

Policy Report



The Association of Serb Municipalities: Understanding conflicting views of Albanians And Serbs



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Balkans Policy Research Group

TABLE OF CONTENTS

ACRONYMS	6
EXECUTIVE SUMMARY	7
RECOMMENDATIONS	9
INTRODUCTION	10
METHODOLOGY	12
USE OF LANGUAGE REMARKS	12
PART I: DIALOGUE IN STALEMATE	13
SHORTCOMINGS OF THE BRUSSELS DIALOGUE	14
PART II: ALBANIANS REJECT	15
ASSOCIATION OF SERB MUNICIPALITIES: TRIGGERING AN UNPRECEDENTED CRISIS	16
WHY ALBANIANS REJECT	17
EXPANSION OF THE AHTISAARI PLAN	17
(UN)CONSTITUTIONALITY OF THE ASSOCIATION	18
FEAR OF SERBIA'S INTERFERENCE INTO INTERNAL MATTERS OF KOSOVO	22
RISK OF DYSFUNCTIONAL AND ETHNICALLY DIVIDED GOVERNANCE	22
THREAT TO TERRITORIAL INTEGRITY AND TRUNCATED SOVEREIGNTY	23
PART III: WHAT SERBS THINK OF THE ASSOCIATION	24
CONSTRUCTIVE OR DESTRUCTIVE AMBIGUITY OF THE ASSOCIATION?	24
CRISIS IN PRISHTINA: A CONTEST FOR POWER OR A STRUGGLE OVER THE NATURE OF GOVERNANCE?	26
THE ASSOCIATION: WHAT 'EXECUTIVE POWERS'?	28
THE ASSOCIATION AS A TOOL TO PRESERVE A WAY OF LIFE	31
THE MISSING LINK: ON THE LOOKOUT FOR AN AUTHENTIC SERBIAN LEADERSHIP	35
CONCLUSION	37
ANNEX I: SURVEY RESULTS FOR NORTHERN MUNICIPALITIES	38
SURVEY QUESTIONS	38
ANNEX II: SURVEY RESULTS FOR CENTRAL KOSOVO	42
SURVEY QUESTIONS	42

ACRONYMS

AAK	Alliance for the Future of Kosovo
AKM	Association of Kosovo Municipalities
ASM	Association of Serb Municipalities
CSM	Community of Serb Municipalities
EEAS	European External Action Service
EU	European Union
FDI	Foreign Direct Investments
KPA	Kosovo Privatisation Agency
LDK	Democratic League of Kosovo
NISMA	Initiative for Kosovo
PDK	Democratic Party of Kosovo
UN	United Nations
VLAN	Vetevendosje-LDK-AAK-NISMA

EXECUTIVE SUMMARY

The Agreement on the Association/Community of Serb Majority Municipalities marks the cornerstone of discord of the EU-facilitated dialogue between Kosovo and Serbia. The General Principles for the establishment of the Association/Community, agreed in August 2015, brought more controversy and caused an unprecedented crisis in Kosovo. Proponents championed it as a tool to integrate northern Kosovo Serbs into Kosovo jurisdiction and advance normalisation of relations between the two states. Yet, the Association has become a complicated matter in practice. Many segments of Kosovo society reject an Association of this kind, the Constitutional Court ruled it to be in violation of the spirit of the Constitution and the government is largely reluctant to implement it until Serbia presents clear plans for withdrawal of the parallel institutions it funds around Kosovo. Kosovo Serbs view an Association from a very practical point of view: a reward instrument for painful integration into Kosovo and a replacement for departing Serbian-funded institutions. Serbs fear the Albanian reactions seen over the last 24 months, feel unwanted in Kosovo and worry that Belgrade will abandon them soon. The Serb community - the party most affected by the dialogue and least included in it - wants the dialogue on normalisation to continue, want the coalition agreement to be adhered to and want a smooth transition from the Serbian to Kosovar system.

Different views and goals of the Kosovo government, Kosovo Serbs, Belgrade and the international community complicate things further. Kosovo and Serbia leaders support the agreement for very different reasons: they have macro goals only. The former commits to establish an Association namely to uphold its commitment to the Brussels dialogue, conclude Serb integration and reach the final stage of normalisation with Serbia. The latter wants a Community of Serb municipalities to serve Kosovo's Serbs, transfer Belgrade-funded competences to the new legal body and use it as a bridge to cooperate with Kosovo, within the framework of normalisation of relations. Kosovo Serbs, meanwhile, have a micro view and want the Community to be a practical tool to help them preserve identity, enhance their tools in dealing with the government of Prishtina, and preserve "vital" Serbian-funded services and links with Belgrade.

The opposition parties in Prishtina, many reluctant voices in the government and a majority of the public view the Association as an unconstitutional threat to Kosovo's statehood and sovereignty. Critics contend that the current Constitution provides sufficient protections for the Serb community, rendering the Association – as envisaged in the Brussels agreements – unnecessary, with the added risk of creating an ethnically homogeneous third layer of government that will impede Serb integration in Kosovo. They fear that the Association will eventually grow into a Republika Srpska-type creature like in Bosnia and Herzegovina. The government nonetheless remains committed to the establishment of the Association, this time within the constitutional ruling, and insists that the opposition has other motives behind their violent reaction toward the agreement on the Association, i.e., the desire to remove the governing coalition.

At first glance, Serbs want a Community because it is rejected by Albanians so much and therefore must be good. Belgrade has told them to insist on a Community and do nothing else until Prishtina delivers one. In practice, Serbs are fully aware of the competing ambitions and goals between Prishtina and Belgrade, to which they have become subject with the consent of the EU. The ambiguity of the Association and what competences it has riddles the Serb community; a majority support the idea that the Association have 'executive powers' (an idea rejected by Albanians), but few – if any – can describe what such powers would mean in reality. Whichever way the deal goes, the Serb community fears the end of the Serbian state in Kosovo and how it will affect their day-to-day lives. Serbs see the delays in establishing the Association as indicative of Prishtina's lack of will to accommodate their community.

Albanian opposition to the agreement did not surprise the Serbs. Yet, the scale of reactions raises many concerns with them. To some, it reflects the state of democratic consolidation in Kosovo, weak political establishment and serves the opposition as a tool against the ruling government. To the majority, these often violent reactions present a determination to refuse any additional safeguards for the Serbs. The opposition-led petition of 205,000 signatories and the failure of the government and institutions to fully honour the Agreement and stand up against the protests are two policies that worry Serbs most. Another major obstacle to them is the Belgrade government itself, who prevent Serbs from raising their voices, engaging or presenting a policy.

There are profound and irreconcilable differences in the way Albanians and Serbs view the aims of an Association. To the Albanian community it is a fundamental issue of sovereignty and statehood. They perceive the Association as an offer given by Belgrade (not the Kosovo Serbs) that will be used to undermine and make their country dysfunctional. The way Belgrade controls Kosovo Serbs feeds their fears. For them Kosovo got nothing and Serbia got everything. To northern Kosovo Serbs in particular, a Community of what was agreed would be much less than what they have today. They understand it to be a way to survive without the protection of Belgrade as they are integrated fully into the Kosovo state. They want the Community to serve them only, preserve their way of living in practical terms. The lack of understanding of one another's concerns stands as a central obstacle to the formation of the Association.

Talks on the Association may start soon but will not be implemented in the near future. For an Association to be formed, function effectively and serve its purpose, fears and concerns of Albanians and Serbs need to be addressed. A number of preparatory steps and actions need to be taken. Discussions and dialogue at governmental and local levels will help alleviate fears. The government, parliament, Kosovo Serbs of all parts and political entities, and local actors should engage in comprehensive dialogue to develop a roadmap for full integration of the Serbs and formation of the Association. Belgrade officials can participate but should be encouraged to refrain from obstructing the consultations.

RECOMMENDATIONS

1. The Dialogue should continue and the Agreements should be implemented. Northern municipalities should fully integrate, cooperate with the government and respect the law; they should join the Association of Kosovo Municipalities. Kosovo and Serbia should agree upon the withdrawal/integration of Serb parallel institutions (municipalities), along with the work on the Association.
2. The government should make the Dialogue fully transparent, include all parliamentary parties in the process with Serbia, and develop a mechanism for regular consultations.
3. The Government and the Management Team should open dialogue on the Association with all stakeholders, including members of the Opposition, civil society, and wide-range of Kosovo Serb community members. They should be exposed to the views and demands of all sides.
4. The government should present a comprehensive roadmap for the implementation of the Association of Serb majority municipalities. The roadmap should present the process, deadlines, milestones and consultations/input mechanisms that would guide the formation of the Association. Discussions and consultations should take place within the framework of the roadmap. The dialogue will produce inputs into the content of the statute and contribute to improving the relations and build trust between the Serbs with the Kosovo government and Albanian representatives in the parliament.
5. Kosovo Serbs, local leaders and community representatives must be permitted to voice their concerns to the Kosovo Government. The Government should facilitate these discussions, and Belgrade must allow the Serb community to work independently with Prishtina. The EU should support this initiative and press Belgrade to refrain from interference.
6. Kosovo Ministry of Local Governance and Serbian Office for Kosovo should jointly conduct an inventory of all Serbian institutions and jobs that need to integrate into Kosovo.
7. Belgrade should present plans for withdrawal of the administration, municipalities, local companies etc. it funds in the territory of Kosovo.
8. Implementation of the Association should derive from a comprehensive approach to the normalisation of relations between Kosovo and Serbia. Normalisation of bilateral relations should be placed at the forefront of the dialogue in the next stage

INTRODUCTION

The outcome of the Dialogue between Prishtina and Belgrade has been a source of controversy since its launch. It culminated in unprecedented political turmoil following the agreement on the General Principles of Establishing an Association of Serb Majority Municipalities, agreed upon by Kosovo and Serbia on 25 August 2015.¹ Soon after the signing, the hopes of Kosovars and Serbs that the ambiguity of the initial Framework Agreement would be clarified were dashed. The document's vagueness gave rise to two differing interpretations as to what capacity, structure and role the Association should have once formed. The conflicting interpretations have amplified the expectations and fears of the Serb and Albanian communities.²

The Association was an unpopular idea among the Albanian majority when the first agreement was signed in 2013, and dissatisfaction grew in the aftermath of the 2015 General Principles. The Constitutional Court found many of its provisions "incompatible with the spirit of the Constitution," but simultaneously held that the Association should be established according to the 2013 Agreement.³ The government and opposition each rushed to provide their own readings of the judgment. The opposition dismisses the 2015 agreement as unconstitutional, and calls for the government's resignation. The government views the Court's opinion as a limitation that must be adhered to when implementing the 2013 and 2015 agreements, but not as fundamentally incompatible with the creation of an Association. They continue to insist on the Association plan, but have yet to shed much light on what it will look like or how it will be established.

Disagreement over the Association (and some other agreements) puts the very dialogue between Serbia and Kosovo at stake. Senior Kosovar government officials say that the Association must be formed at the same time as Serbia dismantles its parallel institutions in Kosovo. Many want to link the Association with full normalisation. Belgrade, on the other hand, demands progress on the Association first, and threatens to stall implementation of other agreements. A solution to this impasse is fundamental for both communities. Many additional questions over more technical aspects and procedures remain. They are important and present numerous challenges that deserve careful scrutiny, but a number of other documents and reports have provided such analysis. The purpose of this study is not to duplicate those efforts, but to contribute to the discussion by shedding light on the rationale, arguments, and emotions behind the positions of the two sides. The report seeks to clarify the confusion and encourage mutual understanding of the other community's concerns in order to create a viable and constructive Association.

The Albanian opposition to the Association, which includes political opposition parties (and some members of the governing coalition), members of civil society and much of the public, cites a number of reasons why they reject the establishment of the Association. They view it as going beyond what Kosovo agreed to in the Ahtisaari plan, and fear that it may lead to a dysfunctional and ethnically divided state. They perceive Belgrade

1 General Principles of Establishing an Association of Serb Majority Municipalities, August 2015

2 See Big Deal Report 1, BIRN et al., November 2014, <http://bit.ly/29MTlq7>

3 Constitutional Court Case No. K0130/15

as seeking to use the Association as a means to undermine the country's territorial integrity and sovereignty. The Government, in contrast, continues to support the Association as a component of the continuing Dialogue with Serbia. The international community expects Prishtina to fulfil the obligations to which it agreed under the Brussels Agreement, and the government hopes that it will achieve the goals of integrating Serbs into the Kosovo system and helping improve Belgrade-Prishtina relations. Kosovo Serbs are the group most affected by the creation of an Association, yet they have been the most marginalised throughout the Dialogue process. They are sceptical and worry about being used by Belgrade as a bargaining chip in their own EU integration process, but they also feel that Prishtina is unconcerned with their integration and is hostile to their community. The Serbs hope that the Association will be a means through which they can ensure the survival of their distinct community and way of life.

The report presents an analysis of research findings in three core sections. The first section discusses the shortcomings of the Brussels Dialogue, which enhances understanding of the political crisis created by the Association. The second section examines the reasons behind rejection of the Association by a majority of Kosovo Albanians, and the third section depicts a complex picture of Serbs' perceptions and understandings of the proposed body and views of the political developments in Prishtina. The report includes recommendations on principles to follow for successful formation of the Association.

METHODOLOGY

This report does not present the views of the Balkans Policy Research Group on the Association, nor does it support the position of the government or views of the opposition or international community. It presents a summary of research undertaken through a combination of qualitative and quantitative research methods in order to capture both the width and depth of opinions and positions regarding the formation of the Association of Serb Municipalities in Kosovo. It offers recommendations how to overcome the conflicting views of different sides on the agreement on the Association.

The report relies on several data sources for the provided analysis. It draws on quantitative data gathered through a survey from North Mitrovica, Zubin Potok, Zvečan, Leposavić, Gračanica and other Serb majority municipalities in Kosovo. Survey findings are presented in the form of graphs in the Annex of the report. The survey findings are supplemented by research and discussions with five focus groups held in the above-mentioned municipalities with over 30 important opinion-makers from within the Serbian community, including representatives of public institutions (local and central, Kosovo and Serbian/parallel), civil society, the media and others. Individual interviews with government officials, party representatives, civil society, opinion-makers and media were conducted.

The research methodology differs between the analyses of Serbian and Albanian views and positions on the Association, and therefore direct comparisons based on the data provided in the present report should be avoided. The paper deliberately chooses to offer a more extensive analysis of the perceptions of Kosovo Serbs on the Association, in an attempt to compensate for the virtual absence of policy and other reporting on their attitudes and exclusion from the Dialogue process. In reaction to the impressions created among Albanians that "Serbs got everything" the report's aim is to bring light to what Serbs think about the agreement on the Association, and the political crisis in Prishtina.

USE OF LANGUAGE REMARKS

The report employs Association of Serb Municipalities as a neutral term between the two disputed versions of the body, following the choice of terminology by the 19 April 2013 and 25 August 2015 agreements. Association is used to refer to the body by abbreviation. Association or Community appear separately from each other where the text refers to statements communicated by respondents/focus groups, participants/interviewees, and signifies usage of one or the other term.

In a few areas Balkans Group departs from settled international practice. International agencies usually refer to "Kosovo Albanians" and "Kosovo Serbs" to distinguish them from the residents of Albania and Serbia; similarly, they speak of Bosnian Croats and Bosnian Serbs. Yet the peoples in question do not use these terms, and many find them offensive. We respect this sentiment, and avoid the geographic qualifier where the context makes it unnecessary, i.e., when the context makes it clear that "Serbs" refers to Kosovo Serbs and not those from Serbia. Likewise, "Albanians" refers to the Kosovo Albanians.

PART I: DIALOGUE IN STALEMATE

The EU-facilitated Dialogue primarily focuses on integration of the Serb community into the Kosovo state and normalisation of relations between Kosovo and Serbia. The first major breakthrough came in April 2013 with the First agreement of principles governing the normalisation of relations.⁴ By 2016 the Dialogue had generated deals on 23 issues.⁵ As a result, Prishtina slowly began to extend its sovereignty to northern Kosovo.⁶ Yet, the Dialogue suffers from limited support by the population; its popularity declined when it seemed to evolve into an open-ended process without a light at the end of the tunnel. Agreements and constant renegotiations are frequently announced by Kosovar, Serbian, and EU officials.⁷ In the fall of 2016, tensions between Prishtina and Belgrade reached a worrisome point. Belgrade continues to dust-off old warrants against Albanians anytime they want to blackmail Kosovo.⁸ Serbia furiously reacted to the government plans to restructure the Trepça mine⁹ and the government of Kosovo failed to consult with Serb representatives who staged a boycott of institutions following the adoption of the law.¹⁰

Today the dialogue has limited prospects. The Kosovo government is frustrated and sees little point to continue in the same manner. Belgrade does the minimum needed to start its negotiations on other EU accession chapters, such as agreeing on Kosovo's telecom only days before a decision was to be made in Brussels. And the EU admits it "may be time to talk about recognition of mutual jurisdictions".¹¹

Citizens forget the Dialogue's achievements; we brought the North very close to Prishtina, integrated police and control the border.
Government official

⁴ See Balkans Group report, Serb Integration in Kosovo After the Brussels Agreement. 19 March 2015. Law No. 04/L-199 on Ratification of the First Int'l Agreement of Principles Governing Normalization of Relations between Rep. Ksv. And Rep. Serbia [hereinafter "First Agreement"], Off. Gaz. Rep. Ksv. 38 (2013). The actual agreement, attached to the ratification law, bears a different title: "First agreement of principles governing the normalization of relations" (19 Apr. 2013).

⁵ "Brussels Agreements Implementation State of Play: 1 January – 15 June 2016", Kosovo Ministry of Dialogue report to EU, 15 June 2016, <http://bit.ly/2awR9Ra>.

⁶ Local elections took place for the first time in the North in November 2013. Four new mayors and municipal assemblies were directly elected based on Kosovo law. Northern Kosovo successfully voted again in June 2014, in the parliamentary elections. The parallel security structures, civilna zaštita, have gradually been integrated into Kosovo institutions, and customs and border control restored at the two northern crossings. A unitary system of justice is being established throughout the country, albeit slowly. Serbia returned copies of original civil registries to Kosovo, and now recognises Kosovo customs stamp. See Big Deal Report 1, op. cit. Since the 2013 Agreement, more than 100,000 Kosovo Serbs have registered and been issued Kosovo personal identification documents. Balkans Group interview, senior government official and negotiating team member, Prishtina, 31 May 2016.

⁷ Three agreements were announced in the fall of 2016: on car plates, energy, telecom. Yet other announcement for continuation of the dialogue on same issues were reported too.

⁸ Nehat Thaci, a regional director of Kosovo police in South Mitrovica, was arrested by Serbian authorities at a border crossing on 28 September 2016 on terrorism charges. The arrest was based on a warrant from 2010, issued by the High Court in Niš. Thaci was suspected of expelling a Serbian family from their home in Lipjan in 1999. Thaci was eventually released, without charge, on 1 November 2016.

⁹ Since the 1998-1999 conflict between Kosovo and Serbia, the Trepça mine has been held in trust by the UN. Competing ownership claims and many creditor claims have been lodged in the years since, giving rise to strong disagreement over the future of the mine (which has operated only at a minimum level in the post-conflict period). In January 2015, fearing bankruptcy of the Trepça mine, the Kosovo government announced its plans to nationalise the mining complex. This prompted a furious response from Serbia, who claimed to own approximately 75% of the mining complex. Serbia warned that any attempts by Kosovo to take control of the mine would jeopardise the Dialogue. In response, the Kosovo government announced that it would give the Kosovo Privatisation Agency (KPA) additional time to restructure the complex. In October 2016, the Kosovo Parliament approved the Law on Trepça to nationalise the mining complex, making the Kosovo government the owner of 80% of the shares. After the adoption of the Law, Kosovo Serb MPs left their seats in the Kosovo Parliament and Government, and Serbia requested Brussels to include Trepça in Prishtina-Belgrade Dialogue.

¹⁰ Despite their boycott, the Serbs objected to the law on Trepça by taking it to the Constitutional court. The Court ruled the request unfounded. Constitutional Court Resolution on Inadmissibility in Case No. KO118/16.

¹¹ Balkans Group interview with a EU official, October 2016. He warned that to do that, EEAS would need a much more support from key EU member states. Following the BREXIT, Germany is left along to pressure on Belgrade.

SHORTCOMINGS OF THE BRUSSELS DIALOGUE

The Association is a price for integration of the north ...
Government official

The international community has created a dangerous creature with this Dialogue... and they have to resolve it. We should implement only if Belgrade gives up on Kosovo altogether.
Government official

The Brussels Dialogue faced a number of challenges from the outset and continues to encounter obstacles. Asked by EU officials to engage in a Dialogue, parties limited participation to a few senior government officials only. Kosovo engaged without adequate preparations,¹² opposition parties were excluded and the Dialogue details were kept hidden from the public. The Assembly attempted to retroactively legitimise the process by adopting a resolution after the start of the Dialogue, but this proved insufficient to build political consensus.¹³

From the start, the parties presented diametrically opposed goals of the normalisation of relations. Short of recognition, the EU believed that the two countries should work towards normalisation, promoting the policy of "improving the lives of people".¹⁴ For Kosovo officials and many international supporters "normalisation of relations" connotes recognition in all but name.¹⁵ For Belgrade, however, it only means better cooperation and the protection of the Serb community in Kosovo. Both agree that normalisation is the goal, but they understand this to mean different things.¹⁶

The Dialogue arguably suffers from a reverse approach. In international practice, parties first reach a legally binding agreement, and then proceed to negotiate technical and practical issues along with implementation. The opposite is happening in these negotiations.¹⁷ Lacking a basic agreement on which the practical issues could be grounded, the Dialogue has degenerated into protracted discussions without significant results. The slow and selective implementation of the agreements concluded thus far place a question mark over the Dialogue's future form and direction, as well as its very *raison d'être*.

The Dialogue has unfolded as the political situation has worsened in Kosovo. The unpopular Dialogue has failed to produce results, in the views of many Albanians, and the government failed to communicate it to the public in a transparent manner. This created an explosive environment in which one spark led to an unprecedented political crisis.

¹² Albanians claim that their government fails to prepare and negotiate favorable agreements for Kosovo, while Serbs present numerous issues on the table, all about internal functioning of Kosovo. Balkans Group interview, Independent Analyst, Prishtina, 28 June 2016.

¹³ A member of the ruling party agrees with the opposition that the resolution was violated but those who lead the dialogue and contributed to diminishing the consensus. Balkans Group interview, LDK senior official, Prishtina, May 2016.

¹⁴ Balkans Group interview, senior EU official, Prishtina, 14-15 June 2016.

¹⁵ International Crisis Group Report Serbia and Kosovo: The Path to Normalization, 19 Feb. 2013

¹⁶ Ibid

¹⁷ "The contrary is taking place in Kosovo, we are negotiating without a foundation." Balkans Group interview, member of technical negotiation team, 31 May 2016.

PART II: ALBANIANS REJECT

The organisation of Serb majority municipalities into associations was initially agreed during the Vienna negotiations that concluded in 2007 with the Comprehensive Proposal for the Status Settlement (known as the Ahtisaari Plan). The Ahtisaari Plan laid the grounds for Kosovo's independence and created six new Serb majority municipalities¹⁸ as a way for local governments to cooperate "for the protection and promotion of their common interests".¹⁹ The Plan also entitled these municipalities to cooperate and form partnerships,²⁰ and to form and participate in associations functioning in line with the principles of transparency.²¹ The Brussels Agreement of 2013 and the General Principles of 2015 are different from what was envisaged of the Associations in the Ahtisaari Plan.²² The Agreement elaborates on the establishment of the Association, with the 22 Principles specifying the Association's legal framework, objectives, organisational structure, relations with authorities, legal capacity, budget and support, and general and final provisions.²³

The government supports the Association's establishment because Prishtina, along with Belgrade, chose it as the framework for implementation of parts of the Ahtisaari Plan and the Brussels Agreement. Failing to establish the Association would be a breach of the commitments made in Brussels. And if all goes well, the government sees it as a means to achieve the goals of weaning the Serbs from Belgrade, integrating them into the Kosovo system and helping improve Belgrade-Prishtina relations. It may be the government's unwanted child, but they view it as necessary. The Association is key to the Dialogue between Kosovo and Serbia, and the international community clearly expects Kosovo to continue with the Dialogue and to implement what it has already committed to.²⁴

To the opposition, much of civil society, many citizens and opinion makers in Prishtina, the Brussels Agreement and the General Principles are unacceptable. One key objection to the Association relates to the perception that the Association amounts to 'Ahtisaari Plus', i.e., an expansion of existing, generous community arrangements.²⁵ A second objection, one that grabbed the attention of the highest judicial authority in Kosovo, revolves around the constitutionality of Agreement, a matter still not settled even after the Constitutional Court's issued a verdict at the end of 2015.

¹⁸ Crisis Group report, No Good Alternative to the Ahtisaari Plan, 14 May 2007. Comprehensive Proposal For the Kosovo Status Settlement (2007) [hereinafter "Ahtisaari Plan"], see Attachment to Annex III (Decentralisation), pp. 31-32, <http://bit.ly/1Or4O7J>.

¹⁹ Ahtisaari Plan, op. cit., Annex III, § 9.2.

²⁰ Ahtisaari Plan, op. cit., Annex III, § 9.1.

²¹ According to the Ahtisaari Plan, "such Associations may offer to its members a number of services, including training, capacity building, technical assistance, research related to municipal competencies and policy recommendations." Annex III, § 9.2.

²² General Principles of Establishing an Association of Serb Majority Municipalities, August 2015; Balkans Group, Serb Integration in Kosovo After the Brussels Agreement, March 2015.

²³ General Principles of Establishing an Association of Serb Majority Municipalities, August 2015

²⁴ Germany, for instance, made it clear to the VLAN coalition "that Berlin would insist on the continuation of the Dialogue with Serbia and on implementation of Kosovo's commitments" from past agreements. Bodo Weber, "Progress Undone? Trading democracy for solving the status dispute in Kosovo," Democratization Policy Council report, November 2014, p. 11

²⁵ The opposition emphasizes that they are not against the Dialogue, but they are against an Association that would amount to 'Ahtisaari Plus'. Their argument is that there had been strong opposition to Ahtisaari, but ultimately it was agreed to because Kosovo would get recognition in return. They do not see Serbia making any further concession in exchange for Kosovo's agreement to an 'Ahtisaari plus' arrangement. International Crisis Group, Kosovo: No Good Alternative to Ahtisaari Plan, May 2007.

Kosovo is developing a schizophrenic legal system ... with a constitution that presents Kosovo as a multiethnic state and with an Association that is designed for one ethnicity to be controlled by a foreign country.

Leading civil society activist

It is Zajednica because it is made for Belgrade not for the Kosovo Serbs.

Vetëvendosje member

Adding to the list of objections, the threat to Kosovo's sovereignty and territorial integrity, and the risk of dysfunctional governance and creation of an entity akin to Bosnia's Republika Srpska have been the most aired criticisms by opponents of the Association.

Making matters more complex still, the duality of its designation as Association (in Albanian) and Community (in Serbian) is emblematic of the lack of clarity around the true nature of the proposed entity.²⁶ It has fuelled differing interpretations, which has fed the controversy and concerns of politicians and population alike. The opposition calls it a "Zajednica", a label to indicate the Belgrade ambition of separating Serbs from Albanians.²⁷

This section analyses the above-mentioned concerns of the Albanian community with regards to the proposed body, in order to fully illustrate the rationale behind the widespread rejection of the Association, and the subsequent political crisis it provoked.

ASSOCIATION OF SERB MUNICIPALITIES: TRIGGERING AN UNPRECEDENTED CRISIS

The General Principles caused a political rift unseen in Kosovo politics, and triggered the most severe political crisis since independence.²⁸ This should not have come as a surprise. Concerns about the Dialogue had dominated the public discourse preceding the Agreement. The opposition had already set a bottom-line: rejection of any arrangement that would provide the Serb community with privileges and competences beyond those prescribed by the Ahtisaari Plan.²⁹ Opposition leaders had warned, both in the Assembly and in public, against the destabilizing effect that a quasi-governmental structure with executive authority and direct funding from Belgrade may have on the functioning of an already fragile state.³⁰

The 2014-2016 political crisis, however, resulted not only from the discord over the Association, but to a great extent it emerged from the dashed hopes of the opposition parties. Against the backdrop of a 2014 post-electoral defeat that, in the eyes of the opposition and many of its supporters, was both unconstitutional and represented a dishonoring of citizens' choice to rid the country of Thaçi and the PDK-led government, the Agreement became a lightning rod of anti-governmental opposition. The transfer of LDK allegiances from the VLAN (Vetevendosje-LDK-AAK-NISMA) coalition to PDK for the purposes of forming a government had sowed seeds of deep resentment among the remaining parties. From the moment of the publication of the Agreement on the Association of Serb Municipalities, the opposition disputed the Agreement and demanded withdrawal of the

26 Big Deal Report 1, op. cit.

27 Balkans Group interview, senior Vetevendosje official, Prishtina, January 2016. Zajednica is the original translation of the "Community" into Serbian.

28 A new Balkans Group in-depth analyses on the political crisis will be published in the coming weeks.

29 "Serbia's tendency, regardless of what this body is named, is a tendency to create a mini parliament, where municipalities send their representatives and delegate their decision-making responsibilities. And this is a threat to Kosovo, because it creates a third layer of power, called administration or middle level of power. This must not happen." ("Tendencia e Serbisë, pavarësisht si quhet apo si është emëruar ky organ, është tendencë për të krijuar një mini-parlament, ku komunat delegojnë përfaqësuesit e vet dhe ku deleojnë përgjegjësitet në vendimarrje dhe ky është kërcënimi për Kosovën, sepse krijuhet shresa e tretë e pushtetit që quhet administratë, apo niveli i mesëm i pushtetit. Kjo nuk guxon të ndodhë.") Lutfi Haziri "Asociacion i komunave, apo 'mini-parlament' serb?", Radio Evropa e Lirë, 22 Feb. 2013, <http://bit.ly/28IZK4r>.

30 Fatmir Limaj: "Themelimi i 'Zajednicës,' kancer brenda Kosovës," Bota Sot, 19 Dec. 2015.

Prime Minister's signature. But holding a comfortable majority of 86 out of 120 seats in the National Assembly, PDK and LDK refused opposition demands to annul the agreement or press on the implementation.

The opposition adopted a strategy, using escalating means from pelting eggs to releasing tear gas, to disrupt all Assembly sessions that were to address Association issues. The opposition enjoys broad public support in their resistance to the government's actions on the Association. The "ambiguous judgment" issued by the Constitutional Court in late 2015 allowed each political party to interpret and present the Agreement according to pre-established views, which further deepened the political schism. The public discourse split largely along two blocks. The first, built around the opposition camp, a significant segment of civil society and the public, read the judgment as a death knell to the Association dream, at least in the form envisioned in the General Principles. The other represented the governing coalition, along with the (qualified) sympathies of the international community, who took a more cautious stance. The judgment left them with a basic understanding to proceed with the formation of the Association.

The governing coalition is increasingly aware of the need to devise a more inclusive mechanism, though, if implementation of the Association agreement is to take place soon, and if Kosovo is to see the end of the institutional blockade. Although the Prime Minister made no official calls on the opposition to join the management team that would be charged with carrying out the implementation,³¹ informal invitations were issued. The opposition parties were quick to respond that they would not join any support group or the management team itself, as this would amount to legitimising a government that lost its legitimacy. Nevertheless, the Government of Kosovo feels the pressure to establish an expert working group with broader participation of government officials, opposition parties, and civil society organisations that will review the Constitutional Court ruling in order to establish a new framework and ensure that the statute of the Association will fully comply with constitutional standards.

WHY ALBANIANS REJECT

Opposition parties and others within civil society, along with many opinion makers and members of the public see the Agreement on the Association as an outcome of an illegitimate dialogue between two sides that are unequal due to Serbia's failure to recognise Kosovo's statehood. Agreeing to such an Association, regardless of its substance, is seen as conceding to Serbia's and the international community's pressures, without any added benefit. In their view, Serbia's recognition would do far more to integrate Serbs into Kosovo than any Association would.³²

EXPANSION OF THE AHTISAARI PLAN

Under the Ahtisaari Plan, Kosovo had to provide guarantees to the Serb community,³³ which was a painful concession for many. Apart from Vetevendosje, many saw this as a price worth paying because of the ultimate

The April 2013
Agreement [...]
creates an Ahtisaari
Plus by enhancing the
original authorities
of municipalities
as foreseen by the
Ahtisaari Plan.
Oppostion representative

31 Balkans Group interviews, senior Vetevendosje and AAK members, Prishtina, 2-3 and 6 June 2016.

32 Balkans Group interview, senior AAK member, Prishtina, 6 June 2016.

33 Balkans Group interview, senior AAK member, 6 June 2016.

The Association does not present a threat as long as it serves municipalities with local competences.
Government official

reward of Kosovo's independence and recognition by powerful states.³⁴³⁵ Under international pressure, Prishtina accepted links between Serbian municipalities in Kosovo and Belgrade ("vertical links").³⁶ In addition, the call for an association under Ahtisaari was rephrased into associations (plural) to allow for their establishment on the grounds of advancing the quality of services at the municipal level, based on common interest and need.³⁷ Decentralisation of governance to create six new Serb majority municipalities,³⁸ ten guaranteed seats in the Kosovo Parliament, leadership of a number of Ministries (Local Government Administration and Returns and Communities), creation of the President's Communities' Consultative Council,³⁹ creation of a separate public TV channel for minority communities (Radiotelevision of Kosova 4), and extraterritoriality of orthodox cultural heritage were affirmative measures enacted to facilitate integration of the Serb minority. Though exceeding even some European practices, such concessions were seen as necessary as they led to the reward of independence and guaranteed recognitions.⁴⁰

When the Association question resurged through the April 2013 Agreement, the first wave of criticism against it took issue with the creation of an 'Ahtisaari Plus', by enhancing the original authorities of municipalities foreseen by the Ahtisaari Plan.⁴¹ The opposition claimed, "we had a broad consensus on Ahtisaari..... this agreement is not Ahtisaari..... It is more..... We do not have a consensus on this.... To give more... then we need to sit and decide if we will give and for what gains".⁴² The original plan already allowed municipalities to associate, and the Law on local self-governance determined their mandates, not allowing them to delegate their competences to a higher level of authority. Should such delegation take place, it would create a third level of governance non-existent in Kosovo's legal and institutional framework.⁴³

(UN)CONSTITUTIONALITY OF THE ASSOCIATION

The second set of objections against the Association of Serb Municipalities relates to the question of its constitutionality. In a final attempt to diffuse the tense political situation, President Jahjaga referred the August 2015 General Principles to the Constitutional Court for review against the constitutional provisions on Equality in Law, Basic Rights and Freedoms, and the Rights of Communities and their Members. She asked: "[A]re these principles and elements compatible with the spirit of the Constitution [...]?".⁴⁴

The Court reviewed the agreement "chapter by chapter," finding flaws in

34 Balkans Group interview, senior AAK member and participant of Vienna Talks, 6 June 2016.

35 The idea of an association for the municipalities was proposed already at the time of the Ahtisaari Plan and counterparts in the Serbian government requested executive powers in several areas. The Unity Team succeeded in not allowing such powers for the association, with the rationale that executive competences would generate the need for legislative ones.

36 International Crisis Group Report, Kosovo: No Good Alternative to Ahtisaari Plan, May 2007.

37 Balkans Group interview, senior AAK member and participant of Vienna Talks, 6 June 2016.

38 The new municipalities that derived from the Ahtisaari Plan are: Mitrovica North (population: 12139), Gračanica (population: 11359), Ranilug (population: 3792), Klokot (population: 2651), Parteš (population: 1730), Novobërdë (population: 6923). For population estimates, see Balkans Group Report, Serb Integration in Kosovo After the Brussels Agreement. 19 March 2015, p.47.

39 Balkans Group interview, senior Vetëvendosje member, Prishtina, 2 June 2016.

40 Balkans Group interview, senior AAK member, 6 June 2016.

41 Balkans Group interview, senior Vetëvendosje member, Prishtina, 2 June 2016.

42 Remarks made by a Senior NISMA official, Prishtina, May 2016.

43 Balkans Group interview, senior AAK member, 6 June 2016.

44 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 3, 85.

each one of them.⁴⁵ The judges often pointed to no specific language that violates the Constitution, yet held that provisions of various chapters “do not meet entirely the constitutional standards”, and cite specific provisions of the Constitution that need to be considered when the Association’s statute is drafted.⁴⁶ Members of the media and civil society have highlighted the confusing nature of the judgment.⁴⁷

One of the least clear areas of the Court’s judgment is its discussion of what is meant by “exercise full overview,” one of the powers of the Association. The Court acknowledges the ambiguity of this term, and the fact that it fails to match the terms used in either the Albanian or Serbian versions of the General Principles.⁴⁸ The Court essentially settled on a meaning that falls somewhere in between the two versions, holding that “exercise full overview” means “being informed”.⁴⁹

The Court noted that the General Principles, and any resulting legal act and statute, must be in conformity with Article 81 of the Constitution,⁵⁰ which prevents the Association from encroaching on municipal powers granted by the land’s highest law.⁵¹ Specifically, municipalities are bound by the Constitution and may not circumvent the central authorities’ administrative review.⁵²

The Court expressed concern over the Association’s organisational structure, placing emphasis on management and employees. The judicial panel feared that ethnic minorities residing in the Serb majority municipalities may not be well represented in leadership and employment positions.⁵³ The judges also noted that, based on the First Agreement, the Serb Association should be structured in the same fashion as the existing Association of Kosovo Municipalities.⁵⁴ Its employees may not enjoy civil servant status, which is

The Association of Serb Municipalities cannot be more or less than the Association of the Kosovo municipalities.
Member of the Constitutional Court

⁴⁵ Const. Ct. Rep. Ksv., Judgment KO130/15, para. 116, 189.4, III.

⁴⁶ See eg Const. Ct. Rep. Ksv., Judgment KO130/15, para. 136. As provided in the ASM Principles, a separate body will draft the statute (§ 21), but the Government will then issue a legal act (ie regulation) that will incorporate the statute. Const. Ct. Rep. Ksv., Judgment KO130/15, para. 117 (citing ASM Principles §§ 2, 21). The court will review the regulation and the statute it incorporates, yet it is the Executive’s duty to ensure that the Constitution and the judgment’s “reasoning and conclusions” are followed in the drafting process. Para. 116, 119. Firstly, the Government regulation must be issued within the Government’s constitutional powers. Para. 124 (citing Const. Rep. Ksv., Art. 93, which grants the Government the power to issue secondary legislation, such as regulations, in line with the Constitution and primary legislation). In other words, it may not bypass the Constitution or laws passed in the Assembly. The Executive should pay particular attention to constitutional provisions on local government, fundamental rights, and the freedom of association. Para. 127 (citing Const., Art. 12), 128 (citing Art. 21.4), 129 (citing Art. 44); see also para. 131, 136, 140, 148, 175, 189.4-5, III-IV. And the Association may not tread on the powers of municipalities or force them into membership without a way out. Para. 127, 129, 135 (citing Art. 124.4).

⁴⁷ Big Deal Report by Bodo Weber, “Awkward Juggling: Constitutional insecurity, political instability and the rule of law at risk in the Kosovo-Serbia dialogue,” BIRN et al., Apr. 2016, p. 12.

⁴⁸ Const. Ct. Rep. Ksv., Judgment KO130/15, para. 143.

⁴⁹ Const. Ct. Rep. Ksv., Judgment KO130/15, para. 144. This interpretation is provided in light of the First Agreement, which uses “will have full overview”. § 4.

⁵⁰ Const. Ct. Rep. Ksv., Judgment KO130/15, para. 141 (citing Const., Art. 81); see also 148, 189.4, 189.5, III, IV. Legislation of “vital interest” requires a vote of the majority of MPs and the majority of MPs holding the reserved minority seats. Laws defining municipal territories and powers and considered of vital interest. Const., Art. 81.1.

⁵¹ Const. Ct. Rep. Ksv., Judgment KO130/15, para. 148.

⁵² Const. Ct. Rep. Ksv., Judgment KO130/15, para. 149.

⁵³ Const. Ct. Rep. Ksv., Judgment KO130/15, para. 153.

⁵⁴ Const. Ct. Rep. Ksv., Judgment KO130/15, para. 130, 154 (citing First Agreement § 3). See also Statute of Assn. of Ksv. Mun. (2010) and Statute of Assn. of Ksv. Mun. (2015). According to the First Agreement, the internal organization of the Serb Association should mirror the Association of Kosovo Municipalities. § 3. The 2015 amendments to the AKM statute are therefore irrelevant, as they only pertain to the powers of the association. Compare Statute (2010), § 3.2.8 (“creates funds, opens representative offices, public institutions”) with Statute (2015), § 3.2.8 (“Opens representative offices, creates mechanisms on capacity buildings for municipal authorities”). Members of the Kosovar negotiating team say they avoided talks about the AKM statute back in 2013. Balkans Group interview, senior government official, Prishtina, 31 May 2016. Others note that the 2010 statute was unconstitutional. Balkans Group interview, local government specialist,

The judgment provided ammunition to both parties to the dispute, merely arming them for the continuation of the battle and fortifying their offense/defense.

Civil Society expert

The ruling is really helpful for Kosovo... it helps frame discussions on the Association when it comes to implementation.

Senior western diplomat

reserved for workers of the central government.⁵⁵ But more importantly, the Association may not be granted "full and exclusive authority" over Kosovo's ethnic Serb community.⁵⁶ The Association will be a member of the Consultative Council for Communities, but may not undermine its powers. As a member, the Association may suggest legislative proposals,⁵⁷ but it has no right to introduce bills in Parliament, which is constitutionally reserved for the President, Government, deputies, or at least a minimum of ten thousand citizens.⁵⁸ The Association's access to the Constitutional Court is limited.⁵⁹

Under the Constitution, municipalities receive transfers of funds from the central government for the implementation of their duties and activities. Municipalities have the exclusive right to decide how they use the funds,⁶⁰ and the Association may not undermine municipal rights to dispose of funds allocated by the government.⁶¹ The use of the phrase "exercise full overview"⁶² in the General Principles must be changed back to "have full overview,"⁶³ as it was under the Brussels Agreement.⁶⁴ Municipal competences will not be transferable to the Association,⁶⁵ nor will it be able to employ staff based on the Law on Civil Service.⁶⁶

The General Principles are not entirely compatible "with the spirit of the Constitution."⁶⁷ The Government will implement it insofar as the Constitution permits,⁶⁸ but the road is not free of political hurdles.⁶⁹ The judgment provided ammunition to both parties to the dispute, arming them for a continued battle and allowing them to entrench their positions.

Prishtina, 25 May 2016.

- 55 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 156, 159 (citing Const., Art. 101, defining civil service as part of Government).
- 56 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 166 (citing Const., Art. 57.1, defining ethnic communities).
- 57 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 171 (citing Const., Art. 60.3(2), defining the powers of the Consultative Council for Communities).
- 58 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 172 (citing Const., Art. 72, defining legislative initiative).
- 59 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 174 (citing Const., Art. 113, defining authorized parties before the Const. Ct.). The Association may not refer cases in the same way the President, Government, or the Assembly are entitled to. But it may seek redress if its constitutional rights are violated, as do private citizens or other legal entities. Judgment, para 176 (citing Const., Art. 113.7).
- 60 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 180 (citing Const., Art. 124.5, defining municipal finances); see also para. 139, 179, 181, 189.4-5, III-IV.
- 61 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 181 (citing Const., Art. 124.5, defining municipal finances). The Auditor General may review the Association's finances for as long as they involve the use of public funds. Para. 182-83.
- 62 ASM Principles, op. cit., § 4.
- 63 First Agreement, op. cit., § 4.
- 64 The Constitutional Court has interpreted "have full overview" as "be informed" on the policy areas of economic development, education, health, and urban and rural development. Const. Ct. Rep. Ksv., Judgment KO130/15, para. 144.
- 65 Balkans Group interview, senior government official, Prishtina, 17 June 2016.
- 66 The Government of Serbia intended these last three key competences be given to the Association. Balkans Group report, Serb Integration in Kosovo After the Brussels Agreement. 19 March 2015 states: "After 'everything is agreed on the association', Belgrade plans to enact a law transferring to the Community the powers it has today over the Serb community and the property it owns in Kosovo, and carving out a place for the entity in its constitutional order." In this scheme, much of the Belgrade-Prishtina relationship would be channeled through the Community as the sole institution formally recognised by both. This plan is against the Brussels agreement and the spirit of normalisation, which is that Serbia respect Kosovo's jurisdiction over its whole territory. The Kosovo government cannot accept any formal Serbian role on its territory, and Belgrade's intentions may violate Kosovo laws too. At pp. 39-40.
- 67 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 189.4-5, III-IV.
- 68 Const. Ct. Rep. Ksv., Judgment KO130/15, para. 189.4-6, III-IV.
- 69 A recent investigative report depicts what followed the Court's ruling: "If President Atifete Jahjaga had sincerely hoped that submitting the August 25 Agreement to the Constitutional Court would end the political crisis, these hopes proved to be dashed by the reactions following the December 23 ruling, which merely reflected the political confrontation." The judgment was called "a confusing decision that is a difficult read for a non-lawyer (such as the author)." Big Deal Report by Bodo Weber, op. cit.

The ‘unconstitutional’ block⁷⁰ believes that the principles are irreparable⁷¹ and that the Constitutional Court struck down the Association by finding that it does not meet Constitutional standards in 23 places.⁷² They consider unconstitutional any action to establish the Association,⁷³ resulting in their conclusion that the government must withdraw its signature and annul the Agreement.

Prime Minister Mustafa was quick to respond to these calls, clearly stating that no such withdrawal would take place. The governing coalition⁷⁴ reads the Constitutional Court judgment differently, focusing on the statement that there should be an Association.⁷⁵ Having been ratified by the Kosovo Assembly on 23 June 2013, the government view is that the fifteen provisions of the First Agreement have been turned into an international obligation.⁷⁶ As an international obligation, the Agreement has to be implemented, regardless of which government is in power. Beyond legal obligations, the government is under international pressure to proceed. During a speech at the Assembly of Kosovo, EU High Representative Federica Mogherini stated that the Association “will follow the recent ruling of the Constitutional Court, which provides guidance to ensure that the Statute of the Association will reflect Kosovo’s laws when it is drafted.”⁷⁷ Almost five months after the judgment, this was the first time a high EU official gave a statement on the Constitutional Court’s judgment but in not addressing the judgment’s lack of clarity, Mogherini’s statement remained as ambiguous as the ruling itself. Discussions with an EU official in Prishtina reveal that according to their reading, the Constitutional Court judgment does not prevent establishment of the Association in line with the General Principles, and the Government of Kosovo should proceed with implementation.⁷⁸ In the words of a court judge, the ruling is simple, the association cannot be different from the other Kosovo Association of Municipalities.⁷⁹

We will consult with all parties and experts and we will make no move that will go beyond the court ruling.

Member of the government

Belgrade is gaining terrain in this dialogue ... We feel the same as the government ... our capitals do not get it ...
Senior Western diplomat

FEAR OF SERBIA’S INTERFERENCE INTO INTERNAL MATTERS OF KOSOVO

Under international pressure, Prishtina accepted links between Serbian

⁷⁰ The ‘unconstitutional’ block, consisting of Vetëvendosje, AAK, and NISMA, derives its arguments from the Constitutional Court Conclusion 189.4 and Decision III. The conclusions states “The Principles as elaborated in the “Association of Serb majority municipalities in Kosovo - general principles/main elements” are not entirely in compliance with the spirit of the Constitution, Article 3 [Equality Before the Law], paragraph 1, Chapter II [Fundamental Rights and Freedoms] and Chapter III [Rights of Communities and Their Members] of the Constitution of the Republic of Kosovo.”

⁷¹ “The shirt has been worn out in 23 spots. Not even a poor man will sew it. You might sew it on two to three spots, but not all over.” Balkans Group interview, senior Vetëvendosje member, Prishtina, 2 June 2016.

⁷² Balkans Group interview, senior Vetëvendosje member, Prishtina, 3 June 2016.

⁷³ According to few, the judgment goes even further to strike down parts of the First Agreement, which was not subject to constitutional review. Balkans Group interviews, senior Vetëvendosje member, Prishtina, 3 June 2016, and senior AAK member, Prishtina, 6 June 2016.

⁷⁴ The governing coalition consists of the governing parties LDK, PDK, Srpska lista, and other minority ones

⁷⁵ The governing coalition have focused on Conclusion 189.3 and Decision II, which refer to the First Agreement and explicitly state that there should be an Association//Community. The conclusions states “The Principles as elaborated in the “Association of Serb majority municipalities in Kosovo - general principles/main elements” are not entirely in compliance with the spirit of the Constitution, Article 3 [Equality Before the Law], paragraph 1, Chapter II [Fundamental Rights and Freedoms] and Chapter III [Rights of Communities and Their Members] of the Constitution of the Republic of Kosovo.”

⁷⁶ The governing coalition seems to build their position on the Conclusion 189.5 and Decision IV. Calling for compliance with constitutional standards, the ‘proceed’ block reads these provisions as a green light for the Association. Const. Ct. Rep. Ksv., Judgment KO130/15

⁷⁷ Statement, “Speech by the High Representative/Vice-President Federica Mogherini at the Kosovo Assembly”, Prishtina, 5 May 2016,

⁷⁸ “They simply have to.” Balkans Group interview, senior EU official, Prishtina, 14-15 June 2016.

⁷⁹ Balkans Group interview, Prishtina, February 2016.

The Association will enable Serbia to exercise smoother influence in Kosovo, and ultimately challenge functioning of Kosovo's state.

The Association would generate a dysfunctional system of governance, divided along ethnic lines.

municipalities in Kosovo and Belgrade ("vertical links"), but rejected an institution accompanying those municipalities ("horizontal links") that would create a separate Serb entity.⁸⁰

The opposition parties remain convinced that the true purpose of the Association was never the integration of Serbs into Kosovo. Rather, it is to allow Serbia to exercise influence in Kosovo and challenge the functioning of the state. The opposing block sees the involvement of Serbia in shaping the leadership of Serbs in Kosovo, its maneuvers during the Dialogue process, and the public statements of its representatives as evidence of this. The current debate on the Association is attributed to a demand made by a Belgrade-backed Kosovo Serb MP, Aleksandar Vučić, towards the EU, rather than a request from the Serbian community itself.

A related fear of the Kosovo Serb Community is that the Serbian Government aims to establish an Association which is entitled to "state/municipal powers" and maintains the position of a "regional institution" with the authority to supervise and control municipal officers and political appointees, which would limit the autonomy of the northern municipalities and their mayors to act independently from Belgrade.^{81 82}

RISK OF DYSFUNCTIONAL AND ETHNICALLY DIVIDED GOVERNANCE

Another objection is that the first and second agreements endow the Association with powers that would generate a dysfunctional system of governance, divided along ethnic lines. Describing such dysfunctionality, the term 'Bosnianisation' has gained traction among political and civil society activists, referring to Bosnia and Herzegovina's power-sharing structures between the Federation and Republika Srpska, infamously known for rendering difficult—if not impossible—the running of state affairs.⁸³

From the vantage point of civil society organisations, the Agreement of 2013 creates a de facto Kosovo Serb government (the Association) with conflicting legal guarantees in the Kosovo Constitution and the applicable law.^{84 85} The First Agreement states that the Association would have overview of the areas of economic development, education, health, urban and rural planning. The term is seen by the opposition as a way to disguise executive competences in the new structure,⁸⁶ which under current laws of Kosovo would lie somewhere in between the central and municipal governments. The opposition views this new layer as sitting atop Serb-majority municipalities, forming a regional authority.

⁸⁰ Crisis Group Report, No Good Alternative to the Ahtisaari Plan, May 2007.

⁸¹ Group for Legal and Political Studies, Opinion 1, The Implementation of The Eu Facilitated Agreement(S) Between Kosovo And Serbia - A Short Analysis Of The Main Achievements And Challenges, August 2014, p. 3

⁸² On the other hand, Kosovo Local Governance Institute warned that in the future Serbia will be seriously tempted to assert more influence over the ACM/CSM either for internal political gains or for any other reason, one of them being "permanent conditioning of Kosovo over any issue." Besnik Tahiri, Association/Union: Two names, two aims, Kosovo Local Governance Institute, Prishtina, July 2015, p. 29.

⁸³ See Driton Bakija's statement in "Frikë nga Bosnjizimi i Kosovës përmes Asociacionit", Zëri (zeri.info), 19 Aug. 2015.

⁸⁴ KIPRED policy paper, "The Implementation of Agreements of Kosovo-Serbia Political Dialogue", July 2013, p. 10.

⁸⁵ "Executive and legislative authority in Kosovo is divided between the central and municipal levels, while the judicial and home affairs form a third, regional level." See Balkans Group Report, op. cit., p.29-34.

⁸⁶ See "Konjufca: Asociacioni Kosovën e çon drejt federalizimit", Koha.net, 2 Sept. 2015.

For this to happen legally, Kosovo must amend its Constitution and a number of laws. Any such changes would likely incite further protests of the opposition side; they already question why Kosovo must undergo political and legal adjustments internally to accommodate deals with Serbia, when Serbia seems unwilling to make any legal adjustments on its part. According to the opposition, Serbia has yet to implement its obligations deriving from the Ahtisaari Plan, such as the transfer of funds through the Kosovo treasury, let alone the agreements reached during the current dialogue.⁸⁷

Those who oppose the Association fear that it will render the Serb community's ties with Belgrade stronger and quasi-official, undermining Serbs' willingness to fully integrate into Kosovo. Deeper cooperation between Kosovo institutions and the majority population would be unrealised⁸⁸⁸⁹ and the Association would cement ethnically divided governance.

THREAT TO TERRITORIAL INTEGRITY AND TRUNCATED SOVEREIGNTY

Many Albanians distrust the motivation behind the Association, fearing that Serbia's demands towards Kosovo will not end with the establishment of a collective and institutionalised power structure for the Serb community. A large portion of the opposition, civil society and opinion-makers share this view, along with many within government institutions.⁹⁰ They see the Association as a launching pad to another structure whose powers would be put to negotiation in the future again.⁹¹ They fear the Association is just a step towards creating Republika Srpska in Kosovo.

The Association is just a step away from what would, in the eyes of much of the Albanian community, pose a fundamental threat to the territorial integrity of the state. Oversight of the police and justice sector would create grounds for an autonomous Serb entity in Kosovo.⁹² Fledgling statehood would be hobbled permanently. Seeing the consequences in neighbouring Bosnia, the opposition strives to prevent the materialisation of such a scenario. What is more, it would amount to the loss of strategic resources to Serbia, in particular the Trepça mining complex and the Ujman lake.⁹³

Opposition to the Association is based on the understanding that, rather than fostering Serb integration into Kosovo by bestowing the Association with additional guarantees and competencies, Serbia's hidden aspiration is to create a centralised regional authority that would challenge Kosovo's territorial integrity and sovereignty in the future.

**It is not Ahtisaari ...
The agreement on
the Association is
much more ... we do
not accept it and do
not have a consensus.
On Ahtisaari we had
agreed all together
... If we have to give
more then we have to
give it for something
important to us ...**

Kosovo leading opposition member

**The Association is a
trampoline to another
structure whose
powers would be put
to negotiation in the
future again.**

Member of the opposition

**Serbia wants the name
and frame for the
Association, now ... It
will fill it with lots of
power afterwards ...
Member of civil society,
Prishtina**

⁸⁷ Balkans Group interview, opposition member of parliament, Prishtina, 3 June 2016.

⁸⁸ KIPRED, "The Implementation of Agreements of Kosovo-Serbia Political Dialogue", July 2013, p. 10.

⁸⁹ "If the ASM gets all the funding it needs from Belgrade and the EU, then the Serbs of northern Kosovo will have few incentives to reach out to Prishtina." Leon Malazogu et al., "Integration or Isolation? Northern Kosovo in 2014 Electoral Limbo", policy brief, GLOBSEC, 13 Feb 2014,

⁹⁰ Balkans Group interviews, government, opposition officials and members of the opposition. Prishtina, January-February 2016.

⁹¹ Balkans Group interview, senior Vetëvendosje member, Prishtina, 3 June 2016.

⁹² See Driton Çauši's statements in "Opozita mobilizohet kundër Asociacionit", Zëri (zeri.info), 19 Aug. 2015

⁹³ Balkans Group interview, senior Vetëvendosje member, Prishtina, 3 June 2016.

PART III: WHAT SERBS THINK OF THE ASSOCIATION

This is not an agreement, but yet another misunderstanding.
Member of civil society, Prishtina

Kosovo Serbs are the community most affected by the creation of an Association of Serb Municipalities, but they are also the most marginalised group in the Brussels process. They are not represented at the negotiating table, the availability of information regarding the process is limited, to say the least, and public debate within the community about the Association is almost non-existent. Research into the motivations, concerns and wishes of Serbs regarding the Association has long been neglected, resulting in a vast informational gap. The analysis presented on the following pages constitutes a first attempt at providing such information.

CONSTRUCTIVE OR DESTRUCTIVE AMBIGUITY OF THE ASSOCIATION?

The term ‘constructive ambiguity’ was coined to describe situations where leaving room for divergent understandings or interpretations of an agreement would facilitate the striking of a deal otherwise impossible to reach. The idea is that the initial deal creates rules and opportunities for interaction, which in turn smooth the edges of the initial dispute and make possible a more concrete agreement at a later point. In 2013, two years after the technical negotiations between Belgrade and Prishtina were initiated, supporters of the political dialogue between the two foes hoped that this would be the case in solving this Balkan conundrum. But contrary to the hopes, as this research demonstrates, ambiguity of the Brussels Dialogue and of the agreements concluded in its framework has taken on a rather destructive turn.

Doublespeak permeates all areas of communication regarding the Brussels process and its outcomes. While the Kosovo government has tried to reassure its voters that the Association of Serb Majority Municipalities will be a mere non-governmental organisation, Serbia’s leadership has attempted to comfort Kosovo Serbs with claims that, although functioning under the system of Kosovo, the Association will enjoy executive powers.⁹⁴ The rhetoric of victory employed by each does little to alleviate each side’s fears. On the contrary, it turns out to be a counterproductive tactic; the ability of the other side to declare a triumph is translated as one’s own defeat.⁹⁵ These discrepancies of characterisation, in addition to the ambiguity of the individual provisions of the August Agreement (discussed in detail in the previous section), have created a dangerous mélange that heightens fears among Kosovo Serbs and Albanians alike.⁹⁶

⁹⁴ Focus Group, Zvečan, 19 May 2016; Focus Group, Zubin Potok, 19 May 2016; Focus Group, Leposavić, 8 June 2016; Focus Group, Gračanica, 22 June 2016.

⁹⁵ “Everyone is convinced that they gave up more, in fact Kosovo Serbs lost the most.” Focus Group, Gračanica, 22 June 2016. “The Brussels talks have to stop with the rhetoric that celebrates victories and presents the other’s defeat. Everything has to be framed in terms of betterment, not in terms of detriment to the other. What we had here was a conflict of two peoples, not of two politicians and it is very important how people feel, not politicians.”, Balkans Group interview, Former Mayor of Serb Municipality, 17 June 2016.

⁹⁶ “The EU permitted, after the concluded rounds of negotiations, there to be completely contradictory communication to the public.”, Balkans Group interview, independent consultant, 20 May 2016.

While Kosovo Serbs are suspicious towards Serbian leadership, seeing Serbia as trading their future in exchange for Serbia's EU integration,⁹⁷ Serbian media - being fed information by the Serbian government - remains the primary and most trusted source of information on the Association and the Brussels Dialogue for Kosovo Serbs. According to the survey results, 22% of Serbs living in North Kosovo consider the Serbian government to be the most reliable provider of information on the process, while 37% think Serbian media are the most trustworthy source.⁹⁸ The picture is slightly different in central Kosovo where Serbian media remain the most trusted source of information regarding the Association (29%), but the Kosovo government (24%) and local leaders (17%) are ahead of the Serbian government (13%) in opinions on reliability.⁹⁹ The regional discrepancy can be explained by the greater level of integration of the Serbian majority municipalities in central Kosovo, and the strong ties to Serbia in the North. It is important to note that Kosovo Serbs realise that Belgrade might simply be saying what they, especially those in the North, want to hear.¹⁰⁰ However, as fully acknowledging this truth would mean acknowledging the gloomy prospects for their future political, economic and cultural significance within Kosovo, they choose to cling to what Belgrade tells them in the hope that it might turn out to be true.¹⁰¹

Complicating the situation in which Serbs of Kosovo find themselves is the very low availability of information in general, regardless of its accuracy or trustworthiness. The information vacuum and glaring lack of transparency were cited across all focus groups as the main deficiencies of the creation of the Association.¹⁰² Rare points of optimism on the future of the Association come from the NGO sector, but even it is not able to fill the gaps left by the media and relevant decision-makers to any significant level.¹⁰³ Feeling that their voice is ignored and might even be seen as a nuisance by political leaders (Serbian, Kosovo or EU) pursuing their own agendas, Kosovo Serbs react by resigning on any potential public debate on the topic.¹⁰⁴ They feel left out, betrayed, disappointed, hopeless.¹⁰⁵ They "fell asleep in one country, and woke up in another,"¹⁰⁶ without anyone leading them through the process.

The hunger for information is apparent,¹⁰⁷ but the exclusion of Kosovo Serbs in the discussion is evidence to local Serbs that the Agreement serves political elites in both Belgrade and Prishtina, not the ordinary people.¹⁰⁸ Seeing the lack of progress in implementation of the two agreements,

The Brussels talks have to stop with the rhetoric that celebrates victories and presents the other's defeat. Everything has to be framed in terms of betterment, not in terms of detriment to the other.
Local leaders, north Kosovo

What Serbs Need Most: Preservation of identity; Ability to live as a separate community within Kosovo; Preservation of links with Belgrade; Preservation of jobs, social security, health insurance funded by Belgrade; Preservation of the Serbian Education System; Preservation of Serbian health services inside of Kosovo
Leading civil society activist, north Mitrovica

97 Balkans Group report, Serb Integration in Kosovo After the Brussels Agreement, 19 March 2015.

98 Balkans Group survey: answer to the question 'Who has given you the most accurate information about the Association until now?' This is supported by similar results obtained by Kossev in a survey on the Brussels process in which a combined 65% of the population receive information from Serbian politicians and media in Serbian. June 2016.

99 Balkans Group survey, June 2016.

100 Focus Group, Zubin Potok, 19 May 2016.

101 Focus Group, Zvečan, 19 May 2016.

102 "Nothing is known of the CSM, nothing is being done. The process is not a transparent one, nothing is known and the media report nothing." Focus Group, Leposavić, 8 June 2016.

103 Focus Group, Mitrovica, 18 May 2016.

104 Focus Group, Mitrovica, 18 May 2016; Focus Group, Zvečan, 19 May 2016.

105 "Anketa: Šta mislite o Briselskom sporazumu?", Kossev, 2016, <http://kossev.info/anketa/7/rezultati>

106 Balkans Group interview, Representative of Serbian Institutions in Kosovo, 22 May 2016.

107 "KoSsev is one of the best things that ever happened to Serbs in the North because it objectively informs the Serbs about the Kosovo system", Balkans Group Interview a social activist, 17 May 2016.

108 Focus Group, Gračanica, 22 June 2016; "Nama treba "kafanska debata" a ne debata sa medijatorom." Balkans Group interview, Kosovo Serb representative, Gračanica, 20 May 2016

Albanians are fighting for power, but when it comes to the Serbs they are united.

Serb northern representative

We are not worried about the protests ... The petition of 205,000 signatures is a threat ... it means 205,000 Albanians are against us ...

Civil society activists, Zubin Potok

coupled with the deliberate ambiguity and conflicting interpretations, Serbs conclude that there is no political will on either side to turn the provisions inked in Brussels into reality on the ground.¹⁰⁹

The fears, confusion and tensions exacerbated by the 'constructive ambiguity' approach to the integration of Serbs into Kosovo system and the Association make the phrase "destructive" seem more accurate. A recent debate among political analysts and journalists from both Central and North Kosovo suggested that the current state of affairs is more akin to 'non-normalisation of relations' than to anything else. The results of the present research support this. As expressed by a focus group participant, "this is not an agreement, but yet another misunderstanding."¹¹⁰

CRISIS IN PRISHTINA: A CONTEST FOR POWER OR A STRUGGLE OVER THE NATURE OF GOVERNANCE?

The turbulence provoked by the Agreement on the Association of Serb Municipalities over the past year has been attributed to a clash between two competing interpretations of the Agreement's implications for the nature of governance in Kosovo. Revolving around the competences of the Association, the government and the opposition in Prishtina have staged a confrontation, in and out of Parliament, over whether the proposed Association alters Kosovo's constitutional order and creates a third layer of governance. While the matter is full of political and legal intricacies, looking at it from afar, Kosovo Serbs paint a different picture of the crisis unfolding in Prishtina.

Questioning the true motivations, focus group participants almost unanimously concluded that the dispute is inspired by aims other than those presented publicly. There are those who believe that even though the Association sparked the crisis, the opposition's goal of removing the government was a pre-existing powder keg.¹¹¹ Given the economic deprivation prevalent in Kosovo, nationalist causes enable channeling of frustration and mobilisation of popular support for change.¹¹² The perceived Serb secession, personified by the Association, offered an opportunity to protest against the general situation in the country and against a government that has not improved living conditions.¹¹³ This in turn enables the opposition, and in particular Vetëvendosje, to "collect political points rather than display true resistance."¹¹⁴

109 Focus Group, Leposavić, 8 June 2016.

110 Focus Group, Gračanica, 22 June 2016.

111 Balkans Group interview ,Kosovo Serb official, 11 June 2016. "I think the CSM and demarcation are not the causes, it is only used as a comfortable topic to fight against the government. I am certain they would be much more flexible if they were in the government. Above all it is their activity against the government of Kosovo. There is no excuse for the government not have concluded it. The government has absolute majority in the Parliament, therefore discontent of the opposition isn't crucial for the CSM question to be concluded." Balkans Group interview with Serbian northern official of a Serbian funded municipality . "Why does the majority of Albanian society perceive the CSM as a threat? That is how the atmosphere among political parties is created."

112 "The discourse between the Serbs and Albanians is presented as a problem by those who wish to divert attention from real problems." Balkans Group interview, Zubin Potok Municipal Official, 17 May 2016. "The main cause of the crisis is that Kosovo even after many years has not achieved sustainable development though they thought that there will be an economic boom after the declaration of independence and with the arrival of FDI. There is no FDI, donations are in decline and Kosovo society suddenly found out that they didn't take the exit rout they intended." Balkans Group interview, Representative of Serb institutions in Kosovo, 22 May 2016.

113 Balkans Group interview, Representative of Serb Institutions in Kosovo, 22 May 2016.

114 Focus Group, Mitrovica, 18 May 2016.

On the Association itself, however, both the government and the opposition strive to achieve the same goal, according to the Serb community. They perceive a common interest and common effort of all Kosovar parties to ensure the Association does not see the light of the day.¹¹⁵ It must be noted, however, that a similar criticism is raised against Belgrade.¹¹⁶

In contrast to focus group responses, survey results indicate that more than 40% of respondents in the North of Kosovo believe that the sole source of the political crisis in Prishtina is the Agreement on the Association. Almost 30% think that the crisis is only partially caused by the Association. For Serbs living in Gračanica and other municipalities in central Kosovo, they overwhelmingly (80%) see the crisis as stemming from the disagreement over the Association. Both the survey and the focus group discussions show that the view of Serbs south of the Ibar has worsened in the last 24 months. The closer Serbs are to the events, the more it affects their views, exemplified in this case by the Serbs south of the Ibar who, at large, prefer full integration and stable relations with Albanians.

The realisation that the ‘Serbian factor’ has taken center stage in a perceived inter-Albanian crisis worries Kosovo Serbs. They observe that Prishtina fears any initiative that even remotely benefits Serbs, because of the fears of secession or creation of a segregated system of governance.¹¹⁷ Attempting to alleviate the Albanian majority’s fears by explaining that the Association does not constitute a threat is futile.¹¹⁸ Serbs perceive that they are seen as the scapegoat for most of the Albanian community’s problems.¹¹⁹ While such a tactic might be politically opportune, it interferes with person-to-person interactions on a community level, challenging their openness to engaging with each other, and ultimately straining the prospects of reconciliation. Some focus group participants observed that relations between Serbs and Albanians in communities where they live alongside each other, as is the case in Gračanica, have noticeably deteriorated since the onset of the political crisis in Prishtina.¹²⁰

The anxiety triggered by the tone and rhetoric of the crisis is reflected in the results of the survey conducted for the purposes of this research. Unrest/distress are the dominant emotional reactions in the four northern municipalities to the events in Prishtina (46%), followed by the feelings of fear (21.2%) and nervousness (19.3%). The situation is reversed in central Kosovo where the prevailing feeling is fear (45%), followed by unrest/distress (24.8%) and other reactions (18.3%).

Citizens are distanced from the developments, because we have not integrated yet, but more we come closer to Prishtina more reaction we see from Albanians ...
Member of parallel municipality, Zvečan

Dialogue is not helping us. Until recently, local leaders were at least ours ... Now, we see none - neither Prishtina, Serb representatives, nor Belgrade working for us.

Local community leader, Laplje Selo

¹¹⁵ “Publicly they are one against the other, but the objective is the same, that the CSM is not formed” Focus Group, Leposavić, 8 June 2016.

¹¹⁶ Idem. “The present government in Serbia doesn’t have an interest in the formation of CSM, because as long as the situation is as it is, it can draw votes from Kosovo, and even those votes are stolen.”

¹¹⁷ Some go as far as noting that “the only problem in Prishtina is the adjective ‘srpska’,” regardless of whether there is any actual basis for unrest. Focus Group, Gračanica, 22 June 2016.

¹¹⁸ “You can have million arguments why the Community needs to exist and why it does not hurt Kosovo, why it does not threaten the Albanians, it’s all for nothing...one will not find a single Albanian who would say ‘yes, the Community needs to exist and those people need to have some autonomy because they are as they are.’” Balkans Group interview, Serbian Representative in Kosovo Institutions,

¹¹⁹ “Every internal conflict among Albanians reverts onto the Serbian side, a protest is turned into something that is fatal to Serbs.” Focus Group, Zubin Potok, 19 May 2016.

¹²⁰ Focus Group, Gračanica, 22 June 2016. “Whenever something is being politically cooked up, it always reflects on the most basic relations between Serbs and Albanians. Now no one at the information desk at the Municipality or Tax Administration wants to speak Serbian and no one gives documents in Serbian. Tax Administration in particular insists on using Albanian”. According to the Kosovo laws, all administrative and legal documents should be made available to the public in both Albanian and Serbian.

It's strange. Albanians react to a body that integrates us into their state ... they reject it ... Is it too good for us?
Serb representative,
Kosovo parliament

We will not decide what is good for us... Belgrade and Prishtina will decide.
Local Serb, North Mitrovica

The analysis and results show that there is a great amount of sensitivity among the Serbs of Kosovo to how the Albanian majority political elite address inter-community matters. While political instrumentalisation is part of the political game even in advanced democracies, the elite should be careful not to tip the fragile balance of inter-community relations in Kosovo in a destructive direction.

THE ASSOCIATION: WHAT 'EXECUTIVE POWERS'?

The uncertainty surrounding the question of the Association's competences is the crux of the problem that has inflicted serious damage on Kosovo's state structures and the relations between its communities. No term has caused more concern or debate than that of 'executive powers', despite the General Principles never mentioning the term. Opposition leaders warn that executive powers will inevitably lead to the creation of a Republika Srpska in Kosovo. The majority of Serbs remain deeply sceptical about the prospects of the body ever being vested with any significant powers. And while virtually all Serb participants in this research expressed their wish for the Association to possess executive powers, most were unable to identify what these would amount to in practice.

Albanian criticism that the Association will be a new Republika Srpska has been present from the onset, but Serbs are aware that the degree of structured segregation and separation existent in Bosnia and Herzegovina will not be reproduced in Kosovo.¹²¹ Still, many want the Association to be something it can never be - a replacement for Serbia in its old form.¹²² But the variety of views on the matter reflects the complexity of the situation. On the wish list of Kosovo Serbs with regards to the Association is everything from the Association being a political body channeling the voice and demands of Serbs towards (Kosovo) central institutions,¹²³ to a structure for political autonomy from Kosovo institutions, to the Association serving as an advisory and advocacy mechanism on laws impacting the Serbian community,¹²⁴ to a mechanism for preserving the special relationship with Serbia.^{125 126}

Many Kosovo Serbs, regardless of their wishes as to the role of the Association, are aware of the realities on the ground. They do not believe reassurances that the Association will possess executive powers. Almost 48% of those who answered this question in the northern municipalities were pessimistic, with only around one third believing the Association will be

¹²¹ "That they [Albanians] see CSM as a Republika Srpska? They don't, they know there is no capacity... Serbs cannot create an RS because of the territorial discontinuity. They need to stop creating fears in the international community and themselves" Balkans Group interview, Former Mayor of Serb Municipality, 17 June 2016.

¹²² "The state of Serbia is an emotional question to the Kosovo Serbs. Who offered them a replacement [for Serbia]? Ahtisaari using the backdoor, and Belgrade brought it through the front entrance with fanfare." Balkans Group interview, Former Mayor of Serb Municipality, 17 June 2016. Focus Group, Gračanica, 22 June 2016. "Without the presence of Serbia on this territory there is no life for us."

¹²³ Focus Group, Zubin Potok, 19 May 2016.

¹²⁴ Ibid.

¹²⁵ Focus Group, Leposavić, 8 June 2016.

¹²⁶ Other stated aims for the Association include it being a body administering its own budget to prevent being blackmailed by the Albanian leadership (Balkans Group interview, Representative of Serb Institutions in Kosovo, 22 May 2016), to a channel for institutionalisation and realisation of practical municipal policies (Focus Group, Mitrovica, 18 May 2016; Focus Group, Leposavić, 8 June 2016).

endowed with executive powers.¹²⁷ Around one quarter in North Mitrovica and Leposavić did not know how to answer the question at all,¹²⁸ which may indicate overall uncertainty for northern Serbs. Serbs from central Kosovo were even more pessimistic: almost two thirds were convinced that the Association will be short of executive competences¹²⁹ But whether leaning towards mild optimism or outright defeatism,¹³⁰ all tend to view the process as an irreversible retreat of Serbia from Kosovo.

Serbs are aware of legal impediments, in addition to political obstacles.¹³¹ Expectations are even more dismal following the Kosovo Constitutional Court decision on the Association. From the Serbian perspective, the verdict put a damper on what was envisaged, with 40% of northern Serbs believing this will cause the Association to have less powers, 35% thinking that the court decision will postpone its formation and almost 25% being convinced that the Association will not be formed at all as a result.¹³²

Serbs predominantly emphasise that the Association should have executive powers, yet the meaning behind the term itself is elusive. Most struggle to articulate what exactly 'executive powers' encompasses and what effect they would have in practice. As acknowledged by Serbs themselves, "no one among us knows what it should look like."¹³³ The lack of a clear idea of what it would entail is apparent throughout the survey; most respondents alluded to some level of independent decision-making from Prishtina and varying degrees of support and cooperation with Belgrade,¹³⁴ but rarely were they able to offer more precise clarification.

In the context of general pessimism and confusion, the overriding priority for Kosovo Serbs is that the Association tackles their everyday problems. Whether it deals with education, healthcare or urban planning, Serbs simply want to be able to manage certain aspects of their lives on their own.¹³⁵ In most cases, they do not view the Association as a way to extend Serbia's influence in Kosovo.¹³⁶ This stands in stark opposition to the views of the Albanian majority, preoccupied with matters of sovereignty and territorial integrity. Serbs and Albanians not only speak different languages, they conceptualise the aim of the Association in completely different ways. The micro (daily local problems) – macro (state and territory) dichotomy prevents them from reaching a common understanding or finding solutions to address the concerns of both communities.

In addition to doubting that the Association will be anything more than a "hunters' association",¹³⁷ many Serbs see a limited additional value in

We would like to have a Republika Srpska but we cannot carry it, even if we can Belgrade will not let us have it.

Northern Serb representative

The Constitutional Court will not work against Albanians.... It will always limit us... we have to know this from the start.

Serb member of the parliament

127 Balkans Group survey, June 2016.

128 Idem.

129 Idem.

130 Focus Group, Zvečan, 19 May 2016. "CSM is just a hoax. There will be no perspective or progress with regards to the CSM"

131 "CSM will not have almost any competences according to the Kosovo Constitution." Focus Group, Mitrovica, 18 May 2016.

132 Balkans Group survey, June 2016.

133 Focus Group, Gračanica, 22 June 2016.

134 Balkans Group survey, June 2016.

135 "...that we try to take decisions on everyday questions." "We will never give up education and health care to the Albanians" Focus Group, Mitrovica, 18 May 2016.

136 "Albanians see the CSM as a creation of a Republika Srpska in Kosovo, whereas Serbs are more preoccupied about everyday problems than the CSM" Focus Group, Zvečan, 19 May 2016.

137 Balkans Group interview, Serb Representative North Kosovo, 25 May 2016.

We do not assume to know the truth ...
 The reality is Belgrade is pushing us to integrate.
 Local representative, Zubin Potok

We face too many obstacles from Prishtina ... I cannot even obtain my ID card.
 Local representative Zubin Potok

an Association. Had there been full implementation and respect of the Ahtisaari Plan and Kosovo laws, the Association would not have been needed.¹³⁸ However, Serbs feel that their rights are not sufficiently respected and applicable laws not honored,¹³⁹ and see the Association as unlikely to finally secure what they have been promised on paper.

Serbs' attitudes towards the Association are often reactionary; even if they do not know exactly what the Association is, if the 'other' does not want it, it becomes more desirable. It is a clear manifestation of the zero-sum nature of relations between Kosovo's two largest communities, and an indication that seventeen years after the conflict reconciliation has a long way to go. In the words of a Serbian consultant, "paradoxically, the Community gains political weight [for Serbs] when Albanians raise the tensions by propagating their own fears."¹⁴⁰ Despite their scepticism, upon hearing the statements of politicians from Prishtina, the Association gains in attractiveness: "when we see how much Albanians don't want it, then it must be something good, and we want it even more."¹⁴¹

Without an Association that would give Serbs more decision-making latitude with regards to managing their own affairs, the institution seems redundant or even detrimental. In the words of a Gračanica focus group participant, it is a "useless institution that will only encumber life and divert municipal budget somewhere else...longterm it may be a mechanism for 'raising heads', but it may also be completely counter-productive."¹⁴² Across the different municipalities, Serbs question the rationale for its existence if the Association does not bring them anything more than what they have now. Opinions on this are in almost complete unison: "If the Community of Serb Municipalities will be an association, it is completely unimportant,"¹⁴³ "the Community doesn't have any value"¹⁴⁴ and without "powers there is truly no sense of its [Community's] existence."¹⁴⁵ On the most pessimistic end of the spectrum, the Brussels agreement seems to "take away what [they] already had" by weakening links with Serbia and putting into question the survival of institutions sustaining the existence of Serbian community in Kosovo.¹⁴⁶

Living in limbo between more powerful players and multiple sources of pressure, Kosovo Serbs realise that their bargaining position is severely constrained. The understanding that "it is definitely needed that Serbs give something in order to gain"¹⁴⁷ would be a helpful basis for starting direct talks between Prishtina and the Serbs of Kosovo. If their fellow Albanian citizens realise, like they did, that "the main problem is lack of trust from both sides,"¹⁴⁸ an important step would be taken towards resolving the Association problem.

¹³⁸ Focus Group, Gračanica, 22 June 2016. "Rights foreseen by the Ahtisaari Plan, those same rights that were reduced and entered the Constitution, are not being implemented."

¹³⁹ This issue is analysed in greater detail in the following sub-section.

¹⁴⁰ Idem.

¹⁴¹ Balkans Group interview, Representative of Serb Institutions in Kosovo, 22 May 2016.

¹⁴² Focus Group, Gračanica, 22 June 2016.

¹⁴³ Focus Group, Zubin Potok, 19 May 2016.

¹⁴⁴ Focus Group, Zvečan, 19 May 2016.

¹⁴⁵ Focus Group, Mitrovica, 18 May 2016.

¹⁴⁶ Focus Group, Mitrovica, 18 May 2016.

¹⁴⁷ Focus Group, Zvečan, 19 May 2016.

¹⁴⁸ Focus Group, Zubin Potok, 19 May 2016.

However, building a basis for a compromise promises to be an arduous task; whether by holding elections within the Kosovo legal framework,¹⁴⁹ dissolving the civil protection and justice institutions or by integrating the police into the Kosovo one,¹⁵⁰ the prevailing feeling is that Serbs have no further compromises to make.¹⁵¹ Now the ball is in Prishtina's court in the form of the Association, which "is the only concession Prishtina had made and even that is being conditioned in its implementation."¹⁵²

THE ASSOCIATION AS A TOOL TO PRESERVE A WAY OF LIFE

For Serbs, as they become fully integrated into the Kosovo state, the Association is perhaps the last remaining tool to ensure that they can continue with their way of life as a distinct community. The Brussels process has had a profound impact on how Serbs see their prospects for a safe and prosperous future in Kosovo. Many cite prior and current wrongdoings against Serbs, lack of their public condemnation by the Albanian majority's political leaders,¹⁵³ and an almost complete absence of their investigation and punishment as evidence that there is no goodwill on the side of the Albanian majority to welcome Serbs in Kosovo.¹⁵⁴ While the return of Serbs after the war was an opportunity to start rebuilding trust between the two communities,¹⁵⁵ it failed.¹⁵⁶¹⁵⁷ Integration from the perspective of Serbs depends not on further privileges,¹⁵⁸ but on the improvement of relations and treatment of Serbs by the majority; "Kosovo has to stop violence against Serbs, if it doesn't do it there is no integration and no discussion about it. Albanians have to reduce their extremes to the minimum."¹⁵⁹

The list of deeply felt injustices is a long one. The unresolved cases of seized property,¹⁶⁰ the damage to Serbian cultural heritage,¹⁶¹ the disregard of

Time for Prishtina to offer something to us ... We do not care what, which system ...

Local representative, Zubin Potok

"Kosovo is not made for Serbs to live in"

149 Balkans Group interview, Serb Representative in Kosovo institutions. "They already made a compromise – they went to elections in the north. That is the biggest possible compromise, Prishtina could only dream about organizing them in the north according to Kosovo laws. There was no chance without Belgrade. So, with broken boxes and heads, but the elections were held, municipalities formed – that is a compromise. That Belgrade was unable to valorize that compromise, that is another story."

150 Focus Group, Leposavić, 8 June 2016.

151 Balkans Group interview, Kosovo Serb Representative; Balkans Group interview, Serb Representative in Kosovo Institutions; Focus Group, Leposavić, 8 June 2016.

152 Focus Group, Leposavić, 8 June 2016; Balkans Group interview, Kosovo Serb Representative. "There are no compromises to be made by the Serbian community because they already made compromises. We are cooperative enough... Serbian people expect positive moves from Prishtina. We cannot go further from there. What is expected is the CSM and that it will be resolved as soon as possible, not only the Albanian people will be in a much better position, but also the Serbian and the international community. ... Many things would start going in a positive direction if the CSM was formed..."

153 "The question is whether the Albanians have ever publicly condemned any of such attacks, this question can be posed to all political parties in Kosovo." Focus Group, Zvečan, 19 May 2016.

154 "The worst thing about the current situation is that none of such incidents is adequately processed nor punished." Focus Group, Zvečan, 19 May 2016.

155 Focus Group, Gračanica, 22 June 2016.

156 Focus Group, Leposavić, 8 June 2016. "It is too late now...return was an opportunity, but it failed, March 2004 was a terrible message"

157 Expressing a widely held opinion, participants in the Leposavić and Zvečan focus groups remark, "for the start, Albanians must not shoot at the returnees and throw bombs," "they need to show that they really want Serbs to stay on this territory, but they are not showing that." Focus Group, Zvečan, 19 May 2016. "they need to show that they really want Serbs to stay on this territory, but they are not showing that." Focus Group, Leposavić, 8 June 2016.

158 Focus Group, Leposavić, 8 June 2016. "We don't want any benefits from Prishtina, we from the villages have not interest in that."

159 Focus Group, Zubin Potok, 19 May 2016.

160 Focus Group, Gračanica, 22 June 2016.

161 Focus Group, Leposavić, 8 June 2016.

Before it was about Serbs living with Serbia ... Now we are about our existential needs, jobs, education ... Does Prishtina have any to offer?

Local representative Zubin Potok

"The Association is the last straw of hope or possibility that things will improve"

the Law on the use of languages,¹⁶² the feelings of a lack of security and freedom of movement¹⁶³ lead Serbs to the conclusion that "Kosovo is not made for Serbs and Serbs do not feel good here."¹⁶⁴ Coupled with having to face numerous practical and administrative hurdles, such as difficulties with obtaining Kosovo identity cards and refusal of Kosovo institutions to recognise Serbian marriages concluded after 1999,¹⁶⁵ for Serbs there is no indication that the situation will change in the foreseeable future.¹⁶⁶ While Gračanica and other Serbian municipalities in southern Kosovo are often presented by Kosovo institutions and civil society as successes of integration, Serbs from the North see them as yet another deterrent to accepting Prishtina's jurisdiction.¹⁶⁷ Statements such as the one echoed in the Gračanica focus group reach them more often than not: "every day there are pressures and intimidations."¹⁶⁸ Serbs in central Kosovo make clear that their interaction with Prishtina is a forced one, a relation which they accepted out of need, more than anything else.

However, Serbs realise the necessity of coexistence and give signals that attempts at reaching out to them by the Albanian community would be welcome. A participant in the Zvečan focus group cautioned that there is a need to "accept the reality that the matter of survival of Kosovo and Metohija Serbs does not depend on Belgrade, but Prishtina. The behaviour of Albanians towards Serbs will have a larger effect."¹⁶⁹ Rebuilding of trust and reconciliation between the two communities are fundamental prerequisites for inter-community peace,¹⁷⁰ a process in which the Association could be instrumental.¹⁷¹ Rather than solidifying the ethnic divisions as professed by the Association's opponents on the Albanian side, the body could be a tool for bridging the divide by alleviating Serbs' fears towards the majority.

But because the track record is vastly negative from their point of view,¹⁷² Serbs worry about their fate once their center of political and legal gravity moves from Belgrade to Prishtina. Maintaining some level of Belgrade involvement and ensuring a degree of independence from the central institutions in Prishtina, the Association would serve as a protective barrier against potential (and expected) animosities both from the majority institutions and the population.¹⁷³ Kosovo's Serbs feel vulnerable at the prospect of facing an Albanian majority that views them negatively without

162 "The law on the use of languages is just some whatnot, many other laws are on paper one thing and in practice another" Focus Group, Gračanica, 22 June 2016.

Focus Group, Leposavić, 8 June 2016. "I saw a Serbian mayor to complain on TV that he receives all documents in Albanian and that he is unable to translate them. They receive documents on the municipal budget in Albanian and that is done intentionally by the central administration in Prishtina. It is clear evidence that there are no good intentions. If they wanted they would create a language department and would always do translations and send everything that is needed"

163 Focus Group, Zvečan, 19 May 2016.

164 Focus Group, Leposavić, 8 June 2016.

165 Focus Group, Zubin Potok, 19 May 2016. "to receive documents Kosovo institutions do not accept neither marriage nor ancestry from Kosovo, nor being born in Kosovo"

166 Focus Group, Gračanica, 22 June 2016.

167 Focus Group, Leposavić, 8 June 2016. "Integration of Serbs is best seen on the integration of Serbs south of Ibar – they don't have good experiences and why would we accept something that is bad."

168 Focus Group, Gračanica, 22 June 2016.

169 Focus Group, Zvečan, 19 May 2016.

170 Focus Group, Zubin Potok, 19 May 2016; Focus Group, Zvečan, 19 May 2016.

171 Focus Group, Zvečan, 19 May 2016. "CSM must bring back mutual trust i.e. coexistence."

172 Focus Group, Zubin Potok, 19 May 2016. "the problem is there were never any attempts/offers, only threats"

173 Focus Group, Mitrovica, 18 May 2016. "The Association is the last straw of hope or possibility that things will improve." Focus Group, Leposavić, 8 June 2016.

the security that Belgrade offers them, at least in part.¹⁷⁴

The increase in the importance of the Association in ensuring and/or improving both wellbeing of Serbs in Kosovo and their relations with Prishtina is apparent in the survey results. Together with issues of physical and economic security and respect of laws related to community rights, the formation of the Association is most often cited as a step that would signal a genuine willingness of the majority to share in a common society with Serbs. This is a strong indication that the Association, if formed, would have an impact on the overall relaxation of the feelings Serbs might harbor towards the newly-formed Kosovo state.

Another vantage point from which the Association is seen as a matter of survival by Serbs is the transfer of vital public institutions and services from Serbia's to Kosovo's system. Particularly in healthcare and education there are numerous incompatibilities which directly impact the ability of Serbs to remain in Kosovo. The Association should therefore serve as a mechanism to keep these fundamental fields operating as they used to while being a part of Serbia, as much as possible within the new legal and practical context. In addition to healthcare and education, Serbs have noted other areas in which the Association should have strengthened competences, including the pension and social security system, urban planning, culture, inter-municipal and regional cooperation and the Development fund for the North. However, most emphasise that healthcare and education, in particular, constitute an uncrossable red line that will determine whether Serbs will uproot themselves from Kosovo.

Transferring the healthcare and educational institutions from Serbia's to Kosovo's system would require a significant reduction in the numbers of doctors and teachers and hundreds of families would suffer loss of income crucial to their survival. The Kosovo state budget is not large enough to finance jobs previously maintained by Serbia, and arrangements of possible transfers of funds from Serbia to the Association via Prishtina for this purpose raise numerous doubts among Serbs.

Serbs are notably concerned about possible holdup of Serbia's funds (whether purposeful or not) in the central institutions of Kosovo. As the argument goes, the Association should be in charge of financial affairs in order to ensure uninterrupted availability of funds sustaining the functioning of vital institutions. As this relates to fundamental services such as healthcare and education, the Association would be an important factor in the physical and cultural survival of Serbs in Kosovo.

A separate series of worries, for instance, relates to the Clinical and Health Center in Mitrovica North, which operates as a primary health center because of its importance and funding within the Serbian system. However, according to Kosovo legislation, it would get demoted to a secondary, or perhaps even tertiary level institution. This carries all sorts of implications¹⁷⁵ because a demotion in the rank of the health institution would mean that Serbs a) would have extreme difficulties getting treatment in Serbia

"There is fear that the will of the majority will be imposed by force ... and the Community of Serb Municipalities is seen as a potential mechanism that will protect the community against it"

"We are not looking at whether we are moving to a different system, but whether we are going to survive"

Prishtina puts many obstacles in our way ... Belgrade harms us politically. Marko Djuric does not let us say what we want ... He has blocked our communication with Belgrade institutions and does not let us deal with Prishtina. Srpska official

¹⁷⁴ "always talks about Serbs in a negative context" on their own" Focus Group, Gračanica, 22 June 2016.

¹⁷⁵ Balkans Group interview, Representative of Serb Institutions in Kosovo, 22 May 2016. "The hospital currently employs 3,000 people. After the reduction in numbers, what are we supposed to do with the 2,500 unemployed? ... The numbers are the same across the board for all institutions – we are talking thousands of jobs here"

for services other than those covered in Kosovo by both the Serbian and Kosovo system; b) would have to pay for a majority of services and medication already covered by the Serbian system now; and c) have to get treatment in inferior institutions in terms of quality in Kosovo. Despite the shortcomings and challenges faced by Serbian healthcare institutions, there is a widespread belief that they are largely superior to those offered within the Kosovo system. Absence of a general insurance system and low quality of care in Kosovo are the main concerns. Serbs perceive that Albanians do not trust their own healthcare system, and that they frequently seek healthcare in Serbian institutions and make use of Serbian identity and health documents.¹⁷⁶ This makes Serbs wary of potentially embracing the Kosovo system in the future. Subjecting to scrutiny all other areas of state service provision and economic performance, Serbs conclude that "Kosovo has not done enough for Albanians, let alone for Serbs"¹⁷⁷ and that "Albanians live worse than before 1999 and before getting a state."¹⁷⁸ The belief that there is little, if anything, that the Kosovo system can offer Serbs¹⁷⁹ explains their resistance to being moved from what they see as a good to an inferior system.¹⁸⁰

The Association is thus seen as a mechanism that would avoid those undesirable consequences for Serbs, but Serbs have not received strong enough reassurances that the system would remain in place. The message from Kosovo and the international community has always been that the number of jobs needs to be significantly reduced. Aleksandar Vulin (Serbian Minister of Labour, Employment, Veteran and Social Policy), on the other hand, has many times stated that "we will not lose a single job."¹⁸¹ Different messages from different sources can and will lead to confusion of the locals, heightening their fears and sense of insecurity in regards to their basic survival needs.

The level of development of political culture in Kosovo is another red flag for Serbs, particularly those observing it from afar, who are shielded from the full impact of Kosovo's political reality by the Ibar river and the presence of Serbian state. The potential degradation of democratic values that Serbs hold dear as a result of integration causes unease.¹⁸² This is so despite the fact that the Serbian elite in Kosovo acceded to power through electoral fraud and appointments directed from Belgrade rather than a popular vote.¹⁸³ Frustration with this is present among Serbs in both the North and South whose democratic inclinations have been violated, but Kosovo's lack of democratic culture remains to be seen as the worse of the two alternatives.

In a scenario where drastic changes are made to healthcare and education systems, if the Association is not utilised as a 'conservation' tool, emigration

¹⁷⁶ "Not even Albanians trust their own healthcare system." Focus Group, Leposavić, 8 June 2016; Focus Group, Mitrovica, 18 May 2016.

¹⁷⁷ Focus Group, Leposavić, 8 June 2016.

¹⁷⁸ Focus Group, Zubin Potok, 19 May 2016.

¹⁷⁹ Idem.

¹⁸⁰ Balkans Group interview, Zubin Potok Municipal Official, 17 May 2016.

¹⁸¹ <http://www.blic.rs/vesti/politika/vulin-srbija-ce-nastaviti-da-pomaze-srbe-na-kosovu/82ylqvf>

¹⁸² Balkans Group interview, Zubin Potok Municipal Official, 17 May 2016. "The Kosovo Albanian elite functions dysfunctionally. There is no decentralization in Kosovo and everything is tied to the Ministry of Finance and the agenda of the broad government as such. Therefore, every single thing is subjugated to the will of central institutions. The system is a CENTRALIZED one."

¹⁸³ Focus Group, Leposavić, 8 June 2016.

becomes the only option for many.¹⁸⁴ Remaining in Kosovo has been an inferior choice for years, with “a genuine fear that people had sacrificed the future of their children for the simple fact of choosing to stay here.”¹⁸⁵ The Association could also serve as a political intermediary between Serbs and Prishtina, allowing the former to partially preserve their culture. If it does not reverse Serbian emigration, it could at least slow it down. The message is clear: “we are not looking at whether we are moving to a different system, but whether we are going to survive.”¹⁸⁶

THE MISSING LINK: ON THE LOOKOUT FOR AN AUTHENTIC SERBIAN LEADERSHIP

There is a pervasive belief among Kosovo Serbs that whether the Association will have a positive impact on their lives depends on who will sit at the helm. Should current Kosovo Serb leaders be the ones charged with steering this body, the general belief is that it would become yet another nominal instrument that fails to yield tangible results. Above all, Kosovo Serb leaders are tainted by fraudulent local elections from 2013, orchestrated by Belgrade. One focus group participant noted, “through illegal and illegitimate elections we got illegitimate representatives,”^{187 188} without any real influence in the community¹⁸⁹ and subservient to Belgrade.^{190 191} Such interventions into citizens’ democratic expression produced a genuine distrust between Serbian leaders (Belgrade directed Srpska lista) in Kosovo and the Serbian community. Among the Kosovo Serb community, it has bred suspicions as to Serbia’s real intentions behind the entire Dialogue process.¹⁹² The impression that Kosovo, and thus Kosovo Serbs, have become Belgrade’s bargaining chip for EU membership¹⁹³ gives traction to local demands for an authentic leadership capable of independent decision-making. The community laments the missed opportunity to build a leadership that would represent the true interests of Kosovo Serbs.¹⁹⁴ Illustrating their frustration, one focus group participant notes “(Kosovo) Serbian MPs face greater obstructions from the Office for Kosovo and Metohija (Government of Serbia) than from Albanians.”¹⁹⁵

¹⁸⁴ “If you can’t send your child to get educated and you can’t see a doctor, then you move out. In case these two systems fall, I am expecting a major migration.” Balkans Group interview, Representative of Serb Institutions in Kosovo, 22 May 2016.

¹⁸⁵ Focus Group, Gračanica, 22 June 2016.

¹⁸⁶ Focus Group, Zvečan, 19 May 2016.

¹⁸⁷ Focus Group, Leposavić, 8 June 2016. “One has to know that our representatives are not our representatives, but that they were appointed through force and rigged elections.”

¹⁸⁸ Focus Group, Leposavić, 8 June 2016.

¹⁸⁹ Focus Group, Leposavić, 8 June 2016; Focus Group, Zvečan, 19 May 2016: “Politicians from the North of Kosovo and Metohija don’t have the support of the people, majority comes to Prishtina to collect the salary. The situation changed a bit recently with Slavko Simić who says at least something about the current issues. The next parliamentary elections in Kosovo will be the question of whether the people who were once politically active will reactive themselves.”

¹⁹⁰ Focus Group, Gračanica, 22 June 2016; Focus Group, Mitrovica, 18 May 2016. “The problem is that there are people who come from Belgrade and decide.”

¹⁹¹ Balkans Group interview, Former Mayor of Serb Municipality, 17 June 2016. “Serbs never built up their political existence. Brain is left in a jar at Merdar and instructions are sought from Belgrade. They are harming themselves as well as Belgrade. ... People don’t know where the directives are coming from, Belgrade satellites are the main culprits of the situation in Kosovo.”

¹⁹² Balkans Group interview, Former Mayor of Serb Municipality, 17 June 2016. “From the first to the last Serbs believe Belgrade and listen to it even though they know they are making a mistake. They see that the message they received through representatives of Belgrade in Kosovo is being interpreted wrongly to them.”

¹⁹³ Focus Group, Mitrovica, 18 May 2016. Balkans Group interview, Representative of Serb Institutions in Kosovo, 22 May 2016. “I think Kosovo Serbs were never of importance to the power in Belgrade.”

¹⁹⁴ Focus Group, Gračanica, 22 June 2016.

¹⁹⁵ Focus Group, Zvečan, 19 May 2016; Balkans Group interview, Serb Representative in Kosovo Institutions.

"Prishtina causes many obstacles for us, largely administrative, that show lack of will to integrate us. But today our real problem is obstacles we get from Belgrade, particularly the Office for Kosovo and Metohija. They don't allow us to talk about our issues"

In addition to issues of legitimacy, Srpska lista is plagued by schisms among its own ranks.¹⁹⁶ While the lack of unity and subsequent lack of political strength might have prevented greater involvement of Srpska representatives during the political crisis in Prishtina, might have prevented further escalation between Serbs and Albanians over the Association,¹⁹⁷ it also foreshadows that the latter's eventual implementation could be marred by intra-Serbian divisions. From the perspective of ordinary Serbs, this is bound to translate into yet another failure to adequately represent their best interests.

The above-mentioned challenges are compounded by the lack of capacities to carry out the duties and responsibilities of an Association. The Serbian community accepts that neither the current leadership nor the possible alternatives (former leaders, younger prospective leaders, etc.) possess the skills necessary to successfully run the would-be body.¹⁹⁸ The matter of actual capabilities goes beyond mere bureaucratic abilities; there are doubts whether there are enough Serbs who speak English, know anything about project implementation, can work within the legal framework of Kosovo, and/or are computer literate. The problem has deep and widespread roots. Failing to develop political capacities is a failure of Serbia's long-term approach towards Kosovo: "The problem is that politics has never permitted credible human resource capacities to be created to do politics and lead the society in general. The Serbian Renewal Movement (Serbian: Srpski pokret obnove) was the first autochthonous political movement of Kosovo Serbs and Belgrade did not allow for an authentic political platform to be created: "Belgrade washes its hands and will lead no more, but the remaining Kosovo Serbs are incapable and will have no relations with Albanians whatsoever."¹⁹⁹

Many are of the opinion that Kosovo Serbs should be enabled to speak to Prishtina directly, without Belgrade's or anyone else's interference. "We support what Self-Determination is saying, that Serbs from Kosovo should be spoken to directly, and not through Belgrade."²⁰⁰ The timing of when Belgrade decides to 'wash its hands' of Kosovo Serbs and how much space they will be given to consolidate their political and executive capacities will have a direct influence on the role the Association will play in the lives of the Serbian community as well as the Kosovo state.²⁰¹ As succinctly expressed by a Kosovo Serb consultant, "Serbia should help Kosovo Serbs, not lead them".²⁰²

"...Serbs are disoriented in their own lack of prospects, they lost a political elite, Belgrade is asked about everything, everyone is scared of Belgrade's disapproval because that can be dangerous, and that has some consequences."

¹⁹⁶ Balkans Group interview, Srpska List Member, 11 June 2016.

¹⁹⁷ Balkans Group interview, Zubin Potok Municipal Official, 17 May 2016.

¹⁹⁸ Focus Group, Gračanica, 22 June 2016.

¹⁹⁹ Focus Group, Gračanica, 22 June 2016.

²⁰⁰ Focus Group, Leposavić, 8 June 2016.

²⁰¹ Balkans Group interview, Former Mayor of Serb Municipality, Gracanica, 17 June 2016. "It is very important who will lead it, who will represent the interests of Serbs. It is about personal authorities, political, moral and other capacities. That is one of the keys. The name isn't important, important is what it represents. The form isn't important."

²⁰² Balkans Group interview, Serb Official Government of Kosovo, 20 May 2016.

CONCLUSION

The foundations and the unfolding of the entire Dialogue process between Belgrade and Prishtina have been marred by multiple flaws. The process threatens to halt. The EU has been negligent in setting the tone, putting forward issues for discussion and advancing dialogue. The governments of Kosovo and Serbia have failed to fully honor and implement the agreements. Continuation of dialogue, this time reframed to focus on normalisation of bilateral relations between the government of Kosovo and Serbia, is key to advancing reconsolidation, improving good neighborly relations and securing a prosperous life for Kosovo Serbs. While the dialogue is reframed and a new spirit is given, work on the formation of the Association of Serb municipalities should continue. It was agreed in Brussels by both Kosovo and Serbia. A transparent and clear roadmap should be presented for the implementation of the Association, and this time much of the work should happen inside Kosovo.

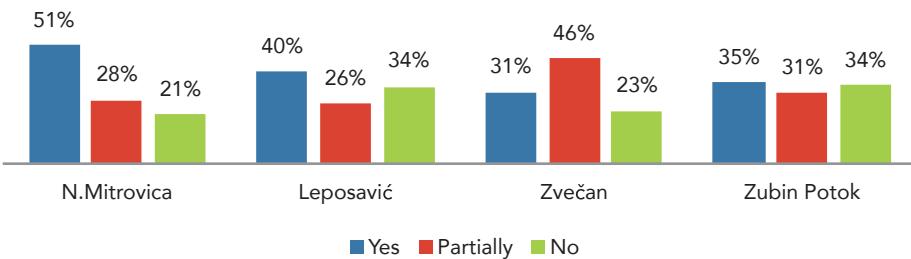
The Kosovo government and the opposition need to sit and develop new guidelines for the dialogue with Serbia. They should commit to implement an Association in line with the Constitutional Court ruling and develop a roadmap for implementation and progressive integration of the northern Serb community. Serbs of all sectors should be invited for consultations and dialogue promoting the values and benefit of integration beyond an Association of municipalities. Serbs should be encouraged to participate in all state-related policies.

The Association should not be an instrument for Belgrade. It is only for the benefits of the Kosovo Serbs. The EU allowed Belgrade to gain an upper hand in Kosovo, with extensive control of Serbs. The biased direction of the Dialogue was acknowledged by senior diplomats of influential EU Member States and needs to be promptly corrected. Belgrade control over the local Serbs has become unbearable to those who feel unable to oppose it. They want the international community to free them from this control so that they have the authority to determine their own future. The Belgrade policy for Kosovo Serbs exacerbates fears among Albanians. Transparency, genuine public debate and involvement of those whose lives are directly affected by the Association should be part of the process of establishing the Association. Mitigating the fears of Serbs and Albanians alike may become the make-or-break point for the success of the Association and the entire Dialogue.

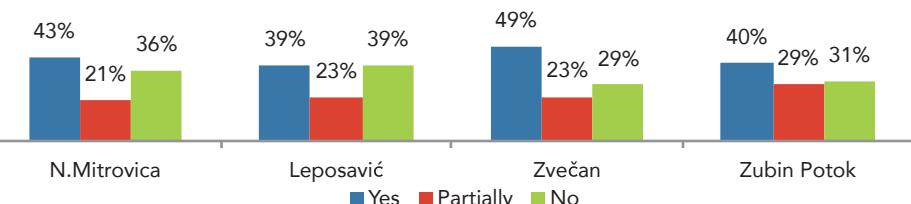
ANNEX I: SURVEY RESULTS FOR NORTHERN MUNICIPALITIES

SURVEY QUESTIONS

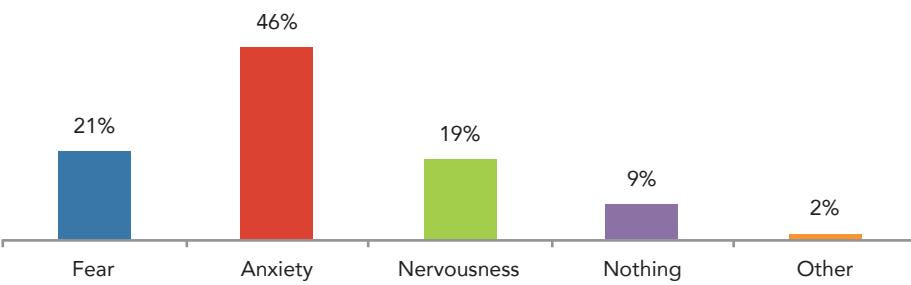
Is the Agreement of the Association/ Community of Serbian Municipalities the main source of the current political crisis in Prishtina?



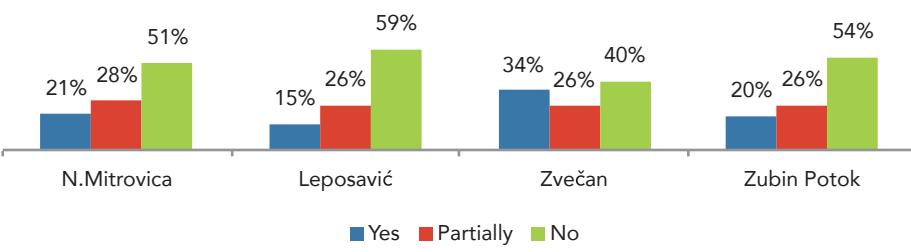
Is the current political crisis in Prishtina reflected in the implementation of the Brussels Agreement?



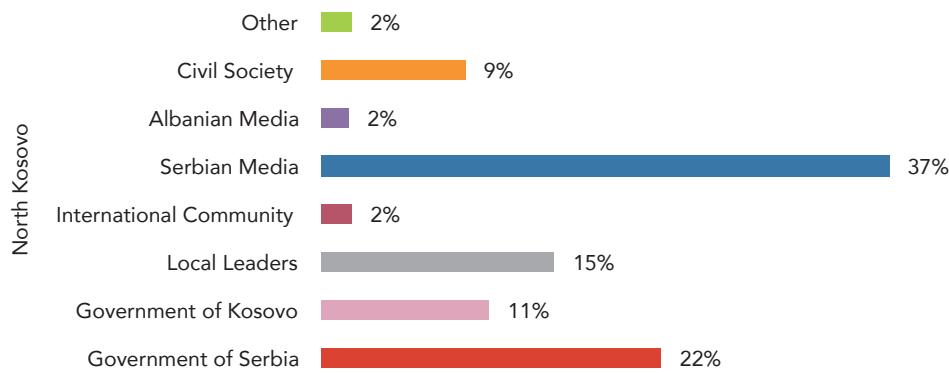
What feeling does the political crisis in Pristina provoke among Serbs in Kosovo?



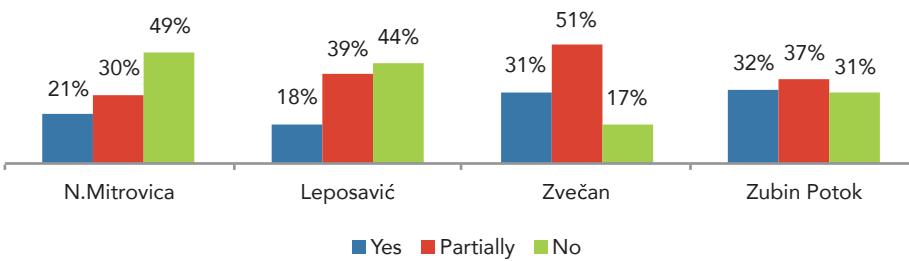
Did anyone reach out to explain to you what the Association/Community of Serb Municipalities is?



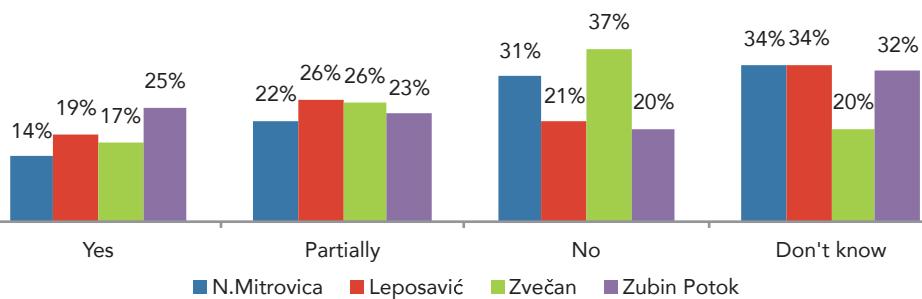
So far, who gave the most accurate information about the Association of Serb Municipalities (ASM)?



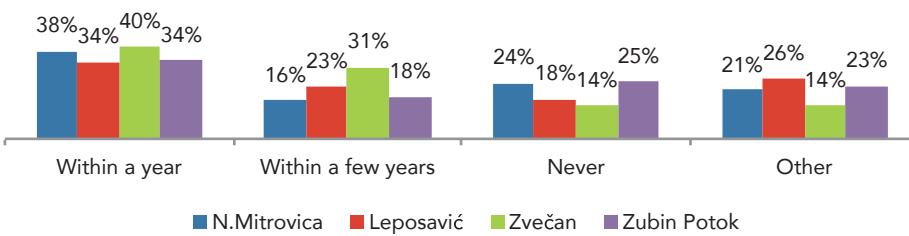
Do you understand what was agreed in Brussels regarding the ASM?



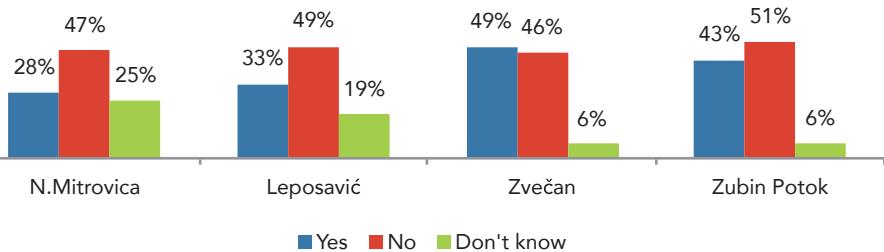
Do you think that Serbian institutions will close after the formation of the ASM?



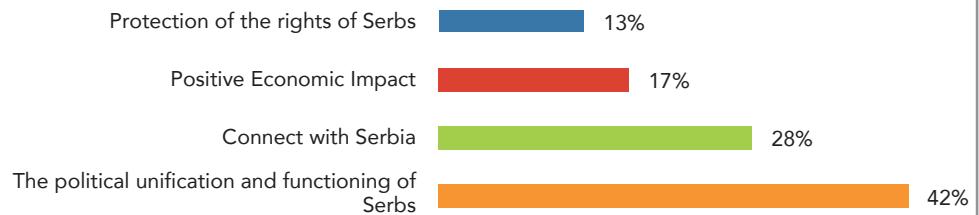
In your opinion, when will the Association of Serb Municipalities be formed?



Belgrade says that the ASM will have executive power. Do you believe that?

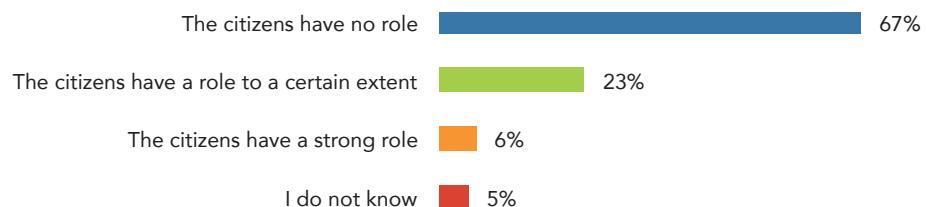


What role should the Association of Serb Municipalities have?

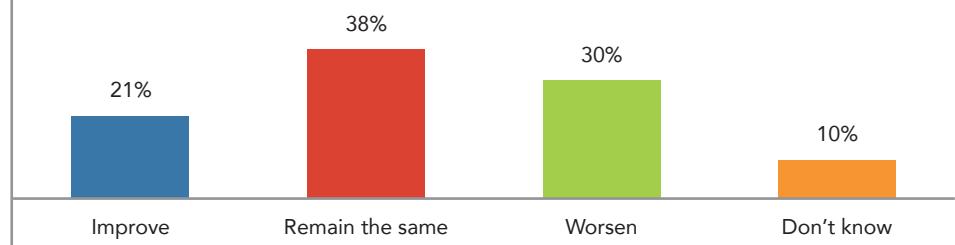


*Survey respondents were able to select answers from a list of possible responses.

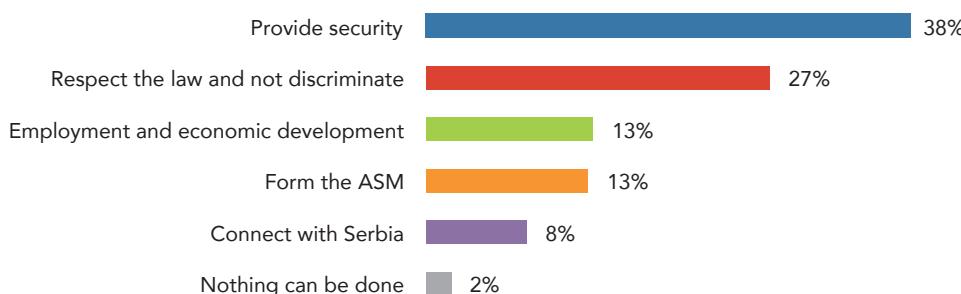
Do you see any role of citizens in the process of implementing the Agreement on the Association of Serb Municipalities?



How do Kosovo Serbs see their relations with Kosovo in the future?

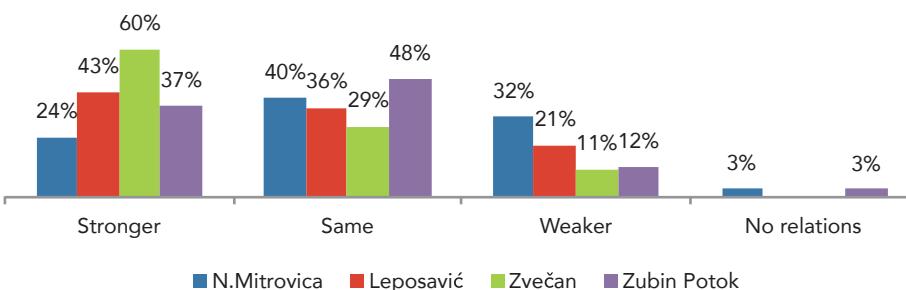


What should Pristina concretely do
to improve relations between Serbs and Albanians in Kosovo?



*Survey respondents were able to select answers from a list of possible responses.

How do you see the relations with Belgrade in the future?



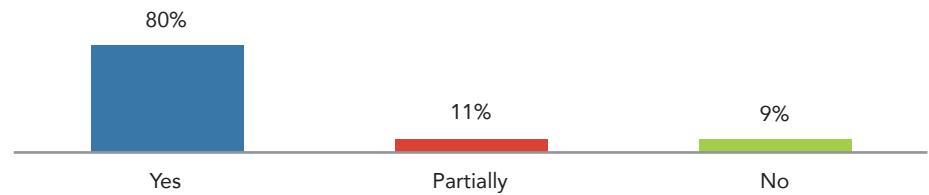
What do you expect to be the effect of verdict of the Constitutional Court of Kosovo on the establishment of the ASM



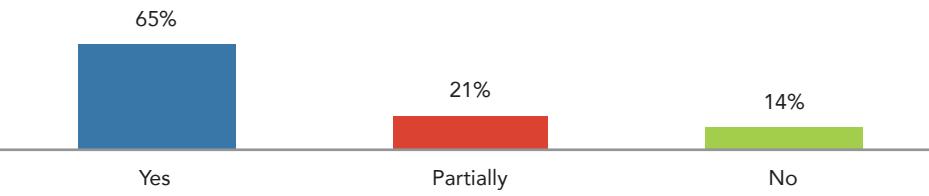
ANNEX II: SURVEY RESULTS FOR CENTRAL KOSOVO²⁰³

SURVEY QUESTIONS

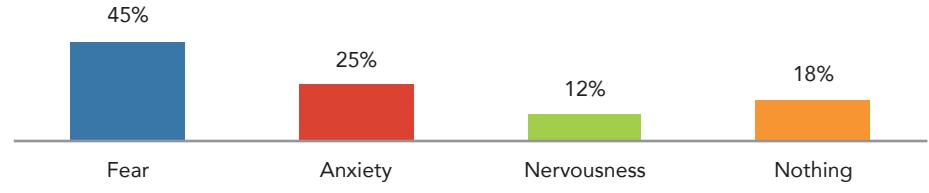
Is the Agreement of the Association/Community of Serbian Municipalities the main source of the current political crisis in Prishtina?



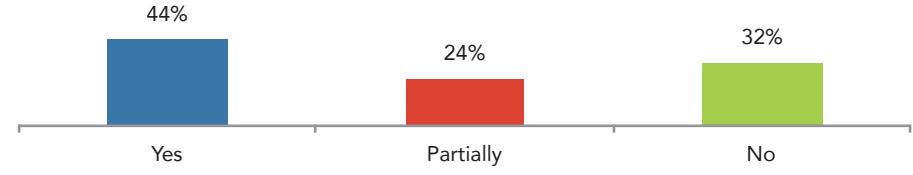
Is the current political crisis in Prishtina reflected in the implementation of the Brussels Agreement?



What feeling does the political crisis in Prishtina provoke among Serbs in Kosovo?

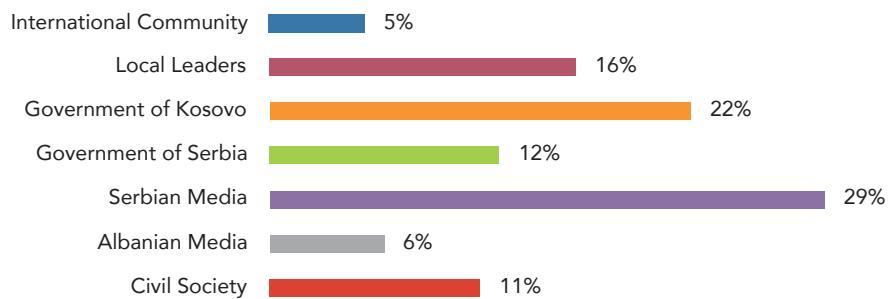


Did anyone reach out to explain to you what the Association/Community of Serb Municipalities is?

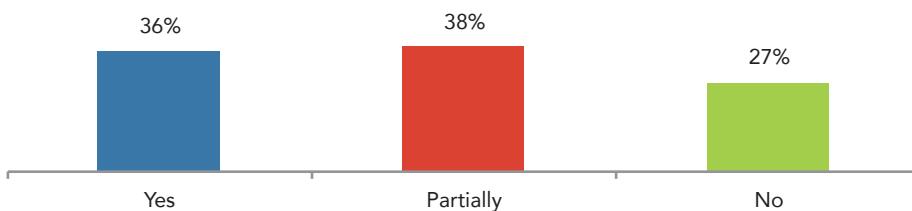


²⁰³ Survey took place in the Gračanica Municipality

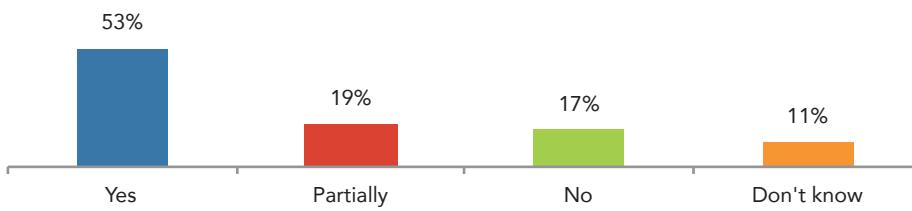
So far, who gave the most accurate information about the ASM?



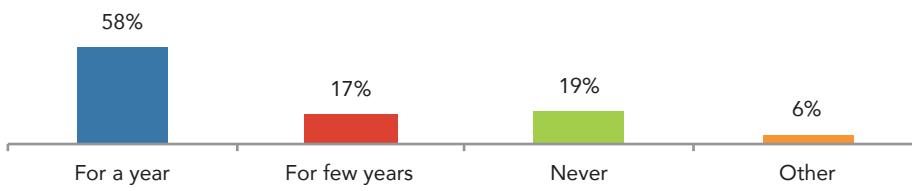
Do you understand what was agreed in Brussels regarding the ASM?



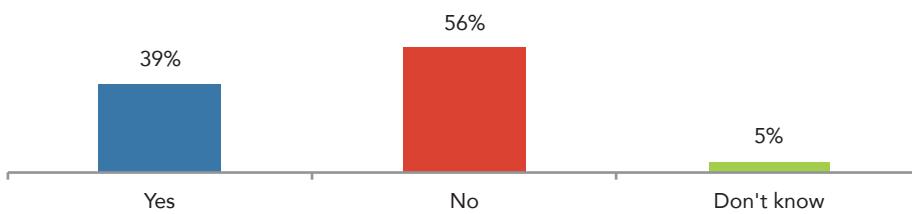
Do you think that Serbian institutions will close after the formation of the ASM?

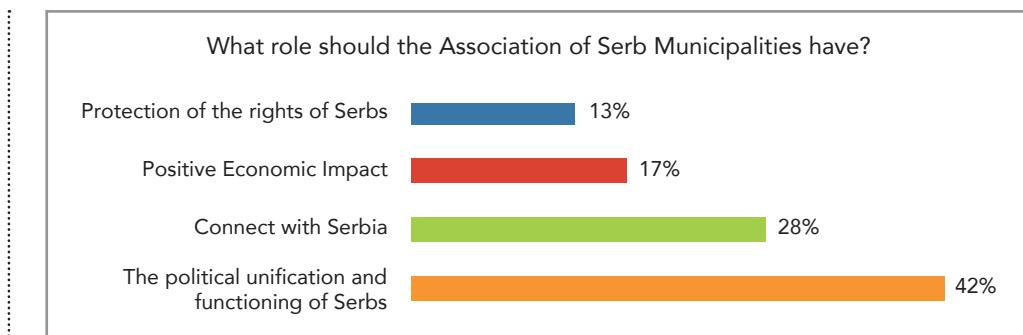


In your opinion, when will the Association of Serb Municipalities be formed?

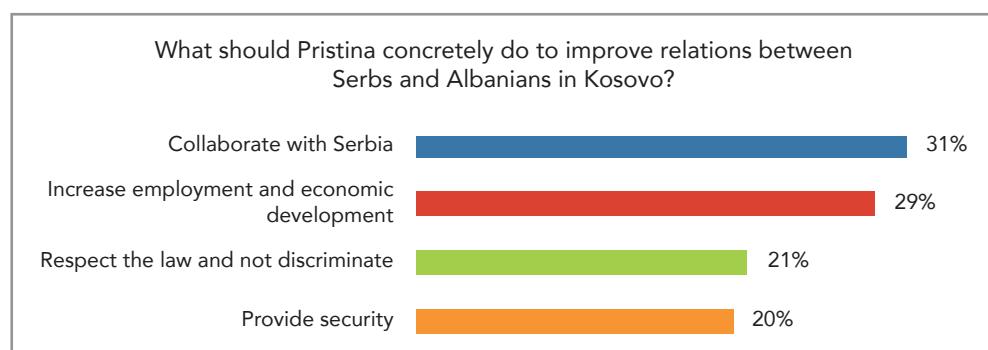
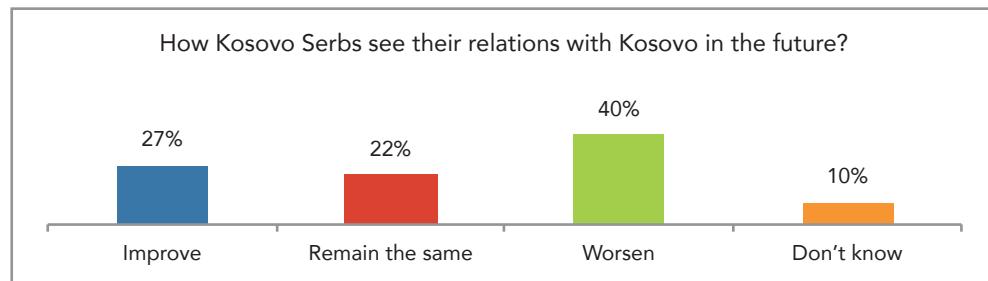
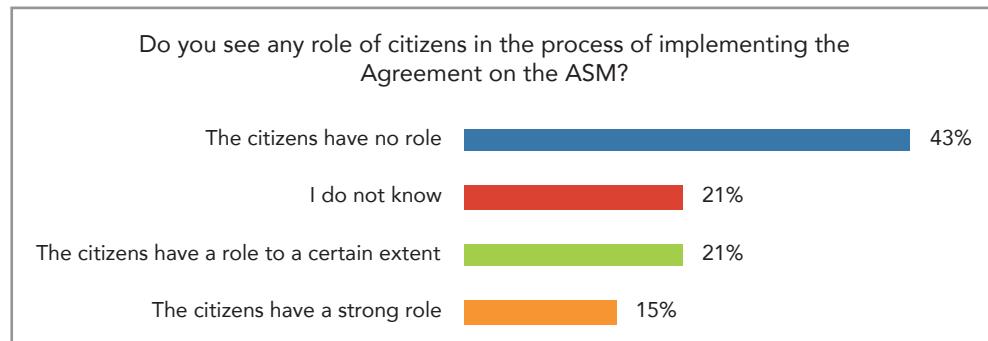


Belgrade says that the ASM will have executive power.
Do you believe that?

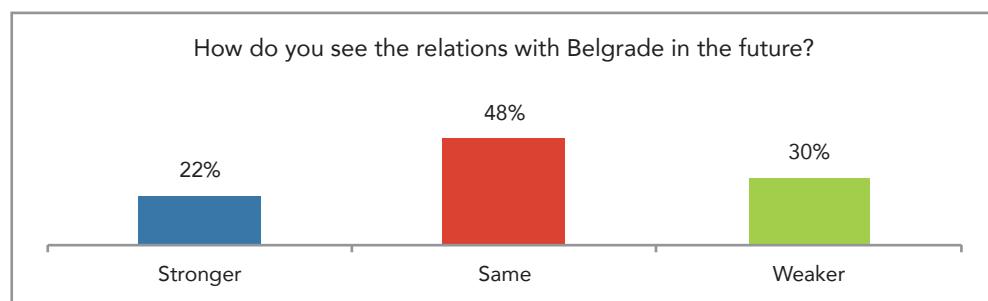




*Survey respondents were able to select answers from a list of possible responses.



*Survey respondents were able to select answers from a list of possible responses.



What do you expect to be the effect of verdict of the Constitutional Court of Kosovo on the establishment of the ASM?

The verdict will delay the formation of the ASM  54%

ASM will not be formed due to the verdict  24%

The authority of ASM will be largely reduced from the initial positions  22%



The Balkans Policy Research Group is an independent, regional think tank based in Pristina, Kosovo. We provide timely analysis and policy development on a wide array of state building issues; institutional and democratic consolidation; minority integration and neighborly relations; and European integration and policy change. We have decades of experience in policy reporting and development, strategic thinking and advocacy with governmental, international and non-governmental organizations.

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