

Searching for Solutions for Kosovo's North

Introduction

The Council for Inclusive Governance (CIG) organized on December 13-14, 2012 in Istanbul, Turkey, its fourth roundtable for political party and government representatives of Kosovo and Serbia on searching solutions for Kosovo's north. Participants included officials 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 Democratic Party (DS), Socialist Party of Serbia (SPS), United Regions of Serbia (URS), Liberal Democratic Party (LDP), Serbia's president's office, and a number of analysts from Belgrade and Pristina as well as from Kosovo's north.

The roundtable is part of a project on Kosovo's north implemented by CIG and generously funded by the Swiss Federal Department of Foreign Affairs.

The agenda for the two-day meeting consisted of two major sessions and included the discussion of Kosovo's north and the normalization of relations between Belgrade and Pristina. Though the participants differed on how a permanent solution for the north should look like, they suggested a number of confidence building measures as a precondition to reaching an acceptable solution for both sides. Among others, they recommended better cooperation between Belgrade and Pristina, improvement of the security situation in the north, increasing the efficiency of courts and police, and organizing local elections in the north by an international organization, though they disagreed on what legislation should be used.

The participants also suggested a number of steps to be taken to normalize the relations between Serbia and Kosovo. There was consensus that the Brussels-sponsored dialogue between the two prime ministers should continue and that the agreements reached during that dialogue and the so-called technical dialogue should be implemented swiftly and fully. They also supported the resolution of the remaining issues such as telecommunications and energy. Normalization of relations was defined as full cooperation between Serbia and Kosovo but without Serbia's recognition of Kosovo's independence. This normalization will only be meaningful if it translates into measurable improvements of those who live in Kosovo and Serbia.

The following is a summary of the roundtable discussions. The report also includes some updates from the dialogue in Brussels that took place after the roundtable discussions. To encourage a frank discussion, 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.

Local Governance in Kosovo's North

The north continues to be governed by local institutions elected and governing according to Serbian laws and funded by Belgrade. Pristina and the international community do not recognize these institutions as legal. The issue of Serbian institutions in the north is discussed by prime ministers of Serbia and Kosovo in the Brussels dialogue. The most likely option is an election organized by an international organization that would produce acceptable institutions for both Belgrade and Pristina. The roundtable participants discussed what options could produce institutions acceptable to Pristina and the international community. A number of participants said that new elections in the north should be held in coordination among Pristina, Belgrade, and the international community and organized by an international organization such as OSCE. OSCE has been mentioned as a potential organizer also by Serbian and Kosovo representatives taking part in the Brussels dialogue.

A speaker said that the Serbian elections in the north after Kosovo's independence should not have been held since they have created more trouble for both Belgrade and the north. He noted that the election benefited some (currently) Serbian opposition parties that received most of the votes in the north, but it only created trouble for the Serbian government vis-à-vis the international community. He warned that it would be difficult to organize new elections in the north without having a broad picture of what the situation would be after the elections. Otherwise, "voters may boycott the elections." He suggested that the best option would be to have an international organization to organize the first elections according to the Serbian election law, and then evaluate the situation later and see what possibilities exist for the next election, including the option of organizing it according to Kosovo's laws. He concluded that the Serbs now would take part in elections only if they are organized according to the Serbian laws. Another speaker said that in principle using the Serbian laws for the first elections would be acceptable, but noted that it would be difficult to "sell it to foreign capitals and to Pristina," which are interested in the north's integration into Kosovo's institutions according to Kosovo's laws. Another speaker said that Pristina would not agree to hold elections on Kosovo's territory according to the Serbian laws. "This will be intolerable to Kosovo and to the international community and would be a huge step back to the current momentum of cooperation." In an apparent search for compromise, another participant repeated an idea that was first proposed at CIG's previous roundtable in Budva in October 2012—to organize the first election according to Kosovo's election law labeling it for this purpose as "OSCE rules."

In addition to agreeing to hold an election, the parties should also work to achieve a framework that would be defined through a political process for the resolution of the overall dispute. Among major problems was listed the existence of informal Serbian security structures in the north. Though a number of Serb participants denied their existence, the Albanian speakers said that these structures should be addressed in the Brussels dialogue once the implementation of the integrated border management (IBM) agreement is completed. These structures could be dissolved through facilitation and cooperation with Belgrade. Many speakers said that Belgrade

is becoming more realistic and efficient in cooperating with Pristina and the international community.

Another speaker said that a trilateral agreement between Pristina, Belgrade, and Serbs in the north could be acceptable to all sides. He suggested that the agreement should, among others, allow the Serb municipalities to create an association of municipalities. He said that this association of four municipalities in the north in essence would not be against the spirit of the Ahtisaari plan but would be an Ahtisaari plus. However, another speaker said that Serbs in the south are just as important when it comes to such arrangements. Two thirds of Kosovo's total Serb population lives in the south and he suggested that this proposed association of Serb-majority municipalities should also include the Serb-majority municipalities in the south. "We would be stronger together," he concluded.

Many said a compromise on the north is inevitable and would be reached soon. Neither Pristina nor Belgrade were happy with the terms of the IBM agreement but accepted it. They will have to do the same regarding the north. A speaker said that elections in the north is the first step towards the resolution of the problem, but doubted such an election could happen as long as Belgrade supports and funds the current Serbian structures. Zubin Potok and Zvecan held local elections in May 2012 even though Belgrade had decided not to organize elections there. Institutions in Leposavic and North Mitrovica still have a mandate, but no one knows what Belgrade is going to do when their mandate expires in 2014, a speaker explained. All four municipalities continue to be funded by the government of Serbia. He said that a provisional solution for the north is necessary, but not through elections, but perhaps an international body could manage the north and appoint municipal councils to prepare the ground for an election. But Serbs in the north are not ready for such compromises before they would receive additional security guarantees from Pristina. The speaker complained that Pristina has not yet given all the Ahtisaari powers to Serb-majority municipalities in the south, including powers to appoint police chiefs. As a sign of good will, Pristina should implement the plan in full. But some Albanian participants denied that the Ahtisaari plan has not been implemented in full.

A number of Albanian participants said that the Ahtisaari plan should also be implemented in the north. It provides for adequate relations between Serbs in Kosovo and Belgrade, but that the Serbs in the north will have to operate within Kosovo's system of law and governance. A speaker said that some groups in the north are resisting elections and integration into Kosovo's system for personal reasons because they may lose power and other benefits. Another speaker said that the north has been "captured by a group of individuals who benefit from the status quo and they will do everything possible to resist the resolution of the problem."

The north will be on the agenda of the Brussels discussions after energy and telecommunications, a speaker predicted. It is difficult to say what kind of legal framework will be proposed for the north. The speaker said that while the talks on the north will continue, it is possible to take some temporary measures, such as appointing municipal councils until a solution is reached. For a long-term solution, he said that the north needs additional political and financial guarantees, affirmative action in employment, and subsidies. For the time being, however, the speaker said, the Serb leaders in the north are not ready to make any concessions.

Some participants said that both Kosovo and Serbia suffer from a lack of brave leaderships ready to make unpopular but necessary decisions. This is why the international community is indispensable, some speakers noted. Many said that it will not be easy to reach agreements, but once agreements are reached they will be implemented. A speaker said that Kosovo's local self-government legislation offers sufficient guarantees. There was almost consensus among the participants that establishment of an adequate level of rule of law in the north is of utmost importance.

There was consensus that security should be improved in the north. Violent incidents take place there almost every week. A person who works in Kosovo's Mitrovica North Administrative Office was shot at in a cafe in the north just days prior to the Istanbul meeting. Though an investigation is underway, many suspect the reason for the shooting was his engagement with Kosovo's institutions. A participant said that this was an attack on those who are trying to help build confidence between Serbs in the north and Kosovo's institutions. Many Serbs in the north view the opening of this office as a first step towards the implementation of the Ahtisaari plan and north's integration into Kosovo's institutions. Thus many expect that the Serbs in the north will continue to object to such efforts. A speaker said that the decision to open the office was rushed and "one should not rush into making quick decisions." Another speaker responded that "one should not rush to make bad decisions, but for good decisions one should rush." He further said that it has been thirteen years and the problem is still lingering. Another speaker said that the international community cannot wait for the Serbs and Albanians forever, that it cannot afford to commit resources to the north dispute endlessly.

The discussion showed that the Serb participants preferred a package deal for the north while the Albanians preferred an incremental, step-by-step approach. Regardless of the approach, a speaker said that the solution for the north would most likely include "a piece from each three—autonomy, special status, and the Ahtisaari plan."

Some people in the north seem to panic because of the fast process of the dialogue between Belgrade and Pristina. Few expected the swift implementation of the IBM, a speaker said. He said that establishment of acceptable local governance in the north is part of the normalization of relations between Serbia and Kosovo, and it should be seen in that context. He opposed the idea of organizing another Serbian election in the north. Instead, he suggested to keep the current institutions until there is an agreement to have elections according to Kosovo's laws "in two or three years." The speaker said that it is time to be realistic and propose ideas that are acceptable to both sides.

Responding to claims that Serbian political structures in the north are involved in organized crime, a Serb speaker said that political structures provide services to the people, but there are criminal structures as well and they are not connected to political institutions in the north. He suggested that the difference between political and criminal structures in the north should be made. Many speakers said that the dissolution of the security structures is a precondition for any stability in the north, but that an agreement on political institutions could wait. "The informal security structures have the power to sabotage and undermine any progress reached in the dialogue."

Things are happening faster than many expected. Frequent meetings of the prime ministers and reaching of new agreements and their implementation indicate that the remaining problems will be resolved sooner than many believe, some speakers noted. In this context, the speakers said that the participants should all become more realistic and see how they can help those in charge of the dialogue with ideas and suggestions and also help in the implementation of the agreements, especially in getting the support of the public in both Serbia and Kosovo for the dialogue.

Normalization of Relations

The technical dialogue between Belgrade and Pristina that began last year has entered a new phase with meetings between the two prime ministers and addressing of political issues. So far a number of agreements have been reached but their implementation has not been as swift. The IBM agreement has been implemented but neither side is happy with its terms, and there are quite a few things that are not clear about its content. Furthermore, different interpretations of the same agreements by Pristina and Belgrade and the lack of clarifications by Brussels have not contributed to amassing public support for the dialogue and the implementation of the agreements. The prime ministers have agreed to form a development fund for the north consisting of revenues collected from the two crossing gates in the north and additional funds from the European Commission and Kosovo's government. A Kosovo Albanian, Kosovo Serb, and an international representative would manage the Fund. However, many Serbs in the north are against this arrangement and a number of protests have been organized by local institutions there.

Security was singled out as an area where cooperation between Belgrade and Pristina is crucial, not only to improve the overall stability but also to share information between the two police forces to combat organized crime. Some suggested that the Serbian police should share information with EULEX, KFOR, and the Kosovo Police (KP). Functioning of local courts is also crucial in making sure that criminal cases are prosecuted. Some participants said that suspects are released by courts without proper investigation, so even when the police are efficient in arresting criminals, it is useless without the proper functioning of courts.

A speaker said the following steps should be taken as part of normalization of relations and in order to increase confidence between Belgrade and Pristina: joint police patrols of EULEX, KFOR, and KP in the north; establishment of acceptable judiciary; increased political participation of the Serbs in the north; dismantling of informal security structures; preparations for local elections in the north; restrain from unilateral actions of usage of force; free movement of people and goods; full implementation of IBM agreement; and integration of Serbs into Kosovo's security structures.

A speaker said that democracy in multiethnic societies requires special, consensual rules. "We cannot simplify the north, it requires special rules that are common in multiethnic societies." He suggested that communication with the Serbian structures in the north should be established by Pristina; a peaceful environment for holding local elections according to Kosovo's laws should be created and options that threaten Kosovo's system must be excluded, in other words not giving the Serbs in the north the capability to blackmail Kosovo's system. However, the speaker

said that it should be recognized the north is a “specific problem that requires a specific and special solution.”

There was almost consensus that the resolution of the north is key to normalization of relations between Pristina and Belgrade. The participants agreed that there is a need to establish new acceptable local government institutions in the north but disagreed on how to do it, whether to use Kosovo’s or Serbia’s legislation. A speaker defined normalization of relations as “those things that affect people directly, such as the IBM agreement.” The participants said that the next steps should be resolution of telecommunications and energy issues, resolution of the car insurance issue, exchange of liaison officers between Pristina and Belgrade, and establishing train and air connections between Belgrade and Pristina.

Conclusions and Recommendations

The roundtable addressed (1) local governance in Kosovo’s north, and (2) normalization of relations between Serbia and Kosovo. The following is a list of conclusions and recommendations that came out of the discussions.

1. **Participants differed on models of local governance for Kosovo’s north but recognized the human cost of the status quo.** Some Serb participants argued for an intermediate solution that retains the existing governing authority of northern Serbs and preserves Kosovo’s territorial integrity. But Albanian participants insisted that the implementation of the Ahtisaari Plan is the only option.
2. **Participants supported an election in the north to be organized in 2013 by an international organization, such as OSCE, but disagreed on whose and what legal framework should be applied.** Serbs insisted on Serbia’s laws, while Albanians on Kosovo’s laws. Although ‘neutral’ election rules could be found for holding an election—a set of rules prepared by OSCE (some participants suggested based on Kosovo’s election law)—an agreement on whose legislation to apply after the election would be more difficult.
3. **Informal security structures in the north pose a threat to reaching and implementing agreements and to the overall stability.** Albanian participants suggested dismantling these structures as a necessary step towards a permanent solution for the north. Many Serb participants denied that such structures exist. Some suggested that security be a topic in the dialogue between the two prime ministers.
4. **Actors have disproportional influence in the north.** Participants agreed that Belgrade has more influence than the northern Serbs, who, in turn, have more influence than Pristina. Pristina’s efforts to establish offices in the north are viewed as an attempt to increase its influence at the expense of Belgrade and the northern Serbs. The influence of the northern Serbs is decreasing. The IBM agreement showed that Belgrade and Pristina could reach and implement agreements without their consent. The northern Serbs have not been able to undermine the implementation process. It is not clear whether they want to have a role in the bargaining process or continue to support the deadlock that the international community, Belgrade, and Pristina want to break. If they refuse to cooperate, their existing influence could unravel further.

5. **Pristina should implement fully its own legislation in Serb-majority areas in the south and refrain from the use of force in the north.** This could improve interethnic and institutional trust and help the integration of the Serbs in the north.
6. **Normalization of relations between Serbia and Kosovo was defined as ‘cooperation without recognition.’** The implementation of agreements could improve the relations by absorbing people’s dissatisfaction through easing of restrictions—elimination of car insurance fees, recognition of car plates—that people in both places face—and improvements in their daily lives. Belgrade and Pristina should also regularly inform their publics about the dialogue and the content of the agreements. Brussels should be more transparent as well and clarify when needed the content of the agreements reached between Kosovo and Serbia.
7. **Participants defined a number of steps to normalize Belgrade-Pristina relations, ranging from freedom of movement to cooperation on EU integration:**
 - a. Improve movement of people and goods through full recognition of car plates, travel documents, and resolution of the car insurance issue;
 - b. Exchange trade and economic liaison officers in addition to political liaisons and establish cooperation between the customs agencies;
 - c. Accelerate the implementation of the agreement of cadastral issues;
 - d. Cooperate on finding the destiny of missing persons;
 - e. Reach agreements on energy and telecommunications;
 - f. Recognize the University in Mitrovica and find some agreement on other levels of education for the Serbs;
 - g. Ensure transparency of the Serbian funds to Kosovo Serbs;
 - h. Resolve the issue of the pension contributions of Albanians collected before 1999;
 - i. Implement joint infrastructure projects, such as a highway Pristina-Nis, Pristina-Leposavic, and train and air connection between Belgrade and Pristina;
 - j. Belgrade should not obstruct the privatization of the ski center in Brezovica where a large number of Serbs would be employed;
 - k. Increase cultural exchange programs, business contacts and contacts on various political levels;
 - l. Belgrade and Pristina should not obstruct each other’s EU integration.

List of Participants

English Alphabetical Order

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Zoran Ostojic, Liberal Democratic Party
Stojanka Petkovic, United Regions of Serbia
Dejan Radenkovic, Socialist Party of Serbia
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