



MODERATING

BORDER DISPUTES

Speech-acts by EU diplomats help defuse tensions on the Serbia-Kosovo border



A Kosovo police officer stands at the Kosovo-Serbia border crossing of Mardare in December 2012. The disputed crossings opened following an EU-mediated deal on joint border management between Pristina and Belgrade.

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The control of two border checkpoints in the north of Kosovo along the border with Serbia has become a decisive issue in the demonstration of sovereignty. The move by Prishtina to control the checkpoints initiated a heated discourse from both parties. The purpose of this article is to analyze how political leaders, using a form of demonstrative communication that linguists call “speech-acts,” securitized border checkpoints. Speech-acts denote a form of linguistics that isn’t just rhetorical but inspires action. Securitization means convincing people that a particular issue amounts to an existential threat. While Serbia and Kosovo practiced securitization, the European Union acted as a desecuritization factor, meaning it moderated the border dispute by relegating it to normal political channels. The EU’s reluctance to grant membership to countries with outstanding border issues influenced speech-acts of national political leaders. This study proves that the EU’s use of membership as leverage has the ability to solve border disputes.

DESCRIPTION OF THE PROBLEM

Securitization of Kosovo’s northern border control has become an important political tool for political leaders in Serbia and Kosovo to legitimize actions. This stance, however, has not fully taken into account threats to regional security and the role of the EU. The Western Balkans is still a “security consumer.” The main security consumer is Kosovo, which declared its independence in February 2008. Serbia has considered Kosovo a province, and control of northern border checkpoints has been one of the most difficult issues between the two countries. If Kosovo’s authorities gained control of this part of the border, it would remove Serbia’s last leverage on Kosovo, especially in the northern part of the country. On the other hand, ceding control of these checkpoints would suggest the government of Kosovo isn’t fully sovereign.

International stakeholders have been in a delicate position. The EU mission, the European Union Rule of Law Mission in Kosovo (EULEX), and the NATO military mission, Kosovo Force (KFOR), have adopted a status quo stance by “maintaining a safe and secure environment.”¹ This hasn’t prevented Kosovo’s and Serbia’s leaders from striving to gain an advantage.

The burden of maintaining stability in the Western Balkans has gradually shifted from NATO to the EU.² The EU uses soft power as well as hard power. For example, EULEX, the EU mission on the rule of law, provides a law enforcement component through the judiciary and police. Kosovo’s leaders had made clear that their goal is EU membership. Similarly, when Boris Tadić became Serbia’s president, the country chose a European path, reversing former President Vojislav Koštunica’s negative attitude toward the EU.³

The role of the EU as a desecuritization actor has been noted in other cases, too. Exemplified by resolution of the once-contested border between Germany and France in Alsace, EU integration is seen as promoter of cooperation.⁴ Similarly, Thomas Diez et al. give credit to the integration and association process.⁵ The EU acts as a desecuritization actor by transforming identities.⁶ The Bay of Piran, a contested border between Croatia and Slovenia, demonstrates the power of conditionality. Slovenia and the EU had halted the accession of Croatia until conflict over the bay was solved.⁷ In 2011, both countries, with the active participation of the EU, forwarded the issue to arbitration. Cyprus provides a negative example. Even after it gained membership in 2004, that country’s border standoff remains.

SECURITIZATION THEORY

Securitization theory can help provide answers. Barry Buzan, Ole Waever and Jaap de Wilde have shaped what is known as the Copenhagen School of security studies. Security is seen not as an exogenous process defined by external factors but as an “intersubjective and socially constructed” process of actors.⁸ The actors define what security is. This school of thought aims to understand who securitizes what issues, for whom, why and with what results.⁹ Politicization of security issues goes beyond politics. It also incorporates the policies and actions of state institutions. Referring continually to an issue as a security threat,¹⁰ politicians enlist speech-acts to mobilize political pressure. The school identifies several types of security issues, and this paper is concerned with the political sector.

The political sector, as the term implies, refers to the political authority of a state. A state has three components: ideas, a physical base and institutions.¹¹ In the political sector, a threat is generally confined to “giving or denying recognition, support, and legitimacy.”¹² In this context, sovereignty is the issue, but in some cases ideology also comes into play.¹³ Legitimacy has an external dimension – recognition of the state by other states and institutions – and an internal dimension – “ideologies and other constitutive ideas and issues defining the state.”¹⁴

Security issues are socially constructed. Securitization theory suggests that certain properties must be fulfilled to view an issue as securitized. One property of such speech-acts is survival (“existential threat, point of no return, and a possible way out”).¹⁵ Securitization theory breaks speech-acts into three components: “referent objects,” “securitizing actors” and “functional actors.”¹⁶ Referent objects are the people and institutions seen as existentially threatened with a legitimate claim to survival. Securitizing actors are the people who decide which issue will be securitized, thus speech-acts of the political leaders in Kosovo and Serbia are studied. The timeline of the speech acts runs from 2008 to May 2012 with the main focus from June 2011 to December 2011.

KOSOVO POSITION

Since Kosovo declared independence, 90 countries (as of April 2012) have recognized the country. Serbia and five EU members have not. On January 14, 2008, Serbia adopted an “action plan” in case Kosovo declared independence. Border checkpoints were set aflame. Serbia’s then-minister for Kosovo, Slobodan Samardžić, said that the destruction on the northern border was in his nation’s legitimate interest.¹⁷ Another part of the plan was an embargo on Kosovar goods, both those destined for Serbia and those transiting the country to reach Europe. Northern Kosovo, which Serbia considered to be its own territory, was less affected than the rest of Kosovo. The UN and later EULEX took over administration of border checkpoints.

After its declaration of independence, the new Kosovo government was interested in buying time until the situation

calmed down. Owing to its shared responsibility with international actors, the government lacked sole executive authority in northern Kosovo. In 2010, Kosovo introduced a plan, which included border administration, to integrate the northern part of the country. The plan failed in most respects.

In 2011, Kosovo reciprocated the trade embargo with Serbia. The embargo was ineffective considering the open border in northern Kosovo. In July, Kosovo sent special police forces to capture two border checkpoints. Serbs responded by burning one of the checkpoints; Kosovar police successfully took control of the second checkpoint. KFOR seized both checkpoints and halted movement of goods and people. The Kosovo government agreed with KFOR and EULEX to defer taking control of the border checkpoints, instead installing only customs officials as long as its conditions were met (halting Serbia’s goods entering Kosovo and customs officials stationed at checkpoints). Speaking of the action, Kosovo Prime Minister Hashim Thaci said it was a “concrete step toward establishing the rule of law ... The action that we undertook last night under no circumstances should be considered as a hasty move and with the intention of provocation – in fact, the only objective was and is to establish law and order.”¹⁸ He added that the plan was to establish “strict rules, the same as in other custom points of the Republic of Kosovo.”¹⁹

He continued: “We are already chasing parallel and criminal structures. ... Those structures will face the force



of Kosovar and international justice with regard to smuggling, organized crime, the use of violence, and terrorism. ... The authorities in Belgrade are absolutely powerless to have any impact on the implementation of decisions by Kosovo's institutions."²⁰

Speaking of demolished border checkpoints, Thaci emphasized that these "violent acts were ordered, coordinated and led by the highest political structures of Serbia."²¹

Kosovo's Foreign Minister Enver Hoxhaj reacted similarly: "No other country in Europe tries to administer an area in another country using police and security forces like Serbia."²²

Kosovo's Minister of Interior Affairs Bajram Rexhepi emphasized: "We will not step back in our legitimate efforts to control all of our territory."²³

SERBIAN POSITION

Serbia's leaders didn't remain silent. They contested the right of the Kosovo government to control border checkpoints. Their speech-acts highlight concerns about sovereignty, legitimacy and institutions.

Pristina's action to control the border checkpoints was dubbed by Serbia's leaders as unilateral. The speech-act was directed against Kosovo's sovereignty, which in this case is the referent object. By defining Kosovo's action as unilateral, Serbia declared itself a party to the dispute. The implication is that the issue of border control must be solved through

dialogue between the parties. If the condition is not met, peace in Balkans will remain fragile. The same speech-act has been used by all political figures.

Then-Serbian President Boris Tadić expressed "grave concern" about Kosovo's move to impose controls on the northern border: "The unilateral ... attempt of Pristina with EULEX to impose customs control on the administrative line in north Kosovo will seriously endanger the peace and stability of the whole region." He added, "This solution has not been agreed between Belgrade and Pristina and, therefore, it must be prevented."²⁴

Foreign Minister Vuk Jeremić offered: "The question is very simple. We have a dialogue. Are we going to solve open issues in the dialogue or is it going to be imposed unilaterally without consent of the interested parties?" Jeremić said Serbia was prepared to resume talks. "I'm sure we can find a solution," he said.

Serbia's negotiation team leader Borko Stefanović went further by viewing the action to take control of the border as directed against the people and depicting it as a security threat. "It can cripple the dialogue and have disastrous influence on the stability of the region." Stefanović said that Serbia sought to resolve problems between the two "entities" and vowed never to recognize Kosovo statehood. "We should find a systemic solution because we are aware that without resolving the problem of Kosovo, we will not be able to join the European Union," he said.²⁵

After the border checkpoint was burned, political leaders tried to distance themselves from the act. "We were appalled by this act," Stefanović said. He added, however, that it was an effort by regional Albanians to gain more control over Serbians in the north.²⁶

Serbia's Minister for Kosovo and Metohija Goran Bogdanović said earlier that NATO troops should evacuate the Kosovar police to prevent a further escalation of violence. State Secretary for Kosovo Oliver Ivanović accused Pristina and the international community of planning a campaign to try to gain control over ethnic Serbian enclaves in the north. "This is clearly a part of a consistent plan aimed at placing the north and Serbs in the north under full control. What is worse, I don't think the Albanians made that plan alone," Ivanović said. "This, after all, appears to be part of some agreement with the international community, which supports Kosovo's independence and sees the north as the main obstacle for full implementation of that independence."²⁷

Tadić criticized international officials in Kosovo for allegedly backing Pristina's plans, saying they will be "responsible for any consequences."

EU ENGAGEMENT

The EU has engaged both parties on technical dialogue to resolve common issues such as customs stamps. When dialogue failed and the Kosovo government sent police to the border crossings, EU authorities reacted.



Then-Serbian President Boris Tadić, left, meets with EU foreign affairs chief Catherine Ashton in Brussels in February 2012. The enticement of EU membership helped moderate a border crisis that sprung up between Serbia and Kosovo in 2011.

EU foreign affairs chief Catherine Ashton said: “I remain gravely concerned about the continued tensions in the north of Kosovo and reiterate my condemnation of all use of violence. ... Return to dialogue remains the only way for Belgrade and Pristina to resolve the underlying issues.” She added, “The EU expects to see rapid and substantive progress.”²⁸

Maja Kocijančić, a spokesperson for Ashton, stated: “We believe that the operation carried out last night by the Kosovo authorities was not helpful. It was not done in consultation with the international community, and the EU does not agree with it. ... It is, in our view,

Pristina for the sake of regional stability and Serbia’s own interests. ... We will continue to assess the situation and Serbia’s commitment to shared objectives, with the clear aim to grant Serbia the status of candidate country in February 2012 by the Council and to be confirmed by the European Council in the beginning of March 2012.”³¹

REACTION TO THE EU

From the beginning, Serbia’s political leaders tried to distinguish between their peaceful intentions and the violence committed by local Serbs at the border crossings. Bogdanović said, “This is an act of extremists and criminal groups. This is not an act of the people of the Leposavić municipality or the people of Kosovo and Metohija.”

Tadić called for an immediate end to the violence and urged Kosovo Serbs to remain calm. “The hooligans who cause violence are not defending Serbia or the Serbian citizens,” he stated.³²

Later, Deputy Prime Minister Božidar Djelić said: “If we want to join the EU, within which 22 members see Serbia’s borderlines in a different manner, we have to find some kind of a solution. It is the same with Pristina, which is not recognized by five EU states. The EU path is pushing both sides to a compromise.”³³

President Tadić said: “Serbia has its legitimate rights in Kosovo, and the truth that our Kosovo policy today collides with the interests of becoming an EU member should not be concealed from people.”³⁴

After reaching an agreement on an Integrated Border Management strategy (IBM), Tadić asked Serbs in the north of Kosovo “to remove barricades in the restless area, a move that may help the Balkan country in removing a key obstacle for its European Union accession bid. ... We have achieved what was possible at the moment. ... This solution does not contain statehood symbols of the so-called state of Kosovo, no state symbols whatsoever, no (Kosovo) customs officers that will do their duties, they will only be observers ... With this solution, Belgrade could not reverse [the] situation to where it was before unilateral action of Kosovo forces [in July], but it has managed to bring it to situation which is much better than several days ago.”³⁵

essential that we now calm the situation and return to where we were ... The issue of trade, needs to be, in our view, resolved through dialogue. ... We believe that dialogue is the only way forward to solve the issue of customs stamps and re-establish free trade in both directions.”²⁹

EU Council President Hermann Van Rompuy said, “Regional cooperation and good neighborly relations are essential parts of the enlargement process. The European Council will judge each country on its own merits, based on fair and rigorous conditionality.”³⁰

Later, after refusing to give candidate status to Serbia on December 9, 2011, Van Rompuy offered incentives for positive behavior: “We encourage Serbia to build on that dialogue and to improve relations with



Kosovo Prime Minister Hashim Thaci attends a press conference in September 2011 to discuss the country’s planned deployment of ethnic Albanian customs officers at two flashpoint Kosovo border posts, a move that caused an outcry in Serbia, which considers Kosovo a breakaway province.

On Kosovo's side, Deputy Prime Minister Edita Tahiri emphasized that Kosovo supports dialogue on technical issues (concerning border crossings) excluding sovereignty issues: "We are not going to talk about these things."³⁶ Then, at a later point: "We finally reached an agreement on an integrated management of border crossings. Both sides agreed to implement the European model on all six crossings ... equal footing at the border crossings."³⁷

CONCLUSION

Securitization of Kosovo's northern border control has become an important political topic for political leaders in Serbia and Kosovo because it demonstrates loyalty to sovereignty. For Kosovo, failure to control the border is a threat to sovereignty, legitimacy and rule of law. In their speech-acts, political leaders have identified these three components as threatened by criminal groups and Serbia's policy to control this territory.

For Serbia, the action of the Kosovo police to control the border crossing was seen as a security threat to its own interests. By using the word "unilateral" in speech-acts, Belgrade advocated the right to exert control, or partial control, over policies involving northern Kosovo. Securitization of border control took shape before the move by Kosovo police, but since July 2011, Serbia's leaders identified the action as a threat to peace and stability in the Balkans, to Serbs living in the area and to sovereignty and legitimacy. The speech-acts were directed at local Serbs, encouraging them not to accept border control from Kosovo, and at international actors, asking them to restore the situation before Kosovo police intervention. By using the words "unilateral" and "dialogue" Serbia emphasized shared decision-making and the right of Belgrade to have a say in northern Kosovo.

The EU, supported by the U.S., Germany and NATO, acted as a desecuritization actor. EU officials supported dialogue between the parties to solve issues of trade and custom stamps. Securitization of border control was viewed as a threat to peace and the wrong way to approach the problem. Also, it was clear to Serbia that if it wanted EU candidate status, it had to normalize relations with Kosovo. Speech-acts by EU leaders influenced speech-acts of political leaders in Serbia and Kosovo. As presented above, speech-acts emphasized dialogue as a way of moving ahead. By proposing concrete solutions to the issue of border control (such as IBM), the EU desecuritized border control by turning it into a technical issue.

Political leaders in Kosovo and Serbia had securitized border control by referencing threats to sovereignty, legitimacy, resident populations, peace, and law and order. The EU has acted successfully as a desecuritization actor by moderating the speech-acts of political leaders. The result has been a more peaceful border and a demonstration of EU diplomacy that could be wielded to solve future territorial disputes. □

This article has been adapted from a paper written by the author for an Individual Research Project while attending the Marshall Center's Program in Advanced Security Studies (PASS) in 2012.

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