

The Serbia-Kosovo dispute as a factor of instability in the Balkans

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For all the supposed intractability of Balkan territorial disputes, and in particular the dispute between Serbia and Kosovo over the legitimacy or otherwise of Kosovo's secession from Serbia, there is every reason to believe that this particular conflict will gradually subside, to the point where it is no more actual than the conflict between Ireland and the UK over Northern Ireland, or between Spain and the UK over Gibraltar. This is clearer if we step back from the bitterness of today's politics and take a more historical perspective.

There exists a misconception that Serbia is a loser in the 'New World Order'. This is true only insofar as contemporary Europe is a continent made up of 'losers'. The developing democratic European order, based on the framework of the EU and NATO, is predicated upon the defeat and frustration of every regional imperialism. The defeat suffered by Serbia, in its attempt at imperial expansion in the 1990s, is broadly equivalent to the defeats suffered by Bulgaria in the 1910s, Greece in the 1920s and Romania in the 1940s; each of these states was, despite enormous effort, militarily beaten and exhausted and forced to accept more modest borders than its political classes had wanted. On a smaller scale, Croatia, too, was defeated in its attempts to expand into Bosnia during the first half of the 1990s, and learned the futility of petty imperialism. It is the defeat of all these little imperialisms that has enabled the Balkan states to move toward integration with one another and with Europe more broadly, just as the entire project of European integration is based upon the fact that both French imperialism in Europe, as practised by Napoleon I and Napoleon III, and German imperialism in Europe, as practised by Wilhelm II and Hitler, have been thoroughly crushed.

The states of Europe must accept their past territorial losses and narrower borders if they are

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to coexist peacefully and prosper together; equally, problems will occur when states refuse to accept these losses, as was the case with France after 1871 and Germany after 1919. The Middle East has been destabilised for sixty years by the Arab states' refusal to recognise their defeat by Israel. Refusal leads to policies of 'revanchism' and to further conflict and war. Whether the state or states in question are 'justified' in feeling aggrieved at their territorial losses is, ultimately, irrelevant; even a state whose borders were arguably drawn unfairly - such as, for example, Hungary after 1919 - must accept these unfair borders if it is to avoid further self-destruction.

Serbia today falls into the category of defeated states unwilling to recognise their defeats. The question is to what extent Serbia's apparent refusal to accept the loss of Kosovo will jeopardise Balkan stability.

The situation already looks brighter than it did eight months ago, in the immediate aftermath of international recognition of Kosovo's independence. Then, the Serbian government of Vojislav Kostunica, supported by the anti-Western nationalist segment of the Serbian political world (Kostunica's Democratic Party of Serbia, Tomislav Nikolic's Serbian Radical Party, Velimir Ilic's New Serbia and others) appeared ready to pursue a policy of 'self isolation' from the European framework; of rioting, embassy-burning and low-intensity border-warfare vis-a-vis Kosovo, at the same time as breaking off relations with democratic Europe and orienting itself exclusively toward the authoritarian Russian regime of Vladimir Putin.² This political course was ultimately less about Kosovo than about rejecting the liberal-democratic European model in favour of the authoritarian-nationalist Russian model.³ Yet in parliamentary elections this spring, the Serbian electorate rejected this option, resulting in the coming to power of a pro-European government under Mirko Cvetkovic. The Serbian electorate was, of course, split two ways in the election, but the very fact that Kosovo's independence was actually followed by an 'increase' in the pro-Europeans' share of the popular vote was the significant factor.⁴

² Helsinki Committee for Human Rights in Serbia, *Serbia 2007: Self-isolation – the reality and the goal*, Belgrade, 2008.

³ Hoare, Marko Attila, *What is at stake in the struggle for Serbia?*, 24 February 2008, available at : <http://www.henryjacksonsociety.org/stories.asp?id=532>.

⁴ Hamilton, Douglas, *Pro-EU Serbs claim poll victory but face challenge*, Reuters, 11 May 2008, available at: <http://www.reuters.com/article/latestCrisis/idUSL1139463>.

Consequently, instead of violence, embassy burning and isolation from the EU, the new Serbian government is waging the conflict over Kosovo by peaceful, diplomatic and legalistic methods, while simultaneously pursuing Serbia's European integration. The strategy of Prime Minister Cvetkovic and President Boris Tadic - of opposing Kosovo's independence, but not allowing it to interfere with Serbia's pursuit of EU membership - is probably representative of the majority viewpoint among the Serbian population.⁵ In other words, while most Serbian citizens are not ready to accept Kosovo's independence, nor are they willing to sacrifice European integration for Kosovo's sake. Thus, the worst-case scenario - of the dispute over Kosovo resulting in another war - has been averted with the defeat of Kostunica and the Radicals.

In evaluating the likely outcome of the current Serbian diplomatic and legalistic campaign over Kosovo, we can rule out two outcomes.

The first is that Kosovo might be one day returned to Serbian rule. With Kosovo's independence recognised by the USA, Japan, Canada, South Korea, most EU members and a total of fifty-one UN members at the time of writing, the possibility of Serbia regaining Kosovo can safely be discounted. President Tadic appeared to recognise this himself in his suggestion last month that, if Serbia is unable to recover Kosovo, partition of the country might be an acceptable alternative.⁶

Yet the partition of Kosovo is the second outcome to the conflict that can safely be ruled out. The territorial partition of a sovereign state, on the basis of a border drawn by a neighbour, is simply not politically possible in contemporary Europe. This is demonstrated by the precedent of Bosnia in the first half of the 1990s, when 'even though' the Serbs appeared to be winning the war; and 'even though' the Western alliance at the time was much readier to accommodate Serb territorial ambitions than it is today; yet still it proved politically impossible to fully partition Bosnia. The closest the international community came to doing this was with the Owen-Stoltenberg Peace Plan of August 1993, which offered the Bosnian Serb entity the possibility of seceding from Bosnia, but even this plan was abandoned when

⁵ *New Serbian government wants both EU and Kosovo*, EurActiv.com, 8 July 2008, available at: <http://www.euractiv.com/en/enlargement/new-serbian-government-wants-eu-kosovo/article-174013>.

⁶ *Tadic hints at Kosovo partition*, 30 September 2008, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=09&dd=30&nav_id=53850.

the Bosnian government rejected it.⁷ The second precedent that demonstrates the impossibility of partition is the precedent of Cyprus. ‘Even though’ Turkey is a very large, powerful and important country and a NATO member, and ‘even’ though it has been completely militarily victorious in Cyprus, yet still no other country is ready to recognise Cyprus’s partition, so Turkey itself has been forced to backtrack on the issue.⁸

There is, therefore, no possibility whatsoever that Serbia, which lost the war and which is a much smaller, weaker and less strategically important country than Turkey, will succeed where the latter has failed, and achieve diplomatic recognition of the partition of its neighbour. Of course, some supporters of the Serbian cause over Kosovo claim that the recognition of Kosovo’s independence itself amounts to an act of partition of an internationally recognised sovereign state - i.e. Serbia - and that therefore the precedent has already been established.⁹ But this disregards the fact that Kosovo’s independence stemmed from the fact that it never really was simply part of Serbia, nor was it seen as such by the powers that recognised it. Ultimately, international recognition of Kosovo’s independence from Serbia originates in the fact that Kosovo had been a constituent element of the former Yugoslav federation in its own right. There is no plausible basis on which Serbia could claim a similar status for the area of northern Kosovo it covets. As for Serbia’s case against Kosovo’s independence before the International Court of Justice (ICJ): even a Serbian victory, which is very far from certain, would not persuade the Western powers to reverse their recognition of Kosovo - any more than Nicaragua’s victory against the US before the ICJ in 1986 could force the US to pay reparations to Nicaragua.

Of course, Serbia has achieved a form of *de facto* partition of Kosovo, and maintained Serbian rule over the area north of the Ibar River.¹⁰ Thus, the Kosovo Question today amounts to the question of how far Kosovo will be integrated and function as a unified state, or conversely,

⁷ Hoare, Marko Atilla, *The History of Bosnia: From the Middle Ages to the Present Day*, Saqi Books, London, 2007, at p. 381.

⁸ Ker-Lindsay, James, *The European Union as a Catalyst for Conflict Resolution: Lessons from Cyprus on the Limits of Conditionality*, Helen Bamber Centre working papers, (1), April 2007.

⁹ Arguments of this kind were, in fact, being made even before the recognition of Kosovo’s independence, as justification for the proposal of partitioning Kosovo. See Roberts, Ivor, *Partition is the Best Answer to the Kosovo Question*, *The Independent*, 5 December 2007, available at: <http://www.independent.co.uk/opinion/commentators/ivor-roberts-partition-is-the-best-answer-to-the-kosovo-question-762827.html>; Dyer, Gwynne, *Kosovo: Partitions without End*, *Turkish Daily News*, 13 December 2007, available at: <http://www.straight.com/article-124556/kosovo-partitions-without-end>.

¹⁰ Qena, Nebi, *Kosovo Serbs, Seeking Partition, Form Own Government*, *The Associated Press*, 28 June 2008.

how far it will remain formally unified but *de facto* partitioned, like Bosnia. The most that Serbia could achieve would be the establishment of the equivalent within Kosovo of Bosnia's 'Republika Srpska'. But to achieve this, as was the case with Bosnia, Serbia would have to give something in return; i.e. recognition of Kosovo's independence. Just as, if Turkey wishes to achieve international recognition of the Turkish entity in northern Cyprus, it will have to accept this entity's inclusion in a formally unified Cyprus. And the Serbian political classes are not yet ready to accept Kosovo's independence, even on such terms.

The most likely scenario, therefore, is that in the interests of stability and good relations with the EU and US, Serbia will gradually establish a *modus vivendi* with Kosovo, without formally accepting its independence, while maintaining the Serb enclaves as entities outside the control of the Kosovar government - a *de facto* 'Dayton Kosovo'. A precedent for this would be Ireland's *de facto* acceptance of the loss of Northern Ireland to the UK, which went hand in hand with a formal territorial claim to the North that was not dropped until the end of the twentieth century.

Such a *modus vivendi* would also involve a *modus vivendi* between the Serbs and Albanians in Kosovo. There are strong reasons why the Kosovar Serbs should welcome such an arrangement. Total Serbian rejectionism vis-a-vis Kosovar independence would ultimately have the same effect on the Kosovar Serbs that, nearly two decades ago, total Serbian rejectionism vis-a-vis Croatian independence had on the Croatian Serbs. In other words, it would bring disaster upon them by making it impossible for them to live alongside the majority population in their own country.¹¹ This would equally be the case even if Serbia succeeded in holding on to northern Kosovo; partition would be a catastrophe for the Kosovar Serbs, two thirds of whom live south of the Ibar River, which is why the Kosovar Serbs' representatives have condemned partition as something that would 'wipe out' their community.¹²

Serbia's only alternative to a *modus vivendi* with Kosovo would be for it to continue its

¹¹ As noted by Sonja Biserko, president of Serbia's Helsinki Committee for Human Rights, "*Belgrade's policies towards Serbs in the enclaves [in Kosovo] have allowed them to die out slowly, because young people are leaving Kosovo, studying in schools in Serbia and staying there, while those remaining in the enclaves are left to die out biologically*", *Enclave Serbs "left to die out"*, 21 October 2008, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=10&dd=21&nav_id=54381.

¹² *Partition would "wipe out" Kosovo Serbs*, *BalkanInsight.com*, 2 October 2008, available at: <http://www.balkaninsight.com/en/main/news/13633>.



current policy of attempting to destabilise the new state to prevent its consolidation and functioning, and to prevent the region stabilising on the basis of its acceptance. But destabilising Kosovo will not bring Serbian repossession of the territory any closer; nor will it bring about an international acceptance of partition. It would only damage the stability and prosperity of the region, as well as Serbia's relations with the rest of Europe. Since this is not in Serbia's interests, such a policy is unlikely to be maintained in the long run.

There is an additional factor in the equation that may serve as a positive incentive against total Serbian rejectionism. The more unstable and dysfunctional Kosovo is, the more it will serve as a centre of international organised crime, possibly even of terrorism, from which Serbia, as its neighbour, can only suffer.

There remains, however, a wild card: Russia, whose policy of confrontation with the West, manifested most explicitly in its invasion of Georgia, is likely to escalate in the years to come. Some Serbian politicians might be tempted to join with Russia in making life difficult for the Western alliance in the region, by causing trouble in Kosovo.¹³ But any such troublemaking cannot overcome the reality of complete Western military, political and economic dominance in the Western Balkans. For Serbia to join with Russia in stirring up instability in this region would be a case of what the Serbs call "*inat*", or bloodymindedness; of cutting off one's nose to spite one's face - it would damage Serbia much more than it would damage the West.

The bottom line is that Serbia cannot fundamentally change the outcome of the Kosovo conflict, no matter what it does. All it can do is influence how slowly or painfully the situation is normalised. Paradoxically, Serbia may come to feel that it is in its own interests to help Kosovo succeed as a state, even if it cannot, for the foreseeable future, bring itself to recognise this state formally.

¹³ Serbian Radical Party leader Vojislav Seselj appears to have hinted at such a policy in his letter of 11 September 2008, when he denounced members of his party who supported European integration as acting on the orders of Brussels and Washington, while hailing those who "*remained loyal to the ideology of Serb nationalism, anti-globalism and Russophilia*", *Pismo dr Vojislava Seselja 11. 9. 2008*, available at: <http://www.srpskaradikalnastranka.org.rs/index.php?a=183>.

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