

Searching for Solutions for Kosovo's North

Introduction

The Council for Inclusive Governance (CIG) organized a roundtable for political and civil society representatives from Serbia and Kosovo, including representatives of Kosovo Serbs, to discuss the crisis in Kosovo's north. The roundtable was held in Budva, Montenegro, on October 5-7, 2012. The first day of the debate included only Albanian and Serb representatives from Kosovo. Representatives from Serbia joined the discussions on the second and third day. The objective of the roundtable was to search for regionally generated solutions on the north and on relations between Belgrade and Pristina.

The roundtable is part of a larger project funded by the Swiss Federal Department of Foreign Affairs.

Participants expressed their concern that no side has developed a vision for resolving the crisis in the north. In the meantime, the crisis is hampering the economic and political development of Kosovo and Serbia. It also affects the daily lives of those who live there, and consumes political and financial resources from the international community. Thus, a solution would benefit all four actors involved in the crisis in one way or another.

Belgrade insists that Kosovo's institutions should not operate in the north while Pristina maintains that a solution should be based on the Ahtisaari Plan. Some intermediate solutions—autonomy, special status, an Ahtisaari Plus—have been suggested by various civil society organizations and international diplomats, though few details have been presented, but the governments in Pristina and Belgrade have not shown any willingness to consider options that are beyond preserving the Serbian institutions versus implementing the Ahtisaari Plan. Both governments say the solution should be in line with their constitutions, an impossible task.

The international community is key, if not the key, for resolving the crisis. The past experience has shown that Belgrade and Pristina do not take bold and unpopular steps without strong international pressure. There is no precedent of Belgrade and Pristina reaching agreements on their own or cooperating voluntarily. So the international community should lead the process of finding a solution for the north, a number of roundtable participants said.

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.

Preconditions for Dialogue

A number of Serbian participants asserted that Belgrade would not agree to give up its current power in the north—such as Serbian municipal institutions, judiciary, education, etc.—and allow Pristina to establish its own authority. Some said it is also unlikely that Belgrade will sign agreements with Pristina, as it would confer legitimacy upon Kosovo’s independence and prompt some to equate it with recognition of independence. Many, however, noted that Belgrade has already signed an agreement on the Integrated Border/Boundary Management (IBM) with Pristina.

A number of speakers suggested that the north should be defined in geographical, legal, and political terms, and it should have substantial political and economic power, regardless of whether it remains within the territory of Serbia or Kosovo. Many defined the conflict as a territorial dispute—rather than a human rights struggle—between the two countries. “This dispute is not about peoples’ rights, it is about territory.”

A leadership in the north recognized by all sides is a precondition for dialogue, a number of speakers said. While the current four Serbian mayors have legitimacy based on the votes they received in local Serbian elections, Pristina and the international community do not recognize them. Furthermore, two of the mayors and the municipal administrations are ‘illegitimate’ and ‘illegal’ not only according to Kosovo’s laws, but also according to Serbia’s. They have been elected in an election not recognized by Serbia’s national institutions. Some municipalities defied Serbia’s decision not to organize local elections in Kosovo and organized their own polls. A number of participants suggested that regardless of their legitimacy stemming from an election, the mayors do not have much power. “Other people control the situation in the north.” The people with power are not likely to give up their power easily as they fear losing benefits and privileges. The participants discussed ways of getting municipal leaderships acceptable to all sides. Before a lasting agreement is reached, some suggested, a status-neutral organization, such as the OSCE, could organize a ‘neutral’ local election in the north. Such an election can be organized according to the Kosovo laws, a participant proposed, that could be labeled as “OSCE rules” for this purpose.

Improving security in the north was also considered a pre-condition. Some suggested that KFOR and EULEX should step up their efforts to combat organized crime and improve security. Removal of the barricades remains an issue, and many said the Serbs in the north still fear another Kosovo Special Police intervention, thus their reluctance to remove the barricades. A number of participants, both Albanian and Serb, called for a swift removal of all remaining barricades and roadblocks. A participant suggested that Kosovo’s government and other actors should pledge not to take unilateral actions of using force in the north. However, a Kosovo participant said that although Pristina does not intend to use force there, it would not agree to relinquish its right to intervene on its own territory.

Some reported that people in the north are not satisfied with the performance of Kosovo's police and EULEX in the north in terms of combating organized crime. Serbian TV B92's 'Insider' show called "A Patriotic Robbery," investigating organized crime in Kosovo, has contributed more to the fight against crime than all of the security institutions combined," a Serb participant from Kosovo said. There was almost consensus that Belgrade and Pristina should make public the amount of financial assistance they provide for the north.

A Two-Track Dialogue

A number of participants suggested a need for a simultaneous two-track dialogue on the north: one between Pristina and the Serbs in the north; and one between Pristina and Belgrade. The former has the support of all Kosovo parliamentary parties, but is opposed by the Serbs in the north and Belgrade. The latter is supported by Belgrade and the Serbs in the north but is opposed by a number of Kosovo's parties, most notably by the Democratic League of Kosovo and the Self-Determination Movement. The international community supports both types of dialogues.

Some said the issue of the north is not urgent and parties should not be pushed too much to reach a solution. The Serbs in the north have legitimate fears and should be given more time to consider various options before the process starts, some Serbs from the north said. Some feared that the future dialogue on the north would be dominated by the interests of Belgrade and Pristina, and not so much by the interests of those who live there. They called on the international community to have more frequent conversations with the representatives of the four northern municipalities and other people in the north to better understand their expectations and fears. The Serbs in the north were reported to be afraid that in case of their integration into Kosovo, arbitrary justice would be applied towards them by Kosovo's courts; they are afraid of losing their privileges and benefits coming from Belgrade; they are afraid of reprisals against them by the Albanians.

During the discussion, participants were divided along ethnic lines almost on every issue except for whether time is working for the interests of Serbia or Kosovo. A number of Albanian and Serb speakers said that the longer the issue remains unresolved, the more Serbian the north will look like. Another group of Serbs and Albanians said that the time is in Kosovo's favor because the north's position is being weakened every day by the agreements reached between Belgrade and Pristina. "The implementation of the IBM would in effect resolve the territorial issues; the crisis would become about human rights afterwards," a number of participants asserted. The IBM implementation signifies the beginning of Serbia's willingness to give up its territorial claims over Kosovo, and the north would lose a lot of leverage. "This is a territorial clarification for Kosovo and Serbia. In effect, the IBM would resolve the border issue," a speaker argued. A third group said that the delay benefits neither Kosovo nor Serbia nor the majority of the people in the north. "But it benefits a group of people who benefit financially and politically from the crisis," a Serb speaker said. Some said politicians in Belgrade and Pristina also benefit from the crisis. If they did not have the north, they would have to address much more difficult issues such as corruption, in which, some said, they are involved themselves. "This crisis benefits politicians everywhere," a participant concluded.

Some Serbs from Kosovo's south said that Belgrade, Pristina, and the international community should look for ways to support many non-politically affiliated people in the north, just as they did in the south. They also said that Belgrade remains a crucial factor not only when it comes to the Serbs in the north, but also about the Serbs in the south. Belgrade can help a lot in the accommodation of the Serbs in the south. And so can Pristina. One participant argued that in order to dissipate the fears of the Serbs in the north about integration, the Kosovo government should do more in the south. He suggested giving the Serbs the right to keep their guaranteed reserved seats in the parliament, continuing transfer of authority to local administrations with majority Serb populations, and strict implementation of laws regarding usage of Serbian language in administration.

Some suggested an incremental approach: the first step could be removing the barricades; appointing Serbs as customs officers; organize a 'neutral,' in terms of legal framework, local election; set up local self-government institutions; improve security; improve living standards; and only then address the political status of the north. A substantial number of participants believe these steps are not possible without first reaching a political agreement between Belgrade and Pristina.

The topics in the dialogue should include mostly the needs of the people in the north. The needs mentioned the most were safety and security, employment, fighting poverty, bringing in more investments, and improving the economic situation. Some argued that these are the same needs that most people have not only in Kosovo but also in the wider region. And despite the thinking that the resolution of the north crisis would resolve all these issues, many said this is not the case. Some of these, such as unemployment and lack of investment, are affected by other factors. But areas of security and freedom of movement would be improved fast and substantially once an agreement is in place and implemented.

Participants were asked to identify topics on which Pristina could talk to the Serbs in the north without Belgrade's presence. Not a single topic had consensus, not even small infrastructure projects. The majority said that Pristina could talk to the Serbs in the north about the garbage collection issue, a big problem in the north, but not about other issues. However, some Kosovo participants said that Pristina is not that desperate to talk to the Serbs so as to discuss with them only about the garbage. A number of participants said that a way must be found to depoliticize these practical issues of local importance. Municipal officials should deal with garbage collection, not presidents or prime ministers.

The International Community and the North

No solution for the north is likely to be achieved without Pristina and Belgrade. A third actor necessary to reach such an agreement is the international community. The international community is especially important to guarantee the Serbs in the north that it would not allow Pristina to intervene there again. Some, however, suspect that the international community is getting tired of the situation and, if no agreement is reached soon, it may abandon its efforts for a while.

Serbs also do not trust the US and the EU at the same level as the Albanians do. The Serbian insistence for including the UN in the future talks is not likely to materialize given the opposition by Kosovo and major international actors. Thus, for the Serbs in Kosovo, inclusion of Belgrade in the dialogue is crucial.

Some Albanian participants admit that Belgrade's role may be inevitable in the dialogue, but only in "co-designing a solution, not in designing it." Almost all Albanian and Serb participants said that the international community should take the initiative to design a solution. "We are entrenched in our positions and it is difficult to come up with workable proposals ourselves."

The international community should pressure Serbia to keep its commitments for the implementation of the agreements reached in Brussels. Particularly important is the implementation of the IBM agreement. Some participants said that the dismantling of the Serbian structures in the north should become an immediate condition for Serbia's progress toward EU integration.

Public Opinion, Implementation of Agreements, and Future Compromises

Many politicians say they would have done more had it not been for their publics that do not support bold moves to resolve issues. However, they are not able to back up such claims with data or surveys. A participant said that improvement of relations between Serbia and Kosovo may not be popular with the public opinion, but neither are corruption and organized crime and politicians in Serbia and Kosovo are involved in both. Some said that the people in Kosovo and Serbia, in fact, see the reality better than their politicians.

A participant reported that the Serbian government has established a team for the implementation of the agreements, and that it would soon form another team for the continuation of the dialogue with Pristina. Belgrade is unavoidable on any issues. Some local issues, such as water, could be discussed by the north with Pristina directly. But some said that local people in the north would not talk with Pristina even about garbage collection because any issue gets politicized very soon. They cannot sign any agreements with Pristina. Others said those elected in the north should take responsibility and resolve local issues such as water and electricity, and not wait for Belgrade and Pristina to deal with them.

Dialogue has no alternative. Regional representation is important to resolve problems. Transparency is important. But reaching agreements is not enough. They need to be implemented and it is easier to implement them if the public knows about them from the beginning and is convinced by their own governments that the agreements would improve their lives and resolve problems. "Now we have to deal both with managing the public opinion and implementation," a speaker said. And it is not easy to manage an unemployed and angry public. All it needs is a spark to engage in counterproductive actions. Though the governments are a bit more transparent now, the speaker said, the international community should not allow Belgrade and Pristina to tell their own, often distorted, stories to the public about the agreements. "The sponsor of the dialogue should be stricter and, when the sides do not tell the truth, the sponsor should do so."

These discussions should generate ideas. “We need to establish what is in common between Belgrade, Pristina, and the north,” a speaker said. Diffusing tensions, for example, is a common interest. People should understand that northern Kosovo for Pristina is an obligation and responsibility because it is part of its territory. But they also understand that Serbia and the Serbs in the north operate on the belief that Kosovo is not an independent state. Serbia is lagging behind the changes and reality, the speaker concluded. But both sides need to see the reality better.

Compromises are necessary to improve the situation. Both sides should be more willing to make a compromise, if they remain entrenched in their positions, they will not go far. A speaker said that the north’s full integration into Kosovo’s system is impossible. “Even if Belgrade agrees to it, the Serbs in the north will not. We need a viable compromise.” The speaker also said that politicians should tell their publics the truth, that their compromises are not choices but necessities.

A speaker said that Serbian President Tomislav Nikolic is prepared to assume responsibility for negotiating with Pristina. Belgrade will engage in the process and act with responsibility and transparency, but warned that ‘unilateral’ actions will derail the process. But some participants said that as long as President Nikolic says “Kosovo is Serbia,” it means that he is not willing to negotiate. But dialogue has no alternative, and it is better to have it before the conflict rather than after it.

Options for the North

International actors and organizations, including those that do not recognize Kosovo’s independence such as OSCE or some EU countries, nevertheless, view Kosovo as a single territorial unit. EU has recently asked for respect of Kosovo’s territorial integrity. They support a solution that keeps the north inside Kosovo. Some states also ask Belgrade to dismantle and stop funding of the Serbian structures in the north. But the Serbian officials and the Serbs in the north say that the establishment of Kosovo’s authority there is off limits. They also maintain that Serbian laws should continue to be implemented in the north.

Some participants said that only elections based on Kosovo laws would be acceptable to Pristina. They said a potential combination of legislation, suggested by some, is not acceptable either. OSCE can organize elections but only according to Kosovo’s laws. These participants, however, said that there is room for concessions regarding the Serbian institutions of governance in the north, but the process should lead to the dismantling of such institutions. But others said that the Serbs in the north would not accept elections according to Kosovo’s laws. Neither Belgrade nor Pristina cares who organizes them; what they care about is according to whose laws. The north has boycotted the Kosovo census and Belgrade did not organize it in the north either, so it would be difficult to create credible voters’ lists.

Some said that participation of the Serbs in the north in Kosovo’s institutions is in their interest, as their institutions do not function effectively and have limited legitimacy.

A participant said that some of the options include regional autonomy, temporary self-governance with the idea of integration, and a form of international-led local self-government for a few transitional years. Another participant said that a level of autonomy, but not regional autonomy, through “creative reading of the Ahtisaari Plan” is a possibility. He said that partition is not an option, and that Serbia and Kosovo are not in a position to put conditions. He predicted that the solution would be a compromise: it will be based on the Ahtisaari Plan but will provide a certain level of autonomy for the Serbs in the north. A compensation for Pristina’s concession will be the step-by-step implementation of the IBM.

Regional autonomy is a wide concept, but in essence the four municipalities would operate according to Kosovo’s laws but have their own parliament and a temporary supervised administration. This would serve as an interim stage to prepare the ground for integrating the north into Kosovo’s system. Kosovo’s laws, including elections laws, would be used in the establishment of the autonomy, a speaker explained. Whatever shape the arrangement for the north takes, one participant noted, it should not jeopardize the functionality of Kosovo and its system of government.

A temporary self-government would include the implementation of Serbian laws, but with international brokering Kosovo’s laws would be gradually introduced and implemented. In essence this would include legalizing the existing institutions in the north through a process. Another option is for the local self-government in the north to be led by an international official with mayors elected by the population for a period of transition while a lasting solution is being agreed on. Whatever the option, another participant said, the resulting governance in the north should be representative.

The participant said that politicians should go over all the options, have a rational debate, and come up with conclusions. He said that there is a fourth, the so-called German option, which calls for the dismantling of parallel institutions and organization of Kosovo-based laws elections.

But how willing are Pristina and Belgrade to compromise? The new Serbian government is not running after a date for accession as energetically as the previous government. And as for any new government it takes time to get things going. The IBM is a key agreement, in essence it is a demarcation of the border without resolving the status, but its implementation is important for the EU integration progress, a number of participants said.

Conclusions and Recommendations

A number of conclusions and recommendations came out of the roundtable. They are suggested by individuals or group of individuals, but are not based on consensus.

- A number of participants suggested a two-track dialogue on the north: one between Pristina and the Serbs in the north, and one between Pristina and Belgrade. The former would address local issues and grievances in the north; the latter would address the relations and disputes, including the north, between Belgrade and Pristina.
- Diffusing tensions should be the priority for all sides.
- Very few issues could be discussed directly between Kosovo’s institutions and the Serb

leaders in the north without Belgrade's involvement but those that can must be depoliticized (garbage collection, infrastructure improvements, water management, etc.)

- The delay of resolving the crisis does not benefit Kosovo, Serbia, or the Serbs in the north. It, however, benefits a number of organized crime groups and certain politicians. The former benefit financially, while the latter always have a scapegoat when in trouble with their publics about record levels of unemployment and corruption in their respective countries.
- The international community, notably the European Union and the United States, should take a more active role in designing a solution for the north. Pristina and Belgrade should be included in the process, but they alone are not likely to come up with options, and if they do they most likely would not be acceptable to the other side. The involvement of the international community is irreplaceable. The international community will not, however, press the sides to accept a solution. It is in the interests of Serbia and Kosovo themselves to reach a mutually acceptable resolution.
- The governments in Belgrade and in Pristina should resolve the issues related to the north of Kosovo not because of the EU or US pressure or conditionality but because such a resolution is needed for Serbia and for Kosovo to reach progress on other much more important and existential matters and because the populations painfully need the resolution of a long list of critical issues. Many Kosovo Serbs point out that they should not become an obstacle to Serbia's EU integration.
- Belgrade may be inevitable in the dialogue, but only in "co-designing a solution, not in designing it."
- The agreements between Belgrade and Pristina reached in Brussels, including the Integrated Border/Boundary Management agreement, should be implemented fully and swiftly. The international community should pressure the sides to implement them. Delaying their implementation would discourage sides from continuing discussions and reach new agreements and give credence to the argument of opposition forces in Serbia and Kosovo that the dialogue is useless.
- Security in the north could be improved if Pristina commits not to intervene by force and the Serbs in the north remove all the barricades and allow unrestricted movement of people and goods.
- Pristina and Belgrade should make public the amount of funding they have provided for the north of Kosovo. This transparency is needed in order to fight crime and corruption. Some suspect that monies were often received from both Belgrade and Pristina for same projects.
- EULEX together with the Kosovo police and the Serbian police should exchange information on the organized crime in the north. Clearly not enough is done in fighting the organized crime in the north.
- Kosovo Serbs should be included directly or indirectly—through participation in the dialogue teams or regular consultations with dialogue leaders—in the dialogue between Belgrade and Pristina. Belgrade and Pristina should keep in mind that their actions and policies on the north will directly affect those who live there. This human dimension should be taken into consideration by all those who try to resolve the issue of Kosovo's north.
- Thinking about accommodating the Serbs in the north of Kosovo requires accommodating them in the south. Belgrade has to support the Kosovo Serbs' full participation in Kosovo's institutions.
- A number of options suggested at the meeting for the north ranged from regional autonomy, special status, "creative" application of the Ahtisaari Plan, and internationally led local self-

government.

- A status-neutral organization, e.g. OSCE, could have a role in establishing a local governance in the north acceptable to all stakeholders through organization of local elections in the north. Many agree that the current Kosovo election law labeled as OSCE rules for this purpose can be used in organizing the elections.
- Many politicians say they would have done more had it not been for their domestic public opinion that does not support bold moves to resolve issues. But others said that it is the politicians and political parties that are stirring anger and ethnic hatred to sustain their stay in power.
- Political moderates on both sides must support each other and must be supported by the international community. Moderates should be able to deliver to their voters in order to succeed. The EU should make it more costly to be radical.

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