

## **Relations between Kosovo and Serbia: Association of Serb-Majority Municipalities and Dialogue**

### **Introduction**

The Council for Inclusive Governance (CIG) organized on December 13-14, 2014, in Budva, Montenegro, a roundtable for government officials, political party representatives and members of civil society from Kosovo and Serbia. The discussion addressed the establishment of the Association/Community of the Serb-majority municipalities (hereinafter Association) in Kosovo and the dialogue between Pristina and Belgrade. Participants included representatives of Kosovo's Democratic League of Kosovo (LDK), Self-Determination Movement (VV), Alliance for the Future of Kosovo (AAK), and Kosovo's government and President's office; and Serbia's Serbian Progressive Party (SNS), Socialist Party of Serbia (SPS), Social Democratic Party (SDS), and Serbia's government. A number of analysts from Kosovo and Serbia also took part.

The roundtable is part of a project on the normalization of relations between Kosovo and Serbia supported by the Swiss Federal Department of Foreign Affairs.

The first day of the discussion focused on the establishment of the Association of ten Serb-majority municipalities. The participants listed a number of obstacles that are delaying the formation of the Association. Many Kosovo speakers held Belgrade and the remaining parallel institutions in the north responsible for the delay in the implementation of the Brussels agreement of which the Association is a part. The Serb speakers argued that the delay is largely because it took Pristina six months to form the new government. The Srpska List is part of the governing coalition and has two ministries and one Deputy Prime Minister position, but has conditioned its joining the coalition with a few conditions, one of them being that the Association will be formed within the first five months. Many said that the Srpska List should itself take more responsibilities now that it leads the Ministry of Local Government Administration. The need for more communication between the Kosovo central institutions and the Serb-majority municipalities, especially the ones in the north, was also mentioned.

The second day focused on the future of the dialogue. Many speakers said that it is difficult to continue with the dialogue and reach new agreements as long as the old ones are not implemented. A number of Kosovo representatives were against the continuation of the dialogue in this format, arguing that this is not in the interest of Kosovo and that Kosovo should not discuss with neighbors its internal issues. They said a dialogue on such issues is needed with Kosovo Serbs but not with Belgrade.

The following is a summary of the roundtable. To encourage frank discussions, remarks have not been attributed to specific speakers. The participants took part in the roundtable in their personal capacities and their positions do not necessarily reflect those of organizations they represent.

### **Establishing the Association of Serb-majority municipalities**

There was consensus among the participants that the Brussels agreement is not being implemented according to the foreseen deadlines. But while the Kosovo Albanian participants blamed Belgrade, the newly elected mayors and the remaining parallel institutions in the north of Kosovo, such as so-called civilian defense and Serbian “provisional” municipal executive bodies, the Serb speakers said that Pristina has stalled the process by not being willing to make the necessary compromises to go ahead with the implementation. The Association was supposed to be established after the formation of the municipalities in the north. A year after the elections, the municipal administrations are not yet functional, and there is not even a statute for the Association.

A Kosovo official reported, however, some progress in this area. He said that the process of the formation of municipalities is going on, municipal budgets have been agreed on, interaction between the mayors and the Kosovo institutions increased, and a number of projects have been prepared. He expressed his dissatisfaction with the new mayors in the north because they repeatedly violate Kosovo laws and reportedly are arbitrarily firing many employees from the administration and replacing them with new ones without due process. The setting up of administration is slow. The municipalities are not functioning and do not offer services yet. Thus, he added, more dialogue is needed on the implementation. The formation of the Association should not be difficult. The municipalities form the Association but the municipalities need first to be functional in order to form the Association. The speaker also reported that the development fund for the north created as part of the Brussels agreement has collected about 3 million euros, but the municipalities cannot use the funds until they themselves are fully operational. In addition, Kosovo’s government has offered 49 million euros for 2015 for the four municipalities in the north. The municipalities rejected the funds for “political reasons,” the speaker said. The biggest municipal expenses are in education and health. However, the municipal authorities consider that the responsibility for these two sectors should lie with the Association, not with the municipalities. Consequently, the current budgets adopted by the four municipalities amount to about 7 million euros. This vision of the Association as a “third layer of government” is being categorically refuted by the Kosovo authorities, another speaker said.

A Serb speaker argued that the Association should be a governmental body with solid competencies, and not a non-governmental organization, as foreseen by the Kosovo authorities. He said that the Serbs in the north would not give up the remaining parallel institutions before “they have the Association created and with strong responsibilities.” He added that Kosovo should amend its Constitution to accommodate the Association. The Kosovo speakers rejected this and said that the Association should be accommodated to the Kosovo Constitution, and not vice-versa. “If it’s so easy to change the Constitution, why doesn’t Serbia change its own?” a speaker said.

Kosovo has already given up too much in the dialogue, another Kosovo speaker said. He argued that the Brussels agreement is in contradiction with Kosovo’s Constitution but Kosovo’s officials

agreed to it because of international pressure. The creation of new layers of institutions does not improve the lives of the Serbs in Kosovo. “Serbs in Kosovo don’t really care about creating new institutions while they see no improvement on the ground and become poorer by the day.” Furthermore, the formation of the Association is based on the principle of segregation and promotes divisions since it includes only the Serb-majority municipalities. Now there will be two associations of municipalities, one of the Albanian-majority municipalities and one of the Serb-majority municipalities. “There is no other term for this but segregation”, he said. The speaker also reported that both Pristina and Belgrade have their own draft statutes for the Association but that nobody has seen them so far.

The laws and the constitution of Kosovo will not be changed, this speaker stressed. The Association should be created within the existing legislation and will not be a governmental body. The speaker blamed the Serbs for, on the one hand, delaying the implementation of the agreement and, on the other, setting deadlines for the formation of the Association, in a way trying to “blackmail Kosovo’s institutions.” He reported that there is an agreement on the judiciary in the north but it has not even begun to be implemented. The parallel security force known as civilian protection is still there and Belgrade continues to fund it as well as other parallel structures in the north whose main role is “to undermine the state of Kosovo.”

The main theme of the Brussels agreement was the Association of Serb-majority municipalities but to this date Pristina and Belgrade have not put forth any proposals, a Kosovo Serb speaker said. Belgrade does not seem to be working on it at all while Pristina formed a team of four people that has done nothing so far. He said that the Association should be in charge of education and health, which currently are administered by Belgrade. However, according to Kosovo’s laws these areas fall within municipal competencies. He concluded that the Association would become a political body, not a non-governmental organization, such as the existing Association of Municipalities. A Kosovo speaker said that the essence of the debate on the Association is that the Serbs fear discrimination of Serbs in Kosovo and Kosovars fear a dysfunctional state. He suggested the EU to state clearly what the final destination is.

Despite many dialogue sessions in Brussels and a number of agreements, the lives of the people have not improved, thus the perception that the dialogue is useless. And perceptions are important since they drive actions. “We all say that last year was a success in relations between Kosovo and Serbia but this success has not impacted the people,” a speaker familiar with the implementation said. He added that the new minister in charge of local governance in Kosovo is one of the main players and should be constructive and efficient in regards to institution building in the north.

“Despite my continued criticism, I support the dialogue because it is the only mechanism to resolve the outstanding issues with Serbia,” a Kosovo speaker said. However, he will not support it if the dialogue violates Kosovo’s constitutional order. He reported that Kosovo’s legislation acknowledges governmental and non-governmental bodies, thus there is no room for the Association to become something in between. He invited his Serb colleagues to explain what powers they want the Association to have that the municipalities do not, and also explained that transfer of powers from municipalities to another body is illegal and it would not be approved by Kosovo’s authorities. “We can’t change our constitution and laws whenever it pleases the Serbs and Belgrade.”

The Association should only have a supervisory role, a Kosovo speaker said. Regarding the eventual unemployment of hundreds of employees in the overcrowded parallel institution, he suggested that Belgrade subsidize the people which will have to be laid off in the north. He was against the idea that the Association delivers payments to these persons. He also said that the municipalities should be paying teachers and doctors. "It's risky to leave to the Association to have direct control over thousands of employees." The speaker said that the Association would already have a stronger role than the existing minority councils in Serbia. Another speaker added that if Belgrade wants to show what it intends with the Association, let it show by example, let it give the same rights to the Albanians in South Serbia and other minority communities in other parts of Serbia.

Belgrade wants the Association to become a third layer of government, a speaker said, adding that, "once you have control over financial issues, you are a government body." Decentralization should be sufficient to accommodate the Serbs in Kosovo. On political representation he added that Srpska List does not represent the Serbs in Kosovo, but Belgrade. "Srpska has not had a single meeting with Kosovo Serbs. Its representatives always go to Belgrade for consultations. Consequently, the Association will not represent Kosovo Serbs but Belgrade." He argued that the interests of Belgrade and the Kosovo Serbs are not always the same. This speaker asked to talk about all citizens of Kosovo not just the Serbs. "We talk about how to resolve the unemployment among the Serbs but not among the other communities which have even more unemployment." He added that even if Kosovo changes its laws and the constitution, "it will not improve the integration of Kosovo Serbs, but will simply legalize a Serbian mechanism of interference in Kosovo's system."

Answering the question why Serbs are against the Ahtisaari plan but in favor of the Brussels agreement, a Serbian speaker said that the latter is status neutral. Another speaker, however, disagreed, saying the agreement is based on Kosovo's system and was an excuse for Belgrade to finally accept the Ahtisaari package. He added that the preconditions for the formation of the Association are removal of parallel structures and the functioning of Kosovo's legal system in the north. However, a speaker familiar with the work of the parallel structures said that "the parallel structures, such as the civilian protection, are not a threat to anyone; quite the opposite, they are assets to the north." A number of Serb speakers focused on the employment of those that will lose their jobs when the parallel institutions are closed and spoke of the responsibility of the state towards them. A Serb speaker said that they need additional discussions in Brussels about the fate of about 2,000 employees who will likely lose their jobs following integration.

Despite many disagreements over the mandate of the Association, there was broad agreement that the formation of the Association and phasing out of the parallel structures will be parallel processes.

## **The future of dialogue**

Politically, Kosovo and Serbia are in a good moment to continue to normalize relations since both have strong governments and political will to improve relations. Economically, however, they both are facing high unemployment, little or no economic growth, high levels of corruption and organized crime, and very little investment. Given these economic hardships and the

challenging situation the two countries find themselves in, one speaker remarked that “it’s difficult to normalize relations between two abnormal countries.” The speaker said that Kosovo and Serbia should focus more on economic issues while at the same time strengthen political stability. She said that “though the European Union is not great, if we stay out of it we are doomed.” “We all need a much more serious long-term approach but it does not exist!” she warned. “We need to communicate with our citizens. This is a true sign of leadership. People can swallow quite a bit if you communicate with them.”

Despite some solid progress, a number of speakers noted that the relations between Kosovo and Serbia are far from normalized. The dialogue is a good thing but the fact that it takes so long to agree even on tiny details shows that the two countries are still not ready for full normalization of their relations, a speaker argued. He said that the dialogue should conclude at some point and produce tangible results for the people. He hoped that the shared interests of the Balkan countries and especially desire to join the European Union, would drive toward more cooperation and that the process would be accelerated.

Kosovo speakers, including those who support the dialogue, were more critical of the process. A speaker said that the dialogue in this form should not continue as it primarily benefits Serbia. “Serbia became an EU candidate while Kosovo hasn’t even integrated its Serb community in the north, the main goal of the dialogue.” He further argued that the Kosovo Serbs themselves are a victim of Belgrade that uses them as a “card for Serbia’s progress towards the EU.”

“Everybody failed on the north. We agreed on integration but not on an action plan, that’s the fault with the agreement,” a Serb speaker argued. The experience with the integration of police in the north was very positive. Belgrade and Pristina bargained over three months but in the end ever police officer knew where he/she would be. The same bargaining process is needed regarding the remaining structures in the north. The speaker said that people working in various institutions need to know where they will stand after the implementation of the agreement. The question of the civilian protection remains a controversial issue. For the Serbs it is an asset; for the Albanians it is a security threat. The speaker added that the civilian protection is not a threat, it is simply a “vigilante group,” since the rule of law in the north is weak. He said that the main challenge of the transition in the north is the potential unemployment of those that currently work in parallel institutions. Serbian state funding is also becoming problematic. “Serbia can no longer fund parallel institutions in Kosovo, such as the municipalities, or the Association when it is formed.”

The participants also encouraged more bilateral cooperation between the institutions of Kosovo and Serbia. They defined the areas of security, environment, parliamentary cooperation, culture, media, and sports in which Pristina and Belgrade should begin cooperation. Once some level of normalization is established, the participants said that Belgrade and Pristina should cooperate more on fighting organized crime and promoting economic development, as well as cooperation on European integration. Accelerating cooperation on missing persons was considered key in the normalization of relations between the two societies. Participants said that the recent visits of Kosovo’s ministers to Belgrade are another indication that the normalization of relations between Kosovo and Serbia is moving in the right direction.

As part of the normalization of relations, there should also be “an apology by Serbia for the crimes it committed in Kosovo, just as it apologized to Bosnia and Herzegovina for the Srebrenica genocide,” a Kosovo speaker said. In response, a Serbian speaker did not rule out a Belgrade apology in the near future but argued that state apologies are sensitive and more preparations are required for it to happen. He added that Serbia is working on finding and sentencing the crime perpetrators.

## **Conclusion**

Pristina and Belgrade agreed in 2013 in Brussels on the formation of an association of Serb-majority municipalities, but not on its mandate. Kosovo representatives said that the Association should serve as a non-governmental organization to coordinate cooperation between Serb-majority municipalities. Serbian representatives, on the other hand, expect the Association to be a political body with solid authority over education, healthcare, urban planning, and privatization in all Serb-majority municipalities. Their earlier demands that the Association is elected directly by the people and that it has authority over the police and courts were dropped during the Brussels dialogue. Subsequently, the police officers have been integrated into the Kosovo Police and an agreement on the integration of the courts into Kosovo’s system has been reached, though not yet implemented.

Given these conflicting expectations of Albanians and Serbs—a non-governmental organization versus a political autonomous body—the bargaining process on the Association will be difficult, but many expect to have an agreement in the first part of 2015.

The main dispute over the establishment of the Association is whether it should be formed before or after the dismantling of the remaining parallel structures in the north. Kosovo officials argue that the parallel structures should be closed before the Association is established while Serb representatives say that the Association comes first and then the closure. Most likely, the process will be parallel.

Regarding the dialogue, there was a broad agreement that the dialogue should continue and the agreements should be implemented. The participants said that Pristina and Belgrade should expand their dialogue and cooperation also on issues of environment, justice and rule of law, assessment of security treats to Kosovo and Serbia, and that visits of Kosovo officials to Belgrade and visits of Serbia’s officials to Kosovo should become more frequent.

## Participants

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**Nenad Djurdjevic**, Coordinator, Forum for Ethnic Relations  
**Marko Djuric**, Director of Office for Kosovo and Metohija, Government of Serbia  
**Nikola Eric**, Member, International Cooperation Council, Serbian Progressive Party  
**Sadri Ferati**, Member of Parliament of Kosovo, Democratic League of Kosovo  
**Ardian Gjini**, Deputy Chairman, Alliance for the Future of Kosovo  
**Bosko Jaksic**, Columnist, Belgrade  
**Adriatik Kelmendi**, Editor-in-Chief, KTV Kohavision  
**Vladeta Kostic**, Member of Parliament of Serbia, Serbian Progressive Party  
**Sonja Licht**, President, Belgrade Fund for Political Excellence  
**Leon Malazogu**, Executive Director, Democracy for Development Institute  
**Ljubisa Mijacic**, Analyst, Zubin Potok  
**Jugoslav Milacic**, Adviser to the Minister without portfolio in the Government of Serbia responsible for European Integration  
**Petar Miletic**, Former Deputy Speaker, Parliament of Kosovo  
**Dardan Molliqaj**, Organizational Secretary, Self-Determination Movement  
**Besnik Osmani**, Secretary General, Ministry of Local Government Administration of Kosovo  
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