

What Should the Association/Community of Serb-Majority Municipalities in Kosovo Look Like?

The Council for Inclusive Governance (CIG) organized on April 20, 2017 in Belgrade a discussion for a number of Serb representatives on the Association/Community of Serb Majority Municipalities in Kosovo. The objective of the discussion was to demystify the debate about the Association/Community and to focus on concrete areas of responsibility for the institution. The participants said that the debate should not be whether the Association/Community should be formed or not but what responsibilities it should have. Not forming it is not an option. Kosovo has assumed legal responsibilities through the 2013 Brussels Agreement to establish it.

The roundtable is part of larger CIG project on the integration of the Serb community in Kosovo supported by and implemented in cooperation with the Swiss Federal Department of Foreign Affairs.

The participants argued that the Association/Community is not a threat to Kosovo's functionality, as often portrayed by groups of politicians in Kosovo, and that it should be established without further delay. The debate in Kosovo should be focused on responsibilities the Association/Community should have. Such a debate would show that the Association/Community is not a threat to Kosovo's functionality. On the contrary, it is in Kosovo's own interest, as it would enable the closure of the remaining Serbian parallel institutions in Kosovo.

There are three main documents on which the Association/Community should be based: the 2013 Brussels Agreement, the 2015 Agreement on Principles, and the 2015 Decision of Kosovo's Constitutional Court. These documents have many contradictions and do not offer a clear path towards forming the Association/Community. Furthermore, some of Kosovo parties strongly oppose the formation of the Association/Community altogether, claiming that it undermines Kosovo's functionality, making comparisons with the way Republika Srpska undermines the functionality of Bosnia and Herzegovina. The participants said that debate about the Association/Community should be demystified and focus exclusively on the areas of responsibility for the Association/Community.

The Association/Community should integrate all the remaining Serbian institutions in Kosovo: health, education, social services (pensions, welfare, salaries, etc.), and public services (water supply, garbage collection, etc.). Though according to Kosovo law, these are municipal responsibilities, the participants said that it is in the interests of both sides to be a bit elastic in the interpretation of the law: Kosovo through the

Association/Community ensures that Serbia is out of Kosovo, while Kosovo Serbs gain some level of self-governance at the local level.

Arriving at a solution has proved to be more difficult than expected in 2013. Then both Belgrade and Pristina agreed to form the Association/Community but without going into the details on its responsibilities. Then two years later, the Agreement on Principles defined some responsibilities for the Association/Community Pristina. In the same year, Kosovo's Constitutional Court, though reconfirming that the formation of the Association/Community is a legal requirement for Kosovo, found that a substantial number of principles were not fully in compliance with Kosovo's constitution and its laws on local governance. It primarily said that responsibilities of municipalities can neither assumed by nor delegated to the Association/Community.

Belgrade insists that the Association/Community should only be based on the Brussels Agreement and the Agreement on Principles, but not on Kosovo's Constitutional Court's decision. Pristina says the latter should be the basis for the Association/Community. The roundtable participants said that only the international community could break the deadlock. Otherwise, the parties will remain barricaded in their positions. A speaker, however, said that the EU has lost its power of persuasion in Kosovo and this is why the Association/Community has not yet been formed.

Many speakers suggested that Kosovo Serbs should become more active in the process, offering their suggestions and recommendations to both convince Kosovo Albanians that it is not a threat to them and that it would help the Serb Community to improve its conditions. Some participants noted that the existing divisions within the Serb community in Kosovo have also contributed to delays in the formation of the Association.

The participants recommended including the Association/Community in a package with other remaining agreements, such as energy. "We have learned that many things are implemented only if they are part of package deals," a speaker said. Though all the speakers said the Association/Community should be formed in 2017, they were not very optimistic. Many said the discussions on the statute could take up to two years.

The participants recommended to speed-up the debate on the Association/Community and to make it more substance-oriented and less political by publishing a draft of the statute and establishing a debate around that issue. Presently there is no dialogue between Albanians and Serbs in Kosovo on the Association/Community, just political statements. A good way to start such a debate is for each side to say what is acceptable for them.

Improved relations between Serbs and Albanians in the institutions are also a key in making progress towards the Association/Community. A speaker said that these relations have deteriorated to a point of animosity in the last mandate. It is impossible to establish the Association/Community without good working relations between two sides or when the two are in conflict. In addition, Serbs in the institutions should actively participate in the institutions' work and become important for the Albanians. Only then their demand for the Association/Community will be considered seriously.

Participants

Dalibor Jevtic, Minister for Communities and Return of Kosovo

Damjan Jovic, Deputy Director of the Office for Kosovo and Metohija of the Government of Serbia

Ljubomir Maric, Assistant Director of the Office for Kosovo and Metohija of the Government of Serbia

Petar Miletic, Former Vice President of the Parliament of Kosovo

Miodrag Milicevic, Executive Director, Aktiv, North Mitrovica

Nenad Radosavljevic, Director of the Board, Independent Network of Serb TV Stations in Kosovo

Branko Ruzic, Member of Parliament of Serbia

Shpetim Gashi, Vice President, Council for Inclusive Governance

Alex Roinishvili Grigorev, President, Council for Inclusive Governance

Igor Novakovic, Representative in Serbia, Council for Inclusive Governance