



Association for North's Integration: A Fair Deal?

Kosovo Serbs got the Association/Community while Pristina got the north's integration, and this is a good deal, a Serb analyst argued. Many Kosovo Serbs and Kosovo's governing parties agree that this is a fair deal, but Kosovo's opposition parties and a number of Kosovo Serbs remain skeptical, the former arguing it is a tool for Belgrade to defy the state of Kosovo while the latter saying it integrates them "too much" into Kosovo. Three years after the agreement, the Association/Community has not been established and its principles continue to be renegotiated.

Few expected the formation of the Association/Community would be as complicated. It has created unforeseen legal and political implications in Kosovo. Legally, the Constitutional Court weakened the original agreement substantially. Politically, the Kosovo opposition parties amounted an unprecedented resistance that has essentially brought government's efforts to a complete halt.

To renew the efforts and build momentum for finding a solution for the Association/Community, the Council for Inclusive Governance (CIG) organized three activities in April 2016: a workshop with Kosovo Serbs analysts, a meeting of Kosovo Albanian political party officials, and a roundtable of Serbs and Albanian political and civil society representatives.

The Serb speakers argued that the Association/Community is a "fair price" Kosovo should pay for the north's integration. They disputed the Constitutional Court's ruling and considered it in contradiction with the spirit of the Brussels process. A speaker said that, "If Pristina and Belgrade begin to send the agreements to their constitutional courts, they will all be declared invalid." The idea of the Brussels, according to these speakers, is to circumvent to an acceptable degree the existing legal systems.

The Albanian speakers are not as united about the Association/Community. Members of the governing and some opposition parties support the Association/Community in line with the Court's ruling. Representatives of the largest opposition party, the Self-Determination Movement, oppose any Association/Community, arguing that it is a mechanism that would serve Belgrade rather than Kosovo Serbs.

The CIG April activities were part of a larger project on Kosovo and normalization of relations between Belgrade and Pristina. The project is funded by and implemented in cooperation with the Swiss Federal Department of Foreign Affairs.

This report lays out a number of challenges and steps related to the formation of the Association/Community that came out of the discussions. These conclusions were not based on consensus but reflect the views of different participants. We have tried to be accurate and balanced in summarizing the discussions, and ask for the understanding of participants whose remarks may have not been fully captured in this brief report, for which CIG accepts sole responsibility. The discussions were held under the Chatham House Rule.

Challenges facing the formation of the Association/Community

1. The Constitutional Court's decision weakens substantially the powers of the Association/Communities as foreseen in the 2015 Agreement on Principles. Though Belgrade had agreed for the agreement to be taken to Kosovo's Constitutional Court, it does not agree with its ruling. Serb participants said that it would be difficult for Belgrade and Kosovo Serbs to accept less than what was agreed upon in Brussels. They say the Association/Community without executive powers does not serve sufficiently the interests of Kosovo Serbs. Kosovo officials, on the other hand, say that the Court's ruling is "by definition non-negotiable." The Court's ruling, however, is not straightforward. As a speaker said, it explains what the Association/Community cannot have, but not what it should have.
2. Pristina's conditioning of the formation of the Association/Community with the dismantling of the remaining Serbia's parallel institutions in Kosovo could delay the process. Such conditioning was not put in writing in the Brussels agreement, but Pristina says it was an understanding of both sides that the dismantling would have to take place before the formation of the Association/Community. Belgrade does not share the same view. Kosovo Serbs believe the parallel institutions are still a necessary instrument for the Serbs. One option is for the dismantling of parallel institutions and formation of the Association/Community to take place in parallel. A clear agreement on how to do this need to be reached between Pristina and Belgrade. Serbia says that about 5,500 are employed in these institutions across Kosovo. Finding employment for them is another serious challenge.
3. Kosovo's government faces strong opposition from opposition parties and public in regard to the Association/Community. Furthermore, a number of members of the governing parties are also skeptical about the need to form the Association/Community. Serb representatives explain that the Association/Community is not a threat to Kosovo. They argue that the establishment of the Association/Community ensures the north's integration and transparent financing from Belgrade.
4. The level of Association's responsibilities in the four areas, especially on education and health, remains unclear. Pristina insists the municipalities should manage these areas. The Court's ruling also confirmed that the municipal responsibilities cannot be transferred to another institution. Kosovo Serbs and Belgrade say the Association/Community should take over education and health. Currently, Serbia's respective ministries manage health and education for Serbs in Kosovo. If there is an

agreement, the Serbian Ministry of Education and Health will have to transfer their responsibilities to the Association. Even politics aside, technically this could be a complicated process.

Steps to begin implementation

1. Pristina and Belgrade should begin working on the formation of the Association/Community without conditions. Pristina insists on first dismantling of the remaining parallel institutions, but this condition was not part of the agreement. As a compromise, Pristina could ask for a gradual dismantling and that it be complete by the time the Association/Community is established. Many Serbs argue that some parallel institutions remain necessary for the time being to offer a number of services for the Serb population. The main parallel institutions—police, civil protection, and courts—have either been already integrated or agreements for their integration have been reached. The Kosovo opposition parties, however, say this is a superficial integration or an “integration of uniforms.”
2. The existing team composed of four Kosovo Serb representatives tasked with drafting the statute has not produced any draft. A new team for drafting the statute of the Association/Community should be formed and should include representatives of Kosovo’s government (including Kosovo Serbs), Serbia’s government, and the international community. While some Kosovo representatives object to Belgrade’s participants, their representation would commit Belgrade to implementation.
3. The team should first define the aspects of the four areas—education, health, urban planning, and economic development—the Association/Community is supposed to “overview” according to the agreement. Experts and members of civil society should also offer their expertise in this regard.
4. Kosovo’s opposition parties should at least tacitly support the formation of the Association/Community according to the Constitutional Court’s ruling. While they are not expected to become part of the statute team, they should remain engaged through recommendations and suggestions, or even objections.
5. Kosovo Serbs should become more engaged and play a bigger role in shaping the substance of the Association/Community. They should articulate in more concrete terms the responsibilities of the Association/Community and how it would serve as a mechanism to protect their interests. It would be helpful if they engage more publically in addressing the fears of Albanians that the Association/Community is there to protect Belgrade’s rather than Kosovo Serb interests. Albanian representatives favor a more independent Serb community, relying less on Belgrade and better engaged with Pristina. They say that Belgrade is misusing the Serb community to advance Serbia’s interests and not those of the Kosovo Serbs. Some asked what kind of relationship exists between Kosovo Serbs and Belgrade, interdependent, subordinate or dependent? Who’s benefiting more from whom? Would a stronger relationship of Kosovo Serbs with Pristina offer them more benefits? A speaker said that maybe votes were

manipulated in the north, but the Serb List won also in other parts of Kosovo. The speaker added that people voted for it, meaning they see benefits in a stronger relationship with Belgrade.

6. A “brainstorming process” between Kosovo Serbs and Albanians should be launched. This would not simply be a dialogue but rather a substantive discussion of the problems, including the Association/Community. Some speakers recommended that this dialogue be focused on economic development and economic cooperation between communities in Kosovo. This process should also include grassroots groups such as culture, sports, and youth. The relationship between Albanians and Serbs in Kosovo and public support for the Brussels dialogue and the implementation will not improve unless there is a greater improvement in relations between Belgrade and Pristina. However, it will also not happen if there is not internal dialogue in Kosovo either. Greater political will in Pristina is needed for such a dialogue to start and stronger institutions for its results to be implemented.
7. Strengthen trust and cooperation between Kosovo institutions and Kosovo Serbs. Such trust is essential in the process of establishing the Association/Community and in the overall integration of the Serb community. Such trust is gained through increased communication, joint projects and more stress on resolving social and economic issues. Such issues include respecting employment quotas and resolving private property issues.

Concessions and compromises are necessary for the formation of the Association, the north’s integration, and for the continuation of the Brussels dialogue. Parties should find ways to circumvent political and legal hurdles. For instance, Pristina considered the 2013 Agreement as an international one, thus avoiding its review by the Constitutional Court. Belgrade does not consider these international agreements but is neither sending them to its Constitutional Court.

Participants

Workshop with Kosovo Serbs

Ljubiša Mijacic, Analyst, Zubin Potok
Petar Miletic, Former Member of Parliament of Kosovo
Miodrag Milicevic, Executive Director, Aktiv
Dusan Radakovic, Director, Center for Democratic Culture
Nenad Radosavljevic, Director, RTV Mir
Igor Simic, Member of Assembly, North Mitrovica
Nenad Rasic, Member of Parliament of Kosovo, Serb List

Roundtable with Albanian Representatives

Valdete Bajrami, Member of Parliament of Kosovo, Initiative for Kosovo Nisma
Ilir Deda, Member of Parliament of Kosovo, Self-Determination Movement
Ardian Gjini, Deputy Chairman, Alliance for the Future of Kosovo
Enver Hoti, Member of Parliament of Kosovo, Initiative for Kosovo Nisma
Blerim Kuci, Member of Presidency, Alliance for the Future of Kosovo
Naim Rashiti, Executive Director, Balkan Policy Research Group
Armend Zemaj, Member of the Parliament of Kosovo, Democratic League of Kosovo

Roundtable with Serb and Albanian Representatives

Ilir Deda, Member of Parliament of Kosovo, Self-Determination Movement
Aida Derguti, Member of Parliament of Kosovo, Self-Determination Movement
Sadri Ferati, Member of the Parliament of Kosovo, Democratic League of Kosovo
Bajram Gecaj, Deputy Minister, Ministry of Local Government Administration
Ardian Gjini, Deputy Chairman, Alliance for the Future of Kosovo
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Enver Hoti, Member of Parliament of Kosovo, Initiative for Kosovo Nisma
Adriatik Kelmendi, Editor in Chief, KohaVision TV
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Petar Miletic, former Deputy Speaker of Parliament of Kosovo
Miodrag Milicevic, Executive Director, NGO Aktiv
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Armend Zemaj, Member of the Parliament of Kosovo, Democratic League of Kosovo
Samuel Zbogar, EU Special Representative in Kosovo

CIG and FDFA Representatives in all three events

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Alex Roinishvili Grigorev, President, Council for Inclusive Governance
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Krystyna Marty Lang, Ambassador of Switzerland to Kosovo
Saskia Salzmann, Regional Human Security Adviser, Federal Department of Foreign
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