



## POLITICS AND NATIONALISMS IN THE WESTERN BALKANS

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## PREFACE

*Ferenc Németh, Editor*

Southeast Europe has always occupied a special place in Hungarian scholarship. Owing to our proximity, historic and cultural ties to the region, Hungarian experts continuously showcased their ability to understand and critically assess the political, societal, and economic developments of the Western Balkans. Surprisingly, this circle of experts—especially young researchers—dealing with the region has seen a major decline in recent years. The Western Balkans, however, has still a lot to offer to experts as there are a plethora of contemporary issues that require comprehensive analysis. It is only through in-depth research that we can explore, address, and—possibly—change the prevailing discourses over the Western Balkans. The lack of interest in the region will only result in false narratives that will further hinder any action aiming at shedding a better light on Southeast Europe.

The aim of this study volume is two-fold. First, it aims at creating a platform for experts from Central and Southeast Europe where they can share their latest research outcomes. It also serves as a platform to include the contribution of dedicated, young researchers. Secondly, this study volume is set to be the start of a series of annual publications concerning the Western Balkans. It is highly important to discuss the region in an academic manner and we are certain these volumes would positively contribute to establishing a new channel for expert-level dialogue about the most pressing issues of the Balkans.

The Institute for Foreign Affairs and Trade (IFAT) not only supports but actively encourages the fulfilment of the above-mentioned goals. It goes without saying that the Western Balkans' path to the EU as well as its stability and prosperity enjoy an overwhelming support from its direct neighbor on intergovernmental and social levels alike. Given Hungary's

strategic foreign policy focus on the Western Balkans, IFAT also places a special emphasis on the region during its day-to-day operation. Our Western Balkans-related events—concerning contemporary politico-economic developments and broader trends—always bring together academics and experts from the EU and the Western Balkans, and our papers and podcasts have been widely circulated among top decision-makers too. Therefore, it is also our responsibility to keep the conversation about the future of the Western Balkans high on the scholarly agenda; this study volume will hopefully contribute to achieving this objective too.

The study volume consists of seven analyses on various contemporary issues with a wide scope of topics ranging from rule-of-law issues, minority representation, military neutrality to bilateral problems. These analyses rightfully prove that there are, in fact, several topics concerning the Western Balkans that ought to be examined from a researcher's perspective. The second part of the volume is based on our “Nationalisms in the Western Balkans” webinar series as authors take a closer look at the underlying identity-related problems of the region. Getting a scholarly point-of-view on how nationalism impacts everyday politics in the Western Balkans only proves the importance of in-depth, scientific research. Throughout these analyses, the reader could obtain a better understanding on the issues the Western Balkans faces nowadays vis-à-vis the articles could be good sources for further research.

# RULE OF LAW IN THE WESTERN BALKANS

*Tibor Ördögh*

**Abstract:** Rule of law is a much-debated concept today, and it is one of the fundamental pillars of any democratic system. When it comes to the countries of the Western Balkans striving to become members of the European Union, it is important to look at the characteristics they have in this respect, and to what extent they meet the criteria for becoming a member state. Due to their particular way of development, there are different de facto political systems functioning within the region, which is an obstacle that also stands in the way of rule of law. This study presents those aspects of the rule of law that clearly demonstrate falling behind other political systems. An independent judiciary, civil liberties, media pluralism, and corruption are all factors that require reform in the examined countries. It may be wise to try and point out the shortcomings of the system along the lines of these aspects.

**Keywords:** rule of law, independent judiciary, human rights, media pluralism, corruption, Western Balkans.

## Introduction

When observing the rule of law in the Western Balkans, one aspect that stands out is the fact that none of the countries meet the requirements of democracy as defined in the Western sense (Orosz, 2019). The countries of the region aim to join the EU, the fundamental requirement of which is ownership of its core values. Today's most prevalent dispute in the EU revolves around the topic of the rule of law, as even the EU member states are struggling to find common ground, although they all still treat it as a top priority.

This study describes the rule of law in the Western Balkan countries to see what challenges it poses in their European integration, and in what ways these countries have been successful in achieving results, and where they still need to make more effort. Although several institutions and organizations issue reports on the individual countries, these do not reflect on one another to a great extent, and some elements that appear in some are missing in others. The study gives an overview of the rule of law in the countries of the Western Balkans and elaborates on the contradictions observed in practice. The following elements are examined: 1) independence of the judiciary; 2) the state of civil liberties and the protection of minorities; 3) media pluralism; and 4) the fight against corruption. Due to limitations of space, a full presentation of the facts is impossible, and therefore brief summaries are presented about the most relevant topics. The Bertelsmann Stiftung Transformation Index, the country-specific opinions of the European Commission, as well as the Nations in Transit and the Freedom in the World reports of Freedom House are used in the analysis.

## Albania

The traditions concerning state-building in Albania have a brief history, going back a century in a country where the twentieth century was interspersed with different dictatorial regimes following one after the other. Examples of truly democratic operation can only be observed in the last thirty years, which is also a period lacking some key features. The tropes of a “Greater Albania, the Kosovo crisis, human trafficking and refugees, pyramid schemes and drug trafficking” (Végh, 2019) have occurred in recent decades, all of which indicate the interruption of the operation of the country. Along the imperfections of state development, the Albanian society has organized itself within a pre-modern framework, with tribes and clans as the traditional basis of societal construct, which is less individualistic. The population of Albania peaked in 1990, when there were 3,286,073 people living in the country. By 2020, this number dropped to 2,877,797 (Worldometer, 2020a). Three reasons have been attributed to the decrease in population: 1) low rate of childbirth, also characteristic of the rest of Europe; 2) emigration due to political instability; 3) economic migration. The economic aspect of democratic transition, the transition

to a free market came as a shock to the economy of Albania. In 1991, the GDP decreased by 28%. In the following two years, the country managed to turn the trend around, but by 1997 a recession of 10% occurred as a result of the collapse of a pyramid scheme (World Bank, 2020a). Following the turn of the millennium, positive figures prevailed, resulting in a 2.2% increase in GDP in 2019.

## Independence of the Judiciary

The creation of an independent judiciary has been at the core of the reform efforts, most of which are supervised by international organizations operating in the field of the rule of law, including the OSCE, the Council of Europe, and the EU (Bertelsmann Stiftung [BS], 2020a). The EURALIUS mission, the goal of which is to develop a more independent, less biased, more efficient, professional, more transparent, as well as more modern judicial system, has been in place since 2005 and is currently in its fourth extension period. The rapid, constant, and persistent institutional transformation has not been able to curtail political patronage, ties to organized crime, and instances of maladministration within the judicial system.

According to the European Commission, the independence of judges and prosecutors needs to be strengthened, and the quorum of the Supreme Court and the Constitutional Court must be guaranteed (European Commission [EC], 2020a). Upon screening the judges and prosecutors, more than 140 dossiers were processed, leading to 88 cases of removals or resignations, with a total dismissal rate of over 60%. This high rate of dismissal has created problems in the judicial system because the number of judges is low (12 for every 100,000 people) in comparison with the European average (21 for every 100,000 people) (Vurmo, 2020).

## Civil Liberties and the Protection of Minorities

Freedom of assembly is usually respected. Protests organized by the opposition parties and civil groups are common. There have been clashes between protesters and the police during some events (Freedom House [FH], 2020a). Due to the atheist state traditions, the possibility of religious groups gaining political influence, even if formally, has never presented itself in the country. The political elite has gradually

accepted the French model of secularism, where the autonomy of religious communities is propagated. As for non-discrimination, the terminology behind the legislation needs improving, and the terms also need clarification. In order for the legal framework of non-discrimination to be implemented, the training of judges and prosecutors needs to be revised. Although the acts against hate speech correspond to international norms, there is a country-wide need for campaigns aimed at raising awareness, and there is much to be done to eliminate hate speech, with special respect to the more remote and rural regions.

When it comes to the equality of men and women, the country has shown little to mediocre progress because the impact of the 2016-2020 national strategy and action plan is falling behind when implementing the branch strategies at the central and local level. With the introduction of, for example, Planned Parenthood services as part of general health care service, and by making modern contraceptives freely available, the availability of contraception has shown improvement (EC, 2020a).

In addition, Roma people experience significant discrimination regarding education, health care, employment, and housing. An act issued in 2010 prohibits discrimination on the basis of race, as well as numerous other categories, including sexual orientation and sexual identity. Furthermore, the 2013 reform of the Criminal Code has introduced protection against hate crime and hate speech based on sexual identity and sexual orientation. However, bias against members of the LGBT community still prevails (FH, 2020a). Hate speech and discriminative linguistic expressions remain a problem in the media, especially online. The national action plan concerning members of the LGBT community, which ended in 2020, has not provided visible outcomes, in part due to insufficient funding. The staff of the police force, prosecutors, and line ministries have participated in training regarding discrimination on the basis of sexual orientation and sexual identity (EC, 2020a).

## Media pluralism

Albanian citizens, organizations, and the mass media in general can express their opinion freely. The constitutional framework in place guarantees freedom of expression, the organization of mass media, and the right to information. The media is highly varied, with each major

political party having their own media outlets. The wide range of media (18 daily papers, 49 radio stations, 47 TV channels, 75 cable TV channels, 5 country-wide commercial multiplexes, and an additional 800 online portals) has been able to improve the transparency of political processes, governmental policies, and maladministration cases (BS, 2020a). However, the concept of plurality is an illusion, as the revenues still end up in the pockets of a handful of groups owned by families that dominate the media market. Even the audience measurement ratings display distorted figures, favouring either of the main media houses of the country, Top Media or Klan. This, on the other hand, has nothing to do with government tampering, but mainly with the post-socialist conditions dominating the media. It is one of the expectations from EU that the transparency of the structure of media ownership should be improved upon, censorship and self-censorship should be rolled back, and sentences should be passed down regarding the violence committed against journalists.

## Corruption

According to the European Commission, in recent years some progress has been made in terms of strengthening the fight against corruption. An action plan containing the measures proposed for the 2020–2023 period has been adopted. Another important step forward were the changes made to the law on financing parties and the electoral law, as well as the adoption of the new law on the management of seized and confiscated assets. The continuous scrutinizing of members of the judicial system and the police force has also produced results in the fight against corruption. The operative capacity of the management of corruption cases is adequate, and the institutional coordination and controlling structures are satisfactory. The proactivity of administrative inspections has improved, owing to the establishment of an anti-corruption work group. Important expectations for the future include from EU: 1) more determined fighting against corruption; 2) further extending the role of the special prosecutor's office, the Albanian National Bureau of Investigation, and the courts handling anti-corruption and cases related to organized crime; 3) improved access for law enforcement authorities to the national electronic records (EC, 2020a).

According to a report published by Freedom House, there has been little progress in the fight against corruption, has been overshadowed by the digitization of points of single contact, the investigation of suspicious partnerships between the public and the private sector, and unsuccessful investigations into suspicions of high-level corruption cases (Vurmo, 2020). The Albanians themselves are sceptical of prosecutions against corruption cases (6 out of 10 people surveyed do not have faith in the investigations going into lower-level incidents of corruption, while for higher-level cases, 7 out of 10 people have the same opinion). Furthermore, the majority of Albanians believe that lower-level as well as higher-level corruption cases are widespread in Albania (87.5% and 85.2%, respectively).

## **Bosnia and Herzegovina**

Bosnia and Herzegovina was only successful in preserving its independence through an armed conflict, which meant a great loss of life, as well as severe economic losses. The functioning of the country (or lack thereof) was set down in the Dayton Agreement of 1995 and is in effect even today, creating a complicated system based on a balance between the three founding ethnicities (Kemenszky, 2019). The population of the country exceeded 4 million in 1976, reaching 4.5 million in 1990. Owing to the war, however, close to 800,000 people were either forced to leave the country or lost their lives. In the 2000s, the population size seemed to stabilize, but starting from 2010, it started to decrease once again. By 2019, the number of citizens dropped to 3.3 million (Woldometer, 2020b). The ratio of different communities has also shifted, making the Bosniaks the most populous group, with Serbs and Croats decreasing in number. All of this has generated social unrest, not to mention the differences impacting the functioning of the state. When it comes to the economy of the country, it is difficult not to see the weight of international aid following the war, given the increase in GDP reaching 88% by 1996 and stabilizing around 5% by the end of the decade. The financial crisis of 2009 caused a recession of 3% within a single year, stabilizing once again at an increased rate of 2-3% (World Bank, 2020b).



## Independence of the Judiciary

The judicial system in Bosnia and Herzegovina has multiple administrative levels: the two entities as well as the Brčko District have their own independent judicial systems. This, paired with the 10-canton judicial system of the Bosniak-Croat part of the state, has resulted in a complex and ineffective system that does not have clear separation between its jurisdictions. Moreover, the courts are under political pressure (Brezar, 2020). The independence of the justice system and the prosecutors is guaranteed by the High Judicial and Prosecutorial Council of Bosnia, established in 2006 (Bertelsmann Stiftung [BS], 2020b). The 2018 report of the human rights ombudsman concluded that although prison conditions had improved in comparison with earlier years, the issue of overcrowding was still present in the Sarajevo Canton. The greatest issue of recent years has been the Serbian entity and its opposition to the central level, during which legal certainty was being jeopardized.

## Civil Liberties and the Protection of Minorities

The anomalies surrounding the regulation of the right of assembly pose a serious problem in the Serb entity. It is common for people going into the streets to protest the government's measures to be subject to political intimidation, and at the same time to be condemned by the pro-government media outlets. The law on public order was modified in 2019, and protest movements in the vicinity of government institutions were banned. However, due to international pressure, this was later modified (BS, 2020b). Laws on freedom of assembly must be harmonized with European requirements, with special respect to the areas of restriction and responsibility. In July 2020, the Brčko District adopted a law on the freedom of assembly, which is mostly in line with European standards (European Commission [EC], 2020b).

In Bosnia and Herzegovina officially there is a clear separation between state and religion; in practice, however, religious communities play an influential role in public as well as political life. Apart from some exceptions, religious leaders still emphasize their presumed disadvantage instead of preaching inter-religious (and inter-ethnic) religion, tolerance, and understanding (BS, 2020b). Vandalism at religious sites also occurs in the country (Freedom House [FH], 2020b).

Although it is a widespread phenomenon, mostly against members of the Roma minority, discrimination against minorities is not allowed. In the Serbian entity, Bosniaks and Croats struggle regarding access to social services. Those who returned to their homes following the war have faced discrimination in the fields of employment and housing in regions where their ethnic group is part of the minority (FH, 2020b).

Women are legally entitled to full equality with men. In practice, however, they encounter discrimination in the workplace. The country has an action plan for the 2018-2022 period, but women are still underrepresented both in politics and in public life. Achieving wage parity is still pending because women are paid 78-85% of the salary given to men. Differences in the management of maternity, paternity, and family leave prevail in the individual entities and cantons, resulting in a fragmented system (EC, 2020b).

During the course of 2018 and 2019, more than 50,000 migrants and asylum-seekers arrived in the country, a considerable increase compared to 2017. While the majority had plans to move on to another country, a contingent of 8,000 people was stuck in the Federation, most of whom lacked housing and core services during their stay in the country. This fact was due to the already limited capacities of the authorities becoming overburdened. There was an increase in violent acts between migrants and local communities around camps.

Members of the LGBT community have suffered discrimination, bullying, and occasional physical attacks, and the authorities often do not have the ability to properly investigate and prosecute cases. The country is yet to adopt an action plan for the handling of the issue. In 2019, steps were taken towards the harmonization of hate crimes committed on the basis of sexual orientation and sexual identity in the Criminal Code. There is a lack of legal recognition of the economic rights of same-sex couples, including the right to family life (EC, 2020b).

Roma people are the most vulnerable and most disadvantaged of all the minority groups. According to the EU their social inclusion requires an overall and integrated approach based on reliable data. In order to successfully implement the 2005 action plan, there is a need for adequate funding. With respect to housing, the legalization of illegal settlements is on the way. Discrimination in employment is widespread, and the unemployment rate is very high among the Roma. The rate of mandatory

schooling has grown, but the number of early school leavers is still very high. There are no segregated classes or schools. About one-third of the Roma people benefit from health care services (EC, 2020b).

## Media pluralism

The country has not made progress regarding the assurances made in terms of the freedom of expression, i.e. cracking down on threats and violence against journalists and media employees. Political influence on the public programmers still prevails, partly due to financial dependence. The legislation at the level of the entities still has not been adapted to the federal regulations (EC, 2020b).

The supercharged market of Bosnia and Herzegovina still poses a great problem to the media sector within the country, where several media businesses depend on public contracts rather than commercial funds. Beyond the pressure coming from the editors and political actors, journalists are also vulnerable to increasing levels of violence, including physical attacks. Furthermore, the unending crises regarding the operation and management of public service broadcasters are still awaiting a resolution.

There are 8 daily papers, 7 news agencies, more than 100 printed weekly and monthly magazines, 32,102 television stations with authorization for national operation, 149 radio stations, and hundreds if not thousands of online news portals. In this small, uncompetitive market several businesses still heavily depend on public funding, and therefore have a tendency to succumb to political pressure: in return for receiving public funding, there is a political favour to be returned somewhere down the line. In Bosnia and Herzegovina the online media has been struggling to cope with the increasing amount of disinformation, spread mainly through portals the proprietary status and editorial structure of which is unknown (Brezar, 2020).

## Corruption

Corruption in the country is an enormous problem, and the state is light on combatting it. Continued anti-corruption activities have mostly been carried out by non-governmental organizations and various media outlets, while government institutions steer clear of showing any sort

of interest or desire to handle this long-standing and widespread issue. The anti-corruption legislation among the various layers of governments has remained non-harmonized. Thus, the available anti-corruption mechanisms are ineffective at best, irrespective of the lack of political willingness. Prosecutors and judges tend towards undertaking low to medium-level cases, while high-level corruption still remains the main challenge (Brezar, 2020). In 2019, 51 cases of corruption were prosecuted, out of which 13 were finalized, with another 76 persons prosecuted (68 natural and 8 legal persons) submitted to the respective prosecutor's office. A total of 181 indictments were made countrywide, which meant a decrease of 3.8% compared to 2018; there was a total of 221 convictions, the bulk of which were suspended sentences. The majority of the decisions were made public due to administrative or official misconduct (EC, 2020b).

## North Macedonia

North Macedonia gained independence in 1991, which marked the beginning of the process of state and nation building. The last 30 years have been defined by political debates surrounding the forming of the Macedonian identity, leading up to numerous national as well as international conflicts (Braun, 2019). The name dispute with Greece reached its conclusion in 2019, when the parties managed to agree on the official use of the prefix "North", until which point Greece had hindered the full integration of their neighbouring country into international organizations. The internal handover of power has made the political structures of the country unstable today, a central element of which is the attitude towards the Albanian minorities. Ethnic tensions between Macedonians and Albanians turned into an internal armed conflict in the early 2000s, creating a quasi-civil war situation, which was settled under international pressure by the 2001 Ohrid Agreement.

There has been a slow but steady increase in the population of the country. Subsequent to the stagnation period of the 2000s, the most recent decade has produced growth, leading up to a population in excess of 2 million (Worldometer, 2020c). When it comes to the demographic indices, it is important to note that there is a significant economic migratory tendency from North Macedonia to Western Europe, which is counterbalanced

by the high fertility rates of the Albanian community. The economic performance of the country resembles a rollercoaster. Upon gaining its independence in 1991, the country underwent a period of recession that lasted four years, which they managed to leave behind by 1996, then relapsing into another 3% drop in 2001. The country recovered from the economic crisis in 2013. Since that time, it has shown a positive yet unsteady performance; in 2019, North Macedonia reached a 3.5% increase in GDP (World Bank, 2020c).

## Independence of the Judiciary

The judicial system of North Macedonia remains prone to unjustified political influence, which is also demonstrated by the lack of substantive progress made regarding the political scandal connected to the “wiretapping case” (Yaneva Gate) that was linked to the former government of the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (*Внатрешна македонска револуционерна организација – Демократска партија за македонско национално единство*, VMRO-DPMNE). Some of the key figures of the case, accused of abuse of power, corruption, mass surveillance, and other infringements, have either fled to avoid prosecution (e.g. former Prime Minister Nikola Gruevski), or the indictments were prolonged in the lengthy legal procedures (e.g. in the case of Sasho Mijalkov, head of the Secret Service). The Special Prosecution (SJO), the institution delegated to look into the case, ceased its operations due to its involvement in an “extortion scandal”. Moreover, at the end of 2018, the parliament adopted a decision providing amnesty to some of the persons involved in the unrest in parliament that erupted in April 2017, which further eroded the trust invested in the justice system. In March 2019, the Criminal Court in Skopje made its final decision in the case of the unrest in parliament. 16 people in total were convicted, including Mitko Chavov, former Minister of Internal Affairs, who received 18 years in prison for “threat of terrorism”. Almost all the people convicted received a minimum of a 10-year prison sentence.

Furthermore, an “extortion scandal” took place with the involvement of Bojan Jovanovski, a TV personality, and Zoran Mileski, his companion, who were both accused of extorting money from businessman Orce Kamcev for helping Mileski escape imprisonment in a case that special

prosecutor's office oversaw. Katica Janeva, head of SJO dealt with the case very speedily and had Jovanovski and Mileski arrested. As a result of the extortion scandal, the SJO handed over all of its cases to the prosecutor's office, and it terminated its operation in 2018.

The implementation of the government's strategy for the reform of criminal justice has been reviewed for its criminal justice reforms by the Blueprint Group, who found that the adoption of amendments was generally transparent, but the deadlines were not met. Despite having an prominent place in the reform plans, no agreement was made between the ruling party and the opposition parties regarding the new Law on Prosecutors (Bliznakovski, 2020).

## Civil Liberties and the Protection of Minorities

Freedom of assembly is respected in the country. Nonetheless, protests sometimes take a violent turn, seeing conflicts between the police force and the protesters. Several civil organizations used to actively participate in the protests against the VMRO-DPMNE government and Prime Minister Nikola Gruevski. The Gruevski government made several attempts to exert pressure, which lessened following the change of government. In a June 2017 working plan the new government declared its intention to treat civil society as equal partners, as well as its intention to step up against hate speech, assault, and political pressuring (Bertelsmann Stiftung [BS], 2020c). In June 2018, protests in Skopje against the Prespa agreement took a violent turn, marked by the police shooting teargas and grenades into the crowd of people demonstrating, in order to break them up. On the other hand, the first Pride march was held in Skopje in June 2019, and the event went off peacefully, although the conservative religious and nationalist groups objected to it (Freedom House [FH], 2020c).

The separation of state and church is on its way in accordance with the law, although in practice the religious communities show inequalities in that the Macedonian Orthodox Church and the Islamic religious communities are in a more favourable position. Some high-ranking Orthodox religious figures supported the protests launched by the VMRO-DPMNE in early 2017. Some bishops even supported the boycott of the referendum of 2018 on changing the country's name, although the official stance of the

Orthodox church was that citizens are politically mature and can decide on their own (BS, 2020c). Islamophobia is present in the rhetoric of politicians as well as in civil discourse, primarily aimed at the Albanian ethnic community (FH, 2020c).

The anti-discrimination act of 2010 does not prohibit discrimination on grounds of sexual orientation or sexual identity, and an anti-LGBT sentiment is present everywhere. In August 2019, Prime Minister Zaev faced public outrage after using homophobic language in his response to a question regarding corruption allegations made by the special prosecutor. Two years ago, an attack on an LGBT activist was carried out by two perpetrators. Online hate speech is widespread, and derogatory terms are commonly used in social media (European Commission [EC], 2020c).

The laws prohibit sexual harassment in the workplace, but the problem still remains. The Albanians struggle with discrimination in the field of employment, and there has been an intensified of anti-Albanian sentiment in recent years. In 2019, the Social Democratic-Albanian parliamentary majority passed a law on the use of the Albanian language, making Albanian an official language of the country, in addition to Macedonian. The right-wing president of the time refused to sign the law, so the Speaker did so instead, which is still debated by the right-wing opposition. Members of the Roma community face employment issues and other forms of discrimination (FH, 2020c). The government has increased the funds allocated to the integration of Roma people, but the utilization of these sources is inefficient (EC, 2020c).

## Media pluralism

When looking at the media in North Macedonia, political influence has decreased, and the objectivity and credibility of the news has increased compared to the period under the governance of VMRO-DPMNE. These changes were clearly visible in the election campaign. Unlike earlier campaigns, most privately owned electronic media, as well as public service broadcasters abstained from communication, with a biased political backdrop. Furthermore, many journalists and media workers continue to face low wages as well as precarious employment, without basic social security and benefits. The media

still has not been able to gain the confidence of the general public. According to a 2019 survey carried out by the Balkan Barometer, only 25 percent of respondents agree with the statement that the media is free from political influence.

Verbal threats and physical violence against journalists continue to be prominent. The Macedonian Association of Journalists has demanded action and the investigation of the atrocities. The presence of fake news also poses problems. The amount of misinformation and disinformation has increased significantly. The government is working to eliminate fake news and has prepared the first action plan to combat misinformation (Bliznakovski, 2020).

## Corruption

In North Macedonia, the fight against corruption is anything but successful. New legislation on corruption, incompatibility, and public procurement has been adopted by the Parliament, and a new State Commission for the Prevention of Corruption has been appointed. However, the Committee lacks the staff and financial background needed to carry out its work.

Former President Gjorge Ivanov was prosecuted for improper military appointments, although he was later acquitted of the charges. Legal proceedings were also instituted against Prime Minister Zoran Zaev, Deputy Prime Minister Kocho Angjushey, and Minister of Administration Damjan Manchevski, who were all charged with corruption and nepotism.

In connection with the extortion case, the government set up a high-level anti-corruption ministerial group as a coordinated approach to fighting organized crime and corruption in 2018. In the end, the panel did not meet, so there were no results to show for (Bliznakovski. 2020).

## Kosovo

Kosovo had taken a rather bumpy road until unilaterally declaring its independence in 2008. The war in Kosovo in 1998-1999 appears to have caused lasting wounds for the society, and the disorganization in Kosovo's relations with Serbia has also affected its international recognition



(Reményi, 2019). The parallel institutions created in the 1990s were replaced in 1999 by a system of international administration, which passed its role over to Kosovo's political institutions in 2008. However, the country is characterized by frequent political instability, which weakens governance. In terms of population, it is a continuously growing community, which saw an increase in its population until 1997, followed by a time of war that led to approximately 300,000 people escaping from the region. Another period of slow increase ensued, totalling in under 1.8 million people (World Bank 2020d). Similarly to the situation in Bosnia, in Kosovo it was the reconstruction that distorted the real value of the GDP increase, and by the end of 2002 caused a minor recession in the economy. Later on, a stable positive range was successfully maintained, resulting in an increase of 4% in 2019 (World Bank, 2020e).

## Independence of the Judiciary

In recent years, the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC) have taken steps to guarantee the rule of law and the independence of the judiciary. The KJC has set up a special division of the Pristina Court of Appeals and the Court of Appeal, with the sole aim of combatting organized crime throughout Kosovo. The board has appointed 37 new judges and 12 new prosecutors. A new law on the Kosovo Prosecutor's Council was adopted, which has increased the composition of the council from 9 to 13 members. The Ministry of Justice has been excluded from participation in the council and determined the competence of the chairman of the council. The Kosovo judicial system has been criticized by the International Notary Association and the German Federal Chamber of Civil Law Notaries for all of these actions (Loxha, 2020).

The independence of the judicial system continues to be undermined by political influence. The appointment and promotion of the judges is weak, as judges are not solely promoted on the basis of professional criteria. The government draws up the budget for the courts, thus creating dependency.

There are problems of discrimination against minorities, delays, and the overburdened courts are dealing with an enormous backlog. According to the 2015 Brussels Agreement, the Northern Kosovo courts need to

be integrated into the Kosovo judicial system. Furthermore, the ethnic proportions must be taken into account in the composition of the prosecution (Bertelsmann Stiftung. [BS], 2020d).

## Civil Liberties and the Protection of Minorities

Freedom of assembly is generally respected, but from time to time demonstrations are restricted for security reasons. In recent years, several demonstrations have been held without incident (Freedom House [FH], 2020d).

The constitution defines Kosovo as a secular state. Islam is the dominant religion, the adherents of which make up 88-94% of the population, according to various estimates; the rest of the population is mostly Christian, predominantly Serbian Orthodox. Islam in Kosovo is moderate and syncretic, with elements from Christianity. Public wearing of the hijab has been banned. Some observers claim that hard-line Islamist clerics and Islam fundamentalist interpretation have gained influence in the country. The Serbian Orthodox Church pursues a hard-line conservative rhetoric but has virtually no political influence outside the Serbian community (BS, 2020d).

The legislation and the institutional mechanisms for equality between women and men are in line with international and EU standards. Despite the institutional efforts, women continue to face discrimination in the workplace, as well as difficulties in accessing proprietary rights and justice. Women are underrepresented, especially those in decision-making positions, in the private sector, and in public institutions. Civil society organizations continue to play a critical role in promoting the rights of women and gender equality. The Gender Equality Strategy (2020-2024) was adopted in May 2020 (European Commission. [EC], 2020d).

Members of the LGBT community are facing social pressures because of their sexual orientation or to conceal their gender identity, and they are also facing obstacles when trying to effectuate legal changes to their gender (FH, 2020d). The constitution also protects the community against legal discrimination. A new action plan has been adopted for the period 2019-2022, and a new LGBT action committee was also set up in January 2020, which operates with the involvement of civil society (EC, 2020d).

Kosovo has well-established mechanisms to protect and secure the rights of minorities at the central and local levels. The country have the right legal framework and the right strategies, as well as the actions needed to implement the plans. However, insufficient inter-institutional coordination at the central and local levels continues to undermine the effectiveness of services and compliance with the applicable legislation (EC, 2020d). Roma, Ashkali, and Gorani people in Kosovo are discriminated in education, employment, and access to social services. Attacks on Serbs were once common in Albanian territories, and the perpetrators were rarely prosecuted, although such events have become less common in recent years (FH, 2020d).

## Media pluralism

There has been no change in the legal framework governing the Kosovo media sector, which provides the highest level of protection in the region regarding the freedom of expression. Kosovo's media market is quite diverse, with 19 TV stations, 85 radio stations, 87 media providers, and an ever-expanding digital sector. Of the 19 television stations licensed by the Independent Media Committee, 2 are national, 11 regional, and 5 local, while Kosovo Radio Television (RTK) is the public service broadcaster. In terms of linguistic diversity, 14 TV stations broadcast their programs in Albanian and 5 in Serbian, while some broadcast in other minority languages. Similarly, there are 54 radio stations in Albanian, 22 in Serbian, and 9 in the remaining minority languages, including a multi-ethnic radio.

Parliament has failed to pass amendments to the law on public service broadcasting, which would have provided a solution for the independent financing of RTK. The appointment of a new CEO was also seen as political pressure and not a merit-based decision. The European Commission has criticized the public service broadcaster for being politically influenced, lacking professionalism, and using a non-transparent recruitment procedure (Loxha, 2020).

Journalists reporting on radical Muslim groups have received death threats. Although Parliament passed a law on the protection of journalists in 2014, (BS, 2020d), according to the Association of Journalists, there were 13 verbal attacks and three physical attacks against journalists in 2019 (EC, 2020d)

## Corruption

Corruption has become a persistent social norm in Kosovo, despite modest institutional initiatives already having been established. The Anti-Corruption Agency regularly develops and updates the anti-corruption strategy, although its action plan has never been implemented in full. In addition, a number of anti-corruption laws have been enacted over the years, but they have always had implementation problems.

Corruption scandals involving senior officials are an ongoing item on the agenda. The special prosecutor's office has already proposed the suspension of the payment of pensions in the case of war veterans who are involved in ongoing corruption investigations, until their affairs are properly investigated and closed. In March 2019, the Basic Court of Pristina rejected this proposal. As a result, the state continues to pay financial contribution to more than 20,000 veterans. Corruption efforts with some former ministers continued which, however, are often politically influenced. Two judges and one police officer have been arrested on charges of corruption, as well as maladministration and bribery charges. Between June and December 2019, the Basic Courts delivered convictions in only 53 corruption cases out of a total of 340 (Loxha, 2020).

According to the European Commission, it will require particular attention to the efficiency level of confiscation orders; the Code of Criminal Procedure must be reviewed, with special attention to the regulations pertaining to the suspension of corruption cases; and the control and sanctioning of the financial statements and campaign expenses of political parties must be guaranteed (EC, 2020d).

## Montenegro

Montenegro only gained its independence in 2006, and in recent decades it has been considered “a brother” nation of Serbia. The democratic transformation was led by the elite, which in the last 30 years has been affected by the governance of the Democratic Party of Socialists and its perception of politics by its leader, Milo Đukanović. In terms of its population, Montenegro is a positive example of a country that has a very slowly yet constantly growing population. The greatest decline in

population was seen in the early 2000s (losing about 10,000 people), while today the population stands at 628,066 (Worldometer, 2020d). The largest decline in the country's economic performance happened in 1999, when, as a result of war sanctions, Montenegro plunged into a 9.4% recession. The gradual rise in growth turned into a loss due to the 2009 crisis, and they experienced a fall of 5.8%. The initial solutions were unsuccessful because in 2012 Montenegro once again achieved an overall reduction of 2.7 percentage points of the GDP, although it later managed to turn the curve positive. In 2019, a 3.6% performance increase was achieved (World Bank, 2020f).

## Independence of the Judiciary

Judicial reform began in Montenegro 18 years ago, after the declaration of independence and the adoption of a new constitution, but with a number of strategies Montenegro still has not established mechanisms for a fully effective and independent justice system. The constitutional amendments introduced in 2013 forced them to face the obstacles to its implementation in 2018. However, not enough effort has been made to ensure the independence of the Judicial Council and the Council of Prosecutors (Bertelsmann Stiftung (BS], 2020e). Montenegro also needs to take steps towards the improvement of alternative dispute resolution (European Commission [EC], 2020e), and human, financial, and infrastructure management needs further strengthening.

The government's "Strategy for the Reform of the Judiciary 2019-2022" continues the decades-long reform of the judiciary process. The new strategy focuses on the implementation of Chapter 23 of the *acquis*, relating to justice and fundamental rights. However, no change has taken place in the legal framework of the justice system. The mandate of the Judicial Council expired in 2018, and the opposition's partial parliamentary boycott has prevented new members from being elected. Although the Attorney General's term of office ended in October 2019, he remained in office and got involved in a corruption case. The Supreme Court has given dubious legal guidance to lower courts, instructing them not to rule in administrative disputes or civil proceedings relating to the appointment or exemption of civil servants (Nenezić, 2020).

In recent years, results have been achieved in the area of judicial transparency. The courts have their own websites, where information is published on scheduled negotiations, court decisions, annual work reports, and other documents of public importance.

## Civil Liberties and the Protection of Minorities

In 2016, Parliament passed a new law on public gatherings to clarify, among other things, the obligations and responsibilities of the state in relation to the maintenance of public order. However, the Ministry of the Interior has also announced amendments to the law that would ban the organization of public gatherings in front of the parliament building, which has been widely criticized. The authorities have the prerogative to temporarily restrict the freedom of assembly for the purposes of preventing criminal activity or threats of crime, protecting people's health, morals, or safety (BS, 2020c). While citizens in general enjoy the right to freedom of assembly, the authorities have tried to restrict protests organized by the Democratic Front, at times turning them violent. The 2019 demonstrations took place peacefully, with no incidents of violence due to attempts at repressing the protest, but the DPS-controlled media have often deemed these protests "anti-state" (Freedom House [FH], 2020e).

The state is largely secular, and religious dogmas have limited influence on politics and decision-making. However, some religious leaders also comment on political issues and constantly strive to exert political influence. A total of 21 religious groups are recognized in the country. The adoption of a new law on religious freedom has been postponed several times. After failing to organize public hearings on the bill, the government withdrew its first proposal in 2015. In January 2019, the government published a new proposal, focusing on churches needing to prove that they owned their property before 1920, before Montenegro joined the South Slavic Kingdom. It was believed by some that this was another element of Montenegrin identity framing, where the assets of the Serbian Orthodox Church were to be transferred to the Orthodox Church of Montenegro (BS, 2020e). In December 2019, roadblocks and protests took place after the adoption of the bill (FH, 2020e). In the fall of 2020, the new government initiated the repeal of the law.

The Gender Equality Index Methodology was first used in 2019, with Montenegro scoring 55, well below the EU average of 67.4. Women are still underrepresented in the labour market, in entrepreneurship, in political decision-making, and politics in general. In May 2019, the government adopted the Beijing Declaration and a report on the implementation of the action platform. In December 2019, Parliament adopted a new labour law aimed at bringing national legislation in line with EU directives (EC, 2020e).

In 2019, the government adopted a national strategy for 2019-2023, aimed at improving LGBT individuals' quality of life. The Ministry of Human Rights signed an agreement with twenty municipalities to combat discrimination based on sexual orientation or gender identity. After two unsuccessful votes, Parliament adopted the government review of the law on cohabitation, creating legislation governing the registered partnership of people of the same sex. The management of hate crimes and hate speech remains a problem, as well as the reporting, investigation, prosecution, and proper sanctioning of such cases (EC, 2020e).

Roma and Ashkali people, as well as Egyptians and other minority groups, face discrimination, especially in the fields of employment, housing, and education (FH, 2020e).

## Media pluralism

The media is generally free to judge the government. However, attacks against journalists and media assets are common, and these crimes often remain unsolved. Journalists therefore do not feel completely safe in exercising their freedom of expression. Most press outlets have tax and other debts. Montenegro has 56 radio stations, 19 TV channels, five daily newspapers and one weekly newspaper, a news agency, and 35 registered online portals. The average salary in the media is lower than the national average salary. The size of the advertising market is estimated at EUR 12-13 million, EUR 2-3 million of which comes from advertisements by state and local authorities, as well as state-owned companies (BS, 2020e).

The key feature of the Montenegrin media community is strong political polarization. The institutional framework is provided by the Self-Regulatory Local Press Council and the Media Council for Self-Regulation. Some media organizations have also set up a media ombudsman to implement

the Code of Ethics for Journalists more efficiently. The media tends to work hand in hand with certain political parties, which is especially evident during election campaigns. In the first half of 2018, the civil members of the council of the Public Service Broadcaster (RTCG) were removed by the decision of the Anti-Corruption Agency, citing a conflict of interest. In 2017 and 2018, seven attacks against journalists and media assets were registered by civil society organizations, the investigation of which has not taken place to this day (BS, 2020e).

## Corruption

In Montenegro, the Anti-Corruption Agency's capacity building activities and technical infrastructure has been developed successfully. However, challenges remain with respect to its independence, priority setting, approach, and quality of decisions. Corruption remains widespread in many areas. Strong political will is needed to effectively address this issue and create a strong judicial response to high-level corruption involving politicians (EC, 2020e).

Montenegro has so far failed to show convincing results in the fight against corruption, especially in the fight against high-level corruption. Several scandals in the past have undermined the rule of law and shown the lack of political will to eradicate and prosecute corruption, as well as prosecuting those responsible. Of the five new members of the Anti-Corruption Agency, three are pro-government affiliates, which also undermines its independence.

Many potential high-level corruption cases have been ignored by the Agency. For example, President Đukanović was charged with possession of unexplained assets and violation of the corruption prevention law, when photos surfaced showing him wearing watches worth EUR 1.5 million (USD 1.62 million). The agency ignored the fact that the president did not list these in his official report (Nenezić, 2020).

## Serbia

Serbia's state and national development goes back several centuries, but a real democratic state was only established at the end of 2000. In the last twenty years, democratic values in the newly designed system could develop only in light of how they correspond to the ruling political elite.



Reaching a level that is still in the category of unconsolidated democracy has been a result of a slow progress because individual politicians' ideas have been more important than catching the nation up to the West (Ördögh, 2019). Serbia's population was the largest in 1995, reaching almost ten million people, driven by the population fleeing and relocating to the mother state as a result of the war. After this, however, by 2019 the population gradually dropped to 8,737,371 (Worldometer, 2020e). This population decline has had the same three causes here as in Albania: 1) low childbirth rates, which is typical for Europe; 2) emigration due to political instability; and 3) economic emigration. The country's economy was almost annihilated by the wars of the 1990s, reaching its lowest point in 1999, when the country experienced a 9.8% recession, along with hyperinflation. In the 2000s, the economy was restored with the help of foreign aid, but the crisis of 2009 again led to a reduction in performance, and it subsequently became unpredictable. A positive direction has successfully been achieved from 2015 onwards, achieving a 4.2% GDP growth by 2019 (World Bank, 2020g).

## Independence of the Judiciary

No significant progress has been made regarding the reforms to improve the efficiency and independence of the judiciary in Serbia. Despite the rhetorical commitment to reforming the judicial system, especially in the context of the EU accession process, lack of independence and professionalism remain the greatest problems in the Serbian judicial system (Damjanović, 2020).

The adoption of constitutional amendments has been criticized in this area, as the clauses adopted give Parliament a decisive role in filling the positions of the Judicial Council, and there is a lack of guarantees for the independence of the future Academy of Justice. The Academy, controlled by the government, would in fact become a means for government parties to control judicial appointments. One major problem that remains is exposing judges to political pressure, while another concern is the self-censorship of prosecutors.

According to the European Commission, 1) the independence of the judiciary and the autonomy of the prosecution needs to be strengthened; 2) it is necessary to amend the constitution and the legal provisions attached to this area; 3) it is necessary to change the laws pertaining to

the Supreme Justice Council and the State Prosecutor's Office; and 4) a human resources strategy for the entire justice sector must be accepted and implemented (European Commission [EC], 2020f).

## Civil Liberties and the Protection of Minorities

Freedom of assembly is guaranteed by the constitution, and these rights are generally respected by the government. In February 2016, Parliament passed a new law on public gatherings, which has made a difference especially in connection with opportunities for legal remedy. However, civil society organizations have also criticized the new regulation. During the "Protests against the dictatorship" in 2017 and the mass protests called "One in five million", which have taken place since December 2018, police and prosecutors have tried to arouse fear, with public servants afraid to attend these events because they were afraid of losing their jobs (Bertelsmann Stiftung [BS], 2020f).

Serbia defines itself as a secular state. The Serbian Orthodox Church often tries to exert political influence and even act as a moral and political arbitrator. It strongly criticizes the independence of Kosovo, marriage between same-sex couples, abortion, and the protests by opposition parties criticizing the government. The Church also implicitly supported the historical role of the royalist Chetnik movement during World War II (BS, 2020f).

Legal safeguards for socially vulnerable groups are weak in Serbia. Women are entitled to equal pay for equal work under the law, but this rule is not observed widely. The Commissioner for the Protection of Equalities has drawn attention to the fact that women's socioeconomic situation is significantly worse than that of men. In March 2019, the UN Convention on the Elimination of All Forms of Discrimination recommended Serbia to take measures to eliminate gender discrimination and violence against women (EC, 2020f).

The Roma minority is particularly disadvantaged in terms of employment, housing, and employment due to the discrimination in education. Members of the LGBT community are still facing hate speech, threats, and even physical violence, and the perpetrators of such crimes are rarely punished despite hate crime and discrimination

laws already being in place (Freedom House [FH], 2020f). Through an amendment to the Act on Registration of Birth, it has also become possible to record gender reassignment in official documents (EC, 2020f).

## Media pluralism

Serbia's new media strategy came into force in January 2020, but the implementation of the new document has not yet begun, and no progress has been made regarding the improvement of freedom of expression, either. Threats and violence against journalists continue to be a matter of concern. The unhindered exercising of freedom of expression needs to be strengthened further.

As for the media monitoring of the election campaign, according to the findings of OSCE, the newly established commission of inquiry in Parliament, the regulatory authority as well as the Regulatory Authority of Electronic Media (REM) remained passive (CRTA, 2020). The OSCE has also found that most TV channels and newspapers with nationwide coverage promote the policies of the governing parties. The few media outlets that offer to communicate alternative views are limited in number and do not serve as effective counterbalance (EC, 2020f).

## Corruption

Although the current governing parties came to power in 2012 and promised to combat corruption in Serbia, the problem has only worsened in the years since. Even though there have been some improvements in the legal framework for the fight against corruption in early 2019, no significant progress has been made in implementing it. On the contrary, the existing national anti-corruption strategy expired at the end of 2018, and the fact that no new strategies have been created ever since is clear evidence that the fight against corruption is not a priority for the government. The report of European Commission in 2020 also found that the adoption of anti-corruption legislation, along with other measures, has failed on many occasions, all of which is indicative of a lack of political will to address the issue.

Transparency International's Corruption Perceptions Index (CPI) also indicates a deteriorating situation. While in 2016 Serbia was ranked 72<sup>nd</sup> in the world (1<sup>st</sup> place for least corrupt and 176<sup>th</sup> place for most

corrupt) and scored a total of 42 (0 for very corrupt and 100 for very clean), in 2019, Serbia was ranked 91<sup>st</sup> in the world, with a score of 39.71. This is the country's lowest global ranking since 2006 (Transparency International [TI], 2019).

As in previous years, a number of corruption scandals have shaken Serbia, but most dwindled away without serious investigation and prosecution. These cases include the one of Predrag Mali, brother of Minister of Finance Siniša Mali. Another scandal was the network of links between Hungarian and Serbian companies that had close ties to the circles of Viktor Orbán, Aleksandar Vučić, and Ana Brnabić, which won parts of major contracts for street lighting. A third case of suspected corruption may have taken place in the state-owned Krušik weapons manufacturing plant. Minister Nebojša Stefanović may have used his influence to have Krušik offer weapons for export to a privately owned company that happens to be owned by his father (Damnjanović, 2020).

## Conclusion

Overall, every state in the Western Balkans is struggling with gaps in the area of rule of law. The legal regulations are controversial, and their practical implementation falls short of expectations.

- 1) Political influence is commonly practiced to curb the independence of the judiciary, and the appointment of prosecutors and judges often results from political bargaining. In addition, the financial autonomy of the judiciary is also undermined.
- 2) The regulation of civil liberties is adequate, but there are obstacles to the exercising of rights. The right to assemble is guaranteed everywhere, which is mostly respected by the governments. However, physical violence is commonplace, and there is a lack of a culture of peaceful protests. Various groups are facing discrimination. Equality for women is not guaranteed, and women are limited in several areas. The LGBT community is often subject to hate speech, and its members' rights do not meet European standards, either. Minorities are often excluded from employment, housing, or education.

- 3) In most states, the media is pluralistic, with the appropriate institutional framework. However, they are struggling with the influence of the political sphere, which is visible in the public sector market. Balanced information is not presented either, resulting in the predominance of governing parties.
- 4) The fight against corruption is the most significant problem in the region, as the established institutions do not have adequate human and financial resources. Each special prosecutor's office finds itself bumping into walls due to the scarcity of resources on a regular basis. Thus, the investigation of high-level corruption and accountability is pending in all the examined countries, and politicians in governing parties are becoming untouchable. Although society is aware of the presence of corruption, its elimination still awaits action.

In their rhetoric, individual governments consider the rule of law important. However, in practice it is not treated as a priority, aside from the adoption of action plans. As long as this remains unchanged, real results cannot be expected.

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# MOVEMENT FOR RIGHTS AND FREEDOM: BULGARIA'S TURKISH MINORITY PARTY

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**Abstract:** This paper describes the political trajectory of the Movement for Rights and Freedom (MRF) in Bulgaria. It outlines the history of the Turkish minority in Bulgaria, as well as the social background enabling the emergence of the party. The paper also describes the political history of the party during the last thirty years and highlights its role in Bulgarian politics. It is argued that the MRF has built a solid electoral base by relying not only on the Turks living in Bulgaria but also on the Turks who live in Turkey but have a Bulgarian citizenship. Despite several attempts to break its political hegemony over the Turkish electorate, the party has managed to keep its primacy and resist any kind of counter-hegemonic attempts.

**Keywords:** Bulgaria, minority party, MRF, DPS, Turkey, transborder community

## Introduction

Due the Balkan wars during the 1990s resulting in the dissolution of Yugoslavia, the ethnic mosaic of the region changed. Successful independence movements, an aspiration for ethnic purification in line with the exodus of various communities, assimilation, and economic migration towards Turkey and Western Europe have decreased the share of minorities in the peninsula. Nowadays, the Romani groups constitute the only exception from this demographic pattern among the ethnic minorities.

Today, Turks constitute the largest minority group in the Balkans (after Hungarians). Turkish minority groups are dispersed across four countries in the region: Romania, North Macedonia, Kosovo, and Bulgaria. The largest community lives in Bulgaria, where they number around 600,000 people according to the latest census in 2011,<sup>1</sup> constituting the largest minority group there. Furthermore, parts of other minorities, like Muslim Romanis and Bulgarian-speaking Muslims, the so-called Pomaks, can be identified as Turks.. The Turkish population is concentrated in the north-eastern and southern parts of Bulgaria. They are in majority in only one, the Khardzali district (oblast) in the south, in the proximity of the Turkish border. In the northeast they are mixed with Bulgarians in a number of villages, although sizeable communities live in Shumen. In general, the Turkish population is a rural one, the only Turkish-majority city is Khardzali (Kırcaali in Turkish), with some 40,000 inhabitants. Despite their relatively high percentage within the Bulgarian society, the Turkish minority only managed to achieve limited educational and cultural rights at the beginning of the 1990s. The Turkish names which had to be replaced by Bulgarian ones during the Revival Process in 1985 were given back, Turkish-language education was allowed (but only as an elective class in primary school), and obstacles against the establishment of cultural organizations were removed.

The second largest Turkish group is located in the western parts of North Macedonia. Based on the last census in 2002, when their number was around 70,000 people, they constitute some four percent of North Macedonia's population. In Kosovo, Turks number around 15-20,000 people, a tiny group in a county of 1.7 million. They are located in the southwestern part of the country, with 5,000 people in the village of Mamuşa, where they are in absolute majority. They also have a large community of around 10,000 people in the neighbouring town, Prizren. Despite their small number, the relatively minority-friendly Kosovar laws grant them parliamentary representation. In Romania, Turks usually live with another Turkic group, the Tatars in the littoral region called Dobrudja. In the 2011 census, 28,226 people declared a Turkish ethnic affiliation (some 0.15 percent of the total population) (Kiss, 2012).

<sup>1</sup> However, some 600,000 people refused to disclose their ethnic affiliation, so the size of the Turkish minority might be larger.

The size of the Turkish minority groups varies greatly in the states where they live. While in Bulgaria they represent a strong ethnic group, in North Macedonia they are only a small group in a state with a strong ethnic division between the Macedonian majority and the Albanian minority. In the case of Kosovo and Romania, they only represent a tiny proportion of the population.

After the collapse of the Communist regimes, Turks created their own political movements and have participated in state politics. Depending on their size and the legal framework, their parties have become kingmakers (e.g. in Bulgaria) or useful partners in governance (e.g. in Kosovo). This paper analyses the development of these political formations in Bulgaria, and the political trajectory of the Movement for Rights and Freedom/MRF (*Dvizenie za Prava i Svobodi* in Bulgarian; *Hak ve Özgürlükler Hareketi* in Turkish).

## Historical context

The Turkish population can be considered the most visible legacy of the long-lasting rule of the Ottoman Empire in the Balkans. Shortly after the Ottoman armies penetrated the Balkan Peninsula in the mid-fourteenth century, Turkic migrants wanting to settle in the newly conquered territories followed in their steps. Beyond the military, officials, Muslim preachers, dervishes, and merchants settled down in the key cities, especially in the southern part of today's Bulgaria, Northern Greece, and North Macedonia. To strengthen the Turkic presence, the sultans sent nomadic tribes called *yörük* to strategically important areas, a policy that was practically the continuation of the Byzantine tradition of population transfer from one distant part of the empire to another.

After the mid-fifteenth century, the north-eastern regions of Bulgaria, which had key locations along the Danube River, saw a mass influx of Turkic population, who then comprised the majority in many districts for centuries. Although the Ottoman Empire continued its expansion towards Central Europe, the percentage of the Turkic population remained low and was concentrated in cities, without large rural areas part of these new conquests. This was the opposite of what happened in the territories neighbouring the centres of the Empire, first in Edirne, and after 1453, in Istanbul.

Supported by great powers, the struggle of various ethnic groups for independence in the Balkans led to the gradual shrinking of the Ottoman Empire. Starting with Serbia (1817/1867), followed by Greece (1830) and Bulgaria (1878, de jure 1908), and the subsequent annexation of Bosnia and Herzegovina by Austria-Hungary (1878), territorial changes curtailed the Ottoman presence in the region. The final phase in this rollback occurred with the Balkan Wars (1912-13), when the Empire could only secure less than 40,000 km<sup>2</sup> in mainland Europe.

The territorial losses came hand in hand with the withdrawal of state administration as well as large parts of the Turkish population, who fled to Anatolia as refugees. It was not only the war-related ethnic cleansings and destructions that reduced the number of Turks in the Balkans but also the anti-Turkish policies of the newly founded independent countries seeking to become nation states. Bulgaria, inheriting the largest Turkish-populated areas, displays several examples of these policies (Köse, 2012) (Popek, 2019).

The dissolution of the Ottoman Empire and the establishment of the Republic of Turkey under Mustafa Kemal Atatürk in 1923 opened a new chapter in the history of minorities. Atatürk gave up any territorial claims towards Turkey's neighbours in the Balkans and facilitated the immigration of Muslim groups (Albanians, Bosniaks, Pomaks, and Turks) towards war-torn Anatolia. Several agreements were signed on a bilateral basis to regulate (voluntary) immigration to Anatolia (with Bulgaria in 1925, with Romania in 1936). This policy was also followed after World War II: between 1954 and 1990 some 185,000 Muslims (not just Turks but Albanians and Bosniaks as well) migrated from Yugoslavia to Turkey (İçduygu & Sert, 2015).

Beyond the legal agreements pushing for the immigration of Turks, in some cases the host countries applied harsh measures to reduce the size of the minority. The most prominent example of these policies was Bulgaria, from where several hundred thousand Turks (perceived as 5<sup>th</sup> column of Ankara) were ousted in the early 1950s and the late 1980s. The so-called 'Big Excursion' of 1989 represented the greatest population movement in this context, as some 350,000 Turks left Bulgaria until Turkey closed its borders due to the aggravating humanitarian crisis in August 1989 (Eminov, 1999). Although some one-third of Bulgarian

Turks returned to their home shortly after the collapse of the Zhivkov regime, large groups remained in Turkey. Later on, economic migration also contributed to the growth of the Bulgarian Turkish community in Turkey. This development facilitated the establishment of a transborder community that plays an important role in Bulgarian and Turkish domestic politics (although it is much less significant in the latter).

The regime changes that took place from Romania to Albania in line with the wars in Yugoslavia (1991-1995) redrew the internal and external dynamics of the region. The tremendous change ending Communism, and the transition from planned to market economy resulted in high social tension, the rise of nationalism, and ethnic clashes (or war, in the case of Yugoslavia). Nevertheless, the transition of the region from dictatorship to democracy opened up new opportunities for minority groups to secure their political position and gain assurances for their rights.

After the war-ravaged and politically particularly momentous 1990s, the 2000s and 2010s brought a calmer period for the Balkans, as well as ethnic minorities. Several of the countries with a Turkish minority, such as Romania and Bulgaria, managed to join the European Union in 2007, while others, such as North Macedonia, gained candidate status. The political and economic circumstances changed dramatically compared to the Communist period, and the Turkish minority achieved parliamentary representation and bargained for more rights.

## Political representation and main issues

In Bulgaria, which hosts the largest Turkish community in the Balkans, the fate of Turkish political organizations received special attention. Due to the Bulgarian assimilation campaign and the 'Big Excursion' in 1989, ethnic tensions were on the rise, especially after the return of around two-thirds of the Turks who had just left the country during the exodus.

In order to secure Turkish representation, the Movement for Right and Freedom (MRF) was founded under the leadership of a former philosophy professor, Ahmet Doğan, who also served as an agent of the Bulgarian State Security. His background suggests that the emergence of the Turkish party was rather the outcome of a coordinated move

to consolidate the regime change and avoid ethnic conflict with the support of state secret services. The Turkish minority took to the streets to push for more rights. Their wishes were partly accepted, and the Turkish language was introduced in primary schools as an elective language,

The MRF also had to face the possibility of being banned, as the Bulgarian constitution clearly states that no ethnic or religious party can be formed. This 'constitutional nationalism' persuaded the MRF to pursue a wider ideological approach and become a liberal party by co-opting ethnic Bulgarian or Pomak politicians, even if the overall majority of its electorate has remained Turkish. A Constitutional Court decision in 1994 saved the party from being banned, and it became an integral part of the Bulgarian party system.

The 1990s were politically hectic due to the difficult economic and political transition, but the MRF managed to stabilize its electorate and gain seats in the parliament at every election. Moreover, during the 2000s, it became a king maker in Bulgarian politics and participated in several government coalitions. This occurred in 2001 for the first time, when it formed a coalition with former Tsar Simeon Saxe-Coburg-Gotha's National Movement Simeon II party (National Movement for Stability and Progress - NMSP, *Natsionalno dvizhenie za stabilnost i vazhod* - NDSV in Bulgarian). MRF also remained in power during the 2005-2009 period, in coalition with NMSP and the Bulgarian Socialist Party (*Balgarska sotsialisticheska partiya* - BSP), under the premiership of Sergey Stanishev, by demonstrating greater flexibility in forming coalitions.

Due to corruption scandals during the Simeon government, many people became disillusioned with the established right and left-wing parties of the 1990s and early 2000s, and the second half of the 2000s brought a spectacular rise of nationalist movements in the country (Dúró, 2020). Thus, the Turkish minority and the MRF had to face new challenges, a rising nationalistic discourse, and more criticism. The party was put in the crosshairs of ATAKA, a nationalist party that entered the parliament in 2005. ATAKA, whose leader, Volen Siderov came second at the presidential elections in 2006, directly criticized the MRF as the Trojan horse of Turkey. In the upcoming years, tensions

increased between the MRF and ATAKA supporters, leading to clashes, like the one in 2011, when supporters of the far-right party attacked Muslims praying in Sofia's Banya Bashi mosque (Novinite, 2011).

The party image, however, was further challenged by various corruption scandals. In 2010, prosecutors launched a probe against Ahmet Doğan by accusing him of pocketing BGN 1.5 million as a consultant for hydroelectric projects, although the Supreme Administrative Court acquitted him in early 2011 (Insight, 2011). In 2013, he resigned after an assassination attempt he barely escaped. Since then, he has been an honorary chairman of MRF, and more importantly, a grey eminence and influential actor in Bulgarian politics (RFE/RL, 2013).

After the 2013 elections, the MRF participated in the Plamen Oresarsky government. However, the fact that the party nominated Delyan Peevski, a media tycoon and MRF Member of Parliament, perceived by many as a corrupt oligarch in Bulgarian politics, to the position of Chief State Security, triggered protests, which led to the withdrawal of Peevski's nomination.<sup>2</sup> The party finally left the government after the 2014 European Parliament elections, due to its poor results. Despite securing its parliamentary position in the upcoming elections (2014, 2017, and 2021), the MRF could not participate in government coalitions due to the strong reluctance on the part of Boyko Borisov's GERB (Citizens for European Development of Bulgaria, or *Grazhdani za Evropeysko Razvitie na Bulgaria* in Bulgarian), which rather aligned itself with nationalist parties.

The MRF remained a strong opposition party after 2014, and it could maintain informal leverage over Bulgarian politics, triggering criticism regarding the oligarchic and corrupt nature of the political system. Due to its embeddedness, the corrupt image of the party could not be overwritten and has led to further scandals. In 2020, Ahmed Doğan caused a major scandal. In early July 2020, Hristo Ivanov, leader of the extra-parliamentary coalition Democratic Bulgaria, approached Doğan's summer residence by boat. The residence is located on the coast of the Black Sea, but when Ivanov tried to land at the villa, he

2 Nevertheless, he maintained close relations with the MRF, and he also won a European Parliamentary seat twice (2014 and 2019) through the MRF list, only to later abandon them. (Dimitrov, 2019)



was intercepted by guards. It was later revealed that the guards were members of the National Protection Service (NSO), who are responsible for protecting high-level officials (RFE/RL, 2020). The issue went viral, and along with other scandals, led to protests that lasted for several months in Bulgaria.

Even if the MRF is criticized by many, it has always managed to keep its electorate due to ethnic voting. It usually obtains 20–40 seats in the Parliament (Table 1.) and around 10 percent of the votes.

1. table  
The electoral performance of the MRF

Election year												
1990	1991	1994	1997	2001	2005	2009	2013	2014	2017	2021a	2021b	2021c
23	24	15	19	21	34	37	36	38	26	30	29	34

The party promises representation for the Turkish minority living in the poorest regions of the country and pledges to channel EU funds to the underdeveloped regions. Along with issues related to the economy, the party places strong emphasis on identity policy, where the memory of the assimilation campaign and the Big Excursion plays an important role. The other important source of voters for the party is the Bulgarian Turkish community living in Turkey. Ten thousand people, who fled from their homeland to Turkey, participate in the Bulgarian elections supporting MRF. Since its foundation, the MRF has maintained its liberal image and has also joined the Liberal Group (ALDE) in the European Parliament, where it has managed to send representatives in consecutive EP elections. Beyond this image, it has remained a clearly Turkish party, with an overwhelmingly Turkish electorate, by seeking more rights and peace for ethnic and religious minorities and supporting Bulgaria's integration into the EU and NATO (MRF, 2021).

## Kin-State relations

In the Balkans, Turkish parties' relationship with their kin-state reflect their institutional embeddedness, the demographic and political weight of their minority communities in their homeland, as well as Turkey's relations with their countries of residence. As Turkish parties vary according to their political leverage, Turkey's room for manoeuvre also differs. In a broader context, Ankara intends to play a greater role in the Balkans and does so by supporting not only the Turkish minorities but other Muslim communities as well (Egeresi, 2021) (Rašidagić & Hesova, 2020) (Mehmet, 2014).

The political movement of Bulgarian Turks has had greater independence from Ankara, even if some part of its electorate lives in Turkey. Since 2002, when the AKP (Justice and Development Party, or Adalet ve Kalkınma Partisi in Turkish) seized power in Turkey, the relation between the MRF and the AKP has become problematic. This stems from the different characteristics of the two parties: while MRF is a self-declared liberal party and more importantly, a secular one, AKP's pro-Islamist background sets a natural distance between the two political movements. Furthermore, the relations between Ahmet Doğan and Recep Tayyip Erdoğan have usually hindered greater cooperation.

That is why the Turkish government has usually been open to supporting breakaway political groups, especially those that have a political affiliation with the Bulgarian Turkish community in Turkey. This was the case for Kasim Dal and Korman Ismailov, who founded the People's Party Freedom and Dignity in 2012 to challenge Ahmet Doğan's dominance over the Bulgarian Turkish minority. Despite Erdoğan's support, their attempt did not bear any fruit.

The second and more successful challenge occurred after late 2015, when the incumbent president of the MRF, Lüfi Mestan was ousted from his position due to his siding with Turkey on the issue of the Russian SU-24 fighter that was shot down in November 2015. The MRF group upheld a pro-Russian position in the conflict, infuriating Turkey. The removed president turned to Turkey and in 2016 founded a new party in Bulgaria, called Democrats for Responsibility, Solidarity and Tolerance or DOST (which means 'friend' in Turkish). The party received support

from Turkey for the general elections in March 2017. However, it could not surpass the four-percent threshold and failed to enter parliament, and the MRF could secure the majority of its votes despite backing from AKP.

Many high-profile politicians from Turkey participated in the founding conference of DOST, such as Fatma Betül Kaya, the deputy chairperson of the AKP at the time, as well as deputy chairman of the MHP Semih Yalçın, and Turkish ambassador to Sofia Süleyman Gökçe (Cheresheva, 2016). Later, Turkish Minister of Labour Mehmet Müezzinoğlu, himself a Turk from Western Thrace, Greece, also called on Bulgarian Turks to vote for DOST in the 2017 general elections, which was also a sign of open political support from the AKP (Novinite, 2017). This campaign was not in vain: DOST received more votes from the Bulgarian citizens (mainly Turks) living in Turkey, but it could not defeat the MRF in Bulgaria, where it had much better institutional embeddedness.

Beyond the political and vocal support, financial help was also available to DOST. According to the Bulgarian Prosecutor-General, an independent NGO called Batu Platform Association, working in Kırcaali, inhabited mainly by the Turkish minority, illegally supported the DOST campaign. The party allegedly received some EUR 100,000 in a transfer via a Turkish bank to buy food packages and later distribute them among DOST members and activists (Leviev-Sawyer, 2017). Naturally, this direct interference in domestic politics raised concerns in Bulgaria, especially among nationalist parties, which called the party the ‘Trojan horse of Turkey.’ Simultaneously with its financial and political support to DOST, the Turkish government imposed a travel ban on prominent figures such as Ahmet Doğan or Delyan Peevski, a famous tycoon and party member (Cheresheva, 2016).

DOST’s failure to change Turkish voters’ political preferences compelled the Turkish government to reconsider its stance. This change was probably also motivated by the decline of Boyko Borisov’s party, which finally lost the elections in 2021. The change in the AKP-MRF relations was highlighted in late 2020, when Recep Tayyip Erdoğan greeted the party leadership online at the MRF congress. Furthermore, in June 2021, he hosted a MRF delegation led by Mustafa Karadayı prior to the 11 July elections, to talk about possible cooperation (Özkan, 2021).

While the MRF-AKP relations have been rather problematic during the last two decades, the MRF has emerged as a supporter of Turkish interests several times. The most well-publicized case was the vote about the Armenian genocide. The issue was first brought to the parliament by the nationalist party of ATAKA in 2006. The numerous attempts to accept a declaration about the events of 1915 bore fruit during the 2015 anniversary: the Bulgarian parliament adopted a declaration that used the word 'extermination' instead of 'genocide', and the MRF walked out of the session (Bechev, 2015).

Beyond the 'genuine' differences between MRF and AKP, Bulgarian domestic politics has also contributed to maintaining a certain distance between the two. The Boyko Borisov governments, especially after 2016, tried to build good relations with Ankara. This stemmed from the fear of a possible migration crisis, which hit Greece in 2015-16. As a result of the efforts of the Turkish authorities, the Bulgarian borders have remained relatively calm during the last few years. Even during the 2020 migration crisis, when several thousand migrants tried to storm the Greek border guards, the Bulgarian borders remained untouched, even though they were close to Edirne.

The Bulgarian government has also endeavoured to satisfy Turkey's anti-Gülenist war. The country has extradited several people to the Turkish authorities (Gotev, 2016). This pro-Turkey stance has not only been apparent in bilateral issues but also at the international level: Bulgaria usually tries to smooth the harsh decisions of the European Council against Turkey, and it has demonstrated understanding towards some Turkish grievances (Michalopoulos, 2020). Due to this behaviour, AKP did not have to directly build on the Turkish party because it found an amicable government, which ultimately has greater power than a party that is in the opposition. The political battles of Borisov's GERB and the MRF have also helped cement this situation, where the Turkish government supported its counterpart or helped establish new Turkish parties rather than mend fences with the MRF. However, the electoral defeat of GERB in April 2021 is pushing Ankara to reconsider its stance concerning its possible partners in Bulgaria.

## A transborder community

Due to the mass (forced) emigrations, like the ‘Big Excursion’ in 1989 and the economy-driven migration to Turkey, nowadays the country has a large Turkish community of several hundred thousand people of Balkan heritage. Certainly, demography matters here as well, as the largest group within this community consists of Bulgarian Turks. While their integration into Turkish society has occurred without any significant tension or conflict, large parts of these groups of Balkan heritage have tended to preserve their links to their homeland by creating various associations.

The institutionalization of the Bulgarian Turkish migrant groups started in the mid-1980s, as a move of solidarity with their original communities facing the assimilation policies of the Zhivkov regime. The mass influx of refugees in 1989 gave a huge impetus to further institutionalization. The main Bulgarian Turkish association, Bal-Göç, which was founded in 1985 (Bal-Göç, 2021), was able to open new branches in a number of cities in Western Turkey, where the newcomers preferred to settle, for example in various districts of Istanbul, Izmir, and also Bursa, which has developed a vibrant Balkans cultural life as a result of the well-organized Bulgarian Turkish community.

The gradual development of these associations also had an impact on local politics. Their members coordinated voting, and the associations lobbying town hall granted them special support from district or city mayors. Sometimes they were even able to send representatives to parliament, e.g. Mümin Gençoğlu, founder of Bal-Göç, secured a mandate between 1991 and 1993 (Bal-Göç, [Balgoc.org.tr](http://Balgoc.org.tr), 2021).

The well-established networks of migrant organizations have made efforts to lobby for various issues in the interest of their membership even with the Bulgarian government. In the 1990s, the most crucial affair was the issue of pension, as the Bulgarian state denied reimbursing them for their pre-1989 employment. Ivan Kostov, Bulgarian Prime Minister elected in 1997, visited Turkey to court the rich neighbour, and he visited Bursa, where he pledged to solving the pension issue, although the promise was not kept (Gangloff, 2000)

This fiasco prompted the associations to strengthen their relations with the MRF, which had a consistent parliamentary presence and occasionally even governmental participation. New dimensions opened for the cooperation between Turkey-based Bulgarian Turkish communities, their associations, and the Bulgarian Turkish political movement when Bulgaria gave the right to vote to its dual citizens.

From that time, associations in close cooperation with the MRF started to organize campaigns and mobilize their members and the whole community to vote for the Turkish party. This development emerged visibly during the 2001 general elections, when the movement acquired 38,000 votes in Turkey. Having a total of 340,395 votes, the mobilization of Bulgarian Turks in Turkey granted the party around 3 mandates out of 21 seats. Moreover, the Balkan associations managed to persuade local Turkish authorities to grant residence permits to illegal immigrants from Bulgaria, in the hope that they would participate in parliamentary elections and vote for the MRF (Kasli & Parla, 2009).

This tendency continued during the upcoming elections as well. In 2005, the MRF got 39,858 votes in Turkey, when around twenty thousand people passed the border to vote (Dayıoğlu, 2005). Four years later, in 2009 the votes of Turkish dual citizens in Turkey increased to 93,903 – almost double the previous results, securing the MRF five more mandates (Özgür-Baklacioğlu, 2012). Even though the Bulgarian courts later decreased this number by 18,400 votes, the steady growth in votes from Turkey remained.

Voting is organized in two ways: 1) by bus trips and 2) by voting sections in Turkey. Bus trips are usually combined with other programs, such as family or relative visits, in order to attract more people to take the several-hour-long journey and administrative burden. Although it is difficult to see the real number of participants of this kind of ‘election tourism’, they may represent a significant portion within the MRF votes. At the general elections in 2005, Bal-Göç is estimated to have sent some 10,000 voters to Bulgaria (Balkan, 2005).

Similarly to election tourism, voting sections have become an issue in Bulgarian domestic politics, too. Nationalist parties typically campaign to reduce the number of voting sections, which happened in 2007 in the case of the European Parliamentary elections, when the ATAKA party

managed to push through parliament a decree to decrease the number of polling stations in Turkey. A decade later, a similar amendment of electoral law took place, when the number of voting sections in Turkey was reduced from 140 to only 35. This regulation remained in force until the early elections of 11 July, 2021, when the number of polling stations abroad was increased again in order to attract the votes of the Bulgarian diaspora, which enabled Bulgarian Turks to vote in the Bulgarian elections in Turkey in greater numbers (in July, 26487 votes, in November 2011 85256 votes according to the Electoral Commission of Bulgaria).

## Conclusion

Despite the difficulties the Turkish minority groups have had to face during the last century, they have managed to survive and establish their own political representation in several Balkan countries. Due to their size, Turks in Bulgaria play the most decisive role in the political life of their home country: the MRF was founded shortly after the end of the Zhivkov era and emerged to become an established part of the Bulgarian party system, becoming a notorious kingmaker in the country.

Despite the general perceptions regarding the role of the Turkish minority and the MRF, which is more problematic for historical and political reasons, the MRF is sufficiently strong to hold its parliamentary positions and can also count on the votes of Bulgarian Turks living in Anatolia, by supporting the existence of a transborder community. Kin-state relations have also shaped the trajectory of the party. Since 2010, the relation between MRF and AKP, Turkey's governing party, has become more problematic. This has opened the way for the establishment of new parties to challenge the political hegemony of the MRF over the Turkish electorate and later on for pushing the Borisov governments to mend fences with Ankara and create more established cooperation on several issues, such as immigration. This can change after the 2021 elections, but MRF's position, despite its successful electoral performance due to the mobilization of Turkish voters, will remain delicate.

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# A BALANCING ACT?

## SERBIA'S MILITARY NEUTRALITY: CONCEPT AND IMPLEMENTATION

*Dániel Harangozó*

**Abstract:** The aim of present study is to provide a concise review of Serbia's military neutrality, both the conditions of its "genesis" in 2007 and its "operationalization" in form of strategic documents and military cooperation during the period of Serbian Progressive Party (SNS) government (2012-2021), with special emphasis on the presidency of Aleksandar Vučić (2017-2021). The paper concluded that the "genesis" and maintenance of Serbian neutrality is due to both internal political considerations, as well as Serbian diplomatic exigencies with regards to the unresolved status of Kosovo. The long-term sustainability of Serbian neutrality policy, however, cannot be taken for granted. The delicate „balancing act" between the West, Russia, and increasingly, China, might not be sustainable in the future if relations between the West (and in particular, the EU) and China or Russia, deteriorate further, or when Serbia's EU accession process enters its „final stretch".

**Keywords:** military neutrality, non-alignment, multi-vector foreign policy, military cooperation, Serbia-NATO relations, Serbia-Russia relations, Serbia-China relations

## Introduction

The Republic of Serbia is unique among Western Balkan nations for neither having joined NATO nor aspiring to be a NATO member state. The country declared to be militarily neutral "towards existing military alliances"

(National Assembly of the Republic of Serbia, 2007, Novakovic 2012, 3) in late 2007, amid the looming independence of Kosovo, and no doubt influenced by the events of the 1990, when NATO intervened militarily against the Bosnian Serb military forces in 1995 and against the Federal Republic of Yugoslavia in 1999. (Ejdus 2014a, 46-47).

This paper aims to investigate both the political and foreign policy circumstances which led to the declaration of military neutrality in 2007, and how, once declared, that neutrality was “operationalized” in Serbian defence policy. For that aim we review the strategic documents (in particular the National Security Strategy and Defence Strategy) adopted since 2007, and Serbia’s military cooperation with three major political actors: the Western alliance (United States, NATO, and major NATO member states), the Russian Federation, and the People’s Republic of China. Due to constraints of size, the latter analysis will be restricted to the period of Serbian Progressive Party (*Srpska napredna stranka*, SNS) government (2012-2021), and in particular, the presidency of Aleksandar Vučić (2017-2021).

The paper is divided into five parts. While it is not possible to provide a comprehensive treatment of the question of neutrality, in the first part we aim to offer a short conceptual and historical introduction to that concept. In the second part we review the political and foreign policy circumstances under which Serbian neutrality was declared in 2007, as we noted earlier, this step was taken due to both internal and external “impulses”. The third and fourth part of the paper is dedicated to the issue of the “operationalization” of Serbian neutrality in two particular areas, national strategy documents (National Security Strategy and Defence Strategy) and international military cooperation. In the last chapter of our paper, in lieu of conclusion, we offer a preliminary assessment on Serbian military neutrality during the period in question, as well as the future prospects of its sustainability.

## Neutrality: a conceptual and historical primer

While in this paper it is not possible to offer a detailed treatment of the historical evolution of the concept of neutrality, it is important to emphasize that since the emergence of the first permanently neutral

state in modern Europe (the neutrality of Switzerland was recognized at the Congress of Vienna in 1815), this concept showed a remarkable degree of adaptation to historical and geopolitical changes (Radoman 2019, 4-6, Novakovic 2012, 4).

The original concept of a neutral state was defined primarily in context of an armed conflict. For example, the 5<sup>th</sup> Hague Convention of 1907 defined the rights and duties of neutral states in wartime, among them, the inviolability of the neutral state's borders, and prohibition for the warring parties to use the neutral state's territory to transport troops and military equipment, or to recruit military personnel from the neutral state. Among the main attributes of a *permanently neutral state*, Cyril E. Black highlighted the following: a) abstention of participating in armed conflict, b) self-reliance in national defence resources, c) foreign policy course designed to prevent future involvement in any hostilities (Black 1968, cited by Novakovic 2012, 4).

Among the main challenges to neutrality during the 20<sup>th</sup> century we might mention the violation of neutrality during wartime (the case of Belgium during WWI, and the Benelux nations, Denmark and Norway during WWII), the idea of collective security in the interwar era, and particularly after WWII, and most importantly, the onset of the Cold War and emergence of the bipolar world order. While the above-mentioned neutral states abandoned this orientation and joined to the NATO alliance, Switzerland and Sweden held to their status during the Cold War era, and two new militarily neutral countries (Austria and Finland) emerged during this period (Novakovic 2012, 5-6, Radoman 2019, 6-7).

The emergence, during the late 1950s, of the Non-Aligned Movement (NAM), mostly composed of recently independent African and Asian nations, can be interpreted as a response to the bipolar world order. The movement also represented a strong normative agenda: while European neutrals either implicitly or explicitly accepted the bipolar European and world order and positioned themselves in that order, the NAM defined itself in opposition to the superpower confrontation, and aimed at the substantive change of international political and financial relations (Novakovic 2012, 6, Radoman 2019, 9-10, 14, 16). The Socialist Federal Republic of Yugoslavia, which left the Soviet bloc in the wake of the Tito-Stalin split in 1948, was one of the founding members of NAM, and participated in its activities

until the dissolution of the state in 1991. The term “non-alignment” itself was first used by India and Yugoslavia in 1950, during the UN debate on the Korean War (Goldstein and Goldstein 2020, 637). It is important to notice that although Yugoslavia was not part of the Soviet bloc and maintained friendly relations with different Western states and organizations, its policy and rhetoric on major issues of world affairs was frequently very similar to the prevailing Soviet line at the time (Novakovic 2012, 10-11, Radoman 2019, 16-17).

The end of the Cold War, increasing globalization and emergence of new security threats (such as global terrorism, state failure, etc.), and the introduction and evolution of the common foreign, security and defence policies of the European Union forced European neutrals to reappraise and adapt their status to these new challenges (Ejdus 2014a, 46, Radoman 2019, 26-27). Those states which became EU members in the 1990s (Sweden, Finland, and Austria, with Ireland being a member state since 1973) gradually redefined their security policy orientation as “military non-alignment”. This redefinition generally involved embracing the collective security approach, which can be illustrated by the fact that even Switzerland, generally subscribing to a strict interpretation of neutrality, joined both the United Nations and NATO’s Partnership for Peace programme in this period (Rickli 2008, Novakovic 2012, 8-9).

However, it is important to emphasize that in the framework of the European integration, both the Treaty of Nice (2001) as well as the Lisbon Treaty (2009) contains explicit references (such as the so-called Irish Clause of the Lisbon Treaty) to the unique situation of member states with a neutral status. In sum, it is possible to conclude that a strict and absolute interpretation of neutrality is no longer possible particularly for an EU member state amid the contemporary security environment, nevertheless neutrality continues to be part of not only the security posture but also the political identity of several European countries. (Novakovic 2012, 8-9). In case of neutral EU members, EU and NATO membership is, and continues to be treated as separate issues. In contrast, most of the post-Communist nations aimed or currently aim to join both organizations.

## Internal and external circumstances of the “genesis” of Serbian neutrality

Attitudes of the Serbian society toward NATO and relations with NATO were and are inevitably conditioned by the role the Alliance played in the 1990s Balkans conflict. NATO intervention against the Bosnian Serbs in 1995 and, more importantly, the NATO bombardment of the then Federal Republic of Yugoslavia in 1999 during the Kosovo conflict led to a lingering hostility towards NATO in most of the Serbian public opinion (Makai 2014, 37-38, Ejodus 2014a, 45-46). Even though the fundamental attitudes on this issue remained unchanged, the question was somewhat put on the back burner during the earlier years of the post-Milosevic era. (Novakovic 2012, 10).

Relations with NATO were gradually improving, with the Alliance providing defence reform assistance to the then State Union of Serbia-Montenegro and Serbia was admitted to NATO's Partnership for Peace (PfP) programme in 2006, after the dissolution of the State Union. The Partnership for Peace, unlike the Membership Action Plan (MAP) is not a “preparatory stage” to accession to the Alliance, and in Serbia, membership was neither pursued, nor considered realistic at the short term by policymakers (Ejodus 2014a, 48, Makai 2014, 38-39).

Two closely related events in the course of 2007 led to the issue of NATO relations again taking center stage in Serbian politics: the intensification of internal tension between two main groups of the original anti-Milosevic opposition, in power at that time, and the Kosovo final status negotiations. The Ahtisaari plan, published in February 2007, envisaged an independent Kosovo in whose “supervised independence” NATO would continue to play a prominent role. Although Serbia rejected the plan as unacceptable, it became clear during the course of 2007 that the major Western powers would be willing to support the unilateral declaration of independence of Kosovo, without a prior agreement in the UN Security Council. (Ejodus 2014a, 48-49, Makai 2014, 39-40). That situation led to the emergence of a schism between the governing parties. The more reformist, pro-Western parties, led by President Boris Tadić and his Democratic Party (*Demokratska Stranka*, DS) favoured balancing the relations with the West with the need to preserve the territorial integrity of Serbia, while



the more nationalistic wing of the governing coalition, led by the Serbian Democratic Party (*Demokratska Stranka Srbije*, DSS) of Prime Minister Vojislav Koštunica, openly started to advocate for military neutrality or non-alignment (Ejdus 2014a, 48–49).

In September 2007, the leadership of the DSS party adopted a party programme which openly opposed Serbian NATO membership, and a month later it passed a *Declaration on Military Neutrality* (Ejdus 2014a, 50). The fact that President Tadić, and the DS party finally acquiesced to the Koštunica-DSS line and voted for the parliamentary resolution which contained explicit mention of Serbian military neutrality has also much to do with the approaching presidential elections. Tadić apparently was banking on existing anti-NATO sentiment in Serbian society to aid his 2008 re-election bid against the candidate of Serbian Radical Party (*Srpska Radikalna Stranka*, SRS), who was consistently anti-NATO from the outset (Ejdus 2014a, 51).

The resolution, titled “*On the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia*” was adopted on the 26 December 2007 session of the National Assembly, with a large majority of 220 out of 250 deputies. It is important to mention that military neutrality is mentioned only as part of a resolution reaffirming territorial integrity of Serbia and rejecting the Ahtisaari plan. The declaration of neutrality was justified in that text by both the 1999 NATO bombing of the FRY, as well as the role envisaged for the alliance in an independent Kosovo (Ejdus 2014a, 52, Radoman 2019, 165–166, Makai 2014, 40).

It is important to emphasize that unlike the practice of long-standing European neutrals (such as Austria) or more recent post-Soviet neutrals, like Moldova, the policy of neutrality is not incorporated in the constitution or other similar high-level legislative text. Moreover, the political declaration explicitly links any change of the neutral status is to the holding of a national referendum. (National Assembly of the Republic of Serbia, 2007).

Apart from the domestic political calculations, the declaration of neutrality had a diplomatic angle as well. When it became clear that Serbian rejection of the Ahtisaari plan will be not enough to stop Kosovo’s independence, the government in Belgrade counted on Russia and China to block (by virtue of their Security Council veto) the UN membership of the new

state. Therefore, catering to the well-known Russian opposition to NATO enlargement in Central and Eastern Europe seemed a prudent course of action, even more so taking into account the long-standing pro-Russian sentiment of part of the Serbian public opinion. (Ejdus 2014a, 50-51)

Different interpretations have emerged on how the “genesis” of Serbian neutrality policy can be explained, and how it did survive until this day, even though its main architect, Vojislav Koštunica, has long lost his political prominence (Ejdus 2014a, 53). Apart from domestic political calculations, both Filip Ejdus (2014a, 2014b), Zorana Brozovic (2010) and Jelena Radoman (2019, 169-170) point out that the neutrality policy can be linked to an unresolved identity conflict in Serbian society between a pro-Western and a nationalist-sovereignist or pro-Russian orientation. Makai (2014, 40) argues that a political declaration adopted in a particular historical moment became a “dogma” in the peculiar Serbian political environment.

Neutrality served the purposes of subsequent governments as well. Radoman (2019, 171) argues that neutrality helped to pave the way to the cooperation of DS and the Socialist Party of Serbia (*Socijalistička Partija Srbije*, SPS) of the late President Milosevic, by removing the sensitive political question of military-security orientation from the agenda. Likewise, the Serbian Progressive Party (SNS), in power since 2012, could use the neutrality policy to its benefit. By openly advocating for EU membership while reaffirming neutrality and ruling out NATO membership, SNS can appeal both to pro-Western and nationalist, or pro-Russian sections of the electorate. Neutrality as a political device again aided the cooperation between SNS and the more pro-Russian SPS while at the same time allowing SNS to position itself as a middle ground between the fringe pro-NATO parties - such as the Liberal Democratic Party (*Liberalna Demokratska Stranka*, LDS) - on one side and radical-right, anti-EU and anti-NATO forces - such as the Serbian Radical Party and DSS/Dveri - on the other. (Radoman 2019, 172-175).

In our interpretation it is possible, therefore, to conclude, that the declaration of military neutrality was a specific answer to a set of domestic and external challenges (internal political division on the question of relation with NATO and the West in general and the final status of Kosovo), and therefore it served political, rather than well-thought-out

security policy purposes. One might argue that the “unplanned” nature of Serbian neutrality can explain the fact that for several years after 2007, it did not appear in formal security or defence policy documents. It is this issue of “operationalization” of Serbian neutrality to which we will now turn.

## Neutrality in Serbian strategic documents

As the first part of our overview of the “operationalization” of Serbia’s military neutrality, in this section we will proceed with the overview of the two set of fundamental strategy documents the country adopted after neutrality was declared, the 2009 and 2019 National Security and Defence Strategies. Due to size constraints, most of our analysis will be centred on the most recent 2019 version, while the 2009 strategies will be reviewed only briefly.

The 2009 strategy was the first one Serbia adopted after the dissolution of its State Union with Montenegro in 2006, and its adoption was influenced by the unilateral declaration of Kosovo’s independence in 2008, as well as Serbian participation in NATO’s Partnership for Peace programme (Radoman 2019, 137-138). In that strategy, similarly to the subsequent 2019 one, threat perceptions and assessment of the regional security environment are chiefly informed by the disputed status of Kosovo, with separatism and security threats associated with the Kosovo situation taking center stage (Radoman 2019, 138-139). The documents can also be characterized by a notable ambivalence with regards to relations to NATO. Although the Alliance is only mentioned in context of Serbian participation in the PfP programme, the relations between Serbia and NATO are not clarified further (Radoman 2019, 138, 140.) This is in contrast with the more recent 2019 strategies where the prospect of NATO membership is explicitly ruled out (see National Security Strategy 2019, 24). Even more importantly, the concept of military neutrality is completely absent from both documents, thereby failing to offer more precise strategical guidance on how that status, declared two years earlier, has to be interpreted, and what are the implications of neutrality for Serbian defence policy going forward. (Radoman 2019, 141.)

Both the 2009 Defence Strategy as well as the White Book on Defence, published in 2010, defines “total defence”<sup>1</sup> as the conceptual basis of Serbian defence policy. However, apart from referring to the concept “as an integral engagement of all defence actors and resources”, neither of the two documents offer detailed discussion thereof (Radoman 2019, 141).

Radoman (2019, 142) argues that the vagueness of the 2009 documents might have been intentional, as the country was still adjusting to independent statehood after the dissolution of the State Union, as well as the situation created by the independence of Kosovo, and the extent of international recognition of that state was still unclear. Moreover, according to the same author, military neutrality was not taken seriously at the time by the authors of both strategies, which might explain its absence, as well as the vagueness with regards to both threat perceptions as well as relations with NATO. (Radoman 2019, 142.)

The latest National Security and Defence Strategies, both adopted in 2019, feature major differences compared to their predecessors, while retaining their “Kosovo-centric” nature (European Western Balkans 2018).

Military neutrality is featured prominently in both documents, for example, the National Security Strategy among its starting points, lists “*preservation of sovereignty and territorial integrity, military neutrality, care for the Serbian people outside the borders of the Republic of Serbia, European integration and an effective rule of law*” (National Security Strategy 2019, 1). Likewise, the Defence Strategy declares in its first part: “*the commitments stated in the Defence Strategy express the determination of the Republic of Serbia, in accordance with the decision on military neutrality, to build and strengthen its own defence capabilities and capacities*” (Defence Strategy 2019, 1).

Explicit declaration of military neutrality is coupled with likewise explicit exclusion of membership in “military political alliances”, in particular, NATO membership. However, the declared non-alignment is balanced by ambition to cooperate with such alliances. For example, the National

1 Total defence as a defence policy concept refers to the joint and coordinated application of military defence and civil defence, the latter broadly conceived, encompassing economic, social, psychological, etc. dimensions. The concept has a long-standing application in the Scandinavian countries, such as Sweden, Finland and Norway. See for example, Norwegian Ministry of Defence, 2018

Security Strategy states: *“The Republic of Serbia does not have any intention of becoming a NATO member, or any other military-political alliance, but it desires to advance mutual confidence and achieve common goals with all partners in the world”* (National Security Strategy 2019, 24).

Similar formulation can be found in the text of the Defence Strategy: *“[...] the Republic of Serbia declared military neutrality in relation to the existing military alliances, expressing its commitment to independent creation of its own defence policy. At the same time, it is involved in the implementation of the EU Common Security and Defence Policy, participates in the Partnership for Peace programme, cooperates with the Collective Security Treaty Organisation”* (Defence Strategy 2019, 4) and *“military neutrality of the Republic of Serbia is not a barrier to its cooperation with other countries and military-political alliances.”* (Defence Strategy 2019, 15)

It is interesting to mention that the Defence Strategy, in line with the 2007 National Assembly Resolution, speaks of “existing” military alliances. From this language it is not completely clear what stance would be taken by the Serbian Government with regards to a hypothetical, newly formed military alliance in the future. The National Security Strategy, on the other hand uses the more general formulation “any other military alliances”.

In contrast, for example, the Austrian Federal Constitutional Law on Neutrality of 1955 states that *“...Austria will never in the future accede to any military alliances nor permit the establishment of military bases of foreign States on her territory.”* (Federal Constitutional Law on the Neutrality of Austria, 1955)

Although cooperation with NATO in the framework of Partnership for Peace programme is frequently mentioned in both strategies, several times it is mentioned together with cooperation with the Russia-led Collective Security Treaty Organization, in which Serbia is an observer since 2013, (see for example, National Security Strategy 2019, 7, 24, Defence Strategy 2019, 1,3,4, 15-17) even though the intensity of cooperation with the latter is much less significant (Radoman 2019, 150, CEAS 2018, 28).

Neither of the two strategies offer any detailed argument in favour of neutrality, or how that neutrality serves Serbia's national interest, apart from declaring that it *“derives from its national values and interests and international status”* (Defence Strategy 2019, 8) and pointing out that by

pursuing the neutrality policy, the country is carrying out the resolution of the National Assembly passed in 2007 (for example, Defence Strategy 2019, 4, 15).

Given the fact that Serbia opened its accession negotiations with the European Union in 2014, the strategies both feature several mentions of the foreign policy and Common Security and Defence Policy of the Union. Serbia is “*is involved in the implementation of the EU Common Security and Defence Policy*” (Defence Strategy 2019, 4), which “*continues to play an important role in crisis management and the stabilisation of situation in the areas of interest for the European Union.*” (Defence Strategy 2019, 3)

The Republic of Serbia also participates in the concept of EU Battlegroups, thereby “*further confirms its pro-European orientation and commitment to peace and security at the global and regional level.*”, pointing out that militarily neutral EU member states also participate in that concept (Defence Strategy 2019, 15).

More importantly, the National Security Strategy proclaims that “*in the period until the accession to the European Union, the Republic of Serbia will continue gradually harmonising its foreign policy with the positions of the European Union, so that in the moment of obtaining membership, it would be fully harmonised with its foreign policy*” (National Security Strategy 2019, 26). The question of Serbian adherence to EU foreign policy positions is sensitive considering that since 2014, the country did not participate in EU sanctions against Russia and generally refuses to adhere to sanctions against entities which did not recognize Kosovo, such as Venezuela (Radoman 2019, 149-150)<sup>2</sup>.

On the implications of military neutrality for the defence system and how it should be “operationalized” in practice, the strategies use similarly vague terms. The National Security Strategy points out that “*The Republic of Serbia seeks, as a militarily neutral state, to constantly improve its security system in order to achieve a more efficient response to security challenges, risks and threats*” (National Security Strategy 2019, 9), while the formulation used in the Defence Strategy is almost identical: “*The*

2 For more on Serbia and the EU sanctions against Russia see Butnaru-Troncota 2019 and Ejodus 2014b. For a detailed discussion of Serbian adherence to EU foreign policy positions see Novakovic 2020.

*Republic of Serbia is committed, as a militarily neutral state, to constantly improving its defence system in order to be able to effectively respond to the defence challenges, risks and threats.”* (Defence Strategy 2019, 5).

The concept of “total defence” is mentioned four times in the text of the Defence Strategy, declaring that the strategic concept of defence is founded upon it, defining total defence by being “*primarily carried out by reliance on its own strengths and potentials*” (National Defence Strategy 2019, 18). According to the strategy, total defence includes “*military and civil defence, and it is planned, organised and implemented in the times of peace, emergency and war*” (Defence Strategy 2019, 18), but it partly relegates the precise formulation of its civil defence component to future legal and normative acts (Defence Strategy 2019, 10).

Total defence as a concept, is not without historical tradition in the ex-Yugoslav space, as the defence policy of Tito’s Yugoslavia (the system of *Opštenarodna Odbrana* or All-People’s Defence) from the late 1960s was partly based on that concept (see Roberts 1986, Dulic and Kostic 2010). Apart from that historical example, among the present-day European neutrals, the total defence concept is applied by Sweden and Finland, among others (CEAS 2018, 32). However, neither of the strategies offer any conceptual guidance on how Serbia intends to implement the concept in its defence system (Radoman 2019, 150-152).

The defence strategy explicitly mentions Serbia’s commitment to the maintenance of international peace and security by, among others, participation in international missions under the auspices of EU, United Nations and OSCE, adherence to arms control and non-proliferation efforts, and “*assistance and mediation in the peaceful resolution of international crises and conflicts*” (Defence Strategy 2019, 12-13). Similar formulation can be found in the National Security Strategy (National Security Strategy 2019, 21-22). Such commitment is in line with the historical practice of European neutrals like Sweden, Finland, and Switzerland (Radoman 2019, 148).

In sum, compared to the 2009 editions, the 2019 National Security and Defence Strategies offer a more open and resolute commitment to military neutrality, balanced by ambitions for cooperation with different political-military blocs (such as NATO and the Russia-led CSTO). Thus,



this interpretation of military neutrality is not an isolationist policy and the authors of the strategy embrace, at least rhetorically, the agenda belonging to traditionally neutral states such as commitment to peaceful resolution of disputes and non-proliferation (Radoman 2019, 153).

However, the threat perceptions informing both strategies are still dominated by the unresolved Kosovo issue (like in the case of their 2009 antecedents), and in the assessment of regional and global security environment, its authors ignored the 2014 Ukraine crisis, the worsening relations of Russia and China with the USA and major Western states, or the enlargement of NATO in the Western Balkans (accession of Montenegro, invitation of North Macedonia to the Alliance) (CEAS 2018, 28-30, Radoman 2019, 154-155).

## Serbia's Neutrality and Military Cooperation

As we saw in Serbia's current National Security and Defence Strategies, both military and diplomatic cooperation with different great powers and political-military alliances and „blocs” is an openly stated ambition of Serbian foreign and defence policy. Therefore, it is useful to review how that cooperation occurs in practice with special emphasis on three great powers or power blocs: the Western powers and NATO, the Russian Federation, and the People's Republic of China. Due to size constraints, our discussion here cannot aim to be exhaustive. In this section we will concentrate on three aspects of military cooperation: procurement of weapons and weapons systems, military exercises and formal or informal frameworks of cooperation like NATO's Partnership for Peace program. Our review of events will put particular emphasis on the period of Aleksandar Vučić's presidency (2017-2021), also discussing prior events when relevant.

### Relations with NATO and the Western powers

Notwithstanding the general negative social attitude in Serbia toward NATO, and the prevailing media narrative regarding Alliance affairs, Serbian cooperation with NATO can be considered intensive, particularly if we consider the fact that the country has no ambition to join the Alliance



(Cuckic 2021). An important factor in Serbia-NATO relations is the presence of KFOR in Kosovo, which Belgrade considers crucial to the maintenance of stability and security in its erstwhile province, including the protection of Serbian minority and objects of cultural heritage (Defence Strategy 2019, 9-10, NATO 2021, Zivkovic 2019).

After first applying in 2003, Serbia joined NATO's Partnership for Peace programme in 2006, after the dissolution of the State Union of Serbia-Montenegro. Defence reform assistance was provided by NATO for the Serbian military through the government's Defence Reform Group. From 2010, Serbia also participates in NATO's Individual Partnership Action Plan (IPAP), the most intensive cooperation scheme designed for those countries who do not want to become members of the Alliance (Nic and Cingel 2014, 2-3, Vuksanovic 2020b, 6, Reid 2020, 1, 6).

The first IPAP document was adopted by Serbia's government in 2015, with the second document following in late 2019. (European Western Balkans 2019a). In 2016, Serbia ratified a NATO Support and Procurement Organization (NSPO) agreement, granting certain tax exemptions and diplomatic immunity to the Alliance (Samorukov 2020, 17).

In the last few years, the Serbian government concluded two major arms procurement deals with NATO member France. In 2016, Belgrade and the Airbus company signed an agreement to procure six H145M helicopters for the Serbian armed forces and three for the police (Vojnovic 2019). During a two-day Serbian visit of President Macron of France in July 2019, a further deal was agreed between Paris and Belgrade to deliver 18 units of Mistral short-range air defence missile systems to the Serbian military (Knezevic 2019, Harangozó 2020, 4).

Several NATO nations also feature prominently among the biggest donors of the Serbian military: between 2007 and 2018, the United States donated 25 million USD worth of equipment, with Norway, Denmark and the United Kingdom also placed in the top five (Cvetkovic 2019).

From 2006, when the country joined the PfP programme until 2018, Serbia's armed forces conducted more than 150 exercises together with NATO or individual NATO member states. The next year, 2019, presents a similar dynamic when 13 exercises involved NATO or its member states. (European Western Balkans 2017, BCSP 2018, Harangozó 2020, 5).

Notwithstanding the above-described degree and intensity of cooperation between NATO and Serbia, this is rarely reflected in public and media discourse. In most government friendly media outlets, NATO is usually described in neutral or negative terms, while Russian (and to a growing extent, Chinese) cooperation is presented in very positive terms. Therefore, it is not surprising that surveys carried out in recent years show that the majority of the Serbian public is not informed about the real extent of cooperation with NATO and several misconceptions have taken root. For example, according to a 2018 NDI survey, 55% of Serbian respondents believed that Russian military capabilities exceed those of NATO nations while only 19% believed the opposite (Samorukov 2020, 22, Cuckic 2021).

## Relations with the Russian Federation

When discussing Serbia's military ties with the Russian Federation a clarification with regards to the general nature of contemporary Serbian-Russian relations is in order. It is a common (mis)understanding both in Serbian as well as in parts of Western public opinion that Serbia maintains a close alliance with Moscow based on common cultural-spiritual heritage (Orthodox Christianity), as well as historical traditions of Russian role in the Balkans. In our view, echoing other Balkan watchers (see for example Bechev 2017, 4-6, Reid 2020, 8-9, Samorukov 2020, 4-7), this interpretation rather represents a carefully crafted political narrative instead of the prevailing reality. Even though the shared religious heritage is undeniable, and Russian soft power is frequently deployed based on the above narrative, the present-day Russo-Serbian cooperation has more to do with economic and geopolitical considerations. (Vuksanovic 2018, Samorukov 2020, 7-8)

With regards to the question of Kosovo, Belgrade relies on Russia to advocate for Serbian positions in the UN Security Council (where it has a veto), while Moscow is interested in keeping Serbia's neutral status as a bulwark against further NATO enlargement in the Balkans. (Samorukov 2019a, Nouwens and Ferris 2020, 4-5, 8-9). As long as Kosovo's status remains unresolved, it is in Belgrade's best interest to preserve the goodwill of its Russian ally. For Russia, however, the question of Kosovo is only a theatre of its geopolitical rivalry with the West, as well as – apart from

energy infrastructure – its most effective instrument to project influence in the Balkans. Ideally, Russia would want to link the resolution of Kosovo to Western concessions on unrelated political issues, such as the question of Western sanctions, the situation of the Crimean Peninsula or the Syrian civil war (Harangozó 2020, 5–6, Vuksanovic 2020a, Vuksanovic 2020b).

Therefore, as Serbian and Russian interests do not align completely, the relationship between the two countries is necessarily fraught with distrust and the recent strains visible in that relationship prompted analyst Vuk Vuksanović to declare that “the partnership is past its prime” (Vuksanovic 2020a).

The lack of complete trust between the two countries can be illustrated by the 2019 spy scandal involving an official of the Russian embassy in Belgrade who was caught handing over money to officers of the Serbian armed forces. Less “serious” but still of symbolic significance was the issue of a social media post ridiculing President Aleksandar Vučić, published by the spokeswoman of the Russian Foreign Ministry in the wake of the 2020 Washington Accords between Belgrade and Pristina, which prompted even Foreign Minister Lavrov to apologize to his Serbian counterpart (Zivanovic 2019a, Zivanovic 2019b, Voice of America 2020). Bilateral relations between Moscow and Belgrade are governed by the strategic cooperation agreement, which, along with a military-technical agreement was concluded by the two countries in 2013. In the same year Serbia also received observer status in the Russia-led Collective Security Treaty Organization (CSTO). An important institutional element in the security cooperation between Moscow and Belgrade is the presence of the Russo-Serbian Humanitarian Center in Niš, established in 2012. However, the operation of the center is an object of recurring diplomatic tension between the two countries, as Serbia is unwilling to grant diplomatic status to the center’s staff, which NATO personnel on the other hand already enjoy since 2016 (Samorukov 2020, 19, Harangozó 2020, 6).

It is also important to point out that Belgrade’s observer status in CSTO means very little in practical terms, as that organization does not have a framework of structured cooperation for non-members similar to NATO’s Partnership for Peace (Samorukov 2020, 18).

With regards to Serbia’s weapons procurement from Russia, it is important to point out that donations and purchases cannot always be clearly separated. Generally, what is referred to as Russian donations include

6 MiG-29 fighter jets as well as 30 BRDM-2 reconnaissance vehicles and 30 T-72 tanks, which was agreed upon by then Defence Minister Zoran Djordjevic in 2016 (Tabak 2016). During an official visit of Defense Minister Vulin in Belarus in February 2019, the donation of 4 additional MiG-29 was agreed upon. (Bankovic 2019). However, the Serbian government had to spend 185 million € in total for the overhaul and modernization of Russian donated jets before they can be deployed, for that reason it is questionable that the transaction can fully be considered a donation. (Milacic 2019). Moreover, delivery of the donated tanks and BRDM vehicles proceeded very slowly, with the last items in the contingent only arriving in 2021-2022 (Bankovic 2021).

Purchases of new equipment of Russian origin included multipurpose and attack helicopters (Mi-17V in 2015 and 2018, as well as 4 Mi-35M in 2018), and the Pantsir S-1 surface-to-air missile system. Under a deal agreed in October 2019, Belgrade acquired one battery (6 units) of Pantsir S-1, which was delivered in February-March 2020. Apart from the Pantsir-1, purchase of the S-300 long range missile system (or even its evolved, but significantly more expensive successor, the S-400) has been rumoured by both the Serbian and Russian media in recent years. During the “Slavic Shield” military exercise held in Serbia in October 2019, President Vučić ruled out acquiring the S-400 citing its high cost. Subsequently, at a military event in December 2019, the president declared that Belgrade has no intention to buy the S-300 either. (Harangozó 2020, 6-7).

Even though purchase of S-400 was unrealistic due to its high cost, the decision about the S-300 may have been influenced by American sanctions policy. (Samorukov 2020, 19).

Under the Countering America's Adversaries Through Sanctions Act (CATSA), enacted in 2017, a nation procuring certain major defence articles from Russia can be subjected to U.S. sanctions. Matthew Palmer, U.S. special envoy on the Balkans, warned about the possibility of US sanctions in November 2019, and that issue featured prominently in the negotiations of Thomas Zarzecki, the senior State Department official responsible for the implementation of CATSA, who arrived for a routine visit to Belgrade in the same month (Radio Slobodna Evropa 2019b, Harangozó 2020, 7).

It is important to mention that compared to the number of military exercises with NATO or NATO member states, Serbian military drills with Russia are much less frequent. For example, during the period 2016-2017,

four Russo-Serbian military drills were held, the same number as in 2019. This contrasts with the number of NATO related exercises in the relevant period, which is 25 and 13, respectively (European Western Balkans 2017, BCSP 2018, Harangozó 2020, 5).

The first joint military exercise of the armed forces of the two countries was “Srem-2014”, held in the same year. Since 2015, Serbia also participates in the annual “Slavic Brotherhood” exercises together with the armed forces of Russia and Belarus. In 2020, however, Serbian participation in that exercise became a source of significant diplomatic controversy. The 2020 edition of “Slavic Brotherhood” was held in Belarus where a political crisis erupted after the seriously flawed August presidential elections and official repression against opposition protesters. EU member states therefore applied significant pressure on Belgrade in order to rescind its participation on that exercise. In the days immediately preceding the drill, the Serbian government proceeded to cancel its appearance, and announced that the country suspends participation in international military exercises for the next six months. Defence Minister Aleksandar Vulin explained the decision with the need to protect Serbian neutrality and “very significant Western pressure” but given the fact that no other exercises were planned for the next six months, the step was meant for “face saving” vis a vis Moscow (Harangozó 2020, 7).

## Relations with China

Serbian ties with the People’s Republic of China were until recently limited to economic and political cooperation. Belgrade is an active participant in the Belt and Road Initiative and the 17+1 cooperation framework between China and Central/Southeast Europe. Investment projects with Chinese financing or involvement include infrastructure and energy projects, as well as acquisition of Serbian industrial assets (such as the Smederevo Steel Works or the STB Bor copper mine and smelter) by Chinese enterprises. (CEAS 2019b, 22-26, 36-37, Nouwens and Ferris 2020, 26-27)

Cooperation in the domain of defence and security dates back only to the last few years. During the 2018 visit of President Vučić to China, the two governments agreed on the procurement of Chinese military drones for the Serbian military, as well as on technology transfer for Serbia’s own

drone programme (B92 2018, CEAS 2019b, 29). In the end, Belgrade ordered 9 Chinese CH-92A drones with its necessary armament. That delivery, concluded in the summer of 2020, marked the first major Chinese military sales in Europe since the end of the Cold War (Xuanzun 2020, Kastner 2019).

Apart from commercial sales, the People's Republic of China donated military equipment worth \$5.2 million to Belgrade in the period between 2007 and 2018. This compares with the similar American figure of \$9.8 million (Nouwens and Ferris 2020, 16).

News of a potentially much bigger arms deal with China emerged in August 2020 when it was discovered in the annual report of the state-owned Jugoimport SPDR company, responsible for export-import of armaments, that an agreement has been concluded to acquire the FK-3 surface-to-air missile system from Beijing. The FK-3, in its Chinese designation HQ-22, is a medium range missile system developed in the 1990s based on Russia's S-300. (Radic 2020). The news of the deal was not officially denied by the company concerned, and one day later, President Vučić responded by saying that purchase of FK-3 is “only being considered” at the moment. Western reaction was relatively muted: NATO reaffirmed its respect for Serbia's military neutrality, while the American embassy pointed to “significant risks” related to the procurement deal (Zoric 2020, Harangozó 2020, 8). Russian media, however, expressed its disappointment that Belgrade opted for a Chinese missile system, instead of the Russian S-300, whose acquisition was long rumoured by the press in both countries (Kostic 2020). As of April 2021, there is no definitive news on whether the deal was agreed on. If confirmed, Serbia would be the second foreign operator of the FK-3 after Thailand (Bankovic 2020).

Military diplomatic ties also intensified between Belgrade and Beijing in the last few years. Defence Minister Aleksandar Vulin met his Chinese counterpart Wei Fenghe during an official visit in 2018. Serbian defence ministers also delivered addresses several times at International Xiangshan Forum in Beijing, an important annual conference discussing security and defence issues (CEAS 2019b, 30, Nouwens and Ferris 2020, 16). In late 2019, Zhang Youxia, Vice Chairman of the Central Military Commission of the Chinese Communist Party (CCP), met President Aleksandar Vučić in Belgrade to discuss defence cooperation matters (Harangozó 2020, 9).

Despite the intensification of military ties between Belgrade and Beijing, a military exercise involving the two armies has yet to take place. Defence Minister Vulin announced in December 2019, that the first joint exercise of Serbian and Chinese armed forces will take place in 2020. That drill, however, was postponed due to the coronavirus pandemic (Radio Slobodna Evropa 2019a, Harangozó 2020, 10).

## Assessment and Future Perspectives

An interesting dualism can be observed in Serbia's neutrality policy: both in how it came about and how it is perceived or operated in practice by policymakers. Its genesis has as much to do with domestic political questions (Tadić-Koštunica rivalry, the 2008 election) and current diplomatic exigencies (the situation of Kosovo) as it had with deep seated social cleavages and collective traumas. Similarly, there is an ambition to formulate a coherent security policy position based on military neutrality (for example, parts of the new national security and defence strategies), and at the same time, neutrality is used as a political device to extract leverage in negotiations with foreign counterparts. Rhetorical invocation of neutrality also serves to explain, or to postpone and circumvent, sensitive political decisions.

Nevertheless, some broader trends can be discerned. Even though there is a desire from part of the Serbian government to “balance” between its “Eastern” and “Western” partners, the cooperation in military and security terms is rather “unbalanced”, with cooperation involving NATO being significantly more intensive than cooperation involving Russia or China.

Despite the contrary media narrative, the extent of Serbia's cooperation with NATO is undeniable and the Alliance is here to stay in the country's security policy landscape. This can be explained not only with the country's geographic location (apart from Kosovo and Bosnia and Herzegovina, all its neighbours are NATO members), the presence of KFOR in Kosovo: the Alliance is also an important source of “military know-how” and partnership with NATO is seen by Belgrade as an important stepping-stone to EU membership (Cuckic 2019, Samorukov 2020, 19-20).

Even if Serbia and Kosovo were to reach a mutually satisfactory solution regarding the disputed status of latter, this would not mean automatic reassessment of Serbian neutrality and NATO membership. Given the



widespread unpopularity of NATO and the political-ideological potency of the “victim” narrative connected to the 1999 NATO bombing of the FRY (Ejdus 2014a, 49–50), we do not believe Serbian NATO membership is realistic even in the medium-term.

Similarly, even though it seems Russia and Serbia are “drifting apart”, a drastic change in the relations of the two countries is unlikely in the near future. As we mentioned before, until the mutually satisfactory resolution of the status of Kosovo, the Serbian government is interested in keeping the goodwill of Moscow, and vice versa. Moreover, Russia, and in particular, President Vladimir Putin remains popular, especially among the Orthodox-nationalist part of the electorate. Pro-Russian forces continue to have support among members of the armed forces, security services and the police (Samorukov 2019a, 2019b, Harangozó 2020, 10).

Major weapons procurement from Russia in the future might be constrained, however, by the threat of US sanctions. Further intensification of the political conflict between the United States (and, increasingly, the European Union) and Russia will present Belgrade with new challenges.

Defence cooperation between Serbia and China is relatively recent. Belgrade seems to its ties with Beijing as a way to diversify its “non-Western” alliances, given the increasingly fraught Russian-American relationship. The coronavirus pandemic also contributed to China’s growing influence in Serbia, at the times at expense of Russia. Serbia’s links to China suffer from the same vulnerability as his Russian alliance. Intensification of the political conflict between China and the United States (which shows no signs of abating with the new administration in Washington) might lead to new sanctions on Chinese military sales abroad, with a substantial impact on Serbian weapons procurement. American warnings reacting to the news of the potential FK-3 missile deal suggest that the U.S. administration does not view favourably the expansion of Chinese defence industry in Europe (Harangozó 2020, 10–11).

Even more important will be from Belgrade’s perspective the evolution of EU-China ties, particularly if we consider the fact that according to some analysts, as well as former Commissioner for Enlargement Johannes Hahn, Brussels in the past overestimated Russian influence in the Balkans but underestimated Beijing’s (European Western Balkans 2019b, Harangozó 2020, 11).



With regards to the long-term sustainability of Belgrade's neutrality policy we need to separate the above mentioned two facets of Serbian neutrality in practice. Military neutrality, as a security policy position is a legitimate option which is fully consistent with EU membership (a stated goal of the Serbian government), as the example of Sweden, Finland, Austria and Ireland shows. However, at certain point in its EU accession process, Serbia will have to align itself with the Union's foreign policy positions, including prevailing EU policy on Russia and China as well. Alignment with common foreign policy would mean adherence to the EU arms embargo against China, in force since 1989, which would seriously limit Serbian defence cooperation with that state, even in the absence of new US sanctions against China modelled on the CATSA legislation.

Neutrality can be a legitimate security policy position, if and when backed by a coherent set of national interests, but not when used as a political device or bargaining chip. A future resolution of the Kosovo issue and acceleration of the EU accession process might prompt Serbia to reformulate its neutrality along the above-mentioned lines. When, or indeed if, that will happen is, however, not only up to Belgrade.

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# AN AMBITIOUS IDEA WITHOUT PRACTICAL FOUNDATIONS

## THE PRAGMATIC SIDE OF A POTENTIAL LAND SWAP DEAL BETWEEN SERBIA AND KOSOVO

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**Abstract:** In the vacuum created by the stagnation of the EU-led dialogue process, the old idea of redrawing borders along ethnic lines between Serbia and Kosovo has gained traction among certain political elites in Belgrade and Pristina, as an alternative way of achieving a final settlement between the two countries. Even though the resurgence of the idea has attracted considerable attention, few have addressed the likelihood of its implementation. This paper seeks to address this gap by taking a comprehensive look at the pragmatic side of the idea (usually referred to as ‘land swap’). Presenting specific issues that may hinder the realization of such an agreement, the study suggests that a land swap cannot be a feasible political alternative for settling the long-standing dispute between Belgrade and Pristina.

**Keywords:** Kosovo, Serbia, borders, land swap, implementation

## Introduction

Unresolved bilateral disputes between Serbia and Kosovo have put major obstacles in the way of their EU integration, as well as their economic development. Thus, both domestic and international pressure is increasing on Belgrade and Pristina to define their relations through a comprehensive agreement on normalization. However, since the



dialogue started between Serbia and Kosovo under the auspices of the EU, relations between the two countries may be described as a political roller-coaster. Even though the technical negotiations and political dialogue have resulted in a series of agreements, the dialogue stalled in early 2016. After two years without any progress on implementing previous agreements or concluding new ones, chatter around exchanging territories between Serbia and Kosovo gained publicity as an alternative shortcut to the EU-mediated Belgrade-Pristina dialogue.

The idea of sorting out divisions through exchanging territories has been around in the Serbian debate since the 1990s, but it was never seriously discussed officially prior to 2018. Therefore, it was a real surprise that the idea, previously treated as a taboo in Kosovo, seemed to have gained traction in leading Kosovar political circles, as former president Hashim Thaçi began to endorse the idea. However, the fact that things have come this far is mostly due to the vague and contradictory international signals. Actors with a strong political influence in the region, namely some key EU officials and members of the Trump administration, showed signs of openness to debating a proposed 'land swap' idea, which marked a 180-degree turn in the conventional EU and US policies on the Serbian-Kosovar dispute.

Although the idea of redrawing the borders in the Balkans has attracted considerable media attention and even created internal political thunderstorms in Kosovo, there are major obstacles to its implementation. The practicalities of a land swap agreement have never been outlined precisely, and there are a multitude of unanswered questions related to its feasibility. It is also telling that the actors involved are far from speaking with one voice on fundamental questions of the land swap idea. Nonetheless, most media coverage and studies on the issue have dealt with the potential risks of the land swap rather than the likelihood of its implementation. Thus, one could have the feeling that the parties concerned might be able to succeed in concluding an agreement that includes some form of territorial exchange. This study will seek to close this gap by taking a comprehensive look at the pragmatic side of the land swap idea. Presenting the main practical limitations of a land swap agreement, the study will argue that it was more of a media sensation than a realistic political alternative, thus it cannot provide a long-lasting solution to the Serbia-Kosovo conflict.

## Background and context

The idea of redrawing the borders of the Balkan countries along ethnic lines has a long history. After the breakup of Yugoslavia, such ideas were put forward by the nationalist leaders of the region and a circle of academic intellectuals and diplomats (e.g. Kauffman 1996), with the intention of bringing lasting peace to the region. Nevertheless, through the final resolution of the Yugoslav Wars, the Dayton Accords of 1995, the Western powers unanimously committed to the principle of *uti possidetis*, predicting the permanent stability of the region in the preservation of multi-ethnic societies.

These principles, as a long-term community goal, were also reflected in the process of resolving the final status of Kosovo, in the Rambouillet accords (1999), Resolution 1244 (1999), the UN Standards for Kosovo (2003), and the successive Contact Group statements (e.g. 2004, 2006). In November 2005, the Contact Group explicitly stated in its Guiding Principles that any final settlement should ensure Kosovo's multi-ethnic nature, and that there should be no partition of Kosovo and no union with any part of another country. This was also the core principle of the Ahtisaari talks (United Nations Security Council 2007). Finally, even the Constitution of Kosovo describes the country as a multi-ethnic society and highlights that "The Republic of Kosovo shall have no territorial claims against, and shall seek no union with any State or part of any State." [Article 1(3)]

However, in Serbian public discourse the proposal to redraw borders along ethnic composition has been a topic of constant dispute (see Spahiu 1999). The territorial and ethnic partition of Kosovo was a topic in the 1970s (International Crisis Group [ICG] 2007, 11), but it really gained momentum in the 1990s. At the time, influential Serbian politicians and academics, such as Dobrica Ćosić (Spahiu 1999), the first president of the Federal Republic of Yugoslavia, academic Branislav Krstić Serb (Krstić 1994), or Aleksandar Despić (Spahiu 1999), director of the Serbian Academy of Sciences and Arts, an academic institution that plays an essential role in formulating the strategy of the country (Vasovic 2007), publicly proposed the possibility of partitioning Kosovo.

Directly after the Ahtisaari Plan was revealed in early 2007, the pro-government media of Serbia launched a campaign publicly advocating for the partition of Kosovo. These voices seemed to intensify when Kosovo declared independence in 2008. In 2007, the International Crisis Group revealed that “[...] partition has been the official, albeit not the publicly articulated policy of Serbia towards Kosovo since 1999, when Slobodan Milošević withdrew Serbian forces from the province” (ICG 2007, 11). At this time the main concern of Serbia was Kosovo’s potential independence. Yet Serbia faced a paradox: plans to divide Kosovo could not be revealed publicly, as it would have presupposed Kosovo’s existence as a state.

The idea of partitioning Kosovo has re-emerged again and again in Serbian public discourse since Kosovo’s declaration of independence. This does not come as a surprise, considering that there have been very few changes in the key personnel of Serbian party politics since the fall of the Milošević regime (European Stability Initiative [ESI] 2019, 2). At the same time, Kosovar and international media have been more or less passive about this issue. However, the real surprise was when the old nationalist idea of redrawing borders on the basis of ethnicity recently received unprecedented publicity.

## Media uproar

The vast majority of articles published in major international newspapers (e.g. the New York Times (Santora 2018), Reuters (Bytyci & Sekularac 2018), or Deutsche Welle) focused on the potential risks of the tentative idea, arguing that redrawing maps along ethnic lines in the Balkans would not solve any of the real problems (Dragojlo & Bami 2020), as it could open the proverbial Pandora’s Box of unresolved ethnic and territorial disputes in the region (Schwarz-Schilling 2019). It was also described as peaceful ethnic cleansing (Kupchan 2018), as it could force many people to leave their homes. Another argument was that the idea would destroy the work done by the US and the West to ensure a peaceful image of Kosovo as a multi-ethnic society, where Albanians, Serbs, and other communities live together in peace (Rossi 2018).

The potential land swap has also led to an uproar in the Kosovar media, which has further intensified the already turbulent situation around the idea. It was stated in several media contents that the real sponsor of

this agenda is Serbia (Koha Ditore 2018a), who is trying to play across borders (Koha Ditore 2018b), sometimes arguing that the idea would serve the goal of creating a Greater Serbia (Koha Ditore 2018c) or indicating that opening the issue of borders in any form is a return to pre-independence (Koha Ditore 2018d), since the state of Kosovo and its borders are defined by the Declaration of Independence, the Constitution, and the advisory opinion of the International Court of Justice on the Declaration of Independence of Kosovo. On the Serbian side, concerns were expressed in certain articles that the proposal would essentially result in the recognition of the independence of Kosovo (Danas 2020), which would contribute to the loss of the Serbian identity and cultural heritage (Danas 2019), and it would pave the way for the idea of Greater Albania (021 2019). However, compared to the Kosovar media, articles advocating for 'demarcation' appear in greater numbers in the Serbian media, where they usually argue that demarcation is a rational way of solving the decades-long dispute (Informer 2019).

This heated atmosphere surrounding the proposed land swap has had a significant impact on Kosovo's public and political spheres. In September 2018, an estimated 20,000 people took to the streets of the capital of Kosovo to protest (Radio Free Europe 2018) against President Thaçi and his push for what he refers to as 'border correction'. Although both the governing coalition (the so-called PAN coalition) and the main opposition parties (Vetëvendosje [VV] and the Democratic League of Kosovo [LDK]) have strongly opposed any border changes with Serbia (Koha Ditore 2018e), they have failed to form a common position on the issue. Instead, they have repeatedly accused each other of working to implement the idea (which later turned out to be partly true when the Balkan Investigative Reporting Network (BIRN) discovered some evidence of Kosovo institutions lobbying for a land swap (Xharra 2020a)). Although the intention was clear, the political division resulted in a deadlock: the Assembly of Kosovo failed to pass a resolution which would have prevented any leader, including the president, from negotiating border changes with Serbia (Zëri 2018). The opposition and the governing coalition tried to push for two separate draft resolutions for about six months (Kosova Democratic Institute [KDI] 2019), which only further increased the uncertainty surrounding the issue.

## It takes two to tango

How could the land swap idea come to the fore in resolving the stormy relations between Serbia and Kosovo? On the one hand, it should be highlighted that the land swap idea could only gain momentum in the vacuum created by the stalled Belgrade-Pristina dialogue. Moreover, it is important to note that according to critics (e.g. Bonomi 2020), the EU is experiencing 'enlargement fatigue' and seems to be losing its credibility in the Western Balkans. Thus, the EU Commission is under pressure to bring the parties back to the negotiating table. Meanwhile, the US has renewed its interest in the region, mainly to counterbalance the growing influence of rival powers like Russia and China. The US has also intensified its pressure on Belgrade and Pristina to normalize their relations. However, breaking with its traditional policy of keeping the EU at the centre of the negotiating process, the Trump-administration tried to create a parallel negotiation track. This new approach raised concerns among experts that it could indicate a sharpening regional rivalry between the US and the EU. All of these factors should be taken into account when trying to understand the political climate in which the land swap seemed to have gained some traction.

### Endorsements from both sides

Most articles and analyses on the subject mark the European Forum Alpbach Conference on 25 August, 2018 as the starting point of the resurgence of the idea, when the Presidents of Serbia and Kosovo made it clear that they are seriously considering border changes "[...]for the sake of peace and to end a century-long conflict" (President of Kosovo 2018). However, it is important to point out that although the Alpbach Conference marked the first time when the two presidents openly advocated for the idea before the EU and the international community, chatter about the idea of border changes had floated from both sides months before.

In early 2018, voices supporting the idea from the Serbian side seemed to intensify. One of the old proponents of the idea, Ivica Dačić, former Minister of Foreign Affairs of Serbia, publicly argued that the division

or exchange of territories between Kosovo and Serbia would be “[...]the only real long-term solution.” (Koha Ditore 2018f). At that time, the main political figures from Kosovo categorically rejected Dačić’s suggestion, for example, Prime Minister of Kosovo Ramush Haradinaj stated that “[...] all borders in the Balkans are the result of wars. If we open this topic, it is endless” (Koha Ditore 2018g), while former President of Kosovo Hashim Thaçi said that “[...]correcting the borders is an option that carries many dangers, which we all know” (Koha Ditore 2018h).

However, a few months later, in June 2018, Thaçi, who had previously warned of the dangers of ‘border correction’, stated that “There will be no red lines in the dialogue process with Serbia as there were at the Contact Group in the Vienna talks” (Koha Ditore 2018i). One month later, in July 2018, he openly advocated for ‘border correction’ “[...]as a possible solution for reaching a final peace agreement with Serbia” (Koha Ditore 2018j). The ‘about-face’ of the President on the issue was quite surprising and caused serious concerns, mostly because Thaçi is known as the Kosovar political leader with the greatest influence (The Telegraph 2020). The former political leader of the KLA (Kosovo Liberation Army) gained recognition during the diplomatic talks in Rambouillet in February 1999, as the leader of the Kosovar negotiating team. He oversaw Kosovo’s declaration of independence as the country’s first Prime Minister, and he later also served as Deputy Prime Minister and Foreign Minister, finally becoming President in 2016. Thaçi is also known to have close ties with the US, mainly because they have invested a lot of political capital in him in the last 20 years. As the Balkan Insight, a website published by BIRN, put it: “[...]Thaçi is clearly the US’s man in Kosovo and the one expected to carry the peace initiative forward” (Pineles 2019).

At the same time, President of Serbia Aleksandar Vučić also clarified his position on ‘demarcation’ and clearly stated that he supports it as a permanent solution with Kosovo: “I am in favour and I am not hiding that, I am certainly in favour and that is the policy I represent” (Politika 2018), but he also added that “Whether we will succeed in the demarcation does not depend on us [...], It takes two to tango” (The Telegraph 2018). This could also be interpreted as referring to the Kosovo side, or more importantly, to the contribution of the international community, as international approval would be key to any agreement between the two countries.

As stated above, the idea has been lurking in the background since the 1990s, but it has never become a political reality, mostly because the US and the EU have categorically opposed it. However, the fact that things have come this far is mostly due to the vague and contradictory signals from the international community.

## Signs of openness from Washington

One of the key actors is the United States, a major ally to Kosovo and considered to be the main political supporter of Kosovo's state-building process and recognition by the international community. The US position on land swap has long been clear. In 2017, Aleksandar Vučić described US officials as "[...]very open and brutal about Washington positions", stating that "[...]they would tell me that we should stop imagining that changes of borders would be possible" (Vučić 2017). However, in early 2018 the US seemed to abandon its well-established policy on the Balkans and give a green light to the old idea of redrawing the borders of Kosovo on the basis of ethnicity. When former Serbian foreign minister Ivica Dačić went to the US to see John Bolton in July 2018, he noticed a big difference in Washington's attitude: "They are willing to listen to Serbia's arguments. Two years ago, they would say in talks that the issue has been resolved. Now they say that a compromise should be found. This is a huge difference" (N1 2018a).

The change in the US policy coincided with the replacement of national security advisor H.R. McMaster and the appointment of John Bolton. The newly appointed security advisor had had clear views about Kosovo for a long time. When Kosovo declared its independence, Bolton argued that "[...]further partitioning of Kosovo is the right thing to do, at least for areas with a Serb majority that border Southern Serbia. It would reflect both the ethnic and political reality on the ground" (ESI 2019, 10). One decade later, on August 24, 2018 Bolton made it clear that the US would not reject any deal mutually agreed on by the two parties. "Our policy, the U.S. policy, is that if the two parties can work it out between themselves and reach an agreement, we won't exclude territorial adjustments. It's really not for us to say" (U.S. Embassy in Ukraine 2018). This statement showed a major shift in US Balkan-policy, which, according to former policy advisor Michael Carpenter, clearly came from John Bolton: "[...]



the Trump administration's support for a land swap comes from a few influential personnel in the administration like John Bolton" (Burazer 2019).

The suspicions about the United States' dramatic position switch on a potential land swap were further reinforced by the letter sent by Donald Trump to Vučić and Thaçi in December 2018. In the letter the president welcomed their "[...]current reconciliation efforts [...] to reach an agreement that balances the interests of both Kosovo and Serbia" and warned that "Failure to capitalize on this unique opportunity would be a tragic setback, as another chance for a comprehensive peace is unlikely to occur again soon" (President of Kosovo 2018). Although the text of the letter does not explicitly refer to the land swap deal, Hasim Thaçi seemed to be convinced about the content, as he stated in an interview: "[...]The US message is summarized in two letters sent by President Trump to me and Serbian President Vučić. That's the clear US framework for the Kosovo-Serbia dialogue process: there are no red lines" (Koha Ditore 2019a).

Several analysts also questioned the real reason behind the appointment of US Ambassador to Germany Richard Grenell as the Special Presidential Envoy for Kosovo-Serbia Negotiations. Daniel Serwer, an American expert on the Western Balkan region, even called it "bizarre", since the State Department had already announced the appointment of Matthew Palmer as the new US Special Representative to the Western Balkans. According to him, "[...]this is an appointment likely to cause even more uncertainty about US policy than already prevails" (Serwer 2019). The new U.S. Special Envoy was given a full mandate (Kuzmanovic 2019) by President Donald Trump to achieve an agreement between Belgrade and Pristina as soon as possible. And although Grenell repeatedly stated that he only cared about economic development and would not engage in political matters (Radio Free Europe 2020a), according to some interpretations, his appointment was good news for supporters of the idea of border change. For example, according to US analyst Edward Joseph (Blic 2019), the appointment of the US Ambassador to Germany as Special Presidential Envoy for Kosovo-Serbia Negotiations was an indicator that the White House believed it could convince Berlin to support the land swap idea. Prime Minister of Kosovo Albin Kurti even



claimed that “[...]What he [Grenell] needs is a quick deal to show they can fix crises in the world (...) and this can be presented as a success in this electoral year (The Guardian 2020).” Similar allegations appeared in the Brussels-based newspaper ‘EUobserver’, claiming that “[...]US Special Envoy Richard Grenell continues to promote the idea of a ‘quick deal’ on recognition” (Krasniqli & Rettman 2020).

On the basis of the above, the concerns that the Trump administration would not reject an agreement to redraw borders on the basis of ethnicity appear to be substantiated. Some analysts even questioned the role of the US in the sudden emergence of the idea. The fact that Vučić and Taçi seemed to believe that Washington encouraged them to pursue the idea further reinforced the suspicion (Tcherneva 2018). Some even claimed that the “[...]US seemingly pushed the EU on the issue” (Dragojlo & Bami 2020) or “[...]a final deal between Kosovo and Serbia was prepared in Washington DC and would include an exchange of territories” (Xharra 2020b). The US administration repeatedly denied the fact that they ever actively encouraged an adjustment of borders (U.S. Embassy in Kosovo 2019), the State Department even issued a statement which clarifies that “[...]there is no secret plan for land swaps between Kosovo and Serbia, as some have speculated” and that Washington “[...]has never seen nor discussed such a plan” (U.S. Embassy in Kosovo 2020). However, the statements failed to prevent the widespread belief that Washington is playing an important role in negotiating the land swap agreement. Furthermore, regardless of whether the US would support such an agreement, the administration’s lack of opposition was enough on its own to keep the land swap option alive.

### Lack of clear stance

#### On the part of the European Union

The EU is still the most influential actor in the Western Balkans, due to its geographical proximity and its economic power. In addition to that, since the EU offered the Western Balkan states the prospect to join the bloc at the Thessaloniki Summit in 2003, the EU integration perspective has had a clear catalysing effect in resolving bilateral challenges throughout the region (Huszka 2020). The EU also had a major role in establishing the Belgrade–Pristina dialogue, as the promise of EU integration motivated

Belgrade to enter a formal dialogue with Pristina in 2011. Since then, the pressure has led to the signing of several technical agreements and two high-level political agreements in 2013 and 2015, although it should be noted that many of these agreements remain unimplemented or only partially implemented. The process itself also virtually broke down by late 2016, and it was only in 2020 that encouraging news appeared about the continuation of the dialogue (Bami 2020).

All in all, the EU-facilitated dialogue is the main platform for both Serbia and Kosovo to get closer to a final settlement; therefore, without the EU's approval it would be inconceivable to reach any agreement that alters the status quo. Therefore, the lack of a clear stance on the part of the EU regarding the red lines of the dialogue has led many to fear that the two presidents could make the idea of land swap real. At the European Forum Alpbach Conference, when both Thaçi and Vučić first openly advocated for the idea of the land swap before the EU, EU Commissioner for Enlargement Johannes Hahn said that “[...]Whatever the solution finally is, and we should not exclude anything” (Rettman 2018). A couple of days later EU High Representative for Foreign and Security Policy Federica Mogherini also stated that “[...]whatever outcome that is mutually agreed would get our support provided it is in line with international law and with European Union *acquis*” (Barigazzi 2018). Furthermore, an article published in the Wall Street Journal (Pancevski & Hinshaw 2018) revealed a document in which the European External Action Service expresses support for a joint Serbian-Kosovo plan to redraw borders, which also contributed to growing concerns that the idea is supported in certain influential European diplomatic circles.

The approach of the newly elected European Commission seems to be in line with the above, as the current EU High Representative, Josep Borrell, refused to exclude the exchange of territories as an option for a Kosovo-Serbia deal (Exit News 2020a) (although a month later he said that the best thing to do is to maintain the status quo (Exit News 2020b)). Similar statements come from the current Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi, who stated that “[...] regarding the land swap, our position is clear. We will support the agreement if both countries agree and if the solution is not threatening other countries” (European Western Balkans 2020). However, it is important to highlight

that veteran Balkan envoy Miroslav Lajčák has argued against the land swap several times, emphasizing that this would run counter to the idea of the multi-ethnic societies on which the EU is based (Battaglia 2018). In 2020, as the newly appointed EU Special Representative for the Belgrade–Pristina Dialogue, Lajčák said that the idea of correcting the borders and exchanging territories between the two countries was not on the agenda of the dialogue he mediated (Koha Ditore 2020).

It is interesting to point out that even the most influential EU Member States (namely Germany and France) seem to have different positions on this issue, which should also be emphasized because these two countries have direct involvement in the Belgrade–Pristina Dialogue.

Over the last two years, some have argued that although it has not been publicly stated, the French leadership is open to the proposed idea (Euractiv 2019). Hashim Thaçi even claimed that Emmanuel Macron supports the idea of “border correction” (Morina 2018). The openness of the French leadership also seems to be confirmed by a statement of the Ambassador of France to Kosovo, Marie-Christine Butel. In an interview with the Albanian newspaper *Gazeta Express*, Ambassador Butel said that “[...]it’s up to the parties to determine the content of the agreement [...] as long as it’s legally binding and would contribute to strengthening regional stability (Zëri 2019).” Although in recent months, according to French newspaper *Le Monde*, the *Elysée* seems to have excluded the land swap option as part of the recently relaunched dialogue process (Smolar & Chastand 2020).

In contrast, Germany explicitly opposes the idea. In early August 2018, when both the Kosovar and the Serbian presidents officially started to support the idea, German Chancellor Angela Merkel was one of the first to stand by the inviolability of Kosovo’s borders, stating that “[...] the territorial integrity of the states of the Western Balkans has been established and is inviolable” (Gray 2018). In the past two years the German Chancellor has remained resolutely opposed to the Kosovo–Serbia land swap. So did the majority of the German leadership and most political parties in the Bundestag (Shuka 2020).

Many articles and studies refer to the EU as if it had a unanimous approach towards the issue. However, it is worth noting that the EU does not have a consistent strategy towards the land swap idea, as it would

require a complete consensus among the member states, and not only are the members divided on the red lines of the dialogue, but Kosovo is still not recognised by five EU Member States. As common foreign and security policy decisions still require unanimity from the EU, it is quite difficult to reach a compromise on issues related to foreign affairs.

## Practical limitations

As highlighted above, in recent years the land swap idea has become increasingly popular in the media and has seemingly gained momentum in influential international and domestic political circles. However, the practical limitations of a land swap agreement have never been outlined precisely. The following chapter addresses this gap by presenting the specific issues that may hinder the realization of an agreement on territorial exchange.

### Information vacuum

First, political elites on both sides are using confusing and contradictory terminology concerning the land swap. On the Serbian side, the political actors who seem supportive of the land swap often use the term ‘razgraničenje’ (lit: demarcation). This stems from the fact that the Serbian point of view is that Kosovo is an integral part of Serbia, thus a new border needs to be demarcated. In contrast, the Kosovar voices advocating the idea mostly use the term ‘korigjimi i kufijve’ (lit: border correction). From their stance, the land swap is seen more as an amendment of the present borders than a demarcation of new borders. However, opponents of the idea from both sides tend to use the term ‘podela’ (lit: partition) or ‘ndarje’ (lit: partition), which refers to the abandonment of territorial integrity in both countries. The most common term used in the international mainstream media is land swap, which is relatively neutral, although it assumes Kosovo’s independence. It should also be mentioned that public international law does not recognize ‘land swaps’, these are usually rather categorized as border changes/corrections or transfers of territories. A transfer of territory is legally possible in the form of an international agreement between two sovereign states.

Second, this contradictory approach is also reflected in the statements on the specific areas that would be concerned in the land swap deal. For instance, Hashim Thaçi has presented two self-contradictory ideas. On the one hand, he has stated on several occasions that he is against a land swap but supports 'border correction', under which Kosovo would receive some Albanian-populated South Serbian territory – namely the Preševo Valley, colloquially referred to as 'Kosova Lindore' (lit: East-Kosovo) – and he has insisted that any partition of Kosovo would be unacceptable. In 2018, he said that "[...] my idea is a correction of the border and the unification of [Serbian municipalities with Albanian majorities] Preševo, Medvedja and Bujanovac [with Kosovo]. No part belonging to Kosovo will be part of Serbia, that is out of the question" (Kosovo Sever Portal, 2018). Similar views were put forward in 2019, when Thaçi stated that "[...]only over my dead body will the border correction affect even one millimetre of Kosovo's territory" (Koha Ditore 2019b). On the other hand, on other occasions he has acknowledged that the "[...]Border correction would involve Northern Kosovo (sic) and South of Serbia as well" (France 24 2019).

On the Serbian side, President Aleksandar Vučić usually avoids explaining what he means by 'demarcation'. Sometimes he argues that giving details would harm the Serbian position in the negotiations with Pristina (Mitrovic 2018). However, on the few occasions he has revealed some details of his position, he only mentioned the Serb-majority areas of North Kosovo. For example, in an interview he put it this way: "It is true that not everything in Kosovo is Albanian and it is true that not everything in Kosovo is Serbian and we have to reach a compromise" (Kurir 2019). On other occasions, he also denied that possible territorial exchanges involving the entire Preševo Valley had ever been discussed: "No one ever told me about the idea of exchanging 17 Serb villages for Preševo, Bujanovac and Medvedja [...] I only heard about it in the media" (N1 2020). He also called the idea of transferring the Preševo Valley to Kosovo meaningless and added that "When you look at Medvedja, you can only smile, I don't understand. Only 6.5 % of Medvedja is Albanian" (Kosovo Sever Portal, 2020).

As explained above, there is no concrete proposal that is mutually agreed upon by Belgrade and Pristina. Therefore, speculations from policy analysts and politicians are mostly assumptions in the sense that they

are not based on specific statements or official information. However, to date the most common theory is that the land swap would involve four northern Kosovo municipalities with a Serb majority – North Mitrovica, Leposavić, Zubin Potok, and Zvečan – becoming part of Serbia. These Serb-majority municipalities still remain largely outside the control of Pristina and retain close ties with Belgrade. In exchange, some Albanian-populated municipalities in Preševo Valley – located in Southern-Serbia – would be ceded to Kosovo. The next part of the paper is based on this assumption and presents the main practical issues related to the feasibility of the land swap agreement.

## Legal criteria

### *SERBIA*

In Serbia, the Constitution defines that the state borders are inviolable and may only be altered through a procedure applied to amend the Constitution (Article 8). The Constitution also defines that any amendment of the Constitution must be voted in favour by a two-third majority of the total number of deputies of the National Assembly (Article 203). These constitutional criteria would not face major obstacles in Belgrade due to the concentration of political power within the current Serbian political scene, which would probably ease the process towards major legal changes. The SNS-led coalition has a comfortable two-third majority, and President Aleksandar Vučić enjoys wide public support in Serbia.

However, Serbia's constitution also requires that any changes of the Preamble must be endorsed in a referendum of all citizens (Article 203). As the Preamble states that the Province of Kosovo and Metohija are “an integral part of the territory of Serbia”, any change in this section would not only require parliamentary support but also a majority vote in a referendum. Considering that the question of Kosovo's status remains one of the most critical political issues, which continues to provoke strong emotional reactions, gaining a majority would be challenging to President Vučić and the Government of Serbia.

According to Center for Social Dialogue and Regional Initiatives (CSDRI) research conducted in September 2019, only between 15% and 20% of respondents would accept some of the scenarios entailing the recognition

of Kosovo's independence, even if it means territorial concessions to Serbia (CSDRI 2019, 4). Meanwhile, according to a survey conducted by CeSID (Center for Free Elections and Democracy) and CEAS (Center for Euro-Atlantic Studies) in November 2019, 39% of the respondents would vote for a 'delimitation' which would involve four northern municipalities "remaining" in Serbia, which would grant extensive autonomy for Serbian municipalities in Kosovo (CeSID and CEAS 2019, 17). Such strong views on Kosovo suggest that it would be difficult to "sell" an agreement that includes Kosovo's independence and points to the need to alleviate the emotional roots of this issue before reaching any lasting legally binding agreement.

## KOSOVO

In Kosovo, the Constitution demands a two-third majority of all deputies of the Assembly for the ratification of any international agreement dealing with territory (article 18 (1)). In this light, an agreement with Serbia on territorial changes would require the consent of the vast majority of Kosovo's political scene. However, there is no effective political consent in sight, as the vast majority of Kosovo's political scene is explicitly opposed to any idea that would alter the territory of Kosovo. Moreover, Kosovo governments tend to be fragile, and many times even a simple majority is difficult to achieve.

A further constitutional obstacle is that *Article 1 (3)* of the Constitution of Kosovo states that Kosovo shall "seek no union with any State or a part of any State". Therefore, any negotiation through which Kosovo would receive Albanian-populated territories could be considered unconstitutional. Any amendment to the Constitution of Kosovo will require, in addition to the approval of two-thirds of all deputies of the Assembly, two-thirds of all deputies of the Assembly holding reserved or guaranteed seats for representatives of minority communities living in Kosovo (Article 65 (2)).

The conclusion of the proposed land swap agreement would also be hampered by its low-level support of Kosovars. According to different public opinion surveys, approximately two-thirds of the Kosovo public opposes the idea. A survey conducted by the Kosovo Democratic Institute (KDI) in 2018 September found that 77.6% of respondents were



opposed to the land swap agreement (KDI 2018). Research by the Pristina Institute for Political Studies in collaboration with Konrad Adenauer Stiftung (KAS) conducted in December 2019 shows that about 69% of the respondents think that Kosovo should seek recognition in its current borders (Pristina Institute for Political Studies 2019).

Furthermore, public opinion polls conducted by the Research Institute of Development and European Affairs (RIDEA) in February 2019 (RIDEA 2019a), June 2019 (RIDEA 2019b), and March 2020 (RIDEA 2020) consistently measured around 30% support for a scenario that involves border adjustment between Kosovo and Serbia in return for global recognition of Kosovo and an open path to UN membership. However, in order to have an accurate understanding of the results, it is important to mention that the scenario that assumes granting executive powers to the Association of Serbian Municipalities was supported by an even smaller number of respondents (10-15%).

## Geostrategic questions

### *GAZIVODA RESERVOIR*

The highly sensitive issue of the Gazivoda Lake (Ujmani Lake, in Albanian) offers a reminder of why changing the borders would be anything but simple. The Gazivoda reservoir is located in both Serbia and Kosovo, with more than two-thirds of it in the Serb-majority northern Kosovo. However, for Kosovo, giving up the reservoir would mean giving up a resource that plays a pivotal role in the operation of multiple critical services of the country. First of all, Kosovo's water security is closely linked to the country's national security, as according to the UN and OSCE (Organization for Security and Co-operation in Europe), the country's drinking water supplies are quite limited, to the extent that in the future they may have to import it (Tumbovska 2011). In fact, the Gazivoda reservoir supplies more than a third of the country's 1.8 million inhabitants with drinking water (World Bank 2018). This, coupled with the fact that Gazivoda plays a crucial role in cooling two electric power plants (Kosovo A and Kosovo B together produce almost all the electricity in the country (Bernabé-Crespo & Peña-Ramos 2019, 334)), gives an idea of how essential Gazivoda is for Kosovo's water and energy security.



Consequently, giving up the Gazivoda reservoir would be diametrically opposite to the major strategic interests of Kosovo, as the country's independence and stability would be jeopardized if the lake became Serbian territory. A water release management agreement could certainly be negotiated to specify the modalities of use of this infrastructure; however, considering the sensitivity of the issue, such an agreement could only be concluded as a result of a long and complicated process.

The difficulty of negotiating this subject is illustrated well by the fact that issues related to Gazivoda have long been planned to be discussed as part of the Belgrade–Pristina normalization talks under the coordination of the European Union. However, the fact that both sides are claiming ownership of the lake's waters has kept the talks at a dead end, although it seems that the recently relaunched Brussels Dialogue will address the allocation of Gazivoda's resources (Tek Deeps 2020).

The issue of Gazivoda Lake has been addressed in the Agreements on economic normalisation (Washington Agreements), concluded by Kosovo and Serbia on 4 September, 2020 in the White House. In the agreement, the parties undertook to “[...] work with the U.S. Department of Energy, and other appropriate U.S. Government entities, on feasibility study for the purposes of sharing Gazivoda/Ujmani Lake, as a reliable water and energy supply” (The Government of Kosovo 2020). However, the fact that this clause of the agreement, even if it does not contain any specific commitments, has provoked strong opposition in the Assembly of Kosovo<sup>1</sup> also points towards the difficulty of negotiating this issue (see Shehu 2020).

### *TREPÇA MINES*

Another major obstacle to mention is the issue over the Trepça mining complex, as the mining and processing sites and even its control centre would be partly in the territory ceded to Serbia in the event of the proposed land swap agreement. The Trepça mining complex was considered one of the largest enterprises in the former Yugoslavia, accounting for roughly 70% of the extractive industries and employing

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<sup>1</sup> The AAK even threatened to withdraw from the whole agreement if the clause concerning Lake Gazivoda remains in it.

over 20,000 workers (Elshani & Pula 2015, 7). However, in recent years, it has only been operating at low capacity and has faced financial problems (nowadays it does not employ more than 1,300 workers (Radio Free Europe 2020b)), mainly due to the disputes over its ownership and the parallel management structures (Pantovic 2016) operated by Belgrade and Pristina. In 2016, after a long-running struggle to avoid bankruptcy, the Trepça mining complex was officially transformed and registered from a socially owned enterprise into a joint-stock company, where 80% of the shares belong to the Government of Kosovo and 20% to the employees (EUR-Lex 2019). The move was sharply condemned by Belgrade, claiming that Serbia rightfully owns 75% of the mine and adding that they had poured millions of dinars of investment into Trepça over the years before the war (Bytyci 2016).

Despite the fact that the mining complex is currently quite obsolete and operates only at reduced capacity, it still holds exceptional importance for the economic development of the owner country due to its economic potential (Intellinews 2018). The importance of the Trepça mining complex is underlined by the recent increase in financial support from the Kosovo government (Gazeta Express 2020). Therefore, the conclusion of any lasting agreement between the two countries on the territories of northern Kosovo must address the ownership of the mining complex, where both countries have clearly conflicting strategic interests.

### *PREŠEVO VALLEY*

An additional matter that could further increase doubts about the implementation of the proposed land swap agreement is the issue of the Preševo Valley in southern Serbia. This otherwise relatively isolated area is located along the only north-south land corridor through the mountainous Balkan peninsula, giving the valley a significant geostrategic position (ICG 2004, 22). One of the most important transport corridors in Southeast Europe, Pan-European Corridor X, also passes through the valley (namely the southern section of the A1 motorway), connecting Central Europe with the Eastern Mediterranean and giving Serbia access to the Greek port of Thessaloniki, a key transport hub for its imports and exports. The geostrategic role of the valley is further enhanced by two other infrastructure projects: the modernization and construction of a

high-speed rail connection between the Greek port of Piraeus to Central Europe (RailTech.com 2020) and the re-actualization of the Morava-Vardar canal construction (Ejupi 2018), which could give Serbia direct waterway access to the Aegean Sea.

Consequently, Preševo Valley is of vital geopolitical importance for Serbia. Thus, only such an agreement would be realistic in which the motorway and the above-mentioned future infrastructure projects would remain under Serbian jurisdiction. However, such an agreement could only be agreed on as a result of a long and complicated process, which also points to the fact that a land swap agreement can by no means be called a quick deal.

Furthermore, one of the most important military bases of Serbia (called 'Jug' or 'South'), considered the largest infrastructure investment of the Serbian Ministry of Defense in the past few decades (Lazic 2009), is also located in the Preševo Valley. The base finally opened in 2009, after seven years of construction, costing more than 18.3 million euros (B92 2009). Today the base also serves as an international training centre for soldiers in the region for UN peacekeeping missions.

#### *THE ETHNIC COMPOSITION OF THE PREŠEVO VALLEY*

Regarding the Albanian community in Serbia, the most crucial question is how feasible the transfer of the whole of the Preševo Valley to Kosovo is under the proposed land swap agreement - as Hashim Thaçi has promised several times. Given the share of the Albanians in the three municipalities of the Preševo Valley, it can be safely concluded that the cession of the whole area is unrealistic. In the municipality of Preševo, Albanians make up the vast majority of the population (89% according to the 2002 census, the last census recognized by the Albanian community), while in Bujanovac only 55% of the inhabitants are ethnic Albanian. In Medvedja Serbs are the substantial majority, with Albanians estimated to be a minority of 26%, which has probably only decreased further over the past two decades. With this in mind, it would be difficult to imagine Serbia agreeing to handing over Bujanovac, a municipality with more than 10,000 Serbs, or Medvedja, with around 80% Serb inhabitants (Gözübenli 2019, 86). At the same time, according to Sqiprim Arifi, mayor of the

municipality of Preševo, in the case of a land swap agreement “[...]Under no circumstances should a single village be separated from the whole of Preševo Valley” (N1 2018b). Although this should be considered more as a political statement, it also points to the difficulty of the Preševo issue. Another interesting aspect for Albanians living in the Preševo Valley is whether it would be practical for them to join Kosovo, as Serbia has much better prospects for a possible accession to the European Union and already has visa waiver agreements with the Schengen area, while Kosovo is still only hoping for visa liberalization with the European Union.

## Minority issues and national identity

In the context of the Western Balkans, minorities remain one of the most delicate and highly politicised issues. This is particularly true for the status dispute between Serbia and Kosovo, where the complexity of the debate ultimately boils down to ethnic-based issues of minorities and national identity. The proposed idea of resolving the long-standing disputes through territorial and population exchange would certainly affect a number of these sensitive issues (e.g. possible changes in the political rights of the Kosovo Serbs, the question of the ethnic composition of the Preševo Valley, the issue of Serbian heritage sites, and the future status of the Serbian Orthodox Church in Kosovo), all of which could call into question the feasibility of the land swap idea. Although it is important to mention that a possible land swap agreement could have other serious consequences concerning minority communities (e.g. intensified migration, deterioration in living conditions, escalation of interethnic tensions, or potential security challenges in the region), it is beyond the scope of this study to examine all of these issues.

### *POSSIBLE CHANGES IN THE POLITICAL RIGHTS OF THE KOSOVO SERBS*

In the post-conflict period, the international community was committed to providing broad legal and political rights for minority communities in Kosovo. As a result, Kosovo’s constitutional framework entails fairly progressive legal rights for various minority communities, although their

practical implementation still has a number of shortcomings. The status of the Kosovo Serb Community differs somewhat from the position of other minorities. For instance, due to the double-majority requirements<sup>2</sup>, the number of seats guaranteed for the Serbian Community in the Assembly practically endows them with veto power in drafting and approving certain laws (Selimi 2019, 150). Another constitutional requirement is that the Serb Community must be represented at the ministerial level. Furthermore, the Serbian language enjoys an equal status with the Albanian language at the constitutional level, and the Law on Special Protective Zones (2008) defines special rights for the Serbian Orthodox Church (SOC).

These privileges are mostly due to the fact that Kosovo Serbs greatly outnumber other minorities. However, in a scenario in which a proposed land swap agreement would result in the ‘transfer’ of four Serbian-majority municipalities in the north of Kosovo - including North Mitrovica, which currently functions as an administrative and political centre for Kosovo Serbs - the number and proportion of the Serbian Community in Kosovo would be roughly halved. Under these newly created circumstances, the political representation of the Kosovo Serbs is likely to entail the revision of the current electoral and legislative code, which would only further amplify tensions between the countries. Moreover, as the political weight of the Serbian Community would most probably lessen significantly, there will be less political momentum and pressure to implement previous achievements on the Association of Serbian Municipalities.

#### *SERBIAN HERITAGE SITES AND THE FUTURE STATUS OF THE SERBIAN ORTHODOX CHURCH IN KOSOVO*

The situation of the Serbian Orthodox Church (SOC) and its cultural and religious heritage sites in Kosovo are especially sensitive issues in the dispute over Kosovo’s status between Serbia and Kosovo.

2 Also called “Badinter majority” after French lawyer Robert Badinter, who was engaged in the drafting of the Ohrid Agreement. The Constitution of Kosovo states that any amendment to the Constitution of Kosovo or adoption of laws that concern the vital interest of minorities requires two-thirds of all deputies of the Assembly holding reserved or guaranteed seats for representatives of minority communities living in Kosovo.

Kosovo has always had a special place in Serbian national identity. The long-standing narratives related to Kosovo, often called the 'Kosovo myth', are among the most influential imagery of Serbian nationhood and Serbian identity. In the eyes of many Serbs, Kosovo is considered the cradle of their culture. The roots of the narratives date back to the establishment of the Serbian Orthodox Church, to the creation of the Serbian medieval kingdom, or to the Battle of Kosovo Polje in 1389, remembered as a heroic defeat against the Ottoman armies. However, almost all of these important historical and religious heritage sites - the medieval monasteries and towns, the Field of the Black Birds, or Kosovo Polje - are located South of the Ibar, in the Albanian-majority areas of Kosovo. Therefore, concluding any land swap agreement would be an irrevocable acceptance that these sites remain in the territory of Kosovo, which makes the Kosovo question particularly sensitive.

This situation is further enhanced by the debate over the effective protection and ownership rights of Serbian cultural and religious heritage in Kosovo. In the post-conflict period, the international community was dedicated to providing protection to endangered Serbian heritage sites in Kosovo, especially after the wave of ethnic incidents in 2004, when many of the Serbian Orthodox monasteries were damaged. Legal guarantees for a high level of protection of heritage sites were drafted by the Ahtisaari plan and were incorporated into Kosovo's legal system. The normative framework that now regulates the status and protection of cultural heritage in Kosovo<sup>3</sup> is guaranteed by, *inter alia*, the Constitution of Kosovo, the Cultural Heritage Law, and the Law on Special Protective Zones. However, the effective implementation of these legal guarantees has dragged out over the years, hampered by a lack of political will and public support (Arraiza 2014, 9). In the eyes of many Kosovo Albanians, the Serbian Orthodox Christian cultural heritage symbolizes the years of oppression and discrimination, which may further hamper full implementation.

The heated debate over the status of the Serbian heritage sites has had a negative impact on the effectiveness of cultural heritage preservation in the area. Both parties seek to ensure their exclusive sovereignty over

3 Apart from the protection of property and the freedom of the movement of clergy, which are guaranteed for all religious communities in Kosovo, additional privileges are guaranteed to the Serbian Orthodox Church, such as customs duty and tax privileges.

the heritage sites. On the one hand, Belgrade expects stronger legal safeguards for the preservation of the sites, possibly through having absolute control over their cultural heritage in Kosovo (Surlić & Novaković 2020). On the other hand, Pristina tries to reduce Belgrade's influence over the heritage sites and register some of them in UNESCO as Kosovo's heritage, as a further step towards their full international recognition.

The difficulty of negotiating this subject is illustrated by the fact that it has not even been brought up in the Belgrade-Pristina dialogue, nor was it presented as an issue in question during the opening of Chapter 35<sup>4</sup> in Serbia's accession negotiations with the EU. In addition, an interesting hypothetical question is whether (in the event of a land swap agreement) a possible change in the seats guaranteed to representatives of the Serbian community in the Assembly will call into question the current legal guarantees of Serbian heritage sites. Any adoption or amendment of the laws on the protection of cultural heritage requires a majority of the representatives of minority communities, which means that currently the status of the heritage sites cannot be modified without the consent of the Serbian community.

It is important to briefly refer to the role of the Serbian Orthodox Church (SOC) in formulating identity-related emotions, which significantly influences citizens' attitudes towards an agreement on Kosovo's final status. Although the SOC only has moderate influence on the Belgrade-Pristina dialogue, as the Church has no say in the actual negotiations, the SOC remains one of the most influential institutions of Serbian society, controlling the powerful clerical discourse on Serbian national identity and the 'Kosovo myth'. The SOC has played a fundamental role in preserving and keeping the Kosovo myth alive, as it is through the church that a substantial part of the Serbian national identity was formed (Judah 1997, 20). Some also argue that the SOC also played an important role in reviving Serbian nationalism in the 1980s, for which Kosovo narratives provided an ideological background (Saggau 2019, 2).

In this context, the attitude of the SOC on issues related to Kosovo can carry considerable weight in the public discourse. It is therefore of particular importance that the SOC is clearly opposed to any acknowledgement

4 Chapter 35 is reserved for "Other issues", which in Serbia's case deals with the normalization of relations with Kosovo.



of Kosovo's independent status. This is mainly because maintaining the current status quo is a far more preferable option for the SOC than any other agreement eventuating that the Serbian Orthodox sites officially become part of Kosovo. The SOC has been particularly opposed to the land swap agreement since the first rumours appeared in public. The Holy Assembly of Bishops of the Serbian Orthodox Church issued a series of open letters, appeals, and messages emphasizing that the land swap agreement would mean giving up “[...] the heartland of the Serbian Orthodox spirituality and our identity” (SOC 2018). They stated that “[...] the full sovereignty and integrity of Serbia in Kosovo and Metohija cannot be questioned under any circumstances” and that “Kosovo and Metohija has primarily been a question of the survival of our clergy, monastics and the faithful people and, especially, our ancient holy sites without which we would never have become what we are today” (SOC 2018).

## Conclusion

A land swap agreement seems difficult to achieve. The idea is hampered by a number of complex and highly sensitive political and practical issues. First of all, it should be highlighted that there is no specific proposal that is mutually agreed upon by actors promoting the idea. Nevertheless, since in both countries' constitution there are restrictions to altering the countries' territory, the conclusion of any land swap agreement would require broad political and public support. Considering the unstable political climate in Kosovo, as well as the low-level public support of such an idea, the realisation of an agreement on altering Kosovo's territory is unlikely to go through Parliament. Although constitutional amendments could pass in the Serbian Assembly due to the concentration of political power within the current Serbian political scene, gaining the support of the Serbian public would be challenging. The future status of the Serbian Orthodox Church and its cultural and religious heritage sites in Kosovo makes the Kosovo question even more sensitive. Finally, one of the main practical obstacles to concluding a land swap agreement is the fact that the areas in question would include several geostrategically crucial locations (e.g. the Gazivoda reservoir, the Trepça Mines, and the Preševo Valley). Thus, it is unlikely that either side would easily forgo any of these territories. These practical aspects suggest that the land swap agreement



cannot be a valid political solution to settling the long-standing dispute between Belgrade and Pristina. Therefore, it seems that the idea which has dominated the political discourse for almost two years is a blind alley. What is more, while it gave the impression of making progress, it has only distracted the parties from finding other effective alternatives to normalizing their relations or from sitting back to the negotiating table in the framework of the Belgrade-Pristina dialogue.

The political climate in which the land swap idea seemed to have gained momentum in recent years changed significantly in the second half of 2020. The main promoter of the idea from the Kosovar side, President Hashim Thaci, was forced to resign from his post in November 2020, after the war crimes indictment against him was confirmed by the Kosovo Specialist Chambers and the Specialist Prosecutor's Office in The Hague. This presumably means that the idea of resolving the Serbian-Kosovar dispute through territorial exchanges will be removed from the political agenda on the Kosovar side. Possible changes are also expected from the newly elected Biden administration in the US Western Balkan policy. Washington is likely to return to a more traditional American foreign policy, cooperating closely with the EU in terms of the Belgrade-Pristina dialogue and will most probably clearly distance itself from any form of territorial adjustments. Furthermore, the von der Leyen Commission has given new impetus to the enlargement process of the Western Balkans and established an opportunity to finally resume the Belgrade-Pristina dialogue. Considering that the normalization of relations between Belgrade and Pristina is a key condition for both countries to progress on their respective EU accession paths (in the case of Kosovo, the perspective is more about an eventual visa liberalisation), the EU's re-engagement in the region could possibly urge the countries to make some progress in the dialogue.

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# KOSOVA AND ALBANIA IN THE FUTURE CLOSER OR FURTHER APART FROM EACH OTHER?

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**Abstract:** This is a study that addresses Kosovar and Albanian identity relationships, highlighting the similarities and differences of these two communities throughout their historical journey on their respective lands. The study identifies the key historical moments that have influenced Kosovar national identity branding and concludes that the occurrence of cultural and political differences within the Albanian ethnicity since the nineteenth century has been instigated by the Serbian stance regarding Kosova. The study substantiates a clear cultural and political identity of Kosova, indicating its forthcoming solidification whilst keeping Kosovar and Albanian differences distinct, despite the eventual change in Belgrade's stance towards Kosova. Concerns are arising from some of the voices in European diplomacy that favour Tirana's official involvement in the Belgrade-Pristina dialogue. An analysis of the progression of their historical path, however, indicates the opposite, i.e., Tirana's involvement in the Belgrade-Pristina dialogue would only benefit Belgrade and consequently have a negative impact on the compromises between Kosova and Serbia that the US and the European Union aim for.

**Keywords:** Kosova/ Kosovo<sup>1</sup>, Albania, identity, ethnicity, nation, history.

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<sup>1</sup> The author insisted on using Kosova instead of Kosovo.

## Introduction

On 21 September, 2020, a statue of Ahmet Krasniqi, former exiled Minister of Defence of the Republic of Kosova was inaugurated in Vushtrri, a town 20 km north of Prishtina. Krasniqi was killed in Tirana 22 years ago. The murder, still unsolved, is supposed to have been committed by his political rivals in cooperation with the state structures of Albania at that time. The Speaker of the Parliament of Kosova, the Prime Minister, the Minister of Interior, the Minister of Defence, the Commander of the Kosova Security Force, and other officials and foreign ambassadors attended the ceremony of the inauguration of the statue. At the end of this event, the city ensemble performed a dance, where dancers waved the Kosova flags. According to the choreography, the flags of Kosova would be lowered to the ground at the end of the dance, and a dancer would appear on the stage raising the flag of Albania.

Everywhere in the world this would have been a big scandal. Had this show been staged on another continent, the Kosova government would have had to make a protest note. In this case, the only reaction came from the author of this paper. All of Kosova's highest state leadership considered this dance "a manifestation of patriotism" ("Ky është skandali i madh kombëtar", 2020).

An external observer would likely find it impossible to understand this behaviour unless s/he delved deeply into the genesis of the issues between Kosova and Albania.

Many foreign visitors to Kosova have noticed that there is a greater presence of the flag of Albania in public spaces than that of Kosova. The reasons are manifold.

First, the Albanian national ideology was present in Kosova earlier than in the territory of today's Albania.

Second, every nation evokes its best days in history in its collective memory. The best days in the history of Kosova were those of the Second World War, when Kosova got rid of the Serbian regime, which had aimed to exterminate its majority population by the most brutal methods. The sudden end of poverty and genocide was accompanied by freedom, emancipation, and abundance. Kosova Albanians were the

ones who took power in Tirana. This entire booming was accompanied by the presence of the Albanian national flag, and the emotional connection to this symbol is actually the emotional connection to this golden age.

Third, the Serbs have insisted that there is no ethnic connection between the Albanians of Albania and those of Kosova. For the Kosovars, the Albanian flag was a means of resisting the Serbian regime.

Fourth, supported by the West, independent Kosova was considered by Serbia to be more dangerous than the idea of an annexation of Kosova to Albania, thus the entire Serbian intelligence network in Kosova opposed the Kosova flag. Unable to compete against the flag of Kosova with the flag of Serbia, the Serbian intelligence agencies motivated rivalry through the flag of Albania, supported in this activity by the first three reasons described above.

## **The historical journey of the Albanian ethnic corpus**

The above theses are supported by the historical journey of the Albanian ethnic corpus in the nineteenth and twentieth centuries.

Until the creation of the independent Albanian state, the territories inhabited by Albanians in the Balkans were part of the Ottoman Empire. The ideas of the French Revolution penetrated in the Ottoman Empire after the Crimean War (1853-1856). Here the British and the French helped the Ottoman Empire in the war against Russia; however, through this help they introduced a Western European spirit together with the ideas of the French Revolution. Albanians, divided into four religious communities (Sunni Muslims, Bektashis, Orthodox Christians, and Catholics) found the process of nation-building more problematic than anywhere else in Europe.

## **Albanian national idea**

Influenced by the millet system in the Ottoman Empire, Greek, Serbian and Bulgarian nation-building took place on the basis of the confessional community. The battle for Church autocephaly and the country's



independence were promoters of each other. The Greeks gained the independence of the country in 1829/30 and gained autocephaly of their Church in 1850. The Serbs gained the independence of their country in 1878 and the autocephaly of their Church in 1879, while Bulgarians gained the autocephaly of their Church in 1870, while the autonomy of their country in 1878 and independence in 1908. The other religious (non-Christian-Orthodox) communities of these ethnicities were exterminated during the national revolutions. Some were killed, some were forced to convert to the Orthodox religion, and others were forced to migrate within the remaining territories of the Ottoman Empire. Therefore, Greek Muslims, Serb Muslims, and Bulgarian Muslims were present in insignificant numbers in the respective newly independent countries.

The national ideas of the Muslim population in the Ottoman Empire were a reflection of national ideas in the territories that were pulling out of it. The Turkish national idea included the ethnicities that had already been Islamized in the majority (Turks, Bosnians, Albanians, Kurds, Arabs, etc.) as well as the small Muslim communities of Hungarians, Romanians, Croats, Serbs, Bulgars, Greeks, etc. since they were excluded from the coexistence with the Christians in their respective countries.

Living together for several centuries, a common religion had created a symbiosis and a sense of belonging which the national ideologues within the Empire defined as a Turkish nation.

In this atmosphere, the first Albanians who spread the spirit of the French Revolution (1789) did not proclaim ideas for an Albanian nation but ones for a Turkish nation. The Albanian national idea was started by members of the Orthodox community (Naum Veçilharxhi (1797-1846), Jeronim De Rada (1814-1903)) and then by members of the Catholic community (Zef Jubani (1818-1880), Pashko Vasa (1825-1892)). Sami Frashëri (1850-1904) who would later be called the ideologue of the Albanian national awakening, worked for the Turkish national idea and the Albanian national idea at the same time. The strongest evidence for this is that in 1937 Ahmet Zogu (1895-1961), the King of Albania, asked Mustafa Kemal Atatürk (1881-1938) to move the remains of the Frashëri brothers (Abdyl (1839-1893),

Naim (1850 -1900), and Sami) from Istanbul to Tirana. The Turkish government handed over the remains of the two older brothers, but not those of Sami Frashëri, on the grounds that Sami belongs more to the Turkish culture.

However, the Albanian national consciousness proclaimed by some educated individuals from the Albanian religious communities could not spread to the mass of the population for several reasons.

In the Albanian Orthodox Christian community, the priests were predominantly Greek and sought to promulgate the Greek national ideology. Some priests did belong to the Albanian national movement, but they were persecuted, poisoned, and killed by their Greek superiors. The Albanian Orthodox Autocephalous Church would only be recognized late in 1937, twenty-five years after the declaration of Albania's independence.

In the Albanian Catholic community, the priests were educated either in Italy or in the Austro-Hungarian Monarchy. These powers, although interested in creating an Albanian national consciousness, were rivals, and what one did the other undid, and vice versa.

The Muslim community (85% of the Albanian population) was dominated by the Turkish national idea in schools and religious institutions.

Only the Albanian Protestant community was completely involved in the Albanian national idea, but this community was small, almost negligible. Albanian national mass awareness took place ahead of the Berlin Congress (1878). This awareness mainly affected the population of the Vilayet of Kosova and partially that of Shkodra.

About 200,000 Albanians of the Sandzak of Nish (today Niš in Serbia) were persecuted by the Serbian army in 1877 and 1878 (Destani, 2019).<sup>2</sup> The arrival of such a large number of refugees in the territory of Kosova raised concerns about the further fate of Albanians in this territory, and this was converted into the awakening of the Albanian national consciousness. As a result, the League of Prizren was founded on 10 June, 1878. This was an organization of noble, religious, and military leaders, mainly from Kosova, the Sandzak of Novi Pazar, and the North

2 Pages 237-255 contain tables that specify the number of murders, family expulsions, and confiscated properties for each town and village separately.

of Albania and made the first attempt to create an Albanian state. The organization was forcibly extinguished in 1881, and its leaders were imprisoned by the High Porte.

Although the first Albanian school was opened in 1887 in Korça (southern Albania) by a small Albanian Protestant community, most Albanian schools were opened in Kosova (Mehmeti, 2019). According to Ottoman statistics, Kosova was the Ottoman Vilayet with the highest percentage of educated people in the entire Ottoman Empire at the time (Karpát, 1985).

## **Kosova uprising on the eve of the Balkan wars**

In the spring of 1912, the most important Albanian delegates in the Ottoman Parliament, Hasan Prishtina (1873-1933) from Kosova, Esad Toptani (1864-1920) from central Albania, and Aziz Vrioni (1859-1919), Mufit Libohova (1876-1927), and Ismail Kemal Vlora (1844-1919) from southern Albania, met in Taksim, Istanbul, where they swore an oath to organize a general uprising to seek a unification of four Albanian vilayets into an Autonomous Entity, with an ultimate aim to establish independent Albania in the near future. Unfortunately, all of them betrayed the oath except Hasan Prishtina, i.e., they did not join the uprising (Prishtina, 2010).

In June-August 1912, Hasan Prishtina organized an uprising comprising 40,000 fighters, and he took control of almost all the cities of the Vilayet of Kosova, including Skopje, then capital of this vilayet (Prishtina, 2010).

The Ottoman government was forced to accept the terms of the Kosovar insurgents, but once this was understood by the Balkan governments, the latter formed an alliance with each other and on 8 October, 1912, Montenegro, Serbia, Greece, and Bulgaria attacked the Ottoman Empire with about 1 million soldiers. The Albanian territories, after an insufficient resistance, were occupied by the neighbouring countries, and only two or three towns around Vlora remained unoccupied. Among the Balkan allies, Serbia took the lion's share of the Ottoman territories in Europe.

After the decisions of the Conference of Ambassadors in London on 29 July, 1913, where the existence of the Albanian nation was recognized and the borders of Albania were defined as they are today, the Serbian, Montenegrin, and Greek armies were forced to withdraw from the officially recognized Albanian territory.

Kosova, Macedonia, and the Sandzak of Novi Pazar were subjected to Serbian extermination terror, which was interrupted by World War I but continued again after it until 1941, when Hitler destroyed Yugoslavia.

## Expulsion of Kosovar politicians from Tirana

Once Albania was established as a state, the most important Kosovar politicians left their properties in Kosova to engage in political activity in Albania. The rest remained in Kosova to protect the Albanian population and their properties under the Serbian state.

As explained above, Hasan Prishtina was betrayed in 1912. In fact, the conflict between the politicians from Kosova and those from southern and/or central Albania continued in independent Albania. This conflict is best reflected in the words of Prime Minister Ahmet Zogu (later President between 1925-1928 and King between 1928-1939) in his Proclamation to the Albanian People of 7 January, 1925, when he declared: “Albania cannot make progress without good relations with neighbours. In order to have good relations with our neighbours, we must get rid of the turbulent elements that disrupt these relations” (Vlora, 2001, p. 247).<sup>3</sup>

It is evident that Zogu was referring to the politicians from Kosova and Macedonia (Elez Isufi (1861-1924), Bajram Curri (1862-1925), Zija Dibra (1890-1925), Hasan Prishtina (1873-1930), Bedri Pejani (1885-1946), Dervish Mitrovica (1878-1935), Rexhep Mitrovica (1888-1967), etc.). Out of these seven prominent politicians from Kosova and Macedonia, three were killed within a year, while the fourth was killed five years later. The other three managed to take refuge in Italy.

3 Albanian State Archive, section of Parliament, cited as an entire document at the footnotes in Vlora, E. B., & Koçi, A. (2001). *Kujtime: Vëllimi II (1912-1925)*. Tirana: Shtëpia e librit dhe komunikimit.

Only after a decade, when King Zogu strengthened his power by eliminating all Kosovar politicians in Albania, did he begin to establish contacts with Ferat Draga (1880-1944), the principal political leader of the Albanians in Yugoslavia. This was a relationship between the mother country and the ethnic minority in the neighbouring country to the extent that it did not jeopardize relations with Belgrade.

Following the Italian army's attack on Albania on 7 April, 1939, after a day of resistance, King Zogu fled to London. The Albanian Parliament decided to unify the royal crown with Italy.

When in the spring of 1941 Hitler destroyed Yugoslavia, most of Kosova, part of Macedonia, and part of Montenegro joined Albania.

For Kosova, this was a real renaissance. Education in the mother tongue, administration in the mother tongue, business opportunities, and many other benefits were symbolized by the Albanian national flag.

After the admission of Italy's defeat, it was the Kosovar political leaders who reorganized the Albanian state. The most prominent figure of this time, Xhafer Deva (1904-1978) from Mitrovica, Kosova, became the Minister of Interior of Albania, while he reserved the post of Prime Minister of Albania for his oldest compatriot, Rexhep Mitrovica (1888-1967). Mitrovica had signed the independence of Albania in 1912 and became the first Minister of Education of Albania in 1920.

Before taking over the task of reorganizing the Albanian state, in 1943 Xhafer Deva put forward to the German representative for the Balkans, Herbert Neubacher (1893-1960) the condition that if Germany wanted its army to be received amicably by the Albanians, it should enable the province of Mitrovica and Novi Pazar to separate from Serbia and join Albania. The second condition was that the Germans would not interfere in the internal affairs of Albania.

## **Second Prizren League and civil war, 1943-1944**

The first condition was accomplished with the Second League of Prizren (16-20 September, 1943). The second condition would also create an advantage for the Albanian state compared to other countries where there was a presence of German forces. The Albanian government had

not been forced to hand over the Jews to the German army, and as a result many Jews fleeing Serbia, Bulgaria, and Greece, as well as other European countries, found refuge in Albania. In 1945 the number of Jews in Albania (which included Kosova and parts of Macedonia and Montenegro) increased fivefold compared to the beginning of World War II (Asani & Ramaj, 2017).

Although the creation of “Ethnic Albania” was accompanied by a prosperity in education, cultural emancipation, sports, and economy that was incomparably better than in previous periods (e.g. during King Zog’s reign and during the Italian occupation), part of the political class, foreseeing that Germany would lose the war, was lined up on the side of the Anglo-Americans because they wanted to take advantage of the Anglo-American victory. These forces were concentrated mainly in southern Albania (the republicans of the “Balli Kombetar”/“National Front”) and central Albania (the monarchists of the “Legality”). Serbian communists, worried about losing Kosova, founded the Communist Party of Albania on 8 November, 1941.

By 1943, the communist-led partisan guerrilla movement was concentrated in southern Albania, while in Kosova and other territories of Albania, which until 1941 were part of Serbia (Yugoslavia), the partisan movement was negligible.

Exactly when the dream of the forefathers of the Albanian nation was realized, when most territories with an Albanian-majority population were included in one state, when the welfare of the citizens was making the greatest progress in history, civil war broke out. The war was caused by a misunderstanding between the Albanians of “Old Albania” (the territories of the Albanian state in the years 1913–1941) and “New Albania” (Kosova and the other territories annexed in 1941 and 1943).

Having lived for three decades in an independent Albanian state on one side and in a Serbian (Yugoslav) state as citizens exposed to extermination on the other side, made the citizens of these two Albanias have different views. These disagreements also had their political representatives. This crack in the Albanian society was instigated by the Serbian emissaries at the Communist Party of Albania, e.g., Miladin Popović, Dušan Mugoša, Tihomir Stojinić, Svetozar Vukmanović–Tempo, etc.

Most Albanian politicians did not see the communists as a threat as Xhafer Deva did. Even Prime Minister Rexhep Mitrovica himself ignored the danger communists posed. The clearest example of this was his intervention to get the young communist, Bujar Hoxha out of prison on account of his friendship with his late father. Having been released from prison, Bujar Hoxha assassinated Member of Parliament Ilaz Agushi, who represented Prishtina in the Albanian Parliament and was also the Deputy Speaker of this Parliament, in his apartment in Tirana.

After a series of misunderstandings originating in the different mentalities of Old and New Albania, a conflict broke out between Minister of Interior Xhafer Deva and Mehdi Frashëri (1874-1963), who held the post of Chief Regent of Albania.

Prime Minister Rexhep Mitrovica could not endure the conflict between Xhafer Deva and Mehdi Frashëri. Mitrovica resigned, followed by Xhafer Deva. The following government of Fiqiri Dine (1897-1960) was completely disoriented and without effective control over the country. Ironically enough, Fiqiri Dine was known in public as a philo-Serb ("Vrasja e Hasan Prishtinës në dosjet italiane", 2021). After these events, the way was cleared for the Albanian communists to come to power.

The Germans already knew that they were losing the war and were withdrawing from Greece, and apparently not wanting to risk the lives of their soldiers, they flirted with the communist partisans, as described by British agents Harold William Tilman (1898-1977), Julian Amery (1919-1996), and Peter Kemp (1913-1993) in their memoirs (1997)<sup>4</sup>. As soon as the Germans withdrew from an Albanian town, partisan forces entered the town and massacred all their potential opponents. On 17 November, 1944, the communist partisans entered Tirana after it was abandoned by the Germans the day before. Thus, the communist partisans, already concentrated in southern Albania, suited the way the Germans withdrew. Being more Machiavellian and led by Serbian emissaries, the communist partisans managed to defeat the forces of the Balli Kombëtar (National Front) in southern Albania, which was the main pro-Anglo-American organization. The further they headed to the

4 Tilman, H. W. (1946). *When men and mountains meet*. Cambridge: CUO., Amery, J. (1973). *Approach March*. London: Hutchinson., Kemp, P. (1990). *The thorns of memory*. London: Sinclair-Stevenson Ltd. Albanian translated version published by "Toena" in Tirana:1997.

north, the stronger they became. Their arrival in Kosova (in Prishtina on 19 November, in Mitrovica on 23 November, and in Novi Pazar on 28 November, 1944) was accompanied by the Serbian and Bulgarian forces, with whom they cooperated. The democratic and nationalist forces were alone.

## Serbia's re-annexation of Kosova, 1945

On 8-10 July, 1945, under the weight of the weapons of the communist partisans, a meeting of delegates from Kosova was held in Prizren where it was decided that Kosova should separate from Albania and re-join Serbia (Yugoslavia). It is understandable that there were objections, as a number of delegates did not come out alive from the meeting (Halimi-Cërnica, 2000).<sup>5</sup>

After this assembly, a military regime was established in Kosova by Comrade Tito. Kosova came under Serb rule at both the provincial and the local level, and the few Kosovar Albanian communists (no more than 20) were placed in peripheral positions.

Communist violence and terror in Kosova continued until 1966, when the President of Yugoslavia, Josip Broz Tito (1892-1980) removed Vice President Aleksandar Ranković (1909-1983) from his party and state posts. The use of the Albanian national flag in Kosova throughout this period (1946-1966) was considered illegal and a hostile act. However, Kosovar youth and intellectuals did not give up this flag, although many people were killed or imprisoned.

One aspect of life that the Serbian government had not been able to bring back before World War II was education in the Albanian mother tongue in Kosova. Prior to World War II, the Albanian language was strictly forbidden in schools and public life. After the re-conquest of Kosova by Serbia, Albanian teachers were mistreated, but Albanian schools were not closed. In contrast, in the Sandzak of Novi Pazar the Albanian schools that were opened in 1941 were completely closed in 1945, including the one "Naim Frashëri" in Novi Pazar. On the other hand, in communist Albania everything Kosovar was treated as Nazi-fascist and fought against fiercely.

5 The victims included delegates Ramiz Cërnica, Adem Stançiçi, and Hasan Dylgjeri.



## Third Prizren League, 1966

At the same time, what was happening on the other side of the Atlantic Ocean? The politicians who managed to escape the bullet, persecuted by the communist occupation of Albania and the Serbian occupation of Kosova, fled to all four corners of the democratic world. Most of them were concentrated in America. They belonged to different political streams, with an extreme hostility to each other that even anti-communism could not unite. It took the hard work of the Americans and the British to create a unique anti-communist front aimed at overthrowing the communist government in Albania.

In 1949, the Americans and the British openly expressed their support for Chairman of the Balli Kombëtar (National Front) Mit'hat Frashëri (1880-1949) to become the next Prime Minister of Albania, after overthrowing the communist regime. Shortly after this decision, Frashëri was found dead by poisoning in a hotel room in New York. The case has never been solved, but it is supposed that the poisoning was done by Soviet counter-espionage or by one of its Albanian rivals.

Before receiving American and British blessings, Mit'hat Frashëri was forced to publicly give up his party program, which consisted of Kosova and other Albanian-majority territories being part of Albania. Clearly, the Americans and the British did not want trouble with Tito's Yugoslavia, which had already distanced itself from the Soviets.

Even after Mit'hat Frashëri's death, the Americans and the British did not give up on overthrowing the communist government in Albania. The closest American collaborator in this regard was Xhafer Deva. In the period 1949-1953, the Americans launched several saboteur missions in Albania (most of them through collaborators of Xhafer Deva). All of these missions failed because the communist regime of Albania always had accurate information about the operations. Kim Philby, the British agent discovered to have defected to the Soviets, was suspected of this leak, but the leaking of secret information continued even after he was removed. Xhafer Deva suspected his fellow politicians from "Old Albania", who, by becoming jealous of Deva's authority over the Americans, thwarted his (and CIA's) missions. When in 1953 the Americans gave up on overthrowing the communist government in Albania, Deva continued

his activity in exile but gave up on cooperating with politicians from “Old Albania”. He remained focused on cooperation with the politicians exiled from Kosova and Macedonia.

When a group of activists initiated the founding of the Third League of Prizren and offered Xhafer Deva the post of president of the organization, he accepted it only on the condition that there would be no activists from “Old Albania” in this organization (Lamaj, 2002). Xhafer Deva thus became the father of the idea of Kosova’s Independence. The founding assembly of the Third League of Prizren was held in New York on 27 November, 1966, and Deva was elected its President. He led the League until his death in 1978. During all this time in Albania and Yugoslavia pupils and students were told that Xhafer Deva was the greatest enemy of Yugoslavia and communist Albania.

In the same year, when the Third League of Prizren was founded in New York, a dramatic change took place in Yugoslavia. Tito dismissed Yugoslav Vice President Aleksandar Ranković from all party and state positions. Ranković was a symbol of violence against Albanians (Vllasi, 2017). His dismissal paved the way for Kosova to enjoy Tito’s policy of equality between the “nations and nationalities” of Yugoslavia. For the first time communists of Albanian ethnicity were appointed to the leadership of Kosova (previously only Serbs had been appointed).

## The birth of Kosova’s autonomy

In 1968, Kosova attained its constitution and together with the province of Vojvodina became a constituent part of the Yugoslav Federation. This was then reinforced by the constitutions of Kosova, Serbia, and Yugoslavia in 1974, when Yugoslavia was de facto con-federalized.

In 1972 an orthographic congress of the Albanian language was held in Tirana, attended by representatives from Kosova. The Albanian language had been standardized in 1916 with the dialect of Elbasan, a city in the navel of Albania, where the two dialects of the Albanian language meet. This linguistic standard was respected by all Albanian governments between 1916 and 1945, but with the arrival of the communists, the majority of whom were from southern Albania, including 90% of the main leaders, they began to disrespect the linguistic standard of the

Albanian language. The linguistic standard of 1916 had been in use in the Albanian schools in Kosova and Macedonia since 1941, and although it did not correspond much to the sub-dialects of Kosova, it was still respected.

## **New Albanian language standardization**

In 1972, the communist dictator of Albania, Enver Hoxha (1908-1985) initiated a congress that imposed a standard of the Albanian language which corresponds to the southern extreme dialect of the country. The most eminent Albanian linguists, both within the country and those in emigration, opposed this, but it did not stop the initiative. Representatives from Kosova at this congress were instructed by the Kosova political leadership to accept the standard proposed by their counterparts in Tirana.

The political leader of Kosova of the time, Mahmut Bakalli (1936-2006) claimed that he had instructed the Kosovar representatives to accept this standard of the Albanian language, out of patriotic motives, because he felt humiliated when the “Serbs insisted that the Albanians of this side and those on the other side of the border were two different peoples”.

The imposition of the Albanian language standard from 1972 in Kosova put Kosovar Albanians in an inferior position. This resulted in the paradox that while Albania was immersed in economic, intellectual, cultural, and spiritual suffering (in 1967 the practice of religions was banned and churches and mosques were destroyed), Kosova was opening up to the world along with all of former Yugoslavia. The citizens of Kosova, with their Yugoslav passports, moved around the world freely and without visas (both in the West and in the East, as well as the countries of the Third World). Kosova acquired the University of Prishtina, the Academy of Sciences and Arts, and unprecedented economic progress and prosperity, and although it was last in the former Yugoslavia in every aspect of life, it was far ahead of Comrade Enver’s Albania.

At this time, when Kosova’s superiority over Albania was appearing in almost every field of life, Kosova was becoming culturally inferior through the imposition of the Albanian language standard.

Unfortunately, while the language standard of 1916 had applied only to the administration, the police, the army, and the courts, the standard of 1972 was also imposed on prose, poetry, theatre, and musical texts. Thus, through Bakalli's gross political mistake Kosovar culture was placed in an inferior position. In addition, unfortunately Kosova imported history and literature textbooks from Tirana with falsified and overly ideologized historiography favouring isolationist, anti-Western and anti-religious policy of Comrade Enver.

After Albania and Yugoslavia had parted ways ideologically after the Information Bureau of the Communist Parties Resolution 1948, the images and deeds of Comrade Enver in the history books in Kosova were replaced with those of Comrade Tito, but the rest of the historiography remained completely unchanged, the same as in Tirana.

The same thing happened with literary texts. The poems about Comrade Enver were removed and poems by Kosovar poets about Comrade Tito were added, but the rest remained almost the same as the textbooks of Tirana. The most prominent Albanian poets and writers were ignored, especially the northern ones, including the bard of the Albanian literature, Gjergj Fishta (1871-1940), whom the Italian Academy of Sciences and Arts nominated for the Nobel Prize for literature. In Kosova, Fishta and other writers were banned because they were banned in Albania.

## **Attack on Kosova's autonomy**

Kosovar political leader Mahmut Bakalli fell from power in 1981 as a result of the mistake he had made in 1972, when he agreed to Prishtina's cultural subordination to Tirana. Due to the political changes in Yugoslavia (Ranković's downfall, the 1974 constitution, etc.), Kosova experienced rapid prosperity in comparison with neighbouring Albania, despite its cultural inferiority. This made the communist dictator of Albania Enver Hoxha jealous.

In Kosova, Comrade Enver had already set up a nursery of militants manipulated by his propaganda and was waiting for the moment to sacrifice them in order to overthrow the autonomy of Kosova. This moment came when Tito died on 4 May, 1980, and Serbian nationalists

were strengthening their position in the Yugoslav federation. Two of the Kosovar politicians who were active in Belgrade at that time, Azem Vllasi (1948- ) and Dr. Muhamet Mustafa (1950- ) described the political strengthening and nationalist character of Serbian general Nikola Ljubičić in their memoirs. His political strengthening took place even before Tito died, managing to separate 85-year-old Tito from his wife, Jovanka Broz (1924-2013), who was 32 years his junior.

There has been no material published documenting the direct or indirect cooperation between Enver Hoxha and Nikola Ljubičić, or their subordinates. With the opening of the archives, perhaps some documents can be found. One thing is clear, and that is that there was a form of cooperation between them. The actions they took in the field corresponded to their mutual interests, and the final goal was the dissolution of Kosova's autonomy achieved after 1966.

The mass demonstrations of 1981 in Kosova with the seductive slogan "Kosova Republic" shook the autonomy of Kosova. Those killed and injured in the demonstration enabled Belgrade to demand the resignation of Mahmut Bakalli and other Kosovar leaders. Thus, the most capable Kosovar politicians, who were synonymous with the development of Kosova's autonomy, were removed. On the other hand, the most energetic part of the Kosovar population, the intellectual youth, was sent to prisons with draconian sentences. The photos of Stalin and Enver Hoxha, found by Yugoslav police in the shelters of Kosovar Marxist-Leninist groups instigated by Tirana, terrified liberal and democratic public opinion, both within Yugoslavia and in the West. This situation is best described in the memoir "Kosovar Resistance Between two Fires" by Sabri Maxhuni-Novosella (1943- ) (Maxhuni – Novosella, 2010), political prisoner and later an exile in Albania, Turkey and Sweden.

Belgrade's ruination of Kosova's autonomy was backed by Tirana who branded as stalinism Kosova's natural intent (to strengthen subjectivity).

After Mahmut Bakalli's exclusion from the political scene, political power in Kosova was taken over by Azem Vllasi, who hoped that the Serbian nationalist forces, already consolidated by their charismatic leader, Slobodan Milošević, could be restrained through an alliance with Slovenian, Croat, and Bosniak politicians.

Azem Vllasi pursued a policy of opposing Milošević, but the flaw of this policy was that it was defensive in anticipation of Slovenian-Croat-Bosnian support. In the spirit of dismantling Kosova's autonomy was the idea of banning the Albanian national flag again, which had been allowed in Kosova three years after Ranković's downfall (when the use of flags was allowed for all ethnic minorities).

When the use of flags was allowed for the Hungarian, Italian, Turkish, and other minorities (in 1969), they were required to put the communist star on the flag, thus the flags they used were different from the flags of their home countries, which did not have this star. In fact, Hungary had the star on the flag from 1949 to 1956, but it was removed in 1957. The flag of Albania included the communist star, and when the Albanians in Yugoslavia were allowed to use the flag, they adopted this without change because they were outraged by the Serbian insistence that the Albanians in Kosova were a different ethnicity from the Albanians in Albania.

In 1986, Serbia's political leadership insisted that since other ethnic minorities in Yugoslavia had their own flags that were different from their home countries, Albanians in Yugoslavia should also have one that was different from the flag of Albania. Azem Vllasi then came up with the idea that the Albanians in Yugoslavia would use the flag where the star would not be between the two heads of the black double-headed eagle, like in Albania, but on the side. This idea was accepted without discussion by the provincial bodies. There was a silent resistance by the youth indoctrinated with Tirana propaganda, but it was welcomed by Kosovar anti-communist nationalists. Since the star on the flag was already in the corner, they usually folded it in a way that the star did not appear at all.

Despite this deft manoeuvre by Vllasi, the expected support from Slovenians, Croats, and Bosniaks did not come, and thus Vllasi ended up in prison in 1989. This came shortly after Slobodan Milošević had promised it to the crowd of one million Serbs gathered in Belgrade.

After Vllasi's imprisonment, his political garrison was completely dismantled, just like that of Bakalli eight years earlier. Autonomy had already been stripped off and its formal abolition was not a problem. The Provincial Assembly of Kosova, accustomed to Vllasi's charismatic

leadership, surrendered cowardly after his imprisonment. Out of the 180 members of the assembly, only ten took the courage to oppose the abolition of autonomy (“Këta janë deputetët shqiptarë”, 2017).

This went along with the suppression of each provincial institution such as the police, territorial defence, and the looting of Kosova’s property. The next composition of the Kosova Parliament was more representative of Kosova’s interest, but it was already too late, as Serbia had achieved the goal of dismantling Kosova’s autonomy before democratic winds blew in Eastern Europe and the Balkans.

## On the eve of the fall of communism

The 200<sup>th</sup> anniversary of the French Revolution and the fall of the Berlin Wall found Albania isolated with a communist dictatorship, in poverty and suffering, and Kosova with a lost autonomy and a Serbian communist regime. In Eastern Europe and Yugoslavia, changes had already begun towards pluralism, but the idea was that if pluralism was applied in Yugoslavia, Kosova would be an exception because here “interethnic relations were endangered and the situation could spiral out of control” (Rilindja, 1989, p. 5).

In the hall of the Parliament of Kosova, the Conference of the Socialist Youth League of Kosova was held with the slogans and clichés typical since the end of World War II. One discussant took the risk of being jailed for making the blasphemous statement that “Kosova must not be a reservation where animal experiments are carried out. We must have freedom of expression, political pluralism with multi-party democracy, the release of political prisoners”(Rilindja, 1989, p. 5).<sup>6</sup> In the hall where there were about 300 young people and guests from the highest political structures of Kosova (about 80% of whom were Albanians), suddenly frantic applause of the majority of the Kosovar Albanian youth erupted. That was it. A desperate reaction of the young Serbs ensued, who were shocked more by the applause than by the speech “*of a nationalist who should not have been in that room*”. The newspapers devoted more space to this speech than to the rest of the conference. “Voice of America” in

6 This speech was made by the author of this paper and published in the daily Kosovar newspaper “*Rilindja*” on 26 December, 1989.

particular, as it was the only medium that people secretly listened to in Albania. Even Radio Tirana (“Evening News”, 1989) could not ignore this but wanted to disguise it by presenting it as a verbal confrontation between Albanian and Serbian youth in Prishtina.

In Kosova, the path was open for the formation of non-communist organizations, from the Council for Human Rights and Freedoms headed by Dr. Zakeria Cana to the Democratic League of Kosova (*Lidhja Demokratike e Kosovës*, LDK) headed by Dr. Ibrahim Rugova. The open American support for Rugova and his policy caused uneasiness in Tirana to both the government and its people. The populace saw this as an opportunity for reformation whereas the government felt threatened and as a result democratic change was imposed there. Kosovars began to visit Albania by going to Greece and continuing from there to Albania. After Macedonia’s independence in 1991, they travelled through Macedonia. The Kosova-Albania border could only be crossed with exit visas, which the Serbian regime had not issued since 1948.

The period of 1991-1999 was a time when Albania was in a difficult situation, while Kosova was plunged into deep captivity with apartheid and ethnic segregation, unprecedented in Europe. Kosova was waiting for Albania’s help, but Tirana had its own problems that it considered more serious than those of Kosova. Albania had information about Kosova only through a limited number of Kosovar visitors. For example, a well-known TV journalist from Tirana was surprised how during her visit to Ulqin/Ulcinj (a town in Montenegro) all “Yugoslavs” spoke Albanian. She had no idea that ethnic Albanians constituted 90% of the people living there. On the other hand, Kosovars were shocked that in Tirana there was a lack of respect for the national flag, which they considered sacred.

## Kosovo war

Awareness only rose when almost one million Kosovar refugees took refuge in Albania during the 1999 war. Of course, this social contact enabled them to mutually understand that they shared the same language and origin but that they had different habits and worldviews about life and society. They could understand each other well only during great disasters, such as the war in 1999.



The Kosova war of 1999 had a tendency of elements of civil war among Kosovar Albanians. In this respect, the government in Tirana played a negative role. Credit for why the civil war did not occur at the same time as the war for liberation from Serbia goes to the United States and its allies but also to the political philosophy of President Rugova.

Since the founding of the LDK, its leader, Rugova, has stood for two things. First, he accepted Kosovar Albanians from the entire ideological spectrum as his collaborators, including liberals, democrats, nationalists, Enverists, Titoists, and even recent collaborators of Milošević. Second, he was a pacifist and avoided conflicts not only within Kosova but also violent confrontations with Serbia.

Rugova initially cooperated well with Dr. Sali Berisha (1945-), the Democratic President of Albania, but at the end of 1996 he broke relations off due to the insistence of the President of Albania that Kosovars participate in the elections in Serbia ("Viti 1996", 2020), opposing Rugova's struggle to prove that the Serbian government in Kosova was illegitimate and illegal. The lack of communication between them continued until the death of Rugova in 2006.

Rugova's communication with Albania's socialist leaders, who were former communists and came to power in 1997, was also strained. He had a liberal democratic and anti-communist spirit. The socialist government in Tirana separated from the Enverist part of the LDK. Formed in 1998 as a rival party of LDK, the United Democratic Movement (*Lëvizja e Bashkuar Demokratike*, LBD), led by Dr. Rexhep Qosja (1936- ), was committed to Tirana, while Rugova was committed to Washington.

However, when war in Kosova was imminent in 1998, pacifist Rugova feared the Americans would leave Kosova in the lurch and did not dare to lead the war as Slovenian President Milan Kučan had done (1941- ), as did Croatian President Franjo Tuđman (1922-1999) and Bosnian President Alija Izetbegović (1925-2003).

Still, when they realized the inevitability of the war, some of Rugova's supporters did not wait for his command and started the war with Serbia. Rugova's rivals, who had the support of official Tirana, also

joined the war. The insurrections and killings of President Rugova's supporters became a feature of this war, which NATO ended with a 78-day bombardment of Serbian targets. The most grievous murder was that of Ahmet Krasniqi, Minister of Defence of Kosova, on 21 September, 1998, in Tirana. Assassinations against Rugova's closest associates continued even after NATO troops entered Kosova. Assassinations against Rugova's closest associates continued even after NATO troops entered Kosova ("Të gjithë zyrtarët e LDK-së", 2017).

## Independence

It was US President George W. Bush who chose Tirana in 2007 to state that "[a]t some point in time, sooner rather than later, you've got to say, 'Enough is enough. Kosovo is independent'" (Stolberg, 2007). This was not only a message for Serbia; this was primarily a message for Albania. The day this statement was made is also significant: 10 June, the day the League of Prizren had been held in 1878, and the day the Serbian rule over Kosova ended through United Nations Security Council Resolution 1244 in 1999.

The coming to power of Hashim Thaçi in Kosova in 2007 was characterized by a conflict with Dr. Sali Berisha, who returned to power in Albania. Even when the Socialists returned to power in Albania (2013), led by Edi Rama (1964- ), relations with all Kosovar leaders who had come to power in Kosova in the meantime, Isa Mustafa (1951- ), Ramush Haradinaj (1968- ), Albin Kurti (1975- ) and Vjosa Osmani (1982-), continued to worsen.

The relationships reached the lowest level when the Prime Minister of Kosova Ramush Haradinaj addressed the Prime Minister of Albania, Edi Rama with Albanian banal words in the presence of French President Emmanuel Macron and German Chancellor Angela Merkel (Pajaziti, 2019).

It is also interesting to note that Kosovar Prime Minister Avdullah Hoti (1976-) signed a declaration of commitment on 4 September, 2020 in Washington in front of US President Donald Trump for the acceptance of the Mini Schengen Agreement. Shortly before going to the Oval Office, he published an article listing 14 reasons against this agreement

between Prime Minister Rama and Serbian President Aleksandar Vučić (and Prime Minister of North Macedonia, Zoran Zaev), claiming that Albanian Prime Minister Edi Rama was acting against Kosova's interests.

Whilst the relations between the political classes of Kosova and Albania are more or less balanced, in the cultural field Kosova continues to behave inferiorly due to self-discrimination.

The problem of the Albanian linguistic standard remains the most crucial issue. For more than two decades there has been an initiative for Kosova to either negotiate an Albanian linguistic standard that would be more acceptable to Kosovars or to create a standard of its own. However, this has only remained an idea without further steps. There are some authors who try to write fiction in the northern dialect and translators who translate from foreign languages into this dialect, but their number is small. There are also attempts to return the local dialect into musical texts and theatre. Recently, there has been a tendency for the lyrics of popular music created in Albania to be in the dialect of Kosova. This is because this genre of music has progressed more in Kosova than in Albania, where it was banned during the communist dictatorship.

Albania's greatest cultural supremacy over Kosova appears in the field of the media. Albanian television stations enter the Kosova media market without the need for licensing and without any fees, while domestic television stations are required to have a license and pay taxes in order to operate in their own country in Kosova. This absurd policy of the media licensing agency in Kosova ("Independent Media Commission") has its roots in the cultural inferiority of Kosova to Albania that was set in the 1970s.

## Kosovar national consciousness

Despite the cultural inferiority in many fields, Kosova strongly disagrees with. Tirana's narrative of the recent history.

There are many historical personalities who are considered official heroes in both Kosova and Albania. However, there are also some others who are officially considered heroes in Kosova but are treated

as traitors in Albania, such as Rexhep Mitrovica (former Prime Minister of Albania), Xhafer Deva (former Minister of Interior of Albania), Iljaz Agushi (former Deputy Prime Minister and former Deputy Speaker of the Albanian Parliament).

On the other hand, some of the Serbian personalities that Kosovars consider Kosova's greatest enemies, such as Aleksandar Ranković (former Vice President of Yugoslavia), Ivan Milutinović (Serbian General), Miladin Popović (founder of the Communist Party of Albania), are in the official register of the heroes in Albania.

However, the national consciousness of Kosova awoke to a large extent after the admission of the Kosova national football team to FIFA and UEFA.<sup>7</sup> The successes of the Kosova national team (e.g., the transition from League D to League C, coming very close to qualifying for the 2021 European Championship), resulted in Kosova's stadiums being decorated with yellow and blue, the national colours of Kosova.

Prior to these successes, most Kosovars played for the Albanian national team. When the national team of Albania played a match in Belgrade with Serbia on 14 October, 2014, out of the eleven players on the field eight were from Kosova. Of course, the fans from Kosova supported Albania and the stadiums were decorated with red and black, the national colours of Albania. However, when the Kosova national team started to become successful, and in the absence of a proper stadium that complies FIFA standards, it played its matches in Albania, the Albanian fans' interest was low, and the Kosovar fans returned to the yellow and blue colours.

A personal story should illustrate the conclusions of this paper. A friend of mine from Tirana who has been working for UNMIK in Kosova for a long time told me in great confidence: "Although both of my parents belong to patriotic families, I am ashamed to admit that I enjoy talking to Serbs more than Kosovars". I replied that this is natural, since he was born in an independent country, like his father and his grandfather. Serbs were also born and raised in their own country, as were their fathers and grandfathers, while Kosovars were born into captivity in the same way as their fathers and grandfathers. It is thus naturally easier to understand Serbs than Kosovars. His response was: "I have noticed that with Kosovars younger than 25, I comprehend them more easily."

<sup>7</sup> Kosova gained UEFA membership at the summit meeting in Budapest in May 2016.

## Conclusion

Serbia's stance towards Kosova (including that of the former Yugoslavia) is the main factor that throughout modern history has politically distinguished Kosova from Albania. This difference has left deep marks and created a distinction between the Albanian and the Kosovar national identities.

Whether these identities will be closer or further apart from each other will depend on the Serbian (friendly or hostile) attitude towards Kosova, although in both cases they will be two separate national identities. Surely, the mentality of the generations that are up to 25 years old now will dominate the mentality of the Kosovar society as a whole when they become 55 years old, and they will communicate more easily with Albania, but also with Serbia.

The anticipated common future of the Balkans in the European Union will bring Kosovars closer to their brothers from Albania, and it will also make them friends with the hitherto hostile Serbs; however, their unique past will serve as a stamp of identity.

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# BULGARIA'S CLAIMS ON THE MACEDONIAN ETHNO-LINGUISTIC IDENTITY

*Ognen Vangelov*

**Abstract:** Bulgaria's veto on opening North Macedonia's accession talks with the EU has internationalized a bilateral historical dispute that is obscure and perplexing to international observers. This article explores the genesis of this historical dispute and how it has been rationalized by the current Bulgarian political and academic elites. The dispute concerning the origin of the Macedonian ethno-linguistic identity is a legacy of both Bulgaria's nation-building processes and its politics of continued grievances about the "injustice" done to Bulgaria and Bulgarians ever since the annulment of the San Stefano Treaty in 1878. Bulgaria's current formulation of the problem was canonized in the 1960s by its communist leader, Todor Zhivkov, and continues to shape Bulgaria's foreign policy toward North Macedonia.

**Key words:** North Macedonia, Bulgaria, EU, ethno-linguistic identity, nationalism

## Introduction

This article addresses the genesis of Bulgaria's claims regarding the Macedonian ethno-linguistic identity, i.e., the origin of the Macedonian people and their language. The conflict over the ethno-linguistic identity of the Macedonian people living in the wider Macedonia region (in today's North Macedonia and parts of Bulgaria and Greece) has been brought to the fore both in the EU and more generally in international affairs by Bulgaria's recent double veto in December 2020 and June 2021 on opening North Macedonia's accession talks with the EU (Gotev



& Trkanjec, 2021). Although this episode appears to have come out of the blue, in reality, the conflict over the origin of the Macedonian people and their language has been a protracted one, tainting relations among the states and peoples of the southern Balkans for the better part of the twentieth century and into the twenty-first century. Also, many international observers have connected the current Bulgarian policy toward North Macedonia with the Bulgarian domestic political crisis and the turn toward increasing nationalism in domestic electoral rivalries, where the “Macedonian question” can be a useful tool for gaining votes. While domestic politics is important in setting an agenda for hot topics in foreign policy, such as the “Macedonian question” in Bulgaria, the current Bulgarian attitude toward North Macedonia’s EU membership was first announced ten years ago, when the political situation was quite different, and when Bulgaria was a new EU member. North Macedonia had been a candidate for EU accession since 2005, and discussions about opening the talks began in 2010-2011. At the time, the Bulgarian members of the European Parliament (MEPs) announced that the then Republic of Macedonia must agree to a Bulgarian reading of their “shared history”; that Macedonia “should not manipulate history in its history textbooks”; as Macedonia’s reading of history had been “provocative” toward Bulgaria regarding its medieval and modern history (Glamchevski, 2011). Indeed, although Bulgaria’s 2020 veto seemed to have surprised many in the EU, this was not, in fact, Bulgaria’s first veto. It was in 2011 when Bulgaria had lodged its first veto on opening accession talks for the Republic of Macedonia. Bulgaria then sided with Greece on vetoing North Macedonia’s start of the accession talks (despite a positive recommendation by the European Commission), and Bulgarian President Rossen Plevneliev justified the veto by stating that “Bulgaria cannot grant an EU certificate to the actions of the government in Skopje which is systematically employing an ideology of hate towards Bulgaria,” and that “...the government in Skopje be done with its anti-Bulgarian campaign, and the manipulation of historical facts” (Gotev, 2012, para. 11). Nevertheless, as Greece had been the main obstacle to Macedonia’s NATO and EU accession, having vetoed Macedonia’s NATO membership since 2008, the Bulgarian stance did not receive much attention at the time.

## How a bilateral issue was internationalized

The issue of the Macedonian ethno-linguistic identity rose to prominence outside Macedonia and Bulgaria when it became evident that the EU would recommend opening the accession talks for North Macedonia's EU membership in 2019-2020. The two countries had previously signed a bilateral Friendship Treaty in August 2017, according to which both countries were to set up an interdisciplinary committee on historical and educational issues "to contribute to the objective, based on authentic and evidence-based historical sources, scientific interpretation of the historical events" (United Nations, 2017, p. 16). A committee consisting of seven experts from each side was set up thereafter, and it has been meeting four to six times a year. However, in the past three years it has been unable to find common ground on the historical interpretations of events and personalities in the history of the two nations. Bulgaria has used the stalemate in the Committee as grounds for its subsequent veto in the European Council on North Macedonia's start of EU accession negotiations. In other words, Bulgaria has justified its veto by claiming that North Macedonia has not been complying with the Friendship Treaty due to the lack of results reached by the interdisciplinary committee (Radio Free Europe, 2020).

However, it appears that Bulgaria's official stance toward North Macedonia has radicalized since 2018, after North Macedonia and Greece signed the Prespa Agreement under the auspices of the United Nations, which resolved the three decade-long dispute instigated by Greece in 1991. Greece had objected to the use of the previous constitutional name of North Macedonia, i.e., the Republic of Macedonia, claiming that the name allegedly implied territorial ambitions regarding the northern Greek province of Macedonia. The Prespa Agreement resolved the issue by adding the qualifier "North" in front of "Macedonia" for what was then Republic of Macedonia. North Macedonia was thus able to join NATO, becoming its 30<sup>th</sup> member in March 2020. At the same time, the Agreement acknowledged the existence of the Macedonian language and the right of North Macedonia's people to call themselves Macedonians, including their cultural, historical, and linguistic

distinctiveness. This development seems to have irked Sofia, as it did not fit its own claims that the Macedonian people and language were in fact a derivative of the Bulgarian people and language. As it became evident that the European Commission would likely recommend the opening of accession talks for North Macedonia (and Albania) at its December summit in 2019, Bulgaria passed a parliamentary declaration about its stance on the issue of EU enlargement and Macedonian identity in October 2019. This declaration allowed North Macedonia's EU membership only if Bulgaria's conditions were met. Among other things in the declaration, Bulgaria asserted that it categorically opposes the "eventual European legitimation of a past ideology with an anti-Bulgarian character," and the "rewriting and appropriation of history of the part of the Bulgarian people after 1944, which is the pillar of the anti-Bulgarian ideological construction of Yugoslav totalitarianism" (National Assembly of the Republic of Bulgaria, 2019). The declaration also demands that North Macedonia renounce any idea of a Macedonian ethnic minority on the territory of Bulgaria (National Assembly of the Republic of Bulgaria, 2019).

Although the declaration does not explain what it means by "anti-Bulgarian ideological construction," an explanation was included in the "Framework Position for EU Enlargement and the Process of Association and Stabilization: Republic of North Macedonia and Albania", issued by the Bulgarian government the day before the adoption of the parliamentary declaration. This framework position contains a long list of demands for North Macedonia to fulfil if it wants to get Bulgaria's approval for EU negotiations. Among the many stipulations, it demands that North Macedonia remove any plaque commemorating events from World War II that contain the phrase "Bulgarian fascist occupier"; that EU documents use the phrase "official language of the Republic of North Macedonia" instead of "Macedonian language", and if the term "Macedonian language" is used, it should be clarified that "the linguistic norm in the Republic of North Macedonia is tied to the evolution of the Bulgarian language and its dialects in the former Yugoslav republic after their codification in 1944." Furthermore, "no document during the accession process shall be understood as Bulgaria's recognition of the existence of a so-called 'Macedonian language', different from Bulgarian" (Council of

Ministers of the Republic of Bulgaria, 2019). Curiously, the Framework Position also demands that before the second intergovernmental conference between North Macedonia and the EU is held, “all historical and literary sources from the 19<sup>th</sup> and 20<sup>th</sup> century [before the codification of the Macedonian language in 1944], be presented in Macedonian school textbooks in their original norm.” This means that Macedonian textbooks must contain texts in the Bulgarian language that had been used prior to the standardization of Macedonian in 1944. In short, based on this document, an “anti-Bulgarian ideological construction” means virtually anything related to the expression of a distinct Macedonian ethnic, cultural, or linguistic identity prior to 1944, i.e., prior to the establishment of Macedonia as a state within the framework of Socialist Yugoslavia.

In March 2020, the EU announced that it would start accession talks with North Macedonia by the end of the year. At the same time, the Bulgarian government issued an explanatory memorandum, a document that it sent out to all other member states. This memorandum was then attached as an annex to the European Council Conclusions issued in March 2020, but as a unilateral statement of a member state, not as the Council’s position (European Policy Institute-Skopje, 2020, p. 6). The memorandum reflects much of what had been stipulated in the Framework Position of Bulgaria’s government the previous year, for example, the statement that “The accession path of the Republic of North Macedonia provides a valuable opportunity for its leadership to break with the ideological legacy and practices of communist Yugoslavia. The enlargement process must not legitimize the ethnic and linguistic engineering that has taken place under former authoritarian regimes” (Kolekjevski, 2020). This statement further reinforces Bulgaria’s attempt to categorize the distinct Macedonian ethno-linguistic existence as a legacy of Yugoslav authoritarianism, which must be abandoned and remedied during North Macedonia’s accession process in the EU. The memorandum further attempts to offer a historical overview of the question of the Macedonian identity prior to the creation of the Macedonian republic within Yugoslavia, with dubious claims, for example that “following World War I the overwhelming majority of [today’s North Macedonia’s] Slavic population used to clearly self-identify as Bulgarian,” and that “Belgrade tried to

eradicate the Bulgarian identity of this population” (Kolekjevski, 2020). It then continues to assert that “a Macedonian language or ethnicity did not exist until 02.08.1944” (Kolekjevski, 2020). Although Sofia had the opportunity to lodge a veto on the European Commission decision to open accession talks for North Macedonia in March 2020, the veto came after the Commission revealed its negotiation framework in June the same year. The framework did not consider Bulgaria’s demands from its explanatory memorandum and used the term “Macedonian language” when stating that EU legislation should be translated into the candidate’s language (Telma, 2020).

In summary, Bulgaria’s claims regarding the Macedonian ethno-linguistic identity became an EU (and thus international) matter once the opportunity rose for Bulgaria to assert its advantageous position as an EU member state. By threatening to continuously (ab) use its veto right in the EU, Bulgaria is attempting to impose its own interpretation of history. If this interpretation is not accepted as an indisputable fact during North Macedonia’s accession process in the EU, North Macedonia must not be allowed to join the bloc. According to Bulgaria’s interpretation, the population of North Macedonia and its language was Bulgarian prior to 1944, whereas anything that North Macedonia calls Macedonian people and language must be understood as a historical aberration, and a conspiracy by both Belgrade and the Former President of Yugoslavia, Josip Broz Tito to engineer a Macedonian identity so as to thwart the “legitimate” Bulgarian claims regarding the Macedonian people and language. It logically follows that even today’s expression of a distinct Macedonian ethnic identity and language, with its own culture, history, and independent development, is considered by Bulgaria an “anti-Bulgarian ideological construction” and propaganda, which must be remedied through the imposition of new educational plans for history and other subjects in Macedonian schools, which would reflect the “real identity” of its population. The underlying objective, it appears, is to “re-engineer” (to use the term in Bulgaria’s memorandum) North Macedonia’s population into its “true Bulgarian” self. However, this objective, at least for the time being, appears to be highly unpopular in the EU. Most member states, though reluctant to openly condemn Bulgaria’s behaviour as a member-state, have reiterated that bilateral issues

related to historical disputes should not be a subject to discuss in the EU. Some states have been more vocal by issuing statements in direct opposition to Bulgaria's demands, for example, the Czech Republic and Slovakia (Marusic, 2020).

## **Why does Bulgaria reject the Macedonian ethno-linguistic identity?**

As explained in the previous section, the issue of the Macedonian ethno-linguistic identity has become a subject of international discussion only recently, with Bulgaria's veto on North Macedonia's EU accession. However, the issue has long been a bone of contention between the two countries, as well as previously between Yugoslavia and Bulgaria, following the break between Tito and Stalin in 1948 (Banac, 2018, p. 192). The modern-day claims by Bulgaria are thus at least 73 years old, and the roots of these claims go back to the very establishment of Bulgaria as a Principality under Ottoman control in 1878.

After the Russo-Turkish war, according to the Treaty of San Stefano, signed in March 1878 and dictated by the Russians, an independent state of Bulgaria was to be created, incorporating most of today's North Macedonia, as well as parts of today's Serbia, Kosovo, Greece, Romania, and Albania. However, this state entity never came into being, as a few months later the Treaty of San Stefano was replaced by the Treaty of Berlin, signed in July 1878, which allowed for the creation of a semi-independent Bulgaria under Ottoman control, with a much smaller territory, excluding the territories in the west (i.e., today's North Macedonia, and the other parts initially envisaged by the San Stefano Treaty). Nonetheless, the initial San Stefano project, which did not result in any state-building, became engrained in Bulgaria's historical narrative as a grave injustice to Bulgarians, leaving large parts of what it believes is its rightful property under the control of foreign entities. That this continues to be the case even today is attested to by Bulgaria's most important holiday, the 3 March national holiday, the day of the signing of the San Stefano Treaty. Thus, Bulgaria has been celebrating a state-project that never came into being and has never existed. However, the project has had powerful ramifications for

Bulgaria's historical narrative: the project was dictated in San Stefano by Russia, which has influenced Bulgaria's internal and foreign politics in a profound way, as well as many of its decisions to enter the wars of the twentieth century.

During the Balkan Wars of 1912–1913, Ottoman Macedonia was partitioned among Greece, Serbia, and Bulgaria, with Greece acquiring around 50 percent of the whole territory. Serbia and Bulgaria received the remaining 49 percent, while a miniscule portion went to Albania (around 40 percent for Serbia, 9 percent for Bulgaria, and 1 percent for Albania). As Bulgaria was dissatisfied with its proceeds from the Balkan Wars, it joined the Central Powers in World War I to gain more Macedonian territory (which belonged to Serbia and Greece), which it believed was its rightful property. Bulgaria eventually lost and was reduced to its 9 percent acquired during the Balkan Wars. The same pattern was repeated in World War II, when Bulgaria joined Hitler's coalition to acquire Macedonian and other territories from Serbia and Greece, but it eventually lost the war and only switched sides several months before the end of the war.

Evidently, Bulgaria's foreign policy in the first half of the twentieth century focused on how to correct the “historical mistake” that had existed since the annulment of the San Stefano project for a greater Bulgaria, but any gains were only temporary, and the results were catastrophic for Bulgaria in all these wars, with vast casualties. During World War I alone, Bulgaria lost 300,000 people, 100,000 of whom were soldiers, the highest number of soldiers lost per capita in any country involved in the war (Bell, Dimitrov, Danforth & Carter, 2021). Thus, Bulgaria's emotive stakes in the “Macedonian question” remained high throughout the twentieth century, where all of its losses in the previous century had been attributed to neighbouring states and wider conspiracies rather than to its own decisions to enter wars with an agenda of “uniting all Bulgarians in one state.”

However, one major difference occurred during World War II. In all previous wars, the Macedonian population was recruited to fight the wars of the states possessing the territory of Macedonia, whereas in World War II the local population formed a resistance to the Bulgarian occupation, with the agenda of creating a Macedonian state. Toward



the end of the war, the first and second Antifascist Assemblies of the National Liberation of Macedonia (ASNOM) were called, when Macedonia became one of the six republics in the new Yugoslav federation led by Josip Broz Tito, with Macedonian as the official language of the republic. Initially, Bulgaria's leadership, especially the first post-World War II Prime Minister of Bulgaria, Georgi Dimitrov, welcomed the constitution of the Macedonian republic within Yugoslavia, thereby recognizing its population and language as distinct from Bulgarian. Under Dimitrov's leadership, Bulgaria went as far as to establish an autonomous region in Pirin Macedonia (the Bulgarian part of Macedonia), recognizing and even promoting the Macedonian language in the schools of the region (Marinov, 2020, pp. 44-60). In the short period of good Yugoslav-Bulgarian neighbourly relations immediately after World War II, there was even a discussion of creating a larger Yugoslav federation, including Bulgaria (Marinov, 2020, p. 43). During this time a census was also carried out, according to which around 70% of the population in this region declared itself Macedonian. Very similar results appeared in the census ten years later, in 1956, in terms of the total number of ethnic Macedonians in Bulgaria, although the official stance in Bulgaria today is that the population was forcibly registered as Macedonian. In the later censuses nearly all of those who had claimed a Macedonian ethnicity disappeared, since a possibility to self-declare as Macedonian ceased to exist after 1956.

Despite Bulgaria's stance about the non-existence of any Macedonians on its territory, following the collapse of the Communist regime in Bulgaria in 1990, ethnic Macedonians attempted to form both cultural organizations and political parties. However, Bulgaria has consistently refused to officially register such organizations, considering them a threat to Bulgaria's ethnic homogeneity, and thereby rendering them illegal. As several members of the European Parliament (MEPs) have noted, the Macedonian minority in Bulgaria was declared non-existent in 1963, and Bulgaria started a persecution campaign against those who still self-identify as such. Namely, MEPs have accused Bulgaria of not respecting the Framework Convention for the Protection of National Minorities, and that "no Macedonian NGO or political party can be registered or active, and citizens who consider themselves to be Macedonians cannot officially state as much" (European Parliament,



2018). Moreover, they note that “these policies have led to 11 European Court of Human Rights (ECtHR) judgments against Bulgaria, and have been described in every major human rights report” (European Parliament, 2018).

Thus, Bulgaria’s policy of the recognition of the Macedonian ethno-linguistic identity was short-lived. This policy began to take shape as soon as Yugoslav President Tito broke from Stalin’s Soviet Union in 1948, when Bulgaria, as the Union’s closest ally, began to gradually reverse its policy of recognizing the Macedonian ethnic identity. In the immediate aftermath of the rift between Tito and Stalin, the paper of the Bulgarian Communist Party (BCP), *Rabotnichesko Delo*, published an article by BCP Secretary Georgi Chankov challenging the authenticity of the Macedonian language and claiming that it was a concoction prepared by Belgrade and that the Macedonian people really spoke Bulgarian (Koneski, 1948). Curiously, the same Georgi Chankov had given entirely different statements the previous year, when Yugoslavia and Bulgaria were on good terms. He namely stated that “the Macedonian people gave enormous sacrifice and won its right to be respected as free and equal people”, adding that “the Macedonians in Pirin Macedonia should be educated as an integral part of the Macedonian people, which already has its own state; they should learn their own history as well as learn, write, and speak their own Macedonian language...” (Koneski, 1948).

The positions expressed by Chankov and the BCP in 1948, after the rift between Tito and Stalin, only became more firm and rigid in the following decades. Whereas Chankov initially only challenged the authenticity of the Macedonian language, still claiming that there was a Macedonian nation, which really spoke Bulgarian (Koneski, 1948), the following decades were marked by a complete denial of any expression of a distinct Macedonian identity, whether it was linguistic or ethnic in nature.

The return toward a resolute denial of the Macedonian ethnic identity became an explicit policy when Todor Zhivkov became Chief of the Communist Party of Bulgaria and Bulgaria’s President in the 1960s. The position formulated in this period became the cornerstone of Bulgaria’s mainstream political and academic stance up to the present day, as shown above in Bulgaria’s Framework Position and the “explanatory memorandum” in 2019 and 2020. During the meeting between Yugoslav

President Josip Broz-Tito and Bulgarian President Todor Zhivkov in 1963, Zhivkov stated that “the Bulgarian Communist Party recognizes the ‘creation’ of a ‘Macedonian national consciousness’ as ‘objective reality’, but only limited to Yugoslav Macedonia” (Marinov, 2020, p. 73). This identity, according to Zhivkov, also had a starting date – after World War II, and it was built on ‘anti-Bulgarian’ fundamentals (Marinov, 2020, p. 73). Thus, the language used by Zhivkov in 1963 to explain the “history of the Macedonian identity” is clearly the stance that thereafter became the official political and academic position of Bulgaria’s elites and institutions, still used up to the present day, including the documents issued by Bulgaria’s government to its EU partners. The fact that the 2020 veto has become Bulgaria’s number one hot foreign policy topic has also consolidated the Bulgarian public opinion against North Macedonia’s EU membership. Based on a poll from 2020, more than 80 per cent of Bulgarians do not support North Macedonia’s EU membership if the latter does not meet Sofia’s conditions, a whopping 65 per cent increase since 2019, when only 15% had a negative attitude toward North Macedonia (Buldioski & Tcherneva, 2020).

## **What is the rationale behind Bulgaria’s position?**

As discussed above, Bulgaria’s central claim is that the Macedonian ethnic and linguistic identity was engineered by the Yugoslav communist regime and its leader, Josip Broz Tito. This identity came into existence, the narrative claims, on 2 August 1944, and it has no “authentic” historical evolution. In fact, as the story goes, the Macedonian ethnic and linguistic identity has been created out of the Bulgarian people inhabiting the area of today’s North Macedonia for a millennium. Likewise, the standard Macedonian language is simply a regional norm of the “Bulgarian dialects” in Macedonia, and the norm itself was concocted by Belgrade to distance the language from its “authentic Bulgarian roots.”

To support this narrative, Bulgaria’s mainstream political and academic elites often claim that the population in today’s North Macedonia self-identified as Bulgarian in the nineteenth and twentieth centuries, up

to World War II, when the new identity took hold based on Communist repression and intimidation. Evidence that is frequently used for this narrative is the claim that ever since the ninth-eleventh centuries AD, from the time of Cyril and Methodius, the population in today's Bulgaria and wider Macedonia has homogenized and consolidated into a single Bulgarian people and language. It follows that all the historical events and personalities from that period onward, up to World War II, were firmly tied to the history of the Bulgarian people and language in both today's Bulgaria and North Macedonia (and portions of Greece, Serbia, Romania, Kosovo and Albania).

There is indeed evidence that the term "Bulgarian" has been used to describe the Slavic-speaking population in the Ottoman Empire, often indiscriminately, covering populations that have developed separate national identities. For instance, the Ottoman explorer Evliya Çelebi wrote of "Bulgarians" in Belgrade and Sarajevo in the seventeenth century (Friedman, 1975, p. 281). Thus, the use of this term to mean much more than what later became a Bulgarian ethno-nation has had a fundamental impact in shaping the Bulgarian narrative of a "millennium-long Bulgarian ethnic and linguistic continuity". Moreover, some of the nineteenth century renaissance personalities in Macedonia have also described their vernacular language as Bulgarian, even if they wrote in their local Macedonian dialect, for instance, Yoakim Krchovski and Kiril Pejčinovikj in the first half of the nineteenth century (Friedman, 1975, p. 282). In this period the main task of these theological educators was to combat the dangers of the Hellenization of the Slavic-speaking population, thus the distinction between what was Bulgarian and what was Macedonian was of little importance (Friedman, 1975, p. 281). Also, it is important to emphasize that a Bulgarian standard language did not exist at this time either, so most Slavic-speaking educators used a mixture of their local dialects and the traditional Church-Slavonic language. In fact, all south-Slavic standard languages began to take shape in the second half of the nineteenth century. Therefore, using the term "Bulgarian" today at face value to describe this history as a history of the Bulgarian people in Bulgaria, North Macedonia, and other neighbouring states, deprived of the complex context of the time, serves the purpose of a complete politicization of the issue with the clear agenda of appropriating the history of the region as the history of

a single Bulgarian people or ethno-nation. This appropriation, on the other hand, serves as a useful tool for the contemporary pretensions of the Bulgarian political and academic elites regarding the Macedonian ethno-national history prior to 1944 and fits into the narrative of grievances that the Bulgarian nation has been suffering a grave injustice ever since the annulment of the San Stefano Treaty in 1878.

In fact, it is very problematic, to say the least, to speak of a clear Bulgarian ethno-national identity and self-identification in the nineteenth century in either today's Bulgaria or in wider Macedonia. As mentioned above, the term "Bulgarian" was used historically (although this term was not used exclusively, only on occasion) to denote various Slavic-speaking populations during the Ottoman period. However, when it comes to the self-identification of these populations, there is little, if any, evidence to claim that these populations commonly expressed an ethnic Bulgarian identity. The process of nation-building in Bulgaria only really occurred after the creation of the Bulgarian principality in 1878 and its institutions, including universal education, military conscription, and other state-building practices. Shortly before the creation of the Principality, the Bulgarian Exarchate was created, which also provided a means for creating a Bulgarian consciousness.

In reality, prior to the creation of Bulgarian religious and state institutions in the late nineteenth century, the Slavic-speaking populations in the Ottoman regions that covered today's Bulgaria and wider Macedonia mostly self-identified with religion rather than ethnicity. As the Belgian historian Raymond Detrez (2020) explains, the acquisition of national consciousness is not a mass phenomenon but an individual psychological development, as it results from socialization, imposed by various educational, administrative, and repressive means. Thus, he asserts that "in the 19<sup>th</sup> century Ottoman Empire... such nationalizing measures were... lacking; in addition, a multitude of national ideologies and various other (regional, vocational, social, and cultural) loyalties competed" (Detrez, 2020). Contrary to the claims of the official Bulgarian narrative that a Macedonian identity only emerged after World War II, Detrez claims that in the second half of the nineteenth century there were "the first convincing indications of the emergence of a Macedonian national ideology, which Bulgarian historiography as

a rule passes in silence” (Detrez, 2020). Detrez has also addressed the recent controversies regarding the Bulgarian claims, asserting that “Georgi Pulevski [a Macedonian national ideologue in the nineteenth century]...in 1875 [at the time of the creation of the Bulgarian Exarchate and three years before the creation of the Bulgarian Principality], a half century before Commintern’s decisions, writes... ‘a people are individuals who are from the same origin and who speak a common language, and the place where they live is called a homeland, concluding: and so the Macedonians are a people and their homeland is Macedonia.’” (Detrez, 2021).

This is echoed by other historians outside Bulgaria. For instance, Katrin Bozeva-Abazi writes that “...one cannot speak of Bulgarians and Serbs as integrated national communities in the first half of the nineteenth century. Although historians refer to ‘Serb’ and ‘Bulgarian’ to denote ethnic origin, the notion of a modern nation was an intellectual invention of the late nineteenth century...” (Bozeva-Abazi, 2003, p. 48). She adds that people in Bulgaria came to identify with a Bulgarian nation, in a process stimulated and completed by the Bulgarian state. It was the state that “accelerated the emergence of common national identity, not vice versa...”, and it was the “... Bulgarian political elites of the late nineteenth century that ‘reconstructed’ the period of national awakening” (Bozeva-Abazi, 2003, p. 80). Moreover, even after the creation of the Bulgarian state in 1878, Abazi contends, “national loyalty continued to be a vague, even a weird notion to the majority of... Bulgarian peasants” (Bozeva-Abazi, 2003, p. 123). Even a few decades after the creation of Bulgarian state institutions, in 1900 72% of Bulgarians remained illiterate (Bozeva-Abazi, 2003, p. 266). Aside from the convincing indications of Macedonian national ideology in the second half of the nineteenth century, as Detrez asserts, just four years after the codification of Bulgarian in 1899, the book “On Macedonian Matters” by Macedonian intellectual and linguist Krste Misirkov came out in 1903, where he clearly proposes a Macedonian standard language based on the Macedonian central dialects (Misirkov, 2010, pp. 351-356). These same principles of standardization were applied in 1944, when Macedonia was constituted as a state in Federal Yugoslavia. Thus, the Bulgarian central claim that the populations of both Bulgaria and North Macedonia had a clear idea of being ethnically Bulgarian is implausible and unsustainable.

## Conclusion

The recent internationalization of the Bulgarian claims regarding the Macedonian ethno-linguistic identity through the abuse of its right to veto North Macedonia's start of EU accession talks is based on long-standing Bulgarian policies designed to deny the existence of a separate Macedonian ethnic identity and language. These policies have been consistent at least since the 1960s and have been embedded in Bulgaria's position when dealing with the "Macedonian question." The motives behind these policies are complex. On the one hand, they lie in the mythologized vision of a millennium-old Bulgarian ethnic identity that has been forcibly and violently separated through the intervention of Communists, as well as Yugoslav leader Josip Broz-Tito personally. On the other hand, these claims have been a component of the Bulgarian nation-building processes since the late nineteenth century and have continued both through conscious efforts, historiographic legacies, as well as inertia. The underlying objective of this denial today, it appears, is to "re-engineer" the Macedonian ethnic identification into its "true Bulgarian self" through the process of North Macedonia's EU accession and by imposing educational curricula in North Macedonia based on this mythologized Bulgarian vision of the millennium-old Bulgarian ethnic history. As explained in this article, such a historical interpretation is not only implausible but unsustainable both from a political and from a historical perspective.

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# THE POSITION OF THE SERBIAN ORTHODOX CHURCH AND THE SERBIAN STATE REGARDING THE MONTENEGRIN LAW ON RELIGIOUS FREEDOM

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**Abstract:** This study analyzes the role of religion in Orthodox countries, where religion plays an important role when it comes to national identity, focusing on Serbia and Montenegro. Apart from analyzing this specific connection, the paper addresses the politicization of religion by both the state and religious institutions during the turbulent events in Montenegro between 2019 and 2020. Critical discourse analysis and the Discourse-Historical Approach is used to analyze the potential but significant shift in the ethnoreligious and nationalist discourse of Serbian Orthodox Church officials. These methodological tools are used to observe the phenomenon of politicization of religion and frame the discourse of the two actors of this process, the Serbian state and the Serbian Orthodox Church. The paper concludes that the Serbian state has to “defend” the influential position of the Serbian Church due to their historical connection. By protecting the Church, the state is showing its dedication to the preservation of the Serbian national identity.

**Keywords:** Serbia, Montenegro, Serbian Orthodox Church, ethno-religious nationalism, critical discourse analysis, politicization of religion.

## Introduction

The Montenegrin state adopted a new and long-awaited Law on Religious Freedom<sup>1</sup> on 27 December, 2019 (Zakon o slobodi vjeroispovijesti ili uvjerenja i pravnom položaju vjerskih zajednica, 2019). By creating a clear distinction between church and state this law has a secularizing character and aims, according to its proponents, to open and regulate the religious market in the secular state of Montenegro. The Serbian Orthodox Church (SOC) claims that by imposing these measures, the Montenegrin government is jeopardizing the dominant position held by the SOC in the country. As a result, the adoption of the Law and its potential implementation has provoked strong reactions from the SOC, members of the public affiliated with this denomination, as well as the Serbian state. Moreover, religious protests have taken place both in Montenegro and in other parts of the Western Balkan region where Serbs live. These protests have mostly been organized by the SOC and have created a dispute that has enabled the Serbian state to intervene with the aim of “defending” this institution, which is intrinsically important for Serbian national identity.

This paper presents and analyzes the reactions of the SOC and the Serbian state regarding the newly adopted Law and demonstrates the interconnectedness of the church and the state, which has provoked the Serbian state to intervene in the internal social, religious, and political matters of its neighboring state.

Critical Discourse analysis is used to examine the issue and locate the topoi and argumentation strategies that frame the discourse of these actors and show the similarities and differences between them. In order to have a representative sample, the analysis focuses on statements given by high state and church officials. As representatives of the people in both the religious and the secular spheres, these high officials have given statements that resonate with the broader public and influence the creation of particular public opinions, also giving rise to certain political and social actions. Furthermore, the analysis includes those statements from the beginning of 2019 that refer to the discussion about the adoption of the Law, but also those statements given after the

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1 Henceforth referred to as “the Law”.

adoption, or more precisely from the December 2019 until the end of the first half of 2020, since at that time due to the COVID-19 crisis the focus and interest in the issue of the Serbian and Montenegrin societies in the issue have decreased. The analysis thus includes the period of religious protests in Montenegro, when the discourse on the topic was rich in its semantics and symbolism. This time frame offers significant and authentic discourse examples on the politicization of religion.

During 2020, drastic political and social changes have taken place within Montenegro and Montenegrin society. The SOC did not miss the chance to interfere in the Montenegrin elections in 2020 and shape public opinion, certainly influencing the outcome of the elections. Furthermore, the newly elected government has reshaped and softened its relationship with the SOC. Nevertheless, changes in the relations between the SOC and the Montenegrin government have undoubtedly led to changes in their discourses as well. The significance of the newly shaped discourse is important, but due to the limitations of this paper, the time frame of the analysis was limited to the end of the first half of the 2020.

The analysis uses Critical Discourse analysis and the Discourse Historical Approach, locating patterns of discourse and comparing them. A comparison of the discourses of the state and church officials shows different ways of instrumentalizing and politicizing religion. During the analysis, particular argumentation strategies are identified. First, nomination creates a sense of an established social group, while predication creates a discursive qualification of social actors (Wodak, 2015). Analysing the statements, I will also focus on usage of topoi. The topoi are argumentation shames that serve for strengthening the argument and for increasing its persuasiveness. The special focus will be on locating the usage of different topoi as, topos of history and topos of threat (ibid.). The topos of threat is important because it is often used in statements by both Serbian state officials and the officials of the Serbian Orthodox Church, as they frequently emphasize the threat the new Montenegrin Law poses for Serbian national identity (ibid: 11). Moreover, the topos of threat has been present in the discourse of Church officials since the beginning of the 1990s, when the ethnic tensions in Yugoslavia emerged, and it still persists today, as it helps the unification and mobilization of people sharing a Serbian national identity or its specific components (for example, the religion or tradition connected

to it). The topos of history is also important, since in the discourse of the SOC and state officials current events are constantly linked to historical ones (ibid.). Beside connecting the present with the past, this argumentation scheme promotes the implementation of past solutions that had preferable outcomes. This feature is highly relevant for the case of the SOC in Montenegro, as the Church wants to preserve its historically highly politicized and influential position in the country.

## The identity-building role of the Serbian Orthodox Church and its place politics

The Serbian Orthodox Church is the largest religious community in Montenegro, with the highest number of followers.<sup>2</sup> Beside its traditional role as a religious institution, its active participation in the political sphere also needs to be taken into consideration. Through various political actions and statements, Church officials influence the attitudes of their followers, who are also part of the electorate. Since Montenegro gained independence, SOC officials have made highly politicized statements against Montenegro joining NATO and against any attempt of Montenegro liberalizing its society by giving more rights to the LGBT community or promoting gender equality, which ultimately influences the electorate to vote for more conservative political options (N1, 2016; Savic, 2020).

Additionally, the interconnectedness of the Serbian state and the SOC plays a crucial role in legitimizing the protective actions of the Serbian state towards the Church. Decentralization and the absence of a central authority as the main characteristics of the Orthodox Churches during medieval times enabled the creation of national churches with distinctive features. This made the churches closer and more interdependent to medieval states and their rulers. Moreover, the churches gave divine legitimacy to the rulers, who secured financial and other forms of support for these religious institutions (Banac, 2015: 75; Radić, 2000: 247–248). The connection between the Serbian Orthodox Church and the medieval Serbian state is still one of the

<sup>2</sup> 72.07% of people in Montenegro declare themselves Orthodox Christians. Since the SOC is the largest Orthodox Church in Montenegro, most people declaring themselves Orthodox Christians are SOC followers (Montstat, 2020).

primary legitimizing resources that the Church uses to preserve its position in the public sphere. The Serbian national identity is strongly tied to ethno-symbolism, myths, and historical events from the medieval period.

Throughout the period of nation-building, these three components were sacralised and hijacked by the SOC, which also played a crucial role in the aforementioned process. Apart from participating in the nation-building process, the SOC also created and shaped many of the national symbols and myths by incorporating the religious and sacral narrative into them. Therefore, the separation of the state and the Church, due to their strong ties to these three components, is unlikely to happen even during secular times. Moreover, as the only Serbian institution that had partial autonomy under the Ottoman rule, the SOC has been presented as the institution responsible for preserving the Serbian national identity throughout the centuries. Therefore, the role of being the keeper and saviour of the Serbs and their cultural and national uniqueness has helped the SOC to consistently remain close to the Serbian state and gain legitimacy for political actions that shaped not only religious but secular matters as well (ibid: 252–257; Vukomanović, 2008: 237–269).

The broader literature on the topic emphasizes that due to the interconnection between the Church and Serbian national identity, the Serbian Orthodox Church argues that it is responsible for protecting all Serbs, regardless of where they live. For example, analysing the politicization of religion in the case of the SOC, Ognjenović and Jozelić conceptualize these extraterritorial interests of the Church as “territoriality” (Ognjenović & Jozelić, 2014). The authors use this term to refer to the phenomenon of the destruction of the cultural heritage of others to replace it with objects that mark a particular territory as one’s own. The authors also support the argument that after the dissolution of the State Union of Serbia and Montenegro in 2006, it became difficult for the Serbian Orthodox Church to exert its influence by instrumentalizing religion on neighbouring countries where Serbs live (ibid).

Because of the interconnectedness of the SOC and the Serbian state, the SOC’s actions are sometimes perceived as if they were provoked by the Serbian state itself. In addition, the immense wealth of the SOC, its infrastructure, and its high number of followers deepen the influence that

the SOC holds over the inhabitants of Montenegro. This influence was most recently exerted during the last Montenegrin elections, when, on the wings of religious protests and support from the church, a block of oppositional parties achieved great results at the elections and formed the current Montenegrin government.

## Reactions of the Serbian Orthodox Church regarding the Montenegrin Law on Religious Freedom

When it comes to the content of the Law itself, its most controversial provision is Paragraph 62, which affects the property rights of religious communities in Montenegro (Paragraph 62, *Zakon o slobodi vjeroispovijesti ili uvjerenja i pravnom položaju vjerskih zajednica*). This provision has been one of the most problematized, emphasized, and addressed issues of recent times, and therefore the discourse around it has the most chances to determine the social value of the law itself, and to cause particular social and political actions.

The provision regulating property rights gives the right to the Montenegrin state to become the owner of the property of a religious community, if said property had been built or obtained before December 1918, and the community cannot legally prove ownership.<sup>3</sup> As the largest religious community in Montenegro, the SOC is most affected by this provision, as it has many monasteries, churches, and other properties in Montenegro that were confiscated from the Montenegrin Orthodox Church in 1920, during the creation of the Kingdom of Serbs, Croats, and Slovenes. Some of these monasteries and churches are of great financial importance for the SOC in Montenegro (Janković, 2013). This provision was the most

3 The date indicated in the text of the Law is of special importance. The Kingdom of Montenegro gained its independence in 1878, during the Congress of Berlin, after which the national Montenegrin Church served as the national church within the boundaries of the new kingdom. However, from the beginning of the twentieth century, the power of the national Montenegrin Orthodox Church (MOC) declined, bottoming out in 1918 with the creation of the Kingdom of Serbs, Croats, and Slovenes. The final decision that dissolved the MOC came with the convocation of the SOC and MOC officials, uniting the churches and giving the ownership rights of all the MOC property exclusively to the SOC. For that reason, the new Law sets this particular date as the legal boundary from which the legality and the rights of ownership of church property should be proven.

debated part of the Law, causing massive religious protests, and because of it the whole Law has been characterized as discriminatory towards Serbs and the SOC. The Government and those members of parliament who voted for the Law have been characterized as communists by Church officials (Janković, 2020).

The late Metropolitan Amfilohije, who was the former head of the Metropolitanate of Montenegro and the Littoral was one of the most influential SOC officials and occupied the position for almost thirty years. When addressing the Law, Metropolitan Amfilohije mostly uses non-sacral, politicized discourse, which usually describes the Montenegrin state with negative attributes:

The modern and contemporary state has a role and obligation to guarantee peace, rule of law, and to protect the property of all, and guarantee justice among people and that all citizens in that state have a feeling of prosperity and security. Here, something different is happening, the state that should guarantee peace with its acts is causing conflicts. It seems that out of this need to keep citizens in constant tension, the law on freedom of religion arose (Srpska Pravoslavna Crkva, 2019c).

In this statement the Montenegrin state is juxtaposed with the ideal state, with all its required features. However, according to Amfilohije, Montenegro is not close to this idea, since the state is “causing conflicts”. Moreover, the basic role and purpose of the state and its institutions is questioned in the statement. Saying that the actions of the state “keep citizens in constant tension” invokes the meaning that the state would rather maintain its power by doing so than serve its citizens by protecting their basic rights. Apart from these negative attributions ascribed to the Montenegrin state through the predication strategy, we can also locate the topos of threat. The combination of the words ‘conflicts’ and ‘constant tension’ point to the fact that a threat is coming from the Montenegrin state, against which certain actions have to be taken.

The secular and highly politicized discourse usually puts Montenegro in comparison with progressive states from Western Europe. However, this comparison usually serves to delegitimize the Montenegrin state and its actions:



Such a dangerous, ill-intentioned, and maliciously prepared law does not deserve to be discussed and debated in the Parliament of Montenegro until it gets consent from all traditional churches and religious communities in Montenegro, in accordance with the opinion of the Venice Commission and the highest international standards. The Orthodox Church persistently keeps the door open for professional, transparent, and comprehensive dialogue based on the positive experience of modern, secular states in Europe and the world, preserving the principle of equality, and everything we ask for ourselves, we ask for others (ibid).

The clear intent of delegitimizing the Montenegrin state and the Law on Religious Freedom can be seen at the beginning of the statement. The argumentation is set in a way that characterizing the Law as 'dangerous, ill-intentioned, and malicious' can be perceived as threatening. However, the SOC is described positively, as an institution open to potential dialogue, as it 'persistently keeps the door open' for transparent and comprehensive talks on solving the issue. Once again, the predication strategy is used, as both the Montenegrin state and the SOC are discursively qualified with evaluative attributions that propagate a certain perception to the public.

Complying with Amfilohije's political approach to the topic, Gojko Petrović, former rector of the Theological School in Cetinje played an influential role in the events related to the Law in Montenegro, as well as in Serbia. Petrović gave many interviews and attended some of the TV debates in Serbia and Montenegro, but more importantly, he often addressed protestors all over Montenegro. His discourse does not differ from the official discourse of the SOC, since the Church has historically been a homogenous institution when it comes to its ideological and political affiliations. Therefore, patterns of secularizing the discourse are present in the statements given by Petrović:

It [the Law] violates Paragraph 14 of the Constitution [Montenegro] and publicly announces in Parliament and outside Parliament that he [president Milo Đukanović] and his party will found and re-establish the Church. I do not go into detail at all about what kind of church it is according to his idea, who would make that church, what kind of believers they are, according to which canons - but I ask you: does the constitution

of this country allow the president of a civil, multi-confessional state to announce that he will found or renew a church? That is the atmosphere in which we are talking about this Law (Srpska Pravoslavna Crkva, 2019b).

Paragraph 14 of the Montenegrin Constitution refers to religious freedom and the secularity of the state, as religious communities are separated from the state, and religious communities are equal and free in the performance of religious rites and religious affairs. (*Constitution of the Republic of Montenegro*, n.d.) Petrović's statement emphasizes that the Montenegrin Constitution has been 'violated'. This emphasis is supported through the Montenegrin president's intention to 'found and re-establish' the Church (referring to the Montenegrin Orthodox Church). The claim targets the most common argument for imposing the Law, based on a concept of secularity, which should divide the state from church. Using this argument, Petrović wants to create a paradox from Djukanović's actions by showing that he is not making the state more secular, only shaking up the current religious market by decreasing the power of the SOC and tying the MOC to the state by securing it a more prominent and privileged position. The hypothetical question that follows ('Does the constitution of this country allow the president of a civil, multi-confessional state to announce that he will found or renew a church?'), combined with the previous claim of violating the Constitution contributes to the general atmosphere of insecurity and threat that SOC officials are creating through their discourse. Therefore, the same pattern can be recognized again: first delegitimization through a negative evaluation of the Montenegrin state, followed by the topos of threat.

Beyond the two above-mentioned SOC officials, a highly active opponent of the Law and the Montenegrin regime is the Bishop of Budva and Nikšić, who is the newly elected head of the Metropolitanate of Montenegro and the Littoral, Joanikije. His popularity among the followers of the SOC had already been high and only increased after he was arrested on 13 June, 2020 on suspicion of violating state-imposed preventive measures during the coronavirus crisis by organizing a public protest in the town of Nikšić. (Serbia, n.d.-a) Joanikije's influence and current events in Montenegro, presented as repressive towards the SOC, prompted many protests during May 2020. Joanikije's discourse regarding the Law is, in a similar vein to previous ones, characterized by politicized and legal language:

Our people from the bottom of their soul felt when this monstrous legal act was passed, which is also not in compliance with the Constitution of Montenegro and the internationally set standards that regulate freedom of religion. It is not in compliance with the law and justice, which our lawyers have proven numerous times. (...) Adopting this monstrous Law is a humiliation of Montenegro and its entire order, it is especially sinister that it introduces divisions among brothers and introduces inequality between religions in Montenegro. (...) This law, as we have noticed, is unilaterally directed towards the Serbian Orthodox Church. It is a matter of a discriminatory act and evil will. However, the Church is accustomed to suffering from injustice and persecution (Srpska Pravoslavna Crkva, 2020b).

The Law in this statement is presented as unlawful, since it is emphasized that the law 'is not in compliance' with not only domestic law but also with 'internationally set standards'. Furthermore, the negative perception of this legal act continues with highly negative adjectives ('monstrous' and 'sinister'). This particular framing is mentioned twice in the statement, using repetition to emphasize its negative character, increasing the likelihood of it being internalized by the public. Furthermore, a sense of SOC being a victim in the ongoing crisis is created by stating that the Law is 'discriminatory' and 'unilaterally directed towards the Serbian Orthodox Church'. The strength of the victimization argument increases as the statement ends with Joanikije stating that 'the Church is accustomed to suffering from injustice and persecution'. Being 'accustomed' to suffering refers to the already established perception of the Church as a victim through its eight-century history and all the conflicts Serbia had been involved in.

The last example comes from the most prominent person among the SOC officials, the Late Serbian Patriarch Irinej, who died in November 2020. The former head of the Serbian Church problematizes the Law and Montenegrin state policies on religious matters by including the use of the predication strategy and the topos of threat. However, this particular statement brings up the historical argument based on the connection between the SOC and Montenegrin statehood:

What Djukanović did is not only illegal, but it is against all reason, he attacks the greatest shrines of Serbia and Montenegro. (...) The Serbian Church gave birth to and raised Montenegro - without the Serbian

Church, Montenegro would not even exist today. (...) The only solution is to withdraw that law about the so-called religious freedom, there is no talk on religious freedom in which there is a desire to confiscate the shrines and monastery property and to give it to the current, so-called, Metropolitan Miras Dedeić (RTRS, 2020).

In terms of the legitimization of the Montenegrin state and the Law, it is not difficult to notice that the Law is mentioned in a negative connotation, as being 'illegal'. Moreover, the action is described through a war metaphor, as the President of Montenegro, who has enacted and supported the Law, 'attacks' the greatest shrines of the SOC. This particular formulation resembles the frequent usage of the topos of threat, which in this case indicates that the Serbs and the SOC are attacked, which urges people to react. In addition to this argument the topos of threat has been reinforced by the usage of the verb 'confiscated' when referring to the actions of the Montenegrin state, as it will give the shrines and monastery property of the SOC to the opponent, the Montenegrin Orthodox Church. Moreover, Irinej questions the name of the Law saying that it cannot propagate religious freedom as it attacks the SOC and confiscates its property in Montenegro. Finally, the late Serbian Patriarch makes a strong claim tying the SOC to the Montenegro state by claiming that the SOC 'gave birth to and raised Montenegro' and that 'without the Serbian Church, Montenegro would not exist'. Claiming this, Irinej uses the topos of history, proposing that there should be a continuity of the well-established and deeply rooted ties between the SOC and the Montenegrin state. Lastly, by saying that "The Serbian Church gave birth to and raised Montenegro", Patriarch strengthens the relationship between the SOC and the Montenegrin state comparing it to the emotional relationship of mother and child, which is not easy to break.

## **Reactions of the Serbian State regarding the Montenegrin Law on Religious Freedom**

Although Serbia is secular by its constitution, its officials were deeply concerned and frustrated by the Montenegrin Law on Religious Freedom. These negative feelings and strong reactions emerged

because the Serbian state sees its role as a protector of the Serbian people and their national identity, which is inseparable from Orthodoxy, and therefore the SOC. This connection was reestablished during the 1990s, after the collapse of communism, when the nationalistic political elite saw the potential that religion and tradition have for mobilizing during elections and later during regional conflicts. (Radić & Vukomanović, 2014). Therefore, to prove their dedication to preserving the national identity, the state and its officials had to protect the SOC. The analysis below looks at the reactions of state officials who occupy high positions in the political hierarchy, have a significant public presence, and have the support of, and hold sway over, ethnic Serbs in Montenegro and Serbia.

One of the first reactions came from the former Minister of Foreign Affairs Ivica Dačić, who interpreted the Law as discriminatory towards the Serbs and the Serbian Orthodox Church. (Dačić: N1 RS, 2020.) However, a more controversial statement than claiming that the Law is discriminatory towards Serbs is a statement that emphasized the importance of defending the SOC in Montenegro and therefore, the Serbian people:

Those who earned everything they have in Serbia have the obligation not to be quiet regarding this question, and those who support the Montenegrin regime regarding this question are fighting against the Serbian people - I think that it is a huge question whether they should still have Serbian citizenship. (ibid.)

First, we can see that there is a clear attempt of polarizing and distinguishing two social groups through the nomination strategy. Polarization is established between those who 'support the Montenegrin regime' and those who do not. The predication strategy can also be located within the statement since certain qualifications are discursively attached to these two polarised social groups. The supporters of the Montenegrin regime are described negatively, as those 'fighting against the Serbian people'. This formulation is an example of how the topos of threat is used in the discourse of Serbian state officials, as the verb 'fight' is used to describe the actions of the Montenegrin state and its supporters. Moreover, referring to the Montenegrins living in Serbia as 'those who earned everything they have in Serbia', there is an emphasis on the 'privileged' position they have in Serbia compared to the position of ethnic Serbs in Montenegro.

Therefore, by having enjoyed privileged treatment in Serbia, according to the former Serbian Minister of Foreign Affairs, these people are 'obliged not to be quiet'.

Addressing the Law, former Serbian Minister of Defense Aleksandar Vulin accused the Montenegrin state of denying the basic rights of ethnic Serbs in Montenegro. (Vulin, 2020a.) The way this argument is constructed shows an already established and effective usage of the topos of threat in the discourse of Serbian state officials when addressing this issue. One of many examples is the statement of the Serbian Minister of Defense: "I do criticize the regime that tries to wrest from the Serbian Orthodox Church its temples, its monasteries, its shrines, and from ethnic Serbs in Montenegro their right to decide on their churches and shrines." (Vulin, 2020b.) The threat in this statement is emphasized through the characterization of the actions of the Montenegrin state, when it 'wrests' the property of the SOC away from them. Moreover, the size of the loss of the SOC is emphasized, since there is a gradual depiction of all 'temples', 'monasteries', and 'shrines'.

Vulin gave another statement in the same manner, going even further in emphasizing the rising threat to the Serbian people and the Serbian national identity in Montenegro:

Neither is the Serbian state a theocracy, nor is Montenegro a role model of European values. If it was, then the Serbian Orthodox Church and its followers would not have to defend their shrines from the state from which they come. (...) It is not hard for me to understand that someone decides not to be a Serb anymore, but it is hard for me to comprehend why he/she has to become an anti-Serb.

The predication argumentation strategy in this statement is used to characterize these two societies. The Montenegrin state, as the opponent side, is negatively described as not being a 'role model of European values'. Therefore, by attaching this attribute to the Montenegrin state, the basis for its further delegitimization is set. For that reason, the topos of threat is used in the argumentation, as Serbs have to 'defend' themselves from the Montenegrin state. However, the last part of the statement points to Montenegrin identity politics and the ongoing creation of a unique national identity, for which the national church would be required as one of its integral parts. This phenomenon is also connected to the SOC, since by 'stopping

being a Serb', a detachment from the SOC is implied. Finally, the phrase 'anti-Serb', used to describe supporters of the Montenegro regime and its current actions, contributes to the threatening atmosphere that is created in Serbian state officials' discourse. The negative 'anti' prefix, combined with the topos of threat, implies towards whom these threatening actions are made.

Finally, and most importantly, the reactions that came from the President of Serbia, Aleksandar Vučić show the constantly imposed topos of threat in the discourse of state officials, although the uniqueness of Vučić's statements is in that the victimization of the Serbian people is more frequent than in the statements of other state officials:

For us, an especially important fact is that politics interferes with the internal organization of the church, and, I would say, with spiritual things because as we do not do it here in Serbia, I think it is not common for Montenegro to do that either. (...) We cannot understand that politicians are establishing new churches and that they do not stop there but think that it is necessary to wrest the property of the church, which, in the worst scenario, has centuries-old factual ownership, and not to mention proof based on different documents that the property belongs to it. Therefore, this is very difficult for the Serbian people. (RTS Sajt - Zvanični kanal, 2020).

Even though he gave this statement together with the Serbian Patriarch, having discussed with him how the Serbian state can help the resolution of this problem, the President of Serbia emphasizes the secularism argument regarding the separation of state and church. He contrasts Serbian and Montenegrin politics towards religious communities by saying that righteous Serbia is surprised that in Montenegro 'politics interferes with the internal organization of the church', but also 'with spiritual things'. This argument is strengthened by being combined with the topos of threat for the Serbian people, since Church property has been 'wrested' from it by the Montenegrin state. Lastly, a sense of being a victim is created by characterizing it as 'very difficult for the Serbian people'.

The defensive and victimizing discourse of the Serbian President usually concentrates on the fact that the Montenegrin regime sympathizes with the MOC and promotes the idea of having their national Orthodox Church:



Someone is trying to create a new church in Montenegro, with only one purpose, to call it Orthodox Church in Montenegro, as they saw that the Montenegrin Orthodox Church cannot get any popularity nor attract anyone, (...) and ostensibly unite everyone, but in fact to make Serbian people disappear in the next ten years. This would happen because you would not hear the word “Serbian” anywhere, nor would there be any discussion on the Serbian people, as there is now. (ibid.)

The crucial part of the statement can be found at the end, which leaves an impression of the nation being in danger due to the acts of the Montenegrin state. The predication strategy is used to delegitimize the MOC as the opponent of the SOC on the Montenegrin religious market. The MOC in this statement is described as a tool of Montenegrin national awakening and, more importantly, as a danger to Serbs in Montenegro. However, the capacity of the MOC is questioned in this statement, since it ‘cannot get any popularity nor attract anyone’. After the delegitimization of the MOC and the Montenegrin state, the topos of threat is brought in, and there is a drastic increase in the way the threat is described. This strong depiction of a threat implies a sense of being a victim, as Vučić claims that ‘in the next ten years Serbs will disappear’ in Montenegro. This dramatic argument can fuel an already complicated situation in Montenegro, which in the previous two months had been marked by police intervention and physical conflicts between the protestors and Montenegrin police. (Vojvodine, 2019.)

To show the seriousness of the situation, Serbian President Vučić emphasizes the potential repetition of the same issue and threat not just in Montenegro but in all the neighboring countries, parts of which are components of the Serbian nation:

This only has to do with Serbian people, this only has to do with the fact that some people from the region who think that the Serbian Church, and the Serbian people, need to be limited to Central Serbia and maybe Vojvodina and that the rest should be some other Orthodox people that do not have any connection with Serbs. This is just the beginning, after this, you will have an attempt to create the Orthodox Church in Kosovo, after that, you will have the beginning of the Orthodox Church in Bosnia and Herzegovina, an Orthodox Church in Croatia. (ibid.)



The topos of threat plays a great role in this statement, since, according to Vučić, there is a regional intention that Serbs should be 'limited' to a certain territory and not exist in other regions where they live today. However, it is stated that Serbs would then be transformed into 'some other Orthodox people that do not have any connection with Serbs'. More importantly, it is added that all the neighboring countries where Serbs live will establish their Orthodox Churches and alienate Serbs living there from their spiritual and national basis, the Serbian Orthodox Church. By emphasizing the potential repetition of the scenario, Vučić's argumentation again creates a dramatic and speculative sense of increasing threat not just for the Serbs in the region but also for the Serbs living in Serbia, since they would be limited to Central Serbia.

## Conclusion

The SOC is not just a religious community but a national Orthodox church and a political actor in Montenegro. Losing the privileged status it currently has would be a great loss both for the Church itself and for the Serbian state. However, the reaction of these two actors to the events differs because there is a discrepancy between the goals of the two institutions. The SOC has the primary goal of stopping the implementation of the Law, but political demands have also been raised during the protests, displayed in the constant delegitimization of the Montenegrin regime in the analyzed statements. Apart from the strategy of predication, the SOC discourse regarding the Law is characterized by the frequent use of the topos of threat, which is usually combined with the victimization of the Serbian people. This argumentation scheme serves to unify Serbs, as there is an urgency to react to the actions of the Montenegrin state. Finally, apart from the sacralized discourse present during religious rituals, the official discourse of the SOC, as it has been shown in the analysis, relies upon and uses highly politicized and legal terms and language, which helps it obtain and maintain a highly politicized position in the Montenegrin public space.

Contrary to the SOC position, Serbian state officials emphasize the urgency to protect the Serbian people and its Church in the region, which are facing discrimination and oppression. By being

protective of the SOC, the Serbian officials show a deep dedication to the preservation of a Serbian national identity that is closely tied to the SOC. The main characteristic of their discourse is an emphasis on the Serbian people in the region and the potential threats for them not just in Montenegro but also in other post-Yugoslav countries where Serbs live. Other features of the Serbian state officials' discourse include othering, combined with the topos of threat, and an increased sense of victimization. Similarly to the SOC discourse, the predication strategy is frequently used, which also serves the purpose of delegitimizing the Montenegrin state and the Law. Lastly, being delegitimized by both actors in these events, the Montenegrin state and its actions are easily presented as a threat against which action is required.

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