Scenario:

Territorial exchange between Serbia and Kosovo and its Potential Impact on Serbian Communities South of the Ibar
This publication is supported by Advancing Democratic Society (DSP) - financed by the Swiss Agency for Development and Cooperation (SDC) and the Ministry of Foreign Affairs of Denmark (DANIDA) and is run by the Kosovo Foundation for Civil Society (KCSF.) The contents of this publication are the responsibility of NGO Aktiv and should not in any way be seen to reflect the views of SDC, DANIDA or KCSF.
I. Introduction:

The term *partition* in our modern political lexicon invariably conjures up images of mass displacement and transfer of populations. The idea that the creation of ethnically-homogeneous spaces, or a *homeland* for a given national group, is a viable solution to inter or intra-state conflict has been employed throughout recent history as means to an end of armed struggle. The partition of the British Raj into the modern states of India, Pakistan and Bangladesh was devised to end ethnically-motivated violence between Muslims and Hindus, while the division of Ireland into the Republic of Ireland and Northern Ireland (which remained part of the United Kingdom) was designed to create territorial entities for Catholic and Protestant populations there. The concept of partition is politically related but practically distinct from nationalistic aspirations to secession, which assume the breaking away of one part of a given territory or state from another. In the context of the former Yugoslavia, partition is an oft-floated concept that has been proposed numerous times over the course of the region’s turbulent political history as means of achieving lasting peace between warring factions. Bosnia and Herzegovina has experienced a degree of internal territorial partition and the idea that that country, and others in the region, should be divided along ethnic lines looms over political and social discourse.

As part of its policy work, NGO Aktiv has worked to carefully analyze political, social and economic developments in Kosovo and their effects on non-majority communities with a particular emphasis on Kosovo Serbs. In the past six-months, discussions of a potential *partition* or ‘border correction’ as a potential lasting solution to Kosovo’s status have intensified and increasingly gained traction among certain political elites in Belgrade and Pristina, as well as among international actors and bodies. Although the concept is remarkable in terms of its opaqueness, it is nevertheless increasingly seen by a wide spectrum of politicians and analysts as a viable solution to the Kosovo ‘problem’. Although the idea has gained a certain amount of political momentum, it remains unclear what this would entail and how it would be implemented in practice.

This paper will attempt, based on analysis of the current dialogue, to present a number of assumptions as to what partition would involve, with an accent placed on the consequences of such a deal for Kosovo Serbs living south of the river Ibar. It should be noted here that this paper will be based on a number of key, general hypotheses as to what partition would entail with the understanding that current details are relatively murky and that it is perhaps
difficult because of this to come to any definitive conclusions regarding the question of partition:

- An exchange of territories, partition or ‘border correction’ would, in all likelihood, involve at least some part of northern Kosovo (a section of territory belonging to some or all of the four northern municipalities) would go to Serbia while part of the territory of the Republic of Serbia would go to Kosovo – most likely part or all of Preševo
- The Republic of Serbia would, as part of that agreement, to one extent or another, recognize Kosovo statehood and withdraw its current institutional presence and right to have a role in Kosovo’s internal affairs
- The project and concept of Kosovo as a multi-ethnic state would be abandoned as would the legal framework that facilitates this
- This scenario does not suggest or imply that there would be organized or state-sponsored violence against Serbs
- This would result in the door to EU integration being opened, as would be membership in other international organizations and bodies

Based on this, the authors of this paper have constructed a chain of events that would come to pass as a result of partition. Although there are many factors that must be taken into consideration, including the potential consequences for communities currently residing in the Preševo Valley, this paper will use as a focus the Kosovo Serb community, particularly those living in Serbian-majority municipalities south of the Ibar. It is also necessary to note that this paper presents a series of assumptions and hypotheses that may strike the reader as extreme, that having been said, one of the principal purposes of this paper is to inspire and provoke debate and bring attention to the potential consequences for the people that will find themselves living within the redrawn borders. Taking into consideration the goals of writing this paper, NGO Aktiv welcomes all relevant actors to comment and to enrich the depth and quality of the current discussion about partition.
II. Background to partition

In his article, *Debating Partition*, Brandon O’Leary defines partition as a “fresh border cut through at least one community’s national homeland” and further elaborates that partition as traditionally been employed as a means of mitigating conflict. Wars that are largely ‘ethnic’ in character to the extent that they involve two or more groups who both lay claim to a given territorial space based on the assertion that their historic-national rights to dominate that space trump that of the other invariably result in one form of partition or another.¹ This can come in the form of an internationally or internally brokered agreement² designed to assuage hostilities or, more subtly, in the form of large-scale population movements either within or outside of states involved in conflict. Speaking about the war in Bosnia and Herzegovina in the early 1990’s, John Mearsheimer, a proponent of the realist strand of theory in international relations; argued for partition as ‘last-resort’ to end that conflict, positing that “transfer is already occurring. … The only question is whether it will be organized, as envisioned by partition, or left to the murderous methods of the ethnic cleansers”³ Employing this logic, partition is essentially a means of codifying and legitimizing the political goals of nationalist movements and politicians in the creation of ethnic states by removing physical and material violence as a tool of achieving those goals.

In the more specific context of Kosovo, the lack of transparency in the dialogue process has led to what can be described as an information vacuum that has been subsequently filled with speculation as to what a partition would look like in practice. For the most part, this speculation on the part of policy analysts, politicians and opposition figures is just that; assumptions that are not necessarily grounded in reality in the sense that they are not based on concrete statements or information coming from the actors involved in negotiations. The most common theory (to-date) is that ‘partition’ would involve the four Serbian-majority municipalities of northern Kosovo joining Serbia and the Preševo valley region would go to Kosovo.

Partition, or population exchanges, have been floated periodically over the past decade but have not carried (up until now) significant political weight as they were unpalatable to the international community. That having been said, the first half of the year 2018 saw a notable shift in the tone of the debate, with partition being floated as a long-term solution by high-level politicians in both
Belgrade and in Priština. In statements made in August 2018, Vučić reiterated his support for partition by saying: “My policy is that I’m in favor of delimitation with Albanians. That is, we have a territory that we don’t know how to treat and we don’t know what belongs to who, which is always a potential source of conflict.” Vučić’s proposal lead to a chain reaction among his cabinet members and other supporters of his political part: In June of 2018, Aleksandar Vulin, the Serbian Defense Minister, announced his support for the idea and in August of 2018 Ivica Dačić, the Serbian Foreign Minister, stated that he ‘does not see a better solution for Kosovo’, arguing that partition was the only way to prevent the creation of ‘greater Albania.’ These statements are far from the first expressions of support for partition from President Aleksandar Vučić’s cabinet but they do reflect the fact that the ruling party in Belgrade has coalesced around the proposal. In statements made in August 2018, Vučić reiterated his support for partition by saying “My policy is that I’m in favour of delimitation with Albanians. That is, we have a territory that we don’t know how to treat and we don’t know what belongs to who, which is always a potential source of conflict.”

On the other hand, opposition politicians in Serbia such as Vuk Jeremić and Saša Janković have sharply criticized the idea of partition, as have numerous civil society organizations. Initial proposals regarding partition lead to increasingly sharp and harsh criticisms of the proposal stemming from concerns about its local and regional consequences as well as its potential effects on the fate of the Serbian community in Kosovo. For its part, the Serbian Orthodox Church has been increasingly vocal in its opposition, with figures such as Sava Janjić issuing fierce criticisms of the plan’s perceived impact on Serbs living south of the Ibar and on Serbian cultural heritage.

It is worth discussing here the terminology employed when talking about this issue: What is referred to in this paper as ‘partition’ is often called ‘razgraničenje’ (lit: delineation or border correction) by Serbian political actors close to President Vučić (and by Vučić himself) when addressing partition. This has been translated into English as ‘border correction.’ On the other hand, opposition politicians and others opposed to the idea tend to use the term

---

4 Vučić did not use the Serbian word for partition (podela) but rather ‘razgraničenje’ which is usually translated as ‘delimitation’ or ‘border correction.’
5 Razgraničenje
6 http://rs.n1info.com/a410421/Vesti/Vucic-za-razgranicenje-sa-Albancima-na-Kosovu.html
7 http://www.politika.rs/s/clanak/405662/Vulin-Ja-sam-za-razgranicenje-na-Kosovu-i-Metohiji
8 http://rs.n1info.com/a409701/Vesti/Dacic-za-podelu-Kosova.html
13 https://www.radiokim.net/vesti/politika/nvo-proiv-podele-kosova.html
‘podela’ (lit: partition) or, at times, ‘razmena teritorija’ (lit: exchange of territories.)

This terminology is largely mirrored by the rhetoric employed by political elites in Prishtinë/Priština: Hashim Thaçi (who supports partition) tends to use the term ‘border correction’ whereas opposition politicians such as Albin Kurti employ the term ‘partition.’

It is broadly understood that President Vučić of Serbia and President Hashim Thaçi of Kosovo both support partition, ostensibly as a means of reaching a final agreement and long-term solution regarding Kosovo’s status. However, there has been little to no elaboration as to what this plan would look like or it would be implemented in practice. Furthermore, there has been only limited public debate regarding the question of partition and a generalized lack of transparency that has contributed to a growing sense of unease among both Albanian and Serbian population(s) in Kosovo. Political elites on both sides use rhetoric and deliberately confusing terminology that is often contradictory in nature and does little to shed light on the reality of the situation. For example, Thaçi issued a series of statements in which he claimed to rule out the idea of “land swaps” with Serbia but then went on to say that:

“We have about 400 kilometers of border with Serbia that should be marked, and without demarcation with Serbia, the process of state formation and consolidation cannot be concluded. For this reason, demarcation and the correction of borders will be discussed... Although the realization of Serbian aspirations for the partition of Kosovo cannot be imposed within the framework of border correction, under any circumstances or for any price.

Meanwhile, I think the institutionalized demand of representatives of the Preševo Valley to join Kosovo is very realizable and acceptable to us,” he added, referring to the mainly ethnic Albanian area around the town of Preševo in Serbia.”

It would appear that Thaçi presents two seemingly self-contradictory ideas: he is against ‘land-swap’ but supports ‘border correction’ under which Kosovo would receive a part of Serbian territory (in this case, Preševo) and Serbia would receive a part of Kosovo’s. It could be argued that this is a rhetorical style used with the sole purpose of creating a situation in which the general population does not know or understand what is being discussed at the
political level while at the same time stifling opposition through denials that Kosovo’s territory will be divided along ethnic lines, when in fact this is exactly what would happen.

What the reader will invariably notice is that Aktiv has selected to use the term ‘partition’ which, in practice, is the most appropriate phrasing to describe what is being proposed from a practical standpoint: the dividing of territory along ethnic lines in exchange for a number of political concessions from both sides.

### III. Scenario

Sometime in the year 2019, after months of protracted negotiations that civil society organizations, opposition politicians and, to a large extent, the media, were shut out of, the governments of Serbia and Kosovo sign a ‘historic’ agreement agreeing to carve up large swaths of their respective territories. The four (4) municipalities that comprise an area commonly referred to as ‘north Kosovo’ will become part of central Serbia and Preševo, with its significant Albanian population, becomes part of Kosovo. Despite their initial reticence, many significant international actors hail the agreement as a viable solution to the Kosovo problem. The United States and many EU member states have become enthusiastic supporters of partition and Germany and the United Kingdom have given their lukewarm acquiescence to the deal.

Despite intense opposition from many domestic political and social actors, Serbian President Aleksandar Vučić has pushed forward with the deal without any significant problems as his Serbian Progressive Party (SNS) enjoys overwhelming dominance in the National Assembly. In Kosovo, Srpska Lista (Serbian List), widely seen as under the direct control of President Vučić and the SNS (Serbian Progressive Party), has presented the deal as the only salvation for Kosovo Serbs and has succeeded in stifling public debate and discourse on the issue.

President Hashim Thaçi of Kosovo hasn’t had things quite so easy and has been faced with widescale opposition and a number of large protests against the deal with Serbia. Opposition politicians, such as Albin Kurti and Ilir Deda have attempted to block the signing of the agreement on partition on numerous occasions in the Kosovo Assembly and have vowed to stop the deal through the Constitutional Court. Prime Minister Ramush Haradinaj attempted to obstruct the plan, but, in the face of growing international support and
pressure to accept the deal, softened his opposition to largely symbolic gestures.

Many in Kosovo have argued that the deal is unconstitutional and therefore illegal, but generally speaking the concerns of Serbian communities south of the Ibar have not been taken into consideration and have been largely shut out of the debate; they were not active participants in the dialogue process and Serbs from Kosovo were generally represented (when represented at all) by a limited number of politicians from the north of Kosovo.

By the end of 2019, with domestic criticism and opposition stifled, Vučić and Thaçi sign the agreement and a timeline for partition is announced. With a portion of Kosovo going to Serbia, Vučić and his allies feel that they have a sufficient basis for a recognition of Kosovo statehood. Although the deal still needs to be approved by the National Assembly, this is largely seen as a formality. With recognition imminent, it is generally understood that Kosovo will be able to obtain membership in international organizations. The five European Union member states (Romania, Slovakia, Cyprus, Greece and Spain) that have withheld recognition have indicated that they will likely change their stance in the near future. Russia has not given any clear indications as to their stance on Kosovo’s membership in international bodies and has not yet made any clear statements regarding the deal itself aside from very general expressions of support to Serbia. Taking all of this into consideration, Kosovo’s membership/observer status in the United Nations is on the horizon, as is European integration.

IV. Potential Consequences of Partition

1. A Looming Political and Constitutional Crisis?

Possible territorial changes/swaps between Kosovo and Serbia would require constitutional changes in both legal systems, due to the essential importance of the issue in question. Territorial and border changes tackle with core ideas of any country’s sovereignty, thus there is a need of deep legal changes with broader acceptance and approval of such a step. Mechanisms that are inherent to particular legal systems vary in regard to constitutional changes, but, when it comes to states of the Western Balkan, initiatives for legal transformation(s) depend on political will of respective stakeholders. Nonetheless, inclusion of (politically controlled) media in the process of
preparation of public opinion on questions such as constitutional/legal changes have a crucial role.

Consequently, in the cases of Serbia and Kosovo, legal dynamics are highly politicized. Possible territorial changes within two legal systems would need to go through legal procedures which would require activity of both parliaments. In Serbia's case, the concentration of political power within Serbian Parliament, with ruling party (and its coalition partners) holding two-thirds of the seats, would, most probably, ease the process towards major legal changes. Moreover, the fact that the current president of Serbia Aleksandar Vučić has a wide range popular support, accompanied by well organized and politically proactive (ruling) party of Serbian Progressive Party (a president of which he is), makes the possible legal transformation way easier than in the previous decade. Constitution of Republic of Serbia defines that any changes related to the issue of Kosovo must be voted in favor by two thirds of votes in the Parliament, but also confirmed on a national referendum. This procedure is required due to the fact that the preamble of the Constitution defines Kosovo and Metohija as an integrative part of the Republic of Serbia. Therefore, possible agreement on territorial changes wouldn’t meet major barriers in Belgrade, due to a comfortable majority of the ruling party in Serbian Parliament, as well as relatively stable political situation in the country.

On the other hand, fragmentation of Kosovo political scene in regards to the announced partition, doesn’t give much free space for a swift constitutional transformation, if compared to the political situation in Serbia. Current political constellation in Kosovo, with polarized standpoints on many issues burdening this country, offers no visible perspective on an effective political consent which would lead to a sustainable agreement with Serbia on territorial changes. Furthermore, frequent disagreements between Kosovo Prime minister Ramush Haradinaj and President Hashim Thaçi on the issue of territorial changes create a constant political instability within Kosovo. Political pressure of opposition with outspoken standpoints of parties such as Vetëvendosje and LDK don’t seem to contribute to achievable compromise between opposed political subjects in Kosovo. The situation gets even more complicated if the role of Serbian List in Kosovo Parliament is considered, since its deeds are directly controlled by the official Belgrade. Any amendment to Constitution of Kosovo will require the approval of two thirds of all deputies of the Parliament including two thirds of all deputies of the Assembly holding reserved or guaranteed seats for representatives of minority communities living in Kosovo. Consequently, amendments have to go through the process of approval by Kosovo President and Constitutional court. In this light, all of the above-mentioned opposed actors of Kosovo political scene would need to give their
full consent and reach a wide consensus. Thus, possible constitutional changes within the Kosovo legal system would be feasible only in the case of (in)direct pressure or facilitation of international community. The ruling coalition in the Serbian Parliament currently holds 150 out of 250 seats (with the unconditional support of 4 MPs representing Hungarian minority), which would mean that it would need 13 more votes in order to fulfill the condition of having two thirds of Parliament votes for implementation of constitutional changes. The Serbian Radical Party (22) and Liberal Democratic Party (4), who have previously supported the ruling majority’s policies, would most probably support the possible constitutional transformation. Additionally, (6) representatives of minority groups in the Parliament would give their votes in favor of constitutional change.

If the two cases are compared, it can be concluded that the process of legal changes that would bring about confirmation of agreed territorial changes would require activity of all interested stakeholders, which would demand a longer period of time. Therefore, no one should expect a swift solution and mutual agreement between Belgrade and Prishtina in regard to possible territorial changes.

The ensuing political stalemate will have an invariably negative effect on inter-ethnic relations, local and regional stability as well as on European integration.

2. Kosovo Serbs Will Be Deprived of Legal Mechanisms to Protect Non-Majority Communities

Kosovo’s legal framework, at least on paper, provides for broad rights for non-majority communities. This applies to nearly every sphere of political, public and institutional life: the Serbian language is defined as having equal status with Albanian\(^{19}\), political representation at the central level is guaranteed\(^{20,21}\) and cultural and religious heritage is protected\(^{22}\). As has been discussed at length in other policy papers published by NGO Aktiv, there is a significant and worrying gap between a fairly progressive legal code and its implementation in practice. Despite this, protections afforded to Kosovo’s non-majority communities are an essential and indispensable aspect of its legal code that, if changed, would compromise the position and welfare of those populations.

\(^{19}\) Article 5, Languages, “The Official Languages of the Republic of Kosovo are Albanian and Serbian”
The question now is what impact, if any, will partition have on the legal and political rights guaranteed under Kosovo’s legal code? It was alleged that any agreement, or package of agreements geared at dividing up territory would presumably involve far-reaching guarantees for the protection of the Serbian community and cultural heritage in Kosovo. However, proposed changes to both constitutions has opened the door to further systematic alterations that could potentially dramatically alter the nature of the state and therefore the status of non-majority communities within it. If Kosovo is no longer constitutionally and legally defined as a multi or rather, non-ethnic state then the depth and scope of rights guaranteed for non-majority communities will invariably diminish and/or disappear altogether. Furthermore, with demographic changes imminent, arguments that legal mechanisms that protect linguistic and political rights and privileges constitute an unacceptable financial and structural strain for institutions will gain traction. If Serbs compromise a smaller percentage of Kosovo’s overall population as a result of redrawn borders, then it could be argued that the current framework is unsustainable and unnecessary because Kosovo’s ethnic structure has become more and more mono-ethnic in structure.

In terms of legal and constitutional mechanisms for the protection of the rights of members of non-majority communities, Kosovo Serbs south of the Ibar will find themselves largely deprived of legal mechanisms that enable protection of their interests, including reserved seats in assembly, double-majority requirements for constitutional and legal changes that directly affect non-majority communities. This would also mean that members of the Serbian community would perhaps lose their right to be represented at the ministerial (cabinet) level. The annulment of legal mechanisms of Kosovo Serbs, endorsed by Belgrade through this plan, will enable Kosovo Albanians to attain the genuine prerogatives of sovereignty. This means prompt formation of Kosovo army and the gradual revival of idea for unification with Albania.

3. Drastic demographic changes will occur as a result of partition

The Serbian community currently represents around 8% of Kosovo’s population\textsuperscript{23} will decrease to 3% after the north becomes part of central Serbia and Preševo valley communities join Kosovo. The problem which would arise from these territorial changes is that around 20% of population of Preševo

\textsuperscript{23} Based upon a 2013 estimation made by the European Center for Minority Issues
valley of Serbian descent will become citizens of Kosovo. It’s highly unlikely that Serbian community of southern Serbia which would be incorporated into Kosovo state would accept that fact in a peaceful way. Moreover, the Albanian community living in the north of Kosovo, which comprises around 10% of the population of that area would, also, have issues with accepting the fact that they will become citizens of the Republic of Serbia. In such constellation of dramatic changes, both communities will have enormous obstacles in the process of integration into ‘new’ legal and political framework(s) perpetrated by territorial exchanges between Serbia and Kosovo. Not only that transformation of ethnic structure in both countries would produce existential dilemmas in Serbian enclaves south of Ibar river and Albanian community in the North, but it would also open up a considerable space for political maneuvering of ‘reduced number of minority percentage’ and their possible assimilation by majority population (or indirect pressure to move to ethnically ‘pure territories.’)

This will have considerable effects on legal framework in Kosovo, especially when it comes to minority politics, since the (Albanian) majority would have more space to dictate conditions in which minorities are going to enjoy their rights. In newly created circumstances, the decreased number of members of minorities will lessen the possibility of their meaningful participation in political life in Kosovo (but also Serbia, in the case of Albanians living north of Ibar river). Having in mind that the Constitution of Kosovo has to be transformed in the process of territorial exchange and the fact that the share of percentage of minority communities in Kosovo will significantly be decreased, it’s unimaginable for Serbian community to have the same rights (and privileges) as it would have before the possible territorial exchange. In that sense, the new Kosovo Constitution would probably exclude Serbian language as one of the two official languages of Kosovo, as well as it would lose the number of guaranteed places in the Assembly, least to say that Serbian community would be deprived of having vetoing power in the drafting and approving laws. Consequently, both Albanian and Serbian communities will be endangered in regards to the basic guarantees of their human and minority rights, due to the fact that the territorial exchange would bring about ethnically more consistent areas. Isolated and pressured, these ‘newly created and decimated minorities’ would become a new problem to deal with for political leaders in Prishtina and Belgrade. Therefore, territorial exchanges would not create a sustainable environment which would lead to a possible reconciliation between Albanian and Serbian communities.
4. The Association of Serbian Municipalities will be abandoned as a concept. As well as achievement reached within the Brussels Agreement.

Due to the fact that partition will result in the loss of four (4) Serbian-majority municipalities in the north of Kosovo, Serbs will lose a number of key institutions and population centers. Furthermore, North Mitrovica, with its current status as a sort of administrative and political capital for Kosovo Serbs, will become part of Serbia under the agreement. Although six (6) Serbian-majority municipalities will remain within Kosovo’s re-drawn borders, there will be less momentum and political pressure for the establishment of the Association of Serbian Municipalities. Coupled with the loss of constitutional and legal rights within Kosovo’s current institutional framework, the Serbs remaining in Kosovo will slowly lose their ability to coordinate politically for the establishment of the Association and to put up a legal and or political ‘fight’ for the preservation of their linguistic, cultural and social rights.

Taking into consideration the fact that the Brussels Agreement was geared at the integration of north Kosovo into Kosovo’s judicial, security, institutional and legal structures much it would become redundant. This ensuing redundancy will also have negative effects on Serbs living in the south: It’s provisions that stipulate for freedom of movement and telecommunications would be called into question and very possibly overturned or rendered moot. Since partition would essentially cancel out the Brussels Agreement and it’s provisions, the progress (albeit often very limited) that has been made would be reversed under the auspices of the new agreement. Furthermore, although the Athasaari plan was never actually adopted many of its stipulations made their way into Kosovo’s Constitution. With a partition deal imminent, new legal and constitutional frameworks alongside wholly new dynamics in the Belgrade-Pristina relationship will mean that previous steps taken will become disputable in the face of a partition arrangement undertaken by the two sides.

5. The quality of education, health and other service will drastically drop with an intensified brain-drain; the expatriation of Serbia from Kosovo will annul significant number of jobs for remaining Kosovo Serb community

As far as Serbia is concerned, should Kosovo’s status be changed within its legal framework there is a degree of uncertainty as to what implications this would have for Serbian citizens currently residing in Kosovo and their relationship, both legal and institutional, with the Serbian state. An institutional
withdrawal from Kosovo and impending changes to Kosovo’s legal framework that allow for third-state financing of ‘soft’ institutions (social welfare providers, healthcare and educational) institutions would mean that a wide-scale departure of Serbian institutions from south of the river Ibar is inevitable. In turn, this institutional retreat will lead to a loss in financial security for many members of the Serbian community in Kosovo. Although this has not been widely discussed, there is an overriding assumption that partition will lead to a gradual or even sudden withdrawal of a Serbian institutional presence in Kosovo. This would mean that healthcare and educational institutions that had been operating within the legal and budgetary framework of the Republic of Serbia would either be closed altogether or integrated into the Kosovo system. Although there does not seem to be any current plan for these vital state institutions, their financial viability would be threatened by partition in that they would be unable to provide the degree of financial stability for some sectors of local communities that they have until this point. The fact that, in all likelihood, they would see their budgets decreased if and when they are ‘integrated’ into the Kosovo system would lessen the scope and the quality of the services that they currently provide. This would threaten, perhaps just as importantly, the salaries provided by the Serbian state that are an essential financial lifeline for Serbs living south of the Ibar.

Although the existence of these so-called ‘parallel’ institutions is contentious and the services they provide to local communities often called into question, they nevertheless are one of the few sources of sustainable employment and professional advancement for local residents. Despite their shortcomings, they also serve as a lasting institutional and cultural link with Serbia. Their cessation will prove to have immediate and drastic effects on the quality of socio-economic life on the communities which they serve.

6. The silent migration that exists now will intensify significantly: Population in place of territorial exchange

Members of the Serbian community in Kosovo with advanced educational qualifications (medical professionals, university professors, social workers) who are employed within the Serbian institutional framework will find life untenable in the absence of employment opportunities and will, in all likelihood, seek to leave Kosovo for better economic prospects in Serbia or abroad. Young people will continue to seek greater educational opportunities outside of Kosovo thus intensifying the current trends. According to research conducted by NGO Aktiv in 2018, around 60% of young people in Serbian communities
south of the Ibar claim that they do not see themselves in Kosovo in the next five (5) years. What’s more, there are indications that partition will result in an immediate impetus for local residents to leave Serbian enclaves, mainly due to loss in personal income and material status. Faced with the risk of imminent loss of employment and income, outward migration will invariably speed up and Serbs will begin to leave Kosovo in ever-greater numbers, further depleting already dwindling communities.

This new exodus will be spurred due to a wide variety of factors: Serbia’s institutional withdrawal from Kosovo, changes in the status of non-majority communities, a reduction in political representation as well as loss in income and therefore economic stability.

7. Integration will evolve to assimilation.

Changes to Kosovo’s legislative and constitutional framework(s) as a direct result of demographic shifts will bring about drastic changes to the role of Serbs in political and institutional life in Kosovo. Should the office status of the Serbian language be relegated to a more local or municipal level, the ability of Serbs to operate politically will be much reduced and therefore to act to protect their heritage and ethnic/national identity. Alterations to the very nature of the state, coupled with Serbia’s institutional and political retreat will contribute to the fact that Serbian life will be reduced to a dwindling number of enclaves.

With no instruments to prevent legal changes, Kosovo Serbs will soon face pressure for assimilation. The poorly implemented law on use of languages will be annulled, since this requires less efforts than it meticulous implementation. Kosovo Serb language will lose the status of official language in Kosovo and be reduced to usage in local and municipal affairs. Legislation on protection of cultural heritage will also be contested very soon, jeopardizing the proprietorship over historical monuments in Kosovo. Furthermore, the overall legislative framework that is essentially designed to ensure the self-determination of non-majority communities will be called into question. There will therefore be pressure not only for them to integrate into the Kosovo system but to assimilate culturally socially, particularly in the absence of guarantees for the preservation of Serbian cultural heritage and language.
8. Regional consequences of partition

Due to the complex ethnic structure of the (Western) Balkans and the existence of variety of security dilemmas, as well as the fragility of democracies in transition, the possible partition/territorial exchange between Serbia and Kosovo would most probably trigger a chain of events involving inter-ethnic and inter and intra state friction in the region. The fact that the frozen conflicts in the Balkans are closely monitored by the international community makes the whole picture even more complicated in regard to the number of interested stakeholders. Namely, it’s in European Union’s highest interests for this region to be stable in terms of peace, thus its long-term priority is to ‘pacify’ unstable Balkan countries through the process of European integration. Though this role of ‘patron’ of stability of the EU in the Balkans has been more or less successful, possible partition that would be agreed between Belgrade and Prishtina would produce irreversible consequences to the whole region.

The creation of ethnically ‘pure’ territories after territorial exchanges between Serbia and Kosovo would consequently put the question of position of Republika Srpska within Bosnia and Herzegovina and the status of Albanian community in Macedonia. Furthermore, Croatian community in Bosnia and Herzegovina, in such circumstances, would also have a moral (and legal) ground for look for a sustainable territorial solution that would be compatible with interests of this community. Taking into account Republika Srpska’s legal status and ethnic structure (Serbs comprise up to 83% of the whole population of this Bosnia and Herzegovina’s entity)\(^{25}\), official Banja Luka (with indirect support of official Belgrade) would most probably require an arrangement package with international community that would consequently lead to the proclamation of independence from central institutions in Sarajevo. On the other hand, the Albanian community in Macedonia would have enough arguments to search for a deal with official Skopje for a territorial autonomy within Macedonia for its largest minority group, or for a possible inclusion of territories with Albanian majority into the state of Albania. Though these scenarios are highly unlikely to happen without a sharp reaction from the international community, the likelihood of instabilities emerging from territorial exchanges between Belgrade and Prishtina are more than obvious. In a similar manner, the Croatian community in Bosnia and Herzegovina wouldn’t like to be deprived of the right for self-determination in terms of deciding its own future through the creation of mono-ethnically dominated entity.

\(^{25}\) http://www.rzs.rs.ba/front/category/355/?left_mi=304&add=304
The Serbia-Kosovo territorial deal will create a precedent example that would stimulate nationalistic leaders to justify their irredentist and separatist claims, especially when it comes to fulfillment of alleged national interests of ethnic groups living in countries which belonged to Yugoslav federation. Judging by the common rhetoric and demagoguery of Balkan political leaders seen in the last two decades, scenarios in which these actors would utilize the tectonic changes (caused by the territorial exchanges between Belgrade and Pristina) in favor of nationalistic policies is highly probable. Without the proactive involvement of international community in such circumstances, regional stability would easily slip into an arena where different nationalistic agendas (regardless of their scale) would inevitably confront each other. If the usual (unreasonable) political moves undertaken by Balkan political leaders are considered, it’s unreasonable to anticipate possible outcomes in an environment that is considered to be unstable in terms of security and regional relations. What is certain is that key political actors from this region would exploit any sequence of events in order to achieve nationalistic goals, be they feasible or not.

The lack of institutional and democratic processes and mechanisms within Balkan states which would tackle with repercussions produced by the above-mentioned territorial exchanges, would most probably create deeper divisions within Balkan societies and endanger the relatively stable security situation in this region. Thus, border changes of any type in the region of the Balkans would most probably cause far-reaching, negative effects on regional and stability in the European continent as well. The responsibility for the aftermath of possible territorial changes will completely lie on the will and capacities of the international communities to cope with this issue.

V. Citizen’s views

As part of research conducted when writing this policy brief, NGO Aktiv held focus groups with Serbian residents in areas(s) in and around Gračanica and Šilovo (Gjilan/Gnjilane municipality.) In general, participants articulated a significant level of concern over the potential economic consequences of partition/border correction due to the assumption that it would result in the closure of public institutions financed by the Serbian state. Based on focus groups held in Gračanica on the 29th of August 2018 and in Šilovo on the 30th of August 2018
economic support and that there exit would lead to greatly increased outward migration.\textsuperscript{28}

Perhaps just as important, the presence of these institutions serves as an essential ‘life-line’ or static link to the Republic of Serbia, in the absence of which local residents would feel cut off from Serbia proper. In other words, aside from the provision of material support, institutions financed by the Serbian government also play an important role in local identity.\textsuperscript{29}

Participants also brought into questions problems of perhaps a more existential nature; the views is that partition would have immediate and drastic consequences in terms of the ethnic makeup of municipalities in Kosovo that currently have a Serbian majority\textsuperscript{30} - mainly because of increased outward migration resulting in a decrease in the overall Serbian populace as a result of decreased economic opportunities.

Although residents cited a number of positive experiences with local (Kosovo) institutions, they in general did not feel that Kosovo’s institutional framework is currently capable of protecting their basic civil rights afforded to them under the law. This is reflective of a more generalized distrust of the Kosovo state and is something that feeds into concern over the perceived consequences of any final agreement between Serbia and Kosovo that would involve partition.

\textsuperscript{28} IBID
\textsuperscript{29} IBID
\textsuperscript{30} IBID
VII. Conclusion(s)

- **This is not a territorial exchange but an exchange of population(s)**

  This agreement will result in a large scale migration of Serbs from Kosovo and Albanians from north Kosovo and Preševo. In essence, it will result in more ‘ethnically-clean’ territories for both parties thereby endangering the rights of remaining non-majority communities in both countries.

- **Partition will constitute an unacceptable interruption of centuries of Serbian life in Kosovo and what amounts to a severing of the connection between Serbs (not necessarily Serbia) and Kosovo**

  The Serbian community in Kosovo has been present for over 1,000 years and has survived numerous wars and inter-ethnic conflicts, partition would seriously threaten the continuation of Serbian life and cultural heritage in the territory. An exodus of Serbs from Kosovo may well spell the end for many Serbian enclaves south of the Ibar. The destruction of economic life and the departure of Serbian ‘soft’ institutions (education, healthcare, social welfare etc) from local communities would make life there untenable for local residents, giving them further incentive to migrate to cities in central Serbia and abroad.

- **Partition would result in a lack of imperative for the protection and preservation – legal frameworks would be re-worked to remove current protections granted to members of non-majority communities**

  Partition will remove incentives for the continued protection and preservation of the rights of non-majority communities. A likely long-term result of any agreement involving territorial exchange and the ensuing demographic shifts that would accompany any such agreement would lead to a lessening of positive political pressure on governments to constitutionally enshrine legal mechanism geared at ensuring linguistic equality and political/institutional inclusion in public life.

- **Political crises as a result of necessary legal and constitutional changes**

  Partition would necessitate constitutional changes in both Serbia and Kosovo – particularly in the case of Kosovo, political and social opposition would be high to any amendments that would be viewed as opening the door to territorial/border alterations. This has the potential
to destabilize an already-fragile political situation by introducing new and highly polarizing fissures to public life.

- **Won’t bring peace and sets up a dangerous precedent**

  Although a partition agreement would, in principle, be designed to bring about a lasting peace, the practical consequences would increase ethnic tensions. The newly created dynamics in ethnic relations generated by partition would only serve to endanger the delicately constructed peace achieved after the conflict of the late 1990’s. Although there is no indication that partition would spark a re-ignition of hostilities, the consequences for the legal and political rights of non-majority communities in Kosovo would constitute a threat to improvements in the relationship between Albanians and Serbs.

- **Minority groups throughout the Balkans will become a threat**

  Sensitive as it is, the partition agreed between Belgrade and Prishtina will become a precedent which would entail negative consequences for the region of the Western Balkans. If the multiethnic character of the region is considered, it is clear that the perception of ethnic minorities within its states would be drastically change. Namely, minority communities would instantly become a direct threat to sovereignty of regional states, due to the fact that the former would (possibly) be empowered to seek for a higher level of autonomy or, in the worst scenario case, secession.