

The Politics of the Association/Community

The stated original goal of the Brussels dialogue was to address the outstanding problems of the Serb community in Kosovo. The formation of an association/community of Serb majority municipalities was considered an adequate mechanism to offer the Serb community sufficient self-governance on many relevant issues—such as education, healthcare, urban planning, and economic development—in the Serb-majority areas. But five years after the agreement, this mechanism is not established yet. It is also not clear what the role of such a mechanism should be.

The Council for Inclusive Governance (CIG) organized a roundtable on June 20, 2018 on the steps required to form the Association/Community. Participants included political party representatives, mayors, and members of civil society. The workshop is part of a larger project on relations between Kosovo and Serbia and interethnic relations in Kosovo implemented in cooperation with and supported by the Swiss Federal Department of Foreign Affairs.

The discourse over the Association/Community has been politicized and mystified even before the discussions on the statute began. Some political parties led a campaign two years ago to collect signatures against the formation of the Association/Community. Many say the collection of about 200,000 signatures was not an informed and substance-based process. The undeclared slogan of the campaign was ‘vote against Republika Srpska,’ an entity in Bosnia and Herzegovina with the territory more than twice the size of entire Kosovo, with its own police, courts, and governmental institutions. Many say parallels between the Association/Community and Republika Srpska simply do not stand. The campaign was also characterized by nationalist rhetoric and aggressive public discourse coupled with demonstrations.

The initial political goal of the Association/Community was to integrate all the remaining Serbian institutions in Kosovo, including health, education, social services (Serbian pensions, social assistance, salaries), and public services (water supply, garbage collection). Though according to Kosovo law, these are municipal responsibilities, Belgrade and Pristina negotiators in Brussels showed some elasticity. Kosovo government representatives at the time argued that the formation of the Association/Community ensures that Serbia is out of Kosovo, while Kosovo Serbs gain some level of self-governance at the local level and the option of partition would finally be off the table.

Below are some of the main points discussed in the CIG roundtable.

- **Dispute between Pristina and Belgrade:** The Association/Community reflects a dispute between Belgrade and Pristina, not between Pristina and Kosovo Serbs. Kosovo Serbs have little influence in policy-making in Kosovo or in Serbia. The Brussels Agreement was between Belgrade and Pristina after all. Few in Kosovo and Serbia have any idea how the Association should look like. Many say that even when agreed in Brussels in 2013, no one had any clear idea about this mechanism; they simply agreed for the sake of agreeing. Pristina offers the model of the current Association of Kosovo municipalities. But many ask why then the parties had to negotiate in Brussels for two years if the model had already existed? The sides remain barricaded in the old positions: executive powers versus no third layer of governance.
- **Association/Community part of final phase:** The Association/Community most likely will not be formed until a final agreement between Pristina and Belgrade is reached. Neither side is interested to form it according to the Brussels Agreement. Belgrade is hoping to obtain the north through a partition agreement, so eliminating the need for the Association/Community, or, if partition does not come to pass, then aim for a substantial autonomous status for the north, an Association/Community plus. Pristina is hoping that the Association/Community will be a coordinating organization similar to an NGO in status.
- **Independent or coordinating role:** The main controversy is the Association/Community's powers. Pristina insists that the Association/Community should not have any power over municipalities, that the municipalities retain their full powers and the Association/Community has a coordinating role. Belgrade, on the other hand, insists on a body with independent decision-making powers.
- **Political umbrella:** The Association/Community would preserve the Kosovo Serb autonomous rights and prevent an eventual Albanian domination over the Serb community issues. It would serve as a protection umbrella of Serb interests in Kosovo as well as ensure a direct connection between the Serb community and Belgrade.
- **Inadequate comparisons:** The Association/Community has often been compared to Republika Srpska. These comparisons are flawed. The Association/Community will be formed according to Kosovo law. Albanians fear it but fear is not a good reason to delay its formation. The Serb community does not trust Albanians and so it needs an institution that has some powers to safeguard its collective interests, such as education and healthcare.
- **Constitutional changes:** To give the Association/Community executive powers, constitutional changes are required. The existing laws do not allow municipalities to delegate their powers to another institution. Many expect the Association/Community to evolve into something else in the final agreement between Pristina and Belgrade, especially if the agreement includes constitutional changes.
- **Creating segregation of preventing domination:** Many Albanians argue that the Association/Community segregates the Serb community, preventing it from becoming part of the Kosovo societal fabric. However, Kosovo Serbs see it as a tool that would prevent Albanian domination of the Serb community issues.
- **Community rights and Acqui Communautaire:** The Association/Community's mandate should be in line with the Acqui Communautaire and other EU legislation so as not to cause a headache in Kosovo's future EU integration.

The idea behind the 2013 agreement to form the Association/Community was to give Kosovo Serbs more communal autonomy in exchange for integration of the Serb-dominated north into Kosovo's system, thus taking the issue of the north's partition off the table. Many at the time considered it a 'fair trade.' But the parties' positions have evolved since then. Attuned to politics at home, Pristina and Belgrade negotiators have been reluctant to implement what they committed to in 2013. Four years later, there is no Association/Community and only superficial integration in the north.

The discourse on the Association/Community has become poisonous even before the discussions on statute have begun. It is necessary to demystify and depoliticize the debate, focusing exclusively on the areas and degree of responsibility the Association/Community should have. Only such substantive debate would show whether the Association/Community is really a threat to Kosovo's functionality, or, on the contrary, it is in Kosovo's own interest since it would enable the closure of the remaining parallel institutions and integrate them into Kosovo's system.

Participants

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Besnik Osmani, Auditor General of Kosovo
Zenun Pajaziti, Member of Parliament of Kosovo (Democratic Party of Kosovo)
Lulzim Peci, Executive Director, KIPRED
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