

Establishing Local Institutions in the North

Introduction

Kosovo's government and representatives of the four Serb-majority municipalities in Kosovo's north have been locked in a complex struggle over the establishment of the municipal institutions. Pristina insists that the municipalities should be established according to Kosovo law, while the Serb representatives demand that the north remains autonomous and that the municipal institutions remain status neutral.

To address these irreconcilable positions, the Council for Inclusive Governance organized on May 7, 2014, in Pristina, a roundtable discussion for several representatives of Kosovo political parties, officials of the Serb-majority municipalities, and members of civil society. The roundtable was part of a two-year project on Kosovo's north and relations between Kosovo and Serbia funded by the Swiss Federal Department of Foreign Affairs.

Though the municipal elections were held more than six months ago, the local institutions in the north have not begun to function yet. The services for the local population continue to be provided by the parallel institutions. The differences over municipal statutes and symbols have delayed the process. The assemblies have been constituted but will remain nonfunctional until a resolution on a number of issues, such as statutes and symbols, is found. Since the roundtable, the statutes issue has been resolved. The municipalities cannot receive their budgets and thus will be able to provide no services. Kosovo government officials say they are willing to compromise on many issues, such as not mentioning "Republic of Kosovo" but at least references to Kosovo's laws have to be made in the municipal statutes. Representatives of the municipalities in the north argue that the Brussels agreement was status neutral and references to the Brussels agreement only should be sufficient.

Serbian government officials, the party to the Brussels agreement, have been quiet over the conflicting interpretations of the agreement regarding the local institutions. Belgrade continues to fund the parallel municipalities and a number of other Serbian institutions, including the Civil Defense. So far only the parallel police force has been integrated into Kosovo's police.

Unclear agreement or lack of political will?

Representatives of the four municipalities in the north argue that the Brussels agreement calls for neutral institutions in the north. They agree to implement Kosovo's laws—as was their participation in Kosovo's elections—but without referring to them and using Serbian symbols, including municipal stamps. They refuse to sign documents with Kosovo's symbols and thus have not been able to receive their funds from the Kosovo government. Municipal revenues in

Kosovo are negligible, thus most of the funds they would get are from Kosovo's central budget. Parallel municipalities continue to function with Belgrade's funds. The representatives of the four municipalities asked that they should receive their budgets without signing papers in the transition period. But Kosovo government officials and international representatives involved in the discussions say this is impossible.

Kosovo government representatives believe that the Brussels agreement is clear about what laws need to be applied. The election was held according to Kosovo's laws and the municipalities should be established according to such laws. They say it is political will that is lacking, not clarity of the agreement. They also blame Belgrade officials for encouraging the Serbs in the north to resist the formation of municipalities. Serbian officials have not officially been involved in the contacts between the municipalities and the Kosovo government, but many discussants believe the local Serbs are instructed by Belgrade.

At the Pristina roundtable, some representatives from the north said that they need more time for the transition, without defining how this transition period should be structured. But the reason given for the need of a longer transitional period was first and foremost the strong resistance of the population against integration. This resistance should be addressed without pressure, without deadlines, a speaker said. He suggested that first new jobs should be created and some development projects should be implemented to show people the benefits of integration. However, another speaker said that this "transition of minds and hearts" will take longer and it should not be linked to the technical process, such as statutes. "Statutes have to be created now, we cannot wait until people change their minds." He added that, "we cannot ask for more time when we already are behind the schedule foreseen in the agreement."

The issue of trust, or rather the lack thereof, between Serbs and Albanians was also discussed. A speaker asked that Pristina show more understanding and patience during the transition period. He reiterated that Serbs in the north are not happy with the Brussels agreement but they will eventually implement it. Another speaker said that Albanians are not happy with the agreement either. "It was a compromise." The speaker noted that we should not expect enthusiasm from the people in the north too soon. However, he believes that some technical issues can be resolved faster and the politicians should begin to address the real needs of the population.

A speaker said that the mayors of the Serb-majority municipalities in the south should encourage mayors in the north to find compromises and establish their institutions. The mayors of the municipalities in the north should sit down with the Serbs from the south and see how the integration was done there. The speaker said that the north should take advantage of the opportunities and attention given to them by Pristina, the international community and by Belgrade. She added that from her own experience in the south, this attention disappears fast and then "you can never bring it back." The north should use the current situation and get the maximum out of it.

In an effort to get functional municipal assemblies, the most urgent issue is considered to be to agree on the municipal stamps, because the municipalities cannot begin to operate without agreeing on stamps. Flags and emblems can wait. Some speakers said that the law on symbols is open to interpretations. It is not mandatory for municipalities to have flags, but if they want to

have them, they should not use the colors of flags of neighboring countries. The municipalities in north use in their flags the colors of the Serbian flag. The majority of participants recommended finding compromises on symbols and focusing on real issues.

There are also some success stories. The Serbian police officers have successfully integrated into Kosovo's police force. Many believed that was the most sensitive issue that would be resolved last. The Serbian police were the strongest defenders of the Serbian system but now wear Kosovo's symbols and no incidents have been reported.

Challenges ahead

Though the issues of municipal statues and symbols have taken up substantial amount of time in the past months, the participants said there are a number of even more complicated challenges that lie ahead: offering services to the population, including issuance of Kosovo documents; formation of the Association; issue of car license plates. Many believe that the participation of all Kosovo Serbs in Kosovo's parliamentary elections and institutions will help resolve issues also at the local level.

The support of the local population is crucial for successful integration. Many speakers said that it would take time to transform present conflictual Serb-Albanian relations into partnership, especially when "political elites in both countries are corrupt," a participant noted. The speaker said that Serbs in the north are also under pressure to remain loyal to Belgrade but at the same time are expected to show some loyalty towards Pristina.

The formation of the Association of the Serb-majority municipalities will be another challenge in the coming months. There is an expectation by some that the association will help resolve many issues, as it will serve as a single address for the Serb community.

As one speaker noted, "it takes time for the people in the north to accept the new reality, but for this to happen the transition of the institutions should be completed first." As it is, Kosovo's north remains the only place in Europe where one can drive a car without license plates. Kosovo representatives say the Serb would have to register their cars in Kosovo according to the Brussels agreement. Belgrade is quiet about it. And the Serbs in the north say that they will not register their cars in Kosovo.

Conclusions and recommendations

A number of conclusions and recommendations came out of the discussions. These are not based on consensus but reflect opinions expressed at the meeting.

- **No funds before institutions are established.** The use of funds for the north and establishment of local institutions are linked. Though the Serb representatives ask for some funds to be used before the institutions are established, Kosovo's government and international representatives are determined not to offer funds until the institutional framework is completed. International representatives confirmed the availability of the

committed international funds but said that these funds are subject to full cooperation of the municipalities in the north with Kosovo's institutions.

- **Experience in the south municipalities could serve to the municipalities in the north.** Though Serb representatives in the Serb-majority municipalities in the south do not recognize the state of Kosovo nor have they Kosovo's symbols in their offices, they have found some acceptable models to establish institutions and make them fully operational. This includes issuing documents, collecting taxes, and implementing development projects. Serb representatives from the south said they also did not like solutions that lead to integration, but these had allowed them to organize their life institutionally.
- **Belgrade should be involved in clarifying the Brussels agreement.** Belgrade has remained on the sidelines during the ongoing dispute over statutes and symbols between Pristina and Serbs in the north. A number of Kosovo representatives and international officials even believe that Belgrade is behind the Serb resistance. Belgrade should get involved in clarifying to the Serbs in the north what was agreed in Brussels.
- **Municipalities should prepare to provide services.** More than six months have passed since the elections and the municipalities have not been formed yet, largely because of disputes on statutes and symbols. Voters have not begun to receive their services from the institutions they voted for. Many expect the most contentious issue will be issuance of Kosovo documents.

There was agreement that implementation of the Brussels agreement will be challenging but it has no alternative. Offering services to the local population in the north was considered a priority and the local elected officials were encouraged to resolve symbolic issues fast and begin to serve their voters. Municipal statutes were blocking further progress. The statutes issue has been resolved since the roundtable and the municipalities should be able to get their budgets and begin their operations.

Participants

English Alphabetical Order

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