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PROGRESS ON MITROVICA

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Foreword

The Kosovo Foundation for Open Society has supported Kosovo's European integration process since 2006, when it founded the European Integration and Good Governance program. Since then, the Foundation has constantly supported the non-governmental organizations' engagement in the process with their analysis, monitoring of policy developments, public discussions, and advocacy processes. The support has resulted in numerous analyses through the years and acquisition of essential knowledge and expertise over the processes by Kosovo's civil society organizations. Hence, in joint effort with a number of organizations already active in certain segments of integration process, the Foundation initiated the project "Civil Society for the Progress Report 2014" through which it offered the organizations an opportunity to channel their contribution to the upcoming Progress Report and the current Stabilization and Association Process Dialogue through focused and well-informed analysis, built on their multi-year experience and engagement.

Each analysis produced within the project addresses a specific segment of the current dialogue between Kosovo and the European Union, informing about the current situation, from the civil society's point of view, followed by the recommendations on the needed improved performance.

We hope that this exercise has produced will be of value not only to Kosovo's civil society organizations for further amplification of their voice within the integration process, but also to the European Union and the Government of Republic of Kosovo towards building of a standing cooperation with this segment of the state-building process. Ultimately, we hope that as a result of all the stakeholders' engagement, Kosovo's European integration process will accelerate, overcoming all the political barriers that stand on our way to this destination.

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Introduction

One year after signing of the Brussels agreement which marked the first steps toward normalization of Kosovo-Serbia relations, north of Kosovo is still in the state of interregnum. Institutions of Republic of Serbia, which existed until that moment as “parallel” have gradually began the process of integration into Kosovo legal, political and social system. This process has not been deprived of obstacles. Serbia’s decision to support the dissolution of its institutions and to mobilize Serbs to participate in local election in Kosovo has created political cleavages in the North followed by the fear among the local population because of vagueness of the agreement itself and uncertainties that it brings about. The entire dialogue process which resulted with the agreement and its implementation was not transparent enough and did not involve a substantial participation of local communities in the north of Kosovo. This fact creates concerns given that acceptance of the agreements and participation of the community in the north of Kosovo in its implementation is essential for the long term sustainability of the entire process. The ambiguity of the Brussels agreement offered possibility for different interpretations and was useful for both Belgrade and Pristina as a face-saving mechanism and instrument for gaining popular support in Serbia and Kosovo respectively. However, it turned out to be the main obstacle in the implementation of the agreement, stemming from different understandings and interpretations of its key parts. Implementation plan which was adopted in May 2013, provided provisional dates, steps and actions which need to be taken in order to fulfil commitments made in the agreement, particularly in creation of Association of Serbian Municipalities, Integration of Police and Justice System, holding of municipal elections and constitution of municipalities. Except in the case of police integration, where process ran relatively smoothly (although an issue with so called “civil protection force”, an informal uniformed group which is still operational in the north remains unresolved) with some delays, all other deadlines were not met in the last six months.

Integration of Police

Dismantling of parallel police structures and their integration into Kosovo Police (KP) can be seen as the success story of Brussels agreement. Following early delays in the integration of security structures, in the later phase Belgrade and Pristina were more cooperative. Both sides were pressured by expected European Council decisions in

December 2013 on the continuation of the EU integration process under the condition that implementation of Brussels agreement is going according to the plan. All workers of Serbian Ministry of Interior (MoI) were retired, according to Serbian law (some 1200 of them in whole Kosovo), despite their age and working experience, while only policeman from the north were subjected to integrate according to Brussels agreement. Those workers of Serbian MoI from the south were left without the possibility for integration. In December, after 5 month delay, Serbia provided a list of 337 police officers for integration into KP. The Kosovo government claimed that this list exceeded the figures agreed by parties, according to which it was agreed that around 250/270 police officers will be integrated after initial verification of the entire list done jointly by the Agency for Civil Registry, KP and EULEX. Following verification, security check and trainings, 285 former Serbian policeman were integrated into KP by February 2014¹. The question remains, what happened with the remaining 52 police officers who were on the list. It is obvious that some of them did not pass the security clearance, while according to Kosovo sources, some of them do not have residence in Kosovo, and some did not want to integrate. However, there were shortfalls in this process as well. One of the main problems for the Serbian government will be 800 retired policemen from the south Kosovo who cannot integrate into KP. In December they protested decision for the early retirement and jointly filed civil lawsuit against the Serbian government by claiming that it was not in accordance with the Serbian Law on Police. Police integration was not followed by judiciary integration. At one round table, Nenad Djuric, Regional Director of Police complained that when the police does their job in fighting crimes, it is constrained by the inexistence of prosecutors who will file lawsuit for criminal offences. Without proper lawsuit, police can only hold perpetrators for shorter period of time, which often leads to multiple recidivism.

Another security issue as mentioned earlier is continued existence of “civil protection force” which is stressed out as a source of concern by Kosovo government and international community. Civil protection forces which were formed by northern municipalities continued to be supported financially through municipal budgets (formally Belgrade) after the Brussels Agreement. According to Belgrade and northern municipalities, the main role of these forces is swift and strong reaction in protection of civilians and infrastructure from natural disasters, while Pristina claims that they are strong, equipped and trained paramilitary force. The truth is somewhere in between,

1 Belgrade Centre for Security Policy, “Integration of police in the north of Kosovo: Progress and Challenges” , April 2014, <http://www.bezbednost.org/Sve-publikacije/5495/Integracija-policije-na-severu-Kosova-napredak-i.shtml>

as most members of this force were put on state (municipal) salary in order to ease the pressure of rampaging unemployment among dissatisfied youth and middle aged man. However, it is obvious that their presence is reduced to several camps along north, close to former barricades on the roads and important strategic points in the north. On several occasions Belgrade and Pristina held talks on their future, but except some assumption that they will be integrated through Kosovo Security Forces or to be employed as fire fighters, not much has been done up to date.

Following police integration in the north, positive changes are felt throughout the region. Higher presence of police on the street has affected greater sense of personal security and safety. Police is visibly present on the roads as well, contributing to traffic safety. After years of inability to conduct and penalize individuals for traffic offenses in the north, police finally started to collect traffic tickets and implement law on traffic safety.



Integration of Judiciary

The ambiguity of Brussels agreement and implementation plan, as well as lack of cooperation between Belgrade and Pristina affected integration of Serbian judiciary in Kosovo within set a timeframe. The implementation plan foresees the final integration of the Serbian judiciary by the end of 2013². Almost six months later judiciary is not integrated, and considering that there were parliamentary elections in Serbia in March and in Kosovo in June, integration will be further prolonged, probably for later in the year. The main line of cleavages between two parties where the jurisdiction of basic court in Mitrovica, structure, premises and the number of staff to be integrated. While Belgrade insisted that Mitrovica court has jurisdiction over four municipalities in the north and to deal with Serbian cases, Pristina pressed for jurisdiction of the Mitrovica court over the whole Mitrovica region, encompassing not only for Serbian majority municipalities, but municipalities (Mitrovica South, Vucitrn/Vushtri and Skenderaj). That means that while police in the north was integrated according to one territorial structure, that won't be the case with the judiciary. According to reports from December 2013, there is agreement that the Kosovo Judiciary will continue to operate as an integrated judiciary with one Supreme Court, one Appellate Court, one Basic Court and one Prosecutors Office. In March 2014, after elections in Serbia two prime ministers (Dacic was in technical mandate), came closest to agreement on the judiciary. According to media report and as explained by one interlocutor³ from the north who works in judiciary, what was agreed in March was that there will be one basic court in Mitrovica with its seat in the Mitrovica north, for the entire Mitrovica region (including 3 Albanian majority municipalities), which means that majority of cases will include Albanian population, considering that these 3 municipalities have a population of 200 000. This basic court will have its branches in Leposavic and ZubinPotok, as well as in Skenderaj and Vushtri. "There will be two court buildings in Mitrovica, one in the north and one in the south. A court in the north will be in charge of criminal proceedings, while court in the south will be in charge of civil cases."⁴. Appropriate judges will sit dependent on the case involved, which means Serbian judges for Serbian cases, while Albanian judges

2 Brussels Agreement-Implementation Plan, Available at: <http://euobserver.com/media/src/0807580ad8281aefa2a89e38c49689f9.pdf>

3 Interview with Serbian judiciary employee, working in Mitrovica, conducted on May 15th, 2014.

4 jaksicmarko blog, "Severno Kosovo je "sacualosamosvojnost" ili u lazisukratkenoge" February 19th, 2014, <http://jaksicmarko.wordpress.com/2014/02/19/severno-kosovo-je-sacualo-samosvojnost-ili-u-lazi-su-kratke-noge/>

will be in charge of Albanian cases⁵. President of the court will be Serbian, while the Chief Prosecutor will be Albanian. The majority of judges in both Mitrovica courts will be Albanians. According to our interlocutors, there are two areas of concern. First, who will be judge in the multi-ethnic cases, and cases involving both Serbs and Albanians? Second, is the matter of security, as Mitrovica is divided city and people from the north are hesitant to go south and *vice versa*. The breakthrough in agreement on judiciary can be expected after parliamentary elections in Kosovo and consolidation of the new governments.

5 KIPRED, "The implementation of agreements of Kosovo-Serbia political dialogue", July 2013, http://www.kipred.org/advCms/documents/22356_The_Implementation_of_Agreements_of_Political_Dialogue.pdf

Municipal Elections

First round of local municipal elections in northern Kosovo municipalities set for 03rd November 2013, was unprecedented event for the community in northern Kosovo in terms of endorsement of such a process by Belgrade Government. The efforts of Belgrade government, whose commitment derived from an agreement reached with Pristina under the auspices of European Union, to assure support and unruffled transition of municipal authorities from parallel- to – a legal one, have failed due to the strong resistance of the core political leaderships of northern Kosovo Serbs. Soon it became obvious that for such a political- turn it will be necessary to create political groups and individuals who would follow the official line, Belgrade turned the direction of its policy toward identification the alternative options, and infliction of new political elite. In this process Belgrade sacrificed the greater community support to elections process (centred around hardliners) in exchange for instalment of more controllable and cooperative political leaders on the ground. Mayoral candidates for the first elections gathered under Civic Initiative Srpska, (umbrella for Kosovo exponents of coalitional parties in Belgrade Government) were mostly politically inexperienced individuals, with exception of KrstimirPantić, the mayoral candidate for North Mitrovica who's ranking within SNS (Serbian Progressive Party) was towering. Other candidates in northern Kosovo VučinaJanković (Zvečan), StevanVulović (ZubinPotok) had no previous records of active political engagement, while Dragan Jablanovic was President of Leposavic municipality in the 90's. This process essentially led to great division in the community, leaving out of the loop political options who until recently enjoyed full support of the Serbian Governments in their pursuance to keep four municipalities out of Kosovo system which should eventually lead to their partition from it. The supporters in radical far-rights groups, seems to be more than tolerated if not motivated to engage in obstruction of the electoral process once it was obvious that the low turnout in North Mitrovica could jeopardize the whole election process in the North.

Consequently the overall electoral process have developed in the atmosphere of tacit or/and open intimidation of engaged actors, active anti-campaigning and uncertainty and hesitation of the people to take part in this process. Several grave incidents took place targeting the individuals taking participation in election process. These incidents ranged from phone threats, attacks against the candidates (attack on KrstimirPantic and Oliver Ivanovic family) planted explosive devices at the premises of Serbian Liberal Party (SLS) and Socialist Party of Serbia (SPS) candidate etc. Belgrade response was

limited to verbal condemn and design of specific discourse in the campaigning process to cushion the pro-national critics, while at the same time slandering and intimidating other Serbian lists and candidates as “pro Albanian” and “the Thaci Serbs”, creating atmosphere of fear in which it was hard to express any voice of discontent or doubt. Their discourse focused on opposition to Pristina (prevention of international recognitions, structured and internationally recognized presence of Republic of Serbia institutions in Kosovo,obstruction of the work of Kosovo institutions by “being a pebble in a Thaci shoe”,etc) despite the awareness of compliance of the process with constitutional framework of Kosovo. Such a misbalance subsequently led to problems in execution of formal Kosovo law based administrative requirements in establishment of local administration and eventually the repeated mayoral elections in Mitrovica (after KrstimirPantic refused to appear at the constitutive session of North Mitrovica municipal assembly due to rejection to endorse Kosovo state insignia at the inaugural documentation).

At the first round of elections Kosovo Serbs submitted 18 lists, competing in 24 municipalities’ including the 4 in the northern part. Following weeks of pre-election campaigning where Serbian Government officials were allowed to run the campaign and despite visible political attempts by Belgrade at marginalization of the northern opponents’ camp, the latter proved sufficiently resistant and influential to manage to prevent the desired turnout, while the elections were also marred with a set of incidents staged by to-date unidentified and non-prosecuted perpetrators. The election process in the northern Kosovo was marked with vast incidents and irregularities. OSCE mission and civil observation missions reported on series of incidents at the pooling stations, the presence of thug groups in the vicinity of polling stations in North Mitrovica and Zvečan whose members, clearly marked with boycott armbands, were verbally harassing and insulting voters approaching the polling stations and reportedly in some cases preventing citizens to vote. Kosovo Police (KP) officers were present in the vicinity of polling stations, as were other security groups whom the local population believed were deployed by the Serbia-run institutions to prevent incidents and possible attacks on voters. Furthermore, OSCE facilitators drew attention to the civil observation mission regarding the intimidation of voters via constant filming of those about to cast their votes (in North Mitrovica) and registering their names (in Zvečan), which was believed to have been conducted by members of Serbia-based right-wing movements whose supporters were not stopped from coming to Kosovo (Obraz, Dveri, Naši).

Just before 5pm, however, the voting process was disrupted in three polling stations, in North Mitrovica when a groups of 30 masked individuals entered, threw tear gas, destroyed ballot boxes, and assaulted the present staff, which resulted in confusion and panic among the present OSCE staff, polling station committee members, observers. Similar scenario was feared in Zvečan where thug groups started gathering and later also attacked OSCE and EULEX vehicles. By 6:30pm, OSCE staff was evacuated from the attacked poling centres in North Mitrovica, while polling centres in Zvečan, Leposavić and ZubinPotok were closed half an hour before the officially scheduled closure (in latter two the stations were closed earlier even though there were not reported similar incidents as in other two municipalities).

Belgrade Government swiftly condemned the attacks and offer assistance in normalization of the security situation on the field but yet the speculation among the citizens rumour involvement of Belgrade controlled forces in disruption of voting process at the point when low turnout among the Serbian community threatened to enable Kosovo Albanian candidate to win mayoral seat in North Mitrovica. However, such a speculation remained at the level of rumours.

The incidents resulted with re-run of local elections in three polling stations in North Mitrovica. In the other three northern municipalities, CI Srpska won the elections in the first round. In Leposavić (where the final turnout was 25.24%), Mayoral candidate Dragan Jablanović obtained 51.48% votes. In Zvečan (where the turnout was 11.04% due to earlier closure) Vučina Janković won 57.55%, while in ZubinPotok (earlier considered the most conservative DSS bastion in the North, but surprised with the highest turnout in the North: 33.26%), Stevan Vulović obtained 78.74%.

The re-run set for 17th of November was preceded with increased efforts of Belgrade Government exponents to assure the greater turnout and reassure the citizens that security incidents will be prevented. Additionally there were individual reports on the pressure made by Belgrade institution managers towards employee to participate in elections. This phenomenon was tangible during election day, when several cases of so called “group voting” (public institutions employee led by managers jointly heading toward pooling stations) was noticed. Increased Belgrade Government efforts combined with significantly enhanced presence in the vicinity of polling centres by Kosovo Police, EULEX and KFOR (whose presence was also visible on the main regional roads) proved to be a sufficient deterrent for potential spoilers, resulting in the final 25.26% turnout.

Central Electoral Committee's (CEC) publication of final results showed that a second round will be required in North Mitrovica, in which Srpska's Krstimir Pantić (2233 votes, 37.26%) is to compete against Oliver Ivanović's Citizen Initiative "Serbia, Democracy, Justice" (1705 votes, 28.45%). As other Mayoral candidates also received a significant share of votes –Democratic Party of Kosovo's (PDK) Agim Deva (1204, 20.09%), independent candidate Adrijana Hodžić (717, 11.96%), and SLS's Dimitrije Janičijević (134, 2.24%).

Following the announcement of preliminary results, Srpska mayoral candidate Krstimir Pantić depicted the results as unacceptable due to the transfer of electoral material south of Ibar for counting. He held OSCE responsible for the fact that polling station committee members were not in touch with the election material for hours after the closure of polling stations, and thus warning of the likelihood of manipulations having taken place in the meantime. He accused OSCE and the international community in general –but surprisingly not CEC- for trying to artificially narrow the gap between the number of votes cast for Srpska and those for Oliver Ivanović's list, in order to prevent Srpska candidates from qualifying for more local deputy seats, and make it necessary for Srpska to either enter into coalition with Ivanović or with Kosovo Albanian parties.

On 20 November, CEC also announced that elections would be re-run in three polling stations in two polling centres in Zvečan municipality (in Zvečan and Žerovnica) in which irregularities (missing election material) were established. The decision was taken after CEC concluded that - in light of the low turnout in the first round (11.04%)- these irregularities could decisively affect the final outcome. Although Srpska Mayoral candidate Vučina Janković was earlier already declared the winner (with 57.55%, as opposed to SDP Oliver Ivanović's candidate Nebojša Vlajić with 42.45%), no official condemnation by the Serbian Government followed after the announcement of the decision. The re-run was set on 1 December, along with the run-off elsewhere. .

On 1 December, the 2013 local electoral process successfully concluded. While two Srpska's Mayoral candidates (in Zubin Potok and Leposavić) won already in the first round, Srpska candidates in the other two northern municipalities declared victory in the second round: Krstimir Pantić in North Mitrovica, and Vučina Janković in the partial re-run in Zvečan. According to CEC's preliminary results for North Mitrovica (without conditional votes), Pantić won with 55.2% (2251 votes), while Ivanović-although

remaining confident in his victory until the end of the counting- obtained 44.8% (1827). This however proved not to be the end of the election saga in the northern Kosovo. Immediately following the mayoral re-run in North Mitrovica, tensions rose between Pristina and northern municipalities in relation to the holding of constitutive sessions in northern municipalities. The first in the series of disagreements appeared when Pristina-based media claimed that invitations to attend the constitutive session addressed to Kosovo Albanian municipal assembly (MA) members in North Mitrovica included the Republic of Serbia logo, and were thus meant to be provocations. Additional problems posed the reference in the letter to Kosovo* (together with the footnote), and to KosovskaMitrovica North, as opposed to only North Mitrovica and the use of (only) Serbian flags at the constitutive sessions.

Another remaining unresolved issue relates to the decision by MLGA on the allocation of municipal assembly seats per municipality, based on their population estimates for northern municipalities (as the 2011 census was not conducted in the North). Mayor-elect of North Mitrovica Pantić maintained that his municipality is entitled to 21 seats (not 19, as allocated by the Ministry). Pantić confirmed that their assumption of 21 seats belonging to North Mitrovica was based on their own population figures (claiming that Kosovo authorities' population estimates are groundless, bearing in mind that the statistical agency has not had access to the North) as well as on the basis of an alleged letter by CEC informing them of preliminary electoral results, according to which Srpska and SDP Oliver Ivanović each obtained 9 seats, while 3 remaining seats went to PDK, LDK and SLS. CEC's official results, however, gave Srpska and Oliver Ivanović each 6 seats, PDK 3, while LDK, AAK, BSDAK, SLS each obtained 1. In light of the discrepancy, Mayors-elect of North Mitrovica, Zvečan and Zubin Potok (where they believe to be entitled to 19, not 15 seats) decided to invite to the session all MA members that they believed should be present in their MAs.

The disagreements over the symbols to be used in constitutive acts of municipal authorities in the northern Kosovo peaked during so called "stickers crisis" since Serbian side, supported by official Belgrade (with the loud silence from the Baroness Ashton Office), claims for Brussels Agreement to be status neutral which implied that all documents should be prepared in that manner. In attempt to settle the dispute, EU have facilitated dialogue between Governments in Pristina and Belgrade to agree that no Kosovo or Serbia statehood insignia are to be used during constitutive proceedings in northern Kosovo municipalities. To do so, stickers were placed at the Republic of

Kosovo logo at the top of municipal deputies and mayoral oaths. Mayor-elect for North Mitrovica, Krstimir Pantical alongside of three other deputies, in rather emotional reaction refused to appear at the session and take the oath demanding Kosovo logo to be removed from documents. This led to expiration of legal deadline for mayors to take a seat and again led to extraordinary mayoral elections in North Mitrovica. In other three municipalities, leadership agreed to put signatures under the constitutive documents only after extensive pressure of Government of Serbia placed via Head of Office for Kosovo and Metohija Aleksandar Vulin. His office removed the stickers for constitutive documentation and replaced it with heavily glued blank white papers. Although this has been initially regarded as unacceptable by Pristina and international community, Ministry for Local Self-Government eventually decided to validate the signatures and by this, have municipal authorities in the northern Kosovo for the first time after 2001 and UNMIK administered local elections, established in compliance with Kosovo legislative framework (although credible sources confirmed that the documents with Kosovo symbols were given to the municipal councillors and mayors who signed them off the record, and the documents were directly placed in the Ministry's archive).

Extraordinary mayoral elections in North Mitrovica on 23rd of February 2014 were held under rather changed circumstances. Firstly, Belgrade Government faced with criticism from its European and international partners has made additional efforts to put the end to this rather poorly managed process. No-risk policy by Belgrade materialized through the choice of the candidate (cooperative, loyal and locally accepted Goran Rakic), deployment of PR teams at disposal to Srpska candidate, initiation of the campaigning well before legal deadline, and again extensive logistical and verbally articulated support to Srpska candidate at expense of other candidate from Serbian community, SDP's Oliver Ivanovic. The candidate of SDP, Oliver Ivanovic has been arrested one month earlier on the charges of war crimes committed during and after 1999 conflict. Prevented from campaigning, discriminated in terms of support from Belgrade, Oliver Ivanovic suffered defeat at the extraordinary mayoral elections in north Mitrovica. Goran Rakic the candidate of Srpska initiative have won the elections in first round winning the majority of almost 6000 voters casting their ballots. In a first address to the public following the elections Goran Rakic pledge for apolitical approach in leading the municipality, genuine assistance to Oliver Ivanovic and other arrested northern Kosovo Serbs in legal proceedings but also to cooperation with Pristina and international community in establishment of municipal administration in North Mitrovica municipality.

Adoption of municipal statutes

Following constitutional sessions, new problems between municipalities and Kosovo government (i.e. Ministry for Local Self Government), emerged when it came to adoption of new statutes. This resulted in new delays for functional work of municipalities and further prolongation of functioning of remnants of Serbian parallel institutions, such as temporary councils and Mitrovica district authorities.

The main controversy, as mentioned above was question of status neutrality of the statutes. In March northern municipalities adopted the statutes for which they claimed to be status neutral over Kosovo final status and in accordance with UN SC Council Resolution 1244 and Brussels Agreement. Symbols used was particularly sensitive issue. Municipality stamps stated (Kosovo In accordance with Resolution 1244), while flags used during assemblies, were the ones of the Republic of Serbia. Such statutes received critique of some minority representatives (Albanians) which refused to vote because it was not in accordance with Kosovo law.

This came under fierce critique by Government in Pristina as well as Ministry of Local Self-Governance. The main area of concern was that the statutes are not in accordance with Kosovo Constitution and Kosovo law. Pristina claimed that municipalities should refer to “Kosovo Law on Local Self Governance”, rather than just “Law on Local Self Governance” in the opening articles of statutes. Other objections that Kosovo government made were related to municipal boundaries, competences, relations to Association of Serbian Municipality, cooperation with Republic of Serbia, etc. Particularly important were objections to municipal relations to Association of Serbian municipality which is envisaged by Serbian representatives as a modality for representation of Serbian community interests in Kosovo and institutional channel for financial and logistical support from Belgrade. Municipal authorities proposed that they can delegate certain competences to future Association. Pristina refused such proposal, under claim that only state can delegate new competences, but not municipalities themselves. Some comments in Pristina based media went that far to claim that new Republic of Srpska is being formed in the north⁶. This further builds on claims by Kosovo Albanian public that Association of Municipalities in Serbian Trojan Horse in Kosovo, which once established will ask for more and more competences and autonomy.

6 Zeri, “Prvikorakka “RepubliciSrpskoj” Zeri, March 14th, 2014. Available at: http://www.info-ks.net/clanak.php?id=41656&naziv=prvi-korak-ka-%5CRepublici-srpskoj%5C&nav_id=1&pod_nav=10

In the following months series of marathon municipal assembly sessions in the north and consultations between major stakeholders were taking place in order to reconcile the differences. Main discussions were led between municipalities themselves and Ministry for Local Self-Governance, but in constant consultation with governments in Belgrade, Pristina, and mediation of international community in Kosovo who were often present at the municipal assembly sessions themselves. Municipal authorities were particularly pressured by Belgrade to accept certain suggestions and change parts of the statute so it can be accepted by MLSG. The role of American Embassy in Pristina is stressed as detrimental in striking a deal. Whole process dragged for more than two months and legal deadlines for adoption and verification of statutes were breached several times which threatened to lead to yet another round of local elections in the north. Both sides blamed each other for not respecting Brussels agreement and for its misinterpretation⁷. However, because of peculiarity of situation in the north and under pressure of international community to implement Brussels Agreement and in order not to jeopardize the process, deadlines were interpreted flexibly.

Statutes were amended by majority vote after several rounds of municipal sessions and back and forth argumentation with MLSG. Amendments were done mostly in accordance to formal requirements made by MLSG, except in the part of formal procedures of adoption of statutes and insignia used. Compromise was that Kosovo Law on Local Self-Government was not mentioned in the statute in that form, but through its number in Kosovo Official Gazzete, nor was Republic of Kosovo mentioned as such. Kosovo flag and insignia were not used during official ceremonies, not in the municipality buildings, but MLSG staff was present at the municipality sessions. Finally, statutes were verified by Ministry for Local-Self Government on May 16th, preventing dissolution of municipalities and new local elections in the North.

7 KosSev portal, "Negodovanjezbogneusvajanja statute", KosSev, May 14th, 2014. Available at: http://www.kossev.info/strana/arhiva/_negodovanje_zbog_neusvajanja_statuta/1542

Arrests and deterioration with EULEX

Serious challenge to the process of constitution of local municipalities in north Kosovo was an arrest of Oliver Ivanovic, leader of the civic list “Serbia, democracy, justice” that happened in January 2014. Oliver Ivanovic was accused for committing war crimes against the Albanians in 1999 and 2000, and was a candidate for a mayor of northern Mitrovica. Soon after, Dragoljub Delibasic, former head of police in north Mitrovica was arrested as well on the war crimes charges that he allegedly committed together with Oliver Ivanovic. Those arrests caused tensions in the north Kosovo, and were denounced by the Serbian Government and leaders of the Serbs from north Kosovo. In addition, activities of EULEX to arrest suspects in northern Kosovo caused further deterioration with the mayors, who proclaimed EULEX as not welcomed on the territory of four municipalities. On April 24, it was shoot at EULEX vehicles in municipality of ZubinPotok. It is important to notice that the all of the above mentioned statement were signed by all four mayors and chairmen’s of the assemblies elected on the local elections last year, presidents of the interim bodies of municipalities of KosovskaMitrovica, Leposavic, ZubinPotok and Zvecan, president of KosovskaMitrovica county(both entities are recognized by Belgrade and are considered parallel by international community and Kosovo Government and should according to Brussels Agreement be dismantled)and Management Team for establishment of Association of Municipalities. Management Team is composed of representatives from the “four northern municipalities’ and should be “responsible for all issues relevant to the establishment”of Association of Municipalities. Judging by co-signatories of the public statements, we witnessed a creation of informal “body” composed by all Serbian officials from the north Kosovo elected and/or appointed by both Kosovo and Serbian authorities separately, that will represent policy of the Serbian government with an attempt to institutionalize with Kosovo system as well.



Parliamentary elections in Serbia and Kosovo and impact on the north

Extraordinary parliamentary elections were organized in Serbia on March 16th. Kosovo was not in the focus of the parties' campaign, on the contrary – parties which held Kosovo issue in the spotlight of campaign and as one of the main points of their program, including the party of the former Serbian President and Prime Minister Vojislav Kostunica, did not pass the census to enter the Parliament. The Serbian community in Kosovo voted at the elections, with OSCE facilitation and out 35.449 votes casted, Serbian Progressive Party won 18.303 (51, 63%), the second one was Serbian Socialist Party with 6.221 vote (17, 55%), the third was Democratic Party of Serbia (DSS), 3.978 votes (11, 22%), and New Democratic Party – splinter group of the Democratic Party with 2.275 votes (6, 42%), while others did not pass the threshold.

In his long inaugural expose as the Prime Minister Aleksandar Vucic dedicated only few minutes to Kosovo reiterating that Serbia will not recognize it, but will continue Brussels process, which he holds to be the biggest achievement of the previous government. Few already well-known names from Kosovo Serbian community became members of the Serbian parliament, like a (former) head of Srpska list Vladeta Kostic (Serbian Progressive Party - SNS), ex candidate for a mayor of northern Mitrovica Krstimir Pantic (SNS), Aleksandar Jablanovic (Aleksandar Vulin's Movement of Socialists, and a son of Dragan Jablanovic, a mayor of Leposavic), Goran Bogdanovic (New Democratic Party, a splinter group from Democratic Party and ex minister for Kosovo) and others.

However, in the period after the elections, but before the Government is formed, Serbian President Nikolic came out with a statement that due to a few unexpected events – initiative to form an armed forces in Kosovo and “certain developments” in the world that could shake self-confidence of Pristina – Belgrade could start thinking to offer a final solution for Kosovo, that would correspond to the (Serbian) constitution, international law and reality on the ground. In addition, he stressed the need for adoption of the new parliament's resolution on Kosovo. The timing of the statement – after the elections, but during interparty talks on the future government composition – is sound enough. Setting up Kosovo agenda in advance by mentioning “final solution” and referring to a “certain developments in the world” amidst crisis in Ukraine is an attempt to steer government's priorities in a way that it does not represent a good sign for normalization between Serbia and Kosovo. Another challenge for the political developments and process of

integration of northern Kosovo represents parliamentary elections in Kosovo scheduled for June 8th. The election will be held after the changes in the election procedures, which previously provided for the minorities both guaranteed and reserved seats. According to Ahtisaari plan after the two election cycles, the Serbian community will have ten guaranteed seats only, no matter how many voters will participate, while for obtaining more than ten seats the rules are the same as for the Albanian parties. Five parties/lists submitted their candidates (two of them – Serbian Liberal Party and Social democracy – submitted lists separately, although being part of coalition Srpska, to secure members in the electoral commissions) – Serbian List, Progressive Democratic Party and Movement for Democratic Prosperity.

The Serbian List is formed under heavy influence from Belgrade, who sees it as a way to be in full control of political life in Kosovo. The Serbian List, however included Serbian Liberal Party whose head is Mr. Slobodan Petrovic, deputy Prime Minister in Thaci's government – a move that could lead to establishing a channel of communication with the Albanian leaders who will form future Kosovo government. Party of Oliver Ivanovic, "Civic list - Serbia, democracy, justice" joined the Serbian List too. In addition, the List is composed of members of Serbian Progressive Party (SNS), Vulin's Movement of Socialists and Serbian Liberal Party, former MPs in the Kosovo parliament, and there are non-party members and journalists too. Another party worth mentioning is Serbian Progressive Party, whose president is Nenad Rasic former Minister of Labour in Thaci's government., who together with Sasa Rasic, deputy Minister of Interior formed a party after leaving SLS. Serbian Progressive Party ran separately from the Serbian List and are serious candidates for joining future government if their party gets elected in the parliament.

Participation at the election and encouragement from Belgrade for the Serbian community was an issue from the very beginning. The mayors of four north Kosovo municipalities and a mayor of Gračanica waited for a message from Serbia if to participate or not, although the former openly expressed their rejection to any electoral activity, so participation at the election is a U-turn and is a clear statement of their dependence on directives coming from Belgrade. The message from Belgrade came few days before the elections, first expressed by newly elected Director of Serbia's Government Office for Kosovo and Metohija Marko Djuric (former advisor to President Tomislav Nikolic) who in a confusing statement said that the Serbs should listen to their mayors and members of the (Serbian) parliament and second by the Prime Minister Vucic who said that the Serbian Government will not hide behind the mayors. Finally,

on June 5th, Serbian Government invited the Serbs to participate, but the invitation was perceived as dishonest amidst confusing messages communicated previously.

From the very beginning, Serbian Government stand behind formation of the Serbian List, warning that the worst option for the Serbs is be divided. In their public statements, government's officials were discarding other Serbian parties especially Serbian Progressive Party who is not under direct control from Belgrade⁸. Participation at the election is perceived by Belgrade as "a method of political struggle" with an aim to make things difficult for the Kosovo institutions, especially the parliament whose work could be blocked by the Serbian representatives once elected on the Serbian List. Finally, all this political manoeuvring is played against interests of the Serbs in Kosovo who became an instrument of yet not defined Kosovo policy of the Serbian government.

According to a preliminary election results presented by Central Election Commission of Kosovo⁹, Serbian List got 29.124 votes or 4,17 per cent, while Progressive Democratic Party got 5481 votes or 0,78 per cent and Movement for Democratic Prosperity won 1347 votes or 0,19 per cent. Due to a low turnout the election results will enable Serbian community to have 10 guaranteed seats only, but due to a complicated system of the parliamentary seats allocation it is still not known how many seats each party will have. Although number of witnesses from civil society in north Kosovo claim that the participation of the voters was very low, and it did not overpass the one at the November 2013 local elections, the official figures show different data: in Leposavic the turnout was 27,58 per cent (4488 valid ballot papers cast), in Zubin Potok 40,27 per cent (2660 valid ballot papers cast), in Zvečan 31,44 per cent (2364 valid ballots cast). Such a discrepancy between official figures and reports on the ground represents a warning to the local (Serbian and Kosovo governments, local leaders) and policy makers from the international community to examine the ways how to lead the process of integration with as little as possible negative influence on democratic procedure.

8 http://www.kossev.info/strana/arhiva/sta_je_marko_djuric_rekao_u_emisiji_oko/1712

9 <http://rezultatet.kqz-ks.org/NightResults/Results.aspx?RaceID=1&UnitID=13&IsPS=0&Turnout=0&LangID=3>

Conclusion

More than six months passed since Association of Serbian Municipalities should have been established according to Brussels Agreement and Implementation Plan. The Serbian Government representatives blamed Kosovo authorities for dragging the process down. It is true that for the Kosovo Government this was not a priority, however, in reality the process was slowed down by the very representatives of the Serbs in north Kosovo who, with the support of Serbia, were reluctant to constitute municipal assemblies according to Kosovo laws. In addition, process was stalled by the “election season” in Serbia, European Union and Kosovo, which left local actors focusing on the campaign, while the EU diplomacy on the post-election arrangements rather than pushing the two sides on fulfilling what was agreed. Once the dialogue restarts a lot of effort will be employed to define how Association should look like, what will be its competences and what kind of relations (if any) it will have with Serbia. So far, and according to the Implementation Plan, representatives of the four municipalities are responsible for drafting the statutes and working on establishment of the Association, which enables them to institutionalize their experience from the north. Besides creation of the Association, there will be a lot of topics on the agenda once the new Kosovo Government is formed – one of the first is agreement on judiciary that was in principle agreed before the election in Serbia and is pending formal approval by the two governments.



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