

## AN ANALYSIS OF THE PROPOSED TERRITORIAL EXCHANGE IN THE CASE OF SERBIA AND KOSOVO by Katarina Newcamp

International involvement in the ongoing Serbia-Kosovo conflict has been largely focused on the normalization of relations between the two nations. At the forefront this dialogue are recommendations for a territorial exchange, or land swap, between the two nations. President Trump has been a major proponent of the proposed land swap. Territorial exchanges involve the transfer of land area and the population that resides in said area to another, adjacent nation, in exchange for a portion of land area and its' population.

Outlines for a potential land swap between parts of Northern Kosovo and Southern Serbia fail to consider larger regional implications, as well as the continuation of a long history of ethnic separation, rather than reconciliation. The plans for territorial exchange also fail to consider the ramifications for Serbians that remain in Kosovo, the inevitable loss of Serbian state-support education and welfare networks in Kosovo, and the effect of this type of partition on other regional ethnonationalist movements. Further insight into regional dynamics and history of the conflict suggests that policies of rapprochement and reconciliation are best suited to this conflict.

### BACKGROUND

Tensions between Serbians and Kosovar Albanians date back to Ottoman Rule, but escalated after the death of Yugoslavian leader, President Tito, in 1980, and the subsequent breakdown of Yugoslavia throughout the late 80's and 90's. Under President Tito's rule from 1945-1980, Albanians in the Kosovo province were afforded considerable freedoms and functioned as one of two autonomous regions within the republic of Serbia. As written in the Serbian constitution, Kosovo was allowed to direct its own cultural and economic development. However, following the death of President Tito and the advent of protests demanding a sovereign Kosovo, the new Serbian leader, President Milosevic, pivoted aggressively away from an autonomous Kosovo. Several Balkan states with large minority Albanian populations feared the possibility of combined Greater Albania, and launched aggressive anti-Albanian campaigns.

It was under this context that the Kosovo War was waged. The Kosovo Liberation Army (KLA) took up arms in the early 1990s and began sporadically attacking Serbian security forces. This led to an increased Serbian paramilitary presence in Kosovo, eventually leading to all-out war in February of 1998. The NATO-backed KLA fought against Serbian forces, leading to mass displacement and high civilian costs as both sides were accused of committing war crimes. In June of 1999 amidst immense international pressure, Serbian forces agreed to withdraw and the KLA agreed to disarm. A UN-led administration was established, however the question of Kosovo's status as an autonomous or independent nation remained undetermined. Kosovo declared independence on February 17, 2008, after UN-led talks failed to broker an agreement between Serbia and Kosovo. The declaration and subsequent constitution were rejected and proclaimed illegal by Serbia, who still does not recognize Kosovo as a sovereign nation. The past 12 years of negotiation by various international bodies such as the UN and European Union have had some success, but remain far off from the goal of recognition and normalized relations.

As a result of this ongoing conflict and newly drawn borders, a substantial Serb population remains in Kosovo, while border regions in Serbia house sizeable ethnic-Albanian populations. The following map illustrates the geographical areas of the majority-Serb populations within Kosovo as well as the ethnic-Albanian population currently living in Serbia:



## TERRITORIAL EXCHANGE PROPOSAL AND ANALYSIS

Starting in 2018 and into the present, serious policy recommendations arose advising a land swap between three Albanian populated municipalities in Southern Serbia and parts of four municipalities in Northern Kosovo that are Serbian populated. In essence, the proposed land swap agreement is a partition proposal, though the Serbian and Kosovar Presidents refer to the exchange as a "border correction." The result of the land swap would leave a much smaller Serbian group in Kosovo, primarily in six southern enclaves. Experts predict that land swaps would have several negative impacts on not only Kosovar-Serb relations, but could also rekindle ethnic divide among other minority groups in the Balkans.

The following map shows the most commonly proposed land swap areas:



- **Territorial exchange in the case of Kosovo and Serbia would result in a de-facto partition, negating progress to resolve the long-standing conflict, and essentially giving up the goal of Kosovo as a multi-ethnic state.** When Kosovo declared independence in 2008, it was with the desire to provide an identity beyond ethnicity to the long-embattled Balkan region. Within its' constitution and electoral system, Kosovo provides protections to ensure that minority groups will earn representation in the Kosovar Parliament. Unfortunately, the ethnic-Serbian population within Kosovo remains relatively isolated from the ethnic-Albanian population, largely due to the nature of the Serbian institutional presence in Kosovo. Ethnic-Serbians living in majority-Serbian regions of Kosovo receive schooling and stipends from the Serbian state, inhibiting socialization with ethnic-Albanians. Lingering ethnic tension and lack of a normalization of relations between states and populations that have experienced partition: India and Pakistan, Greek Cypriots and Turkish Cypriots, and between Serbs, Bosnians, and Croats in Bosnia-Herzegovina, to name a few, suggest that while partition will likely decrease violence in the short-run, it may not lead to lasting peace in the long-run.
- **There is concern that practice of dividing Kosovo and Serbia along ethnic lines would again give rise to ethnic friction throughout the Balkans.** The Balkan states have faced significant upheaval in the last few decades, and several minority groups exist that may seek a similar arrangement, if the Kosovo-Serbia land swap were to be completed. Groups such as the Republika Srpska and the Croatian minority in Bosnia and Herzegovina, as well as the Albanian minority in Macedonia could seek to use the international support and momentum behind the land swap agreement in Kosovo and Serbia to organize movements around their desired ethnically homogenous territories. Putting forth solutions to these crises that relate only to territory and the creation of ethnic states is a step backwards for diplomacy in the region, and serves to legitimize ethnocentrism and ethno-nationalist movements.
- **The proposed land-swap agreement would dramatically reduce the bargaining power of Serbians within Kosovo, at least halving the total number of Serbians living in Kosovo.** This reduction in Serbians living in Kosovo would most likely reduce the amount of influence that Serbia has, and desires to have, over Kosovo, particularly in regard to the Serbian institutional presence that provides public services such as education and health care to Serbians living in Kosovo. The Serbian state helps to provide salaries, particularly for Serbs living in southern Kosovo, that are essential to the wellbeing of their communities. Serbians in Kosovo also enjoy protections enshrined in the Kosovar constitution that was created with minority rights and a multi-ethnic state in mind. As a result of a land swap, it is possible that protections and benefits such as the two official languages of Serbian and Albanian would be stripped, in favor of policies that favor ethnic-Albanians. Ultimately, the withdrawal of over half of the Serbian population from Kosovo would leave the remaining estimated 70,000 Serbs living in Southern Kosovo vulnerable to changes that could reduce their constitutional protections, result in limited representation, and leave much of the population economically unstable without income assistance from Serbia.

## POLICY RECOMMENDATIONS

Ultimately, recommending and implementing a territorial exchange agreement between Kosovo and Serbia is irresponsible and shows a lack of understanding for the greater historical, regional, and sociopolitical landscape of the conflict. Instead, the United States should reinvest in negotiations and economic empowerment with the goal of a multi-cultural Kosovo in mind.

- **The United States should work in partnership, rather than against, the European Union to reinvest in negotiations between Kosovo and Serbia with the understanding that lasting peace cannot be achieved simply by redrawing the border.** Mutual recognition should be the most basic goal for negotiations, as recognition of statehood is essential for regional security and is a determinant of either country's admission into the European Union. Negotiations must also be facilitated in conjunction with the implementation of transitional justice. While efforts towards transitional justice have started in recent years, it will take continued cooperation on both Serbian and Kosovar sides to fulfill necessary actions such as locating mass graves and missing persons from the 1998-99 conflict. Above all, mediators like the United States and the European Union need to continue to make Kosovar-Serbian peace a priority, leveraging their influence and offering trade and visa incentives to encourage a solution.
- **Instead of further isolating the ethnic Serbian and Albanian populations in Kosovo and Serbia through a land swap, global leaders should look towards uplifting the Kosovar economy as a means to improve overall quality of life and economic self-reliance.** Kosovo is the second poorest country in Europe with a youth unemployment rate of 60%, with many young Kosovar choosing to move abroad in order to find work. However, the young population is hopeful – 89% of ethnic-Albanians and 73% of ethnic-Serbsians are optimistic for a better life situation in ten years. Many young Kosovar, especially ethnic-Albanians, see future entrance into the European Union as a real opportunity for economic empowerment within Kosovo. The United States and global partners such as the European Union and the World Bank should continue to invest resources and expertise into diversifying and growing the Kosovar economy. Efforts should specifically focus on strengthening government institutions, rule of law, and fiscal transparency, as well as extending educational and employment opportunities to minority groups.

### Endnotes

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