

Integrating Kosovo's North

Introduction

Uncertainty rules in Kosovo's north as Pristina, Belgrade, and the international community begin to implement an agreement to integrate the region into Kosovo's system. Many Serbs in the north remain against integration and say they are surprised by Belgrade's consent to dismantle Serbian institutions and integrate them into a state it does not recognize. Representatives of the four parallel northern municipalities oppose the agreement and refuse to take part in the implementation.¹ They have instead declared their own autonomous assembly to keep them, as they say, under Serbia's constitution. Many say they declared the assembly simply to strengthen their bargaining power in the process. Though the dialogue has confirmed that the solution for the north depends on the decisions made by Pristina and Belgrade, it has also shown that the northern Serbs are a force to be reckoned with. They do not have sufficient power to prevent the implementation but have substantial capacity to interrupt and delay the process. Turning their defiance into cooperation is crucial for successful implementation of the agreement.

Suspicious of and resistance to the agreement exist also among the Kosovo Albanian population. Many interpret it as giving the north an autonomous status with the capacity to undermine Kosovo's state. The majority of the opposition political parties offered their support only after strong international pressure.² Some members of governing parties are also against the agreement.³ The majority of the civil society organizations portray the dialogue and the subsequent agreement as a defeat for Kosovo. The common belief is that the current Serbian institutions in the north may be integrated into Kosovo's institutions but would remain loyal to Belgrade and continue to undermine Kosovo's state from within. Speculations that the new Serbian institutions would not have to use Kosovo symbols and take the oath of office only

¹ The mayors of north Mitrovica and Leposavic are from the Serbian Progressive Party (SNS) and the mayors of Zvecan and Zubin Potok are from the Democratic Party of Serbia (DSS), a strong opponent of the agreement. Though the SNS mayors may have to follow the orders of the Serbian government and their party, the DSS mayors could try to undermine the implementation in their municipalities. DSS has been consistently against the dialogue and the subsequent agreement.

² The Democratic League of Kosovo (LDK) and the Alliance for the Future of Kosovo (AAK) voted in favor of the ratification of the agreement. LDK had initially opposed it and even asked for a referendum on whether to hold a dialogue with Belgrade, but reversed its position after increased international pressure. Members of the Self-Determination Movement voted against and organized a protest in an effort to stop the ratification.

³ Three members of the Democratic Party of Kosovo (PDK) voted against the agreement. A larger number believes the agreement is not good for Kosovo.

strengthen such beliefs. Many believe the discontent of the Kosovo Albanians could be decreased through the implementation of the agreement resulting in visible benefits.

Critics say that Pristina and Belgrade have made little progress to convince their skeptical publics to support the dialogue and the agreement. Kosovo's and Serbia's Prime Ministers have focused mostly on positioning themselves to the international community as pragmatic politicians willing to address intractable problems, but have neglected their domestic bases. Many say that Pristina and Belgrade have been notorious for their creative presentation of information on the dialogue. People in Kosovo and Serbia see different versions of the same agreement. Some say this is because they are willing to look only at half, often overestimating disadvantages and undervaluing benefits.

The agreement is an outline of fifteen points. In essence it calls for the phasing out of the Serbian institutions—local administrations, courts, and police force—in the north and establishing new institutions through elections in accordance with Kosovo's laws. The first steps towards implementation have been taken: Belgrade closed its police offices in the north and Pristina adopted a law on amnesty.⁴ Despite this progress, Pristina and Belgrade remain wary of each other's objectives and moves, acting only after strong international pressure and conditioning.

To address the role of the northern Serbs in the implementation of the agreement and in the November 3 elections, CIG organized a roundtable of political and civil society representatives from Kosovo and Serbia and a separate discussion for the Serb representatives from Kosovo's north on June 21-23, 2013 in Istanbul, Turkey.⁵ This was the sixth event within CIG's project on Kosovo's north. The project serves as a public arena in which representatives from Kosovo and Serbia exchange and test ideas, principles, and policy choices.

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CIG's vice president Shpetim Gashi prepared this report and CIG takes the responsibility for its content. 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.

Turning defiance into cooperation

As demonstrated by a number of protests, a large portion of the Serb population in the north opposes integration into Kosovo's institutions. Though some prefer a more pragmatic approach,

⁴ The amnesty law faced strong opposition in Kosovo, mostly because it includes not only illegal political and economic activity in the north but all over Kosovo. Those opposing it suggested the law be limited to the north only, similar to the Serbian amnesty law for south Serbia.

⁵ Participants included members of Kosovo's PDK, LDK, AAK, Independent Liberal Party (SLS), United Serb List (JSL), Kosovo's government and president's office; and Serbia's SNS, Democratic Party (DS) Socialist Party of Serbia (SPS), Liberal Democratic Party (LDP), Serbia's government and president's office, and a number of analysts from Serbia and Kosovo.

a considerable number objects to anything less than outright partition. Many say it is difficult to integrate into another state after functioning as part of Serbia for fourteen years and being told by Belgrade that the north would remain part of Serbia. It also appears that the pace and scope of the dialogue caught many by surprise, making it difficult for them to adjust to the rapidly changing circumstances. Few predicted that within a year Pristina and Belgrade could reach such a comprehensive agreement.

Representatives of the four parallel municipalities are at the helm of the opposition to the agreement, though those running service institutions are just as defiant. Turning this defiance into cooperation will be challenging but not impossible, many discussants say. The local institutions are legally under the authority of and financially dependent on the Serbian government and would have to obey its decisions. The Serbian government is clear about its intentions to implement the agreement in full and within the agreed timetables. It has already agreed to a date on local elections in Kosovo and closed the Serbian police offices in the north. Furthermore, Serbia's senior leaders say the implementation has no alternative, suggesting if appeasement does not work, they may resort to coercion to ensure implementation. Many participants invited local leaders in the north to assume a bigger role and responsibility in the process instead of "opposing the unstoppable." Serbian officials say they are willing to shift some decision-making power from Belgrade to local Serb representatives, but the local Serbs refuse it because, as a participant put it, "in critical times it is easier to follow orders than assume responsibilities."

The implementation may also face civil disobedience. Many say convincing local population is more challenging than asserting control over the local institutions. A number of participants suggested a more intensive communication between Serbian government, as well as Serbia's political parties, and the northern Serbs; more positive messages from Pristina; and strong guarantees from the international community that the north will retain its autonomy in local affairs. Serbian ministries that have significant numbers of employees in Kosovo should be particularly involved in the debate. Senior Serbian officials have made several visits to the north in an effort to appease the population. They promised to continue Belgrade's financial assistance and to preserve the jobs of public servants. Those familiar with the visits say that Belgrade's overall message to the northern Serbs was that "you do not have to support the agreement but should refrain from actions that undermine its implementation." Serbian officials are also trying to assert some control over the public debate in the north, which had been dominated by a few opposing the agreement, and explain the necessity of compromises.

A number of participants were also concerned that some members of the Serbian government responsible for the implementation continue to oppose the agreement. Many participants said that the Serbian government should expand its communication to also include regular people in the north. Many Serbs admit that the future of Serbia's seven million people should not be held hostage to the north dispute, and that Kosovo Serbs should be willing to sacrifice some personal benefits for national interests. Some participants said that the agreement brings about substantial benefits to the local population in the north, especially in the area of security and potentially economic development, and would increase cooperation of local institutions with the international community, which has had no cooperation with the parallel institutions.

The northern Serbs have a long list of concerns, some more realistic, other less so. They are worried that the transformation of local institutions will affect their jobs, pensions, healthcare, and education. Integration into Kosovo's system means also lower salaries. They also fear that with Belgrade's decreased political role in the north will also decrease its financial assistance.⁶ Pristina's increased role is also concerning for some given their lack of trust in Kosovo's institutions. Among less realistic concerns are assumptions that the implementation will lead to an exodus of the Serb population or assimilation.⁷

To win the support of the northern Serbs for the implementation of the agreement, participants suggested a number of steps.

1. Belgrade should explain to the northern Serbs that though the national interests take precedence over local interests when conflict between the two exists, it does take into account the interests of Kosovo Serbs in every stage of the dialogue with Pristina. Though the northern Serbs will have to operate within Kosovo's legal and political framework, the agreement provides sufficient safeguards for them to run their own affairs, such as the formation of an association of municipalities, autonomous local police, and guarantees that Kosovo's Security Force and special police units would not enter the north without the consent of the latter.
2. A large number of Serbs in the north feel that the agreement sacrifices their immediate interests in exchange for uncertain future benefits. Pristina, Belgrade, and the international community should demonstrate that the agreement is a trade off between an untenable status quo and a certain future. This could be done through fast and full implementation of the agreement resulting in visible benefits.
3. Non-economic factors—identity, national dignity, identification documents, citizenship—remain powerful roiling forces in shaping the opinions of the northern Serbs regarding their integration into Kosovo's public life. They fear that integration entails a change of identity. Even those in favor of integration are against using Kosovo's symbols and taking the oath when required, such as in police force or judiciary. Though the focus of Pristina, Belgrade, and the international community should remain on the region's economic development, they should take into account the influence of these non-economic factors when making policy.
4. Northern Serbs have the right to oppose the agreement through non-violent means such as protests or petitions. However, if certain individuals or groups resort to violence, the authorities should act decisively and swiftly to create a safe environment for all.
5. Pristina, Belgrade, and the international community should offer more information to the northern Serbs about the agreement. The information campaign should be intensified especially before the November 3 elections. The information on the agreement so far has been interpretive, incomplete, and often intentionally withheld. Experience has shown that often interpretations are more powerful than facts.
6. Pristina in cooperation with the northern Serbs should begin to identify areas on which financial assistance is needed the most and apply funds dedicated for the region immediately

⁶ The salaries in the Serbian institutions are substantially higher than those in Kosovo's institutions. A number of Kosovo Serbs asked that after integration into Kosovo's system, the salary difference should be covered by a third party. Pristina and the international community are against it. Serbian officials also say they do not intend to cover the difference.

⁷ Some Serbs equate obtaining of Kosovo's citizenship and documents with assimilation.

after the elections. In this context, the international community could also play a significant role.

Though the resolution of the north dispute will depend on the policy choices and decisions made in Pristina and Belgrade, the Serbs in the north have substantial capacity to delay and complicate the process. Thus obtaining their cooperation is key to ensuring a smooth implementation process.

To vote or not to vote

The northern Serbs are in a quandary over whether to vote in Kosovo's November 3 local elections. Voting would ensure their representation in Kosovo's institutions but also confer legitimacy upon those institutions, prompting some to equate voting with recognition of Kosovo's independence. By contrast, a boycott would conform to the policy of non-recognition but risks leaving northern Serbs without legitimate representatives and institutions for another four years. The continuation of parallelism may also be untenable, especially after Belgrade phases out its funds as foreseen in the agreement.

Many say the institutional parallelism has created deep divisions within the Serb community, divisions that prevented Kosovo Serb parties in the south from running on a joint electoral list in Kosovo's 2010 parliamentary elections. Though the Serb community is far smaller than the Albanian one, which ran on seven electoral lists, Serb voters had to choose among eight lists. The divisions between the Serbs in the south and north also remain strong.

The majority of the participants said that northern Serbs should take part in election as foreseen by the agreement. Many say now that Belgrade itself has engaged with Kosovo's institutions, the boycott of the very same institutions by northern Serbs is impractical and ineffective; that the boycott and parallelism have run their course. It is certain that polling stations will be opened this time but not whether a considerable number of Serbs would turn out to vote. Many say that a group of rather powerful local people will not participate and may run an intimidation campaign, but few expect the boycott to be massive. Though even a low turnout would be sufficient to create legal institutions, some participants said it would keep the elected Serb representatives from being able to claim wide legitimacy of their own community.⁸

Registration of political parties remains another contentious issue. Serbs prefer to avoid registration in Kosovo while Kosovo authorities say registration is mandatory. All existing Serb political parties are from the south and none of them have branches in the north. Political parties intending to take part in the November 3 election should submit their applications for certification to Kosovo's Central Election Commission. The Kosovo branches of Serbia's parties will not be able to run without registering in Kosovo. Participants said the two prime ministers should resolve this problem and invited OSCE to facilitate the process. According to those familiar with the dialogue, parties will have to submit their documents to OSCE, which then

⁸ Only about one percent of Kosovo Serbs voted in Kosovo's 2007 parliamentary elections but the elected Serb representatives assumed political offices and were considered legitimate by Pristina and the international community. However, those elected said that they were not able not claim wide legitimacy of the Serb population, and were, as they put it, "legal but not legitimate."

would forward them to Kosovo authorities. So far no new parties have submitted registration applications.

Voting outside Kosovo is another challenge. The agreement allows Kosovo Serbs living in Serbia to vote there. Organization of polling stations, voting, and counting could be complicated given that Kosovo Serbs in Serbia are scattered all over the country. Belgrade will have a crucial role in this aspect. Some raised the issue of voting for the displaced Albanians from the northern municipalities and invited Pristina and the international community to create conditions for them to vote.

Serb participants asked that Kosovo Serbs are allowed to vote and run for office with Serbian documents. Kosovo's election law is being interpreted in many ways. Though the law specifies that people can vote with Kosovo's identification documents, Kosovo officials admit that there will be flexibility for the Serbs. According to various reports, the prime ministers have already agreed to allow the Serbs to use Serbian documents for all electoral purposes.

To ensure solid participation and a regular electoral process, participants came out with a number of conclusions and suggestions.

1. Kosovo Serb political parties should establish greater cooperation, harmonize their policies, coordinate their activities, and act as a flexible political alliance—not necessarily run on a joint electoral list—in the local elections of November 3. Coordinated action will promote political and social cohesion and strengthen the Serb community's bargaining power in Kosovo's politics. For the election to be free and fair and for subsequent institutions to be able to claim wide legitimacy, conditions should be created for all Serb parties to operate unhindered in Kosovo's entire territory (i.e. Independent Liberal Party and United Serb List in the north). The responsibility for creating such an environment rests largely with Belgrade and the international community. Many agree Pristina has little or no influence in the north.
2. The local leaders in the north should get involved immediately and assume responsibility for organizing elections and implementing other aspects of the agreement. They should also become members of the preparatory teams in charge of institutional transition. There was consensus that if the local leaders would not support the implementation, they should at least not take actions to undermine it.
3. Serbia's voters list will be used for elections in the north. The list, however, should be cleaned up so as to avoid manipulation. Belgrade and the international community should closely cooperate in offering the opportunity to vote to as many Kosovo Serbs in Serbia as possible. The displaced Albanians from the north should also be offered the opportunity to vote and take part in the new administration. OSCE and other international organizations should facilitate the process.
4. Belgrade should address the concerns of the employees of non-existing Serbian institutions—theaters, museums, and other various companies—that in effect ceased to function after the withdrawal of the Serbian administration in 1999. Belgrade may not be able to continue such payments indefinitely, but it should provide some assistance during the transition process.
5. Security should be improved substantially during the election campaign and on the voting day. The Kosovo Police, KFOR, and EULEX should be the only institutions providing security. Other security institutions should be dismantled before the campaign begins and certain groups should be prevented from intimidating voters and those running for office.

This election is particularly important because the elected officials will be in charge of forming the association of municipalities, an umbrella institution for the Serb-majority municipalities. A number of Serb representatives suggested that Serbs run on a joint list, though few think this is likely given the existing divisions within the Serb community. Running on too many lists could complicate the process of creating majorities in the municipal assemblies and building functional institutions. However, some said that it is better to have two or three lists as it provides more choices for the voters and could help the democratization of the Serbian community in Kosovo. There was almost consensus that Belgrade could play a unifying role and help bridge the gap between existing and new political entities.

Conclusion

The unthinkable has become inevitable. Few could have predicted that only five years after Kosovo's independence, when Pristina and Belgrade severed their relations, members of Serbia's police operating in Kosovo's north and members of Kosovo's police would have to work together in a single institution. Many say the pace and scope of the negotiations between the prime ministers of Kosovo and Serbia, two sworn enemies, caught them by surprise.

The participants identified the support of the northern Serbs for the agreement and the November 3 elections in the north as two most important issues regarding the integration of the region into Kosovo's institutions. The overall conclusion was that the inclusion of the northern Serbs in the implementation process is desirable but not necessary. A number of steps—such as the closing the offices of Serbian police—have already been implemented without any serious resistance from the Serbs. Many expect this resistance to diminish even further as the implementation begins in earnest. However, the inclusion of the northern Serbs is crucial in building functional institutions and creating a safe environment after the elections.

The election in the north will be the first election there according to Kosovo's law since independence. Pristina and Belgrade are still in the process of finalizing the details—voter's list, ID cards, party registration, voting outside Kosovo, use Kosovo's symbols—but they have agreed for the November 3 as the voting day. Despite the date, the Serbs in the north remain in a dilemma over their election participation. The majority of participants encouraged the Serbs in the north to take part in elections and assume responsibility for their future.

Many said that the northern Serb participation in the elections and subsequent integration into Kosovo's institutions would benefit all sides—the Kosovo Serbs, Pristina, and Belgrade. It would institutionalize the protection of the Kosovo Serb community's interests and reduce its isolation and dependency; it would accommodate the expectations of Kosovo authorities for Serb integration; and it would free Belgrade from the current obligation to manage and fund local politics in a territory outside its control.

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