Elections and Institutional Transformation in Kosovo's North

Introduction

Kosovo's Serb-dominated north is in a quandary over participation in Kosovo's local elections for the first time since Kosovo declared its independence in February 2008.Though Belgrade and Pristina have agreed to hold Kosovo's elections in the north, dismantle parallel institutions, and set up Kosovo local institutions, many representatives of the Serb community there remain skeptical about the voting and the subsequent formation of the institutions. Many predict a low turnout of less than 20 percent and foresee formidable challenges in setting-up the new local institutions. Particularly challenging will be the integration of Serbian security structures in the north into Kosovo's structures and establishing genuine cooperation between local institutions in the north and Kosovo's central authorities.

Representatives of the Serbs in the north list a number of concerns regarding election and subsequent integration into Kosovo's institutions—such as loss of jobs due to expected reduction of local administration, unlikelihood of Kosovo's police to hire all Serbian police officers operating in the north, uncertainty about jobs of those employed in idle public companies in the north, lower salaries in Kosovo's institutions than in Serbia's—but the overarching reason against Kosovo's elections remains their integration into institutions of a state they do not recognize.

To address the challenges of holding a regular election in the north and the expected difficulties in setting up the new Kosovo local institutions, CIG organized a roundtable of political and civil society representatives from Kosovo and Serbia and a separate discussion for Kosovo Serb representatives on September 13-15, 2013 in Skopje, Macedonia. Participants included members of Kosovo's Democratic Party of Kosovo (PDK), Democratic League of Kosovo (LDK), Alliance for the Future of Kosovo (AAK), Independent Liberal Party (SLS), United Serb List (JSL), Kosovo's government and president's office; and Serbia's Serbian Progressive Party (SNS), Democratic Party (DS), Socialist Party of Serbia (SPS), United Regions of Serbia (URS), Liberal Democratic Party (LDP), Serbia's government and president's office, a number of analysts from Serbia and Kosovo; and European and US diplomats. This was the seventh event within CIG's project on Kosovo's north. In the second part of September, CIG held follow-up events in Pristina and in Belgrade with participation of Serb leaders from Kosovo's north and members of the Kosovo and Serbian parliaments, governments, and civil society.

The project serves as an arena in which representatives from Kosovo and Serbia exchange and test ideas, principles, and policy choices. It is generously funded by and implemented in

cooperation with the Swiss Federal Department of Foreign Affairs and with the Swiss Embassies in Pristina and Belgrade.

To encourage frank discussions, CIG does not attribute remarks to specific individuals. The participants took part in the roundtable in their personal capacities and their positions do not necessarily reflect those of organizations they represent. CIG Vice President Shpetim Gashi prepared this report. Participants have not reviewed the report and CIG takes the responsibility for the report's content.

Elections in the north

Kosovo's November 3 local election is the first local election to be organized in the north after Kosovo's independence. Serbia and local Serb inhabitants in the north organized a number of their own elections there and established institutions that operated according to the Serbian law. The new election is a result of an agreement recently reached by Belgrade and Pristina. Though the Brussels agreement calls for an election according to Kosovo's laws, many participants say it does not clarify what will happen to those who worked in the Serbian parallel system—whether they will all be employed in the new institutions—and does not explain under what laws will the new institutions operate and the relations they will have with Belgrade. A number of other participants, however, said that the agreement clearly indicates that the new institutions will operate according to Kosovo's laws but said that Serbian government officials are not admitting it publically for political reasons.

Some speakers said that the timing of the agreement corresponds with Serbia's intensified efforts to make progress toward European integration rather than with the interests of the local population in the north. However, a number of speakers said that this might be the case but that the election and establishment of institutions recognized by Pristina and the international community is in the interest of the Serb community too. "The north will finally have institutions recognized by everyone," a speaker noted.

Many said that politicians should create a better climate for election participation. Kosovo and Serbian officials should refrain from rhetoric that increases tensions and provokes the population. Some strongly criticized the stance of the Serbian government to support only one Serb party, known as "the government's list," implying that other Serb parties and initiatives do not represent the Serb interests. Mayoral candidates should be supported and encouraged by all stakeholders. "Some in the Serbian government support only certain candidates while hurting the process, especially when some believe that only those on the state list will get jobs and benefits. It is not democratic for the government to try to impose voting choices on the people," a speaker argued. Some argued that Pristina should be more flexible regarding the voting of the Serbs. Kosovo's Central Election Commission should provide more information about IDs needed to vote, voters' lists, and work more closely with OSCE. Voters need to be educated on Kosovo's electoral process in general.

Without a better political climate, the turnout will be extremely low, many speakers predicted. Some said the best it could get is about 20 percent. A speaker said that the existence of barricades in the north signifies a continuing lack of trust of the Serbs in the north in Kosovo's

institutions and an objection to integration. Voters should be told what the elections will bring, whose laws will be used in establishing institutions, what will happen with their jobs, with their retirement contributions, healthcare, and education. "If they will not get clear answers on these issues, turnout will not be high and elections cannot be declared a success," a speaker said. The agreement only says that elections will be held according to Kosovo's laws, but not that the institutions will function according to Kosovo's laws. For the people in the north, this is not about elections; it's about their status, whether they would become Kosovars or remain Serbian citizens, a speaker argued.

Members of police are rejecting integration into Kosovo's police, a number of speakers from the north said. Ethnicity of those that will be running institutions—police, courts—is not important; what is important is whose laws will be used, they added. A speaker said that even if the Serbs will have their own institutions but according to Kosovo's laws, it will not be acceptable to the Serbs. He said that the boycott could be massive because people rationally fear about their future; there is lot of confusion.

Participants encouraged Pristina and Belgrade to continue their support for the integrative political process in the north. Many believe Belgrade holds the strings there but, as some noted, it does not have full control. Some speakers from the north reported that anti-voting campaign has so far been conducted through democratic means, such as billboards.

Security during the elections remains the most serious concern. Some speakers reported that there are some security structures in the north that could threaten the process, and suggested that EULEX and KFOR be more active. They also recommended that Belgrade should be more decisive and send a clear message to those who may plan to resort to violent means.

To create conducive climate to free and fair elections and to relatively high turnout in the north, participants suggested a number of steps:

1. **Serbian government should not take sides between Kosovo Serb political parties running in the elections.** A number of participants suggested to Belgrade to support all Serb parties equally and not take sides between them. Some criticized recent statements of Serbian officials who call on the Serb voters to support the so-called "government's list." Some said this divides the Serb politicians into patriots and traitors and implies that those parties that are not part of the "list" do not represent the Serb interests. Many also said that Serbian parties, including governing parties, could support certain parties but not the Serbian government. This is an SNS-SPS list, not a government list.
2. **Pristina, Belgrade, and the international community should ensure the safety of those running for office and prevent massive voter intimidation.** Kosovo' police, EULEX, KFOR, and Belgrade's intelligence should cooperate to ensure the safety of those running for office and deter intimidation campaigns. They should also closely cooperate in shedding light on recent intimidation incidents against candidates for elections in the north, and especially in identifying and apprehending the perpetrators of the murder of the EULEX customs officer. These institutions should send a clear message to those committing these crimes that their actions will not go unpunished by acting swiftly and resolving these cases.

3. **Pristina, Belgrade, and the Serbs in the north should refrain from provocative statements and actions during the election campaign.** These actors should take responsibility to ensure a successful election and avoid statements and actions that could undermine turnout. Pristina should avoid actions such as banning Serbian officials from visiting Kosovo. Belgrade should focus on issues of local interest and not interpret participation as "strengthening the Serbian state in Kosovo" but rather as "strengthening the Serb community in Kosovo." Serb candidates in the north should focus on local issues and not use nationalist rhetoric during the campaign. A successful election would not only have a significant impact in ensuring a better future for the north but also would improve the relations between Belgrade and Pristina and create conducive climate for interethnic trust and cooperation all over Kosovo.

4. **Pristina and Belgrade should encourage open and transparent debate on local issues during the election campaign and assist all candidates to get equal access to the media, especially public media.** There is no public debate in the north. Besides a couple of local TV stations, most voters rely on the media outlets from Belgrade for their information about the elections. The newly established Serbian-language RTK-2 was carried by cable companies in the north for less than a week. Reportedly, the cable companies refused to continue to carry the channel due to intimidation. RTK-2 should be returned to the north as it is a major source of information on the campaign for the Serbs in Kosovo.

Establishing new local institutions

The establishment of the new local government institutions in the north—the first Kosovo institutions since independence—is expected to be challenging. According to Kosovo's laws, municipalities have substantial autonomy in budgetary planning and spending but they also receive government grants that are proportional to the population and some grants that target specific areas. For instance, one speaker reported that south Mitrovica with about 100 thousand inhabitants receives about 18 million euros. But to receive such grants, municipalities should accept and cooperate with the central authorities; how such cooperation will be established between the new municipalities in the north and Kosovo's government is not clear yet. Also to receive a Kosovo salary, members of local institutions should take up Kosovo documents.

A number of speakers said that the new local institutions could operate according to Kosovo's laws, but may have the same attitude towards Pristina as the Serbian parallel institutions so far. "They may continue to defy the central authorities and receive orders from Belgrade." A speaker said the new local authorities in the north resist the acceptance of Kosovo's institutions but expected Belgrade to fulfill its commitments regarding the implementation of the agreement. The speaker emphasized the importance of a functional administration and thus recommended to begin trainings for future employees and pay specific attention to providing social services.

Not everyone agreed that the creation of municipalities is as complicated. A speaker said that after the war Kosovo Albanians had to build everything from scratch but they did it, because there was enough enthusiasm and will. "People in the north should have the will and the enthusiasm because they are building their own future," the speaker argued.

Public statements reported in the media of some Serbian officials that the election and the establishment of new local institutions "will strengthen the state of Serbia in Kosovo" were worrisome for some speakers. "Such statements certainly do not create will and enthusiasm," a speaker noted. A speaker from the north said that his opinions might be different from those who accepted the Brussels agreement, but, nevertheless, he will implement the decisions of his the party. The speaker noted that it is not clear to voters what is their future, what will be the end result of the implementation of the agreement, what will happen to their jobs, and what will be the status of public companies and their employees in the north. "People are asking these questions and we as mayoral candidates need to have answers to these questions." He concluded that if the turnout is low building functional and credible institutions will be difficult.

Another speaker agreed that turnout is important for the legitimacy of the institutions. "This election is more like a referendum than an election, a referendum on integration into Kosovo's system." He also expected low turnout because it is difficult to vote when you do not know what the future will bring." There is a big uncertainty; result of election is uncertain; participation is uncertain; it is uncertain how much will Pristina invest in the area; and people think that the burden of this transition will be carried by the local people." He also argued that some people in the north feel a sense of betrayal by Belgrade, that "it gave up on them and is throwing them into a big unknown."

Regarding the continuation of funding by Belgrade, a speaker said that Serbia has no money to continue with the payments to Kosovo Serbs. He disagreed with the previous speaker about uncertainty of the north. "Uncertainty is not a problem the Serbs in the north confront, what they confront is a potential loss of benefits, such as double salaries." He predicted that any campaigns of boycott will fail and the election process will go smoothly. But a speaker from the north said that the reason they oppose integration into Kosovo's institutions is "a purely principal matter, not one of benefits." Another speaker said that it is difficult to see how much it is about principles how much about benefits, but it is certainly a mixture of both.

The issue of legitimacy and turnout was discussed by a number of speakers. One noted that political support from all sides could create legitimacy, not just the turnout. For instance, many considered "SLS illegitimate when it had received only about a thousand votes and when it had received 15 thousand votes." He noted that mayors would be legal regardless of the percentage of the turnout. "Only seven thousand people voted in the Serbian elections in north Mitrovica but the mayor was recognized as legal and legitimate," a speaker reported. He agreed with previous speakers about the uncertainty but added that, "we can create certainty." People in the north should become more engaged and find answers and create certainty and not just wait for Brussels, Pristina, and Belgrade. He also predicted that Belgrade will stop its funding for the north but "not because the Brussels agreement does not allow it, but because the government has no funds." His message to Kosovo's authorities was that they should support the north financially and politically and "treat it as their own territory and people."

To create functional and acceptable institutions for the Serbs in the north, participants suggested a number of steps:

1. **All stakeholders should focus on creating political stability in the north.** Stability in the north is the main factor to attract investment and create better lives for the people there. People will support the political process more when they see changes on the ground, such as better water systems, better roads, and other services. But in order to create stability, Serbs in the north should cooperate with Pristina, Belgrade, and the international community. On the other hand Pristina, Belgrade, and the international community should try to minimize the cost of transition through access for small businesses to microfinance, credit, and encourage private investment. Voters in the north should know what they are gaining from the integration not just what they will be losing. They should know how things would improve, how much new money will come to the north. Lack of clarity in people's minds about the future is one of the most serious obstacles to the success of the integration process.
2. **International organizations, such as OSCE, should organize trainings for local administration officials**. Political acceptance of the new institutions by the Serbs in the north is important, but local and international stakeholders should focus in building an efficient and professional local administration. Efficient services would increase the credibility of these institutions in the public and ameliorate the political objections that Serbs in the north have towards Kosovo's local institutions. In this regard, Pristina and the international organizations in Kosovo, such as OSCE, European Commission, Embassies, should support training programs for the administrative staff.
3. **Activate funds for the municipalities.** Pristina should make its financial transfers to the municipal authorities immediately after the elections to make the process of institutional formation smoother.
4. **Establish a working relationship with Kosovo's central institutions.** The largest chunk of municipal budgets comes from Kosovo government grants because local revenues are small. This will be specifically the case with the municipalities in the north. Thus it is very important to establish a good relationship with the central institutions to receive the grants on time and request specific funds for certain areas in need.

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