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Kosovo's Status Challenged Internally and Externally

Introduction

On 17 February 2018, Kosovo celebrated the 10th anniversary of its independence. However, to date, the youngest country in Europe is still not a member of the UN, EU, and NATO, and therefore does not enjoy the benefits of being treated as a state by these international organizations, although its institutions are recognized. As not all UN Security Council member states have recognized Kosovo, notably Russia and China, UN Security Council Resolution (UNSCR) 1244 that ended the conflict in 1999 remains in place, as does the United Nations Mission in Kosovo (UNMIK), albeit with a considerably reduced number of personnel. Although Kosovo is currently recognized by over 120 countries, the remaining five European non-recognizers (Spain, Greece, Cyprus, Romania, and Slovakia) hinder its EU accession process and blur its path to Europe. For instance, Kosovo is the only country in Wider Europe that does not enjoy the Schengen visa-free regime. Just recently, the EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn, following a meeting with Kosovo's Prime Minister Ramush Haradinaj in Pristina, declared that the chances of granting Kosovo citizens visa-free access to the EU are slim, even in 2020. This comes after years of effort and cooperation on the part of the Kosovo institutions with the EU Commission towards reaching the necessary benchmarks set by EU institutions to gain visa-free access to Europe.

Citizens of Kosovo are reportedly deeply disappointed with institutions (local, national, and international) and with the trajectory of events in recent years. Kosovars feel they have no future prospects, their statehood is contested and their institutions marred by bad practices. Coupled with the recent uncertainty regarding the direction that negotiations with Serbia have taken since the President of Kosovo Hashim Thaçi declared that he is prepared to consider a "border adjustment" with Serbia, this has stirred further dissatisfaction among many, but in particular among the youngest members of the population who dream of leaving the country. On 29 September 2018, tens of thousands of people protested in Pristina at the way the negotiations with Serbia have been developing recently and at their subsequent results.

The aim of this contribution is to shed light on the recent events in and around Kosovo, and in particular concerning the ongoing Belgrade-Pristina dialogue by focusing on its format, challenges, and future prospects. It will aim to delve more deeply into the potential opportunities that exist for Kosovo regarding its contested statehood and to probe into the potential interfaces for

mutual support between national and international institutions in order to maximize complementarity between them. The contribution begins with an analysis of the areas of conflict, followed by the main internal and external challenges to the statehood of Kosovo currently. Finally, a conclusion and key reflections will be outlined. Two very negative scenarios are presented as food for thought only.

Conflict Analysis

Since the war in 1999, Kosovo has been undergoing a complex political, economic, and social transition, which is still to reach its endpoint. Landmark events in this process have included, amongst others: the deployment of the United Nations Mission in Kosovo (UNMIK) under UNSCR 1244¹ in mid-1999; the re-emergence of ethnic violence in March 2004; the tabling of the “Ahtisaari Plan” (Comprehensive Proposal for the Kosovo Status Settlement) in 2007²; Kosovo’s declaration of independence from Serbia on 17 February 2008; the enactment of the new country’s constitution drawn up by the UN Secretary-General’s Special Envoy, former Finnish President Martti Ahtisaari in June 2008; the passing of numerous laws; the creation of new Kosovo-Serb municipalities as part of decentralization, and the start of the Dialogue for Normalization of Relations with Serbia facilitated by the EU.

The recent census in 2012, in which the Serb majority inhabiting the north of Kosovo did not participate, estimates the population of Kosovo at 1.8 million inhabitants, excluding the extensive diaspora in Europe and the US. The population in the north of Kosovo is estimated at 50,000 inhabitants. In terms of size, Kosovo is not larger than 10,000 square kilometers. The majority of Kosovars are Muslims (95 per cent) with 3.6 per cent Roman Catholics and 1.5 per cent Orthodox Christians, mainly of Serb and Montenegrin descent.

After 1941, most of Kosovo was part of the “greater” Albania and most Albanians supported retaining this status even after the war. Kosovar Albanians were not keen to return to Yugoslavia under the rule of Serbia, since they feared that Communism would not support their claim for self-determination.³ The communist party at one point supported the idea of Kosovo remaining part of Albania, but it was Josip Broz Tito (then the Head of the Communist Party of Yugoslavia and subsequently the President of

1 United Nations, Security Council, Resolution 1244 (1999), S/RES/1244 (1999), 10 June 1999, at: [https://peacemaker.un.org/sites/peacemaker.un.org/files/990610_SCR1244\(1999\).pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/990610_SCR1244(1999).pdf).

2 Comprehensive Proposal for the Kosovo Status Settlement. 2 February 2007, at: [http://www.kuvendikosoves.org/common/docs/Comprehensive Proposal.pdf](http://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal.pdf).

3 Cf. A Power Primer: A Handbook to Politics, People and Parties in Kosovo, IKS Publications, Pristina 2011, p. 14.

Yugoslavia), who changed the Party's stance in the hope of winning Serbs over to communism.⁴

In November 1943, the Anti-Fascist Council for the National Liberation of Yugoslavia (AVNOJ) decided to create a federal state called Yugoslavia where "southern Slavic people" would live in six constituent republics. Kosovo was not mentioned. As a response to AVNOJ's decision, 49 communists from Albania, Montenegro, Kosovo, and Serbia gathered and adopted a resolution calling for the post-war unification of Kosovo with Albania. The resolution was quickly rejected by the Yugoslav communist leadership and it further confirmed their distrust of Kosovo Albanians and their political aims. Eventually, in 1945, the Communist Party of Yugoslavia organized a Regional People's Council of Kosovo with only 33 Albanians out of a total of 142 members, and met in Prizren to vote for Kosovo to become part of Serbia.⁵ With this move, Kosovo became a province of the Republic of Serbia. In the light of this new political situation, Kosovo's fate was now in the hands of local Serb policy and decision makers and the Serbian and Yugoslav security services. The next 20 years marked the harshest oppression for Kosovar Albanians, who were considered by the authorities to be disloyal with unacceptable separatist political ideas, such as joining Albania.

By 1968, and partially due to student protests in Kosovo (as elsewhere in Europe), the then province's status was upgraded in Serbia's constitutional framework. By now, Kosovo had its own constitution: The assembly was empowered to draft and pass laws; a supreme court and the Albanian-language University in Pristina were established; Albanian became the official language, and the Albanian flag was permitted as a national symbol. By 1974, Kosovo was granted effective equality with other Yugoslav republics in the new Yugoslav constitution, including equal representation within the federal central institutions, its own commercial bank and the ability to enter into bilateral relations. This meant that it fulfilled all the constitutional prerequisites of a state according to international law. From 1974 to 1981, the wellbeing of Kosovars improved immensely due to the constitutional reforms, the most dramatic of which were in education. By 1979, close to 47,000 students were enrolled at the University of Pristina. Despite these constitutional reforms, Kosovo remained relatively underdeveloped in socio-economic terms in comparison to other federal units of Yugoslavia.

The years leading to 1989 saw the then President of Serbia, Slobodan Milošević, tirelessly "protecting" Kosovo Serbs. He went as far as to change the constitution of 1974 by arranging for the MPs to vote under duress whilst army planes and helicopters were flying above the capital Pristina, where the streets were full of army enforcements that had been brought in for the particular purpose of stripping Kosovo of its autonomy. In March 1989 Kosovo slid back under Serbia.

4 Cf. *ibid.*

5 Cf. *ibid.*

When the dissolution of Yugoslavia started in 1991, with Slovenia first declaring its independence, the EU Council of Ministers tasked Robert Badinter's Arbitration Commission with providing the Peace Conference on Yugoslavia with legal advice. The Commission failed to treat Kosovo as a separate entity of the federation, instead treating it as part of Serbia. As such, Kosovo was left in the hands of Serb institutions during the 1990s until the violent conflict broke out in 1998.

In June 1999, after the NATO intervention, UNMIK was deployed under UNSCR 1244. The Mission was tasked with administering the territory of Kosovo via an interim civilian administration led by the UN, under which Kosovo's people could progressively enjoy substantial autonomy. Furthermore, UNMIK would oversee the transfer of authority from Kosovo's provisional institutions to a set of institutions established under a political settlement.

Perpetual Crisis

The creation of a multi-ethnic society was a key feature of Kosovo's state-building process, which was heavily influenced and shaped by the main international players in the country and the region, namely the EU, the US, and the UN. This included decentralizing and strengthening local governance, as well as protecting minorities through the preservation of cultural and religious heritage, language provision, and self-governance, among other things. Although the process was largely driven by ethno-political conflict resolution and prevention consideration on part of the international community, improving public services delivery for citizens across Kosovo and strengthening local governance in the emerging country was also an important motivator. Integrating the Kosovo Serb community into the new political-institutional landscape of the country through decentralization, local governance, and service delivery has clearly been one of the key policy challenges in recent years. Full ethno-political integration and socio-economic development in Kosovo, as well as advances towards EU integration, continue to depend on strengthened decentralization and protection of minority rights.

On 17 February 2008, the Parliament of Kosovo declared independence and on 15 June of the same year, the constitution of the Republic of Kosovo was adopted on the basis of the Ahtisaari Plan. Following independence, the International Civilian Office (ICO) was established in Kosovo, tasked with overseeing the implementation of the Ahtisaari Plan. Kosovo Serb citizens, the largest ethnic minority, did not take part in any of the processes above and were not part of the institutions such as parliament and government, apart from using the reserved seats as guaranteed by the Constitution of the Republic. Nonetheless, the 2010 parliamentary elections were the first time Kosovo Serbs participated in democratic elections organized by Kosovo's institutions

since 2001. Serbs living in the centre and south of Kosovo returned to the polls and mainly supported the newly formed Liberal Party, despite their weak integrational, political, and economic agenda. However, Serbs living in the north of Kosovo remained outside the democratic processes organized by Kosovo's governing institutions. It was only in November 2013 that Serbs in the north of Kosovo participated in local elections.

Due to the ongoing dispute over the sovereignty of Kosovo on the part of Kosovo Serbs as well as Serbia proper, which claims that Kosovo is part of Serbia, and described as such in the constitution of Serbia,⁶ municipalities in the north of Kosovo, including North Mitrovica, remain outside the full realm of control of Pristina authorities. Instead, parallel structures supported by Serbia serve as service providers and political representatives of the citizens. The presence of these parallel structures, and the inability of central government institutions and international organizations to take control of, and guarantee order and the rule of law in the north of Kosovo, have made the disputed territory of the north the main subject of ongoing dialogue between Kosovo and Serbia, and most recently between the presidents of both countries.

A dialogue process was started for the purposes of integrating the north of Kosovo and its inhabitants into the rest of Kosovo and its institutions. This process was initially a technical dialogue, but later progressed to higher-level dialogue meetings between the prime ministers and presidents of both countries.

The technical dialogue began in March 2011 as a follow-up to the UN General Assembly Resolution of September 2010,⁷ and it mainly dealt with the issues concerning the territory of the north of Kosovo. A few agreements were reached on issues regarding cadaster records, custom stamps, freedom of movement, university diplomas, civil registry, regional representation, and integrated border management, but the sides did not respect most of them. To date, both the technical dialogue and the subsequent high-level dialogue involving the prime ministers and presidents of Kosovo and Serbia have been facilitated by the EU through the office of the High Representative for Foreign Affairs and Security Policy.

On 19 April 2013, an agreement was reached between the prime ministers of Pristina and Belgrade. This 2013 Brussels Agreement or "First Agreement of Principles Governing the Normalization of Relations",⁸ as it is named in the

6 Cf. Constitution of the Republic of Serbia, Article 182, at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/74694/119555/F838981147/SRB74694%20Eng.pdf>.

7 United Nations, General Assembly, Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law, A/64/L.65/Rev.1, 8 September 2010, at: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20A64%20L.65%20Rev1.pdf>.

8 First Agreement of Principles Governing the Normalization of Relations, 19 April 2013, at: http://www.kryeministri-ks.net/repository/docs/FIRST_AGREEMENT_OF_PRINCIPLES_GOVERNING_THE_NORMALIZATION_OF_RELATIONS,_APRIL_19,_2013_BRUSSELS_en.pdf.

official documents of the European Union, was verbally hailed as historic by almost all interlocutors. The principles and parameters under which the process was constructed contained elements including: “bringing parties closer to the EU; without prejudice to either side about the status; common handling of the press; nothing is agreed until all is agreed; EU handles the process and sets the agenda.”⁹ The document clearly states that the disputed northern territory of Kosovo is the main subject of the agreement reached between Kosovo and Serbia, and the three main elements in the paper were state structures: police, the judiciary, and a separate association of municipalities for the municipalities of the north mainly inhabited by Serbs. A lack of transparency during the high-level talks has created skepticism amongst the population in Kosovo, in particular in the north: the public discourse coming from politicians and EU member states was all about the normalization of relations between Kosovo and Serbia, and not about the internal issues in Kosovo, such as the disputed northern territory. Mitigating the territorial conflict in the north of Kosovo and the proper treatment of communities (in particular the Serb community) holds the key to a long lasting solution for stability.¹⁰

To date, the main element of the Brussels Agreement which remains disputed is the creation of an association of municipalities with a Serb majority (this would also include the newly created municipalities under the decentralization process, as foreseen in the Ahtisaari Plan). The opposition parties in Kosovo raised major concerns regarding the association, claiming that its creation paves the way for a bi-ethnic state of Kosovo and leads towards the disintegration of society and communities, rather than the integration and creation of a multi-ethnic society as envisioned. The agreement was ruled partially unconstitutional after a petition submitted by opposition parties to the Constitutional Court.¹¹ This ruling gave the opposition a strong position from which to further oppose the Brussels Agreement and its forms of dialogue, and mobilize the masses for further protests.

Opposition to processes designed and led internationally is not a novelty in Kosovo. Opposition parties, and in particular the *Vetëvendosje* movement, continue to oppose the Ahtisaari Plan and the ongoing talks with Serbia, as they deem these processes to be detrimental to the full sovereignty and integrity of Kosovo. According to its leader Albin Kurti, the Ahtisaari plan created decentralization on ethnic lines, thus deepening the division in the country

9 Engjellushe Morina, Brussels “First Agreement” – A Year After, Konrad Adenauer Stiftung/Prishtina Council on Foreign Relations, Policy Briefs Kosovo, April 2014.

10 Cf. *ibid.*

11 Cf. The Constitutional Court of the Republic of Kosovo, Decision on Interim Measure in Case No. K0130/15, Applicant: The President of the Republic of Kosovo, Concerning the assessment of the compatibility of the “Association/Community of Serb majority municipalities in Kosovo general principles/main elements” with the spirit of the Constitution, Article 3 [Equality Before the Law], paragraph 1, Chapter II [Fundamental Rights and Freedoms] and Chapter III [Rights of Communities and Their Members] of the Constitution of the Republic of Kosovo, Prishtina, 10 November 2015, available at: <http://gjk-ks.org/en/>.

between the two ethnic groups that must work together for the development of the country.¹²

Nonetheless, the creation of the association of Serb municipalities and the “border adjustment” issue are not the only problems to have plagued Kosovo recently. Corruption and organized crime are major obstacles to Kosovo’s development and prosperity. These are also among the main issues the international community uses to measure the challenges to peace and stability in Kosovo. In its latest reports, the EU concludes that “corruption is widespread and remains an issue of concern. Concerted efforts are needed to tackle this problem in a comprehensive and strategic manner”, and that “the Kosovo authorities need to be more effective in their efforts to fight money laundering and the relevant law should be brought in line with [the] EU *acquis* and international standards”.¹³

Status Challenged Externally and Internally

Kosovo’s statehood, although yet to reach its full ripeness, is a reality. It is in compliance with the Montevideo Convention on the Rights and Duties of States, and in compliance with international public law. Kosovo clearly has the qualifications of the state as a person of international law as listed in the Montevideo Convention. These qualifications are as follows: i) a permanent population; ii) a defined territory; iii) a government, and iv) the capacity to enter into relations with other states.¹⁴ The main obstacles to its statehood are its status, which is disputed by its own citizens and its own minority Serb population, and a lack of universal recognition. Over the years, these obstacles together have endangered not only the stability of the country, but also the stability of an already fragile region that runs the risk of falling increasingly under the influence of other geopolitical actors who do not necessarily share the same political and human rights values as those of Europe and other democratic actors.

Indeed, a historical analysis of Kosovo’s statehood is not complete without taking into account the influence of the “foreign factor”. Kosovo is clearly

12 The “*Vetëvendosje*” or “Self-determination” movement is a movement born of revolt against the situation in Kosovo after the installation of international missions and lack of sovereignty. They act via demonstrations, political graffiti, and presentation of their programme to the Kosovo Parliament.

13 European Commission, Commission Staff Working Document, Kosovo 2018 Report, *Accompanying the document* Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2018 Communication on EU Enlargement Policy, SWD(2018) 156 final, Strasbourg, 17 April 2018, p. 4, at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

14 Cf. Montevideo Convention on the Rights and Duties of States, Signed at Montevideo, 26 December 1933. Entered into Force, 26 December 1934. Article 8 reaffirmed by Protocol, 23 December 1936, Article 1, at: <https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf>.

sui generis. The international community is highly involved in the decision-making practices in Kosovo almost on a daily basis; its presence is strongly felt in the political, economic, and social lives of Kosovars. There are numerous cases where the international community is very closely involved in the work of the Kosovo Parliament.

Although at first glance, Kosovo appears to be a fully functioning independent state with democratic institutions in place, there is a huge discrepancy between appearance and reality. Institutions are not fully independent, they function under the close monitoring of the international community. Nonetheless, and despite difficulties, Kosovo is progressing towards joining the EU. In spite of its economic weakness and political instability, its European future has been stipulated many times, starting with the Thessaloniki Summit in 2003. The Stabilization and Association Agreement (SAA) between Kosovo and EU was signed on 27 October 2015,¹⁵ clearing the way for Kosovo to gain candidate status. Bearing in mind that Kosovo has not been recognized by five EU member states, the signing of the SAA agreement is seen as an important commitment by both Kosovo and the EU to advancing Kosovo's EU integration.

Poor interethnic relations continue, despite the efforts to decentralize public services and policy-making, as well as to accommodate the Serb community with local self-governance and respect for human rights such as language rights, and participation in political and public life.¹⁶

Kosovo's economy is still failing to develop sustainably: The current unemployment rate is just above 36 per cent, and is highest among young people who represent more than half of population.¹⁷ The socio-economic situation continues to deteriorate: Apart from high unemployment, services such as health and education, as well as rule of law, ranked fairly low in people's perceptions.¹⁸ Progress on eliminating corruption and organized crime is no better. Since 2013, violent extremism has been on the rise among youth in particular: Approximately 300 people have joined fights outside of Kosovo, either amongst the ranks of the "Islamic State" in Syria and Iraq or with various pro-Russian fractions in eastern Ukraine, thereby making the number of fighters per capita from Kosovo the second highest in Europe.¹⁹ The lack of freedom of movement and the disconnect between elites and ordinary citizens make the current picture even bleaker.

15 Cf. European Council/Council of the European Union, Stabilisation and Association Agreement (SAA) between the European Union and Kosovo signed, 27 October 2015, at: <http://www.consilium.europa.eu/en/press/press-releases/2015/10/27-kosovo-eu-stabilisation-association-agreement/>.

16 See the Ahtisaari Plan and current track I dialogue agreements reached in Brussels between Pristina and Belgrade.

17 Cf. Trading Economics, Kosovo unemployment rate, at: <https://tradingeconomics.com/kosovo/unemployment-rate>.

18 Cf. UNDP Kosovo Human Development Index 2017.

19 Cf. Rudine Jakupi/Garentina Kraja, Accounting for the Difference: Vulnerability and Resilience to Violent Extremism in Kosovo, Berghof Foundation/Kosovar Centre for Security Studies (KCSS), October 2018, pp. 1 and 21.

Lastly, the lack of clear strategy and clearly-defined goals on the side of the international community and its status-neutral treatment of Kosovo has not played a supportive role in facilitating the transition process. For many Kosovars, the notion of status neutrality makes little sense and is viewed and understood as a lack of recognition of their status, meaning that the international community is siding with the non-recognizers. This, in combination with ongoing processes that lack transparency, accountability, participatory democracy, inclusiveness, and the sense of national ownership, runs the danger of making the local population want to migrate or consider supporting other causes such as unification with Albania.

Reflections and Outlook

How best to strengthen statehood and eventually gain UN membership is a puzzle for many in and around Kosovo. Many problems remain unaddressed: dealing with the past is a major hindrance, not only to the normalization of present relations, but also to any attempt to move towards a jointly perceived future for the Kosovar Albanians and Kosovar Serbs.

There is ongoing conflict at the level of the state-building process – as envisioned and as stated in the Constitution, Kosovo is a multi-ethnic state – and at the level of the societal and political conflict, incited mainly by the political parties. The opposition parties clearly voice their dissatisfaction with the government and the governing parties with regard to the major developments in the country, such as the creation of the association of Serb municipalities and the recent talks of land swaps or border adjustment (as they call it) between the two presidents of Kosovo and Serbia. Organized crime and corruption, as well as the lack of any feasible economic development are also major topics in the critical discourse of the opposition.

Nonetheless, despite Kosovars and internationals regularly flagging up the problem of corruption, there are questions as to the level of commitment of the Kosovo authorities and political parties, as well as the effectiveness of the EU Rule of Law Mission (EULEX), when it comes to fighting corruption and organized crime. Arguably, the scope and structure of corruption is not yet sufficiently understood either.²⁰

Clearly, the conflict levels differ in Kosovo, but at the same time they are interlinked. The disputes and disagreements between the main political parties in Kosovo vary, from disagreements on the treatment of different communities (positive discrimination) to practices of bad governance. Both, the opposition and critics argue, lead to a highly dysfunctional state. While the conflict between Kosovar Albanians and Kosovar Serbs has been at its lowest levels

20 Cf. Untying the Knot: The Political Economy of Corruption and Accountability in Kosovo, IKS Policy Analysis, Pristina, 29 June 2011, at: http://iksweb.org/en/wp-content/uploads/2017/05/enuntying_the_knot_491401.pdf.

since 1999, it is highly likely to be of a de-escalatory nature, especially as in recent times, more and more Serbs endorse the idea of integrating into the political, social, and economic life of Kosovo.

Kosovo's independence continues to be disputed by parts of the international community, Serbia, and the Serb community in Kosovo. Relations between Pristina and Belgrade, and between Albanian and Serb communities in Kosovo, remain tense. Kosovo Serbs remained nominally integrated into Kosovo's system, but Belgrade controls them through political and financial mechanisms. The return of Kosovar Serbs has not been successful, and many private property cases remained unresolved. With decreased international presence and rising tensions, fear of renewed conflict is growing.

Looking to the Future: Two (Negative) Scenarios

Scenario One – Continuation of the Status Quo

If the status quo continues, it is unlikely that relations between Kosovo and Serbia will have normalized or the status dispute be settled by 2021. To put this in perspective, this comes after ten years of dialogue between Kosovo and Serbia, facilitated by the EU High Representative. The parties opt for a half-baked deal, leaving the status issue unresolved for later discussions. Nonetheless, most of the agreements that result from the ongoing talks do not receive the necessary political support and are not been implemented. Despite both parties' commitment to progress, Serbia lobbies continuously against Kosovo's membership in international organizations whilst Kosovo continues to ignore most of the parameters of the agreement concerning the northern territory of Kosovo. At the same time, the EU is in turmoil, marred by problems mainly caused by the strengthening of the right-wing parties who campaign for changes in immigration laws, as well as obstructing the EU enlargement process. Brexit does not help matters, as it incites similar anti-EU sentiments in some member states. The French leadership does not fulfil its promises to strengthen Europe and steer it in the right direction. Although very promising, the new leadership in Germany, however, is left rather on its own to sort out most of the problems in the old continent.

The grim political prospects in the EU have a trickledown effect, not only in Serbia and Kosovo, but also in the region. Macedonia and Albania start negotiations for accession to the EU, but do not progress at the desired speed, and Bosnia and Herzegovina, with its current tri-partite presidency, struggles to stay intact and avoid dissolution. Serbia's EU integration process lags behind considerably, mainly due to the lack of political commitment to fulfilling chapters 24, dealing mostly with the rule of law, and 35, which is related to Kosovo. Serbia continues to consider Kosovo as a part of its own country, and does not make efforts to change the constitution. Kosovo, on the

other hand remains the only country in Europe outside of the visa-free regime, and its accession negotiations do not start because the five non-recognizers do not change their stance towards Kosovo's independence.

All of the above have a detrimental effect on the domestic situation in both Kosovo and Serbia. Economic development is lacking or deteriorating, rule of law institutions perpetuate a culture of impunity, are dysfunctional and under the tutelage of political powers, as are most media outlets. Corruption and organized crime flourish further, as do various kinds of violent extremism and right-wing groups. The societies show clear signs of further radicalization. Most young people dream of leaving the countries and work hard at learning German and English so they can integrate quickly in Europe, Germany especially.

Kosovo Serbs still do not fully accept Kosovo institutions and feel let down by Belgrade institutions and politics. Kosovo Albanians on the other hand are more open to the option of uniting with Albania than before; this sentiment is encouraged by many joint government meetings between Kosovo and Albania and by the fact that Kosovars feel isolated from the rest of Europe and cannot move freely. Recognizing the deadlock, the presidents of Kosovo and Serbia call for the renewal of talks regarding the so-called land swap or border adjustment that was initially started in 2018, but due to the heavy local and international resistance to the idea, the talks eventually die down.

Scenario Two – Land Swap or Border Adjustment

After numerous attempts by Kosovo and Serbia, supported by the EU and the rest of the international community, to find a solution to the dispute centering on territory of the north of Kosovo, President Hashim Thaçi of Kosovo and President Aleksandar Vučić of Serbia engage in talks on land swaps and/or "border adjustment", as they call it. Local and international resistance is high. Some of the main centres of political decision-making, such as Brussels and Washington, show signs of support early on. The German government, however, does not support the idea of a land swap, but stipulates that it would accept a deal reached by the parties in a peaceful and democratic manner. Many critics in Kosovo, Serbia, and elsewhere argue that the idea is a dangerous one and would trigger the creation of ethnic states – precisely the opposite of the idea of creating multi-ethnic states. The creation of ethnic states is strongly rejected in the Dayton Agreement in Bosnia and Herzegovina, the Ohrid Framework Agreement in Macedonia, and the Ahtisaari Comprehensive Plan in Kosovo.

Nonetheless, the land swap idea becomes quite attractive to the two political leaders and to the EU facilitators, as it appears to serve the personal interests of all parties. The president of Kosovo, with his status weakened at home, could gain recognition from Serbia and UN membership for Kosovo. The president of Serbia, who is expected to find a solution to the problem of

Kosovo where his predecessors had failed, gains popular support both in Serbia and among the Serbs in Kosovo for finally delivering on the promise of “looking after the Serbian national interest and the Serbs in Kosovo”. The EU High Representative Federica Mogherini is nearing the end of her term and is looking for a legacy of achievement with which to leave her position and return to Italian politics.

Despite heavy resistance on many fronts, but especially from Kosovo, the presidents reach an agreement at the end of 2019, supported by the new EU institutions resulting from the latest European Parliamentary elections, where nationalist forces have gained the upper hand. The agreement stipulates that the three Serb-inhabited municipalities in the north of Kosovo, namely Zvečan, Zubin Potok, and North Mitrovica, would become part of Serbia proper, while three tiny villages located in the south of Serbia and inhabited by Albanians would become part of Kosovo’s territory. The agreement further stipulates that Serbia would recognize the independence of Kosovo and would change its constitution and would stop lobbying globally for the de-recognition of Kosovo. In good faith, Serbia would lobby Russia and other non-recognizers to finally recognize Kosovo.

The Kosovo government and most of the parliamentary political parties who vowed not to support its implementation reject the agreement outright. The main opposition parties call for massive protests. Various groups in Kosovo and Albania call for unification and the creation of Greater Albania.

The agreement puts an even greater strain on regional stability. With Kosovo in a shambles and with the potential for open conflict in the region, the future of Macedonia and Bosnia and Herzegovina seems very uncertain. Albanians in Macedonia and Serbs in Bosnia and Herzegovina indicate that if a border change takes place anywhere in the region, they will take the necessary steps to become part of their kin communities. This creates a domino effect in the region. Serbs in Bosnia and Herzegovina and Albanians in Macedonia mobilized. The Macedonia army and police withdraw from the Albanian-majority areas. Banja Luka cuts all ties with Sarajevo. Within days, there is a massive internal displacement of populations in Serbia, Kosovo, Macedonia, and Bosnia and Herzegovina. A new Balkan map emerges, with newly-carved ethnically homogeneous states. The EU institutions in Brussels are in disarray and have no idea how to react.