



End of Supervision of Kosovo's Independence and Serb Community

Introduction

The International Steering Group for Kosovo (ISG), comprised of countries that have recognized Kosovo's independence and that promote Kosovo's democratic development, the rule of law, and multiethnicity, on July 2, 2012, decided to end the supervision of Kosovo's independence. It asserted that the institutions of Kosovo have showed commitment in running their own affairs. The International Civilian Office (ICO) in charge of the supervision will be closed in September.

The Council for Inclusive Governance (CIG) organized on July 18, 2012 in Pristina a roundtable discussion on the end of the supervision and potential implications for the Serbs community. Roundtable participants included representatives of Kosovo's Albanian and Serb political parties and institutions, members of civil society, and representatives of the international community in Kosovo. The roundtable was part of a CIG project on the Serb Community in Kosovo funded by the Swiss Federal Department of Foreign Affairs.

A number of participants said that the situation of the minority communities has improved significantly. A Kosovo senior official said that Kosovo's institutions have paid special attention to minority community rights. He said that it is time for all communities to look to the future to find new ideas and perspectives and not look back to the past because "the past was dominated by chauvinist ideas." In terms of legislation, Kosovo has established standards on minority rights that surpass those of many other countries in the region. But the institutions have limited financial resources and economic possibilities to put into practice what is on paper. Many Serb speakers agreed that Kosovo's institutions should do more to improve the situation of the Serbs in Kosovo and called on the international community to watch closely the work of the institutions after the end of the supervision, especially in respect to Serb community rights.

Some participants said that the Constitution of Kosovo and the Ahtisaari Plan protect the minority rights in Kosovo, so there should be no concern about the end of the supervision. The closing of the ICO or other international institutions in the future does not endanger the rights of the Serb community. A speaker said that what we should be concerned about is "the absence of willingness of some Serbs to part with the past and become part of a new beginning." Many Serb participants encouraged greater participation of the Serb community in Kosovo's political life, but they are aware that

until a solution on the north of Kosovo is found, it is difficult for the Serbs to engage more actively.

The following is a summary of the roundtable discussions. To encourage frank discussions, remarks have not been attributed to specific discussants and CIG asks for the understanding of those whose remarks have not been fully captured in this brief report. The participants took part in the roundtable in their personal capacities and their positions do not necessarily reflect those of organizations they represent. The participants have not reviewed the report, and CIG takes the responsibility for its content.

Discussion Summary

Some speakers said that there is too much speculation about what will happen after the end of the supervision. The end of supervision means more responsibility for the government. The Ahtisaari Plan has not been fully implemented and some of the related laws came to parliament late, such as the laws on the historic center of Prizren, on Velika Hoca, and on the Serbian channel of RTK, a speaker noted. The Serb community is using all its capacities in the institutions to make things better, especially to implement these laws, he said.

A number of international speakers said that the ISG has authorized the parliament to adopt a package of amendments that should be completed by September 10. The process in the Parliament will be closely watched and on September 10 the international community will verify that the package has been adopted as agreed. The ISG is very clear that the principles and the spirit that have governed the actions of the Kosovo institutions based on Ahtisaari Plan need to continue. The international community will continue to watch the Kosovo institutions after the ICO is closed.

Some participants complained that some institutions do not always respect the legal requirement to use the Serbian language in their documents. The international representatives said that they attach importance to Kosovo's language commission and would work on providing additional guarantees for promotion and protection for official languages.

Regarding the north, the establishment of the Kosovo government's office there is important as it allows the citizens to obtain certain services provided by the government. But this administrative step needs to be accompanied by communication with the Serbs in the north. Some participants reported that the Kosovo government is ready for it, but not the Serbs in the north. Some said that Pristina should not wait too long since its authority in the north has been continually degrading after the declaration of independence.

The Serb community should engage more, many participants said. All of the Serb-related laws and rights could be realized easier and faster with the participation of the Serb community. Many hoped that the Serb community in the north would be engaged too. Some suggested changing the name of the Ahtisaari Plan but keep the content since the Plan provides the best ingredients for good governance in Kosovo. An international speaker said that the international community has supported the Ahtisaari Plan and the

ICO, but building a democratic state requires engagement by both majority and minority communities. “It is not enough just to require rights. Engagement in gaining these rights is necessary.” The Serb community should make use of these rights. Supervision will not end with the closure of the ICO. The supervision by the international partners will continue. The speaker said that the Serb community should become an actor and a decision-maker.

Another speaker said that what we want is a normal state, and what we have is not a normal state. It is said that the supervision of independence is ending, but there are some other institutions that prevent the full independence of Kosovo. Some international participants admit, added the speaker, that Serbs do not accept the Ahtisaari Plan, and they do not cooperate with the ICO, and on the other hand they force the Albanians to implement the Ahtisaari Plan fully. “We can not become a normal state with the Ahtisaari Plan. A country that is run by many heads does not function well.” The ICO is leaving but EULEX, UNMIK, UN Resolution 1244 remain. “It is impossible to develop a normal state with all these conflicting resolutions and institutions.”

Daily events were also part of the debate. A speaker said that the celebration of Vidovdan in June 2012 with the participation of Serb criminal groups that are banned even in Serbia was a big provocation. “Serbs should separate their demands for their rights from their efforts to undermine the state of Kosovo. The Serbs should defend the right of citizens in Kosovo, not defend the criminal organizations that come to Kosovo to celebrate Vidovdan.” The speaker added that the way of protection of cultural heritage in the Ahtisaari Plan is a mistake because “it gives non-religious rights to the religious community.” He further said that Serbia is directly engaged in undermining Kosovo and the international community should end the influence of Serbia in Kosovo.

Regarding Serb complaints about the government, the speaker said that the Albanians are not happy with the government either. “This is not a government for the people; it is for its members to become rich and extend their stay in power.” He added that, “failures of Kosovo’s government are not failures of Albanians. The Serbs should make a difference between being disappointed with the government and being disappointed with the Albanians.”

Another speaker said that the end of supervision would not even be noticed in this transition. Officially the ICO supervised Kosovo’s independence, but others supervised it in reality. There have been cases when recommendations of some embassies in Pristina were not in line with the ICO, and the government took the recommendations of these embassies, not those of the ICO. “This is the end of an office, not of the supervision.” The speaker said that the Serbs should begin accepting the reality and not be late again. Serbs were against the UN Resolution 1244, but accepted it; they were against EULEX and later accepted it; they were against the ICO but later accepted it. “This shows that Serbs are not clear about what they want, they are always late in these processes.” Serbs should work more on having a clear position. Serbs in the north, Serbs in the south, and Belgrade speak differently. They should sit together and see what they can obtain under the circumstances.

A speaker said that minorities were never asked when countries were created. Majorities declare independence and build institutions, minorities were not asked whether they like it or not, therefore minorities rarely felt that they belong to these countries. Albanians tried to ask them. They tried to talk to the Serbs before declaring independence about their needs and what should be done to make them feel in their country. But it didn't work. Albanians expect that even if the Serbs do not like the country, they would support its institutions. Kosovo's constitution was made with the Serbs in mind but without the Serbs participation but the Serbs cannot blame anybody but themselves for refusing to take part in drafting the constitution.

Another speaker said that the supervision mission is not complete. The ICO did not complete the mission. The ICO was just one part of the supervisory mechanism such as KFOR, EULEX, the embassies, etc. The speaker said that those who are concerned with the closure of the ICO are those who think that Kosovo's independence is against the international law and thought that the ICO would say Kosovo is not able to build a state, and those that think that institutions are not strong enough, that democratization has not reached a satisfactory level.

Actions speak louder than words. A speaker said that there have been "thousands of roundtables that addressed the same issues in the past thirteen years. Many speakers have been hypocritical. In these gatherings we say things that sound better but not things that we really think." He said that "talking about talking" becomes senseless if no actions are taken to resolve the problems. Problems are simply postponed and dissatisfaction increases.

Conclusion

The participants differed on the ending of the supervision of Kosovo's independence. Some said that the supervision ended early and without accomplishing its mandate. Others noted that the real supervisors of independence remain in Kosovo and they will continue to watch the work of Kosovo's institutions. The majority opinion was that the Serbs should not be concerned with the official ending of the supervision since their rights are guaranteed and protected by Kosovo's Constitution and not by the ICO. Furthermore, the security institutions, such as KFOR and EULEX, will remain in Kosovo.

The main message for the Serb community was that they should get more engaged in Kosovo's institutions in implementing their rights guaranteed in Kosovo's Constitution. It is not enough just to ask for these rights one needs to engage in the process of obtaining them. The number of Serbs joining Kosovo's institutions is increasing, but their full integration is unlikely without a resolution of the dispute in the north and the normalization of relations between Pristina and Belgrade.

The Kosovo and international representatives assured the Serbs that their rights will be protected and the Serbs will be involved in the process of the adoption of amendments to

the Constitution. They also assured the Serb community that none of the new amendments will limit their rights already guaranteed by the Constitution and the Ahtisaari Plan. The Kosovo institutions should accelerate their work on gaining greater trust of the Serb community especially those living in the north.

List of Participants

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Shpetim Gashi, Council for Inclusive Governance
Krenar Gashi, Institute for Development Policy
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Stefano Gnocchi, European Union Office in Kosovo
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Talia Wohl, International Civilian Office
Genc Zogaj, Cabinet of the President of the Parliament of Kosovo