAID 2020).

Policing

Regarded by many as a high point for ethnic integration and honesty among Kosovo's institutions, the national police force has prioritized Serbian representation, multi-ethnic patrols, and representation of women within its ranks. In 2018 allegations were made that Belgrade pressured Serbian minority officers to quit the Kosovo Security Force, but according to National Police representatives that has had little to no impact on Serb interest in joining the police force. Serbs show proportional interest and proportional representation compared to Albanian officers, roughly in line with the whole society. The police representative did not provide information on how recruitment of Serbs was differentiated regionally, although a researcher at the Kosovar Centre for Security Studies stated that "Especially in the [Serb-majority] northern part of Kosovo, I have noticed that Serb members of Kosovo Police are reviled by [local] society; they are seen as people who do not work for the [Serb] community's interests" (Morina 2018).

The police force is far from perfect and has been characterized as not having the resources to handle organized criminal activity or trafficking despite its proficiency at managing lower-level criminal behavior and individual criminals. Its members are also not free from corruption, as at least 10 police officers were arrested in September 2020 in connection with illegal casinos in Karachevo, along the eastern border of the country (BBC, 2020). Although this indicates the existence of corruption within the force, it also demonstrates that the police are willing to punish criminal behaviors within their own organization.

Kosovo's police force seizes a higher percentage of trafficked drugs than neighboring Balkan countries, and over the last two decades drug trafficking through Kosovo has fallen drastically both in real terms and as a proportion of drug flow as a whole. Although Kosovo is still a drug transit country, its anti-narcotics regime seems to be successful relative to the region. (UNODC – Drug Money 2015)

International Financial Regulation Compliance

Along with the judicial system's efforts to reform itself aided by USAID and the EU, Kosovo is also taking steps to reduce money laundering and financial crime. Following a 2018 AML/CFT (Anti-Money Laundering/Combatting the Financing of Terrorism) assessment, in December of 2020 the Kosovo government approved an action plan to come into compliance with FATF's

(Financial Action Task Force) 40+9 recommendations to meet international standards for financial system compliance (Council of Europe 2021).

As these recommendations are implemented it will become more difficult for illegal enterprises like the aforementioned gravel extraction companies to operate. Coming into compliance will also aid in combatting tax evasion, as well-enforced Know Your Customer rules make it much more difficult for individuals to commit financial fraud in order to avoid financial obligations or oversight. Comprehensive FATF compliance will also make Kosovo's financial institutions more usable by foreign companies and simplify cross-border direct investment. Critically, these efforts must empower and fund Kosovo's Financial Intelligence Unit (FIU) to monitor financial customers for fraud and non-compliance. Its currently very limited capacity to investigate and audit institutions means that even if a financial institution is in complete compliance with international regulations, it is unlikely that Kosovo's FIU will be able to catch and subsequently prosecute criminal behavior.

Media Coverage

Many of these efforts and success stories would not be possible without free media. Free speech and media are both protected in Kosovo's constitution and play a critical role in countering corruption. Although limited in practice, the legislation to ban extraction from riverbeds was the result of public outcry over environmental impacts, indicating that public protest and media involvement can influence Kosovo's legislative and regulatory agenda. As Kosovo continues to strengthen its judicial and regulatory systems, media will play a pivotal role in holding corrupt officials accountable and forcing the transition to a more equitable and legitimate environment.

Barriers to Improvement

Barriers to improvement in fighting corruption in Kosovo fall into three categories: societal and cultural barriers, individual motivations, and resource availability for regulatory institutions.

Social and Cultural Barriers

Although it is widely understood that corruption and nepotism are societal negatives, the cultural pressure to support one's family rewards acts of amoral familism like nepotism and normalizes bribery. This is recognized as a problem, however. Eighty per cent of Kosovo citizens feel corruption is a societal ill, eight times the number who believe it to be a net societal positive (Gjinovci 2016). Among the most qualified in the society, the result is "brain drain" as professionals seek to leverage their skills in more open markets of Western Europe. The best qualified doctors, engineers, and lawyers leave the country. This weakens Kosovo's attractiveness as a target of foreign investment and stunts its economic growth.

Individual Motivating Factors

Individuals behave in a corrupt manner because they have calculated that their personal gains outweigh their personal risks. The two sides of this calculation are clear: the gains, financial or

otherwise, from behaving in a corrupt manner; and the risks associated with corrupt acts. In Kosovo upsides are relatively high. The country has a high rate of unemployment, low wages and GDP per capita, and limited individual economic prospects relative to the region. As a result, the opportunity for personal enrichment through corruption is more appealing than it would be in other areas. The going price of a corrupt act is low. Criminal enterprise is able to bribe its way out of regulation or enforcement for little money relative to its associated profit.

The pervasiveness of corruption has also been demonstrated in inaction by the justice system in response to corrupt officials and lack of enforcement of laws shirked by criminal business associates (Bami 2021). In an uncertain economic environment, participating in corrupt practices yields individual economic and financial stability and has very few associated risks. This may be exacerbated by the difficulty in obtaining a conviction for some crimes. The 2020 UNODC report on crime in the Western Balkans found that although prosecutions by Kosovo's judicial system for participation in organized crime rose from 2013 to 2017, only 39 out of the 2040 people prosecuted in that time frame were convicted (UNODC 2020).

Resource Availability of Institutions

As a small developing country, Kosovo has few resources to commit to the reforms necessary for improvement. Its institutional knowledge is shallow, as its recent independence has left it to create frameworks from the ground up. Although it has benefitted from the support of the US, the EU, and the UN, Kosovo's institutional workforce, from its police to its justice system, is relatively new to its responsibilities. Although Kosovo has a low debt to GDP ratio, the high rate of tax avoidance and its small economy result in a small annual budget for both services and institutions. Kosovo is forced to underfund many of its good intentions.

Availability of information and datasets is as important as financial resources. Kosovo collects little data about the extent of its own crime patterns, especially in regions over which the government has less control. Although it is anecdotally "known" that northern Kosovo is a hub of organized crime, human trafficking, and corruption, because of the government's limited institutional control over that part of the country there is limited information available as to the scale and makeup of its criminal elements. Without knowing how criminal enterprise functions, it is difficult for even a well-funded justice system to combat destabilizing crime. The criticality of that information only rises in the face of Kosovo's funding limitations.

Conclusion

Steps should be taken that both limit criminal behavior and open the door to future business and investment. Foreign direct investment can result in greater resources for modernization, infrastructure development, and regulatory compliance. This will in turn make Kosovo a more appealing location to do business, snowballing its economic prosperity and political stability. Kosovo has already laid the groundwork of regulation and legislation to facilitate such a beneficial cascade. It now needs to begin work towards effective implementation of regulations and standards throughout the country.

Recommendations

To the Kosovo Government

- **Prioritize FATF 40+9 Compliance**

  A durable, FATF compliant financial system, specifically the empowerment of Kosovo's Financial Intelligence Unit as a monitor of compliance, will help Kosovo catch criminal behavior and enforce tax compliance from businesses.

- **More Aggressively Prosecute and Sentence Criminal Behavior**

  Many traffickers and members of criminal organizations are still leniently sentenced if they are convicted at all, and most acts of official corruption are not even prosecuted. More aggressive prosecution and stricter sentencing will disincentivize criminality and governmental corruption, and by association civilian trust in government institutions.

- **Establish a National Crime Tracking Database**

  Efforts to combat human trafficking and financial crime have been stunted by a lack of information. Committing to a more proactive crime tracking network independent of case statistics will be key in allocating resources in the future and targeting international community assistance.

Obstacles to the Belgrade-Pristina Dialogue - Internal and External Disruptors

Samantha Nibali

Thirteen years after Kosovo's declaration of independence from Serbia, a comprehensive peace settlement between the two countries still remains elusive. Since the Belgrade-Pristina dialogue was launched in 2011 with the European Union as facilitator, the process has experienced victories as well as setbacks and has failed to resolve the key issue of Kosovo's status (ICG 2021, 1).

In any peace settlement there are actors who disrupt the process in accordance with their own agendas and threaten to derail the entire settlement. Both Serbia and Kosovo publicly aspire to European Union (EU) membership, but their refusal to normalize relations prevents either country from achieving membership even if they were to qualify in all other respects. The Belgrade-Pristina dialogue has fallen victim to a number of actors intent on preventing a successful settlement, effectively leaving the process in an entrenched stalemate. While some of these disrupters are more apparent, such as Russian influence and prevalent levels of corruption in the Balkans, others are more nuanced.

These obstacles to the dialogue can be broken down into two categories – internal and external disrupters. Internally, domestic politics in both Kosovo and Serbia undermine the peace process as many politicians benefit from scapegoating the other country as the cause of their own failings. These political obstacles are compounded by each country's struggle with corruption and rule of law, which erode the local population's interest in and support for the dialogue, further reducing the incentive for an agreement. In addition, the Serbian Orthodox Church remains an influential opponent to recognition of Kosovo's independent status, considering Kosovo to be the "Serbian Jerusalem" due to the churches and monasteries in its territory (Surlíc 2017, 109).

Externally, three major players have disrupted the dialogue process – Russia, the US, and the EU itself. In sum, a failure at the national level in both country's internal politics has produced a failure at the international level within the two-level game of the Belgrade-Pristina dialogue (Putnam, 1988, 434). Serbia and Kosovo's inability to effectively manage their own internal politics has disrupted their negotiating ability at the international level, allowing the external obstacles to disrupt both the high level (track one) and informal level (track two) of the negotiations and play a pivotal role in preventing a successful agreement.

This chapter will explore both internal and external disrupters of the Belgrade-Pristina dialogue and provide insight into their goals and strategies. A comprehensive assessment of the various disruptive behaviors will help identify how the internal and external factors link together to undermine the negotiations. The chapter concludes with recommendations for Kosovo, Serbia, EU Special Envoy Miroslav Lajčák, and the United States on how to counter these disruptive factors and move the dialogue forward towards a comprehensive settlement.

Internal Obstacles to the Dialogue

Developments within a negotiating party's own country oftentimes are the most powerful tool to derail negotiations. In a two-level game, state actors who are responsible for an agreement are inevitably affected by political interests in their respective domestic spheres as they seek to formulate and implement their negotiating position (Hopmann 1996, 155). The Belgrade-Pristina dialogue is plagued by "inside" disrupters, parties who have agreed to peace negotiations but fail to fulfill the obligations of those negotiations (Stedman 1997, 8). These internal obstacles run rampant in Serbia and Kosovo and undermine progress.

National Politics

Domestic politics and public opinion in both Serbia and Kosovo undercut the peace process, albeit for different reasons. In Kosovo, national politics are characterized by frequent elections and leadership turnover. Political stability in Kosovo is fragile, as evidenced by the fact that in the past ten years the country has experienced five different general elections. Pristina maintains zero-sum goals that mutual recognition and United Nations (UN) membership are the only acceptable outcomes of the dialogue, however there is a lack of consensus on what they are willing to compromise on to achieve these goals.

This environment makes it difficult for Kosovar leaders to prioritize negotiations with Belgrade and offer genuine compromises. Regardless of the party in power, the opposition seizes on any concession in the dialogue as a testament to governing coalition incompetence (ICG, 13). If a government does not feel at least semi-secure in its position, this makes it nearly impossible for it to test the waters of compromise. The short-lived and controversial land swap idea proposed by then-President Thaçi and Serbian President Vučić exemplifies this. At the time of the proposal Thaçi had already been in power for four years, giving him the political clout to risk working with Vučić on a compromise bound to be unpopular with a portion of the population. The newly elected Vetëvendosje party (as of February 2021) may continue the cycle of leadership turnover unless substantial changes are made (Bami 2021).

In Serbia, President Vučić and his populist Serbian Progressive Party (SNS) hold an overwhelming majority in the parliament. Vučić has aligned himself with the political right and fostered an intense foundation of Serbian nationalism in Serbia, which has disincentivized political elites in Serbia from proposing any real solution to the Kosovo issue. They seize on any opposition to their stance as "anti-Serbian." Although Vučić's tight hold on power should give him the needed flexibility to offer concessions when presented with a mutually enticing opportunity, as evidenced by the proposed land swap deal, he is constrained by the hardline political system of his own making. Consequently, he continues to offer no real idea of what Serbia wants from an agreement besides his much-touted line that "we (Serbia) cannot lose everything and they (Kosovo) gain everything" (Politico 2020, 21:30).

In addition, stakeholders within the country argue that once the issue of Kosovo's status is solved, politicians will be forced to address Serbia's weak democratization and rule of law – the very weaknesses that help keep the current politicians in power. When officials have publicly

proposed solutions to the Kosovo issue in the past, they have been ostracized in the media and delegitimized as "traitors to the country" (SAIS Group Interview, Belgrade, 20 January 2021). As long as domestic political elites in both Serbia and Kosovo lack the incentive or capacity to carry out negotiations and implement needed reforms, the Belgrade-Pristina dialogue will remain locked in stalemate.

Public Opinion and Weak Democratization

Public opinion can play a strong role in influencing the outcomes of international negotiations. In a situation with a low-intensity issue that attracts relatively little public interest, the public is unlikely to exert any meaningful pressure on their leaders for resolution. With a high-intensity and existential issue, however, public opinion is much more likely to impose a greater constraint on negotiations (Trumbore 1998, 549, 561). Although the status of Kosovo is clearly an existential issue for both Serbia and Kosovo, the governments in Belgrade and Pristina have done little to engage the general public. This lack of engagement along with the point-scoring political rhetoric highlighted above has created confusion and relatively little public interest in the negotiations.

According to a public opinion poll conducted in Serbia by the Belgrade Center for Security Policy (BCSP) in 2020, 50% of Serbian citizens do not know what the end goal of the dialogue is. While about half of citizens support the dialogue regardless, the majority believe it is not a transparent process. Additionally, two-thirds of Serbians have no contacts in Kosovo, and more than half have never even visited it (Bjelos and Elek 2020). In Kosovo, public opinion towards the dialogue is consistently more negative than positive (SAIS Group Trip, Pristina, 12 January 2021). Only 21% of Kosovars rank the dialogue with Serbia as the largest problem for the country, where unemployment dominates that category at 84%. Kosovars are also lukewarm about the outcome of the dialogue. Just 6% of Kosovars believe that Kosovo will be much worse-off without an agreement, 10% believe they will be much better-off, and the majority believe that the future will only "somewhat" change if an agreement with Serbia is not reached (NDI 2020).

Citizens in both countries depend heavily on television for trusted information – 64% of Serbians rely on state-run television for their news and 65% of Kosovars rank television as their most trusted source (Bjelos and Elek; NDI). While Kosovo's constitution guarantees freedom of the press and multiple media outlets are in operation, the government heavily influences media coverage and journalists often report harassment and intimidation by the state (Freedom House 2020). In Serbia, the ruling SNS party exerts direct control on state-run and private media outlets to bias coverage and pressure (or even threaten) journalists into self-censorship (Freedom House 2020). In Serbia, Russian disinformation also plays a large role in influencing public opinion about the dialogue (see chapter by Valerie Cariello for further information).

The two governments' failures to utilize the influence of television to share accurate information about the dialogue with the public points to a clear unwillingness of political elites to garner public support for the negotiations. Keeping citizens in the dark about the dialogue relieves internal pressure for an agreement and reduces urgency for the negotiators. Further, if an agreement

is eventually settled upon and either country holds a public referendum to pass it, the government's influence on public opinion will play an even larger role in the long-term success of an agreement.

Weak democratic institutions and rule of law in each country also undermine the dialogue by reducing support for EU accession. Corruption, election safeguards, and ineffective governance remain huge issues in both Serbia and Kosovo (Freedom House 2020). Prevalent levels of corruption and ineffective governance systems reduce the legitimacy of both governments. In Kosovo, the failure to implement needed reforms has created a population skeptical that normalization can be achieved. Similarly, the illiberal regime in Serbia prevents space for an inclusive internal dialogue on the peace process. The leaders in both countries have failed to implement internal reforms agreed upon with the EU (European Commission 2020). Failure to implement these reforms contributed to Serbia's failure to open any new chapters in their EU accession process this year and continues to weaken Kosovo's standing as a future candidate for EU membership. Without a clear understanding of the EU's role, Serbians and Kosovars often turn the blame on the EU for failing to improve their country. Lack of improvements in the day-to-day lives of Serbians and Kosovars is eroding trust that the EU's process will ever be successful.

The Serbian Orthodox Church

One of the most powerful disrupters of the EU-lead peace process is the Serbian Orthodox Church (SPC). The Church, which represents a cultural identity for Serbs as well as a religious one, is a stronghold of Serb nationalism. The SPC occupies a prominent space in public discourse and adamantly refuses to recognize Kosovo as an independent state. Serbian politicians seek to stay in the Church's good graces and rely on the Church as an ally in opposition to recognition of Kosovo. (Helsinki Committee for Human Rights in Serbia 2010, 2). This relationship between Serbian political elites and the Church lends legitimacy to politicians' zero-sum approach to the dialogue and disincentives others from suggesting a more moderate approach.

The SPC portrays Kosovo as the historic "cradle" of the Serb people and the very "heartland of Serbian Orthodox spirituality and our identity" (Serbian Orthodox Church 2018). These narratives are deeply entrenched in SPC rhetoric and Serb culture. A significant number of Serbian Orthodox monasteries and churches are located in Kosovo, and the Church grounds its opposition to Kosovo's independence as necessary to protect these sites and Kosovo Serbs (Saggau 2019, 5-6). The SPC often and openly criticizes the Belgrade-Pristina dialogue and maintains its position that any recognition of Kosovo's independence is impossible.

The SPC is influential with the Serb population in Kosovo, who remain closely tied to Belgrade rather than Pristina. The Kosovo Serb population is almost entirely dependent on Belgrade for financial resources, healthcare, and education, and Pristina has proven unwilling to intervene (ICG 2021, 2). Prime Minister Kurti has acknowledged this issue with his "jobs and justice" political slogan aimed at improving economic conditions for all Kosovo citizens, but this has yet to be implemented (McLaughlin 2021). Dependence on Serbia paired with the SPC's prevalent influence on the Kosovo Serb population has proved destructive to the negotiation process (SAIS Group Trip, Belgrade, 21 January 2021).

In 2018 the SPC issued a strong statement in response to the proposed land swap deal, framing the arrangement as a threat to the Church's very existence. The Bishops stated that "Kosovo and Metohija … represents the very core of our being and existence as a church and people… the recognition of the illegally proclaimed independence of [Kosovo] would endanger the survival of our Church and people in the long run… all this would quickly lead to the disintegration of the Orthodox Christian identity among the Serbian people…" (Serbian Orthodox Church 2018). With the dialogue framed as an existential threat to Serb religion and identity, the SPC bolsters Vučić's position and leaves EU negotiators with little to no room for compromise.

Not all Church leaders support the SPC's zero-sum approach. Most notably, Father Sava Janjic is an outspoken supporter of a peaceful resolution with Kosovo and has criticized the failures of negotiators on both sides – despite backlash from the Vučić government (France24 2019). Although the relatively young Bishop Portfirije was chosen as the new patriarch of the SPC in February 2021 following the death of Patriarch Irinej, it is unlikely that Porfirije will reverse the SPC's stance on Kosovo (Stojanovic 2021).

Disrupters from Beyond - External Actors in Belgrade and Pristina

Geopolitical factors define the framework in which international negotiations take place and can have a significant impact on the effectiveness of a mediation process (Vuković 2015, 31). In the case of the EU-mediated Belgrade-Pristina dialogue, the interests and influence of external actors add an extra layer of obstacles to the negotiations at the international level of the two-level game. While the dialogue has no formal foreign guarantors or third-party involvement except the EU, powerful external parties play a role in undermining the process and reinforcing the status quo. Russia uses its influence in Serbia to make the stalemate appear more bearable and disincentivize an agreement. The United States has shown little interest in resolving the conflict since 2016 and has not sufficiently utilized its influence to nudge the geopolitical environment in support of a settlement. The European Union's own struggles with democratic backsliding and bureaucratic minutiae have undermined the process and its role as mediator.

<u>Russian Patronage for the Status Quo</u>

Russia is Serbia's most prominent foreign patron and continues to undermine the EU's mediation efforts to slow Western expansion eastward. If Kosovo's status is resolved, then Serbia will get a green light to integrate further into Western institutions like the EU and the North Atlantic Treaty Organization (NATO). This would be a major loss for Russia's sphere of influence in former Yugoslavia and, from Moscow's perspective, another successful campaign by Western powers to extend their influence. To maintain the stalemate in Serbia and Kosovo, Moscow relies on three pillars of influence - veto power in the United Nations Security Council (UNSC), Serbian political ties to Russia, and deepening economic relations through energy investments.

Russia views itself as the "protector of Serbia" and, as a voting member of the UNSC, has pledged to bring any proposed agreement to a vote in the Council and to veto the proposal if Serbia

(or Russia itself) is not satisfied with the outcome (Surroi 2019, 64; BBC Monitoring 2018). Assured of Russian support, Vučić has been able to leverage this in negotiations with Pristina.

Russia has also carefully cultivated strong Serbian political ties to Moscow. Pro-Russian sentiment remains prevalent in Serbia. President Vladimir Putin is enormously popular throughout the country. According to a 2020 poll, 40% of respondents view Russia as Serbia's 'best friend' and 72% see Russian influence in the country as positive (Bjelos, Vuksanovic, Steric 2020, 10-11). Russia utilizes sharp power tools such as disinformation and propaganda to bolster this popularity. Both the ruling government and far-right political parties in Serbia play up their connections with Russia to maintain popular support. Moscow capitalizes on its outsized influence to upend the negotiations. After the September 2020 White House Agreement Russian Foreign Minister Sergei Lavrov publicly stated that any agreement between Serbia and Kosovo must be approved by Russia in the United Nations Security Council (Samso 2020). Additionally, Vučić and Putin often engage in highly symbolic meetings with significant fanfare. Putin is able to re-affirm Russia's commitment to Serbia and influence within Europe, and Vučić assures his electorate and far-right opposition that he still has Russia's support (Stronski and Himes 2019, 14).

Russian energy investments reinforce Moscow's influence in Serbia. In 2008 the state-controlled Russian gas conglomerate Gazprom bought a controlling stake in Serbia's energy monopoly Naftna Industrija Srbije (NIS), which has been both profitable and a powerful public opinion tool for Russia (Samorukov, 3). The recent expansion of the Gazprom's TurkStream pipeline into Serbia in January 2021 further deepens Serbia's dependence on Russian energy, a development which Vučić hailed as "key for Serbia's future development" (Euractiv 2021).

Although some analysts may argue that the Moscow-Belgrade relationship is weakening, these pillars of influence will not easily disappear (Vuksanovic 2020). They provide Russia with long-term leverage over a wide range of social actors beyond just the ruling political elite, and work to prevent a settlement of the conflict with Kosovo.

Washington's Disengagement

The United States' half-hearted attempts to influence the Belgrade-Pristina negotiations and overall disengagement from the region since 2016 have created an additional obstacle. While the Obama Administration sustained Washington's focus on the Balkans and began working with EU counterparts on a regional strategy, the Balkans received little attention from the Trump Administration until March 2020 (Grgic 2017). In the last year of his presidential term, Trump appointed Richard Grenell as US Special Presidential Envoy for Serbia and Kosovo Peace Negotiations, in hopes of gaining a quick foreign policy win. The hasty negotiations culminated in a ceremonial signing of a White House Agreement in September 2020, advertised as achieving "historic" economic normalization between the two countries (Stojanovic and Bami 2020).

While the agreement did secure Israel's official recognition of Kosovo, it achieved little else. Both countries agreed to vague commitments about 5G providers and to move their Embassies in Israel from Tel Aviv to Jerusalem - a controversial centerpiece of the Trump Administration's foreign policy agenda that Serbia later reneged on. Serbia and Kosovo maintain

different interpretations of the meeting and frame it to their domestic audiences as a win, not a peace agreement (Tharoor 2020). This half-hearted negotiation suggested to both sides, and the EU, that the US is not a reliable or serious player. Donald Trump's twitter proclamation that the White House Agreement was a success for "Middle East peace" was viewed as an insult in Kosovo reflecting US disinterest (SAIS Group Field Trip, Pristina, 15 January 2021).

Kosovo is a strong supporter of the United States and Serbia is more hesitant, but the overarching belief in both countries is that the conflict cannot be solved without a coordinated effort in by Washington and Brussels (SAIS Group Field Trip, Pristina, 15 January 2021; Belgrade, 20 January 2021). By not proactively engaging and offering good faith gestures to show its commitment to resolving the long-standing issues between Serbia and Kosovo, the US is missing out on a huge opportunity to help solve the conflict, confusing the process in the meantime.

The European Union

Despite leading the dialogue since 2011, the EU itself acts a disrupter to the process. A non-transparent mediation process, five member states who have not recognized Kosovo's independence, and democratic backsliding within the EU all discredit the European role as facilitator of the dialogue and taint the 'carrot' of EU accession.

The EU's mediation process is notoriously opaque. It is difficult to find much, if any, detailed information about the status of the negotiations. The European Commission created a new position of EU Special Representative to the Belgrade-Pristina Dialogue in April 2020 and appointed Miroslav Lajčák to lead the renewed negotiations, a strong gesture of good faith in the EU's commitment to the dialogue. Lajčák has adopted a problem-solving approach centered on finding agreements on technical issues, like license plate recognition, and has begun new negotiations on substantial issues such as mutual financial claims and property disputes, while avoiding discussion on Kosovo's final status (SAIS Event, Washington, 19 November 2020; European Union External Action 2020). Lajčák stresses that his role is to ensure any final agreement is grounded in European values acceptable to all EU member states and bring both Kosovo and Serbia closer to the EU (SAIS Event, Washington, 19 November 2020).

Despite this promising strategy, the EU's own bureaucratic ambiguity and lack of clear communication to the region undermines its efforts. The public opinion polls discussed earlier demonstrate how citizens in both Serbia and Kosovo find that the dialogue is difficult to follow. There is no centralized platform that citizens can reference to understand what technical agreements have been made so far. EU public diplomacy campaigns in the region have been minimal. The EU's website offers a history of the dialogue and its role, but little else. While support for the EU overall remains high in both countries, this lack of engagement creates confusion and pessimism about chances for a resolution.

The EU has further undermined itself by failing to demonstrate equal solidarity with Belgrade and Pristina and to reach internal consensus. Five EU member states still do not recognize Kosovo (Cyprus, Greece, Spain, Slovakia, and Romania), which prevents the EU from stating that recognition of Kosovo is the intended goal of the dialogue, only that the objective is "normalization

of relations" (Bergmann 2018, 257). While this internal division may increase the EU's credibility as an impartial mediator for Serbia, contradictory actions by EU member states reduce the perceived likelihood that EU membership will eventually be offered to either country and harden nationalism on both sides. Kosovo remains the only Western Balkan country that has not reached a visa waiver agreement with the EU due to opposition from France and the Netherlands, forcing Kosovo citizens to obtain visas to enter neighboring European countries (Schengen Visa Info 2020). This perceived bias against Kosovo undermines the EU's ability to establish itself as an effective and impartial mediator.

Democratic backsliding within the EU's own borders has created an even stronger emphasis on needed reforms in Serbia and Kosovo. Member states want to avoid admitting another Viktor Orban into the union but promise membership to the illiberal Vučić regime, a clear contradiction in messaging. Moreover, Bulgaria's recent veto of North Macedonia's EU accession negotiations, despite the recent settlement of its decades-long conflict with Greece, has further delegitimized the "carrot" of EU membership for Serbia and Kosovo (Testorides 2020). Therefore, despite Lajčák's best efforts, the consensus decision making structure of the EU threatens to discredit its facilitator role and obstruct the dialogue process.

Recommendations

To the Government of Kosovo

- **Accept that Serbia may never fully recognize Kosovo and acknowledge that UN membership can be achieved without Serbian recognition.** Kosovo politicians' zero-sum rhetoric towards Serbia prevents the proposal of concessions. A clear consensus within Kosovo on the need to compromise will move the focus away from political point-scoring, provide the public with realistic expectations, and allow for more productive negotiations.
- **Establish stable political leadership.** Kosovo's frequent election cycle and tenuous majority governments prevent its political leadership from establishing continuity in negotiations. The dialogue process is effectively reset after each election. Kosovo politicians should establish a stronger governing majority in order to make needed concessions in the dialogue without fear of retribution from the opposition.
- **Reduce Kosovo Serb dependence on Belgrade and increase engagement.** Increasing engagement with and even inviting the Kosovo Serb community into the dialogue may help gain its support for the peace process and marginalize the disruptive influence of the Serbian Orthodox Church. Implementing Kurti's plan to expand "jobs and justice" and engaging the Kosovo Serb population in the dialogue process may not completely eliminate the obstructionist actions of the Church, but could reduce the legitimacy of the Church's more extreme statements and actions.

To the Serbian Government

- **Clarify Serbia's objectives, redlines, and potential compromises in the dialogue.** The Vučić regime has disincentivized the proposal of new ideas and solutions to the dialogue

and has not clarified how sustainable the status quo is for Belgrade, or how much Serbia is losing by remaining locked in stalemate. If Serbia is unable or unwilling to provide this clarity, then civil society should fill this gap instead.

To Special Envoy Miroslav Lajčák

- **Marginalize Serbian Orthodox Church disruption.** Lajčák should implement a "departing train strategy" to legitimize the involvement of pro-peace groups and delegitimize the Church's obstructionist behavior (Stedman 1997, 15). Depriving the Church of influence in the dialogue process may serve to block its attempts to undermine the process and will demonstrate that the dialogue is moving forward with or without Church support.
- **Increase engagement with Serbian and Kosovar public.** The opacity of the EU's negotiating process and results has frustrated both Serbians and Kosovars and reduced public support for the dialogue. Media campaigns and other public diplomacy efforts to celebrate successful agreement on technical issues and communicate the positive benefits of a resolution would increase local support for the dialogue and help the EU win the hearts and minds of the population, while shifting pressure to Belgrade and Pristina to implement needed reforms.

To the United States

- **Re-affirm commitment to the Belgrade-Pristina dialogue.** President Joe Biden's familiarity with Serbia and Kosovo is well-known, but the new Administration should publicly and formally re-affirm Washington's commitment to resolving the conflict. The Trump Administration's attempts at negotiation delegitimized US involvement, and a public gesture of good faith by the Biden Administration would both signal Washington's re-prioritization of the region and help ripen the conflict.
- **Proactively collaborate with European counterparts** to move the dialogue forward. The EU is fundamentally limited geopolitically by its consensus governance structure. The United States does not possess these limitations. With greater proactive collaboration, both formal and informal, the US can support the EU's mediation efforts by pressuring or incentivizing Serbia, Kosovo, and other external powers to compromise where Brussels cannot.

Not So Rotten Carrot: The Role of EU Integration in Normalization of Relations Between Belgrade and Pristina

Sophia Stoeckl

Largely considered to be one of the world's most successful peace projects, the transformative powers of the European Union on countries aiming for membership have been widely discussed and lauded. In 2011, the EU spurred hopes for an eventual resolution of the status question of Kosovo with Serbia when it began to facilitate a dialogue that was closely tied to prospects for EU accession for both actors. A decade later, however, relations between Serbia and Kosovo have yet to be normalized and many of the agreements reached through the dialogue have failed to be fully implemented. EU member states have shown themselves to be increasingly skeptical towards further enlargement, making the prospects for any new member state to join before 2030 dim. A growing number of political and social actors in both Kosovo and Serbia are feeling disillusioned with the so far unfulfilled promise of EU integration.

As the EU has recently launched a renewed effort on the dialogue between Pristina and Belgrade, one might ask if the incentive of EU membership is still strong enough to pull Serbia and Kosovo into an agreement. This chapter will address this question by assessing the current state of play of dialogue and accession, analyzing EU leverage in pushing for a solution, and discussing the influence of EU integration on decisionmakers and public opinion in Kosovo and Serbia. The chapter concludes with recommendations for the European Union as well as the governments of Serbia and Kosovo.

A Decade of Dialogue and Integration

After Kosovo's unilateral declaration of independence in 2008, the European Council announced that each EU member state has the right to decide on its relations with Kosovo (Council of the European Union 2008, 1). This resulted in the recognition of Kosovo's independence by 22 member states, while Greece, Spain, Romania, Slovakia and Cyprus have refrained. As a consequence, the EU has not been able to adopt a common position with regards to the status of Kosovo. While mediating the dialogue between Belgrade and Pristina, it opted to pursue an approach of 'status neutrality' on the issue. Despite this ambiguity, the EU has advocated for normalization of relations between Kosovo and Serbia by making the perspective of EU accession "directly proportional" to progress in the Belgrade-Pristina dialogue (Lilyanova 2016, 1).

Achievements in the EU Mediated Belgrade-Pristina Dialogue

The dialogue was launched by the EU in March 2011. It started on a technical level and moved to a political level in October 2012, facilitated by the High Representative of the European Union. The Brussels Agreement of 2013 was considered historic, as it included provisions that prevented Serbia and Kosovo from blocking each other on their EU accession paths (Lilyanova 2016, 2). Another set of agreements in August 2015 on the establishment of an Association of Serb Majority

Municipalities, as well as on energy and telecoms and the opening of the Mitrovica Bridge were considered equally groundbreaking (Lilyanova 2016, 2).

Despite these achievements, the agreements between Belgrade and Pristina have been criticized for their poor implementation. A 2015 report by the Kosovo Ministry for Dialogue expressed concern that a lack of, or delayed, implementation by Serbia of agreements that focused on the normalization of the situation in northern Kosovo risked undermining the goals of the dialogue as a whole (Republic of Kosovo Ministry for Dialogue 2015, 2–3). Kosovo obstructed implementation itself after its Constitutional Court found a provision in the Brussels Agreement to be unconstitutional (Huzka 2020). Meanwhile, technical agreements faced multiple renegotiations that impacted their credibility (Huzka 2020). The dialogue process came to a halt in 2018, when Kosovo introduced a 100 percent import tax on goods from Serbia as a reaction to Belgrade's interference with Kosovo's international recognition (Huzka 2020). After Kosovo lifted the tariff in June 2020, the talks were relaunched under newly appointed EU Special Representative for the Belgrade-Pristina Dialogue Miroslav Lajčák, who has voiced his support for a swift conclusion (Euronews 2021).

The State of Play of EU Integration

The prospect of EU accession for the Western Balkans originated in the EU-Western Balkans Thessaloniki Summit, where the EU announced its "unequivocal support to the European perspective of the Western Balkan countries" and confirmed the Stabilisation and Association process (SAP) as the framework for European integration (European Commission 2003).

Serbia

Serbia is considered second to Montenegro in Western Balkans European integration, having held candidate status since 2012. 18 out of 35 negotiation chapters have been opened and two chapters have been provisionally closed (European Commission 2020b, 3). Serbia signed the Stabilisation and Association Agreement (SAA) as its accession framework in 2008 and officially applied for EU membership on 22 December 2009.

Throughout the Serbian accession process, European integration of the country has been tied to its relations to Kosovo. In its Opinion on Serbia's application for EU membership in 2011, the European Commission recommended official accession negotiations with the country be opened and positively underlined political progress made "provided that progress continues and that practical solutions are found to the problems with Kosovo" (European Commission 2011, 12). The 2014 document on opening accession negotiations between the EU and Serbia states that accession negotiations will take into account "Serbia's continued engagement and steps towards a visible and sustainable improvement with Kosovo" (Conference on Accession to the European Union – Serbia 2014, 5). Like the Brussels agreement, the accession document also demands that neither Kosovo nor Serbia interfere with EU integration of the other (Conference on Accession to the European Union – Serbia 2014, 5).

The EU's expectations on normalization of relations between Serbia and Kosovo are discussed in detail in Chapter 35. In the document, Serbia reiterates its commitment to the dialogue, to "normalisation in good faith" and to a gradually reaching a "comprehensive normalisation" with Kosovo (Conference on Accession to the European Union – Serbia 2015, 8). Moreover, Chapter 35 states that the accession negotiations may be suspended if insufficient progress in the normalization with Kosovo is reached:

> If *'progress in the normalisation of relations with Kosovo, significantly lags behind progress in the negotiations overall, due to Serbia failing to act in good faith, in particular in the implementation of agreements reached between Serbia and Kosovo,'* the Commission will on its own initiative or on the request of one third of the Member States, in accordance with point 25 of the negotiating framework, propose to withhold its recommendations to open and/or close other negotiating chapters, and adapt the associated preparatory work, as appropriate, until this imbalance is addressed. (Conference on Accession to the European Union – Serbia 2015, 3)

As the state of Serbia's democracy, rule of law, and human rights including media freedom have declined, EU accession progress has slowed down (Majstorović 2020). In June 2020, Serbia for the first time did not open a new accession negotiation chapter in more than six months (EWB 2020). In February 2020, the European Commission proposed a revised enlargement methodology, which was accepted by Serbia and which is meant to address contemporary challenges of EU enlargement, increase credibility, and make the process less technocratic (Majstorović 2020).

Kosovo

European integration of Kosovo has moved slower. Kosovo signed its SAA in October 2015, which was considered a milestone in its path towards integration, allowing the country to access pre-accession funds of €645.5 million (Council of the European Union 2015). In 2018, the European Commission announced that Kosovo had taken all required steps for visa liberalization and the European Parliament likewise supported visa liberalization with Kosovo (European Commission 2020a, 3). Despite this, vetoes from France and the Netherlands have so far prevented the Council from allowing visa-free travel in the Schengen zone (Schengen Visa Info, 2020).

The EU has also emphasized the importance of normalizing relations with Serbia in enlargement documents with Kosovo. The Kosovo* 2020 Report, for example, states that "Reaching a comprehensive, legally-binding agreement is urgent and crucial so that Kosovo and Serbia can advance on their respective European paths" (European Commission 2020a, 63). Without unanimous acceptance of Kosovo's independence in the EU, the country is unable to move much farther in its accession process, let alone become a full-fledged member of the Union. Without added pressure, which could be achieved through significant progress in the Belgrade-Pristina dialogue, the five non-recognizing states however are unlikely to change their position on the status of Kosovo.

Leverage and Transformative Powers of EU Integration

Besides the direct conditionality of normalization of relations, EU integration is also considered to have indirect effects on its prospective member states that provide the Union with leverage. In its 2020 communication on enhancing the accession process, the European Commission referred to the transformative powers of EU accession, as well as the benefits of Western Balkans enlargement to the region and the Union itself:

> A credible accession perspective is the key incentive and driver of transformation in the region and thus enhances our collective security and prosperity. It is a key tool to promote democracy, rule of law and the respect for fundamental rights, which are also the main engines of economic integration and the essential anchor for fostering regional reconciliation and stability. (European Commission 2020c, 1)

Indeed, the EU accession process has been said to provide a "gravitational pull" (Grabbe 2014, 40), driving prospective member states towards stability, democracy, peace, and human rights by implementing needed reforms and receiving access to the exclusive community of member states. In 2012, the EU was awarded the Nobel Peace Prize for its contribution to advancing these values on the continent. Agon Maliqi argues that the pull of Europe in the Western Balkans was at one point so strong that democratization was almost considered "synonymous with 'Europeanization'" (Maliqi 2020, 9).

Besides its effects on good governance and stability, EU membership is expected to bring about significant economic benefits. The EU is the single most important trade partner in the Western Balkans, having received 69 percent of its exports and provided 61 percent of imports to the region in 2019 (Eurostat 2020). EU membership would provide Serbia and Kosovo with unrestricted access to the European Single Market[2] and to the EU's Structural, Investment and Regional Development Funds. Apart from free trade, the European Single Market also includes free movement of capital, services, and labor, the latter being a crucial factor for the populations of Serbia and Kosovo. In a 2020 opinion poll, 33 percent of Serbians and 46 percent of Kosovars associated EU membership with the freedom to work and study in the EU, while 27 percent of Serbians and 37 percent of Kosovars associated it with economic prosperity (Regional Cooperation Council 2020, 41). Both Kosovo and Serbia already benefit from EU funding, mainly through the EU's Instrument for Pre-Accession (IPA). The EU is the biggest donor in Serbia and has provided grants equaling nearly €3.7 billion since 2000 (EU Delegation to the Republic of Serbia 2021). Union-funded projects in Serbia include the Sloboda, Zezelj and Gazella bridges, disaster relief and flood prevention following the floods of 2014, as well as cultural heritage preservation of

[2] Under the SAP, Kosovo and Serbia have entered into free trade agreements with the EU. However some trade limitations, including on agricultural products such as sugar, beef and wine, still carry import quotas into the EU (see Regulation (EU) 2020/2172).

Serbian landmarks such as the Bac Monastery and Fortress of Golubac.[3] Since 2007, Kosovo has received over €1.2 billion in EU funding through the IPA and IPA II instruments in sectors such as energy, competitiveness and innovation, rural development, education, governance, and rule of law. The economic advantages of EU membership can also be seen in the example of Croatia, which increased its exports by 56 percent and has seen dropping interest and unemployment rates within five years of joining the EU (HINA 2018).

For such a transformation through EU accession to be achieved, however, Grabbe finds that political momentum is needed to overcome potential spoiler-effects (Grabbe 2014, 48). If accession seems too distant, or if EU integration lacks support across political parties in a prospective member state, change becomes less likely (Grabbe 2014, 44, 48). This seems to be the case in Kosovo and Serbia, where EU accession before 2030 has become unlikely. According to the Balkan Barometer 2020 opinion poll, nearly half of Serbian respondents believed that EU accession of their country would never happen, while 44 percent of Kosovars thought accession would occur not before 2030 and 10 percent doubted that Kosovo would ever join the EU (Regional Cooperation Council 2020, 41).

EU accession has clearly played a part in driving the discussion on normalization between Serbia and Kosovo forward. As Beáta Huzka notes, Serbia was driven to enter into the EU-facilitated dialogue with Pristina in 2011 after the EU had made clear that its relations with Kosovo were the main issue standing in the way of Serbian EU membership (Huzka 2020). However, the pull-effect of accession works only so long as membership is considered desirable and seems attainable. Both are currently in question.

The EU has repeatedly confirmed its support for European integration of the Western Balkans. In her 2020 State of the Union Address, European Commission President Ursula von der Leyen declared that the "future of the whole region lies in the EU" (Von der Leyen 2020). In March 2021, special envoy Lajčák again emphasized that progress in the dialogue is needed for the countries' European path (Euronews 2021). Despite this, 'enlargement fatigue', or decreasing enthusiasm about enlargement among EU member states, has dimmed prospects of the Western Balkans in the near future and thus negatively impacted any EU leverage in prompting recognition. A French veto to open accession negotiations with Albania and North Macedonia in 2019 was considered a "historic error" by European Commission President Jean-Claude Juncker (Emmot, Guarascio and Pennetier 2019). When Bulgaria unilaterally vetoed the two states' accession negotiations again in 2020, this discouraged the Western Balkan region as a whole.

Some actors in the region have gone as far as to say that the EU's indecisiveness with regards to enlargement, which is also shown by its status neutrality towards Kosovo, has "effectively killed the EU's leverage" in the dialogue (Maliqi, 2019). After these setbacks, the sense that EU accession is a lost promise has become widespread, removing the main motivation that caused Serbia and Kosovo to negotiate. Policy analyst Agon Maliqi thus finds that the transformative pull that used to be provided by EU integration is no longer present in the Western Balkans, as the accession process was effectively halted (Maliqi 2020, 9).

[3] A comprehensive list of EU-funded projects and success stories in Serbia is available on http://europa.rs/

What Lies Ahead – Prospects for Enlargement and Normalization

While the EU clearly possesses significant leverage in the Western Balkans through its integration framework, frustration over lack of progress and delays in both EU accession and the Belgrade-Pristina dialogue have hurt EU credibility and thus impacted the ability of EU membership to serve as carrot in resolving the Kosovo status issue.

Influence of EU Membership in Kosovo and Serbia

The future influence of the accession carrot in Kosovo and Serbia is analyzed below.

Serbia

Serbia's President Aleksandar Vučić has repeatedly confirmed his commitment to joining the EU and has publicly declared EU membership to be of "utmost significance" for Serbia (Euronews 2020). Despite these reassurances, the Serbian government has been accused of appeasing various players in the game, while concealing its true intentions. Besides its status as an EU accession candidate and public pro-European rhetoric, Serbia has established close ties with China and Russia, and signed a free trade agreement with Russia's Eurasian Economic Union, despite warnings from the EU (Phillips 2020).

Assumptions that EU membership alone would not suffice to prompt Serbian recognition of Kosovo were confirmed by Vučić in an interview in June 2020: "In reply to a possible offer (to Serbia) to recognise Kosovo and that Kosovo enters the UN, and we receive nothing in return, except EU membership, our answer would be 'no'" (Vasović 2020). Serbia has thus assumed the position that, in addition to EU membership, it expects a concession from Kosovo in return for resolving the status issue. In the same interview, Vučić declared that Russian consent was needed for a normalization of relations with Kosovo (Vasović 2020).

Strong Russian influence is also visible in Serbian media, which have been criticized for their lack of impartiality and open support of Vučić's politics, as well as for disseminating a pro-Russian disinformation campaign that attempts to discredit the EU across the Western Balkans. A 2021 study on disinformation in the Western Balkans finds that Serbian media outlets such as *Sputnik Serbia*, *Kurir,* and *Informer* often portray European values as detrimental to Serbia, spread conspiracy theories, and misrepresent positions of European leaders such as Emmanuel Macron (Greene et al. 2021, 32–33). The EU is either portrayed as an "imperialist power seeking to destroy Serbian identity and autonomy" or as a weak actor incapable of keeping promises such as the prospect of Serbian EU accession in 2025 (Greene et al. 2021, 36). Positive influence of the EU in the Western Balkans, for example as donor for important infrastructure or healthcare projects, is publicly communicated on only the rarest occasions.

As the government has largely excluded the public from the dialogue and media spread an EU-critical narrative, popularity of the dialogue with Kosovo and the EU itself are low (SAIS Group Meeting with Igor Bandović, Serbia, 19 January 2021). A 2020 opinion poll found that 50 percent of Serbian respondents did not know the goals for the dialogue with Kosovo (BCBP 2020,

4). This is not surprising, as the government never officially revealed its normalization goals (Bandović 2021). 48 percent of polled Serbians considered a return of Kosovo to Serbia with wider autonomy to be the ideal outcome of negotiations, while only 10 percent believed a peaceful resolution to be the goal of the talks (BCBP 2020, 4–5). Public opinion on EU accession is only slightly more encouraging. The 2020 Balkan Barometer survey found that less than one third supported Serbia's EU accession and 18 percent feared EU accession might threaten the country's sovereignty (Regional Cooperation Council 2020, 40–41). Another poll by the International Republican Institute found that 50 percent of Serbians would vote to join the EU in a referendum, while 28 percent would vote against (IRI 2020).

As EU accession does not seem to be a pressing issue for Serbia at the moment, Vučić is benefitting from stalling progress in the dialogue. He has little interest in achieving an agreement with Kosovo before 2022, when the country will hold presidential elections (Morina 2020). Given the lack of public enthusiasm for normalization of relations with Kosovo, Vučić faces higher chances of re-election on a platform that is more critical of the dialogue.

Kosovo

Kosovo's newly elected Vetëvendosje government has sparked hopes that new leadership may bring much-needed change and a new perspective to the EU-facilitated dialogue. The country's new leader, Albin Kurti, has however made it clear that Kosovo-Serbia relations will not be the focus of his government, which plans to prioritize domestic issues such as corruption and economic development (France24 2021). In part, this change of focus seems to be motivated by dissatisfaction with slow progress and lagging implementation of the dialogue (SAIS Group Meeting with Albin Kurti, Pristina, 11 January 2021). Moreover, disappointment with the EU's inaction on visa liberalization runs deep and has further undermined the Union's credibility as well as that of local actors who had advocated for the needed reforms (SAIS Group Meeting with Agon Maliqi, Pristina, 11 January 2021).

While Kurti has professed readiness to engage in dialogue, he has emphasized that the talks needed to be reframed and conducted on equal footing, moving away from the idea that Serbia will need to be compensated for recognizing Kosovo (France24 2021). Kosovo can nevertheless still be expected to collaborate closely with the EU under Kurti, who has stated that issues with Serbia cannot be solved unilaterally and need the support of both Brussels and Washington (SAIS Group Meeting, Pristina, 11 January 2021). Dragiša Mijačić, a coordinator of the dialogue, has also argued that successful continuation of the dialogue depends on the EU's ability as mediator as well as pressure from the international community (Subotić 2021).

The prospect of EU accession remains relevant for Kosovo, as Kurti has announced plans to apply for EU candidate status and has called on the EU to help boost Kosovo's economy via a "mini Marshall Plan" (Republic World 2021). Now President of Kosovo, Vjosa Osmani, has also confirmed EU accession to be one of the central foreign policy goals of Kosovo but has suggested "lack of ambition or engagement of all parties involved in the European integration process" may have damaged Kosovo's trust in the process (EWB 2021).

Like Serbia, media in Kosovo engage in disinformation and tend to self-victimize by misrepresenting international reports as insults to Kosovo, which damages the Kosovar perception of the EU (Greene et al. 2021, 26). Despite disappointment with the EU, the people of Kosovo overall seem less pessimistic about EU accession than their Serbian counterparts. According to the Balkan Barometer 2020, three out of four Kosovars considered EU membership to be positive for their economy and 87 percent were in favor of membership (Regional Cooperation Council 2020, 40–42). In a referendum on EU accession, 93 percent of Kosovars would vote in favor, signifying almost universal support of EU integration (IRI 2020). Compared to Serbia, which has progressed further on the path towards European integration, this striking support for EU accession reflects the perceived urgency for international recognition. Given Kosovo's still contested status, the Republic is in dire need of international support and recognition—something EU membership would provide. As long as five EU member states refuse to recognize Kosovo's statehood, however, EU membership will continue to remain out of reach. If significant progress were achieved in the Belgrade-Pristina dialogue, this would increase pressure on the five member states to recognize Kosovo. However, European status neutrality seems to impede such progress, locking Kosovo in a vicious circle of unresolved status and accession questions.

A Rotten Carrot, Indeed?

Despite strong criticism and disillusionment with the EU, there appears to be a broad consensus among politicians and the intelligentsia in both countries that no viable alternative to EU membership exists (SAIS Group Meeting with Atifete Jahjaga, Kosovo, 15 January 2021; SAIS Group Meeting with Demush Shasha, Kosovo, 15 January 2021). While Prime Minister Kurti plans to apply for candidate status for Kosovo, President Vučić has confessed that there is no alternative to EU accession for Serbia (Euronews, January 23, 2020). In spite of evident shortcomings, the EU-facilitated dialogue has been the most successful attempt at resolving Kosovo's status issue so far and is the best shot at doing so in the future (Abazi 2019).

As EU accession has become unlikely to occur in the near future, local voices have called for more honesty and realistic communication from the Union about what to expect (Maliqi 2020, 34). Tangible results and commitments from the EU would help restore faith in the process (SAIS Group Meeting with Atifete Jahjaga, Kosovo, 15 January 2021). In the case of Kosovo, one such commitment by the EU could be visa liberalization (EWB 2021). Another proposal by the European Stability Initiative suggests granting the Western Balkans accelerated access to the European Single Market before they become full-fledged EU member states (European Stability Initiative 2020, 13). By doing so, the EU could offer immediate benefits while demanding further reforms before Serbia and Kosovo attain full membership. This might be particularly relevant given Serbian demands for a quid-pro-quo in the dialogue (SAIS Group Meeting with Marko Đurić, Serbia, 21 January 2021).

Various Kosovars have called on the EU to abandon strategic ambiguity, which leaves Kosovo and Serbia to interpret the desired outcome of normalization in their own terms (Bergamaschi 2020). This perspective calls for strong European leadership, as the EU is expected

to take a decisive stand on the status of Kosovo (Morina 2020). EU communication was also criticized by Serbian actors such as Igor Bandović, who argues that lack of clarity in the EU's and Serbia's approach and desired outcome for the dialogue have resulted in a public that is unprepared to compromise in the talks (SAIS Group Meeting with Igor Bandović, Serbia, 19 January 2021).

Actors in both countries have also commented on the importance of internal political unity and a clear position on the dialogue (SAIS Group Meeting with Demush Shasha, Kosovo, 15 January 2021; SAIS Group Meeting with Igor Bandović, Serbia, 19 January 2021). This is particularly relevant for Kosovo, which has faced political fragility and almost constantly changing governments in the past decade. Moreover, Lulzim Peci has suggested that stronger inclusion of civil society and the media in the dialogue might increase public involvement, acceptance, and interest in the dialogue (Bergamaschi 2020).

Policy analysts like Lulzim Peci and human rights activist Sonja Biserko have suggested implementation could improve under the observation of a US-EU-led verification mechanism (Bergamaschi 2020). Acting President Vjosa Osmani has also called on the EU to exert pressure on Serbia to achieve implementation (EWB 2021). With the EU's leverage weakened and a new administration in the United States, actors in Kosovo and Serbia have expressed hopes of stronger cooperation between the United States and Europe in moving the talks forward. A joint transatlantic strategy led by Miroslav Lajčák may provide the necessary international leverage to pressure Belgrade and Pristina into action (Morina and Tcherneva 2021).

Conclusion

Since 2011, two main factors have contributed to the erosion of trust in the EU accession process, preventing a conclusion of the Belgrade-Pristina dialogue:

- A lack of EU unity on the status of Kosovo is weakening the bargaining position of Kosovo and disincentivizing Serbia from recognizing Kosovo's statehood.
- A lack of EU consensus on future enlargements and vetoes of EU member states have harmed credibility of the EU and created doubts about whether it will be able to commit to future promises.

National politics in Kosovo and Serbia have further delayed progress in the dialogue:

- In Serbia, President Vučić does not perceive urgency in accessing the EU, as delays allow him to forge other geostrategic relationships, particularly with Russia. Media campaigns spreading disinformation about the EU have contributed to a public that is largely disinterested in EU membership.
- In Kosovo, frequent changes in the country's leadership have prevented progress. The expected new government is placing its focus elsewhere and the public narrative in Kosovo has centered around self-victimization rather than on communicating EU-generated progress.

While criticism of the EU both as facilitator and negotiator in the accession processes of Serbia and Kosovo abound, it appears that EU membership—whether sooner or later—continues to be

desirable for the governments in Belgrade and Pristina. EU accession thus can still be seen as carrot that incentivizes both countries to continue in the dialogue. Nevertheless, as the current political climate within the EU is not conducive to enlargement and Serbia—unlike Kosovo—seems to sense little urgency in speeding up its accession process, EU leverage alone is currently not enough to resolve of the issue. Required is a change of strategy, for which various options exist, and much of it comes down to decisiveness.

The EU can increase its leverage by taking a more decisive role in leading the dialogue. This would require a common position on the status of Kosovo, as the Union can only credibly demand recognition of Kosovo's statehood by Serbia if it does so itself. For this, pressure on the five member states to change their position must be increased. More decisive leadership would also mean increasing pressure on Serbia to act. This can be achieved with bigger carrots—increased funds, Single Market access—and bigger sticks. Serbia will eventually have to choose its geopolitical allies. The EU might help speed up that process by threatening to freeze accession negotiations altogether. Leverage can also be increased through transatlantic cooperation. A joint effort with the United States could create enough international pressure to convince the remaining five EU member states to recognize Kosovo and to bring the dialogue between Belgrade and Pristina to a speedy conclusion.

While the Union itself might currently suffer from enlargement fatigue and a never-ending spectrum of recurring internal crises that require its attention, the renewal of the dialogue under Miroslav Lajčák as well as new administrations in Kosovo and the United States might provide the necessary momentum to unlock the stalemate. This, however, will only be possible if the EU manages to increase pressure on Serbia and create a sense of urgency to act. Otherwise, it risks becoming a facilitator in a perpetual dialogue.

Recommendations

To the European Union

Regarding EU Enlargement Policy

- **Provide a credible perspective for integration of the Western Balkans.** This includes clarity about the remaining obstacles to accession as well as a prospective accession timeline and real commitment by all European institutions, the European Council in particular, to stand by promises made to accession candidates.
- **Start a public information campaign** on the normalization of relations between Kosovo and Serbia to generate public support for concessions and reform. The EU can address public disinformation about the dialogue and promote acceptance by making information accessible to the public on various digital and traditional media channels and by involving civil society in the process.
- **Introduce a verification mechanism to observe the implementation** of past agreements of the Belgrade-Pristina dialogue.

- **Enter into transatlantic cooperation** with the new US administration to increase leverage and pressure—also on EU spoilers such as the five non-recognizing member states—and bring the dialogue to a speedy conclusion.

Regarding EU relations with Serbia

- **Offer accelerated Single Market entry** as a trust-building measure and sign of commitment to accession for Serbia. This should only be offered in return for Serbian recognition of Kosovo and if political, governance, and rule of law issues remain to be resolved before EU accession.
- **Provide a stick rather than a carrot if Serbia continues to stall progress in the dialogue.** As the prospect of EU membership currently does not suffice to motivate Serbia to recognize Kosovo's independence, the EU should threaten consequences for further spoiling behavior, in line with Chapter 35 ("no progress – no chapters").

Regarding EU relations with Kosovo

- **Assume a clear position with regards to the status of Kosovo. The EU should abandon its status-neutral approach**, as lack of clarity on the EU's position on Kosovo is a major disincentivizing factor for Serbia to recognize Kosovo's independence. Only if the EU as a whole pushes for the recognition of Kosovo by Serbia can it credibly exert the necessary pressure.
- **Approve visa liberalization for Kosovo** as a trust-building measure and sign of commitment to the accession path of Kosovo.

<u>To Kosovo and Serbia</u>

- **Provide a credible commitment to the dialogue and the implementation of its agreements.** This includes commitment to a speedy conclusion of the dialogue, the cessation of spoiling and stalling tactics, and openness to make and not solely demand concessions. Governments in both countries should take active measures to prevent further disinformation campaigns focused on the EU.
- **Generate a public political consensus on principles and red lines of the dialogue.** A public debate with opposition parties, civil society, and the media resulting in a broad consensus on the national position in the dialogue and on EU membership will ensure that the dialogue can continue smoothly even with changing governments. Consensus can furthermore prevent future implementation issues.

Russian Hybrid Warfare: How Disinformation Undermines the Kosovo-Serbia Peace Process

Valerie Cariello

Since Vladimir Putin returned to the presidency in 2012, the Kremlin has shifted its focus from post-Soviet states toward the West. In the Balkan region specifically, Russia has gained influence in recent years. In Serbia, the Russians have been able to expand their power by capitalizing on the notion of "Slavic brotherhood." Connections between Russia and Serbia go back to the Ottoman era and were heightened during the 1990s when Russia used its role in the United Nations to support Serbia during the Yugoslav wars. Culturally, the Orthodox church is vital to both Serbian and Russian identities. Moscow utilizes these similarities and its close ties to Belgrade to undermine the US and EU in the Balkan region. According to a report from the Heritage Foundation, "Serbia, a key ally to Moscow in the region, remains the biggest obstacle to countering Russian influence" (Shedd and Stradner 2020).

Today, Russia's presence in the region serves its geopolitical interests. Russian leaders maintain significant concern about the threat of Western democratic influence, as liberal ideals threaten authoritarian norms and Russian strategic interests across the globe. The expansion of the North Atlantic Treaty Organization (NATO) has exacerbated Russian anxieties. President Putin has worked to maintain a "buffer zone" between Russia and the West. As with Ukraine and Georgia, Russia is worried about the prospect of Balkan states joining NATO or the EU. Russia meddles in Balkan political, economic, and social spheres in order to become a driving force in the region. Putin does not want the US or the EU to accomplish anything in the Balkans because their involvement challenges Russian influence and control.

By maintaining a strong position in the Balkans, Russia gains leverage against Western adversaries. One way Russia erodes the influence of Western institutions in the Balkans is through disrupting the Kosovo-Serbia dialogue. Serbia's recognition of Kosovo and European integration of either Serbia or Kosovo would diminish Russia's role in the region (Warsaw Institute 2019, 24). By disrupting the dialogue and hindering the ability of the two states to normalize relations, the Russian government maintains a frozen conflict in the region and keeps both Serbia and Kosovo from joining the EU. Russia is a spoiler to the peace process between Kosovo and Serbia.

Russian Hybrid Warfare

Russia's strategy in the Balkans is "hybrid warfare," which blends conventional military and political forces by utilizing and distributing information that is either false or taken out of context in order to undermine the legitimacy of an organization or institution (Clark 2020, 8). Russian hybrid warfare typically includes sustaining frozen conflicts, spreading misinformation and propaganda, cyber-attacks and internet troll operations, support of separatist groups, deployment of deniable proxy forces, and encouragement of hostilities. A major goal of Russian hybrid warfare is to erode trust and delegitimize Western democratic institutions and ideals. While Moscow does

bankroll and arm Serbian paramilitary militias in the region, the most prominent form of Russian hybrid warfare in the Balkans is disinformation (Warsaw Institute 2019, 5).

Russian disinformation campaigns utilize both facts and falsified material to manipulate and influence individuals and groups across Serbian and Albanian societies in the Western Balkans. Disinformation does not always include falsities; sometimes the information is simply taken out of context or distributed at an inopportune time for those that it targets. Additionally, the success of a disinformation campaign is often dependent on the perpetrator connecting disinformation with true facts, thereby sowing distrust and disorder. These lines of effort, commonly referred to as active measures during the Soviet era, are used by the Putin administration across regions, countries and even continents. This tool is not unique to the current administration. Russian disinformation campaigns have been a powerful force since at least the interwar period of the 1920s-30s (Rid 2020, 6).

Western analysts do not always respond appropriately. Common Western misconceptions of Russian hybrid warfare focus too much on Russian efforts to directly challenge NATO and not enough on the ways in which the Russians circumvent Western capabilities (Clark 2020, 12). Putin knows Russia would struggle to challenge conventional NATO military forces, so he avoids military confrontations and instead focuses on disinformation and hybrid tactics. In countering the Russian threat, Western strategists should focus their energy in the Balkans on disinformation and other non-conventional forces.

Throughout this chapter Russian disinformation will be defined as the malicious distribution of misleading information that utilizes either false narratives, or facts that exclude context, and seeks to disrupt democratic processes and institutions. The Russian disinformation threat will be explored in terms of its effects on the Kosovo-Serbia dialogue. Evidence of Russian interference will be described in the news and media industry, among conservative, nationalist groups in the region, and most recently with the exploitation of the COVID-19 pandemic. The vulnerabilities within both Kosovo and Serbia will be highlighted to explain why it is easy for Russia to manipulate their populations. Finally, the weak Western response will be criticized, and recommendations will be made to civil society organizations in Serbia as well as the US and EU.

Evidence of Russian Interference in Serbia and Kosovo

Putin is the most popular foreign leader in Serbia (Vuksanovic 2020). The Serbian population trusts the Kremlin and as a result, Russia is able to shape narratives surrounding hot issues like EU integration and the dialogue with Kosovo. Serbian President Vučić welcomes and advances Russian support. Not only does this relationship help Vučić gain popularity domestically, but he also uses his close ties with Putin to gain leverage against the West.

<u>News and Media</u>

The most prominent evidence of Russian influence in the Western Balkans can be seen in the news and media industry. According to a 2020 EU Parliament report, “Russia maintains an entire infrastructure of media influence, stretching across the region and deeply integrated into national

media landscapes." Russian campaigns are broad and aim to change public opinion on a vast scale. The Putin administration capitalizes on weaknesses and divisions throughout society. By exacerbating already existing fissures, the Russians enhance vulnerabilities throughout the populations they target.

The Russian state-run news agency, *Sputnik Serbia,* is one of the most effective sources of disinformation and propaganda. Located in Belgrade, *Sputnik Serbia* creates emotionally driven stories that discredit European and Western institutions and even occasionally call for the unification of ethnic Serbs from across the region (Himes and Stronski 2019). Local news stations often repost these stories and amplify tensions surrounding contentious issues like EU integration and Kosovo's sovereignty. One reason for *Sputnik Serbia's* effectiveness is the fact that this outlet provides fully developed stories in real time in the local language. This makes it easy for local outlets to pick up and further disseminate Russian propaganda. Additionally, competition is scarce as many local news stations do not have the funds to populate newsworthy stories at the same rate (Šajkaš 2016). Furthermore, because *Sputnik Serbia's* content comes free of charge, its stories are republished much more often than subscription-based, Western media sources (Šajkaš 2016). The Russian government capitalizes on this dynamic to control the narrative.

Through these operations, *Sputnik Serbia* serves Putin's goal of undermining Western influence and destabilizing the region. For example, Russia promotes the idea across Serb majority communities that 'Greater Albania' poses a direct threat to their livelihood. The idea that Muslim populations throughout the Balkans, but especially in Kosovo, harbor terrorist organizations polarizes these communities further. In 2017, the Kremlin issued a public statement accusing the West of meddling in Macedonia's internal affairs in an attempt to promote 'Greater Albania' (Balkan Insight 2017). According to the Russian Foreign Ministry, "the head of self-proclaimed Kosovo, Hashim Thaçi has joined EU officials, calling on the Macedonia Albanians to take their rights into their hands in accordance with the Greater Albania project which includes vast areas in a number of Balkan states" (Balkan Insight 2017). By blaming Kosovo for the instability throughout the Balkans, the Russians aggravate tensions between Serbs and Albanians.

Russia also attempts to delegitimize the European Union as an institution through its disinformation campaigns. It promotes two primary narratives: that the EU is weak and that it is hegemonic (EU 2020, 36). The Kremlin points to Brexit and the growing transatlantic gap to argue that the EU is a failed project, and that EU membership should not be considered desirable. In addition, the Russian government promotes the idea that the EU exploits the Western Balkans to achieve its own interests and unfairly discriminates against Russia. In promoting these contradictory ideas, the Russian government aims to give the polarized sides of this divisive conversation ammunition to use against each other. For example, "sensational headlines and deliberately selected quotes…are tailored [by the Russians] to spread suspicion and doubts concerning the role of NATO and the EU in the region, suggesting that Western actors work against Serbia's political interests" (Metodieva 2019, 13). This makes Serbs more skeptical of the EU-facilitated dialogue with Kosovo, which results in heightened tensions between the two sides. Furthermore, these campaigns also serve to discredit Russia's other primary targets: the US and

NATO. By capitalizing on Serb memories of the NATO bombing in 1999, and spreading false narratives about Western spies and propaganda, Russia aims to dissuade Serbia from joining the Alliance (Metodieva 2019, 4). Moscow hopes to alter any positive perceptions of the EU or NATO, thereby creating obstacles to accession of Balkan states.

Though there is considerably less evidence of Russian disinformation within Kosovo's internal media infrastructure, the Kremlin is still able to influence Kosovars from afar. "Serbia serves as a launchpad for the Kremlin's disinformation operations in the Western Balkans" (EU 2020, 36). *Sputnik Serbia* ran two stories in April of 2020 that targeted Kosovo. One indicated that Kosovo was leaving the 'Electric Network of Serbia' and another said that EU officials stated that Kosovo is Serbia's "responsibility" (EU 2020, 26). Additionally, a Russian report from February 7, 2020 spread false information regarding human rights in Kosovo. By quoting fake news sources, the report asserted that 50 local Serbs had been murdered in Kosovo from 2017-2018 (Peci 2020, 26). These false reports impact public opinion and cause distress among Kosovar citizens, making normalization of relations between Serbia and Kosovo more difficult.

The Russian government has proven skillful at spinning historical narratives to paint Serbs as victims across the Balkans. For instance, "Russia consistently emphasizes the NATO bombing of Serbia in 1999 to stop the ethnic cleansing of Kosovar Albanians as an example of the West's bad intentions towards the Slavic people of the Western Balkans" (Zakem 2017, 15). This revisionist history in conjunction with disinformation that demonizes Kosovars gives Serbia leverage in the region.

<u>Support of Nationalism and Conservatism</u>

In addition to spreading misinformation through news and media outlets, the Russian government often highlights ethnic tensions between Kosovars and Serbs by supporting nationalist Serb groups across the region. In supporting these groups and sowing discord, Moscow often emphasizes cultural characteristics that the Russians and Serbs share. The Russians appeal to Serbian emotions by highlighting the importance of the Orthodox church. Russian propaganda in Serbia often includes a narrative about how the West defends Muslims in the Balkans at the expense of Orthodox Christians (Himes and Stronski 2019). In conjunction with this narrative, the Russians promote the idea of traditional family values across Balkan media. They portray European and American sentiments towards minorities like the LGBTQ community as support for ethnic separatism (Himes and Stronski 2019). Moscow spins Western support for gay rights as a deliberate attempt by the US and EU to destroy conservative family values and dismember Balkan states. Consequently, Russia undermines democratic institutions throughout the region. With the 1999 NATO bombing still a relatively recent memory for many, the Kremlin's soft power tactics are effective among conservative Serb groups in the region.

Another reason for the success of these tactics in Serbia is that the Orthodox church is a fundamental pillar of Serb identity (SAIS Group Meeting Conducted Virtually Over Zoom with Sonja Biserko, January 2021). Accordingly, as an institution, it has significant leverage across society. The Kremlin's ability to co-opt the Serbian Orthodox Church and use it as a loudspeaker

for Russian interests is met with little resistance given the credibility of the church throughout Serb society. The Russians are able to use these ties to get closer to political and religious leaders, and influence both public and elite opinions. To allow the Russian state culpable deniability, oligarchs often assist in these hybrid campaigns. For example, Russian businessman Konstantin Malofeev uses his "St. Basil the Great Charitable Foundation" to enhance relationships between Serbs and Russians and disseminate information about traditional family values (Himes and Stronski 2019). His think tank, Katehon, further promotes anti-American conspiracy theories and narratives that serve Moscow. The exploitation of the Orthodox church is not only meant to enhance pan-Slavic relationships, but also to ensure that Western ideals of democracy cannot take root.

The Russians also use culture to disrupt the peace process between Kosovo and Serbia by amplifying the idea that Russia and Serbia both have historical rights to certain parts of the world. The Kremlin indirectly supports the notion that Kosovo is a part of Serbia by emphasizing the claim that Crimea is part of Russia (Warsaw Institute 2019, 24). Putin was harshly criticized by the international community for violating international law and the rights of Ukrainian citizens on the peninsula. However, the Serbian government never condemned Russia for its actions and refused to sanction Moscow in conjunction with Western states (Metodieva 2019, 11). Because the Serbs believe Kosovo should be a part of their state, condemning the Putin administration for the annexation of Crimea would be hypocritical. Furthermore, EU member states such as Spain do not want to recognize Kosovo out of fear that separatist regions within their territories may try to gain independence as well. Russia capitalizes on this narrative and hinders further recognition of Kosovo around the world.

Exploitation of the COVID-19 Pandemic

Most recently, Russia has been able to take advantage of the COVID-19 pandemic by spreading disinformation that suggests to Balkan states that the EU and Western institutions do not provide as much aid to the region as they claim. These campaigns paint Russia as the hero that came to rescue the Western Balkans during their time of need. This is a massive exaggeration, but these pro-Russian narratives are powerful in certain Balkan states. The Russians have portrayed the EU as being overwhelmed by the pandemic and unable to send assistance to the Balkans (Necsutu 2020). Additionally, the Kremlin has been effective in disseminating conspiracy theories about US and NATO involvement. An article in *Sputnik Serbia* from January 2020 suggested that the COVID-19 virus was created in an American laboratory (Necsutu 2020). These stories are amplified by local actors and result in a diminished view of the EU and NATO.

In pursuing these goals, the Russian government utilizes troll and bot factories that spread narratives about the EU's incompetence and lack of sympathy for the Western Balkans in relation to the COVID-19 pandemic. A bot is an automated or non-human account that disseminates information across social networks, while a troll is an actual individual who is paid to promote certain viewpoints on the internet (Toler 2020). While bots are programmed to respond to posts that include certain key words, or retweet links from specific accounts, trolls have more creative control. In 2020, Twitter deleted 8,558 bot accounts involved in "inauthentic coordinated activity"

promoting President Vučić's ruling party and criticizing the opposition (Nikolic and Jeremic 2020). However, the bots did not act alone. The accounts were aided in their propaganda operation by both Serbian and Russian news outlets in coordination with various troll accounts (Nikolic and Jeremic 2020). This allowed the information to reach much further than Twitter alone. The deleted accounts "worked steadily to legitimate Vučić's policies," and some sources claim these accounts have recently returned to promote the party line during the COVID-19 pandemic (Nikolic and Jeremic 2020).

According to a Digital Forensic Center report, large networks of internet bots in Serbia specifically promote Chinese and Russian interests (EU 2020, 44). The lack of trust in Western institutions that Russian disinformation has created allows Putin's government to take advantage of negative situations such as the pandemic. The more vulnerable the population is, the easier it is for Russian hybrid warfare to be effective. The COVID-19 pandemic exacerbated the region's weaknesses and created a great opportunity for disseminators of disinformation.

Vulnerabilities Within the Region

Russia is successful in manipulating public discourse and opinion in the Balkan region for several reasons. Many members of Balkan society do not consider Russia a great threat because they do not believe the Balkans fall into Putin's 'sphere of influence' (SAIS Group Meeting Conducted Virtually on Zoom with Marko Đurić, January 2021). The Baltic states and those Eastern European countries closest to Russia's borders encounter Kremlin influence more regularly and are therefore more focused on countering it. In parts of Ukraine and Georgia, the physical presence of Russian military forces is stark. There, Russian "little green men" are meant to disrupt peace and enable separatist groups. In the Balkan states, Russian military forces are not pervasive, and therefore these communities are less aware of the ways in which Russian hybrid warfare operates. A report by the Belgrade Center for Security Policy notes that 33.9% of Serbian respondents view Russian influence in Serbia since the pandemic as "very positive," while a mere 2.8% view it as "very negative" (Sprint Insight 2020, 24). In Serbia, Russia is considered a trusted ally.

These sentiments are linked to pan-Slavic and pan-Orthodox narratives. According to a study by the Pew Research Center, "Orthodox Christians in Central and Eastern Europe favor [a] strong role for Russia in geopolitics" (Diamant 2017). Many in the region believe that Russia is the protector of Orthodox populations. Surveyed groups overwhelmingly agree that a strong Russia is necessary to counterbalance the West; 80% of Serbs for instance, believe this to be true (Diamant 2017). This attitude leaves Serb society vulnerable to Russian narratives about Western, democratic institutions. Strong support for conservative, religious values across Serbia presents an opportunity for Moscow to discredit the EU by saying that Orthodox belief systems would not be compatible in liberal institutions (Pew Research Center 2017).

As a result of their trust in President Putin, Serbs both wittingly and unwittingly help to enhance destabilizing Russian disinformation. Witting participants understand Russian goals to undermine the West in the region, while unwitting contributors naïvely believe that Moscow has the best interests of Serbs at heart as well. Consequently, Russian influence flourishes throughout

Serb communities. For instance, a survey from 2015 showed that 47% of Serbian citizens believe that Russia provides their country with more financial support than the EU (Warsaw Institute 2019, 8). In reality the EU provides about ten times more aid to Serbia than Russia does. From 2000-2013, the EU donated upwards of 3.5 billion euros to Serbia, while Russia only spent about 338 million on Serbian railways, specifically (Warsaw Institute 2019, 8). Because of the deceptive narratives that Russia spreads throughout Serbia, the population favors Putin and enables his actions, giving him leverage over the West.

Weak states play a major role in inability to counter Russian disinformation. According to the EU Parliament, "[the Balkans states'] structural fragility in the fields of politics, economics, society, and security allows Russia to exploit and manipulate the information environment" (EU 2020, 36). In Serbia, ultra-conservative groups echo polarizing Russian rhetoric. Since President Vučić came to power in 2012, Serbia has become more right-wing, which hinders progress in the region as it encourages the spread of negative narratives about Kosovars (SAIS Group Meeting Conducted Virtually Over Zoom with Igor Bandovic, January 2021). Furthermore, most of the initiatives aimed at countering disinformation within Serbia and Kosovo rely on foreign funding. This has become a problem during the COVID-19 era as many donor states have had to withhold funding for these projects. Neither state is self-sufficient in its anti-disinformation campaigns and the Serbian government is not even making attempts to counter it.

According to multiple sources from the region, both the Serbs and Kosovars suffer from educational failures (SAIS Group Meetings Conducted Virtually Over Zoom, January 2021). Public education in Serbia promotes contentious narratives about minority groups throughout the region. The divisions this creates leaves populations vulnerable to Russian propaganda. Additionally, the increasing prevalence of social media and the internet have given polarized groups more indirect access to one another, resulting in heightened tensions. A source from the region noted that Facebook in the Balkans is similar to Fox News in that controversial narratives are shared widely and often become sources of conflict between Kosovars and Serbs (SAIS Group Meeting Conducted Virtually Over Zoom with Veton Surroi, January 2021).

Lack of education makes countering fake news nearly impossible. "The Open Society Institute's Media Literacy Index lists Serbia…as [one of] the European states least equipped to identify and push back at fake news due to lagging education systems and poor political literacy" (Himes and Stronski 2019). The West has tried to aid Balkan states through fact-checking and public education programs aimed at increasing media literacy and neutralizing information threats (EU 2020, 53-54). However, they are no match for the structural vulnerabilities in both countries. Neither Kosovo nor Serbia has effective legislation in place to prosecute disseminators of disinformation. According to the EU Parliament's 2020 report, "Kosovo does not have legislation or regulation targeting disinformation, beyond standard libel laws [and]…Serbia [only uses] existing defamation and public safety legislation…to dampen criticism, particularly of the government's handling of the COVID-19 pandemic." Until these issues are addressed, Russia will continue to use disinformation to exacerbate political and ethnic tensions between Kosovars and Serbs. The risk is low and the reward too great for the Russians to stop.

Weak EU/US Response

In recent years, the growing transatlantic gap, exacerbated by President Donald Trump's 'America First' policy, has created rifts in Western solidarity that the Russians have been able to exploit. The failure of the US and EU to articulate a coherent and consistent approach in the Balkans has created ample space for domestic and external actors to spread disinformation (Himes and Stronski 2019). The US has taken a relatively 'hands off' approach to the Serbia-Kosovo dialogue and Balkan affairs in general. In 2018, President Trump warned against defending small Balkan states by saying that this could lead to World War III (Stradner and Jovanovic 2020). New leadership should focus on ways to combat these isolationist sentiments among Western policymakers.

Though the EU has served as the official facilitator of the Kosovo-Serbia dialogue in recent years, it is conflicted in terms of official policy. Five EU member states (Spain, Slovakia, Greece, Cyprus, and Romania) do not currently acknowledge Kosovo as a state. This complicates the dialogue by justifying Belgrade's anti-recognition position and making Kosovo's EU accession path more difficult. Furthermore, the current lack of Western involvement allows Russian narratives about the weaknesses of democratic institutions to thrive in parts of the Balkans. The EU should develop a consistent, collaborative approach to the question of Kosovo's sovereignty in order to move the dialogue forward.

Current US efforts to counter the Russian disinformation threat in the Balkans have proven inadequate. Since joining NATO in 2017, Montenegro has established close cooperation with the US on cybersecurity (Kajosevic 2019). As a state targeted by both Russian and Serbian hybrid operations in recent years, this collaborative effort has been deemed imperative. However, during the country's 2020 parliamentary elections, the pro-Western Democratic Party of Socialists lost its bid for reelection and was replaced by a pro-Russian coalition (Stradner and Jovanovic 2020). Russian influence remains potent in Montenegro despite Western countermeasures. Though it is too soon to tell, this could result in nationalistic surges and further societal divisions in one of NATO's newest member states.

Previously, the West saw Russia's internal challenges as a hindrance to Moscow's ability to conduct operations abroad. The annexation of Crimea in 2014 demonstrated that the Kremlin is willing to go to great lengths to undermine the West. Western leaders should not wait to see how Russian hybrid warfare develops in the future: there must be a focus on countering the threat holistically now to prevent forthcoming crises (Himes and Stronski 2019). To do this, the West must play a more active role in the Balkan region.

Conclusion

Countering disinformation in the Western Balkans and ultimately neutralizing the Russian threat to normalization of relations between Kosovo and Serbia must start at home. As many social scientists have noted, "disinformation in the Western Balkans is not an attack on political and social life in the region: it is generated by the political and social life of the region" (EU 2020, 60). Disinformation is not the cause of social and political tensions in the region, it is a result of already

existing vulnerabilities. Ethnic tensions and societal divisions over Kosovo's sovereignty present Moscow with opportunities to gain control in the Balkans. In order to move forward in the dialogue, Kosovo and Serbia should work to enhance their education systems and further knowledge of Russian disinformation across their societies. Additionally, the US and EU should work together to develop coordinated information efforts to challenge existing narratives and stifle the Russian spoiler effect.

Recommendations

To the US and EU

- **Enhance Western information efforts in the Balkans to shed light on the realities of the Russian-Serbian relationship and the disinformation threat in general.** If Western actors strengthen their broadcast networks across the region, they may be able to compete with *Sputnik Serbia* for control of the narrative. By exposing the truth about Russian interests in the region, the US and EU could cause a Serbian pivot towards the West. In order to counter Russian disinformation in the Balkans, Belgrade must become convinced that Moscow is not acting in Serbian interests. Additionally, promoting greater Western information sharing about the benefits of EU accession could generate support for furthering Serbia's path to membership.
- **Encourage the five EU member states that do not currently recognize Kosovo that doing so would decrease Russian influence in the Balkans and consequently, further democracy and EU prosperity.** As members of a liberal, democratic institution, decreasing the influence of manipulative autocratic actors across the globe would benefit Spain, Slovakia, Cyprus, Greece, and Romania. Their recognition could push Serbia to normalize relations with Kosovo.

To Civil Society Organizations in Serbia

- **Develop community workshops and trainings focused on media literacy and identification of Russian fake news/disinformation.** The Serbian government does not currently challenge nor acknowledge the Russian disinformation threat. In the absence of greater knowledge regarding this tactic of the Russian government, it will be difficult for Serbs to challenge government propaganda. By providing a means to educate Serbian society about the Russian threat, civil society organizations can diminish the influence of Kremlin narratives, decrease tensions across Balkan society, and enhance conversations about normalizing relations with Kosovo. Because media is highly centralized, and public education controlled in Serbia, these organizations can educate the population more effectively by leveraging community engagement as opposed to simply countering fake news on the internet or trying to reform current curriculum.

International Mediation: Power Dynamics and Deadlock

Xin Tan

While the armed conflict between Kosovo and Serbia ended in 1999, the unresolved dispute over Kosovo's independence remains a powder keg. A slight spark might lead to new waves of violence. The stability of the region therefore continues to be a major concern of many international actors. Considering the geopolitical importance of the Balkans as a natural thoroughfare between Europe and Asia, it also attracts the attention of newly emerged world powers who seek to expand their sphere of influence, either political or economic, into the region.

The EU, NATO, the United States and Russia, together with China, all have roles in the resolution of conflict between Kosovo and Serbia. In the past decades, Belgrade and Pristina have explored many approaches in an attempt to reach a negotiated solution with the support of different international initiatives. However, no significant progress was made. One major factor that contributes to the current stalemate is the complex power dynamics among the international powers and the parties to the dispute.

The current negotiation between Kosovo and Serbia is a multiparty bilateral process. Bilateral means it is a two-sided issue, with one side demanding mutual recognition between the two former foes and the other side refusing to recognize Kosovo as an independent state. It is also a multiparty process. The primary parties are Kosovo and Serbia. They "own the problem/opportunity under negotiation" and will "directly experience the consequences of the negotiated outcome." (Crump and Glendon 2003, 79) However, the extensive involvement of the international actors, namely the European Union, the United States, Russia, and China, means that there is more than one party on each side.

The multiplicity of potential interactions among many actors creates three sets of power relationships: the first is the power balance between Kosovo and Serbia; the second, the power symmetry between the mediators; and finally, the power asymmetry between the primary parties and the international powers. Historically there have been different ways of conceptualizing the notion of power. In this chapter, it will be defined as "an action by one party intended to produce movement by another." (Zartman 2007, 104) While some had expected the power dynamics to bring about a resolution through negotiation, the talks have reached an intractable impasse.

Power Equality Between the Primary Parties

The first set of power relationship is between the primary parties. Kosovo, as the apparently weaker party, tends to borrow sources of power from the third parties. Therefore, it employs a bandwagoning strategy in an attempt to equalize its power status with Serbia. Belgrade, in response, adopts a hedging strategy with the international actors, who value its economic potential and geopolitical importance. These strategies have balanced out the initial asymmetry, but the power equality between the two parties has produced a deadlock.

The Initial Power Asymmetries

In the Kosovo-Serbia dispute, Kosovo is the less powerful party in terms of physical size, gross national product, military power, and most importantly, legitimacy. Kosovo's population is one-fourth of that of Serbia, and its area is only about one-seventh of Serbia's. However, physical size may be less important than financial resources, which determine whether the party has sufficient resources and budgets to support the experts and ministries needed to develop high quality negotiation instructions effectively. It also determines the size of delegation that can actively participate in the talks and the ability "to offer side payments to obtain the support of others in negotiations." (Panke 2012, 315) The GDP per capita of Serbia in 2019 is 1.7 times of that of Kosovo. (World Bank 2019) Moreover, the economy of Kosovo still depends heavily on the international community for finance and technical assistance. Limited budget leaves little room for Pristina to invest in the negotiation.

Besides physical size and financial resources, military capacity is another parameter to measure the power of the parties, especially in cases where there is concern about security. In comparison to Serbia, Kosovo is also smaller in its military size. Only 0.8% of its GDP goes to the military, whereas Serbia has spent around 2% of its larger GDP for the military over the past seven years. (CIA World Fact Book 2021)

Kosovo also has a comparative disadvantage in its international standing. As a new political body emerged from a separatist movement, Kosovo has had to start from scratch. It needs to establish diplomatic and economic relationships with the world while Serbia has enjoyed traditional ties with many countries for decades or longer. In addition, Kosovo is not yet a member state of major international organizations, such as the United Nations and the World Trade Organization. The lack of membership in international organizations limits the room for Kosovo to wield its diplomatic power on the international stage and win support from a wider audience.

Kosovo's Bandwagoning Strategy

To level the playing field, Kosovo employs a bandwagoning strategy and leverages the power of the international actors. The strategy echoes what was described in the work of Professor Zartman, *Negotiation and Conflict Management*, that the weaker parties tend to borrow the sources of power from the third parties. (Zartman 2007, 112)

One of Kosovo's major partners is the European Union, which has been providing Kosovo with direct financial and political assistance since the end of the war in 1999. The economic development of Kosovo was left mainly to the EU. "It was known as Pillar IV (Reconstruction component) and was managed by the European Union as part of the UN mission." (Nezaj 2015, 10) After Kosovo's declaration of independence in 2008, the EU convened a donor conference in Brussels in support of the socio-economic development of Kosovo. From the political perspective, the EU has been assisting Kosovo toward European integration and the EU membership (despite the fact that the EU is still constrained by the five non-recognizers, namely, Cyprus, Romania, Slovakia, Greece, and Spain). Since 2011, it has also facilitated dialogues between Kosovo and Serbia that aim to normalize their relationship. (Nezaj 2015, 14)

Another key ally of Kosovo is the United States. The two have profound cooperation on numerous security issues. Since 1999, the US has been "the largest contributor of troops to the NATO-led Kosovo Force (KFOR), providing about 660 of the 3,500 troops deployed as of February 2021." (Garding 2021, 12) Moreover, the United States also played a central role in getting international recognition for Kosovo upon its independence. (Department of State, 2019) One recent effort of the United States is the Kosovo and Serbia economic normalization agreement signed at the White House, in the presence of the former US President Trump, by Serbian President Vučić and Kosovo Prime Minister Hoti on September 4, 2020. (Riechmann 2020)

Through the bandwagoning strategy, Kosovo has rebalanced the initial power asymmetry. However, "two-party equality produces deadlock." (Zartman 2007, 100) The case of Serbia and Kosovo displays a relationship called "low power symmetry" in which neither party is powerful enough to make its counterpart move, and their primary concern becomes "defending whatever little status they have." (Zartman 2007, 109)

The deadlock is a huge problem for Kosovo. The longer it takes for the entity to gain recognition from Serbia or UN membership, the more resources it will have to invest in the negotiations. Moreover, the deadlock also increases the risk of political instability in Kosovo. Since the declaration of its independence, Kosovo's post-war governments have been short-lived. In the past ten years, Kosovo has had five governments, but none of them managed to gain strong support from the parliament. It is good news that Vetëvendosje, led by Albin Kurti, won a landslide victory in the February 2021 parliamentary elections. There is hope that the current administration might be able to maintain a ruling majority. However, based on Kosovo's past history, support for the government depends on its performance in talks with Serbia. As the dialogue has stalled, the future of the new government remains still unclear.

Besides the political aspect, the longer the impasse holds the more risks the country's economy runs. One persistent challenge to Kosovo's economy is its negative trade balance. The trade deficit is substantial and has almost doubled in the past 15 years (Jusufi 2015, 2; The World Bank, 2019). To maintain the balance of payments equilibrium, the trade deficit must be financed by capital inflow. On first impression, that is not an issue because Kosovo, as a member of the IMF, the World Bank and the European Investment Bank, receives large foreign direct investment (FDI). However, heavy dependence on FDI has made the country vulnerable to external shocks.

The COVID-19 crisis is a recent example. Predictions indicate that the pandemic will potentially decrease FDI by 21.5% to 28.5%. (Santander 2020) Kosovo's current account is also partly financed by travel services, diaspora-related remittances, and other non-recorded capital inflows. The diaspora-related remittance inflow raises longer-term concerns. It will be hard to keep the inflow at the current level in the long run "as the diasporas become permanent residents of their host countries." (IMF 2021, 15) A better solution to the trade deficit is to expand export capacity. This has been a major economic goal of Kosovo since 2010. (EIRK 2017) However, the persistent negotiating deadlock is a big challenge to Kosovo's trade sector: without being fully recognized as a sovereign state and without membership in major international trade organizations, Kosovo cannot launch full-scale development projects and establish ties with new trading partners.

Serbia's Hedging Strategy

While the stalemate hurts Kosovo, it is not entirely a mutually hurting stalemate (MHS) that might lead to a ripe moment for negotiation. On the Serbian side, it is a different story. Kosovo will continue to be barred from many economic and political activities if the dispute remains unsettled, which is fine for Serbia. The longer the impasse holds, the longer it will consume its counterpart and the more Serbia can steer the negotiation process in a direction that favors its interests. That will be even more so if EU membership is no longer Serbia's priority. There is a decline in Serbia's enthusiasm to join the European Union both at the government and the popular level. As a result, Serbia is less bound by preconditions the EU imposes, which include normalization of relations with Kosovo. Serbia is exploiting the deadlock, because it is more comfortable with the impasse.

To maintain the impasse, Serbia pursues a hedging strategy. The strategy is beneficial in two ways. First, it allows Serbia to balance the power of different hegemons while extracting largesse from rival forces. Secondly, the international actors supporting Kosovo hesitate to push Serbia too hard.

The four partners that Serbia plays its non-alignment game with are the European Union, the United States, Russia, and China. Serbia has a close cooperation with them in different domains and in divergent scales. The EU is by far is the largest actor in the country. It primarily focuses on aid, increasing investment, and rule of law. The United States is more concerned with national security and cooperates with Serbia on specific issues, including trafficking and terrorism. The cooperation between Russia and Serbia is focused on energy. China sees Serbia as a hub in the Balkans and a gateway to Europe. The main focus of China in Serbia is on infrastructure and markets. Although all four powers have a relatively deep footprint in Serbia, "the demarcation across activities" allows Serbia to keep its "non-alignment status in the short-run." (EP 2017, 45)

While there are no direct conflicts of interest among these four international actors in Serbia, global rivalries are sometimes reflected there. President Vučić has said that "Belgrade did not plan to choose between Russia, a natural Slavic and Orthodox Christian ally; the EU, Serbia's main trading partner; and China." (Vasovic 2020) But balancing is required. In 2019, amid its accession talks with the EU, Serbia signed a free-trade agreement with the Eurasian Economic Union (EEU) led by Russia, which brings together Kazakhstan, Belarus, Armenia, and Kyrgyzstan in the post-Soviet space. The EEU was seen as a "challenge to sovereign choices in its Eastern neighborhood" by the EU, and US officials are generally critical of the project. (Mostafa and Mahmood, 169)

President Vučić also showed that he is skillful at hedging in the current COVID-19 crisis. On the one hand, Vučić emphasized the solidarity between China and Serbia. During the crisis, Serbia received medical aid and vaccines from China. President Vučić kissed China's flag in front of the media while criticizing the EU for being ineffective and not willing to help during the crisis. President Vučić also clarified his position on the issue of Hongkong and Taiwan, saying that "how could we say 'Long live Hong Kong and long live Taiwan' and then expect Chinese support for our territorial integrity (with Kosovo) ... not to mention that they are our friends who have helped

us". (Vasovic 2020) The way in which Serbia deals with the pandemic and how Belgrade clarifies its position on China's territorial integrity reaffirmed ties between China and Serbia.

On the other hand, Vučić also gestured that he is on the side of the West. In September 2020, Serbia signed an agreement with Kosovo under US initiative to normalize the economic ties. Among the long list of commitments in the agreement, there were terms that have little to do with the relationship between Kosovo and Serbia but concern the geopolitical interests of the US, and specifically the Trump administration. The provision that caught wide attention is the commitment "by both parties to prohibit the use of 5G equipment from 'untrusted vendors' or to remove such equipment if it is already in place". (Ruge 2020) Although the agreement did not name China or Huawei, it is clear that the term points to China's 5G equipment and infrastructure programs in Europe. Vučić has said that the agreement concerns only "untrusted vendors," not the equipment of a specific country. His response satisfied the Chinese audience, which later deepened cooperation with Serbia on COVID-19.

Vučić has so far been successful in balancing the great powers in the region. This helps Serbia to continue its non-alignment strategy and defend its position during the negotiations with Kosovo. Serbia handles well its relationship with different international powers. However, some people might ask why the country choses a hedging strategy to maintain the current power balance instead of borrowing sources of power from third parties like China and Russia to make itself the stronger party again in the negotiation. The reasons are two-fold.

First, borrowing sources of power from the international actors means "choosing sides." Since Kosovo already bandwagons with the EU and the US, the only third parties that Serbia could borrow power from are Russia and China. Considering the growing tension among the international powers, it is clear that the West and the East, if not enemies, are not friends. Once Serbia decides to stand on the side of Russia or China and borrow sources of power from the two international actors, it chooses sides. Serbia will immediately be characterized as a member of the Russian camp or the Chinese camp, and it would therefore lose the benefits that it has enjoyed from the European Union and the United States through the hedging strategy. In addition, it is also worth noting that the country has a tradition of following the general policy of non-alignment in international relations. The policy could be traced back to the era of Tito's Yugoslavia, which is a founding member of the Non-Aligned Movement (NAM). Although the Cold War ended three decades ago, NAM lives into the 21st century with 120 full-fledged members and 17 observers. (NAM 2021) Domestically, the policy also gained wide popular support. A recent poll shows that "the non-committal approach to foreign relations has found favor with a majority of the Serbian population" (EP 2017, 11). Tradition, together with the wide popular support, are factors that encourage the Serbian politicians to follow the non-alignment strategy.

The second reason why Serbia chooses the impasse rather than build itself into a stronger party in the bilateral negotiation is that assuming a dominant position at the current stage could be dangerous. This move would risk escalating tension between the two primary parties. The growing tension would be translated directly into increasing security risks in the Balkans. This would then bring the world's attention back to the region and raise the Balkans higher up on the agenda of

those international actors, especially the European Union and the United States. Since these two international powers are by and large more in favor of the position of Kosovo at the negotiation table, Serbia does not want to reject them and push them even more to the Kosovo side. Therefore, to prevent losing the benefits from the cooperation with the EU and the US, and to avoid a closer alliance between Kosovo and the West, Serbia choses hedging over bandwagoning.

In sum, the initial power asymmetry between the two parties to the dispute pushes the weaker party, that is, Kosovo, to go for a bandwagoning strategy through which it borrows power sources from the EU and the US. However, as the initial asymmetry was righted with the increasing involvement of the international actors, the power symmetry between Kosovo and Serbia creates a deadlock in which neither of them has enough power to steer the negotiation toward its side. While Kosovo is worried that its resources would be exhausted by the deadlock, Serbia prefers it to mutual recognition. Therefore, Serbia employs a hedging strategy to maintain the current power balance and gain benefits from all the four international powers in the region.

The Power Symmetry Between the Mediators

The second set of power relationships is between the third parties themselves. In an international system without overarching authority, international conflicts attract an increasing number of external players with "divergent interests and understandings of the conflict." (Vuković 2015, 43) The four major international actors in the Balkans—the US, the EU, Russia and China—are now divided into two camps, the West and the East. As they develop an increasingly close relationship with their respective allies, the power dynamics among the third parties achieve symmetry. This power symmetry becomes another factor that contributes to the current stalemate.

Above all, the four external players in the Balkans are all *biased mediators* "due to the particular nature of their relationships they have with other mediators and conflicting sides". (Vuković 2015, 49) The previous section discussed the selection of allies by the primary parties, that Kosovo is bandwagoning with the West while Serbia chooses to balance between the West and the East. The selection of allies is a "two-way" process. Therefore, while there is cooperation between the West and Serbia with its hedging strategy, the West in fact is biased more towards Kosovo; the East, on the contrary, towards Serbia. On top of that, there is also manifest rivalry between the two camps in the context of great-power competition.

On one side of the dispute are Russia and China. Russia is largely driven by geopolitical and economic interests. Due to Cold War legacies, Russia seeks to keep the Balkans within its sphere of influence and is opposed to the former Yugoslavian countries leaning towards the West. Unlike Russia, which has a history of strong presence in the Balkans, China has only become visible in the recent decades. China's interest in the Balkans is more about trade because the region is a key hub to Europe under The Belt and Road Initiative. China does not officially take a side in the Kosovo-Serbia dispute, but considering that China has established economic ties with all the countries in the region except Kosovo and does not recognize Kosovo as a sovereign state, China, in effect, is more on the side of Serbia.

On the other side of the table is the United States and the EU. The US played a central role in the 1999 war and the independence of Kosovo. It has also maintained close cooperation with Kosovo in the security sector. However, in the past two decades, the Balkan issue has not been its top priority since most of its attention has been on the Middle East and the War on Terror. More recently, the US sees its primary rival, China, together with Russia, playing growing roles in the region. The US has been returning to the Balkans, seeking to consolidate its leadership role. The EU has mixed feelings towards the comeback of the US. As the primary mediator in the Balkans, the EU has worked hard to "bring the region firmly into its sphere of influence". (Ushkovska 2020) Although to a certain degree, the US and the EU have competing interests, within the larger context of great power competition, they "developed mutual respect and a common understanding that they share wider strategic interests and goals which go beyond the conflict in question." (Hampson and Zartman 2011, 134) So they form a mediating coalition that pushes for the normalization of the relationship between Kosovo and Serbia, as well as countering the influence of the East.

The mediators have thus formed a power symmetry. However, like the power equality between the two primary parties, it produces deadlock because neither side is able to tip the scales in its favor. Some argue that the cooperation among the third parties could effectively save the talks from the deadlock. However, the chance for cooperation is minimal due to great-power competition.

Power Asymmetry Between the Primary Parties and the Mediators

The last power relationship is the power asymmetry between the international actors and the two primary parties.

There is a natural asymmetry of strength between the global powers and the two parties to the dispute in terms of physical size, economy, and military power. The deadlock of the current talks deepens this inequality. The longer the stalemate persists, the more Kosovo relies on its allies, hoping that the alliance will enable it to borrow more sources of power to at least maintain the power symmetry against Serbia, and possibly help it achieve a dominant position. As for Serbia, it will continue its hedging strategy. However, as the stalemate continues, it must be ever more careful when dealing with the international actors. It would be dangerous if Serbia openly does not follow or goes against the will of the international players (even though that might conflict with its own interest in some cases) since it risks pushing them to the other side of the table.

This power asymmetry raises concerns since it undermines the confidence of the two parties that they are able to find a solution themselves. One example is the land swap plan proposed by Serbia and Kosovo.The land swap idea was dismissed right away by the EU at the time it was introduced. In response to the reaction of the international actors, Bosko Jaksic, Member of Council of Serbia's Ministry of Foreign Affairs, argued that the land swap plan is openly supported by both Kosovar and Serbian authorities. While the international community reiterates that any solution that Kosovo and Serbia agree upon will be more than welcomed, why was this plan abruptly rejected first by Germany and then other EU members? (SAIS Group Meeting, Jaksic, 14 January 2019)

A short answer to the question is that the plan failed due to the unpopularity of the idea in the two countries and the inability of President Vučić and the former President Thaçi to reach a mutually satisfactory agreement. Also, there is a risk of a domino effect of the Kosovo problem across the Balkans, especially the possible partition of Bosnia.

However, the question from the Serbian side is not entirely misplaced. Although it is clear that the plan is unrealistic, it is up to the two parties to the dispute, that is, Belgrade and Pristina, to figure it out. It seems that the internationals helped them to eliminate an option that was unimplementable, but they at the same time discouraged the two primary parties and made them doubt whether they have full control over the negotiations, since a plan both parties saw as being a possible solution received harsh criticism from the international community and was soon off the table.

It is possible that the international actors could have a more insightful and unbiased assessment of the situation on the ground and foresee the possible risks in the future, but it is Kosovo and Serbia who own "the problem/opportunity under negotiation and directly experiences the consequences of the negotiated outcome." (Crump and Glendon 2003, 79)

Conclusion

With the extensive involvement of the international actors carrying different mandates back home and with their complex interactions with the primary parties on the ground, the Kosovo-Serbia dispute is characterized by convoluted power dynamics. There are mainly three sets of relationships.

The first is between Kosovo and Serbia. The second is the power symmetry between the third parties. In the Kosovo-Serbia Dispute, the US, the EU, Russia and China are divided between two camps, West versus the East. The power symmetry between the two camps makes it impossible for either camp to tip the scale in their favor. Third, there is the asymmetrical power relationship between the primary parties and the third parties. The power asymmetry results in an overdependence of the two primary parties on the external players. It also discourages the two parties and makes them doubt whether they have the right and ability to reach an agreement themselves, especially when the plan they come up with does not align with the expectations of the international powers.

Generally speaking, with an increase in the number of external actors and with the growing attention from the international community, it had been expected that the power dynamics could help unlock the impasse. However, the experience from the past decades shows the power dynamics block the situation from ripening for a negotiated solution.

Recommendations

<u>To the Primary Parties</u>

- **Start with bilateral back-channel negotiations.** The Balkans region has become a battleground for influence (though of relatively low intensity), which has made the region attract too much attention from the international community. Excessive outside pressure

sometimes constrains the two parties on the ground from reaching solid agreements. Any solution that Kosovo and Serbia agree upon should be welcomed, so it would be better for the two parties to start with bilateral back-channel negotiations.

To the International Community

- **Allow more room for Kosovo and Serbia to explore the possible solutions themselves.** As discussed, there has been a power asymmetry between the two former foes and the international actors behind them. The more external pressure the international actors impose on the primary parties, the less confidence they will have to solve the dispute on their own. Therefore, it would be better for the international actors to play an advisory role and let the primary parties find possible solutions and make the final decision.
- **While continuing the EU mediation, enhance cooperation among the international players and avoid sending mixed signals to the primary parties.** Although the mediators come into the Balkans with different agendas, it is important for them to prioritize regional security and development. Cooperation might be achieved with the creation of a contact group including at least the EU, Germany the UK, the US, Russia, and China.

China Should No Longer Be Ignored

Xiang Li

Introduction

It has been a decade since SAIS last visited the Western Balkans. The most notable change in the international arena since that trip is the rise of China. In 2013, President Xi launched the Belt & Road Initiative, actively engaging in international affairs with diversified investment and aid. Due to the divergence of ideology, Western society is now increasingly concerned about the potential expansion of China's influence.

This chapter will focus on the role China plays in managing the conflict between Belgrade and Kosovo. China has a close bilateral relationship with Serbia, which was further consolidated during the COVID-19 pandemic. In May 2020, after President Vučić reached out for helping hands, China offered effective medical assistance and managerial support. Belgrade is now believed to be ahead of the EU in the vaccination race after it started to receive vaccine from China.

Because of internal issues regarding the Uygurs and Tibet, China is sensitive about ethnic and independence disputes and reluctant to take sides. China has not recognized the independence of Kosovo. As one of the five Permanent Members of the United Nations Security Council, however, China's attitude can make a huge difference, especially for the validation of Kosovo's independence in the international community. Additionally, China is faced with criticism by Western public opinion on human rights, which is a vital subject on the negotiation agenda.

The first section of this chapter aims at clarifying China's relations with Serbia and Kosovo and its national interests in the Western Balkans. Chinese participation in the historical and ongoing settlement processes will be reviewed. The second section attempts to rationalize China's behavior by analyzing China's foreign policy principles. The third section will treat the possibility of China's acknowledgment of Kosovo independence, including different influences China might exert. In the concluding section, various policy recommendations will be proposed to the stakeholders.

China's Bilateral Relations

China-Belgrade Relations

Since President Vučić came into the office, the increasingly close relationship between Beijing and Belgrade has drawn much attention. The key motivation lies in politics.

From the perspective of China, Serbia is the top partner in the Western Balkans. China wants an unwavering friend in this region. Serbia is the optimal choice. Serbia not only has considerable national power among the Western Balkan countries but also cultural connections with China. In the 1970s, the Yugoslav film *Walter Defends Sarajevo* was one of the few movies the audience could get access to. Most of the Chinese government leaders repeatedly watched it when they were young. As Serbia inherited Yugoslavia's diplomatic relations with China, these

policymakers develop a special emotional link with today's Serbia. *Walter Defends Sarajevo* is still a popular diplomatic talking point between China and Serbia (Vladimir Shopov, 2021).

Even though China has significantly enhanced economic links with Belgrade, the EU is still the biggest trading partner and investor in Serbia. Belgrade's primary interest in China is its political support. Serbia needs another committed ally in the UN Security Council to ensure it can block Kosovo's accession to the UN. The connections with China can also strengthen Belgrade's bargaining power vis-à-vis the United States. President Vučić is attempting to get close to every major power (SAIS Group Talking with Jim O'Brien, 2020), including 4 pillars: the United States, the EU, Russia, and China. Belgrade is respectively swinging between two pairs of competitors, the United States versus Russia, and the EU versus China. The competition between the United States and Russia is driven by geopolitics, while the EU-China rivalry is a contributing obstacle for Kosovo's EU membership aspiration.

Notably, the United States has become concerned about China's influence as well, which has grown as Russia's recedes. (SAIS Group Talking with Agon Maliqi, 2021). Belgrade is trying to find a balance point between its relations with these two great powers. A good example is Huawei's 5G investment case after the Washington Agreement. Under the dialogue framework led by the United States, Belgrade pledged to prohibit the construction of 5G from *an untrusted vendor*. Everyone knew this referred to Huawei. Serbia terminated 5G projects funded by China, claiming that the 5G was not necessarily needed by Serbia (SAIS Group Talking with Majda Ruge, 2020). But Serbia still proceeds with 4G Chinese projects. Vučić is hedging.

China-Pristina Relations

This relationship is more ambiguous. Kosovo's elite has not reached a consensus on its policy toward China. Currently in Pristina China has an unofficial liaison office with 5-8 staff, but it does not recognize Kosovo's independence, and in 2015 China voted against its membership application in UNESCO. Many political leaders in Pristina are pessimistic about future relations between Kosovo and China, which is not likely to change its non-recognizer stance in the short run (SAIS Group Talking with Albin Kurti, 2021)(SAIS Group Talking with Antifete Jahjaga, 2021).

Conversely, some political leaders have seen the potential opportunities in commerce and business. Greece, another non-recognizer, is building good economic cooperation with Kosovo. This model might be transplanted to China. Kosovo and China are both flexible with regard to trade, as Kosovo has developed wide-ranging layers of business cooperation, which can also incorporate Chinese trade partners (SAIS Group Talking with Berat Rukiqi, 2021).

Chinese investment is a different question. For now, the mutual recognition standard set by Kosovo's banking system fences off most Chinese investors. The attractiveness of China's money is decreasing, as Pristina has observed how Chinese conditions have work in Africa. (SAIS Group Talking with Albin Kurti, 2021).

China's Interest in the Western Balkan

A decade ago, Serbian diplomacy had not realized China's potential benefits in the Western Balkans, as countries like Serbia had nothing to offer (Vuk Vuksanovic, 2017). But now, China has an increasing economic and political interest in the Western Balkans, triggered by the Belt and Road Initiative. Serbia is perceived as China's closest partner.

Regional Stability is Important to China's Economic Interests

China expects and needs regional stability due to its growing financial support and investment poured into the Western Balkan. Under the BRI framework, it has provided infrastructure loans to multiple Western Balkan countries. Recipients include Montenegro, North Macedonia, Bosnia and Herzegovina, Albania, as well as Serbia. The sectors covered range from highway and railways to power plants and bridges. By 2019, Montenegro owned €6.71B, which accounts for 22% of its foreign debt and 14% of its GDP. As for investment, most of China's FDI went to Serbia and Albania, covering steel, non-ferrous metals, and transportation.

The Western Balkans Could be the Key to Open the EU Market

The Belt and Road Initiative aims at bridging the global market with improvement of infrastructure and transportation systems. For China, the Western Balkans serves as the door to further penetrate the EU market, the major export market for China.

Previously, distance was the biggest impediment to cooperation between China and the Western Balkans. As an indispensable BRI component, China has kicked off the China–Europe Land-Sea Express Route (LSER) initiative. The main purpose of LSER is to construct a transportation corridor connecting the Piraeus port in Greece and the railways/highways in the Western Balkans. This corridor can convey containerized goods from China to Hungary and Czechia, the frontier of the EU as shown below (Clingendael 2020).

In 2016, the Chinese state-owned enterprise, China Ocean Shipping Company (COSCO), acquired the majority stake in Piraeus, the largest container port in the Mediterranean in terms of volume. Subsequently, Chinese companies increased investment in the Greek rail service provider, the train terminal operators in Budapest, and a port in Croatia. Meanwhile, as discussed above, several railway and highway projects funded by China are under construction. It is also reported that China has gained permanent connection agreements with some local railway operators by

offering medical resources during the pandemic. Hence, China looks forward to establishing a friendly relationship with the stakeholders in this region, promoting the construction of the LSER corridor which can bring lucrative benefits to China's international trade.

China Sees the Western Balkan Countries as Potential Partners in the EU

China has incorporated the Western Balkans into the 17+1 cooperation format, which provides a platform to facilitate talks among the central and eastern European countries and China. The Western Balkans are of interest to China mainly because they may join the EU. Serbia is likely to be the first to accede (Le Corre and Vuksanovic, 2019). Hence, China seeks to consolidate the friendship with deep mutual understanding and comprehensive collaboration.

China's Challenges

Nevertheless, China's engagement in the Western Balkans, specifically in the resolution of the Kosovo and Belgrade conflict, is threatened by three challenges.

The first is concern about China's bias toward Serbia. China needs to address mistrust and build mutual understandings with the other conflict managers. According to its foreign policy principles, China is reluctant to lead resolution. Instead, it is more likely to play a supporting role and allow the other parties to lead, but it needs to demonstrate the value of its participation.

The second is the potential barrier set by the EU and NATO. They are worried about the expansion of China's ideology and the associated security risks. The concern has been evoked in the EU that China may use the Western Balkans as a new entry point to the EU and spread its political model to weak economies through its investment, undermining the Western democratic system (Vuksanovic, 2017). In addition, some projects sponsored by China failed to fulfill EU environmental protection standards (Vuksanovic, 2017), and the introduction of the Chinese 5G infrastructure was perceived as a cybersecurity risk (Shopov, 2021). Predictably, the EU and NATO will impose pressure on the Western Balkan countries, forcing them to restrict their cooperation with China. For instance, the EU might argue that with financing from China, some countries would fail to fulfill the fiscal transparency and sustainability requirements of EU membership. In this case, China's economic cooperation initiatives could be blocked.

The third obstacle is the controversial image of China. In the narratives of Western media, China is described as a notorious violator of human rights. In the 2016 South China Sea Arbitration, China denied a ruling that overwhelmingly favored the Philippines, which raised questions about China's respect for the international law. China has rebutted those criticisms with its own narratives. It argues that most of the human rights criticism is a pure fabrication and people in Xinjiang or Tibet significantly benefit from the economic growth. But those narratives have not been widely spread and accepted by the Western Balkan countries, because international public opinion is still dominated by the West.

These are objective challenges that Chinese policymakers are not supposed to neglect. Before engaging in conflict resolution, China must make more efforts to re-craft an image of a responsible, trustworthy, and impartial mediator.

Review of China's Engagement in the Western Balkans

Since the outbreak of the Kosovo War at the end of the 1990s, China was relatively inactive in the conflict resolution process in the Western Balkans. And after the unilateral declaration of independence issued by Kosovo in 2008, China did not try to lead or be included in any dialogue efforts.

During the Kosovo War

At the 4011th meeting of the UN Security Council in June 1999, UN Resolution 1244 was passed by 15 member states. It authorized the establishment of UNMIK, which would be sent to Kosovo in order to ensure the normal life of the locals and regional stability. From 1995 to 1999, China voted in favor of most of the new UN peacekeeping missions in the area of former Yugoslavia, but it cast the only abstention on UN resolution 1244. Even Russia decided to vote yes.

The reason came from China's resentment of NATO and the US. In the NATO bombing campaign against the Federal Republic of Yugoslavia, China's embassy in Belgrade was bombed by 5 US guided bombs, leading to 3 causalities of Chinese officials. The Chinese public was outraged and a wave of nationalism prevailed in China, which feels underestimated by the United States. Moreover, from China's perspective, NATO was challenging the legitimacy and authority of the UN Security Council, because the operation was initiated without UN permission, setting a dangerous precedent. Resolution 1244 did not impose what China regards as necessary restrictions on invoking Chapter VII of the UN Charter. As a consequence, China abstained from the vote.

Notably, many international actors lambasted China as a spoiler in solving the Western Balkans conflict. Four months prior, China had chosen to veto the extension of the UN peacekeeping mandate in Macedonia. China's decision stemmed mainly from Macedonia's challenge to China's integrity when Macedonia terminated diplomatic relations with the PRC and switched to recognize and ally with Taiwan. Taiwan promised to offer financial assistant in return. Macedonia crossed China's red line, triggering the veto. It was not a deliberate attempt to spoil conflict resolution in the Balkans. China wants peace in the Western Balkans but cannot allow its own sovereignty to be challenged.

After the Kosovo War

Kosovo is de facto independent with external military support, and since its declaration, the international community has kicked off a series of dialogues to facilitate the normalization of the Belgrade and Kosovo relation. China's presence is negligible.

The Contact Group made up of the United States, UK, France, Germany, Italy, and Russia led the early stage of dialogue between Pristina and Belgrade. Russia was the first non-Western country included, and it was premature to onboard China. After 2011, two rounds of dialogue between the two parties of this conflict were respectively led by the EU and the United States, which have delivered some impractical joint agreements. China did not join them either.

China's Foreign Policy

China's main foreign policy principle is a key driver in its decisions concerning Western Balkan conflicts. It upholds the idea of *non-interventionism* and stays cautious in conflict resolution as an outside player. Instead, China is more interested in economic cooperation under the BRI framework. It also seeks a faithful friend who could speak out for China in the EU one day.

The Non-Intervention Principle

In 1995, when Chinese Premier Minister Enlai Zhou met with the leaders from the developing countries in Bandung, he officially proposed *Five Principles of Peaceful Coexistence*, including non-intervention and non-interference. China's proposal resonated with participants who had colonial pasts, as their sovereignty had also been limited by superpowers since the mid of the 19th century. With these principles, China advocated that internal affairs, particularly relating to territory integrity and secessionism, should be decided by each country on its own. This applies also to China: external actors are not allowed to intervene in China's domestic ethnic issues. Hence, in the Pristina/Belgrade conflict, China sticks to the stand that it should be addressed by both disputants through peaceful dialogue. China is not willing to directly interfere and has deep reservations about aggressive interventions, e.g., military methods, conducted by any other major power.

Non-intervention however over-simplifies China's stand and its policy tools. It is not tenable for China to step aside in the face of a harsh conflict in today's ever-changing international world. After the launch of BRI, China started to enrich its conflict management toolkits within the boundaries defined by the cornerstone principle.

The Evolution of China's Role as a Conflict Manager

With the rise of its national power, China is playing an increasingly active role in conflict management. One of the key motivations lies in China's need for stability along the Belt and Road, which is required for sustainable trade flows and economic growth in the partner countries. China engaged in 9 conflict management cases in 2017, while this number counted only 3 in 2012 when the BRI had not been introduced. Most of the 9 cases were characterized by high international visibility and the geographical importance to BRI (MERICS 2018). Now, China looks forward to enhancing its global image as a responsible superpower through successful conflict management. Before BRI, this image was primarily crafted through China's involvement in multinational organizations and global challenges like climate change and nuclear non-proliferation. China needs to find a balance between non-interventionism and flexible, effective responses to conflict. Based on China's experience so far, three strategies have emerged.

The first one is multilateralism. China is not likely to play the sole external conflict manager. Instead, it prefers to resort to a multilateral mechanism and collective efforts. While it does not take the lead in responding to conflict, China has extensive experience in multilateral dialogues. Its strategy and resource management may not permit it to act alone, but China would like to be better understood by the other major powers in multilateral collaborations.

The second strategy is leveraging high-profile mediation tools, or *consultative intervention* defined by some scholars (Jason Li, 2019). This strategy focuses on facilitating communication among government leaders from the disputants. China hosts diplomatic activities and top-level visits, providing channels for communication. China first reaches out to the incumbent central government and starts a bilateral consultation. Then the scope of the dialogue is expanded and the opposition party can also be included. In China's eyes, the involvement of the counterpart in the conflict is permitted by the sovereign body, so the process should not be denoted as an intervention.

The last strategy is the most controversial one. China prioritizes quickly resuming stability and is indifferent to a conflict's origins. Hence, the conflict management attempts of China are regarded as short-sighted and ineffective. Some scholars believe that the reason rests in the second strategy above. Working only with elites, a lot of mid-layer or grassroots stakeholders are marginalized (Sarah Zhang, 2018). Some scholars also argue that China has not abandoned its one-size-fits-all mediation model in different countries, and it fails to incorporate the roots of a specific conflict (Legarda and Hoffmann, 2018).

The ineffectiveness of Chinese conflict management is an unavoidable price of non-interventionism. Most of the tools targeting the roots of a conflict must be realized by reforms in political regimes, legal systems, governance structures, or education, which unarguably belong to the realm of internal issues. Consequently, with its existing mediation tools, China can make little difference in building sustainable long-term stability but can support short-run peacekeeping.

Will China Recognize Kosovo?

Unlike Russia, China is estimated to be more flexible in accepting the independence of Kosovo, mostly because of the non-intervention principle. Kosovo has realized that China is not a hard blocker that tries to choke its independence, but rather a more neutral outside player (Clingendael 2020). Non-interventionism does not mean China will take a passive role in conflict management. It is expected to contribute to facilitate peaceful negotiation between Belgrade and Kosovo, but China is not going to exert influence on the direction or the results.

Besides China, many countries shed light on the Kosovo and Belgrade conflict because the resolution may be regarded as a precedent for future secessionism and independence. Spain, a major EU non-recognizer, worries that Kosovo independence will inspire Catalonian separatists. Also, the United States is concerned that the case of Kosovo will be employed by Russia as a procedural justification of secessionism when intervening in the ex-Soviet states (Vuković 2016, 118-119). Through resolving this conflict, China will seek to promote its long-held idea of state sovereignty as absolute authority over domestic affairs. It claims that a country should have the right of self-determination and of denying external interference, which can pave its way to solving the Tibet and Taiwan issues.

The case of South Sudan is a good reference to estimate China's likely course of action. In 2011, as one of the P5 in the UN Security Council, China recognized the independence of South Sudan from Sudan. The reason is that South Sudan's independence had been acknowledged by Sudan, the sovereign, under the self-determination framework.

Thus, from the perspective of China, the condition for acknowledging Kosovo independence is straightforward. China will endorse the right to self-determination if it is recognized by the sovereign power. If Kosovo could gain the recognition of Serbia, China will not impose other impediments and will accept its independence. With this strategy, China also signals that the internal affairs regarding Tibet, Uygur, and Taiwan should be addressed by China itself, while the United States should not interfere as an external player.

China's Role

China Will Try to be Involved in the New Contact Group as One of the Mediators

China prefers a multilateral mechanism. The international community is likely to organize a small Contact Group to smooth the negotiations (SAIS Group Talking with Madeleine Albright, 2021). Given its increasing national interest and its intention to shape its national image as a responsible big power, China will try to join any new Contact Group. A vital card China could play is its relatively neutral position. Because of the geographic distance, China has not been regarded as a geopolitical spoiler by the EU.

China Will Proceed with the High-Level Diplomacy

China highlights high-profile tools in conflict management. It will focus more on official negotiations. China will stress high-profile political cooperation, including hosting the dialogue and government leaders' visits. It pays little attention to the state-building blueprint set by the EU, and China has no interest to develop its own military presence. (Vuksanovic, 2017).

China's Investment Can Create a Common Interest in Stability in the Western Balkan Countries

Even though the EU is still the largest investor in the Western Balkans, China's investment can contribute to persuading the Balkan countries to jointly ensure regional stability. Unlike Russia, which is a disruptive influence, China comes to the Western Balkan with money (SAIS Group Talking with Agon Maliqi, 2021). China's infrastructural funds preliminarily focus on the LSER initiative. With this transportation network, the Western Balkan countries can be further connected and can boost their trade with the EU market. Thus, with the potential effects of conflict fatigue, an economic opportunity may help the stakeholders find a common interest.

China's Engagement Will Indirectly Push the United States to be More Proactive

The escalating influence of China upsets the United States. The Balkan governments might leverage this dynamic to push the Biden Administration. Due to the policy ambiguity of the EU, Russia and China became more influential in the Western Balkans from 2015 – 2017 (SAIS Group Talking with Igor Bandovic, 2021). Pro-China narratives are salient in Serbian public opinion, especially during the pandemic (SAIS Group Talking with Vuk Vuksanovic, 2021). Some scholars argue that Western allies of Kosovo must be more proactive to fend off the expansion of Russia, China, and Turkey (SAIS Group Talking with Agron Bajrami, 2021).

If China's influence continues to grow in the Western Balkan, or a risk of its penetration arises, Western society under the leadership of the Biden Administration may become more proactive to facilitate negotiations and resolve the conflict. They may also include some China-related clauses in the negotiation agenda, like the Huawei 5G ban in the Washington Agreement.

Conclusion

For now, China and Belgrade's close relationship is driven by the political needs of both sides. China wants a friend in the Balkans, and Belgrade regards China as an indispensable part of its portfolio of superpower partners. However, the relation between China and Pristina is vaguer, mainly because the elite group in Kosovo has not reached a consensus on Kosovo's attitude towards China, which is a non-recognizer with enormous economic cooperation potential.

China has three significant national interests in today's Western Balkans: it requires regional stability to safeguard investment; it is building a corridor connecting China and the EU through the Western Balkans; and it invests in some Balkan friends who could join the EU one day. But this engagement is challenged by the United States and the EU as well as China's negative image in ethnic issues and human rights.

China plays a relatively passive role in conflict management between Serbia and Kosovo. The abstention to UNSC Resolution 1244 was mainly attributed to NATO's accidental bombing accident of China's embassy. China itself was reluctant to be deeply engaged in this conflict, mostly because of its non-intervention foreign policy. But due to its rise and BRI, Beijing's role as a conflict manager keeps evolving. The full picture of its strategy is still developing, but three major tools include multilateralism, high-level diplomacy, and a focus on short-term stability. The effectiveness of China's management efforts has not been strong, because it follows the principle of non-intervention. This means it ignores the root causes of conflict.

China's position on the recognition of Kosovo is clear. It will accept its independence once Serbia does. China uses this approach to signal that the independence and secession issues should be determined by the sovereign country itself, and Western society should not engage on the Tibet, Uygur, and Taiwan issues.

With increasing interests in the Western Balkans and more flexibility in adopting a management role, China is likely to become more active with Kosovo and Serbia. It could 1) be engaged in the Contact Group as a mediator; 2) apply high-profile diplomatic tools; 3) influence the interests of Balkan countries with its infrastructural investment; 4) contribute to the peacekeeping efforts; 5) push the United States to be more proactive.

Recommendations

<u>To China</u>

- **Try to build mutual understanding and be included in the multilateral conflict resolution framework.** Given its interest in developing the role of a conflict manager, China should seek to join the multilateral management mechanism, e.g., the potential new Contact Group.

- **Host a high-profile dialogue.** China can start a dialogue with Vučić first, then with Vučić's permission, expand the scope of the dialogue to include Kosovo leaders.
- **Articulate common interests in the 17+1 framework.** China should use the 17+1 as an essential channel to underline the common interests in the BRI and help the stakeholders to build preliminary cooperation, smoothing the way to the future's negotiation.
- **Re-craft the national image through local media tools.** The international community has a deeply-rooted misunderstanding of China's ethnic policy. China can utilize the local pro-China news agencies and TikTok, an emerging social media platform, for elaborating its respect for all the ethnicities in the Western Balkans.

To the United States and the EU

- **Engage China in supporting conflict management.** A multinational platform with major superpowers, e.g., a new Contact Group, can facilitate the negotiation. In this case, the EU is more experienced and more capable to lead. Given China's economic ties in this region and political power in the UN, it would be better to enlist China in a supporting role for avoiding unnecessary mistrust.

To Serbia

- **Focus more on economic cooperation with China.** China is not inclined to impact Serbia's decision-making on Kosovo. Also, it is not likely to boldly endorse Serbia's non-recognition. The primary cooperation lies in the economy.
- **Stay cautious in balancing relations with superpowers.** This trick can bring short-term benefits, but there is a risk of being abandoned by all, like Armenia.

To Kosovo

- **Reach a consensus over relations with China.** No matter whether independence would be legally realized or not, Kosovo needs a China policy. The current ambiguity undermines Kosovo's prospects.
- **Respect China's red line.** Kosovo should not challenge China's integrity. Given China's voting power and influence, doing so would be counterproductive. Taiwan has not established diplomatic relations with Kosovo, but it keeps a close eye on it. Kosovo must not lose its head when Taiwan offers generous financial support one day.

Conclusions: Let's Not Go On Like This

Siniša Vuković

The present report provides the main findings our students have gathered for more than 6 months, meticulously exploring the complex nature of relations between Kosovo and Serbia, in search of solutions that can contribute to the end of the ongoing conundrum. The European Union has spearheaded the mediation process, with erratic involvement of the United States, slack resistance from Moscow, and mostly indifference from Beijing. Officially labeled as a dialogue between two capitals, the process assumes a status-neutral posture and avoids addressing their competing views about the core issue: Kosovo's international standing.

Political pragmatism informs this stance. Five EU member states do not recognize Kosovo as an independent country, which in turn undermines Brussels' ability to take a clear and unequivocal stand on the question of status (Joseph, 2021). These five states are expecting progress in the dialogue to justify their move to recognize Kosovo. As a consequence, the conundrum becomes circular and tautological: the EU cannot take a clear stand on Kosovo's status because its five member states expect the dialogue results to motivate them to recognize Kosovo, yet there is no progress in the dialogue because it lacks direction due to the fact that the EU cannot take a clear stand on the question of status.

To break the logjam in seemingly intractable conflicts third parties need to be able to address difficult issues, provide creative formulas, and offer viable incentives that can guide the parties to accept solutions that otherwise would be politically controversial and unacceptable. Moreover, any dialogue requires a meticulous diagnosis of the problem, void of tepid evasion of sensitive issues, and if needed a clear indication of third-party's understanding of what is at stake, What are the red lines? Within which framework can solutions be sought?

None of the chapters of this report departs from a simple premise: Kosovo will not return to rule by Belgrade. The point of contention is not status, but the relationship between two neighboring states. There is nothing provocative or groundbreaking in this premise. In fact, it is based on the same diagnosis that the international community used to delineate the status talks in 2006. The Contact Group Guiding Principles from November 2005 explicitly indicate that there should be no return of Kosovo to the pre-1999 situation, no partition of Kosovo, and no union of Kosovo with any, or part of, another country (Contact Group, 2005). Moreover, the Joint Ministerial Statement of the Contact Group from January 2006 specified that the authorities in Belgrade would have to bear in mind that the solution had to be acceptable to the people of Kosovo (Contact Group, 2006).

Working against this backdrop the UN envoy for the status talks, Maarti Ahtisaari, issued a message to the Contact Group and the authorities in Belgrade and in Pristina that "the unconstitutional abolition of Kosovo's autonomy in 1989 and the ensuing tragic events resulting in the international administration of Kosovo have led to a situation in which a return of Kosovo to Belgrade's rule is not a viable option" (Ahtisaari, 2007). He justified this diagnosis by referring to the UN principle of Responsibility to Protect: "if a dictatorial leadership in any country behaves

the way as Milošević and company did vis-à-vis the Albanians in Kosovo, they lose the right to control them anymore" (CNN, 2008).

The subsequent failure of the status talks in 2007 was mainly due to an emerging fault line between the Western members of the Contact Group and Russia. Their competing interests and lack of shared understanding of how the process should be concluded prevented the UN Security Council from voting on a resolution that would specify the terms of Kosovo's independence, which Kosovo declared in 2008, in accordance with the self-evident will of more than 90% of its people and in close coordination with its friends in the international community but over Russia and Serbia's objections.

Serbia's intention to contest this move in front of the International Court of Justice in 2010 resulted in an opinion that unequivocally advised that the declaration of independence was not in violation of international law. The ensuing surge of bilateral recognitions of Kosovo's independence resulted in 117 countries recognizing Kosovo as a sovereign and independent country. Serbia skillfully managed to derail the recognition process on several occasions, even getting a dozen countries or more to reverse their positions, and to use its ties with Russia and China to hamper Kosovo's access to several international organizations, most importantly keeping the doors of the UN closed to Kosovo's membership.

Soon after the ICJ advisory opinion was issued, in 2011 the EU started facilitating the dialogue between authorities in Belgrade and Pristina, aspiring to assist them in normalizing their relations. Taking the status-neutral approach, the EU has focused mainly on technical and practical issues that can help the two sides foster a spirit of cooperation. Frequent interruptions of the process and lack of implementation of what was previously agreed are directly related to the absence of a formal specification on behalf of the EU of who the actors are that are expected to normalize their relations: two sovereign countries or two entities vaguely defined by their capitals. Perhaps the most common recommendation of the authors in this report is that the EU non-recognizers should end this ambiguity.

Beyond that, this report aims to contemplate socio-political, strategic, and diplomatic issues that can offer enticing opportunities for the two sides to normalize their bilateral relations. Existing competing narratives about the past, and strategic use of self-victimizing frames, are still used to galvanize their domestic audiences to rebuff any progress in normalizing relations with 'the other'. As *Jessica Fang* elegantly shows in her chapter how self-victimization narratives and competitive victimhood have essentially trapped both Serbia and Kosovo in an intractable conflict twenty years after the war ended.

Building from this premise, *Alexandria Polk* shows that current education policies in Kosovo and in Serbia, through which new generations are socialized and familiarized with the past, solidify their polarization and set both on the path to protracted antagonism for generations to come. She suggests the solution lies in adopting a common curriculum that at least teaches the different Albanian and Serb perspectives, in Kosovo if not also in Serbia. Public education should be making the situation better, not worse.

Similarly, *Elizabeth Courtney*'s chapter on wartime sexual violence shows a troubling unwillingness by state institutions in both Kosovo and Serbia to address grievances from the past and deal with the traumas that have been tormenting their societies and preventing meaningful progress in reconciliation. The two governments should be ensuring that victims are treated with the dignity they merit while justice for perpetrators is pursued. Those organizations that provide counselling support and legal aid to the ignored victims of war-time sexual violence should gain more visible political and logistical support from the international community.

There are still competing views if and how the reconciliation process should be conducted. Yet there cannot be any meaningful progress unless there is a strong commitment by state institutions to spearhead such a process, while simultaneously supporting the work of civil society organizations that can complement the work of state institutions in redressing the inconsistencies of past policies, as suggested by *Cassia King*. The international community at large, and the EU in particular, can play a crucial role in providing the necessary support for such domestic and regional synergies to gain momentum.

The current political climate and less than fully democratic governance in both countries does not provide much reason for optimism that they will deal with the past in a constructive and self-critical manner, nor is there any indication that a sense of justice can be shared and mutually supported. On the contrary, the conflictual attitudes from the past have been now translated into a relentless desire to maintain a punitive and accusatory zero-sum approach that aims to belittle the other and absolve oneself of any wrongdoing form the past. Mindful of the danger of regressing into a dangerous practice of false equivalents, there is still an evident need to address the past in a critical manner, which would demonstrate that past practices caused unspeakable harm and damage to societies in both Kosovo and Serbia.

The contributors to this report clearly indicate that the EU has a strong role to play in supporting initiatives that can break the spiral of silence and self-censorship about the past, reduce the appeal of weaponizing self-victimizing narratives for political gain, and induce the political and economic reforms required for EU membership as well as normalization of relations. As *Sophia Stoeckl* suggests, the carrot is not yet so rotten as some think. Especially in Kosovo, the Albanian population is wedded to NATO and EU membership as the next main national goals after independence. Kosovars see the building of their NATO-compatible army as a vital step in the direction of the nearer term goal (NATO), as *Erin Coldsmith* demonstrates. She urges them to persist in seeking Kosovo Serb participation.

She also acknowledges that Serbs in both Kosovo and Serbia see the Kosovo army as a threat, albeit a political rather than a military one. While recognizing Belgrade's hard stance against the Kosovo army, *JM Ascienzo* suggests that the parallel relations of the Kosovo army with the Iowa National Guard and the Serbian army with the Ohio National Guard could provide opportunities to begin to normalize relations between them, in particular if the US insists. In any event, those cooperative arrangements have proven fruitful not only for military purposes but also for civilian ones, though the latter require more support from the State Department.

Normalizing relations between Kosovo and Serbia will also require improvements in governance in both countries, whose institutions lack the professionalism and efficacy required to fight corruption and organized crime, which are gigantic challenges throughout the region. *Tucker McGown* acknowledges significant progress in Kosovo on drug trafficking and provides some practical solutions on how to move forward on human and organ trafficking as well as various forms of corruption. Functioning and independent institutions, which can effectively regulate and enforce the rule of law represent the backbone of viable liberal-democratic order in any country.

There is ample evidence that fully consolidated democracies are more likely to have constructive and meaningful relations between them. Creating viable and resilient liberal democracies in Serbia and in Kosovo is essential for the future. To achieve such goals, both countries have to make additional efforts in strengthening the rule of law. Depoliticized institutions that are not subject to the whims of incumbent political elites are essential on this path. For Kosovo, this is of particular importance, especially as it strives to achieve stronger international recognition. As *Adam DuBard* explains, strengthening the rule of law and showing meaningful results in integrating marginalized ethnic communities would improve Kosovo's international reputation and credibility, which in turn would pave the way for a more active process of international integration and recognition.

The path toward normalization is subject to perturbations external and internal actors who see no value in moving away from the status quo, as *Sam Nibali* highlights in her chapter. Serbia's turn toward autocracy and Kosovo's political instability are serious problems. External disruptors also need to be taken seriously. They come not only from Russia and China but also from the EU and US. These external factors may prevent full bilateral/mutual recognition on a diplomatic and political level, but they should not derail Serbia and Kosovo from finding viable measures that can still normalize their relations in the near future.

The first step in constructive engagement would require that each side refrain from unilateral obstruction. Then they need to minimize disruptive behavior within their constituencies, which may require curbing actions of some of the most powerful social actors. Meaningful moves on these two levels would signal a credible commitment by both Belgrade and Pristina that they are able and willing to do what is necessary to turn the page in their bilateral relations. Kosovo could start this process of constructive engagement unilaterally by improving Pristina's relations with its own Serb community, as suggested by *Jonathan Meyer*. He finds other propositions focused mainly on northern Kosovo lacking in potential to bridge the Albanian/Serb divide.

Commitment by Serbia and Kosovo is necessary but insufficient to keep the process of normalization on track. One of the main obstacles to the ongoing dialogue can be found in the adverse effects of Russian disinformation. As discussed by *Valerie Cariello*, Moscow's tactics pose a serious challenge for the EU to maintain consistency and coherence, as they amplify ethno-nationalist narratives, confuse issues under discussion, and disseminate suspicion and fear about the prospect of collaborating with 'the other'. This is particularly true in the case of Serbia, where Russian disinformation has sabotaged the media landscape, resulting in a highly antagonistic attitude of the Serbian public toward any type of cooperation with Kosovo.

Russia is no longer the only "eastern" player in the Balkans. China can no longer be ignored, as *Xiang Li* suggests. Its interests are economic—a "Belt and Road" rail project is intended to run from Greece through North Macedonia and Serbia to the EU—and political, with Serbia slated eventually to act as Beijing's surrogate inside Europe. Beijing will seek a role in the Balkans, but a stabilizing rather than disruptive one focused on high-level diplomacy, not solving fundamental problems. Beijing is open to economic cooperation also with Kosovo. Chinese recognition of Kosovo is not out of the question, so long as Serbia does not to object.

That is difficult to picture given the current situation. The current status of the dialogue is best described as an incrementally changing asymmetric stalemate. As *Xin Tan* explains in her chapter, the two sides have used different strategies to address their power asymmetry. Pristina has tried bandwagoning, hoping to borrow leverage from the Western powers in order to offset the power imbalance with Serbia. Belgrade has been using its international ties with Beijing and Moscow to hedge, challenging the leverage of the Western powers. These strategies have balanced out the initial asymmetry, but the power equality between the two parties has produced deadlock.

The various international actors have convoluted the power dynamics between Belgrade and Pristina, diminishing the ripeness of the situation for effective resolution of their conundrum. The ongoing dialogue seems to be losing steam, as the West refrains from projecting sufficient power to guide the two parties toward a solution while Russia and China up the ante. The hedging strategy seems to be working in favor of Serbia, which perceives diminished urgency to settle and normalize its relations with Kosovo.

To ripen the situation, the EU needs to find a way to manage the spoiling behavior of Russia, balance China's backing of Belgrade, and demonstrate that normalized relations between Kosovo and Serbia are in their interest as well. The EU also needs a more constructive and committed contribution from Washington, which has abandoned the Trump Administration parallel track but without giving new impetus to cooperation with Brussels. As long as the international community continues sending mixed signals about the nature of the endgame in the ongoing dialogue, the current dialogue is destined to produce only minor results at best, stall, or fail at worst. It would be far better for the EU, with support from the US, to seize the day and end any ambiguity about Kosovo's status.

Acronyms Used

5G: 5th Generation Mobile Networks
AKKVP: Agency for Comparison and Verification of Property
AML/CFT: Anti-Money Laundering / Combating the Financing of Terrorism
BBC: British Broadcasting Corporation
BCBP: Belgrade Centre for Security Policy
BRI: China's Belt and Road Initiative
CDRSEE: Center for Democracy and Reconciliation in Southeast Europe
CEFTA: Central European Free Trade Agreement
CeSID: Center for Free Elections and Democracy
COSCO: China Ocean Shipping Company
CS: Civil Society
CSO: Civil Society Organizations
DEA: Drug Enforcement Agency (US)
DMACC: Des Moines Area Community College
DOS: Department of State (US)
ECFR: European Council on Foreign Relations
EEU: the Eurasian Economic Union
EU: European Union
EULEX: European Union Rule of Law Mission in Kosovo
EWB: European Western Balkans
FATF: Financial Action Task Force
FDI: Foreign Direct Investment
FIU: Financial Intelligence Unit
GDP: Gross Domestic Product
IANG: Iowa National Guard
ICJ: International Court of Justice
ICTR: International Criminal Tribunal for Rwanda
ICTY: International Criminal Tribunal for the former Yugoslavia
IMF: The International Monetary Fund
INGO: International Non-Governmental Organizations
INTERPOL: The International Criminal Police Organization
IPA III: Instrument for Pre-accession Assistance 2021-2027
IPA: Instrument for Pre-Accession
IRI: International Republican Institute
JCTP: Joint Contact Team Program
KCSS: Kosovar Center for Security Studies
KDI: Kosova Democratic Institute
KFOR: NATO-led Kosovo Force

KLA: Kosovo Liberation Army
KMDLNJ: Council for the Defense of Human Rights and Freedoms
KPC: Kosovo Protection Corps
KSF: Kosovo Security Force
LDK: Democratic League of Kosovo
LSER: China–Europe Land-Sea Express Route
MEST: Republic of Kosovo's Ministry of Education, Science, and Technology
MESTD: Serbian Ministry for Education, Science and Technological Development
NATO: North Atlantic Treaty Organization
NGO: Non-Governmental Organization
NIS: Naftna Industrija Srbije
OHNG: Ohio National Guard
OSCE: Organization for Security and Co-operation in Europe
PDK: Democratic Party of Kosovo
PISG: Provisional Institutions of Self Government
PRC: People's Republic of China
RECOM: Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the former Yugoslavia
RTS: Radio Television of Serbia
RYCO: Regional Youth Cooperation Office
SAA: Stabilisation and Association Agreement
SAF: Serbian Armed Forces
SAP: Stabilisation and Association process
SFRY CC: Criminal Code of the Socialist Federal Republic of Yugoslavia
SIT: Kosovo's Centre for Counselling, Social Services and Research
SNS: Serbian Progressive Party
SOC: Serbian Orthodox Church
SPP: State Partnership Program
UN: United Nations
UNESCO: United Nations Educational, Scientific and Cultural Organization
UNFPA: United Nations Population Fund
UNMIK: United Nations Mission in Kosovo
UNODC: United Nations Office on Drugs and Crime
UNSC: United Nations Security Council
UNSCR: United Nations Security Council Resolution
UPSUP: Independent Students' Union of the University of Pristina
US: United States
USAID: United States Agency for International Development
USD: United States Dollar
VV: Vetëvendosje (Self-Determination)

WSV: Wartime sexual violence

List of Speakers on This Year's Virtual Trip to Serbia and Kosovo

We would like to extend our greatest thanks to everyone who participated this year and offered their expertise and insight into the conflict!

- Haki Abazi
- Secretary Madeleine Albright
- Igor Bandovic
- Agron Bajrami
- Ivana Cvetkovic Bajrovic
- Sonja Biserko
- Ambassador Vlora Çitaku
- Nenad Djurdjevic
- Ambassador Marko Djuric
- Ylber Hysa
- Skender Hyseni
- Former President Atifete Jahjaga
- Father Sava Janjic
- Bosko Jaksic
- Dusan Janjic
- Ambassador Philip Kosnett
- Albin Kurti
- Miroslav Lajčák
- Agon Maliqi
- Engjellushe Morina
- Jim O'Brien
- Bosko Obradovic
- Acting President Vjosa Osmani
- Matthew Palmer
- Florian Qehaja
- Berat Rukiqi
- Petrit Selimi
- Demush Shasha
- Borko Stefanovic
- Veton Surroi
- Vuk Vuksanovic

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