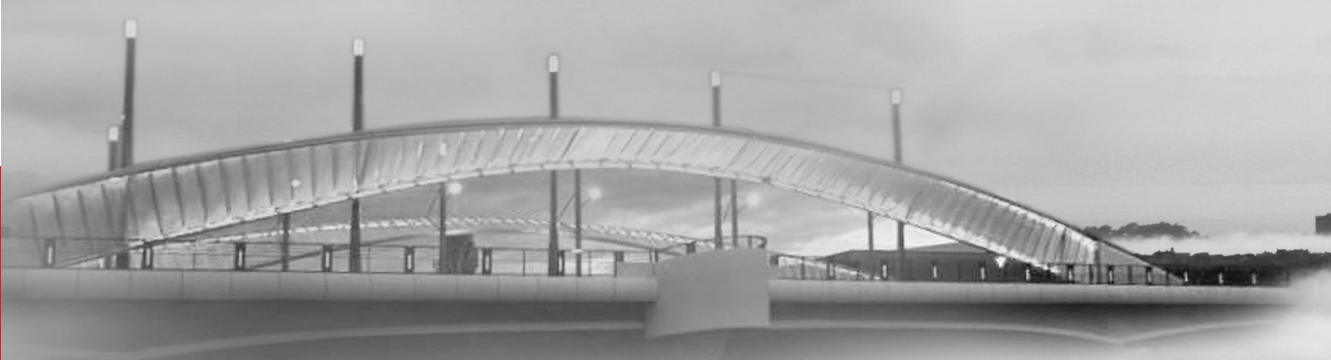




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CLEARING UP THE FOG OF THE CONFLICT

Kosovo Institute of Peace

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I. INTRODUCTION

The nature of conflicts and peacemaking during the last two decades has produced fragile peace and consequently has left unresolved, contested, and frozen conflicts between and among disputant states. Although mainly metaphorical, the northerner regions of conflict-affected states and territories seem to be more prone to destabilization and social fragmentation, as evident with the Protestant-dominated Northern Ireland, Turkish-controlled Northern Cyprus, Dutch-dominated Flanders in the north of Belgium, Catalan-dominated Catalonia in north of Spain, and many other regions. The political and social developments in the last thirteen years are making the north of Kosovo gradually a zone of political conflict as well as ethnic confrontation. Following the NATO's humanitarian intervention and the deployment of international civilian and military personnel, the north of Kosovo became the nest of Serb community in Kosovo. Supported intentionally by Belgrade to exercise remotely relative control over Kosovo, a number of parallel structures in the field of security, public services, healthcare, education, and justice have emerged after 1999 and constantly obstructed the integration of Serb community in Kosovo, and constrained the international presence and Kosovo institutions to govern the region. To this bitter reality have contributed also post-conflict revenge and sporadic and orchestrated violence against minorities in Kosovo and the inability and ineffectiveness of KFOR and UNMIK to deliver on their taken responsibilities to provide peace and security in Kosovo and create inclusive and plural institutional and political mechanisms for a viable peace in the country.

The nature of disputes in the north of Kosovo is often attributed to different inter-related factors, including: distrust between Albanians and Serbs, lack of multiethnic co-existence, international failure to establish the rule of law and effective governance, Serbia's struggle for territorial possession and domination, control of water resources and mineral assets, and revenge and obstruct Kosovo's newly declared independence. Moreover, these disputes in the north of Kosovo are about maps. However, there are two sorts of maps – mental and factual. For Serbs in the north their mental map includes the whole territory of Kosovo, while their factual map lies only in Mitrovica, Leposovic, Zubin Potok and Zvecan. Similarly, for Albanians in the south of Mitrovica their mental map include all Kosovo's territory

including Kosovo's north, while their factual map lies until the Ibar River, which divides the north and south alongside ethnic lines and cleavages. But these are only some of the common known factors and reasons behind such a complex situation. In this regard, more profound, yet comprehensive analysis is essential to capture the complexity.

So far the research on the north of Kosovo has been partial and insufficient. Most of the studies undertaken by Kosovo-based and international think-tanks have tackled only certain elements of conflict, or have rushed to provide policy suggestions on how to deal the situation in the north of Kosovo. Some studies have taken sides and provided arguments in favor of either integrating the north into Kosovo political system, while other studies have propagated political autonomy or complete partition from Kosovo. This study aims to break away from the conventional policy research in Kosovo and provide a more comprehensive and complex analysis of the actors, issues, and practices that shape the nature of conflict and peace prospects in the north of Kosovo. The study provides an actor-based mapping of the disputes in the north of Kosovo. The key aspects analyzed for each actor include their positions, interests, interactions, and power dynamics within and between the three groups of actors examined in this mapping. Also the key solutions and platforms for transforming and resolving the disputes in the north of Kosovo are documented. Actor-based mapping of the disputes in the north of Kosovo enables also to capture the complexity of conflict as well as it enables to disentangle and describe complex relations and processes between internal and external, dominant and peripheral actors to understand better the non-linearity between intentions, discourse, and actions and outcomes.

This study examines the position of key actors in Kosovo, Serbia and the international community concerning the situation in the north of Kosovo, including the broader relations between Kosovo and Serbia. It is dedicated for broad variety of audiences, from ordinary citizens who seeks clarity about the complexity of the situation in the north, to more informed readers and influential audiences that might find useful an assembled comprehension of the positions of all actors involved in the north of Kosovo. This policy paper finds out a continuum of position between full integration of the north to Kosovo's political system and partition of this region from Kosovo.

The key position of the Government of Kosovo is that north of Kosovo is part of Kosovo territorial integrity and as such the compromise reached with the unilateral acceptance and implementation of the Ahtisaari Plan in the north of Kosovo is the most violable and acceptable position for Kosovo government and the majority of population in Kosovo. However, the quest for international recognition, advancement in EU integration, and the necessity for internal stability could force the Government of Kosovo to make a compromise and agree to grant the north a particular form of autonomy. The bargaining power of Kosovo government is much stronger compared to the previous negotiations with Serbia, due to international support for the independence, considerable number of recognitions, strengthened statehood attributes, and improvement of minority conditions. Potential sabotage, conditionality, and threats for prosecution from internal and external forces could weaken Kosovo's bargaining position. The incumbent President of Kosovo plays a constructive role and balances well with the government and the opposition forces. Although it is perceived to operate based on external legitimacy, overall the President of Kosovo has the potential to breakaway from the nationalist and party constituency threats that other political leaders have in Kosovo to act as a moderate figure and improve the relations with Serbia on reciprocal basis and mutually benefiting issues.

The Assembly of Kosovo in some instances it has acted as an oversight, supervisory and accountability mechanism for Kosovo government in its activities related to the north of Kosovo and political dialogue with Serbia. In performing this role, opposition parties have played important roles. It is clear that any eventual agreement between Kosovo and Serbia needs to be ratified via the Assembly of Kosovo, which serves as a filter and re-assurer of an acceptable deal. The inability of Kosovo government to exercising sovereignty in the north of Kosovo has been one the main criticism of opposition political parties for the governing coalitions in Kosovo. The predominant position of political parties in Kosovo is that the sovereignty and territorial integrity, and constitutional coherence of Kosovo are not to be compromised. However, there is a difference between parties like PDK, AAK, AKR, and SLS who see the dialogue as necessary, while the LDK supports the dialogue but opposes certain procedural aspects, and LVV who oppose the dialogue seen as a threat for further concession with Serbia.

The political position of agents and interest groups in Kosovo such as the KLA war association, civil society, and grassroots groups are largely in line with the position of the Government of Kosovo. The KLA war associations have proactively exercised pressure over the Kosovo authorities and several occasions have used threatening language against the international presence in Kosovo, acting thus as potential peace spoilers. On the other hand, civil society groups have gradually voiced positive messages towards the needs for resolving the remaining disputes between Kosovo and Serbia, and normalize the relations as two independent states. Municipal authorities in the south of Mitrovica as well as the Kosovo government office in the north continue to play an important role on the ground, however their impact is closely linked to the overall dynamics and the progress reached at the high political level. Although not widely recognized, they have an essential role to shape the social development and popular allegiances in the north. Further to this, local initiatives in the north have widely been overshadowed by the political dynamics and the insecurity for engaging in meaningful inter-ethnic dialogue, reconciliation, and cooperation. Avenues for joint interaction are evident only among the business relations, and civil society ran activities, which could not be sustainable in the future.

The key position of the Government of Serbia is against the independence of Kosovo, and gradually is demanding a special autonomous status for the Serbs in Kosovo and in particular for the north of Kosovo. During the last thirteen years, each government in Belgrade have constantly kept the issue of Kosovo as a national priority, around which they have developed their external policy, shaped international political dynamics, as well as overshadowed socio-economic stagnation and governance weaknesses. Concerning the north of Kosovo, the Government of Serbia together with other state institutions have constantly supported politically and nurtured financially their parallel structures in Kosovo, as a strategic asset for political bargaining, obstructing peacebuilding and statebuilding in Kosovo, and exercising indirect control over certain parts of and processes in Kosovo. The ongoing technical and high level political dialogue is seen by Serbia as an opportunity to downgrade and renegotiations Kosovo's political status, advance its EU integration bid, and formalize a Serb entity within Kosovo, without giving any indication for agreeing in return to recognize Kosovo's independence. There are also increasing voices in Serbia that propagate the partition of Kosovo as desirable outcome. In pursuit of this policy, Serbia

uses its constitutional system and the parliamentary bodies to set internal safeguards and constraints as a strategy to resist international pressure. This is evident with the Serbia's political platform and the resolution passed in January 2013. While the main political parties in Serbia could differ in their internal political ideology, concerning Kosovo they predominantly share a common perspective: more than autonomy for Kosovo and less than complete independence with special status for Serbs living in Kosovo. The dominance of Serb opposition parties in the north of Kosovo, complicates further the coherence of Serb government towards Kosovo's as there is constant internal struggle for synchronization and modification of political positions on Kosovo.

One of the most influential and critical actors that are shaping the dynamics in the north of Kosovo are Serb parallel structures. They consist of a group of political leaders who are part of political parties in Serbia, as well as control the local population, and the economic, security, justice, and public activity in the north of Kosovo, and less visible and present in other regions populated by Serb community in Kosovo. These leaders refused to cooperate with the Government of Kosovo and hindered the international presence in the north, including, EULEX, KFOR, and ICO. These leaders have accumulated their power through patronage, cooperation with criminal groups, smuggling, and intimidation of ordinary locals who have shown willingness to cooperate with international presence in the north and government of Kosovo in the south. Nevertheless, so far the policy of Kosovo institutions and the international presence has been a controversial combination of strategies that aimed at absorbing, avoiding, dismantling, integrating, disbanding, and ignoring these structures, which in the end have failed to achieve any of these intentions. While these political leaders try to play as spoilers towards the ongoing political dialogue between Kosovo and Serbia, the constantly coordinate their compliance and resistance activities with Belgrade authorities. While they use Belgrade to maintain and expand their power, Belgrade uses them to exercise agency and interfere in Kosovo's internal affairs.

The international community is the third layer of actors that have a crucial and influential role over the north of Kosovo and the future relations between Kosovo and Serbia. The main international actors vary from international organizations to influential states, including the European

Union institutions, its member states, and the EULEX, KFOR (NATO), UNMIK, OSCE, ICO, and the individual and influential states, such as the US and the Russian Federation. Although the international community is fragmented and operate in a loose harmony, their predominant position concerning the north of Kosovo resonates across these three perspectives: no partition and change of border, no use of force and maintenance of stability, and no protracted and frozen conflict. The EU has effectively coupled its crisis management policy with the conditionality for EU integration, which provides them the most leveraging incentive for resolving the disputes between Kosovo and Serbia, because for the latter the EU integration is ranked as a national priority. KFOR is the main security force in Kosovo that operates in the north of Kosovo. The challenge of KFOR in the north is not only maintaining peace and security, but also combating informal economy, illegal trade of arms, drugs and human trafficking. The overall position of KFOR towards the north of Kosovo is that the nature of this conflict is political and as such there is no need for military intervention and usage of force. Instead, KFOR believes that political means should be used effectively to resolve the conflict. In its four-year operation, EULEX experienced significant obstacles to strengthening the rule of law in north Kosovo, where it is most needed. Due to operational constraints arising from working within the UN status-neutral umbrella, EULEX has failed to re-establish courts, failed to prevent organized crime, provides inadequate protection for border points and failed to restore the rule of law in north Kosovo.

The International Civilian Office in Kosovo was established as a transitional body to supervise the implementation of Ahtisaari Plan. The main role of ICO was to oversee and support the decentralization process, protection of cultural and religious heritage and community affairs. Although ICO has managed to layout of the foundations for a new municipality in the north of Mitrovica through its Municipal Planning Team, the great resistance from Serb leaders and the hostile position of Serb population, parallel operation of UNMIK Administration of Mitrovica, alongside the strong rejection by Serb government in Belgrade, have impeded the creation of this new municipal unit. In the current situation, the role of UNMIK is to act as facilitator and mediator between KFOR, EULEX, OSCE and northern Kosovo Serb leaders. Driven by its status neutral position towards Kosovo and the divided position of UN Security Council, UNMIK tries to blame Kosovo and Serb government as well as the Serb leaders in the north for keeping the situation in the north of Kosovo tense and unstable. The

United States of America are one of the strongest supporters of Kosovo's quest for consolidation of internal and external statehood, establishment of democratic governance, rule of law, and minority protection. The position of USA with regards the dialogue with Serbia and the political situation in the north of Kosovo is that there should be no partition of Kosovo and that the solution should be found within the premises of Ahtisaari package. USA strongly supports Kosovo quest for extending its authority and sovereignty through out Kosovo, especially in the north. On the other extreme, the Russian Federation is constantly against Kosovo's quest for consolidating its sovereignty. Since the 1999 conflict, Russia has backed Serbia in all its efforts to obstruct consolidation of Kosovo' independent institutions and statehood. Regarding the north of Kosovo, Russian authorities have provided strong support to Serb government as well as direct support to Serb leaders in the north.

So far a number of proposal and solutions have been outlined to resolve the disputes in the north of Kosovo. Kosovo authorities and most of the international actors prefer the Ahtisaari Plan with minor modifications. Serbia has set forth a number of plans and platforms, which propose the creation of a Serb entity in Kosovo, and expand Serb autonomy and rights throughout Kosovo. In between these two asymmetric positions, there are emerging international proposal, which seek to preserve Kosovo sovereignty, but grant Serbs in the north of Kosovo a special status. Towards the end of this policy study, the solutions and proposal on resolving the disputes over the north of Kosovo will be outlined and comprehended.

This policy study is organized as follows. After this introduction, a short discussion of actor-based mapping provides the core conceptual and methodological framework based on which this study is embedded. Following this, a short discussion of the key political developments in the north of Kosovo is provided to outline the chronology of critical moments during the last thirteen years. As part of this section, a short discussion of socio-demographic and economic conditions in the north of Kosovo is provided as well. The rest of the study outlines the positions of key political actors in Kosovo, Serbia and among the international community. Here the key actors incorporated are part of respective government, opposition, broader interest groups, and grassroots initiatives. In this regard, the study has captured the key actors placed at the top, middle range, and at the

bottom of the power pyramid. Towards the end, this policy study outlines the key political solutions and platforms develops in Kosovo, Serbia, and at the international levels for transforming and resolving the conflict in the north of Kosovo.

II. CONCEPTUALIZING ACTOR-BASED CONFLICT MAPPING

The study of conflicts has taken a new turn during 1960's with the emergence of peace studies, which diverged from traditional International Relations and political theory approaches to understanding and explaining inter-group violence and peace.¹ Since then, there are multiple theories, methodologies, approaches, and debates part of peace and conflict studies. Some of the approaches invoke statistical analysis to explain and predict the conflict dynamics, while some other approaches focus on understanding the complexity of conflicts, historical and socio-economic factors that trigger violence and destruction.² In this realm of peace research, conflict analysis and mapping take an important role as they invoke a numerous approaches and tools to capture the various dimensions, actors, structures, and consequences of violence and peace.³ Conflict mapping is one of the tools, which enables to describe actors and their relationships. It shows complexity as well as brings elements of objectivity as it incorporates multiple perspectives without imposing a particular dominant narrative and bias argument. The conflict mapping also enables to illustrate power relations and positioning of actors in a simplified and clear manner.

A particular aspect of conflict mapping focuses on the actors as key agents that shape the relations and overall conflict dynamics through their practices. So in essence, actor-based conflict mapping enables to clarify the relationships between actors, to decomplexify the positions, practices, issues, interests, and power of each actor. The mapping of disputes also explores causality, influencing and intermediately factors, and catalysts that trigger and shape each actor's perspective and actions. Actors involved in a conflict are those persons, institutions, and entities that are directly interested on the process and the outcomes of a conflict transformation and resolution. They are stakeholders which possess authority, power, responsibility, and legitimacy to represent a certain constituency who

1 Johan Galtung, *50 Years: 100 Peace & Conflict Perspectives*, Transcend University Press, 2008.

2 Charles Webel and Johan Galtung (eds.), *Handbook of Peace and Conflict Studies*, London and New York: Routledge, 2007.

3 Dennis J. D. Sandole et. al. (eds.), *Handbook of Conflict Analysis and Resolution*, London and New York: Routledge, 2009.

are directly or indirectly involved in the disputant relation.⁴ So the key questions that a conflict mapping involves are: who are the main parties in the conflict? What other parties are involved or connected in some way, including the marginalized groups and external parties? What are the relationships between all these parties and how can these be represented on the map and the narrative? And finally, are there key issues between the parties that should be encountered in mapping the conflict?⁵ The discussion in this policy study is mainly organized around these questions.

Actor-based mapping enables also to capture the complexity of conflict. It enables to disentangle and describe complex relations and processes between internal and external, dominant and peripheral actors to understand better the non-linearity between intentions, discourse, actions and outcomes, between order and disorder, between knowns and unknowns, between multi-leveled relations, between clusters of events, networks, interests, needs, and approaches to dealing with conflict transformation and eventual resolution.⁶ Although this study puts actors into forefront, the structures of conflict and the political spaces of each actor are incorporated as well to be able to capture the complexity and the influence of embedded practices and structures that shape the habitus of conflict.⁷ So the study invokes methodological relationism as reality adequate approach, which considers that social structures influence actors' behavior and actions, as well as recognizes the space and ability of actors to transform social structures and lead to new social features.⁸

In terms of methodology, the actor-based mapping of disputes in the north of Kosovo is based on triangulating primary and secondary sources published into official policy and legal documents, third-party independent research, and journalist coverage of events and the political actions of each

4 Dennis J.D. Sandole, 'A Comprehensive Mapping of Conflict and Conflict Resolution: A Three-Pillar Approach', *IAPTC Newsletter*, Vol. 1, No. 5, 1998, pp. 7-8.

5 Simon Fisher et. al. (eds.), *Working with Conflict: Skills and Strategies for Action*, London: Zed Books and RTC, 2000, p. 22-23.

6 Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network Theory*, Oxford University Press, 2005.

7 See: Veronique Dudouet, *Transitions from Violence to Peace: Revisiting Analysis and Intervention in Conflict Transformation*, Berghof Research Center for Constructive Conflict Management, Berghof Report Nr. 15, Berlin, 2005, p. 22.

8 Margaret S. Archer, *Realist social theory: the morphogenetic approach*, Cambridge University Press, 1995.

actor under examination. The position, interests, and power dynamics are captured from the public statements and reactions issued by each actor either directly or recorded into media sources, which then has undergone through a comprehension and analytical interpretation of narratives and discourses.



III. BACKGROUND TO THE CONFLICT IN THE NORTH OF KOSOVO

Demographic and socio-economic conditions

The situation in the ground in north of Kosovo has evolved and stagnated in the same time during the past decade. The evolution has occurred mainly in the recalibration and mono-ethnicization and territorial separation of Albanians and Serbs. River Iber/Ibar signifies the division, whereby Serb community dominates the northern part, and Albanians dominate the south. The municipality of Mitrovica, which continues to be the most disputant area in Kosovo, is an area, which covers 350 km², including 45 villages. Albanian population in the south of Mitrovica is estimated at 68,600, while Serb population in the north of Mitrovica is estimated at 22,530.⁹ Across both sides, non-dominant minorities, such as Bosnians, and RAE communities are split based on their situational co-existence. Region-wise it is estimated that there are around 130,000 inhabitants in the north of Kosovo, from which around 80,000 are Kosovo Albanians, 40,000 Serbs, and the rest 10,000 come from RAE, Bosniak, and Turk communities.¹⁰ The demographic evolution has occurred also as a result of forced internal displacement of people in both sides immediately after the war, but also gradually through community pressure, personal and collective threats, property destruction, and lack of socio-economic prosperity for fulfilling basic living standards. In terms of stagnation, the poor economic conditions, followed by the entrenchment of Serb parallel structures, and the inability of Kosovo government to extent its sovereignty and administration in the north of Kosovo has effectively kept the region in a limbo status, if not with a gradual regression in many sectors of life.

The region suffers both from lawlessness and ethnic tensions, on one hand, and massive economic underdevelopment and low rates of employment, on the other. The unemployment rate in the municipality of Mitrovica is

9 OSCE, 'Municipal Profiles: Mitrovica/Mitrovica', November 2011, p. 1

10 KIPRED, *Grass-Root Approaches to Inter-Ethnic Reconciliation in the Northern Part of Kosovo*, p. 6.

estimated to be around 70 per cent.¹¹ Poor governance has affected the economic development of northern Kosovo. The most common denominator for both north and south Mitrovica is the economic underdevelopment and scarce initiatives to set up small and medium business enterprises. Mitrovica was home of the Trepca industrial complexes, which during the 1988 employed around 23,000 workers from all communities in Mitrovica, while currently employs only 2,522, from which 54 percent Albanians and 46 percent Serbs.¹² Until recently Trepca was protected by a UN memorandum that hindered the revitalization of this company as a step toward generating ‘profitable work under the environmentally sustainable and safe conditions’ and sustainable employment.¹³ Given this unemployment rate, the European Commission Liaison Office in Kosovo has invested on small business on the wood processing enterprise Javor from Brnjak, the Kolasin bakery in Zubin Potok, Tara-Komerc in Leposavic and Extra Plast and Dynamic Trade in Zvecan with about 5.7 million Euro, and is engaged in several other small projects related to water purification, building a health center and the Business Complex in Zvecan.¹⁴ But this investment is not enough compared with Serbia’s expenditures which annually spends around 200 million Euros that goes mainly in maintaining the parallel structures in the north through salaries and stipends. Serb parallel structures in the north are the only of employment for the Serb communities in the north. With no law enforced in this part and unresolved ethnic tensions, the informal economy continues to be a big problems and possibility for generating economic development and employment opportunities remains low.

Parallel to the economic underdevelopment and ethnic tensions and division, the north of Kosovo is also known for rich natural resources. The artificial lake of Gazivoda is considered on the biggest water reservoir in Europe.¹⁵ It is situated in Zubin Potok, and together with Sitnica and Ibar river makes the northern part of Kosovo attractive for potential economic investments and agriculture development. Given that Kosovo in general

11 RDA, ‘Regional Development Strategy for Economic Region North 2010 – 2013’, Mitrovica/Mitrovica 2012, p. 9.

12 Ibid, p. 9.

13 Ylber Hysa et al., ‘Report on Parallel Institutions on North of Kosovo: Belgrade – With a Foot on the North and an Open Hand in Brussels.’ Office of the Coordinator for the Strategy of North Kosovo, 2011, p. 68.

14 EU House Factsheet, ‘The European Union’s Commitment to Northern Kosovo’.

15 RDA, ‘Regional Development Strategy for Economic Region North 2010 – 2013’, Mitrovica/Mitrovica 2012.

lacks water resources, this is a huge advantage for this region. Parallel to this, the region is rich with beautiful mountains like the tops of mountains of Bajgora, Kopaonik, Cicavica and Mokra Gora which sites might be seen as a source of developing eco-tourism and attracting both local and international tourists. Moreover, this region is the home of the industrial complex Trepca, which is renown for being very reach with lead, zinc, silver and limestone. Last, but foremost, this region is enriched with young population who are eager to gain proper competences and be the leading drive of economic development in this region.

The 13 years of contestation, parallelism, and stagnation

Following NATO's humanitarian intervention in Kosovo, UN civilians and NATO were deployed in Kosovo in line with UNSC Resolution 1244 (1999) to restore peace, demilitarize the society, consolidate newly provisional institutions in Kosovo, and define Kosovo's future political status.¹⁶ Even though it had jurisdiction to extend its authority and forces all over Kosovo, KFOR last station of deployment in June 1999 was the bridge over Ibar River. In order to prevent mutual confrontations between Kosovo Serbs and Kosovo Albanians, KFOR made a makeshift zone and cordoned off Mitrovica. Until UNMIK civil administration was deployed in Mitrovica in October 1999, the Serb parallel institutions were already established and were gradually gaining strength. A group of local Serbs at the Ibar Bridge, with the support of Serbia's Ministry of Interior Affairs (MUP) and Intelligence Agency (BIA) created an informal security organization referred as 'Bridge Watchers' which aimed at preventing Kosovo Albanians returning to their homes who had been dispelled as a result of conflict in 1999, obstruct the work of UNMIK and KFOR which were seen as siding with Albanians, and above all create a secure zone for the free operation of Serb suspicious networks that were created before and during the war.¹⁷ 'Bridge Watchers' continued to deepen the ethnic division of the city and for a short period of time created a 'heaven park' of criminality, lawlessness and intimidation, with which the ordinary Serbs and Albanians had to live in everyday basis.

16 UN Resolution 1244 (1999), adopted by the Security Council at its 4011th meeting, on 10 June 1999.

17 OSCE, 'Parallel Structures in Kosovo'. Pristine, October 2003, p. 12

As the mission of the international administration was to establish democratic institutions that represent the multiethnic character of Kosovo society, the participation of the Serb community through UN-organized elections was of paramount importance. However, northerner Serbs refused to recognize Kosovo's provisional institutions and boycotted local elections organized in Kosovo in 2000. Their non-participation was triggered by pressure coming from Belgrade and Serb parallel structures, but also from the spontaneous and organized ethnic violence. Consequently, in 2002, Head of UNMIK, Michael Steiner promised 'decentralization to the Kosovo Serbs in return for their participation in Kosovo institutions'.¹⁸

The plan initially was targeted to the Serbs in the north, but later on as a result of the 2004 March riots, the decentralization became a solution to address the problems of Serb community living throughout Kosovo. Recognizing the necessity to address the Kosovo's final status and increasing demand from Kosovo leadership for independence, Steiner's benchmarks 'Standards Before Status' set forth standards of protecting ethnic minorities (especially Kosovo Serbs) and fostering of democratic governance in Kosovo. The frustration among Kosovo Albanians increased, as there was no timeframe when these benchmarks will be reached and how they will be assessed. With no clear-cut political status on Kosovo, with the increasing demands to integrate Serbs and offer local self-governing rights to them, with extensions of parallel structures south of Ibar in 2003, with grim economic situations, the UNMIK political order was challenged over two days by a massive riot in March 2004, which started in Mitrovica and resulted with displacement of thousands of Serbs from the rest of Kosovo and demolition and destruction of several hundred Serb Orthodox Churches.

In 2005, the UN Security Council appointed the Norwegian diplomat Kai Eide to evaluate the implementation of 'standards before status' whereby he assessed that the status quo in Kosovo is not sustainable and consequently the preparation for defining the future status for Kosovo was assessed as a necessary measure to prevent the reversal of progress reached in Kosovo by that time. The Eide's report also highlighted a meaningful decentralization as a way to "absorption of parallel institutions into legitimate entities".¹⁹

¹⁸ Adem Beha, 'Decentralization in Kosovo: A Challenge to Deal With?', *Journal of Peace, Conflict and Development*, August 2011, pp. 24-42.

¹⁹

Following this, the UN undertook measures to prepare the conditions for UN-mediated negotiations between Kosovo and Serbia, which took place between 2006 and 2007. In March 2007, UN Special Envoy Martti Ahtisaari, after uncompromising negotiations revealed his comprehensive settlement proposal for Kosovo, which recommended a supervised independence for Kosovo with extensive self-governing rights for Serbs in Kosovo, and proposed asymmetric power to northerner Serbs who had been resistant to participate in Kosovo institutions.

Apart from Serb majority municipalities in southern part of Kosovo, Ahtisaari proposed establishing Mitrovica north and Mitrovica south municipalities with a Joint Board and extensive self-governing powers with 'special ties' with Serbia for Serbs living in the northern Kosovo. To date, Serb municipalities, as foreseen by Ahtisaari proposal, are established all over Kosovo while Mitrovica north municipality is not established as a result of continual refusal of Serb leaders. Three months after Kosovo declared its coordinated independence, in May 2008 Serbia organized its local elections in Kosovo and established its own municipal structures in north Mitrovica, Leposovic, Zubin Potok and Zvecan, in full discordance with the Kosovo's declaration of independence and '...in direct competition with official Kosovo municipal structures.'²⁰ Crisis Group has depicted this situation as 'dual sovereignty in practice'.

Between 1999 and 2008, Kosovo Government has not played an important role and has not exercised directly its authority in the north of Kosovo. The region was administered by a special arrangement ran by the UNMIK and its international partner organizations. KFOR troops and UN civilian police have maintained the security, together with Kosovo Police who has gradually extended its partial presence in this part of Kosovo. On 15 January 2010, the Kosovo Government, in consultation with the ICO, produced a common 'Strategy for Northern Kosovo', which aims to strengthen rule of law, address governance issues in the three northern municipalities, implement decentralization to create a North Mitrovica municipality, and improve the social and economic situation.²¹ Despite its comprehensive approach, the Strategy has received limited support from UNMIK, EULEX, and OSCE. Nevertheless, the strong objections from the Belgrade authorities remained

20 Crisis Group, "North Mitrovica: Dual Sovereignty in Practice" Europe Report No 211, 14 March 2011, p. 2.

21 Strategy for Northern Kosovo, Confidential document, 15 January 2010, p. 1

the main obstacle to implementing the strategy. They interpret the strategy as a dangerous provocation and called on UNMIK and EULEX to remain status-neutral and to condemn this project. Similarly, representatives of Serb parallel structures in the north rejected the strategy, considering it an attempt to provoke violence.²²

In an attempt to establish reciprocal relation with Serbia and set the rule of law in the north of Kosovo, Kosovo government on 25 July 2011 authorized an unexpected police operation to restore the anarchic operation of two border crossing in the north of Kosovo. The intervention was not supported by EULEX, KFOR, and EULEX, and it is seen by both Serb leadership and population as an attempt of Kosovo government to control their freedom and occupy their territory. The intervention also indicated signs of disrobing the comfortable and entrenched criminal networks of smuggling and informal economy. Hence, motivated by these factors, this intervention triggered a violent reaction against Kosovo police and custom officers in the border crossing with Serbia, which resulted in the complete demolition and burning of border points, as well as it resulted with the death of a Kosovo police.

In March 2011 the EU began facilitating a process of technical dialogue between Prishtina and Belgrade with a desired outcome of normalization of relations between the two countries. This process is based on a UNGA Resolution passed in the end of 2010, which indirectly obliges the EU to facilitate a normalization process, which is seen as serving peace, security and stability in the region, as well as the promotion of cooperation, advancement of EU integration progress and improvement of people's lives.²³ A significant push towards this dialogue was given by German Chancellor Angela Merkel, which urged Serbia to stop supporting its parallel structures in Kosovo. Merkel strongly stated that '[t]here is a need to have solutions for free trade and border cooperation and we are not interested in having parallel (Serb) structures in Kosovo'.²⁴ The dialogue is also in serving of easing of Serbia's government continuous efforts to obstruct the consolidation of the Kosovo statehood on the ground through its parallel structures, question the participation of Kosovo's state in regional

22 UN Security Council, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2010/169, 19 April 2008, p. 4

23 UN General Assembly, A/RES/64/298, 13 October 2010.

24 'Merkel says wants "no parallel structures in Kosovo', *Reuters*, 19 March 2011.

and international organizations, and block the recognition of Kosovo's independence internationally. During the first stage of technical dialogue between Kosovo and Serbia, a number of sectorial agreements in form of conclusions were reached. Some of the agreements reached have already been implemented, while some other more sensitive ones continued to be delayed.

Parallel to the technical dialogue, a high-level political dialogue between Kosovo and Serbia is underway. The purpose of such political dialogue is the normalization of relations between two countries and the resolution of the disputes in the north of Kosovo. During the four meetings between the Prime Ministers of both states with the mediation of the EU have resulted in opening the discussion about the implementation of sectorial agreements reached during the technical dialogue, regulating the crossings between Kosovo and Serbia, establishing more institutionalized communication and cooperation through liaison officers, and opening the discussion for dealing with the Serb institutional parallelism in the north of Kosovo. The future status of the north of Kosovo will be at the heart of this political dialogue, for which the parties currently have incompatible positions: Kosovo insisting on implementing the Ahtisaari plan, while Serbia aiming at a special autonomous status for the north of Kosovo.

The following chart outlines some of the key events that have occurred during the last 13 years in and about the north of Kosovo.

Conflict timeline and key historical events (1999-2012)

Year/month	Key events
1999	
June	French NATO-led peacekeeping troops laid the barbed wire across the Mitrovica Bridge and cordoned off North Mitrovica; Bridge Watchers established.
July	Roma Mahalla in south Mitrovica, the largest settlement of Roma in Kosovo, destroyed and demolished by Albanians and the establishment of Roma camps in North Mitrovica (Osterode and Cesmin Lug) and Leposovic.
December	Multiethnic institutions such as courts, hospitals continue to be present in North Mitrovica. SRSB Bernard Kouchner launched the Agenda for Co-existence aiming to include Serbian population into UNMIK institutions.
2000	
February	<p>A grenade attacked a bus carrying Serbs from Mitrovica. Approximately 1700 Albanians, Muslim Slavs and Turks were forced by northerner Serbs to flee from their homes in northern part of the city.</p> <p>‘Bridge Watchers’ attacked UNMIK Police. UNMIK had failed by early 2000 to maintain a multiethnic hospital, court structure, and other public services in the North. UNMIK created a zone of confidence around central bridge. Albanian IDPs returned to three tower blocks on the north of Mitrovica.</p>
October	Kosovo organized first municipal elections and Serbs living in north of Kosovo extensively boycotted the elections.
2011	
August	The Coordination Center for Kosovo and Metohija (CCK) was established. The head of the CCK was appointed Nebojsa Covic. 29,800 Serbs employees inside Kosovo were on the payroll of the Republic of Serbia”. In the 2011 Kosovo national election for the central Assembly, Coalition Povratak won twelve of the 100 seats elected on a proportional basis. Together with the ten reserved seats, they got 22 members in the Assembly.

November UNMIK SRSG Hans Haekkerup and Serb government representative Nebojsa Covic agree on a 'UNMIK – FRY COMMON Document', which seeks to improve the relation and communication between UNMIK and Serbia, enhancing the rights and representation of Serbs within Kosovo institutions, and regulates a number of sectorial and technical issues.

2002

February UNMIK established a Community Office in North Mitrovica. The Community Office aimed to link Serbs to the municipal authority of Mitrovica.

April UNMIK police officers were attacked in north Mitrovica with grenades and snipers. UNMIK police set up a routine traffic checkpoint in north Mitrovica and attempted to arrest the Bridge Watcher, Slavoljub Jovic, inciting for the February 2000 Mitrovica riots. This act infuriated the Serbian crowd and consequently 26 UNMIK police officers were wounded.

May Former Bridge Watchers submitted applications to join the Kosovo Police Service (KPS). Only three applications were successful.

October UNMIK SRSG Micheal Stener proposed his 'seven point plan' for Mitrovica. Steiner proposed decentralization in exchange to Serb participation in Kosovo institutions. The UAM (UNMIK Administration in Mitrovica) was established with the Administrative Directive no 2002/26. Serbs from municipalities of Zvecan, Zubin Potok and Leposovic participated in Kosovo's October 2002 municipal elections. Nebojsa Covic declared that Belgrade is ready to accept the creation of 'entities' in Kosovo.

2003

January UNMIK opens municipal courts in Leposovic and Zubin Potok. The Serb municipal deputies who got a mandate in the 2002 local elections in Kosovo formed the 'Union of Serbian Municipalities and Settlements in Kosovo and Metohija'. Serb parallel structures started to extend in the southern part of Kosovo. UNMIK third pillar – OSCE, published its report about Serb parallel structures in Kosovo detailing parallel court, administrative, security, school, and healthcare structures. The UNMIK SRSG in Kosovo, Micheal Steiner proposed the 'standards before status' as a set of set of UN benchmarks for the democratic development and resolving the future status of Kosovo.

November	US Secretary of State Marc Grossman visited Prishtina and Belgrade and promised that by mid-2005 the Contact Group will review the final status of Kosovo based on ‘standards before status’.
2004	
March	After winning the national elections in Kosovo, in March 2004 Vojislav Kostunica, Serbia’s premier presented the option for an autonomous Kosovo within Serbia and ruled out the independence as an option. March riots – RTK public broadcasted reported that three Kosovo Albanian children were drowned to death by local Serbs in the Ibar river, which resulted with a mass riots all over Kosovo: 4000 Kosovo Serbs from southern part of Kosovo were forced to leave and 19 persons were killed – 11 Albanians, 8 Serbs.
June	United Nations Secretary-General Kofi Annan appointed Norway Ambassador Kai Eide to investigate the wave of March riots and evaluate the implementation of the ‘standards before status’.
2005	
October	The UN Security Council through an official statement endorsed the Eide’s conclusions and launched the Kosovo’s status talks.
November	The Contact Group countries (composed by United States, United Kingdom, France, Germany, Italy, and Russia) released their guiding principles in resolving the Kosovo’s status. The three most important principles were: no return to the situation before prior to 1999, no change of borders (no partition of Kosovo), no union of Kosovo with any neighboring state.
2006	
???	First direct dialogue in Vienna between Serbia and Kosovo mediated by Martti Ahtisaari started. The dialogue topics included decentralization of local government, protection of Serb Orthodox Churches and the institutional guarantees to protect minority communities living in Kosovo
April	A new Serb political party established in Kosovo – SLS (Independent Liberal Party).

July

High level talks on the Kosovo's status in Vienna took part between Serbian President Boris Tadić, Prime Minister Vojislav Koštunica, and the Kosovo President Fatmir Sejdiu and Prime Minister Agim Çeku

2007

February

UN Special Envoy Martti Ahtisaari drafted his proposal on Kosovo's status and delivered it to Serbia and Kosovo and recommended supervised independence for Kosovo. The proposal consists on 12 chapters and includes issues related to enhancing and protection of minority communities living in Kosovo, with special emphasis decentralization. A major scandal broke in 2007, when it emerged that over 1,000 falsified degrees were awarded from University of Mitrovica between 1999 and 2004, for prices ranging from €1,500 to €3,000.

June

Raskovic-Ivic was replaced as CCK head by Vuko Antonijevic from Leposavic.

2008

February

Kosovo declared its independence. Serb member of Kosovo Assembly boycotted the session. An organized, armed Serb group destroyed the two boundary and customs points in the north of Kosovo (Gates 1 and 31).

May

The coalition for a 'European Serbia' of Boris Tadic won elections in Serbia. Serbia organized local elections in Kosovo for the first time since 1996. Assembly of the Union of Municipalities in Kosovo and Metohija was formed.

June

Kosovo Constitution entered into force. Key players – the ICO, U.S. Embassy, EULEX and the Government of Kosovo – drafted the "Strategy for the North".

2009

February

Hague Tribunal on Former Yugoslavia charged Milan Milutinovic, former Serbian President, of ordering the campaign of terror against Kosovo Albanians in the 1990s.

April	Serbia's President Boris Tadic makes a visit in Kosovo.
August	Ethnic clashes break out in Mitrovica.
November	First post-independence local elections in Kosovo.
2010	
January	Strategy for North of Kosovo developed by the International Civilian Office and Kosovo's institutions.
July	The International Court of Justice gave its non-obligatory opinion that the declaration of independence did not violate international law.
September	President of Kosovo Fatmir Sejdiu resigned as a result of rule of Constitutional Court of Kosovo. The Court found out that Sejdiu was breaching the constitution by continuing to hold his party leadership while president
December	Parliamentarian elections held in Kosovo.
2011	
March	UN General Assembly Resolution 64/298 acknowledge the content of the advisory opinion of the ICJ on the Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo and welcomes a dialogue between Kosovo and Serbia under the EU facilitation.
March	The beginning of dialogue on technical issues such as cadastral book, civil registry books, custom stamps, free trade, between Kosovo and Serbia.
July	Serbian organized roads blockages leading to the administrative border line between Serbia and Kosovo. Gate 1 at Jarinje closed.
August	German Chancellor Angela Merkel visited Serbia. She appealed to the Serb government to dissolve the Serb parallel structures in north of Kosovo.
December	The mayor of Serb parallel municipality of Mitrovica Krstimir Panti announced the referendum on accepting or not the Kosovo's institutions.

2012

January	The International Steering Group, in its fourteenth meeting in Vienna on 24 January 2012, concluded that Kosovo was in the final stages of implementing the Comprehensive Status Proposal, allowing for preparing for an organized end to supervised independence and the closure of the ICO by the end of 2012.
February	The Serb referendum in parallel municipalities of Zubin Potok, Zvečan, Mitrovica and Leposavić was held in February 15. 99.74% of 35,500 eligible voters rejected the writ of the Republic of Kosovo's institutions.
July	UN Secretary General Ban Ki-moon made his first visit to Kosovo. He declared that the north of Kosovo to be resolved through a peaceful dialogue.
September	Kosovo amends its Constitution and remove the references to the proposal of Ahtisaari, and marks the end of supervised independence.
October	EU Secretary of State Hillary Clinton and EU High Representative Catherine Ashton visit Serbia and Kosovo to support the dialogue between two parties.
October	Meeting between Kosovo's Premier Hashim Thaci and Serbia's Premier Ivica Dacic. Both showed commitment and readiness to start a high level political dialogue to resolve the disputed issues between two countries.
November	Second meeting between Kosovo's Premier Hashim Thaci and Serbia's Premier Ivica Dacic. Both premiers agree to start implementation of agreements reached during 2011, such as custom stamps, university diploma, and IBM.

IV. ACTORS IN KOSOVO AND THEIR POSITION ON THE NORTH OF KOSOVO

This section examines the position of key actors in Kosovo towards the north of Kosovo. It starts with the presentation of the position of the Government of Kosovo, the President, and the Assembly. Then it explores the position of the main political parties in Kosovo. Following this, other interest groups, civil society and grassroots perspectives are included to capture all the levels of society. Although there are nuances and differences between the position and approaches of Kosovar political and social actors, the overall consensus is that the solution for the north of Kosovo should be within the framework of Ahtisaari Plan, and the statehood, sovereignty and territorial integrity of Kosovo should not be compromised.

The Government of Kosovo

For a long period of time, the Government of Kosovo and the previous Provisional Institutions for Self-Government in Kosovo have not played an important role and have not exercised significant influence over the political developments in the north of Kosovo. This was largely influenced by the multiple international governance authorities in Kosovo, which have primarily administered with the region. The ethnic violence, presence of Serb parallel structures, and inability of UNMIK and KFOR to extend the rule of law, political authority, and normality in the north of Kosovo, alongside with the mismatched transfer of competences to the local authorities have also contributed to the marginalization of the Kosovo's institutions to exercise their authority in that part of Kosovo. The key position of Kosovo Government for resolving the situation in the north of Kosovo is finding a solution in line with Ahtisaari Plan, which provides extensive and asymmetric decentralization for minorities. Recently, there are speculations that the government has a developmental plan for the north.²⁵ At the present circumstance, the Government of Kosovo is against the partition of the North of Kosovo as well as it is against a special autonomous status for the region.

25 'Oferte ekonomike, ne vend te platformes per veriun', *Koha Ditore*, 09 January 2013.

For a long period of time, Kosovo institutions have tried to resolve the problem of north through leaving the responsibility for such action to the UNMIK, KFOR, and lately EULEX and ICO/ICR. However, the incompatible and overlapping positions, mandates and perspective of the international presence after Kosovo's independence have significantly obstructed the extend of the rule of law and normality in that part of Kosovo.²⁶ Despite this, Kosovo authorities have maintained a marginal, yet promising role and influence in the north of Kosovo via its support provided to the UN Administration of Mitrovica, and the financial support provided to various Serbs working on education, healthcare, civil service that essentially overlapped with the support provide by the Serb authorities in Belgrade. Two key events have shaped the Government of Kosovo position and dynamics with the north of Kosovo: the 2010 strategy for the north, and the 2011 police intervention to restore the rule of law in north of Kosovo.

Responding to the EULEX's inability to bring order and justice in the north, as well as ICO's inability to implement the Ahtisaari provisions, on 15 January 2010, the Kosovo Government, in consultation with the ICO, produced a common 'Strategy for Northern Kosovo', which aimed at strengthening rule of law, address governance issues in the three Northern municipalities, implement decentralization to create a North Mitrovica municipality, and improve the social and economic situation.²⁷ Since it was leaked to the public, the common strategy triggered responses from all stakeholders and refocused policy discussion about the north. Accordingly, the Kosovo Government allocated €4 million Euro to implement the strategy by the end of 2010.²⁸ Kosovo government appointed a coordinator to implement the strategy, which mainly dealt with information gathering and liaising Kosovo government with international and local stakeholders involved in the North. A Citizens Services Center was opened with the help of ICO, however due to extensive pressure from Serb community, it did not function properly most of the time.²⁹ Despite its comprehensive

26 Gezim Visoka and Grace Bolton, 'The Complex Nature and Implications of International Engagement after Kosovo's Independence', *Civil Wars*, Vol.13, No.2, 2011, pp. 189-214.

27 'Strategy for Northern Kosovo', *Confidential document*, 15 January 2010, p. 1.

28 Ibid, p.10

29 KIPRED, *A Comprehensive Vision for the North: The Final Countdown*, Policy Paper Series 2012/02, p. 10.

approach, the Strategy has received limited support from UNMIK, EULEX, and OSCE. Strong objections from the Belgrade authorities and local Serb parallel structures remained the main obstacle to implementing the strategy.

In an attempt to establish reciprocal relation with Serbia and set the rule of law in the north of Kosovo, the Government of Kosovo on 25 July 2011 authorized an unexpected police operation to restore the anarchic operation of the two border crossing in the north of Kosovo. The push for such dramatic action, which was opposed by UNMIK and not supported by the EULEX and KFOR was seen also a reaction of Kosovo government against the growing pressure from the opposition parties, which considered the entire Thaci government a failure to extend the sovereignty all over Kosovo. The presence of special police forces in the north of Kosovo received a very negative reaction by the Serb political leaders and the wider community. The intervention is seen by both Serb leadership and population as an attempt of Kosovo government to control their freedom and occupy their territory. The intervention also indicated signs of disrobing the comfortable and entrenched criminal networks of smuggling and informal economy. Hence, motivated by these factors, this intervention triggered a violent reaction against Kosovo police and custom officers in the border crossing with Serbia, which resulted in the complete demolition and burning of border points, as well as it resulted with the death of a Kosovo police. The resistance took the momentum and spread throughout the northern municipalities resulting in road blockage, civil disobedience of EULEX and KFOR orders, opening of illegal and informal border crossing with Serbia, and increase aid from Serbian government to nurture the local resistance. Overall, the 25 July 2011 intervention in the North of Kosovo has provoked local resistance but also it has increased the political dynamics in addressing the disputed issues in the north of Kosovo.

The Government of Kosovo constantly has denied negotiations about the status of the north of Kosovo, considering it as an internal matter that needs to be resolved between Kosovo government and the Serb population. Recently, this discourse has changed in favour of political dialogue phrased around the notions of 'technical dialogue' and 'normalization of relations of two sovereignty states'. Both Prime Minister and the President of Kosovo have also expressed the willingness to meet with the Serb leaders. This is evident also with the three high political level meetings

between Kosovo's and Serbia's Prime Ministers, which aim to resolve the remaining, disputed issues between the two countries. To this discursive change have contributed a number of endogenous and exogenous factors, including: the pressure and conditionality of EU, factual changes occurred in the north of Kosovo, and the pressure from the Kosovo opposition. In terms of internal dynamics, the dialogue with Serbia has marginalized from the public agenda and attention, issues related to corruption, organized crime transitional justice, fragmented party dynamics, privatization, and economic underdevelopment. Consequently, Kosovo authorities have softened the language against the political leadership in the North of Kosovo, moving from calling them criminal, deviant, and illegal individuals towards more acceptable language of calling them political leadership and representatives.

The best case scenario for the Government of Kosovo is the full implementation of Ahtisaari plan in the north, which will open the path for internal stability, normalization of relations with Serbia, advance Euro-Atlantic integration, and increase the chances for international recognition and membership in international organizations. The implementation of Ahtisaari Plan would require establishing a new municipality in the north of Kosovo, which could not be completed under the stewardship of ICO, holding elections in the existing and new municipalities, dismantling of parallel structures and establishing relevant Kosovo administrative and judiciary institutions in the north, as well as deploying police and custom officers in the border crossing. Although the Government of Kosovo government has not provided officially a concrete strategy as how to implement the Ahtisaari Plan in the north, but there are indications that it possesses a detailed developmental plan for the north. This is also indicated indirectly when the Kosovo government has emphasized its joint commitment to work with the international community to extend Kosovo's sovereignty in north of Kosovo, increase economic development, and establish the rule of law and democratic order as well. The Government of Kosovo strongly rejects the territorial autonomy option for Serbia. A territorial autonomy for the north of Kosovo is seen by Kosovo as a preparation of structural conditions for developing a state-within-state in Kosovo similar to Republika Srpska in Bosnia, and open the possibility for eventual recursive secession from Kosovo. Similarly asymmetrical and advanced decentralization with financial and political autonomy would also

destabilize the integration process of minorities in the rest of Kosovo who might demand similar treatment as the north of Kosovo.³⁰ The partition option is seen as the worse possible scenario for Kosovo authorities. It is seen as an existential threat to Kosovo territorial integrity, its resource dependency on the north and the regional destabilization it would generate. The partition option is often counterbalanced by the narrative that Kosovo in such circumstance would join Albania, with the possibility of the reunification of Albanian populated southern Serbia and parts of Macedonia. Notwithstanding Kosovo's government current concerns, the autonomy option is seen in several instances as a potential tradeoff for Euro-Atlantic integration and recognition from Serbia, which would complete the consolidation of external sovereignty, but it would come with the expensive price of compromising and fragmenting domestic and empirical sovereignty.

To counter-balance with the factual domination of Serbs in the north, the Government of Kosovo has indicated that one of the topics in the future political dialogue with Serbia will be the advancement of the rights for Albanian minority living in the south of Serbia. Deputy Prime Minister Hajredin Kuci, recently has declared that Kosovo is interested in improving and normalizing the situation of ethnic Albanians living in Medvegjë, Bujanoc dhe Preshevë as a condition for normalizing the relations with Serbia. He explicitly stated that 'in the future dialogue, undoubtedly the issue of Albanians from the Preshevë Valley will take its merited place'.³¹ Similarly, Jonuz Musliu of LPD in Preshevo Valley has declared that it is necessary that Albanian minority living in south Serbia be represented during the future talks between Kosovo and Serbia. Among the issues that Musliu considers as important to be included in the dialogue are: integration of Albanians in Serb institutions, integration of former UCPMB members in political and economic life, demilitarization of Preshevo Valley, return of missing Albanians in Kosovo and strengthening of local governance institutions in Serbia.³² Recently the removal of UCKPMB Memorial in Presevë has raised the discursive confrontations between Kosovo and Serbia.

30 Hoxhaj: Normalizim me Serbinë, jo ndarje e status special për veriun, *Radio Evropa e Lire*, 29 October 2012.

31 Kuçi thotë se Lugina do të përfshihet në dialog, *Koha Ditore*, 08 October 2012.

32 'Shqiptarët e Luginës së Preshevës duan të përfaqësohen në negociatë, *Koha Ditore*, 19 August 2012.

The President of Kosovo

The position of the President of Kosovo with regard to the north of Kosovo in the past was largely influenced and determined by the limited constitutional authority it has exercised. The previous three presidents in Kosovo have been Albanians; hence their position towards the north of Kosovo was mainly in line with the Government of Kosovo. The influential President Ibrahim Rugova of LDK has largely ignored the north of Kosovo as during his terms, the UNMIK and KFOR exercised executive authorities, therefore the responsibility was left with the SRSG and the wider international presence. Nevertheless, the concern of President Rugova was to find a peaceful solution for the north of Kosovo, which will not compromise Kosovo quest for statehood and sovereignty. In several instance, President Rugova has ignored the formation of Serb parallel structures, blamed the incapacity of the international community to dismantle them, and has directed the focus in institution-building and strengthening of conditions for Kosovo's independence. The sudden death of President Rugova in the middle of final status talks in 2007, brought in stage President Fatmir Sejdiu of LDK, which advocated a more proactive resolution of the disputes in the north of Kosovo, while being concerned with gaining independence and implementing the Ahtisaari plan.

The incumbent president of Kosovo Atifete Jahjaga is a strong supporter of negotiations and political dialogue with Serbia. Recently she has expressed the willingness to meet with Serbian counterparts with the aim of normalization of relations and opening of avenues for political settlement of unresolved issues.³³ There are indication that the EU is working on arranging a meeting between Kosovo President Jahjaga and Serb President Nkollic. Jahjaga has declared in several occasions that dialogue is the best way for normalizing the relations between two states and establishing policies of good neighborhood as preconditions for EU integration.³⁴ It is doubted that such a moderate position of Jahjaga comes from strong guidance she receives from US government who proposed her election in 2010. Similarly, Jahjaga does not enjoy popularity in Kosovo, so her

33 Jahjaga: Takohem me Nikolliqin si dy presidentë shtetesh, *Radio Evropa e Lire*, 08 July 2012.

34 Thaçi e Jahjaga Takohen me Ban Ki Moon, *Gazeta Express Online*, 23 September 2012.

credibility and legitimacy relies to the support and backing she receives from the international community, especially the USA. Recently, Ramush Tahiri one of Jahjaga's senior political advisors declared that the so called Serb parallel structures in the north of Kosovo are the only legitimate institutions in that part of Kosovo and as such there is no reason why Kosovo authorities should not communicate with them.³⁵ Immediately, a reaction came from government, particularly from Deputy Prime Minister Edita Tahiri, which rejected the idea of talking to Serb parallel structures as she considered them as illegal and illegitimate structures that challenge the security and sovereignty of Kosovo.³⁶

The Assembly of Kosovo

The Assembly of Kosovo has played an interesting role so far in dealing with the north of Kosovo. In some instances it has acted as an oversight, supervisory and accountability mechanism for Kosovo government in its activities related to the north of Kosovo and political dialogue with Serbia. In performing this role, opposition has played an important role, especially the proactive efforts taken by Lëvizja Vetëvendosje. In other occasions it has legitimized the policies and efforts of Kosovo government through declaratory statements, resolutions, and parliamentary debates. Here the qualified majority of MPs from the coalition government have used their parliamentary power and mandate to support the work of government. In terms of the substantive aspects of its deliberations, the Assembly of Kosovo has gradually increased the constructive discourse towards the situation in the north by reassuring Kosovo's commitment and willingness to address minority issues and protect further their rights within the constitutional provisions dedicated to minority communities and their extensive self-governance in Kosovo.

Following the Kosovo police intervention to take into control the two northern border crossings, the Assembly of Kosovo issued a resolution on 28 July 2011 with which it extended the support to Kosovo government in exercising its constitutional rights of controlling the entire territory of

35 'Serbian institutions are legitimate - K. Albanian official', *B92*, 05 October 2012.

36 'Gabo i Presidenca', *Gazeta Express Online*, 08 October 2012.

Kosovo.³⁷ The resolution calls upon Kosovo government to maintain and respect the reciprocity measures with Serbia in all border crossings. The resolution also calls upon the international community to support.

Kosovo institution in establishing the rule of law and order throughout Kosovo. Aiming to keep people calm, the Assembly of Kosovo called for maintaining peace, order and the preserving the constitutional order and the rule of law. Finally, the Assembly of Kosovo demanded that Kosovo government continues to engage actively in deploying Kosovo authorities in the northern border crossings. What the resolution did not address is communicating any message to Serb government, Serb leaders in the north or the general Serb population and call upon them to maintain peace and order in their communities.

The Assembly of Kosovo issued a strong condemning declaration following the referendum held in February 2012 by the Serb leaders in the north of Kosovo, which overwhelmingly confirmed that the majority of Serb population in that part of Kosovo reject Kosovo institution. As the Assembly of Kosovo declared that ‘as illegal and invalid the referendum of parallel structures in north municipalities of Kosovo, financed and directed by Republic of Serbia against independence, sovereignty and territorial integrity of Republic of Kosovo’.³⁸ The Assembly also emphasized that the referendum violates the legal and constitutional order of Kosovo and that ‘such non-institutional and illegal organizations shall damage the continuous efforts of institutions of Republic of Kosovo for integration of Serbian community into institutional life’.³⁹ In addition, the declaration encouraged Serb community in the north of Kosovo to accept the Ahtisaari Plan, as well as highlighted the willingness of Kosovo institutions ‘to protect and respect all international conventions that guarantee the rights and freedoms of citizens, as well as the rights of minorities’.⁴⁰

As the political situation evolved in Kosovo and the pressure for a political dialogue with Serbia (beyond technical dialogue) prevailed the international agenda on Kosovo, on 10 March 2012, the Assembly of Kosovo passed a resolution, which laid out the broad principles of Kosovo for engaging in

³⁷ Assembly of the Republic of Kosovo, *Resolution*, 28 July 2011.

³⁸ Assembly of the Republic of Kosovo, *Declaration*, 15 February 2012, p. 1.

³⁹ *Ibid*, p. 2.

⁴⁰ *Ibid*, p. 2.

dialogue with Serbia. The resolution clarifies for the first time the red lines and the desired governing principles of dialogue with Serbia. First of all, the resolution considers the purpose of dialogue to be ‘on practical issues, with special interest of improvement of citizens’ life and advancement of the European agenda for both states and for the region’.⁴¹ The Assembly of Kosovo made it clear that this dialogue ‘shall include only technical issues of a common interest, without touching at any moment the Kosovo sovereignty, subjectivity, territorial integrity and internal constitutional arrangements of Kosovo’.⁴² The resolution also re-emphasizes that ‘the regional cooperation, good neighboring relations and the dialogue shall contribute the peace, stability and economic development of our countries and the region in general as well as the acceleration to European and Euro-Atlantic integration’.⁴³ The resolution reconfirmed that the EU and US should facilitate the dialogue as international parties to enable the dialogue process. The resolution also sets the lines of responsibility and accountability regarding the dialogue by obliging Kosovo government to constantly involve and report to the Assembly of Kosovo and present the dialogue platform via its basic documents for negotiation. Five days later the Assembly of Kosovo issued another resolution condemning Serb election in Kosovo considering them as an ‘infringement of sovereignty and violence of good neighboring relationships, to organize unilaterally general and local elections in another European state’.⁴⁴ Of particular importance, this resolution made reference to the implications of such interferences, when it stated that ‘that citizens of Republic of Kosovo are united against holding of any election process which would mine state sovereignty of Kosovo, would violate its territorial integrity and consequently would mine interethnic process of conciliation in Kosovo’.⁴⁵

On 18 October 2012, after a controversial debate, the Assembly of Kosovo passed a new resolution on the normalization of relations between Kosovo and Serbia. The resolution expresses the support of the Assembly of Kosovo for the processes that aim at the resolution of problems between two states, which lead to the normalization of mutual relations, improvement of the

41 Assembly of the Republic of Kosovo, *Resolution for dialogue between Republic of Kosovo and Republic of Serbia*, No. 04-R-001, 10 March 2012, p. 2.

42 Assembly of the Republic of Kosovo, *Resolution for dialogue between Republic of Kosovo and Republic of Serbia*, No. 04-R-001, 10 March 2012, p. 1.

43 Ibid, p. 2.

44 Assembly of the Republic of Kosovo, *Resolution*, No. 04-R-06, 15 March 2012, p. 1.

45 Ibid, p. 2.

lives of citizens, and the advancement of the European agenda of both countries. The resolution also reaffirms that the EU with the support of the United States of America should facilitate such normalization process. Of particular relevance, the resolution draws the red line and explicates the Kosovo position that ‘dialogue and its results must be in accordance with the sovereignty of Kosovo, international subjectivity, territorial integrity and the unitary internal constitutional order of Kosovo’.⁴⁶ Most importantly, the resolution authorized Kosovo government to lead the process, demanding that the Assembly is actively engaged in the process as well, and that the government regularly report on the normalization process. At the end, the resolution emphasized that the Assembly of Kosovo reserves the right to ratify the agreements that come of the normalization process.

Main Political Parties in Kosovo

The inability of Kosovo government to exercising sovereignty in the north of Kosovo has been one the main criticism of opposition political parties for the governing coalitions in Kosovo. Opposition parties often in rhetorical sense have exploiting this structural weakness and cracked sovereignty of Kosovo as a pretext to delegitimize the government or counter-balance the narrative against another interest narrower to that party. More genuine and principled criticism has come from Lëvizja Vetevëndosje, which as constantly raised the issue of the north of Kosovo.

PDK (Democratic Party of Kosovo)

PDK has been the most active party concerning the dialogue with Serbia. As the leading government coalition party, PDK is under extensive pressure from the international community to engage in resolving the problems in the north and normalize the relations with Serbia. The principal position of PDK is in line with the incumbent government, which consists of willingness to conduct talks with Serbia, favor implementation of Ahtisaari Plan in the north, gradual dismantling of parallel structures and extending

⁴⁶ Assembly of the Republic of Kosovo, *Resolution for the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia*, Nr. 04-R-08, 18 October 2012, p. 2.

Kosovo authority in that part of Kosovo.⁴⁷ In fact, PDK in several occasions has highlighted that the dismantling of Serb parallel structures in the north is a precondition for any dialogue about the political arrangement for this region. PDK constantly has propagated that the dialogue with Serbia and the solution for the north of Kosovo should be consistent with Kosovo Constitution, applicable laws, and the recent resolutions passed by Kosovo parliament. In more practical terms, the PDK has constantly balanced the intention to engage in dialogue with the necessity of resolving the problem of missing persons, returning of pension funds to Kosovo, and other issues related to war period. PDK has justified the talks with Serbia as necessary to improve the lives of Kosovo citizens, and as a matter of national interest to resolve internal problems, unlock recognitions, and advance further the Euro-Atlantic aspirations.

The fate of PDK is closely linked to the success of dialogue with Serbia. Recently, internal fragmentation within PDK have occurred between supporters of incumbent speaker of the Assembly of Kosovo Jakup Krasniqi and the influential senior politician Fatmir Limaj, on the one hand, and the supporters of incumbent Prime Minister Hashim Thaci and his strong party support, on the other hand. The political dialogue with Serbia and the internal circumstances within PDK are mutually interlinked and progress in one aspect can lead to further crack down in the other aspects. Equally, internal dynamics within PDK can significantly shape the way the dialogue with Serbia occurs. In addition, the extensive international support and external legitimacy for PDK is largely conditional to PDK's leadership in resolving the disputant issues with Serbia, including the north of Kosovo. Furthermore, there are sustained speculations that the international community tolerance, ignorance and silence with regards to corruption among senior politicians, organize crime involvement, as well as war crime allegations are used as sticks and carrots for controlling the behavior of Kosovo political leadership and their agenda of dialogue with Serbia. PDK also enjoyed low public support and trust, which adds to the pressure it could received from wider society in Kosovo.⁴⁸ So, found in internal, external, and public pressure, PDK is more likely to pursue a police of cautiousness, balancing, and complex compromising, which

47 'Platforma ne Rezolute', *Gazeta Express Online*, 29 October 2012.

48 See: UNDP Kosovo, Public Pulse Report 1, 2011, Prishtina, Kosovo, p. 11. ENEMO, *Irregularities Affecting the Trust in the Democratic Process In Kosovo*, Press Release, Prishtina, 12 January 2011.

could not represent the interest of wider society in Kosovo but its narrow survival and escape interests. In a recent meeting of PDK chairmanship, PDK president Hashim Thaci informed its party for the meeting with Dacic and he received the unanimous support of his party in starting the process for normalization of relations between Kosovo and Serbia.⁴⁹

LDK (Democratic League of Kosovo)

LDK as the largest opposition party in Kosovo has played an inconsistent role and has pursued unclear party position with regards to dialogue with Serbia and north of Kosovo. In the majority of cases, it has pursued a policy of processual polemic, light confrontation with the government in parliamentary debates and public appearances, but when it came to taking decisions and voting, LDK has supported the majority of government led initiatives for dialogue with Serbia. Similar parliamentary behavior of LDK was evident with the privatization process. LDK due to its party identity and institutional memory, it has constantly advocated institutional and constitutional routes for dealing with the north of Kosovo. LDK has tried to play a constructive role in the parliament of Kosovo when it has supported the dialogue with Serbia, in exchange of increased answerability and accountability from the side of government.

LDK has hostile relation with PDK due to broken promise of PDK for early presidential elections, stagnated electoral reforms, and selective arrestment of LDK officials on corruption grounds. The position of LDK towards the dialogue Serbia and relation of the problems in north are closely linked to the issues listed above. LDK in principle is not against dialogue with Serbia to resolve remaining issues as two independent and sovereign states. However, LDK recently has increased pressure on incumbent Prime Minister Thaci that any political dialogue with Serbia that comprises Kosovo's independence, sovereignty, and internal order would mark the end of Thaci's government.⁵⁰ LDK considers that external imposition and plans on the dialogue process come as a result of government's failure to

49 Thaçi Njofton edhe Kryesinë e PDK-së për Takimin me Daçiqin, *Gazeta Express Online*, 22 October 2012.

50 'Thaçi të enjten informon deputetët për takimin me Daçiq'in, *Gazeta Express Online*, 29 October 2012.

prepare a solid plan for the north.⁵¹ During the end of September 2012, LDK's leader Isa Mustafa called for a referendum which would ask Kosovo citizens if they would want to have political dialogue with Serbia.⁵² The government was fast to react and consider unnecessary the referendum, considering LDK's position as inappropriate and too populist. In a more personal capacity, Lutfi Haziri, a senior party member of LDK has recently supported the idea of territorial exchange as a solution to the problems with Serbia. Haziri's plan contains population and territorial exchange based on the border set in 1956 around the time of agrarian reforms and unjust allocation of land and property to Serb population in Kosovo.⁵³

Lëvizja Vetëvendosje (Movement for Self-determination)

Lëvizja Vetëvendosje (LVV) is the most active opposition party and social movement in Kosovo against negotiations and political dialogue with Serbia. Their core position is that any negotiations with Serbia would be harmful to Kosovo national interest, as it would lead to further concessions, fragmentation of sovereignty, and legitimization of Serb repression in Kosovo. In return, they consider that even the implementation of Ahtisaari plan in the north is a great concession. LVV has suggested in several occasions that Kosovo government should take over the control of north through coercive measures, by deploying police and security forces there. Since its establishment in 2004, LVV has constantly rejected and proactively protested against any negotiation with Serbia about Kosovo internal affairs. For them Ahtisaari Plan provides asymmetric rights and privileges to minorities and suppresses the right of majority for self-determination. Since their transformation to political party in 2009, LVV has criticized Kosovo government for non-action in the north as well as has criticized the protracted and extensive international governance in Kosovo, which operates in undemocratic, illegitimate, and imposed basis.

According to LVV incumbent government is rooted in corruptive and criminal affairs and in such circumstances they are more likely to make harmful political compromises for narrow personal interests in expense of

51 'Mos e pranoni planin e Brukselit për veriun', *Gazeta Express Online*, 07 October 2012.

52 'Mustafa: Referendum per Bisedimet', *Gazeta Express Online*, 29 September 2012.

53 'Ridefinimi i kufijve Kosovë – Serbi si "Plan B"', *Radio Evropa e Lire*, 08 October 2012.

Kosovo's national interests. LVV has warned that Serb tendencies are for internal division of Kosovo, similar to Bosnia case. Recently, LVV has considered as treason passing of parliamentary resolution for normalization of relations with Serbia. LVV has constantly suggested that Kosovo should put conditions before any formal negotiations with Serbia. They argue that it is necessary for Serbia to return the bodies of all missing persons, be held accountable for all the destructions caused in Kosovo, and express an official apology for the state-sponsored war crimes in Kosovo, among many other conditions. On 22 October, Lëvizja Vetëvendosje organized a protest, which resulted in violent clash between protesters and police forces. This indicates that extensive protests and opposition in Kosovo will follow the political dialogue process with Serbia. Recently, LVV is organizing local meetings and advocating against the dialogue, considering as a process that has overshadowed the statebuilding and economic development process.

AAK (Alliance for the Future of Kosovo)

AAK as an opposition party has played a balancing role with regards to the dialogue with Serbia and north of Kosovo. In recent years, AAK was one of the first parties to bring the issue of north into political discussion, making pressure to government for dismantling parallel structures and establishing the role of law in that part of Kosovo. The overall position of AAK is that the solution for the north of Kosovo should be found in line with Ahtisaari Plan.⁵⁴ AAK as a party emerged similarly as PDK from former KLA structures and both parties share similar ideological orientation, similar party development, similar regionalist logic to party constituency, and undemocratic practices of party organizations, election and voting manipulation, and corruption affairs. AAK is in general in favour of negotiations with Serbia and it wants Kosovo to have a clear plan and that the parliament to take a leading role in overseeing this process.

Recently, there are indications that AAK is aligning more with government, which could provide solid opposition support to legitimize the dialogue with Serbia. For a while the political position of AAK was closely linked to the fate of its leader Ramush Haradinaj who was being retried in ICTY

⁵⁴ 'Haradinaj pret rezultate pozitive nga dialogu me Serbinë', *Koha Ditore*, 02 January 2013.

for war crime allegations during the Kosovo war in 1999. Its support for political processes was conditional on the release of Haradinaj. Equally, any support they provide to Kosovo government is linked to the fate of their leader. In the end of November 2012, Haradinaj was cleared from all the charges on war crimes and released immediately.⁵⁵ Since then, AKK has been proactively supporting the participation and the approach of Kosovo government in the political dialogue with Serbia. During November 2012, the Government of Kosovo, appointed Haradinaj's deputy Blerim Shala as the Kosovo envoy in the political dialogue with Serbia.⁵⁶ Shala's involvement in the dialogue solidifies further the cooperation and political support the AKK provides to the government of Kosovo.

AKR (Alliance New Kosovo)

AKR is a party strongly dependent on the personal and individual interests of its leader, Behgjet Pacolli. AKR is currently the main coalition partner with PDK and as such it is largely voiceless concerning the political dialogue with Serbia. Pacolli as one of the Deputy Prime Minister in the incumbent government is primarily focused in lobbying for recognition of Kosovo. The overall position of AKR is in favor of negotiations with Serbia and their party line is similar to PDK's. In general, AKR considers that Serbia should recognize the reality in Kosovo and move beyond such entrenched position. Earlier during August 2012, Rrahim Pacolli of AKR has declared that for such a sensitive political dialogue with Serbia, Kosovo should develop a platform, which should be first adopted by the Assembly of Kosovo to serve as a legal basis for the future negotiations.⁵⁷ AKR's position is that conflict in the north could be transformed via the creation of a free economic zone which would move the attention from political struggle to economic development, as well as it would resolve the problem of informal economy and cross-border smuggling.⁵⁸ So the strategy of economic autonomy for the north of Kosovo followed by job creation is seen by AKR as the viable solution to overcome the stagnation in the north

55 'Kosovo ex-PM Ramush Haradinaj cleared of war crimes', *BBC News*, 29 November 2012.

56 'Blerim Shala is appointed as coordinator of talks', *Kosova Press*, 22 November 2012.

57 'Rrahim Pacolli: Platforma për Dialog të Kalojë në Kuvend', *Gazeta Express*, 23 August 2012.

58 'Kosovo Leader Mulls Turning North Into New Dubai', *Balkan Insight*, 05 July 2012.

of Kosovo.⁵⁹ Such idea was well received by Serb politicians in Belgrade, including Oliver Ivanovic.

SLS (Independent Liberal Party)

SLS is political party that represents mainly the interests of Serbs living in Kosovo, except the north. SLS has tried to maintain an independent political line from Belgrade and Prishtina and use the leveraging institutional framework for minorities within Kosovo government to advance the needs, interests, and political status of Serbs in Kosovo. The main position of SLS with regard the north of Kosovo and the political dialogue with Serbia is that the dialogue is necessary, Serb authorities in Belgrade should not demand territorial re-adjustment in Kosovo but defend the rights and needs of Serb population in Kosovo, and that the question of participation of Kosovo would not be viable due to the dynamical political changes in Kosovo and categorical rejection by the international community.⁶⁰ SLS also considers that the Belgrade's role in Kosovo in many instances is destructive as it claims to represent Serb people, but it is not held accountable to them, and the political solution that Serbia suggests for Kosovo are unrealistic and do not deal with the real problems of the on the ground.⁶¹ Around these arguments, SLS considers the recent platform of Serb President as being controversial and unrealistic, and as such it lacks the support of the Serbs living in the rest of Kosovo.⁶² SLS that is part of the current coalition government in Kosovo has also demanded to be part of political dialogue with Serbia. Petar Miletic from SLS declared that they have not received any invitation from Kosovo authorities, however their representation in talks would facilitate and ease the future dialogue. The leader of SLS, Slobodan Petrovic has declared in favor of political dialogue and has highlighted the structural problem that Belgrade claims to represent the interests of Serb population living in Kosovo, but they lack information from the true situation in the field.⁶³ Petrovic considers that Ahtisaari package would be sufficient and adequate, warning that its implementation in the North needs

59 'Pacolli Pledges Economic Autonomy for North Kosovo', *Balkan Insight*, 30 December 2010.

60 'Hoćemo da pomognemo Beogradu', *Danas*, 25 December 2012.

61 'Miletić: Fokus Beograda treba da budu ljudi, a ne teritorije Kosova', *Radio Fee Europe*, 29 October 2012.

62 'Srbi Sa Kosova Nisu Jedinstveno Podržali Platformu', *JUGpress*, 28 December 2012.

63 'Për veriun vlen Pakoja e Ahtisaarit', *Koha Ditore*, 27 August 2012.

to be dealt with maturity.

The relationship between government and the opposition parties is important in shaping the nature of Kosovo representation and success in the high level dialogue with Serbia. The inclusion of opposition parties would have five benefits: a) increase the legitimacy and national credibility of the negotiations process; b) insuring national consensus on the process and outcomes of negotiations; c) strengthening the representation by intertwining of expertise and capacities from all political parties; d) controlling the dialogue agenda by balancing multiple positions and perspectives; e) and resisting the pressure from the international community to make any unwanted and unconstitutional compromise in a unified manner. The inclusion of opposition would also provide an opportunity to ensure that the dialogue process does not harm Kosovo's national interest and that it would represent the will of the majority without affecting the constitutional rights of minorities. Nevertheless, the inclusion of opposition in the dialogue process would harm the necessary inter-institutional and democratic balance of accountability, transparency, difference, disagreement and pluralism. The inclusion of the wider political spectrum in the negotiations would lead to the creation of new layers of political and ideological groups in Kosovo, either organized as social movements or political parties. Further expansion of the spectrum of political groups would further complicate the already fragmented political relations among the existing parties in Kosovo. Another threat from the inclusion of the opposition in the dialogue would be the potential stalemate and stagnation that would emerge as a result of incompatible and irreconcilable positions and interest of parties involved.

Thaci has invited the opposition parties in Kosovo to join the negotiation meet, however the immediate answer from opposition was that they would take part in the dialogue.⁶⁴ LDK considers that Kosovo government has the capacity to lead the dialogue without opposition, and the opposition will play its own role within the parliament. Lëvizja Vetëvendosje considers that they would not join negotiations with Serbia before fulfilling certain conditions from Serbia, such as apology, reparation of war damages, and abolishment of parallel structures. The most likely party to join the coalition is AAK, which has shown indication and willingness to join the PDK in the future negotiations with Serbia. There is also unclear situation whether the Serb

64 'Harrojeni Autonomine', *Gazeta Express Online*, 04 November 2012.

parties part of government coalition in Kosovo will be part of the Kosovo negotiation team. The most likely scenario will be that parts of opposition will be involved in the dialogue to balance the party representation in the dialogue process. As the current indication show, AAK is most likely to be part of the dialogue process. LDK and Lëvizja Vetëvendosje are most likely to remain outside of the process, as they are well aware of the political risks that would come as a result of inevitable compromises that will be imposed over Kosovo in the end of the dialogue. Hence, for these two parties, the political dialogue and their negational attitude towards the governments work will serve their interest of strengthening popular support and party internal cohesion.

The Kosovo Police

Kosovo Police is the only institution part of Kosovo's political system, which operates partially freely in the territorial side of the north of Kosovo, as opposed to Kosovo costume that disembark to the border points in the north via helicopters. Majority of Kosovo police in this region come from Serb nationality. The presence of parallel Serb parallel security structures in the north poses significant challenges to the enforcement of law by the Kosovo Police. These structures delegitimize Kosovo Police in the eye of local population and obstruct the prosecution of economic and social crimes. The UNDP Mitrovica/a Public Opinion Survey of 2010 reveals that less than 10 percent of Serbs in Mitrovica trust Kosovo policed, compared to 84 percent of trust in the southern side of Mitrovica.⁶⁵ Such high distrust is also driven entirely by the ineffectiveness of Kosovo Police to investigate crimes, provide security and safety to the local population. However, such ineffectiveness is not driven by the willingness of Kosovo police to not perform their duties, but by the constant constrains and obstructions imposed by the Serb secret and shadow security services and mechanisms in the north of Kosovo. The majority of Serbs servicing for the Kosovo police in the north of Kosovo are largely perceived as unqualified, inexperienced, and marginalized individuals, as opposed to the pre-war Serb police who are excluded during the UNMIK police construction process. The Serb MUP forces often employs the excluded police, enjoy popular support and they constantly challenge Kosovo police. Serb MUP covert forces are

65 UNDP, 'Mitrovica/a Public Opinion Survey', November 2010, p. 23-24.

considered as one of the main inflaming agents of destabilization through their deviant acts of orchestrated protests, attaching ethnic connotation to their intentional violent and vandal acts, and undertaking of deadly attacks against the civilian population to reach particular political goals. Crisis Group has reported that there are cases when Kosovo Police are secretly receiving financial incentives from the Serb MUP to serve as infiltrates within Kosovo Police.⁶⁶ Further to these constraints, Serb leaders in the north have called for EULEX police to take on the enforcement of law as a way to distance and delegitimize further Kosovo police.⁶⁷

The KLA War Associations

The KLA war associations have emerged from the demilitarization and transformation of KLA after the 1999 war in Kosovo. Organized as civil society organizations these associations work to represent the interests of KLA war veterans, war invalids, and the families of martyrs. Since then these associations have expressed their constant resistance against the decisions and actions of international governance in Kosovo, largely related to transitional justice, the welfare conditions of ex-combatants and their families, and the controversial political events in Kosovo.⁶⁸ Concerning the north of Kosovo, KLA war associations have expressed the support for the incumbent government, as they are closely affiliated ideologically and politically with PDK, but have also warned that any compromise to the sovereignty and independence of Kosovo would be unacceptable to them and consequently they would raise and destabilize the situation. Following the Kosovo police intervention in July 2012 in the north, KLA war association have strongly supported government's action and they have also offered their availability to support Kosovo authorities in restoring the rule of law and order in north of Kosovo.⁶⁹ They also highlighted that KLA veterans are always ready to raise and defend the sovereignty of Kosovo.

66 Crisis Group, North of Kosovo: Dual Sovereignty in Practice, Europe Report N°211 14 March 2011, p. 17.

67 Crisis Group, 'North of Kosovo: Dual Sovereignty in Practice', p. 17.

68 Gezim Visoka, 'International Governance and Local Resistance in Kosovo: The Thin Line between Ethical, Emancipatory and Exclusionary Politics', *Irish Studies in International Affairs*, Vol. 22, 2011, pp. 99-125.

69 KLA War Association, Communication, 06 August 2011.

These associations have blamed KFOR, UNMIK, and now EULEX for failing to dismantle illegal and parallel structures in the north of Kosovo, who are responsible for expelling violently thousands of Albanians after the 1999 war from the northern municipalities. They explicitly have demanded that responsible authorities in Kosovo should return all Albanian inhabitants to their homes in the north. KLA war associations have implicitly threatened that if KFOR, EULEX, and Kosovo Government, do not do anything; KLA war associations will lead the popular organization and uprising. In that situation, they highlight, that responsible will be the security authorities that have brought the situation to that point through their non-action.⁷⁰

The Municipality of Mitrovica (South)

The Municipality of Mitrovica (south) operates in a challenging environment of a divided city, with constant threats of destabilization, accommodation of displaced population, limited resources, and with challenges posed by organized crime and informality. Although the municipal authorities do not have at the moment a direct role and presence in the political and technical dialogue with Serbia, they are one of the most important local authorities in enshrining and implementing any peacebuilding and reconciliation effort in the north of Kosovo. The incumbent mayor Avni Kastrati, from PDK, has recently expressed against the inclusion of the north of Kosovo in the political dialogue with Serbia. Instead, Kastrati considers that the way out of status quo would be the correct information of Serb citizens in the north with the benefits that Ahtisaari package would bring to them, as well as increase the economic investment and development in that part of Kosovo through the creation of a single free trade zone. For Kastrati, the essential problems are the lack of the rules of law and order in the north, which is obstructing the free movement of citizens, and it is obstructing the free access to private property in the north. Such an environment where the organized crime and parallel structures operate, the space of Serb citizens to enjoy the rights and privileges provided with the Ahtisaari package is reduced extensively.

⁷⁰ KLA War Association, *Open Letter directed to the responsible authorities for security in Kosovo*, 11 April 2012.

Mitrovica North Administrative Office (MNAO)

The Kosovo government adapted in May 2012 a decision to establish the Mitrovica North Administrative Office to act as temporary office role until the new municipality is established. The decision withdraws the funding provided by Kosovo budget to UNMIK Administration of Mitrovica and transfers them to the MNAO. The decision also obliges all ministries to support the operation of this office and allocates an annual budget of 1 million Euros with the possibility of increasing it depending on the demand and the successful operation of the office. The office became operational in June 2012 and envisages starting the provision of public services, including making payments, public utilities bills, firefighting services, social welfare services, and maintenance of public spaces, public lightening and road maintenance. So far the MNAO has been visited by around 1000 Serbs living in the north, which is seen as a preliminary indication of citizen interest and potential cooperation in the future. The MNAO envisages employing around 80 persons who would work across seven departments and provide services equivalent to other municipal units in Kosovo. The MNAO is managed by a Principal Executive Officer, who is currently practiced by Arijana Hodzic of Bosnian nationality, whose authorities are equivalent to a mayor.⁷¹ According to Arijana Hodzic, head of Kosovo's administrative office in the north Mitrovica, the situation in north is complicated and dialogue is necessary. However MNAO does not have any role in that process as it is primarily concerned with provision of services for local communities.⁷²

Serb authorities in Belgrade considered the opening of the office as a provocation and an attempt to integrate the north into Kosovo's political system. They consider it as an act that could raise tension. On the other hand, Kosovo authorities believe that this office would be beneficial for local population, as it aims to improve their living conditions by providing better local services, generating employment, and coordinate the donor aid that is planned to be invested in the north of Kosovo.⁷³ The Administrative Office is targeted several times by unknown groups in the north. Recently,

71 Government of Kosovo, 'Plan for Establishing Mitrovicë/Mitrovica North Administrative Office (MNAO)', 2012.

72 'Dilema rreth përfshirjes së veriut në dialog', *Indeksonline*, 21 October 2012.

73 'For and against Kosovo govt office in Mitrovica' *Tanjug*, 04 June 2012.

the violent attacks against the senior officer of MNAO has increased, leaving the operation of this office vulnerable to threats and violent acts, which withholds them from performing their administrative tasks. According to Hodzic, there are three cases that Serb employees working in this office have been attacked.⁷⁴ However, Hodzic maintains that there are 52 persons from the north working in this office and the office does not deal with political issue, but it only tries to help people. Although the office is completely operational, Serb local community continues to reject it.

Civil Society and Grassroots Actors in Mitrovica

Although there is extensive work conducted at the grassroots levels in Mitrovica and the rest of the northern Kosovo, the prevalence of high political events often overshadows the activity that NGO's, and community groups do in inter-ethnic dialogue and reconciliation. Similarly, working with ethnically divided communities, stigmatized by political differences, physical boundaries, fear and distrust takes time and the transformation of interpersonal relationships often does not produce immediate, visible, and apparent results. This in return does not grasp the attention of mainstream and politicized media and as such the overall societal impression remains that there is not much happening at the everyday and grassroots level. The variety of work conducted by NGO's and community-based groups aims at increasing inter-ethnic cooperation between Albanians and Serbs, and other non-dominant minorities by increasing inter-community contacts through joint socio-economic activities and projects, but also in working within each community separately to create the conditions and prepare these communities for future communication and peaceful interaction with other communities.⁷⁵

The ethnic division in the north of Kosovo is basically also a geographical division, whereby each group mainly uses separate routes of transport, shop in mono-ethnic retails, use separate public transport, use different healthcare facilities, separate schools, and rely on separate public administration and police protection. There are exceptional cases of multi-

⁷⁴ Sulmohet makina e një punonjësi të Zyrës administrative në veri, *Gazeta Express Online*, 16 September 2012.

⁷⁵ KIPRED, *Grass-Root Approaches to Inter-Ethnic Reconciliation in the Northern Part of Kosovo*, Policy Paper Series 2012/03, Prishtina, February 2012, p. 5.

ethnic common marketplace in some of the mixed neighborhoods. It is a wide perception that until the frozen disputes in the north of Kosovo are not resolved at the political and institutional level, efforts of community based reconciliation will stagnate and not lead to meaningful transformation. Despite the work of grassroots initiatives, there is no sufficient indication that essential matters of peacebuilding are addressed in the northern part of Kosovo. This includes: restorative justice, property restitution, return of people, recognition of past violence, addressing of socio-economic grievances, human security, and overall prosperity for joint and multi-ethnic co-existence.

It is estimated that there are around 2,000 Kosovo Albanians living in the northern Kosovo, excluding the south Mitrovica. Due to ethnic division in the north, Kosovo government tries to provide security, education, and healthcare to the Albanian communities living in the north. During last two years, Municipality of Mitrovica (south) started rebuilding of over 200 houses in two Albanian populated neighborhoods in the north side of Mitrovica. These houses have been burned and destroyed during and after the 1999 war, and the delayed reconstruction of houses is meant to facilitate the return of displaced Albanians and Roma in that part of Mitrovica. The reconstruction process has faced proactive resistance of Serb parallel structure that has organized groups of people to obstruct the reconstruction of houses. The return of Albanian population in the north of Mitrovica is seen as a just act similar to the return of Serbs and other minorities through out Kosovo. However, for the Serb leaders of north, restoration of demographic composition of that part of Kosovo constitutes a threat to their power basis, community strength and scope of unrestrained operation. During the last ten years, Albanian inhabitants of the northern municipalities of Kosovo have been forced to sell their property due to lack of security, lack of economic prosperity and social protection, pressure from Serb parallel structures, and exclusion from Serb community. The reconstruction of houses is seen as part of Kosovo government efforts to stop the unwanted migration of Albanian population from these parts of Kosovo. In a controversial reaction, UNMIK Administration of Mitrovica in the north has rejected of house reconstruction contesting the property construction permission. Kosovo authorities consider as unjust such an act because the UNMIK Administration of Mitrovica continuously facilitates

the construction of houses and building by Serb community in the north.⁷⁶

While liberal peacebuilding through its market-based economic strategy does not seem to produce peace at the state and national level, at the community level, the economic rational and interdependence does seem to prove effective for increasing inter-ethnic cooperation and pacification of relations due to mutually rational interests. The business community is widely concerned with the Serb barricades in the north as it obstructs their import and exports of goods. Economic interests and the instrumental aspiration for joining the EU in the future often trigger the inter-ethnic cooperation in the north of Kosovo. It is observed that ‘most inter-ethnic contacts occur in private individual relations as well as in business and trade’.⁷⁷ More significant level of cooperation occurs between Albanians and Serbs working for local and international NGO’s, as well as those who engage with civil society joint activities.

Civil society work is the largest industry of inter-ethnic cooperation that has the chance of producing any peace product, such as inter-ethnic pacification and co-existence. It is estimated that during the last two years, there have been over fifty activities that aimed at inter-ethnic dialogue and cooperation. They varied from trainings, capacity building, seminars, and workshops tackling youth, women, sports, and musician groups. Targeting these social groups it is expected to produce more successful and immediate positive results and leverage and multiply its effects to wider groups in the each respective community. Despite these activities the nature of local NGO’s in the north of Kosovo is mono-ethnic and they rarely employ persons from other communities. The legacies of donor-oriented culture of NGO’s in Kosovo has effected significantly the dynamics, approaches, composition and the mobility of grassroots groups in tackling the most needed and essential community problems in the north of Kosovo.

The scope and extent of inter-ethnic cooperation between all ethnic groups living in the north of Kosovo is largely determined by the geographical location of each groups. The more distant the location and positioning of ethnic groups and the more mono-ethnic the composition of population,

⁷⁶ ‘Kosovë, UNMIK-u kërcënon shqiptarët e veriut me rrënim të shtëpive’, *Lajme Shqip*, 02 July 2012.

⁷⁷ KIPRED, *Grass-Root Approaches to Inter-Ethnic Reconciliation in the Northern Part of Kosovo*, p. 11.

the less the incentives and necessity for inter-ethnic cooperation. For example, Serb community living in Leposavic and Zvecan does not invest in inter-ethnic relations with Kosovo Albanians in the north and the rest of the country. Similarly, Bosniak and Roma communities living in these two municipalities are more affiliated and closer to Serb community than the Albanian community. The reversal is evident for Albanian, Serb, Bosniak, Turkish, and RAE communities who live in the mixed neighborhoods of Mitrovica, both north and south side. There is a higher level of cooperation and to some degree better relationships. Especially, the non-dominant minorities living in the southern side of Mitrovica tend to be affiliated more with Kosovo Albanians and their position towards political processes in the region are aligned to Kosovo government's and the international community present in Kosovo. Alongside the geographical positioning of ethnic groups, schooling conditions, economic prosperity, and cultural and linguistic affiliation play also a significant role in the quality of ethnic relations in this part of Kosovo.

In spite of all these everyday and grassroots efforts, power of politics and politics of power (structures of conflict) seem to play the dominant role in shaping the peace prospects for this part of Kosovo. Although the policy of grassroots peacebuilding is to keep politics away (as they nurture fragmentation and division), without bringing the political at the everyday level and discussing it through a non-violent and constructive dialogue process, the entrenched positions will not be able to be transformed. In many cases, grassroots groups have exploited and adjusted to circumstances and have followed the pragmatic navigation of not challenging but complying with any authority present in the region, be it Kosovo government, Serb parallel structures, or the international community. Such a pragmatic approach might appear to have immediate effective results, however in the long run it is unproductive and could lead to many unintended consequences, which could harm more fragile peace than transform it towards some more durable form of peace.

V. ACTORS IN SERBIA AND THEIR POSITION ON THE NORTH OF KOSOVO

This section outlines the key political actors in Serbia and the Serb parallel structures operating in the north of Kosovo. As with the previous section, the key features of Serb government position regarding the north of Kosovo and Kosovo in general will be examined. Following this, the role and influence of the National Assembly of Serbia will be analyzed to capture the inter-intuitional dynamics, support, and constraints with regard to the north of Kosovo. The position of main political parties in Serbia will be discussed as well to understand the political dynamics and the internal factors that shape Serbia's position towards Kosovo. In the second half of this section, the activity of Serb parallel structures operating in the north of Kosovo will be comprehended and the power relations and political maneuvering will be captured as well. Across all these actors, there is an overwhelming consensus over Kosovo's political status, which implicitly recognizes that Serbia does not exercise any authority over Kosovo, and the control over the north of Kosovo provides strong bargaining power to gain a special status for Serbs living there. The leading incentive for Serbia to take part in the dialogue with Kosovo is the enhancement of EU integration dynamics, which are conditional to the normalization of relations with Kosovo.

The Government of Serbia

The nuances of Serbia's government position with regard to the political status of Kosovo have been oscillating since 1999, however, the content remains the same: Kosovo's independence for them remains out of question. The positions of incumbent Serb president Tomislav Nikolic and previous president Boris Tadic, incumbent prime minister Ivica Dacic and former prime ministers Vojislav Kostunica, and Zoran Đindić, all follow a similar line – offering to Kosovo a status 'more than autonomy, less than independence'.⁷⁸ Even though the EU allies gave wholehearted support to Tadic in the latest election in Serbia, he emphasized that Kosovo is not a state and 'Serbia will never recognize Kosovo's independence, and respecting international law, its own legitimate interests, its integrity in

⁷⁸ 'Yugoslavia: Analysis From Washington - More Than Autonomy, Less Than Independence', *Radio Free Europe*, 09 May 1999.

Kosovo, will defend in the legal arena, in front of the International Court of Justice'.⁷⁹ However, in the 2012 elections Tadic lost the election despite his campaign of two-track policy: the EU and Kosovo.

The new government coalition in 2012 between Tomislav Nikolic's DSS, Ivica Dacic's SPS and Dinkic's URS and other small parties representing national minorities did not change Serbia's commitment to obstruct Kosovo's statehood. However, even though renown for their Kosovo anti-independence discourse, the statements of Serbia's leadership currently are appearing as more pragmatic. The President of Serbia, Nikolic, recently stated that: 'I don't think I will ever be President in the Kosovo capital of Pristina, but the President of the interim authorities in Pristina [i.e. the leader of Kosovo] will also never be president in Mitrovica'.⁸⁰ This does not mean that Serbia's President is willing to recognize Kosovo's statehood and the same stands for the Prime Minister Dacic, who recently - in a renewed dialogue in Brussels between Kosovo and Serbian on technical issues - said that he was going to these meetings "to save what can be saved".⁸¹ Kosovo's question remains yet unanswered in Serbia and continues to be used as a bargaining policy toward the EU accession, on the one hand, and as 'political card' among political parties in Serbia for electorate consumption, on the other. To date, Serbia's position towards north of Kosovo is clearly articulated in three consequent policy document: a) Dindic proposal for the partition of Kosovo (2002);⁸² b) Tadic's four points on regional autonomy for the north of Kosovo (2011); and c) Nikolic's political platform on Kosovo, which proposes an autonomous arrangement for Serb municipalities in Kosovo similar to Catalonia.

As reported by Serbia's media, the macro politics with regard to regions including Kosovo was as follow: '...to let Montenegro go peacefully; to insist on a partition of Kosovo. Later in December 2002, to start implementing all that'.⁸³ On the other hand, Tadic in 2011 proposed four points proposal for a settlement with Kosovo that would be based in the following points: a high level of self-government for Serbs throughout Kosovo based on decentralization; a region in North Kosovo with special

79 'It's clear to all, Kosovo is no state', *B92*, 14 February 2009.

80 'Serbia's Nikolic Gives Some Ground on Kosovo', *Balkan Insight*, 2012.

81 'Kosovo, Serbia Leaders Set For Third Meeting', *Balkan Insight*, 04 December 2012.

82 'Đindić cabinet planned Kosovo's partition', *B92*, 20 January 2011.

83 Ibid.

rights; a special status for the Serb Orthodox monasteries, and process for the settlement of property claims.⁸⁴ Nikolic's political platform on Kosovo is presented recently with the 'non-paper' document, which leaked to public on 20 December 2012. This document depicts the Serbia's platform on Kosovo's status. The six pages document, pursuant to Serbia's Constitution, sets the basic starting point that Serbia 'does not recognize and will never recognize the unilateral declaration of the "independence" of Kosovo'.⁸⁵ Moreover, the platform clearly articulates the Serbia's position to refrain from achieving further partial agreements with, as put by it, provisional institutions of self-government in Prishtina. This document calls for ending of 'technical dialogue' between Prishtina and Belgrade as this dialog is seen an instrument through which the Serbia's state position is weakened in future political dialog.

Building on these various policies, Serbia's goals towards Kosovo could be comprehended as following:

1. Keeping the status quo in north Kosovo
2. Arranging the ground for partition of Kosovo
3. Contesting the legality and legitimacy of Kosovo's statehood which merged on 17 February 2007 through the Declaration of Independence of Kosovo
4. Obstacle Kosovo's integration into regional and international organizations
5. Hindering the recognition process of Kosovo.

On 22 July 2010, the International Court of Justice (ICJ) brought an advisory opinion, and answered Serbia's question whether the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo was in accordance with international law. ICJ advisory opinion emphasized that international law does not prohibit the declaration of independence of Kosovo and parallel to this pointed out that the declaration was neither in contradiction with UN Resolution 1244, nor with Kosovo's Constitutional Framework for Provisional Self-Government.⁸⁶ Serbia's

84 Stefan Lehne, '*Kosovo and Serbia: Toward a Normal Relationship*', Carnegie Endowment for International Peace, March 2012.

85 Serbia's non-paper platform on Kosovo', 20 December 2012, p. 1.

86 ICJ, 'Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo'. *Advisory Opinion*, 22 July 2010.

President, Boris Tadic reacted to ICJ opinion and stated that Serbia will recognize neither the ICJ opinion nor the Declaration of independence and called for a new round of negotiations under auspices of UN.⁸⁷ Since ICJ has ruled its advisory opinion on Kosovo, Serbia has repeatedly obstructed the effective consolidation of Kosovo's authority in north of Kosovo and has appealed to local Serbs to refuse cooperation with Kosovo's institutions. Serbia's heavily presence over north of Kosovo through parallel structures is continuing to hinder peace, reconciliation, justice and rule of law in Kosovo.

The President of Serbia

Given that Article 112 of the Constitution of Serbia envisages extensive competences for the President of Serbia, the President of Serbia have been active in voicing its position on Kosovo. On 20 May 2012 Serbia presidential elections, Tomislav Nikolic from Serbian Progressive Party defeated Boris Tadic with a slight difference. Nikolic received 49.54 % of the overall votes, while Tadic 47.31%. The position of the incumbent President Tomislav Nikolic is twofold: autonomy for Albanians within Serbia, and territorial autonomy for Serb community in Kosovo within autonomous Kosovo. This is articulated in the Political Platform for Kosovo and the resolution that was adopted by the Serb National Assembly in January 2013. The position of the President of Serbia concerning Kosovo is that Serbia will not recognizes the independence of Kosovo at any cost, despite the fact that it has entered a political dialogue, while it will simultaneously pursue its EU integration policy. Commenting the Serbia's path to EU, Nikolic recently stated that: 'I cannot say that we will be in the EU quickly, I can say that I hope so, but I will sooner step down than allow an entry into the union without Kosovo. Whoever may seek an ally in me for such a thing, will find a closed door'.⁸⁸

Commentators like Morton Abramowitz have argued that the position of Nikolic on Kosovo is not different from Tadic's position.⁸⁹ However, both Serbia and EU have to face the problem that Serbia has with Kosovo and

⁸⁷ 'Serbia and Kosovo react to ICJ ruling'. *BBC News Europe*. 22 July 2010.

⁸⁸ 'President reiterates position on EU and Kosovo'. *Tanjug*, October 22, 2021.

⁸⁹ Morton Abramowitz, 'New President, Old Problems'. *The National Interest*, June 1, 2012.

vice versa. Even though five EU countries have not recognized Kosovo, the EU will not willing to let Serbia into the EU as it did with Cyprus.⁹⁰ However, Nikolic has emphasized that if Serbia is pushed to recognize the independence of Kosovo, Serbia will abandon EU over Kosovo. Nikolic is sentient that the path of Serbia toward EU membership and normalization and recognizing the independence of Kosovo are not inextricably linked, however, his position is strict enough: ‘We reached a level where we can count on EU membership and now it keeps us at a distance only because of Kosovo...but it can keep us there the next 100 years and we will not change our position’, has stated Nikolic.⁹¹

The National Assembly of Serbia

The National Assembly of Serbia has voiced its position to Kosovo status repeatedly since 1999. However, four documents are important to understand the position of the National Assembly of Serbia on Kosovo: a) the 2006 Constitution of the Republic of Serbia, b) the 2007 Resolution of the National Assembly of the Republic of Serbia following the Ahtisaari’s plan and Troika Talks, and c) the 2011 Resolution of the National Assembly of the Republic of Kosovo which calls for peaceful resolution of the crisis in Kosovo and continuation of dialog between Prishtina and Belgrade, d) and the 2012 Serbia’s platform on Kosovo.

Voicing its opposition to Kosovo’s demand for independence, the Constitution of the Republic of Serbia approved by the National Assembly of Serbia on 30 September 2006, in its preamble considers Kosovo and Metohija an integral and historical part of Serbia. Article 8 of this Constitution highlights that the ‘substantial autonomy of the Autonomous province of Kosovo-Metohija shall be regulated by a special law which shall be adopted in accordance with the proceedings envisaged for amending the Constitution’, while Article 8 highlights: ‘the territory of the Republic of Serbia is inseparable and indivisible’.⁹² Even though Kosovo and Serbia had begun the UN-sponsored negotiation talks led by UN Secretary-General’s Special Envoy Martti Ahtisaari on Kosovo status, the National

⁹⁰ Ibid.

⁹¹ ‘President: Serbia will abandon EU over Kosovo, if pushed’, *Europe Online Magazine*, 16 September 2012.

⁹² *Constitution of The Republic of Serbia*, 30 September 2006.

Assembly of Serbia through a draft resolution (Kostunica Resolution) on 14 February 2007 concluded that the Ahtisaari proposal for Kosovo is against international law since it does not take into consideration the territorial sovereignty and integrity of Serbia. The same resolution calls that ‘the National Assembly of the Republic of Serbia would proclaim any imposed solution of the Kosovo-Metohija future status illegitimate, illegal and void’.⁹³

Following the stalemate in north of Kosovo since the independence, and the violence organized by local Serbs in north of Kosovo, especially with the demolition of Kosovo’s border crossings in Brnjak and Jarinje and injuring German KFOR troops in north, the National Assembly of Serbia adopted another resolution (Tadic Resolution), which calls for peaceful solution for the crisis in Kosovo. Tadic declared that peace has no alternative and told the Serb parliamentarians that ‘We are making a great effort, after the political changes in Serbia in 2000, to make a shift in policy and change all those instruments that have brought us to unsuccessful solutions and to establish a policy that leads to positive solutions’.⁹⁴ The resolution sponsored by Tadic in opposition to the newest Nikolic resolution calls for continuation of dialogue with authorities in Prishtina. The latest Serbia’s political platform on Kosovo presented in December 2012 was presented as a resolution in the National Assembly of Serbia in the beginning of 2013. The DSS representatives have stated that this resolution would strengthen Serbia’s position and as it is presented in the platform text, the resolution will call for termination of the dialogue between Kosovo and Serbia and offer Serbs in north a broad territorial autonomy (based on Catalonia model), and for the Serbs in the south of Kosovo a broad self-governing rights and cultural autonomy. Despite this, there are differences between the two main coalition parties in Serbia about the modalities and details of the platform and the resolution. Nevertheless, as in the case of Kosovo Government, the Serb authorities consider the adaptation of the platform as a parliamentary resolution would strength Serbia’s negotiating position.⁹⁵ The President of Serbia, Tomislav Nikolic has declared that the National Assembly of Serbia will adopt the newest resolution on January 2013 after changes made to the initial text.⁹⁶

93 ‘Draft Resolution of the National Assembly of Serbia’, B92, 14 February 2007.

94 ‘Serbia Adopts Resolution on Kosovo’, *Balkan Insight*, 11 January 2013.

95 ‘DSS: Resolution would strengthen Serbia’s position’, *Tanjug*, 26 December 2012.

96 ‘Nikolic: Resolution on Kosovo on January 11’, *Voice of Serbia*, 28 December 2012.

The Ministry for Kosovo and Metohija/Office for Kosovo and Metohija

In May 2007, the Serb government has set up a Ministry for Kosovo and Metohija, which was primarily tasked to coordinate the efforts of Serb government in supporting their structures in Kosovo, and in observing and providing guidance on the political development in Kosovo. Slobodan Samardzic (DSS) first led the Ministry from May 2007 until July 2008, and later on Goran Bogdanovic (DS) took over and lead the ministry from July 2008 until July 2012. Following the July 2012 formation of government in Serbia, the Ministry for Kosovo and Metohija was closed as part of government re-structuring. Instead, a Government's Office for Kosovo and Metohija was established, which has the similar competencies to the Ministry of Kosovo and Metohija and aims the preservation of Kosovo within territory of Serbia, based on Serbia's Constitution.⁹⁷ Following this, Serbs living in the north of Kosovo protested against the shutting down this ministry and casted doubts that this was done due to the pressure of the West against Dacic's new government.⁹⁸ The Office for Kosovo and Metohija is closely affiliated with the Serb parallel structures in the north and consequently it orchestrates their resistant and compliant response towards the normalization of relations with Kosovo and the eventual resolution of the political status for this region.

The Main Political Parties in Serbia

Serbia's political landscape has changed since 1999. Currently there are eight political parties, which occupy the space of Serb politics. While their political influence, ideology and program priorities differ, with regard to Kosovo's political status the position of main political parties in Serbia remains almost identical. An exception of this is the Liberal Democratic Party led by Cedomir Jovanovic. The common political denominator of Serb political parties is that Kosovo is part of Serbia and that the unilateral declaration of independence is in a contradiction with Serbia's Constitution. The key political parties in Serbia are: Democratic Party, DS, founded

⁹⁷ 'Vulin: Office for Kosovo and Metohija will have the same competencies as a ministry', *Voice of Serbia*, 07 July 2012.

⁹⁸ 'Serbs in north rally, "won't give up on peaceful fight', *Tanjug*, 09 July 2012.

in 1989 and currently led by Boris Tadic; Socialist Party of Serbia, SPS, founded in 1990, currently led by Ivica Dacic; Serbian Progressive Party, SNS, founded in 2008, and currently led by Tomoslav Nikolic; United Regions of Serbia, URS, founded in December 2002, led by Mladjan Dinkic; Liberal Democratic Party. LDP, founded in November 2005, led by Cedomir Jovanoc; Democratic Party of Serbia, DSS, founded in 1992, and led by Vojislav Kostunica; Radical Party of Serbia, SRS, founded in 1991, led currently by Deputy President on behalf of Seselj, Nemanja Sarovic, and Serbian Renewal Movement, SPO, founded by in 1990, led by Vuk Draskovic.

DS (Democratic Party)

The DS (Democratic Party) approach toward Kosovo is recognized as pragmatic by the EU institutions. However, DS support on the ground in the north of Kosovo seems very low. The only DS mayor in northern Kosovo, Leposovic, Branko Ninic was replaced by Dragisa Vasic from Socialist Party of Serbia in the May 2008, following Serbia's elections organized in Kosovo. Even though these elections have been labeled as illegal, the European Union was hoping that the DS party would lead in this area, and consequently the probability for negotiating with pro-western DS party of Tadic with regards to ceasing of activities of Serb parallel structures in the north would be easier. However, this scenario failed, and Radical Party of Serbia nowadays rules the north. Tadic called Serbs to withdraw barricades and roadblocks who were established two days after Kosovo's declaration of independence, in order to prevent Kosovo institutions to exercise their sovereignty over this part of territory. Prior to May 2008 Serbia's elections, Tadic proposed a four point plan with regards to Kosovo, and the second point of this four point plan was the establishment of a region in north Kosovo with special rights. However, it is very evident the Tadic proposal goes far beyond the provisions outlined by the Ahtisaari plan for establishing North Mitrovica as new municipality with competences enlisted in his plan.

SPS (Socialist Party of Serbia)

“They robbed us of it Kosovo. The issue here is how to save some of it North’, stated recently the former spokesman of Milosevic and the leader of Socialist Party of Serbia, and the current premier Ivica Dacic from SPS.⁹⁹ While the relation with Russian Federation is a priority for Dacic’s party, they have not abandoned the EU integration process of Serbia as well. Commenting on recent dialogue, which is a precondition for Serbia to accelerate its EU integration, which is happening between Kosovo and Serbia in Brussels, Dacic has clearly stated that even if Serbia abandon the EU integration process and leave the dialogue, nobody would be able to return Kosovo to Serbia. The former technical dialog between Kosovo and Serbia now has advanced to high-level political dialogue. Dacic emphasized that he is willing to find a permanent solution acceptable for both Serbs and Albanians in Kosovo; however, the format of this solution remains unclear.¹⁰⁰ What remains clear is his statement that Serbia will not recognize the independence of Kosovo.¹⁰¹

SNS (Serbian Progressive Party)

The political program of Serbian Progressive Party consists on ten main points, which are closely related to Kosovo and the north. The first point enlisted in their program is as follows: ‘Protecting the territorial integrity of the Republic of Serbia. SNS considers Kosovo and Metohija to be the heart of the Republic of Serbia and the integral part of its territory; SNS will not accept any attempt to disintegrate parts of Serbia’s territory and will protect both the state and its national interests in every inch of the territory in an uncompromising way’.¹⁰² Serbian Progressive Party leader Tomislav Nikolic is interested to deepen relations with Russia, advocate Serbia’s integration into EU and pursuing their first point of their party program with regards to protecting the Serbia’s territorial integrity and not recognizing the independence of Kosovo. In this regard, Nikolic emphasized: ‘I want to

99 ‘Dacic: Serbia was robbed of Kosovo’, *Tanjug*, 25 November 2012.

100 ‘Serbia and Kosovo: A rapprochement between two former foes’ *The Economist*, 06 December 2012.

101 ‘PM Dačić: We will not recognize Kosovo’, *B92*, 06 September 2012.

102 ‘Program of Serbian Progressive Party’. Available at <http://sns.org.rs/cp/important-documents/3584-program-of-serbian-progressive-party.html> (16 November 2012)

point out one more time that we want to be a new EU member but without joining NATO and without giving up on Kosovo'¹⁰³ and in case EU condition for Serbia's accession to EU would be renouncing of Kosovo, he said that the negotiations with EU have to be stopped immediately. Given the Serbia does not control the territory of Kosovo since 1999, Nikolic is reported to say that: 'It should be honestly said that Serbia can hardly control Priština now. But Priština cannot control events in Kosovska Mitrovica either. That is why compromises should be looked for, though we have drifted away from a realistic possibility to solve Kosovo issues in the last several years'.¹⁰⁴ However, this statement was backtracked by his office.¹⁰⁵ Nikolic remains one of the most popular leaders in Mitrovica.

SNS is a product of Serb Radical party, the leader of which party Vojislav Seselj is currently in trial in the ICTY tribunal in The Hague charged for war crimes in former Yugoslavia. The main priority of this party remains the vision of Greater Serbia. After departure of Vojislav Seselj to The Hague, Tomislav Nikolic led the party since 2008 and after his disagreements with Seselj, he left the SRS and formed his Serbian Progressive Party. SRS maintain the legacy of Milosevic politics and pursues anti-EU integration policies. Obviously, they don't want to recognize the independence of Kosovo and continue to support the existing parallel structures in north Kosovo and Kosovo wide. Since 2012, Nemanja Sarovic is a deputy president and acts on behalf of Seselj.

LDP (Liberal Democratic Party)

The LDP is a small political party led by Cedomir Jovanovic, which has a Western-oriented political ideology. It is the only political party that has advocated for the recognition of Kosovo's independence, and has continually called for the change of mainstream policy in Serbia towards Kosovo. He has criticized previous governments in Serbia for their contradictory policy towards the EU accession and Kosovo's independence and called for more clarity with regards to Kosovo. He emphasized that 'There are no successful European integrations without a concrete and responsible policy

¹⁰³ 'SNS "to focus on EU, Kosovo, Russia', *B92*, March 2, 2012.

¹⁰⁴ Ibid.

¹⁰⁵ 'President's statement "does not imply partition of Kosovo', *Danas*, 11 July 2012.

toward Kosovo and the region, just like no improvement in the economic and social policy can happen without building efficient institutions and the rule of law, accepting the EU values and changes of the existing political, social and economic model'.¹⁰⁶ LDP has criticized former Serbia's Foreign Minister, Vuk Jeremic, who declared that when asked whether Serbia is to choose between the EU and Kosovo, he has stated that Serbia would choose Kosovo. Parallel to this, LDP has condemned the violence organized in north of Kosovo by local Serbs and supported by Serbia and called for dialogue, stating that 'We sharply condemn the state policies which seek to cover its own defeat and loss of Kosovo by pushing the (Kosovo) Serbs into violence'.¹⁰⁷

DSS (Democratic Party of Serbia)

DSS leader Vojislav Kostunica has clearly articulated his party position by stating that Kosovo is not Serbia's neighbor, implying that Kosovo is part of Serbia.¹⁰⁸ Kostunica has not supported the recently political dialogue and the sectorial agreement concluded recently between Kosovo and Serbia. He has stated that 'The separatists [Kosovo] will at regional assemblies be represented by a footnote, which, apart from the UN Resolution 1244, also mentions the opinion of the International Court of Justice, according to which the independence of Kosovo is not a violation of international law'.¹⁰⁹ Kostunica proclaims his position on Kosovo as follows: 'As long as we live, Kosovo is Serbia. Kosovo belongs to the Serbian people'.¹¹⁰ Given the EU policy to push Serbia on good neighborly relations with Kosovo and the call for dismantling the Serb parallel structures, Kostunica has commented that the EU pressure is an empty threat as the EU is faced with numerous problems, and is not so attractive anymore for Serbia. Parallel to this, DSS has not been supportive of the recently reached agreement on Integrated Border Management between Kosovo and Serbia, which for DSS is unacceptable.

106 'LDP elaborates position on Kosovo, Serb Republic', *B92*, 07 June 2012.

107 'Balkan Nations Recognize Independent Kosovo', *Spiegel*, 19 March 2008.

108 'Kosovo is not our neighbor, DSS leader says', *B92*, 27 October 2012.

109 Igor Jovanovic, 'Agreement reached on Kosovo's regional representation', *SE Times*, 25 February 2012.

110 Sabine Freizer, 'Setting Kosovo Free', *Crisis Group*, 11 September 2012.

SPO (Serbian Renewal Movement)

Emphasizing that Serbia need its own Charles de Gaulle to put an end to deceptions about Kosovo, Vuk Draskovic, the leader of SPO, stated recently that Kosovo is Serbia's neighbor and the relations between Serbia and Kosovo have to be normalized. He said 'The people [Serbs] are being fooled by stories about territorial sovereignty and integrity. There is no Serbia in Kosovo, there are the Serbian people, churches and monasteries'¹¹¹ Draskovic also declared that Serbia has to choose EU rather than Kosovo, as this is the best option for Serbia. SPO's position on Kosovo was articulated as follows: 'The SPO supports the policy: Serbia in the European Union, and European rights and guarantees for the Serbs and Serbian cultural and national heritage in Kosovo. For this reason, the SPO will not pay lip service to the continuation of the implementable, losing policy on Kosovo, which is hurting the interests of both Serbia and the Serb people in Kosovo'.¹¹²

Serb Leadership in the north of Kosovo

Until May 2008 the Democratic Party of Serbia prevailed over the political life in the north of Kosovo. The DSS Serb leaders in north of Kosovo, Marko Jaksic, Milan Ivanovic, Oliver Ivanovic, Vuko Antonojevic had and continue to have political monopoly over the decision-making processes there. These leaders refused to cooperate with the Government of Kosovo and hindered the international presence in the north, including, EULEX, KFOR, and ICO. Both Serb media and Crisis Group have reported that these leaders have accumulated their power through patronage, cooperation with criminal groups, smuggling, and intimidation of ordinary locals who have shown willingness to cooperate with international presence in the north and government of Kosovo in the south.¹¹³ However, Serbia's government was repeatedly justified such lawlessness and high tensions in north Kosovo with the argument that it does not have a full control over the north, and consequently the "hardliners" rather than Serbia have to be blamed for the tensions.¹¹⁴

111 'SPO leader: Kosovo is Serbia's special neighbor', *B92*, 19 October 2012.

112 'SPO withdraws support for Kosovo policy', *Tanjug*, 13 November 2011.

113 Anita McKinna, 'Who's Who Among Northern Kosovo's Political Actors' Balkan analysis, 18 September 2012.

114 Crisis Group, North Kosovo: Dual Sovereignty in Practice, p. 4.

In May 2008, Serbia organized elections both in Serbia and for the first time in Kosovo since 1996. The Kustunica's DSS lost election in Serbia, and a new government was formed by Tadic's DS who was expected to lead a less confronting policy towards the EU integration and Kosovo. Tadic undermined the DSS activities in north of Kosovo by easing the deployment of EULEX in north of Kosovo. However, the May 2008 elections did not change the political landscape in north, and consequently Tadic's influence was diminished, as his party does not dominate any parallel municipality in north. Radicals and nationalists are the most powerful political forces in north. Serb Radical Party won elections in Leposovic. The Nicolic's Serb Radical Party won 2164 votes in Leposovic, while Tadic's Democratic Party won 1033 votes. The municipal mayor of Leposovic was elected Branko Ninic. Serb Radical Party won elections in Zvecan. The political results were more pessimistic for Tadic's DSS in Zvecan: Nicolic's Serb Radical Party won 1285 votes, followed by Kostunica's Democratic Party of Serbia with 107 votes, while Tadic's Democratic Party won only 245. The mayor of Zvecan was appointed Dragisa Milovic. Kustunica's DSS won elections in Zubin Potok, and Tadic's lost was terrific. Kustunica's Democratic Party of Serbia won 2517 vote, while Tadic's Democratic Party won only 112 votes. The mayor of the municipality was elected Slavisa Ristic. The elections in Mitrovica North organized by Serbia happened two years later, in May 2010. The only municipality where Tadic's DS party is leading a broad coalition in northern Kosovo is Mitrovica North. Even though it did not win the majority of votes, DS has formed a board coalition together with, among others, Socialist Party of Serbia, G17 Plus, and Oliver Ivanovic's citizens' initiative. Ksenija Bozovic from Ivanovic's initiative was appointed mayor of Mitrovica. However, after changes done in this coalition, Krstimir Pantic was elected new mayor of Mitrovica.¹¹⁵

Following the UN General Assembly resolution in 2009, which called for the normalization of relations between Kosovo and Serbia, leaders in the north reacted negatively to this decision that would shake the status quo in the north. Milan Ivanovic, powerful leader in north, emphasized that the resolution was 'another defeat for the current Serbian regime regarding Kosovo', and rejected the dialogue between Kosovo and Serbia.¹¹⁶ Another

115 Ylber Hysa et al., 'Report on Parallel Institutions on North of Kosovo: Belgrade – With a Foot on the North and an Open Hand in Brussels.' Office of Coordinator for the Strategy of North Kosovo, 2011, p. 32-40.

116 'Kosovo Serb Leaders Fault Serbia On UN Resolution', *Radio Free Europe*, 24

influential leader, the head of the Serbian National Council, Nebojsa Jovic, pointed out that: ‘Kosovo government cannot force us to be part of the independent Kosovo. This will never happen’, and he demanded the right for Serbs to join Serbia.¹¹⁷ Momir Kasalovic, another Serb leader in north, called Russia to open an office in northern Kosovo as part of Russia diplomatic office in Serbia, in order to help Serbs in the north due to dissatisfaction with Serbia’s government.¹¹⁸ Oliver Ivanovic, the prominent Serb leader in north and the founder of Serb Bridge Watchers, has pointed out the most articulated position with regards to north and the rest of Kosovo which implies both partition of the north and cantonisation of the rest of Kosovo: ‘We are not for a border at the Ibar, because we don’t even think about satisfying ourselves with so little land in the North of ‘eighth class’ quality. We are asking for all enclaves to be strengthened, and this should be 50 per cent of Kosovo. Our motto is that however much autonomy Albanians get in relation to Belgrade, Serbs should get in relation to them’.¹¹⁹

In line with the policy of rejecting Kosovo institutions after independence, Serb leaders in the north of Kosovo organized a referendum on February 15-17, 2012 and according to Serb officials 99.7 % of voters rejected being governed by Kosovo institutions, even though the results and the organization of this referendum was rejected both by Serbia, UN and the EU.¹²⁰ Last, but not least, there is no official communication between Prishtina institutions and Serb leaders in the north. Both Prishtina institutions and Serb leaders from the north do not want to recognize and legitimize each other.

Serb parallel structures

Since 1999, Kosovo institutions are not present in the north of Kosovo. In order to prevent the mutual confrontation between Kosovo Serbs and Kosovo Albanians, as a result of war legacies, post-conflict ethnic confrontation, violence and lack of trust, KFOR made a makeshift zone and cordoned off Mitrovica, which resulted the emergence of Belgrade-

December 2012.

117 ‘North Kosovo Leader Demands Right to Join Serbia’, *Balkan Insight*, 26 October 2011,

118 ‘Kosovo Serb Leaders Fault Serbia On UN Resolution’, *Radio Free Europe*, 24 December 2012.

119 Crisis Group, ‘UNMIK’s Kosovo Albatross: Tackling Division in Mitrovica’. Balkans Report No. 131 - 3 June 2002, p. 9.

120 ‘Serbs reject Kosovo Albanian rule in referendum’, *BBC News*, 16 February 2012.

sponsored institution, or the so-called Serb parallel structures. The term parallel structure was used to depict Serb parallel institutions, which operate in Kosovo in contradiction with the UN Resolution 1244, and includes parallel institutions in education, health, court system, and security. For the first time, in 2003 the OSCE Mission in Kosovo published a report and gave in-depth information about these structures, and recommended how UNMIK and Kosovo institutions could absorb and integrate these structures. The 2003 OSCE report provided three recommendations: a) reduce the demands for parallel services; reduce the supply for parallel services; and impose proactive measures to integrate Serbs into Kosovo society and meet their needs.¹²¹ In 2007, OSCE reported again about parallel structures and reemphasized the problem of parallel structures linking their presence with the lack of access by Kosovo Serbs to UNMIK and provisional institutions of Kosovo, lack of trust in UNMIK and provisional institutions of Kosovo and the unresolved political status, as Serbs in the north of Kosovo would not accept recognizing Kosovo institutions.¹²²

Serb parallel structures have recognized neither UNMIK (which was deployed in late 2000 in Mitrovica) nor Kosovo institutions as supreme authority in Kosovo. Even though these structures have been labeled as illegal, their presence and operations in the ground has enhanced since 1999. The very aim of these structures was to isolate Kosovo Serbs from Kosovo institutions and prevent the declaration of Kosovo's independence as an instrument of Belgrade. This was seen clearly when in May 2008 Serbia organized elections in Kosovo, and especially in north, two months after Kosovo's independence, to establish new parallel municipalities as a new departure in full contradiction with Kosovo's declaration of independence and Kosovo's Constitution. Serbia established its own municipalities in Leposovic, Zubin Potok, Zvecan and Mitrovica North as a means of preventing the consolidation of statehood on the ground and political bargaining for Serbia's EU accession process. The newly establishment of Belgrade-supported Serb municipalities in Kosovo are potentials for de-stability within and outside Kosovo.¹²³

121 OSCE, *Parallel Structures in Kosovo*. Pristine, October 2003, p. 12.

122 OSCE, *Parallel Structures in Kosovo 2006-2007*. Pristine, 2007, p. 6.

123 Dominik Zaum, *States of Conflict: A Case Study on State Building of Kosovo*. Institute for Public Policy Research, 2009, p.12

With approximately €200 million annually spend by the Government of Serbia to maintain its parallel structures in the north of Kosovo, supplementary and alternative offers provided by the Government of Kosovo to the Serbs in north remain poor and not attractive. Serbia's funding to parallel structures serves three purposes: 'to encourage them to remain in Kosovo; to provide visible evidence of the Serbian state's continued presence; and for politicians to maintain control through patronage networks'.¹²⁴ Given the high rate of unemployment in Mitrovica and the fact that the parallel structures continue to be the only source of employment for most of the northern Serbs, the dismantling of these structures continues to be a difficult challenge. The staff of parallel structures continues to receive double salaries from both governments in Serbia and Kosovo. Both Prishtina and international officials have argued that such aid harms both Serbs integration in Kosovo and territorial integrity.¹²⁵ Parallel to this, there is no transparency how such aid given by Serbia to Kosovo is spends, where, and who are the beneficiaries, and so on. Indeed, the funds given by both government in Prishtina and Belgrade have empowered a group of Serb leaders who are not controlled neither by Serbia nor Kosovo.

The same problem with transparency and inspection stands for the education and court system in north. For instance, even though Serbia spends between €30 million and €35 million annually to support the University of Mitrovica, the quality of education is poor and this university has been open to abuses. Crisis Group has reported that between 1999 and 2004, 1,000 university degrees were awarded for prices ranging from €1,500 to €3,000. The recipients of these fake diplomas were school directors and senior political officials.¹²⁶ The northern side of Mitrovica is characterized by lawlessness during the last thirteen years. Encountered with about 3000 drug users and 67 contraband groups¹²⁷, the rule of law in Mitrovica seems almost unbearable. With a backlog of between 100,000 and 140,000 cases, the court system in north has not been responsive to bring justice to the defendants. Despite the fact that UNMIK established its court in north Kosovo, the Serb parallel court system has continued to operate on the

124 Crisis Group, *Serb Integration in Kosovo: Taking the Plunge*, Europe Report N°200 – 12 May 2009, p. 15.

125 Ibid, p. 4.

126 Ibid, p. 17.

127 Ylber Hysa et al., 'Report on Parallel Institutions on North of Kosovo: Belgrade – With a Foot on the North and an Open Hand in Brussels', p. 7.

ground since 1999. This system of parallel courts has raised concerns with regards to fair trials and prevention of defendants being sentenced twice for the same crime. One month after Kosovo's independence, in March 2008, northern Serbs have demolished the UNMIK courts in north. With the deployment of EU Mission on Rule of Law in Kosovo, EULEX, in December 2008, the EULEX reopened the courthouse in north Mitrovica, however, the results are still lacking. While northern Serbs do not trust Kosovo's courts, Albanians do not trust the Serb parallel court system. This produced an outcome where both communities insist to be tried by international judges, which basically have neither capacity, nor willingness to solve about 140,000 cases.

Credible investigations estimate that up to €1 million is spent by Government of Serbia on salaries and expenses to the Serbia's Ministry of Internal Affairs (MUP) officers in the north of Kosovo.¹²⁸ About 200 MUP officers who operate there are in charge to organize violent protests and commit bomb attacks whenever both international organizations and Kosovo institutions try to establish their authority and rule of law in north. MUP officers use the status quo in north to legitimize instrumentally themselves as the only force, which can restore order and peace in this region. Belgrade keeps saying that these security structures are not under their control, and consequently tries to avoid the responsibility that these structures are Belgrade-sponsored institutions.

The presence of Belgrade-sponsored security structures in the north of Kosovo is in violation with UN Resolution 1244, Annex 2, Article 2 which calls Serbia to withdraw from Kosovo all its paramilitary, military and police forces.¹²⁹ However, these forces have not been fully withdrawn from Kosovo and Serbia continues to blackmail the international presence in Kosovo and the consolidation of Kosovo's statehood on the ground. This is evident twelve years after the termination of conflict and the deployment of international administration to restore peace in Kosovo. Parallel to the abovementioned Serbia's state security structures in four northern municipalities of Kosovo, Serbia funds so-called Bridge Watchers and other informal hooligan groups, which are in charge to prevent any Albanian, return in the north and blackmail the presence and deployment of newly

128 Crisis Group, *North Kosovo: Dual Sovereignty in Practice*, p. 5.

129 UN Resolution 1244 (1999), 10 June 1999.

biggest EU Mission in Kosovo, EULEX. These groups of extremists have been very active since Kosovo's independence. They continue to intimidate, harass, and attack those who attempt to cooperate with Kosovo's institutions and international presence. Even though Bridge Watchers present in north kept their identity unveiled as most of them are enrolled as students at the University of Mitrovica, their identity and location is veiled and is known to both Serbia and international presence in Kosovo.

Kosovo daily *Koha Ditore* has investigated the presence of twenty-one criminal groups, which operate in northern Kosovo, including their leaders, membership and their placement. The most organized group in northern Kosovo is the so-called Serb Popular Movement, 'SNP 1389', which aims to 'liberate and unite all Serbian lands in one united state. This includes Serbia, Kosova, Montenegro, Macedonia, Serbs in Bosnia and Croatia, and northern Albania'.¹³⁰ 'SNP 1389', 'Car Lazar', 'Obraz' and other groups presented in the table below, recruit Serb hooligans from Serbia and bring them in Kosovo not only to celebrate Serb National Holidays such as Vidovdan, but to provoke both Kosovo authorities and international presence in Kosovo with nationalistic and racial banners.

Serb community in the north of Kosovo

In March 2007, Martti Ahtisaari proposed its comprehensive settlement proposal, which proposed supervised independence for Kosovo and extensive protection for minorities. The issue at stake throughout all Vienna negotiations process was how to reconcile both demands of Serbs and Albanians in Kosovo. In order to reconcile both demands Ahtisaari proposed supervised independence for Kosovo and broad self-governing rights and asymmetric powers to Serb majority municipalities that will be established based on his proposal. Given the legal vacuum and lawlessness in Mitrovica North, Ahtisaari proposed replacing the current single municipality of Mitrovica with two new municipalities (Mitrovica North and Mitrovica South municipality) which will be led by a Joint Board representing two municipalities.¹³¹ The composition of the Joint

130 'Ne Kosove veprojne mbi 20 organizata kriminale serbe', *Koha Ditore*, 17 November 2012.

131 Ahtisaari, *Comprehensive Proposal for the Kosovo Status Settlement*. UN doc S/2007/168, March 2007.

Board will have 11 representatives, 5 from each municipality and 1 from International Civil Representative (ICR). According to Ahtisaari proposal, Serbs in Mitrovica North will have enhanced competences - parallel to 17 competencies which are common for all municipalities - to higher education (The University of Mitrovica North would be autonomous institution of higher education), registration and licensing of educational institutions, schools teach in Serbian language and may apply textbooks of Serbia, secondary health care, protection and promotion of Serb cultural and religious site, participatory right to the police station commanders, the right to cooperate with other municipalities in the region, local autonomous finances and complementing their funds through funding of their activities by the Republic of Serbia.¹³²

Serbs living in the north of Kosovo have rejected the Ahtisaari proposal as this is seen as synonymous with the statehood of Kosovo and consequently have not been willing to establish their own municipality as foreseen by Martti Ahtisaari. Serb leaders have been demanding since 2008 partitioning of north from Kosovo and joining with Serbia, however, this was not recognized neither by international community present in Kosovo nor by Kosovo institutions. The argument put forth by both practitioners of peace, local and international think tanks and international organizations was that the change of borders of Kosovo will cause regional instability and will erode the sovereignty of Kosovo from within. Parallel to this it is argued that the portioning of northern Kosovo bears high costs to economic development for Serbs themselves. As was highlighted by David Jackson, 'these costs will be most strongly felt by the Serbs living in the north who will lose easy access to 2 million customers in Kosovo. For northern Serbs, the nearest market would be Novi Pazar which is a 90 minute journey away meaning that, for example, a specialist wedding dress maker will have to pay a draining €15 in petrol each time to enter into the market'.¹³³ Moreover, partitioning of northern Kosovo would discredit moderate Serb leaders in eastern and western part of Kosovo who have been cooperative with both local and international institutions.

However, for Serbs the terminology used by Kosovo institutions such as the one related to integration sounds aggressive. They see the integration

¹³² Ibid.

¹³³ David Jackson, *Resolving Northern Kosovo: Partition of Integration?*, Hertie School of Governance - Working Papers, No. 58, March 2011, p.16.

policy of Government of Kosovo as a threat. In order to weaken and dismantle the parallel structures, in 2009 ICO together with EULEX, Government of Kosovo and US embassy had developed a 'Strategy for the North', however, three years latter this strategy has remained 'on paper' unimplemented. In late 2011 ICO Mitrovica conducted a poll in north of Kosovo and found out that about 80 percent of Serbs had not read the Ahtisaari Proposal.¹³⁴ Parallel to this, the report highlights the chronic lack of trust between the Serb community and the Government of Prishtina. Among other misunderstanding that Serb community face with regards to Ahtisaari's proposal, the followings were found as most common fears: the fear that the plan sets the foundation for Greater Albania, the fear that they will be forced to speak only Albanian language, the fear that University of Mitrovica will be Albanian university, the fear that in case parallel structures will be dismantled they will be jobless as 50 % of them work for parallel structures, and the fear that the street names would be only in Albanian language. The ICO report recommends to the Government of Kosovo to be driven by the 'the principle of emphasizing governance over sovereignty, with a focus on people, not territory'.¹³⁵

134 Kate Fearon, 'Guests in Our Own House: The Comprehensive Settlement Proposal and the Serb Community in Northern Kosovo'. ICO and FDFA, April 2012, p.12

135 Fearon, 'Guests in Our Own House...', p.12

VI. INTERNATIONAL ACTORS AND THEIR POSITION ON THE NORTH OF KOSOVO

The international community is the third layer of actors that have a crucial and influential role over the north of Kosovo and the future relations between Kosovo and Serbia. The main international actors vary from international organizations to influential states, including the European Union institutions, its member states, and the EULEX, KFOR (NATO), UNMIK, OSCE, ICO, and the individual and influential states, such as the US and the Russian Federation. Although the international community is fragmented and operate in a loose harmony, their predominant position concerning the north of Kosovo resonates across these three perspectives: no partition and change of border, no use of force and maintenance of stability, and no protracted and frozen conflict.

The European Union (EU)

The European Union has gradually increased its political influence over Kosovo and Serbia through its common security and foreign affairs policy, enlargement policy, and conflict management capabilities. The remaining contestation in Bosnia and Herzegovina, Macedonia, Kosovo and Serbia have provided the EU a significant leveraging advantage to play a leading role in the last ten years. Although the EU remains divided over Kosovo's political status, the institutional mechanisms placed at the EU Commission, the Council of the EU, and the field delegations have proactively observed and engaged in assisting Kosovo and Serbia address the remaining issues, namely the north of Kosovo, parallel structures, the normalization of relations, and the issue of non-recognition. The EU has effectively coupled its crisis management policy with the conditionality for EU integration, which provides them the most leveraging incentive for resolving the disputes between Kosovo and Serbia, because for the latter the EU integration is ranked as a national priority.

In the last four years, the EU has linked Serbia's and Kosovo's progress towards the EU integration with the enhancement of regional cooperation,

enforcement of the rule of law, and normalization of relations. The EU considers that the Serbia's dynamic of EU integration is closely linked to the normalization of relations with Kosovo. The EU is not interested to import frozen conflicts within its union. So EU uses its enlargement policy and conditionality as a conflict resolution and transformation strategy in the Balkans. Following the technical dialogue mediated by the EU, the fate of both countries towards EU integration is entirely connected with the success of the talks and an eventual peace deal between parties. In more specific terms, the EU has made conditional accession date for Serbia conditional to the implementation of agreements on integrated border management, dismantling of security and justice structures from the north, continuation of dialogue with Kosovo, and resolving the problems in the sector of telecommunication and energy.¹³⁶ In this regard, the EU Commission has made clear during its 2012 Progress Report for Serbia that 'Serbia needs to continue to engage constructively in the next phase of the dialogue in order to achieve further progress towards a visible and sustainable improvement of relations with Kosovo'.¹³⁷

Similar pressure the EU also performs over Kosovo authorities. The release of feasibility study for negotiating an SAA agreement was largely linked with the compliant behavior of Kosovo government in the technical talks with Serbia. Playing with its conditionality card as conflict resolution mechanism, EU highlights that 'Stabilisation and Association Agreement would serve as an encouragement for the population of all of Kosovo, including the north'.¹³⁸ The situation in the north of Kosovo remains an important challenge for Kosovo, the Western Balkans region at large as well as the EU. The EU considers that all actors' involved need to take positive and proactive steps to help resolve this situation. It is for the Kosovo authorities to promote a multi-ethnic Kosovo. They need to create conditions for Kosovo Serbs to feel they have future in Kosovo. Although the current situation is not an obstacle to negotiate the agreement, but further improvements are required for Kosovo to meet the obligations under a Stabilisation and Association Agreement. The EU further considers that it

136 'Kater kushtet amerikane per Serbine', *Koha Ditore*, 26 October 2012.

137 EU Progress Report Serbia 2012, p. 19.

138 EU Commission, 'Communication from the Commission to the European Parliament and the Council on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo', COM(2012) 602 final, 10 October 2012, p. 5.

is in the interest of people living in this part of Kosovo to benefit from the provisions of a possible future Stabilisation and Association Agreement. The EU is committed to help all parties concerned to find solutions to improve the lives of people living in the north of Kosovo.¹³⁹

The EU member states actively involved in Kosovo have declared that Kosovo authorities should approach Serb population of the north and inform them with the content and the benefits Ahtisaari package brings to them. The EU Special Representative in Kosovo, Samuel Zhubogor has recently warned that if Kosovo government wants to extend its presence in the north of Kosovo, it would do more in convincing the local population that Kosovo would provide security and safety to them.¹⁴⁰ Ulrike Lunacek, an active member of the EU Parliament has declared openly that north should be included in the future dialogue with Serbia, and stated that it is a clear position of the EU that partition of Kosovo is out of consideration. Further to his, Lunacek has called for dismantling Serb parallel structures in the north of Kosovo.¹⁴¹ Similarly, Jelko Kacin has called Serbia to stop its conflictual relation with its neighbors, and instead look forward to create a better the future.¹⁴²

While the overall position of EU is that the disputes between Kosovo and Serbia should be resolved by dialogue and parties themselves, there is a general consensus for the implementation of the Ahtisaari Plan, with possible extension of autonomous arrangements in the north of Kosovo. However, the lack of consensus within EU about Kosovo and the non-recognition by five of its member-states weakens EU capability and role in the Balkans. Nevertheless, for the first time, EU Commission in its 2012 enlargement package for Western Balkan countries has used the expression of 'territorial integrity of Kosovo', which signifies signs of EU's collective recognition of Kosovo's independence. Beyond this, the 2012 EU Feasibility Study for

139 EU Commission, 'Communication from the Commission to the European Parliament and the Council on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo', COM(2012) 602 final, 10 October 2012, p. 12.

140 Zhubogor: Kosova duhet ti bindë banorët e veriut se do të kenë siguri, *Indeksonline*, 09 October 2012.

141 Lunacek: Veriu pjesë e dialogut, por, ndarje ska, *Radio Free Europe*, 18 October 2012.

142 Kacin: Serbia të ndalojë së ngufaturi veten dhe fqinjët, *Indeksonline*, 26 August 2012.

Kosovo acknowledges the presence of Serb structures in the north of Kosovo. The report explicitly highlight that ‘Serbia has continued to fund and maintain certain structures in this part of Kosovo. This includes not only hospitals and schools, but also municipal administrations, security services and judicial structures’¹⁴³. The EU feasibility study also draws attention to the presence of unlicensed power utility in the north, operation of unlicensed Serbian mobile telephony companies and the presence of alternative roads to cross the border/boundary line. These open revelation speak of EU’s readiness to talk openly for the presence and impact of the disputes in the north and the necessity for resolving them accordingly.

Kosovo Force (KFOR/NATO)

KFOR is the main security force in Kosovo that operates in the north of Kosovo, whose mandate derives from the Kumanovo Technical-Military agreement between NATO and FRY signed in 1999. The role of KFOR throughout the last 13 years had been provision of security, maintenance of peace and stability, enabling freedom of movement, and protection of minority communities and their religious places in Kosovo. The challenge of KFOR in the north is not maintaining peace and security, but also combating informal economy, illegal trade of arms, drugs and human trafficking. The overall position of KFOR towards the north of Kosovo is that the nature of this conflict is political and as such there is no need for military intervention and usage of force, whereas the political means should be used effectively to resolve the conflict. In a broader perspective, NATO supports implicitly Kosovo’s territorial integrity and it is against the partition of Kosovo. NATO Secretary General Anders Fogh Rasmussen has declared in July 2012 that NATO troops will remain in Kosovo as long as it is necessary to ensure peace and stability.¹⁴⁴ Rasmussen also reassured that there won’t be any partition of Kosovo and the solution will be find in complete integration of Kosovo.

143 EU Commission, ‘Communication from the Commission to the European Parliament and the Council on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo’, COM(2012) 602 final, 10 October 2012, p. 4.

144 ‘Be Insiston në Dialogun Kosovë-Serbi’, *Gazeta Express Online*, 18 July 2012.

The role of KFOR to maintain peace and security in the north has become more dynamic after the July 2011 unilateral intervention of Kosovo police in the north of Kosovo to enforce the reciprocity measures in the two northern border crossing. After July 2011, KFOR's main challenge remains the removal of road barricades established by Serb groups to obstruct the free movement of Kosovo police, custom services as well as EULEX and KFOR. In several occasions, KFOR has faced violent resistance from local population. Again, even in these circumstance KFOR considered the nature of conflict in the north of Kosovo as political, therefore it restrained from using its mandate and powers hoping that the situation will be resolved through political processes and not through violent and coercive measures.¹⁴⁵

The current role of KFOR in the north is trying to remove the barricades, illegal border crossing, and enables the free movement of EULEX, Kosovo Police and customs officers.¹⁴⁶ KFOR has warned that it will not tolerate any threat to peace and security in Kosovo. The Head of KFOR has emphasized in several occasions that barricade in the north are against the European principles of free movement for people and goods. KFOR has confronted in several occasions with organized Serb groups who have prevented KFOR from removing road barricades. For example, on 23 November 2011, KFOR attempted to clear a roadblock on the Mitrovica, and the confrontation started when a large group of Serbs assembled and obstructed KFOR from removing the barricades. The situation escalated and a number of injuries occurred in both sides. Later that month, unknown Serb groups fired over KFOR troops when they were trying to remove some barricades in Zubin Potok and Zvecan region. The mountainous terrain in the north has prevented KFOR in several cases from removing the illegal border crossings and barricades. In another case occurred in June 2012, KFOR clashed again with Serb organized groups, when KFOR was trying to clear a roadblock in Zvecan. Two KFOR soldiers and five Serbs were wounded as a result of this violent confrontation. Later that months, KFOR was under attack when three grenades was found near a KFOR compound in the North.

145 'Kosovo's north remains a source of contention between Pristina, KFOR', SE Times, 28 August 2012.

146 'Kfor'i do ndërhyrjen e autoriteteve 'përgjegjëse' në veri', *Gazeta Express Online*, 01 august 2012.

The shared responsibility between EULEX and KFOR to maintain peace and security and the rule of law in the north of Kosovo, in practice faces many challenges. While they have clear mandates, their operations are very dependent to each other, which are considered not as satisfactory due to limited resources.¹⁴⁷ KFOR has highlighted that it has decided not to intervene in the north. The barricades in the north have also raised tensions and disagreement between KFOR and Kosovo government. Bajram Rexhepi, Kosovo's Minister for Internal Affairs has criticized KFOR and EULEX in several occasions for not upholding to their responsibilities in the north of Kosovo.¹⁴⁸ Driven by the desire of KFOR to reduce tensions in the north, it has compromised its mandate of providing security in Kosovo, including the freedom of movement, when it has negotiation with Serb leaders in the north arrangements for allowing limited movement of KFOR and EULEX personnel to cross over the many barricades placed throughout the north municipalities of Kosovo.¹⁴⁹

The EU Rule of Law Mission in Kosovo (EULEX)

Following the Kosovo's declaration of independence from Serbia in 2008, EU deployed a Rule of Law Mission to Kosovo (EULEX) which was mandated to mentor, monitor, and advise Kosovo authorities in improving the police services, judiciary, and customs areas.¹⁵⁰ Indirectly, the EULEX also dealt with war crimes prosecution, regional relations, and European integration matters. In performing these tasks, EULEX brought European police (including US and Turkish police), European experienced judges, and civilian experts on customs operation. The EULEX enjoyed executive authority (responsibility) in performing its tasks, especially in prosecuting war crimes cases and corruption affairs. Between 2008 and 2012, EULEX worked under the general framework of UN Security Council Resolution 1244 and reported periodically to Security Council via the EU's High Representative for Foreign Policy. In 2012, EULEX undertook a partial

147 EULEX'i ska kapacitet, sipas Rasmussi'it', *Gazeta Express Online*, 23 April 2012.

148 'Qeveria do të dërgojë notë proteste KFOR-it, s'i kontrolloi kamionët Rus, *Gazeta Express Online*, 30 April 2012.

149 Shkelzen Maliqi, 'Taktike dhe Strategjike rreth Veriut', *Gazeta Express Online*, 12 March 2012.

150 Council Joint Action 2008/124/CFSP of 4 February 2008, *on the European Union Rule of Law Mission in Kosovo*, EULEX Kosovo, p.2

reconfiguration, which in essence narrowed down its activity and re-arranged its internal structure, as well as extended the mission until 2014, and most importantly clarified and modified its legal basis of operation in Kosovo by establishing a bilateral agreement with Kosovo authorities alongside its operation under the umbrella of UNSC 1244. Re-establishment of the rule of law in the north of Kosovo is one of the main remaining tasks for EULEX in the next two years in Kosovo.

In its four-year operation, EULEX experienced significant obstacles to strengthening the rule of law in north Kosovo, where it is most needed.¹⁵¹ Due to operational constraints arising from working within the UN status-neutral umbrella, EULEX has failed to re-establish courts, failed to prevent organized crime, provides inadequate protection for border points and failed to restore the rule of law in north Kosovo.¹⁵² This is partially due to its restricted mandate of mentoring, monitoring and advising Kosovo police and the hands-off approach to executive authorities. But also the political nature of conflict in the north restrains EULEX from employing all its capabilities in fulfilling its mandate and as such it tries to give chance to the political pressure and conditionality that comes from Brussels to Serb government and indirectly Serb leaders in the north.

The EULEX has established in 2010 a special task force called Task Force Mitrovicë/a (TMF), which is working on resolving cases related to organized crime in the north, Serb obstruction of reconstruction of Albanian houses in the north Mitrovica, and the death of Kosovo police during the July 2011 intervention in the north. TMF is comprised of EULEX's police investigators, customs officers, prosecutors and legal officers. Through this task force, EULEX is trying to tackle the problem of lawlessness in this part of Kosovo and gradually restore the rule of law. EULEX so far has arrested several suspects for various murder cases, it has collected illegal possession of small arms, and is conducting multiple investigations for organized crime and smuggling. The lack of community trust on EULEX impedes its effective investigations as Serb population hesitates to report crimes and do not want to be seen as collaborating with EULEX forces.¹⁵³

151 YIHR, *State of Constriction: Governance and Free Expression in Kosovo*, Youth Initiative for Human Rights, 2010, p.5

152 IPOL, *EULEX Still in Search of Identity*, Balkan Policy Institute, Prishtina, 2010, p.7.

153 EULEX, 'Investigations in the north – advances and difficulties', 10 July 2012.

The International Civilian Office/Representative (ICO/ICR)

The International Civilian Office in Kosovo was established as a transitional body to supervise the implementation of Ahtisaari Plan. Led by a Civilian Representative who also acted for a short period of time as EU Special Representative, ICO role was to oversee the development and implementation of institutional and legal provisions envisaged by Ahtisaari package and accepted by Kosovo government. In practice, ICO facilitated the adaptation of thirty-eight laws covering issues of citizenship; general and local elections; protection of minorities; local self-government; public finances; religious and cultural heritage; and security sector. One of the central roles of ICO was to oversee and support the decentralization process, protection of cultural and religious heritage and community affairs. The ICO ended its mandate in September 2012, after a successful implementation of Ahtisaari package in Kosovo.

Despite this, the greatest challenge for ICO was the establishment of a new municipal unit in the northern part of Mitrovica. All other municipal units dedicated to minority-populated regions of Kosovo have been successful established and made functional, except the one in the north of Kosovo. ICR Peter Faith has considered the establishment of Mitrovica North municipality as an important step towards bringing ‘municipal authorities closer to the community, promote economic development, make addressing concrete issues easier and allow access to bigger resources’.¹⁵⁴ Although ICO has managed to layout of the foundations for a new municipality in the North of Mitrovica through its Municipal Planning Team, the great resistance from Serb leaders and the hostile position of Serb population, parallel operation of UNMIK Administration of Mitrovica, alongside the strong rejection by Serb government in Belgrade, have impeded the creation of this new municipal unit. The MPT has held regular meetings with local community and has tried to pursue them to support the creation of new municipality, but without great success. ICR Peter Faith articulated the clearest position of ICO in all matter surrounding its operation during an interview for Serb newspaper Danas on February 2012:

154 ‘Preparatory team for “North Mitrovica”’, B92, 05 February 2010.

The ICO and the ISG member states are committed to Kosovo's territorial integrity. We believe the focus in northern Kosovo should be on the people who live there, and further efforts must be made to improve their lives by strengthening the rule of law and implementing decentralization based on local ownership and participation. As I mentioned before, a solution for northern Kosovo should be based on three principles: the north should remain with Kosovo; there should be no violence and there should be no frozen conflict in the north.¹⁵⁵

The United Nations Interim Administration Mission in Kosovo (UNMIK)

Following Kosovo's declaration of independence, UNMIK does not play any significant role any longer in Kosovo, but it continues to report on periodical basis to UN Security Council on the situation in Kosovo, as well as issues public releases on important political events in Kosovo. UNMIK considers that it is the only legal and legitimate source of authority in Kosovo derived from the UN Security Council Resolution 1244. The perception and the role of UNMIK in the north of Kosovo has changed since 2008. After the declaration of Kosovo independence, the alignment of UN as status neutral has given UNMIK greater legitimacy, acceptance, and accessibility in the face of Serb population and politicians in the north of Kosovo. Before 2008, as the UNMIK was facilitating the consolidation and operation of PISG, it was affiliated as being pro Kosovo institutions and supportive to Albanian side. Their support to UNMIK now is seen as an opportunity to downgrade Kosovo's gradual consolidation of sovereignty and eventually maintain the status quo as a suitable terrain for rearranging the political status of the north of Kosovo.

Since October 2008, UNMIK has reopened and operates the court in the northern part of Mitrovica. The courthouse operates with UNMIK international personnel, including two judges, two prosecutors, legal officers and administrative assistants.¹⁵⁶ However, since then the placement

155 Danas interview with ICR Pieter Feith , Available at: http://www.ico-kos.org/data/Image/Danas_interview_with_ICR_Pieter_Feith_ENG.pdf .

156 UNMIK Press Release, 'UNMIK reopens court in north Mitrovica', UNMIK/PR/1740, 03 October 2008.

of local judges and its normal operation has been obstructed by the lack of effective enforcement mechanisms and broad non-cooperation of local population of the north. UNMIK Administration Mitrovica (UAM) continues to function in the north of Kosovo despite the opposition coming from Kosovo, ICO and the friendly states towards Kosovo. The UAM receives funding from Kosovo central budget. Recently, this funding has been cut and switched to support Kosovo's Administrative Office in northern part of Mitrovica. According to UNMIK, UAM 'facilitate peaceful interethnic relations and conducts regular outreach visits to promote inter-ethnic reconciliation under the status-neutral framework of UNSC resolution 1244'.¹⁵⁷ The Mitrovica Regional Office acts as 'an interface between northern municipal leaders and the K-Albanian minority community in the North, providing a channel of communication for the sides'.¹⁵⁸ Its staff of around 120 employees are divided between international personnel and the Serb personnel who work for the Serbian controlled authorities in Mitrovica.¹⁵⁹ While it continues to provide basic administrative services, UAM in essence provides international legitimacy to the Serb authorities in that part of Kosovo and neutralizes the fragile political environment between Prishtina and Serb structures in the north. It also obstructed the ICO work in consolidating the municipality of North Mitrovica as envisaged with the Ahtisaari Plan.

Even after growing pressure from Kosovo government and friendly states of Kosovo, UNMIK has not yet decided whether it will close or not its office in Mitrovica. The closing of UAM would be a precondition for starting the dismantling of Serb parallel structures in the north and organizing legitimate and legal elections within Kosovo's framework. The closing of UAM would also stop the UN legitimacy of Serb parallel structures and it would open the possibility for reconfiguring the situation in the north of Kosovo based on the new reality reacted after the political dialogue with Serbia. UAM is entirely financed by Kosovo government, which allocates annually €4 Million for its operation. UAM has been criticized for lack of efficiency and most importantly for employing a large number of Serb officials who are also employed by Serb parallel structures in the north. In August 2012, UN Secretary General highlighted that 'the situation in

¹⁵⁷ UNMIK Administration Mitrovica. Available at: <http://www.unmikonline.org/Pages/mitrovica.aspx>

¹⁵⁸ Ibid.

¹⁵⁹ Crisis Group, 'North of Kosovo: Dual Sovereignty in Practice', p. 2.

the northern part of Kosovo continues to be fragile and requires vigilance and restraint on all sides to reduce the potential for regressive political developments or instability'.¹⁶⁰ It again called upon Kosovo government to undertake genuine outreach and goodwill, and that 'any institutional moves in this direction can be successful only if fully conceived and based firmly on the trust and acceptance of the population'.¹⁶¹ Such desirable request of UN that Kosovo government to approach the local population, gain their trust, and accept their will are almost impossible for as long there are Serb parallel structures that hinder any effort of Kosovo government to reach Serb population in the north. Such institutional outreach remains also partial as long as UNMIK Administration Mitrovica continues to operate and legitimize Serb structures, and overlap with Kosovo government work. By maintaining a status-neutral position towards Kosovo statehood, UNMIK has reduced drastically its influence in Kosovo and has marginalized its capabilities in contributing to peacebuilding efforts in Kosovo.

In the current situation, the role of UNMIK is to act as facilitator and mediator between KFOR, EULEX, OSCE and northern Kosovo Serb leaders. Driven by its status neutral position towards Kosovo and the divided position of UN Security Council, UNMIK tries to blame Kosovo and Serb government as well as the Serb leaders in the north for keeping the situation in the north of Kosovo tense and unstable. Operating as a mission in denial and largely ignored by Kosovo government, international community in Kosovo, and the Kosovo population, UNMIK constantly tries to redefine its role in Kosovo by showing how useful it can be in de-escalating the situation in the north, in building confidence among all parties, and being acceptable by the Serb leaders and population in the north.¹⁶² During July 2012, UN Secretary General Ban Ki-moon visited Kosovo and restated that UN remains status-neutral in Kosovo and calls to all parties to try to resolve the remaining issues through dialogue and peaceful means. In a recent press release, UNMIK expressed its concerns with the situation in north of Kosovo and called upon all parties to refrain from any action that exuberates and worsens the situation. In particular, UNMIK called upon EULEX and KFOR to 'restore order and resolve

160 UN Secretary General, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2012/603, 3 August 2012, p. 9.

161 Ibid, p. 9.

162 UN Secretary General, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2012/72, 31 January 2012, p. 2.

issues through discussion and mutual understandings'.¹⁶³ Despite the fact that UNMIK continuously offers its readiness to assist in the north, Kosovo government and international community does not seem to want to include UNMIK due to status neutral position and the divisions within the UN Security Council triggered by Russian and Chinese rejection of Kosovo independence.

Organization for Security and Cooperation in Europe (OSCE)

Between 1999 and 2008, OSCE was one of the main international organizations engaged with building public institutions in Kosovo, developing a police force, supporting the democratization and human rights protection, strengthening the local governance, and protecting minority communities. Since the declaration of independence, OSCE continues to operate in Kosovo as a status-neutral organization with a downgraded presence and narrower mission that aims to monitor Kosovo institutions and support minority communities in Kosovo. The affiliation of OSCE as status neutral provides them with a leveraging capability in mediating and resolving community based problems in the north. Kosovo authorities perceive largely the status neutral role of OSCE as status negative. OSCE continue to have an influential role among the Serb community in the north of Kosovo, largely due to its well-established networks with local leaders and community groups. The OSCE has also regular contacts with Serb parallel structures, which on the eyes of OSCE are community leaders and their interactions are interpreter as efforts to help communities in Kosovo resolve their problems. The OSCE continues to have good relationships with UNMIK and to certain extent with EULEX, but the cooperation with KFOR and ICO (until September 2012) was not satisfactory due to divided perspective on the status of Kosovo and the approaches to dealing with the north of Kosovo.¹⁶⁴ OSCE was useful during the 2012 parliamentary elections of Serbia, whereby it facilitated the voting of Serb community in Kosovo to vote for Serb elections. Some 200 OSCE staff and 300 locally

¹⁶³ UNMIK Press Release, 'UNMIK concerned about the ongoing situation in northern Kosovo', UNMIK/PR/1764, 26 July 2011.

¹⁶⁴ Marcin Czapliński, 'The OSCE in the New International Environment in Kosovo'. In: Institute for Peace Research and Security Policy, *OSCE Yearbook 2009*, Vol. 19, 2009.

recruited personnel participated in the preparation and conduct of the polling.

The United States of America (USA)

The United States of America are one of the strongest supporters of Kosovo's quest for consolidation of internal and external statehood, establishment of democratic governance, rule of law, and minority protection. The position of USA concerning the dialogue with Serbia and the political situation in the north of Kosovo is that there should be no partition of Kosovo and that the solution should be found within the premises of Ahtisaari package. The US government strongly supports Kosovo quest for extending its authority and sovereignty through out Kosovo, especially in the north. USA also supports the future political dialogue with Serbia, which would lead to improvement and normalization of relations between both states. Furthermore, USA considers the problem in the north of Kosovo related to Serbia's unwillingness to accept the reality of an independent Kosovo.

Hence, US senior diplomats have proactively demanded that Serbia should remove its parallel security structures in the north of Kosovo.

During a special visit paid to Kosovo in October 2012, US Secretary of State Hillary Clinton declared that 'The United States urges all parties to continue to work to implement the agreements reached to date, to reach agreements in new areas, and to advance concrete measures to normalize relations. Normalization of relations is key to future progress for both Serbia and Kosovo'.¹⁶⁵ The strong support of US for Kosovo's sovereignty draws an important line in the nature of future political dialogue with Serbia. Secretary Clinton strongly emphasized that

The United States is firmly committed to Kosovo's sovereignty and territorial integrity and to seeing the rule of law extend throughout Kosovo. We oppose any discussion of territorial changes or reopening Kosovo's independent status. These matters are not up for discussion. The boundaries of an independent, sovereign Kosovo are clear and set.¹⁶⁶

¹⁶⁵ US State Dept., 'Remarks With Kosovo Prime Minister Hashim Thaci and EU High Representative Catherine Ashton', Prishtina, Kosovo, 31 October 2012.

¹⁶⁶ Ibid.

The US considers the north of Kosovo as the greatest threat to peace and security in Kosovo. The US government has interpreted the agreement between Kosovo and Serbia reached during the technical dialogue as developments that solidify Kosovo statehood, sovereignty and independence to represent itself in regional affairs.¹⁶⁷ US government through USAID has significantly increased its assistance in the north of Kosovo. The economic and social development projects aim to improve businesses, create jobs, improve the infrastructure, help education projects, and improve the wellbeing of young people. Although these assistance programs of USAID are targeted towards improving the lives of a people and avoiding conflict in long run, they are seen by Serb leaders with skepticism as efforts to integrate the north to the rest of Kosovo, challenging thus their monopoly of power and control over the local population. Such situation is reflected in a press statement of US Embassy issued in April 2011:

... unfortunately, people who claim to have the interests of the population at heart prevented residents of northern Kosovo from taking advantage of this opportunity to win contracts, generate employment and allow small businesses to grow.¹⁶⁸

The US government has tried to take a neutral and balanced approach towards the relation of Kosovo and Serbia. For example, US Ambassador to OSCE regretted Kosovo unilateral intervention in July 2011, but also praised its later coordination of activities with KFOR and EULEX. Similarly, it called upon Prishtina and Belgrade to establish a condition of positive reciprocity with regards to free trade and the freedom of movement.¹⁶⁹ In response to road blockades in the north, US government has emphasized several times that 'there must be unconditional freedom of movement throughout Kosovo for all international organizations and for all Kosovo's citizens'.¹⁷⁰ The United States have been fully supportive to the efforts of KFOR and EULEX to ensure a safe and secure environment, promote the rule of

167 Statement of the U.S. Embassy Pristina, 24 February 2012. Available at: http://pristina.usembassy.gov/statement_of_the_u.s_embassy_pristina_february_24_2012.html

168 US Embassy in Pristina, 'Embassy Statement on USAID Activities in Northern Kosovo', 08 April 2011.

169 United States Mission to the OSCE, 'Statement on Violence in Kosovo', PC.DEL/796/11, 28 July 2011.

170 US Embassy in Pristina, 'U. S. Welcomes the IBM Agreement Between Kosovo and Serbia', 06 December 2011.

law, enable the free movement of both goods and people within Kosovo, including the north, and facilitate proper border and customs operations in both directions over the Kosovo-Serbia border. The United States have considered these efforts in service of the interests of the local population and Kosovo's and Serbia's EU aspirations, as well as broader regional stability. In several occasions both in Kosovo and at the international bodies, US has strongly condemned the illegal barricades in north of Kosovo, arguing that such barricades serve the interests of criminals and extremists, and that the 'obstruction of lawful authority in northern Kosovo not only places at risk peace and stability in the region'.¹⁷¹ Recently, the US Ambassador in Kosovo has declared that Serbia's platform on Kosovo will obstruct the dialogue with Kosovo, which has the potential to normalize the relations between two countries, foster economic investment, and improve people's lives.¹⁷²

The Russian Federation

The Russian Federation is constantly against Kosovo's quest for consolidating its sovereignty. Since the 1999 conflict, Russia has backed Serbia in all its efforts to obstruct consolidation of Kosovo's independent institutions and statehood. During the final status negotiations, it has opposed the Ahitsaari package as well as has blocked all initiatives for ending the UN mission in Kosovo and replacing the UN Security Resolution 1244 to adjust to the new evolving circumstances. Russia's principle position is that Kosovo's independence was declared and obtained without the consent of Serbia and as such it is in breach of international law and state creation norms. However, pathetically similar unilateral action it has taken itself following the 2008 conflict in Georgia, whereby it has recognize and supported the de facto state of Abkhazia and South Ossetia. This often cited position of Russia over the political solution of Kosovo, is clearly articulated recently by the Russian representative to OSCE:

¹⁷¹ United States Mission to the OSCE, 'Statement in Response to Violence in Northern Kosovo', PC.DEL/507/12, 07 June 2012.

¹⁷² 'Jacoboson: Platforma e Beogradit pengon bisedimet', *Zeri*, 30 December 2012.

We are convinced that any questions concerning stability and security in Kosovo must be resolved through negotiations, relying on the standards of international law and the fundamental decisions of the United Nations, above all Security Council resolution 1244, which provides the basis for a settlement in the territory, and also through dialogue between Belgrade and Pristina.¹⁷³

In relation to Kosovo, Russia has exploited the deviant role of Serbia to strengthen its international role and oppose any constructive effort taken by the US and European states in building sustainable peace in the region. Russia has even increased its economic support to Serbia to increase its leverage in the region. During the UN Security Council periodical meetings, Russia constantly tries to undermine the efforts of Kosovo government and the international community in Kosovo, and portraying and exaggerating the situation of Serb minority in Kosovo as being suppressed and disfavored. The violent and criminal activities of Serb groups in the north are often ignored by Russia and in return they have referred to them as ‘peaceful Serb population’.¹⁷⁴ Similar discourse has been invoked by Russia during the OSCE Permanent Council meetings. Concerning the north of Kosovo, Russian authorities have provided strong support to Serb government as well as direct support to Serb leaders in the north. In the peak of events, Russia has even sent a convoy of humanitarian aid to the North, creating an international image of a crisis situation. Earlier, during 2010, Russia has opposed Kosovo government and ICO strategy for the north of Kosovo, considering it as unacceptable as it would carry out the potential for increased destabilization and conflict.

Russia has also condemned the involvement of EULEX in supporting Kosovo police efforts to restore law and order in the north, considering such acts as exceeding its mandate and breaching the neutral status of EULEX operation under the UNSC 1244 framework.¹⁷⁵ Implicitly, the Russian position is that any engagement of international community in support of statebuilding and peacebuilding in Kosovo is considered as supporting

173 Delegation of the Russian Federation to OSCE, ‘Statement by Mr. Andrey Rudenko, Deputy Permanent Representative of the Russian Federation, at the Meeting of the OSCE Permanent Council Regarding the Situation in Kosovo’, PC.DEL/874/11, 16 September 2011.

174 Ibid.

175 Ibid.

the Kosovo Albanian efforts to establish and legitimize their authority in Kosovo. For example, such negative discourse is evident during the 2010 parliamentary elections, when Russia regarded the elections as illegitimate for a number of factors they highlight, such as: international monitoring agencies have not certified the election results, majority of Kosovo serves have boycotted the elections, serious breaches of election rules during voting process, legitimization of criminals through elections, and large popular support for the nationalist party of Lëvizja Vetëvendosje.¹⁷⁶ Russian authorities have rushed to the conclusion that such government with cracked legitimacy will not be able to protect minority communities in Kosovo. During a security conference in Belgrade in 2011, Russian Ambassador to Serbia rose and demonstratively gave a patriotic and aggressive statement that spoke about Serbia's failure to defense the interests of Serbs in Kosovo. His infamous sense 'Are there any Serbs in this room?' raised diplomatic reaction from Serbia and signified a potential divergence of positions and interests between Serbia and Russia.¹⁷⁷

176 Delegation of the Russian Federation to OSCE, 'Statement by Mr. Anvar Azimov, Permanent Representative of the Russian Federation, at the Meeting of the OSCE Permanent Council Regarding the elections to the Kosovo Assembly', PC.DEL/1157/10, 17 December 2010.

177 'Game of nerves in the North of Kosovo', *Osservatorio Balcani e Caucaso*, 22 September 2011.

VII. CONFLICT TRANSFORMATION OPTIONS AND STRATEGIES

Since the start of the EU-mediated technical dialogue between Kosovo and Serbia, a number of proposals are brought forward as solutions to the resolution of protracted disputes between Kosovo and Serbia. The proposals vary from those that call for the implementation of Ahtisaari plan, to those that privilege a special autonomous status for the north of Kosovo, and those that suggest partition and exchange of territories as a durable solution. This section outlines some of the proposals in their chronological order.

Ahtisaari Plan

The Ahtisaari Plan provides a framework for de-facto autonomy through an extensive decentralization of authorities to the Serb dominated municipalities. Currently, this is the position of Kosovo Government and most of the international supporters of Kosovo. The Ahtisaari Plan provides the following opportunities for the people living in the north of Kosovo: Rasmussen

- Additional competences for the Municipality of North Mitrovica;
- A higher share of public funding for Kosovo Serbs;
- A direct role for the municipalities in selecting police commanders;
- Provision of Serbian schooling according to the curriculum of the Republic of Serbia;
- An autonomous University of Mitrovica;
- Adequate ethnic composition of the judiciary;
- Allowing the municipalities to cooperate, work with and receive funding from the Republic of Serbia, provided it is done transparently;
- Serbia can continue to fund schools and hospitals, and much more in a transparent manner.¹⁷⁸

This solution provided by the Ahtisaari Plan would be acceptable for Kosovo government, Serb community living in the southern municipalities of Kosovo and the majority of international community. According to

¹⁷⁸ PER and D4D, *From Creative Ambiguity to a Constrictive Process: How to Approach Northern Kosovo?*, Prishtina, 2012, p. 26-27.

RIDEA, the Ahtisaari Plan is not the minimum compromise but it is the final product of extensive compromises undertaken by Kosovo authorities during the final status talks. However, Serb leaders of north and the Serb government currently reject this option. Concerning the topics of future dialogue, RIDEA considers that Kosovo government should include the demarcation of border with Serbia, the fate of missing persons, pension fund, war reparation, and succession and other issues.¹⁷⁹

Dual Sovereignty in practice

Another proposal put forward is that of dual sovereignty in practice suggested by the International Crisis Group (ICG).¹⁸⁰ Crisis Group considers the frozen conflict in the North of Kosovo as disorderly and troubled contention between Kosovo and Serbia with regional repercussions. Tendencies to integration this region within the complete authority of Kosovo is seen as worsening the situation. Equally, attempts of international community to integrate this region through economic investment, donations, and improvement of security environment would be ineffective without the resolution of the political status for this troubled region of Kosovo. International Crisis Group has suggested as a solution an autonomous status for the north of Kosovo in exchange for Serbia's recognition of Kosovo statehood, through a series of special talks mediated and facilitated by the European Union.¹⁸¹

Tadic's four-point plan

During the final days of Tadic's government, Serb authorities proposed a four-point plan as a solution to the frozen conflict in the North of Kosovo. The proposal lays out Serbia's willingness to establish functioning and normalized relations with Kosovo as a way to secure the functional existence of Serbs living in Kosovo.¹⁸² The proposal sets two principles for such peace and normalization process. The proposal sets two principles for such peace and normalization process. First principle requires the occurrence

179 RIDEA and CIS, '*Consolidating Kosovo's Statehood: Processes, Problems, and Perspectives*', October 2012, p. 15.

180 Crisis Group, '*North of Kosovo: Dual Sovereignty in Practice*'.

181 Ibid, p. ii.

182 Stefan Lehne, '*Kosovo and Serbia: Toward a Normal Relationship*', Carnegie Endowment for International Peace, March 2012. Available at: <http://carnegieeurope.eu/2012/03/13/kosovo-and-serbia-toward-normal-relationship>.

of negotiations without prejudice to the status of Kosovo under UNSC Resolution 1244 and the position of Belgrade not to recognize Kosovo's declaration of independence. Second principle requires incorporation in such settlement the interests of all Serbs living in Kosovo and most importantly precludes the option of border changes.

Building on these two principles, Tadic's plan contains four concrete elements. The first element contains the application of Ahtisaari's provisions on decentralization in the north of Kosovo, which included sectorial decentralization of powers arranged around the composition of the population. Implicitly, this element sets the minimum threshold for minority protection and representation within the jurisdiction of Kosovo. However, the second element calls for enhanced rights and status of Serbs in north of Kosovo organized around a single region called 'North Kosovo' with special representative rights. This partially means creation of an autonomous political and territorial entity within Kosovo, which would function based on a framework of Ahtisaari Plus. The third element of this plan asks for a special status given to the Serb religious entities in Kosovo and social protection of Serb religious heritage. This element in principle aims to reassure the provisions set in the Ahtisaari's plan annexes on the protection of religious heritage in Kosovo. Finally, the plan includes the resolution of outstanding private and commercial property claims, either through a negotiation or arbitration process. This element brings up many property contestation matters, including the reversal of privatization of socially owned enterprises. Tadic's plan does not make any reference to the recognition of Kosovo in exchange of this enhanced status for the North, nor it does make any reference for the future relation between two countries. The only reference it makes is that it would support Kosovo regional participation and representation.

Stefan Lehne plan

Stefan Lehne, a former EU diplomat involved in the region, recently suggested a proposal for a regional autonomy for the north of Kosovo. The proposal contains four main elements, as outlined below:

1. Overcoming the separation between the north and the rest of Kosovo through arrangements for regional autonomy for the north;

2. Providing international guarantees for Serb Orthodox monasteries;
3. Establishing a comprehensive framework for cooperation, including contractual agreements and diplomatic representation, that preserves the parties' differing legal positions on status and is modeled on the German-German agreement of 1972;
4. Ending Serbia's opposition to Kosovo's membership in international organizations and to further recognitions.¹⁸³

Lehne justifies the regional autonomy for the north as the most realist solution because the Ahtisaari Plan is unattractive and unrealistic for Serb population and as such it is affiliated with Kosovo declaration of independence. Regional autonomy would provide a regional assembly, self-governance of education and healthcare services. The accommodation of Orthodox Church claims for property would send confidence and conciliatory signals to Serb population and demonstrate Kosovo authorities willingness to respect religious identity of Serb population. The idea of two Germany model of co-existential and practical recognition and normalization is meant to provide a practical solution to the status stalemate. It would provide a solution to non-recognition problem by opening the opportunity for establishing diplomatic relations (through liaison offices) without formal and official recognition. This would gradually transform the entrenched conflictionary identities and eventually when accepted in the EU, explore modalities for mutual recognition and permanent peaceful co-existence. In addition, Lehne's plan suggests ending Serbia's opposition to Kosovo's membership in international organizations and to further recognitions. This final element it seems to be the only aspects favourable to Kosovo authorities, which could come as a leveraging price in exchange of accepting a regional autonomy for the North. In achieving this proposal, Lehne suggests that EU should take a leading role in the settlement process by appointing a high-profile envoy. It also envisaged an active transitory role for the international community in facilitating confidence building and smooth functioning of such autonomous regional arrangement in the north of Kosovo. However, Lehne's proposal does not depict the following questions: what the regional autonomy for the north means, where the boundaries of this region would be settled and what kind of power and competences could be devolved in this region.

183 Stefan Lehne, *'Kosovo and Serbia: Toward a Normal Relationship'*.

Matic's Plan

Marko Matić of E-Novine in Serbia recently introduced a plan on Kosovo. The plan contained a balanced solution to the problem of mutual recognition and practical overcome of the present irreconcilable positions.¹⁸⁴ First aspects of this plan calls for internal dialogue between key political actors in Serbia to redefine Serbia's national interest in Kosovo that focus on enhancing the European perspective and improving the relations with Albanians in the region. The second element contains identification of necessary legal changes that would facilitate future negotiations, resolve the status dispute and reach a historical agreement and reconciliation with Albanians in Kosovo. The third aspect, which is related to the second element, calls for the creation of legal grounds that acknowledges Kosovo institutions as legitimate negotiators and acceptance of a political status for Kosovo as an independent and self-government country. The fourth aspect contains adaptation of guiding principles for future negotiations, which accept both parties' good intentions towards each other, and recognition of peaceful co-existence between two parties. According to this plan, such principles would contribute to confidence building and gradual bridging of difference. The fifth element calls for establishment of mutual and symmetric status for minority communities in both states, which would enable equal treatment of Serbs living in Kosovo and Albanians living in Serbia. The six aspects contains establishment of new arrangement for the international presence which would require passing of new UN Security Council resolution, involvement of Contact Group and support of the European Union institutions. Final point contains mutual exchange of Officer for Cooperation, which could be practically considered as diplomatic exchange of missions to facilitate communication and resolution of issues and implementation of obligations that would arose from the agreements achieved.

184 Marko Matic, 'Albanian – Serbian Dialogue: Basis for a New Beginning', 23 July 2012. Available at: <http://www.e-novine.com/english/68477-Albanian-Serbian-Dialogue-Basis-for-New-Beginning.html>.

Serbia's political platform for Kosovo

In December 2012, Serb government made public their political platform for dialogue with Kosovo. Later on January 2013, the platform was passed with minor changes in Serbia's National Assembly as a resolution. The platform in essence outlines the key desirable institutional and political changes in Kosovo that would provide maximum territorial and political autonomy for the Serb community, while not providing any intention to recognize the independence of Kosovo in return. So, in essence this document represents the highest desirable bargaining position of Serbia. It makes public its intentions over Kosovo, as well as it reveals the same approach of dealing with disputes in the region. In particular, the platform bears many similarities to the political regulation of Bosnia and Herzegovina.

The intention behind this political platform is to avoid engaging with Kosovo in a political dialogue through specific and partial agreements. Serb government sees the approach of incremental and sectorial agreements as advantageous for Kosovo, and an approach that weakens Serb negotiating position. Instead, the platform suggests that in the end all the agreements should be agreed in a package. The platform also aims to end the institutional parallel in Kosovo, (referring here to Serb parallel structure) through extensive territorial autonomy for Serb community living in Kosovo. The political platform explicitly states that Serb government does not recognize the unilateral declaration of Kosovo independence. It claims to base its position on international law, Serb Constitution, and the will of its people. However, it claims that it has given Kosovo a limited and partial international personality and legality through their engagement in technical dialogue and implicitly referring to the agreements on regional representation.

The key aspect of this platform is the insistence of Serb government to establish a Autonomous Community of Serbian Municipalities in Kosovo (ZSO KiM), comprised of the territorial autonomy for four municipalities in the north of Kosovo (Leposavic, Mitrovica north, Zubin Potok, and Zvecan), and other municipalities with a majority of Serb population (Gracanica, Strpce, and Dragash). It seeks to regulate this territorial autonomy through a special Statute on the Autonomy of that is largely based on the case of

Catalonia. The autonomy consists of authentic competence in the fields of education (all levels), sports, culture, public information services, environmental protection, urban planning, agriculture, forestry, waterpower engineering, hunting and fishing, judiciary, internal affairs, mining energy, telecommunication, trade and economic policy, fiscal policy and finances. In more specific terms, the platform consists of the following aspects:

1. The Establishment of Autonomous Community of Serbian Municipalities in Kosovo from the north and other Serb municipalities based on the Catalonia model.
2. Special status for Serb enclaves, and possibly for the region of Gora. The starting point before for settling the territory of the regions of Serb enclaves should be the ethnic structure that pre-existed, as put by this document, ethnic cleansing. These competences would be narrower compared with north.
3. Contractual relationship between Serbian Orthodox Churches and provisional self-government institution of Kosovo.
4. Guarantee for the return of Serb people to Kosovo.
5. The province of Kosovo would be a demilitarized zone. Only legal armed formation would Kosovo police and police of autonomous community of Serbian municipalities.
6. The Autonomous Community of Serbian Municipalities in Kosovo would have bicameral Assembly: upper house would represent the house of Regions and Religious Community, while the lower house would be the House of citizens.

However, on 9 January 2013, rather than approving the ‘non-paper’ document, in a joint session between Serbia’s president and premier was presented another resolution comprised of six points which calls for continuation of dialogue with Kosovo was approved. Serbia’s Prime Minister Dacic emphasized that the January resolution is not an obstacle to the defense of Serbia’s national interests. Dacic argued that the new resolution is different from other documents and as such this document offers solutions to the problems of the ‘parallelism’ of institutions in Kosovo. The aim of this resolution, to Serbia’s perspective, is twofold: continuing the dialogue with Prishtina, on one hand, and paving its road to EU, on the other hand.¹⁸⁵ A day after the resolution was passed, on 10 January 2013,

¹⁸⁵ ‘Resolution on Kosovo no obstacle to Serbia’s goals’. B92, 09 January 2013.

Serb leaders from four parallel north municipalities of Kosovo sent a letter to Nikolic and complained that the draft resolution was contrary with the draft platform of Serbia presented in late December. They warned Nikolic that continuation of dialogue with Prishtina institutions is a form of indirect recognition of Kosovo's independence.¹⁸⁶

186 'N. Kosovo Serbs: Resolution contrary to platform' *Tanjug*, January 2013.

VIII. CONCLUSIONS

This study has provided a comprehensive presentation of key actors and their positions involved and concerning the north of Kosovo. It has attempted to decomplexify the multiplicity of agents and their positions, which in some cases are incompatible and conflicting for pursuing avenues of finding sustainable solution to a common problem. Although the north of Kosovo is currently in the agenda of the on- going EU-mediated political between Kosovo and Serbia, the disputes in this region are not new. The disputes in the north of Kosovo originate in Serbia's destructive intentions after the 1999 conflict to dispute the NATO and UN authority in Kosovo, NATO's negligence and unwillingness to exercise authority in the north, and Kosovo Albanian leadership concentration with statebuilding and consolidation of power process in post-conflict Kosovo. Over time, the Serb parallel structures consolidated their de-facto power in the north of Kosovo, challenging thus the international and local authority in Kosovo. While the have provided basic human and physical security for Serb community, they have effectively hindered ethnic reconciliation, re-integration of Serb community within Kosovo society and institutions, and have prevented Kosovo institutions to exercise governance tasks in the north. After the 2008 when Kosovo declared its independence in coordination with the international community, Belgrade and Serbs leadership in the north of Kosovo radicalized their efforts to resist and constraint Kosovo quest for consolidating statehood.

At the heart of this study was the actor-based mapping of positions with regard the north of Kosovo. Actors in Kosovo see the north of Kosovo as an integrated part of Kosovo, and insist in using Ahtisaari Plan as a basis for regulating the disputes in the north of Kosovo. On the other hand, Serb actors consider Kosovo and its northern region as being part of Serb sovereignty, and proactively pursue a policy of EU integration and gaining a political and territorial arrangement for Kosovo that would secure an autonomous Serb entity in Kosovo. In between these two incompatible positions, the EU and wider international actors are trying to find a solution for the disputes between Kosovo and Serbia that will avoiding the partition of Kosovo, unlock Serbia rejection of Kosovo statehood, and find a distinct political arrangement for the north of Kosovo, without excluding some sort of autonomy. However, the institutional division within EU, and the

fragmented coherence of the international community in general complicates further the role and impact they could have in making a sustainable peace between Kosovo and Serbia.

While the government of Kosovo for a long period of time has resisted negotiating for the north, the recent incremental dialogue with Serbia is pushing them to make certain compromises that could give the north of Kosovo a special status – different from the rest of Kosovo. Other state institutions in Kosovo are in favour of political dialogue with Serbia, but oppose any discussion that compromises Kosovo's sovereignty and integrity. The opposition in Kosovo is divided, which is convenient for the government and the international actors. Other social pressure groups are incapable to articulate agency and influence the process meaningfully. Nevertheless, the social stability currently prevailing in Kosovo could be easily shaken if Kosovo government makes a concession for the north, opening up then the social grievances accumulated for many years due to socio-economic conditions, and political isolation in Kosovo. However, the incumbent government in Kosovo is expected to be prone to concessions due to heavily dependency on external legitimacy, control, and potential sabotage on corruption affairs, and potential new allegation for post-conflict crimes. This international 'peacemaking' technology could be harmful in the long run as it generates and multiplies new protracted conflicts.

The Serb side is appearing to pursue a consolidated approach to the north of Kosovo and dialogue with Kosovo as evident with a clear political platform and self-imposed internal constraints evident with the increased role of the National Assembly. The well-known position of Belgrade is that Kosovo's independence was imposed (an arbitrary act) and that a solution for Kosovo should be found through dialogue and compromise beyond zero-sum bargaining. This commitment makes Serbia look as a constructive and engaged actor, which is rewarding its EU integration path. Seen all the realistic options, Serbia is trying to reach a solution that would create a Serb entity in Kosovo and maintain its direct influence in the country, provide extensive extra-territorial protection for Orthodox Churches, and eventually leave open the question of recognizing Kosovo's statehood and its membership in the United Nations. The deviant behavior of parallel structures and the resistance of Serb population in the north is providing Belgrade additional power in shaping the direction of dialogue.

Paradoxically, the international community has constantly tolerated and indirectly legitimized by non-action the criminal and destructive activity of Serb parallel structures in Kosovo.

The international actors involved in Kosovo are also responsible for the de-facto division of the north of Kosovo, as well as for the emergence and the development of Serb parallel structures. The non-action of French KFOR immediately after the conflict to extend its authority and provide security, followed by UNMIK's slow consolidation of its governance, police, and justice structures, together with destructive behavior of Kosovo leadership have contributed to the current situation in the north of Kosovo. Notwithstanding this, at present the EU together with states engaged in Kosovo are pushing hard to reach a deal for normalization of relations between Kosovo and Serbia and resolve the disputes in the north of Kosovo. Using a neo-functional, foggy, and incremental approach, the EU is aiming to make both parties to reach an number of agreements and make compromises that will unlock Serbia EU integration, advance Kosovo's EU aspirations, and find practical modalities to many issues that concern both Kosovo, Serbia and the wider region. In principle, the international community is against the partition of Kosovo, as it would have regional implications. However, they are ready to go beyond Ahtisaari package for minorities, towards a special status for Serbs in Kosovo that would partially satisfy both parties.

As discussed in this policy paper, a number of proposals have been outlined trying to resolve the disputes in the north of Kosovo and more broadly normalize the relations between Kosovo and Serbia. These plans vary from renewing Ahtisaari Plan in the north of Kosovo to those that propagate a different status for north of Kosovo. The fact that most of the plans set provisions that goes beyond the Ahtisaari Plan raises doubts on the intentions of the international community for granting a special status for the north. While for a while Kosovo government has insisted in operationalizing the Ahtisaari Plan, recently there is evidence that Kosovo has prepared a detailed developmental plan for the north. Furthermore, the tensions in the Preshevo Valley on the Albanian fighters memorial have increased speculation that Kosovo will counter-balance the pressure for the north with insisting to include the status of this part of Serbia in the negotiations table.

Hence, we conclude this analysis with a number of reflections on the dilemmas that are underlining prospects for finding a solution for the north of Kosovo and broader normalization of relations between Kosovo and Serbia:

- **Recognition dilemma.** The north of Kosovo and the on-going dialogue with Serbia has direct implications concerning the recognition of Kosovo. The Government of Kosovo is considering the on-going negotiations with Serbia and the exchange of liaison officers as important elements towards the recognition of Kosovo's sovereignty, subjectivity, and statehood by Serbia. This was also promised by the EU officials to Kosovo, when the initial intent of the EU-mediated technical dialogue was portrayed as being in service of completing Kosovo's recognition by five remaining EU member states. On the other hand, Serb Government explicitly is denying the recognition of Kosovo and is interpreting the current negotiations as part of their constitutional obligations to improve the conditions of Serbs living in Kosovo and resolves once again the status of Kosovo. In between these two incompatible positions stands divided the international community which is responding to the dilemma of recognition by ignoring it, and implicitly and incrementally working towards finding a solution which would remain ambiguous, with multiple meanings, and eventually resolve the recognition dilemma later. Beyond this, there are voices from the European states and the US that the recognition of Kosovo is a precondition for Serbia's EU accession. The modalities that will be found in resolving the recognition dilemma are central for the future peace in Kosovo and in particular the nature of relations with Serbia.
- **Security dilemma.** The continuation of the current situation in the north of Kosovo is considered as threat to Kosovo's security and wider region. Equally, any unilateral intervention is proven to trigger orchestrated and sporadic resistance from the local Serb population in the north. The local population and wider Kosovo public see the fragile border conditions in the north, and the inability of KFOR and EULEX to exercise completely their mandate to ensure security and order, freedom of movement, rule of law, enforcement and stability in the north of Kosovo as a constant threat to security. To this have contributed also increased violence in the north and unidentified

explosions. Lack of the rule of law and immediate investigations are harming public confidence on local and international security providers, and increasing social readiness for self-protection. This gap in security provision would increased further human insecurity and lead to unforeseen consequences. It is well known that in situations of ethnic fragility as evident in the north of Kosovo, any sort of type of incident or dispute is interpreted as being ethnically motivated and in service of fueling crowd mobilization and further ethnic division. Such unrelated and orchestrated acts of violence and insecurity complicate further prospects for finding a solution for the north of Kosovo and broader normalization of relations with Serbia.

- **EU integration dilemma.** The on-going dialogue between Kosovo and Serbia is incentivized by the leveraging prospects for fostering EU integration of both countries. The Kosovo is invoking it's the discourse for advancing the rule of law and justice in the north was part of Kosovo's attempt to enshrine and practice European values and governance principles. Furthermore, potential concession made by Kosovo side with regards the status of the north of Kosovo, will be interpreted and provided in exchange of advancing its EU integration path. On the other hand, Serbia is considering its EU integration path as being separate from its policy towards Kosovo. However, it is made clear in the last two years from the EU and wider international community that the normalization of relation between Kosovo and Serbia is a precondition for advancing the EU accession process. While Serbia is blocking Kosovo's membership in the UN, Kosovo is using its advantageous position to make conditional Serbia's EU integration dynamics.
- **Special status dilemma.** One of the most sensitive aspects for the disputes in the north of Kosovo and the on-going negotiations between Kosovo and Serbia is the question of what political status to grant to the north of Kosovo. Each actor involved has dilemmas considering the consequences a special status for the north it would produce in Kosovo, Serbia, and wider region. The original technical dialogue between Kosovo and Serbia on the normalization of relations has evolved into high-level political dialogue, and now the fate of the north of Kosovo is being incorporated in the negotiation tables. This fast dynamic of

interactions could certainly bring about undesirable outcomes for all the parties, leaving thus the situation in tension and at another crossroad. The special status for the north raises the dilemma of jeopardizing newly established minority municipalities and the entire Ahtisaari Plan safeguards for minorities. The recent tension in the Preshevo Valley and the confrontation about the removal of Albanian memorial has also increased prospects for reciprocation of political status of Serbs in Kosovo with the Albanians in southern Serbia. Gradually increasing voices for increased autonomy in Vojvodina and Novi Pazar regions increases also the ethnic uncertainty within Serbia. Similar spillover effect could have also over existing fragile relations between Albanians and Macedonians in Macedonia.

- **Economic dilemma.** The disputes over the north of Kosovo and the overall normalization of relations between Kosovo and Serbia have direct implication on economic situation in Kosovo. Finding a solution for the north and the eventual relations between Kosovo and Serbia means that some of the actors will lose their leveraging benefits from the status quo, while others will start to benefit instead. The prevalence of informality, lack of taxation, and criminal and organized smuggling are some of the main damaging loopholes of Kosovo's economy. So the resolution of disputes over the north and the re-establishment of regular customs run by Kosovo authorities would benefit to Kosovo's economy and to the reduction of negative economic informality. It would also benefit the public health in Kosovo, as most of the products that come from Serbia to Kosovo do not go through any necessary checking in terms of quality and safety. On the other hand, such economic changes would not benefit Serb government as it would imply a form of implicit recognition of Kosovo, and most importantly it would challenge the power base of Serb parallel structures in the north that control most of the illegal economic activity in that part of Kosovo. The establishment of the rule of law in the north would also benefit the European Union, as it would prevent organized crime, trafficking, and other illegal activities to pass to the EU using that fragile route between Kosovo and Serbia.
- **Domestic dilemma.** The on-going dialogue between Kosovo and Serbia has experienced nationalist and discursive confrontation between Prime Ministers' Thaci and Dacic, who have used symbols, words, and

referred to past historical experiences to illustrate their hostilities, which is basically performed for local consumption. The content of each round of high-level political meetings is portrayed and presented differently in Prishtina and Belgrade, creating thus social confusion and sending wrong messages for the necessary spirit of cooperation to build any degree of mutual confidence, which is essential for reaching an agreement. This discursive confrontation has occurred also to respond to the unsupportive role of opposition parties and the legislative bodies in both countries about the potential space of compromises. It is important to note that such double-speak discourse to satisfy domestic pressure does not contribute to the overall constructive environment necessary for transcending hostile relations. It also sends wrong messages to general public and hinders the popular support in both countries.

- **Transparency and inclusion dilemma.** The general public and elements of public authorities in both countries remain uninformed about the content of sectorial and issue-contingent agreements reached so far between Kosovo and Serbia, and the content of the high-level political meetings. After each round of negotiations, each party has presented their version of the meeting's content, creating public confusion. Although it is often suggested that the role of public in peace negotiations could be destructive, it is essential to try to maintain a level of public transparency about the process and potential outcomes. Wider public consultation would slow the process but ensure the general interest is preserved and any reached agreement enjoys public support, essential for later implementation and sustainability. This study is compiled in service of this conviction.



Charts

The Positions of the Government of Kosovo and Serbia

Kosovo

- For the Government of Kosovo, the implementation of Ahtisaari Plan is the most desirable solution for the north of Kosovo. This would require establishing a new municipality in the north of Mitrovica, holding elections in the existing and new municipalities, dismantling of parallel structures and establishing relevant Kosovo administrative and judiciary institutions in the north, as well as deploying police and custom officers in the border crossing.
- The Government of Kosovo aims to integrate north of Kosovo through a generous developmental plan, economic incentives and redistribution of costume income into north of Kosovo.
- The Government of Kosovo strongly rejects an autonomous status for the north, territorial exchange, or the partition of Kosovo. A territorial autonomy for the north of Kosovo is seen by Kosovo as a preparation of structural conditions for developing a state-within-state in Kosovo similar to Republika Srpska in Bosnia, and open the possibility for eventual recursive secession from Kosovo.
- The technical dialogue and the high level political talks are pursued with the intention of resolving disputes in the north, normalizing the relations with Serbia as two independent states, advancing the EU integration agenda, and strengthening Kosovo external sovereignty and unlocking the recognition by the five EU member states.
- The bargaining power of Kosovo government is much stronger compared to the previous negotiations with Serbia, due to international support for the independence, considerable number of recognitions, strengthened statehood attributes, and improvement of minority conditions.
- To counter-balance with the factual domination of Serbs in the north, the Government of Kosovo has indicated that one of the topics in the future political dialogue with Serbia will be the advancement of the rights for Albanian minority living in the south of Serbia.
- Potential sabotage, conditionality, and threats for prosecution from internal and external forces could weaken Kosovo's bargaining position.

Serbia

- The key position of the Government of Serbia is against the independence of Kosovo, and gradually is demanding a special autonomous status for the Serbs in Kosovo and in particular for the north of Kosovo. It seeks to advance it EU aspiration, while maintaining control over Kosovo.
- During the last thirteen years, each government in Belgrade have constantly kept the issue of Kosovo as a national priority, around which they have developed their external policy, shaped international political dynamics, as well as overshadowed socio-economic stagnation and governance weaknesses.
- Concerning the north of Kosovo, the Government of Serbia together with other state institutions have constantly supported politically and nurtured financially their parallel structures in Kosovo, as a strategic asset for political bargaining, obstructing peacebuilding and statebuilding in Kosovo, and exercising indirect control over certain parts of and processes in Kosovo.
- The ongoing technical and high level political dialogue is seen by Serbia as an opportunity to downgrade and renegotiations Kosovo's political status, advance its EU integration bid, and formalize a Serb entity within Kosovo, without giving any indication for agreeing in return to recognize Kosovo's independence.
- There are also increasing voices in Serbia that propagate the partition of Kosovo as desirable outcome. In pursuit of this policy, Serbia uses its constitutional system and the parliamentary bodies to set internal safeguards and constraints as a strategy to resist international pressure. This is evident with the Serbia's political platform and the resolution passed in January 2013.
- Serbia's political platform outlines the key desirable institutional and political changes in Kosovo that would provide maximum territorial and political autonomy for the Serb community, while not providing any intention to recognize the independence of Kosovo in return. It proposes the creation of Serb entity in Kosovo, it grants Serbs throughout Kosovo further rights, it seeks additional protection of Serb religious heritage in Kosovo, it proposes to make Kosovo a demilitarized zone, and proposes to re-arrange Kosovo's parliament into a bi-cameral system.

The Positions of the Presidents of Kosovo and Serbia

Kosovo	Serbia
<ul style="list-style-type: none"> • The incumbent president of Kosovo Atifete Jahjaga is a strong supporter of negotiations and political dialogue with Serbia. • Recently she has expressed the willingness to meet with Serbian counterparts with the aim of normalization of relations and opening of avenues for political settlement of unresolved issues. • Jahjaga has declared in several occasions that dialogue is the best way for normalizing the relations between two states and establishing policies of good neighborhood as preconditions for EU integration. • President Jahjaga's moderate position comes from strong guidance she receives from US government who proposed her election in 2010. • President Jahjaga does not enjoy popularity in Kosovo, so her credibility and legitimacy relies to the support and backing she receives from the international community, especially the USA. 	<ul style="list-style-type: none"> • The direct election of the Serb President gives them a strong political agency over the internal and external policy of Serbia. In this regard, the incumbent and former presidents of Serbia have led the state policy on Kosovo. • The position of the President of Serbia concerning Kosovo is that Serbia will not recognize the independence of Kosovo at any cost, despite the fact that it has entered a political dialogue, while it will simultaneously pursue its EU integration policy. • The position of the incumbent President Tomislav Nikolic is twofold: autonomy for Albanians within Serbia, and territorial autonomy for Serb community in Kosovo within autonomous Kosovo. This is articulated in the Political Platform for Kosovo and the resolution that was adopted by the Serb National Assembly in January 2013. • Incumbent President Nikolic has emphasized that if Serbia is pushed to recognize the independence of Kosovo, Serbia will abandon EU over Kosovo. President Nikolic is sentient that the path of Serbia toward EU membership and normalization and recognizing the independence of Kosovo are not inextricably linked.

The Role of Legislative Bodies in Kosovo and Serbia

Kosovo

- The Assembly of Kosovo has acted as an oversight, supervisory and accountability mechanism for Kosovo government in its activities related to the north of Kosovo and political dialogue with Serbia.
- The Assembly of Kosovo has issued three resolution since July 2011, with which it has supported the Government of Kosovo efforts to restore the authority in the north of Kosovo, regulate the technical dialogue with Serbia, and set the boundaries of future negotiations.
- The Assembly of Kosovo resolutions emphasize that Kosovo' sovereignty, subjectivity, territorial integrity and internal constitutional arrangements are nonnegotiable.
- The Assembly of Kosovo called upon the international community to support Kosovo institution in establishing the rule of law and order throughout Kosovo. It highlighted that the EU and US should facilitate the dialogue as international parties to enable the dialogue process.
- The Assembly of Kosovo has obliged Kosovo government to constantly involve and report to the Assembly of Kosovo and present the dialogue platform via its basic documents for negotiation. The Assembly of Kosovo reserves the right to ratify the agreements that come of the normalization process.

Serbia

- The National Assembly of Serbia has voiced its position to Kosovo status repeatedly since 1999. However, four documents are important to understand the position of the National Assembly of Serbia on Kosovo: a) the 2006 Constitution of the Republic of Serbia, b) the 2007 Resolution of the National Assembly of the Republic of Serbia following the Ahtisaari's plan and Troika Talks, and c) the 2011 Resolution of the National Assembly of the Republic of Kosovo which calls for peaceful resolution of the crisis in Kosovo and continuation of dialog between Prishtina and Belgrade, d) and the 2012 Serbia's platform on Kosovo.
- Voicing its opposition to Kosovo's demand for independence, the Constitution of the Republic of Serbia approved by the National Assembly of Serbia on 30 September 2006, in its preamble considers Kosovo an integral and historical part of Serbia. It sets in the Constitution, an autonomous status for Kosovo within Serbia.
- The National Assembly of Serbia through a draft resolution (Kostunica Resolution) on 14 February 2007 concluded that the Ahtisaari proposal for Kosovo is against international law since it does not take into consideration the territorial sovereignty and integrity of Serbia, and the imposed solution of the Kosovo future status is illegitimate, illegal and void.
- Following the stalemate in north of Kosovo since the independence, and the violence organized by local Serbs in north of Kosovo, especially with the demolition of Kosovo's border crossings in Brnjak and Jarinje and injuring German KFOR troops in north, the National Assembly of Serbia adopted another resolution, which calls for peaceful solution of crisis in Kosovo.
- The latest Serbia's political platform on Kosovo presented in December 2012 was passed as a resolution in the National Assembly of Serbia in 12 January 2013, which outlines Serbia platform for negotiation where as special status for Serb living in Kosovo is the main component, among

The Position of Main Political Parties in Kosovo

PDK (Democratic Party of Kosovo)

- PDK has been the most active party concerning the dialogue with Serbia. The principal position of PDK is in line with the incumbent government, which consists of willingness to conduct talks with Serbia, favor implementation of Ahtisaari Plan in the north, gradual dismantling of parallel structures and extending Kosovo authority in that part of Kosovo.
- PDK constantly has propagated that the dialogue with Serbia and the solution for the north of Kosovo should be consistent with Kosovo Constitution, applicable laws, and the recent resolutions passed by Kosovo parliament.
- PDK has justified the talks with Serbia as necessary to improve the lives of Kosovo citizens, and as a matter of national interest to resolve internal problems, unlock recognitions, and advance further the Euro-Atlantic aspirations.
- The political dialogue with Serbia and the internal circumstances within PDK are mutually inter-linked and progress in one aspect can lead to further crack down in the other aspects.
- The extensive international support and external legitimacy for PDK is largely conditional to PDK's leadership in resolving the disputant issues with Serbia, including the north of Kosovo.
- Found in internal, external, and public pressure, PDK is more likely to pursue a policy of cautiousness, balancing, and complex compromising, which could not represent the interest of wider society in Kosovo but its narrow survival and escape interests.

LDK (Democratic League of Kosovo)

- In the majority of cases, LDK has pursued a policy of processual polemic, light confrontation with the government in parliamentary debates and public appearances, but when it came to taking decisions and voting, LDK has supported the majority of government led initiatives for dialogue with Serbia.
- LDK due to its party identity and institutional memory, it has constantly advocated institutional and constitutional routes for dealing with the north of Kosovo.
- LDK has hostile relation with PDK due to broken promise of PDK for early presidential elections, stagnated electoral reforms, and selective arrestment of LDK officials on corruption grounds.
- LDK in principle is not against dialogue with Serbia to resolve remaining issues as two independent and sovereign states. However, LDK recently has increased pressure on incumbent Prime Minister Thaci that any political dialogue with Serbia that comprises Kosovo's independence, sovereignty, and internal order would mark the end of Thaci's government.
- LDK considers that external imposition and plans on the dialogue process come as a result of government's failure to prepare a solid plan for the north.
- During the end of September 2012, LDK's leader Isa Mustafa called for a referendum which would ask Kosovo citizens if they would want to have political dialogue with Serbia.

Lëvizja Vetëvendosje (Movement for Self-determination)

- Lëvizja Vetëvendosje (LVV) is the most active opposition party and social movement in Kosovo against negotiations and political dialogue with Serbia. Their core position is that any negotiations with Serbia would be harmful to Kosovo national interest, as it would lead to further concessions, fragmentation of sovereignty, and legitimization of Serb repression in Kosovo.
- LVV has suggested in several occasions that Kosovo government should take over the control of north through coercive measures, by deploying police and security forces there.
- LVV rejects also Ahtisaari Plan as for them it provides asymmetric rights and privileges to minorities and suppresses the right of majority for self-determination.
- According to LVV incumbent government is rooted in corruptive and criminal affairs and in such circumstances they are more likely to make harmful political compromises for narrow personal interests in expense of Kosovo's national interests. LVV has warned that Serb tendencies are for internal division of Kosovo, similar to Bosnia case.
- LVV has constantly suggested that Kosovo should put conditions before any formal negotiations with Serbia, such as: returning the bodies of all missing persons, being held accountable for all the destructions caused in Kosovo, and offering an official apology for the state-sponsored war crimes in Kosovo.

AAK (Alliance for the Future of Kosovo)

- AAK as an opposition party has played a balancing role with regards to the dialogue with Serbia and north of Kosovo.
- The overall position of AAK is that the solution for the north of Kosovo should be found in line with Ahtisaari Plan. AAK is in general in favour of negotiations with Serbia and it wants Kosovo to have a clear plan and that the parliament to take a leading role in overseeing this process.
- For a while the political position of AAK was closely linked to the fate of its leader Ramush Haradinaj who was being retried in ICTY for war crime allegations during the Kosovo war in 1999. Its support for political processes was conditional on the release of Haradinaj.
- During November 2012, the Government of Kosovo, appointed Haradinaj's deputy Blerim Shala as the Kosovo envoy in the political dialogue with Serbia. Shala's involvement in the dialogue solidifies further the cooperation and political support the AAK provides to the government of Kosovo.

AKR (Alliance New Kosovo)

- The overall position of AKR is in favor of negotiations with Serbia and their party line is similar to PDK's. In general, AKR considers that Serbia should recognize the reality in Kosovo and move beyond such entrenched position.
- Earlier during August 2012, Rrahim Pacolli of AKR has declared that for such a sensitive political dialogue with Serbia, Kosovo should develop a platform, which should be first adopted by the Assembly of Kosovo to serve as a legal basis for the future negotiations.
- AKR's position is that conflict in the north could be transformed via the creation of a free economic zone which would move the attention from political struggle to economic development, as well as it would resolve the problem of informal economy and cross-border smuggling.
- So the strategy of economic autonomy for the north of Kosovo followed by job creation is seen by AKR as the viable solution to overcome the stagnation in the north of Kosovo.

SLS (Independent Liberal Party)

* SLS is political party that represents mainly the interests of Serbs living in Kosovo, except the north. SKS considers that Ahtisaari package would be sufficient and adequate, warning that its implementation in then needs to be dealt with maturity.

- The main position of SLS with regard the north of Kosovo and the political dialogue with Serbia is that the dialogue is necessary, Serb authorities in Belgrade should not demand territorial re-adjustment in Kosovo but defend the rights and needs of Serb population in Kosovo, and that the question of participation of Kosovo would not be viable due to the dynamical political changes in Kosovo and categorical rejection by the international community.
- SLS also considers that the Belgrade's role in Kosovo in many instances is destructive as it claims to represent Serb people, but it is not held accountable to them, and the political solution that Serbia suggests for Kosovo are unrealistic and do not deal with the real problems of the on the ground.
- SLS that is part of the current coalition government in Kosovo has also demanded to be part of political dialogue with Serbia. Petar Miletiq from SLS declared that they have not received any invitation from Kosovo authorities, however their representation in talks would facilitate and ease the future dialogue.

The Position of Main Political Parties in Serbia

Democratic Party (DS)

- The DS (Democratic Party) approach toward Kosovo is recognized as pragmatic by the EU institutions.
- Tadic called Serbs to withdraw barricades and roadblocks who were established two days after Kosovo's declaration of independence, in order to prevent Kosovo institutions to exercise their sovereignty over this part of territory.

Socialist Party of Serbia (SPS)

- The main position of SPS is that Serbia should negotiation with Kosovo, pursue its EU integration process, and maintain special relations with Russia.
- SPS is for finding a permanent solution acceptable for both Serbs and Albanians in Kosovo, without specify how, while their basic position is that Serbia will never recognize the unilateral declaration of independence of Kosovo.

Serbian Progressive Party (SNS)

- Similar to SPS, the SNS hold a radical and incompatible position towards Kosovo, which consists of never recognizing Kosovo's independence, protecting Serbia's territorial integrity, considering Kosovo an integral part of Serbia, pursuing the EU integration, and maintaining special relation with Russia.
- SNS considers Kosovo to be the heart of Serbia and the integral part of its territory. This is their key political goal.
- The SPS is against Serbia joining NATO and advocates military neutrality.
- The political platform for Kosovo was initiate by SNS officials part of Serb government, which proposes a Serb entity in Kosovo, expanded rights for Serb community and their religious heritage in Kosovo, while remaining against Kosovo's independence.

Liberal Democratic Party (LDP)

- The LDP is a small political party led by Cedomir Jovanovic, which has a Western-oriented political ideology. It is the only political party that has advocated for the recognition of Kosovo's independence, and has continually called for the change of mainstream policy in Serbia towards Kosovo.
- LDP has condemned the violence organized in north of Kosovo by local Serbs and supported by Serbia and accordingly called for dialogue with Kosovo, arguing that orchestrated violence is harmful for all the parties.

Democratic Party of Serbia (DSS)

- DSS has clearly articulated their position by stating that Kosovo is not Serbia's neighbor, implying that Kosovo is part of Serbia.
- DSS has not supported the recently political dialogue and the sectorial agreement concluded recently between Kosovo and Serbia.
- Given the EU policy to push Serbia on good neighborly relations with Kosovo and the call for dismantling the Serb parallel structures, DSS consider that the EU pressure is an empty threat as the EU is faced with numerous problems, and is not so attractive anymore for Serbia.
- Parallel to this, DSS has not been supportive of the recently reached agreement on Integrated Border Management between Kosovo and Serbia, which for DSS is unacceptable.

Serbian Renewal Movement (SPO)

- SPO has recently state that Kosovo is Serbia's neighbor and the relations between Serbia and Kosovo have to be normalized.
- SPO also declared that Serbia has to choose EU rather than Kosovo, as this is the best option for Serbia. Instead, Serbia should try to improve the conditions of Serbs living in Kosovo, and not have territorial aspiration, which have not worked in the past.

EULEX and the Kosovo-Serbia Dialogue

- In its four-year operation, EULEX experienced significant obstacles to strengthening the rule of law in north Kosovo, where it is most needed.
- Due to operational constraints arising from working within the UN status-neutral umbrella, EULEX has failed to re-establish courts, failed to prevent organized crime, provides inadequate protection for border points and failed to restore the rule of law in north Kosovo.
- The political nature of conflict in the north restrains EULEX from employing all its capabilities in fulfilling its mandate and as such it tries to give chance to the political pressure and conditionality that comes from Brussels to Serb government and indirectly Serb leaders in the north.
- The EULEX has established in 2010 a special task force called Task Force Mitrovicë/a (TMF), which is working on resolving cases related to organized crime in the north, Serb obstruction of reconstruction of Albanian houses in the north Mitrovica, and the death of Kosovo police during the July 2011 intervention in the north.
- EULEX so far has arrested several suspects for various murder cases, it has collected illegal possession of small arms, and is conducting multiple investigations for organized crime and smuggling.
- The lack of community trust on EULEX impedes its effective investigations as Serb population hesitates to report crimes and do not want to be seen as collaborating with EULEX forces.

KFOR and the Kosovo-Serbia Dialogue

- KFOR is the main security force in Kosovo that operates in the north of Kosovo. The role of KFOR throughout the last 13 years had been provision of security, maintenance of peace and stability, enabling freedom of movement, and protection of minority communities and their religious places in Kosovo. The challenge of KFOR in the north is not maintaining peace and security, but also combating informal economy, illegal trade of arms, drugs and human trafficking.
- The overall position of KFOR towards the north of Kosovo is that the nature of this conflict is political and as such there is no need for military intervention and usage of force, whereas the political means should be used effectively to resolve the conflict. In a broader perspective, NATO supports implicitly Kosovo's territorial integrity and it is against the partition of Kosovo.
- The role of KFOR to maintain peace and security in the north has become more dynamic after the July 2011 unilateral intervention of Kosovo police in the north of Kosovo to enforce the reciprocity measures in the two northern border crossing. KFOR's new challenge is the removal of road barricades established by Serb groups to obstruct the free movement of Kosovo police, custom services as well as EULEX and KFOR.
- In several occasions, KFOR has faced violent resistance from local population. Again, even in these circumstance KFOR considered the nature of conflict in the north of Kosovo as political, therefore it restrained from using its mandate and powers hoping that the situation will be resolved through political processes and not through violent and coercive measures.
- The shared responsibility between EULEX and KFOR to maintain peace and security and the rule of law in the north of Kosovo, in practice faces many challenges. While they have clear mandates, their operations are very dependent to each other, which are considered not as satisfactory due to limited resources.
- Driven by the desire of KFOR to reduce tensions in the north, it has compromised its mandate of providing security in Kosovo, including the freedom of movement, when it has negotiation with Serb leaders in the north arrangements for allowing limited movement of KFOR and EULEX personnel to cross over the many barricades placed through out the north municipalities of Kosovo.

ICO/ICR and the Kosovo-Serbia Dialogue

- During its four-year operation in Kosovo, one of the central roles of ICO was to oversee and support the decentralization process, protection of cultural and religious heritage and community affairs.
- The greatest challenge for ICO was the establishment of a new municipal unit in the northern part of Mitrovica. All other municipal units dedicated to minority-populated regions of Kosovo have been successfully established and made functional, except the one in the north of Kosovo.
- Although ICO has managed to lay out the foundations for a new municipality in the North of Mitrovica through its Municipal Planning Team, the great resistance from Serb leaders and the hostile position of Serb population, parallel operation of UNMIK Administration of Mitrovica, alongside the strong rejection by Serb government in Belgrade, have impeded the creation of this new municipal unit.
- According to ICO, the solution for northern Kosovo should be based on three principles: the north should remain with Kosovo; there should be no violence and there should be no frozen conflict in the north.

The European Union and the Kosovo-Serbia Dialogue

- The European Union has gradually increased its political influence over Kosovo and Serbia through its common security and foreign affairs policy, enlargement policy, and conflict management capabilities.
- In the last four years, the EU has linked Serbia's and Kosovo's progress towards the EU integration with the enhancement of regional cooperation, enforcement of the rule of law, and normalization of relations. The EU considers that the Serbia's dynamic of EU integration is closely linked to the normalization of relations with Kosovo.
- Following the technical dialogue mediated by the EU, the fate of both countries towards EU integration is entirely connected with the success of the talks and an eventual peace deal between parties.
- Similar pressure the EU also performs over Kosovo authorities. The release of feasibility study for negotiating an SAA agreement was largely linked with the compliant behavior of Kosovo government in the technical talks with Serbia.
- The situation in the north of Kosovo remains an important challenge for Kosovo, the Western Balkans region at large as well as the EU. The EU considers that all actors' involved need to take positive and proactive steps to help resolve this situation.
- While the overall position of EU is that the disputes between Kosovo and Serbia should be resolved by dialogue and parties themselves, there is a general consensus for the implementation of the Ahtisaari Plan, with possible extension of autonomous arrangements in the north of Kosovo.
- The EU member states actively involved in Kosovo have declared that Kosovo authorities should approach Serb population of the north and inform them with the content and the benefits Ahtisaari package brings to them.
- Active members of the EU Parliament has declared openly that north of Kosovo should be included in the future dialogue with Serbia, and stated that it is a clear position of the EU that partition of Kosovo is out of consideration. They have called Serbia to stop its conflicting relation with its neighbors, and instead look forward to create a better future.
- The lack of consensus within the EU about Kosovo status and the non-recognition by five of its member-states weakens EU capability and role in the Balkans.

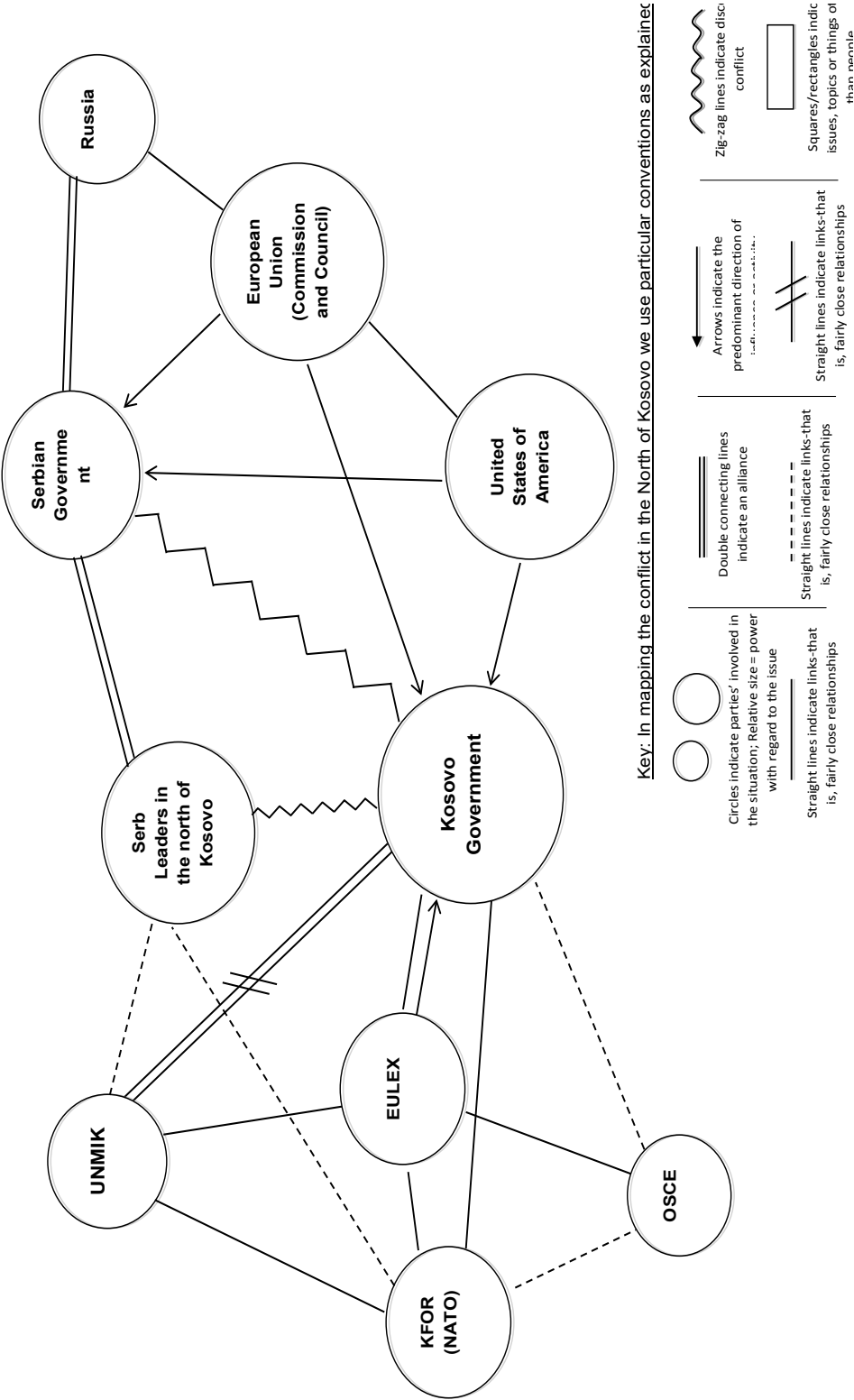
UNMIK and the Kosovo-Serbia Dialogue

- Following Kosovo's declaration of independence, UNMIK does not play any significant role any longer in Kosovo, but it continues to report on periodical basis to UN Security Council on the situation in Kosovo, as well as issues public releases on important political events in Kosovo.
- By maintaining a status-neutral position towards Kosovo statehood, UNMIK has reduced drastically its influence in Kosovo and has marginalized its capabilities in contributing to peace-building efforts in Kosovo.
- After the declaration of Kosovo independence, the alignment of UN as status neutral has given UNMIK greater legitimacy, acceptance, and accessibility in the face of Serb population and politicians in the north of Kosovo. Serb support to UNMIK now is seen as an opportunity to downgrade Kosovo's gradual consolidation of sovereignty and eventually maintain the status quo as a suitable terrain for rearranging the political status of the north of Kosovo.
- Since October 2008, UNMIK has reopened and operates the court in the northern part of Mitrovica. The courthouse operates with UNMIK international personnel, including two judges, two prosecutors, legal officers and administrative assistants. However, since then the placement of local judges and its normal operation has been obstructed by the lack of effective enforcement mechanisms and broad non-cooperation of local population of the north.
- UNMIK Administration Mitrovica (UAM) continues to function in the north of Kosovo despite the opposition coming from Kosovo, ICO and the friendly states towards Kosovo. The closing of UAM would also stop the UN legitimacy of Serb parallel structures and it would open the possibility for reconfiguring the situation in the north of Kosovo based on the new reality reacted after the political dialogue with Serbia.
- While it continues to provide basic administrative services, UAM in essence provides international legitimacy to the Serb authorities in that part of Kosovo and neutralizes the fragile political environment between Prishtina and Serb structures in the north. It also obstructed the ICO work in consolidating the municipality of North Mitrovica as envisaged with the Ahtisaari Plan.
- In the current situation, the role of UNMIK is to act as facilitator and mediator between KFOR, EULEX, OSCE and northern Kosovo Serb leaders. Driven by its status neutral position towards Kosovo and the divided position of UN Security Council, UNMIK tries to blame Kosovo and Serb government as well as the Serb leaders in the north for keeping the situation in the north of Kosovo tense and unstable.
- Despite the fact that UNMIK continuously offers its readiness to assist in the north, Kosovo government and international community does not seem to want to include UNMIK due to status neutral position and the divisions within the UN Security Council triggered by Russian and Chinese rejection of Kosovo independence.

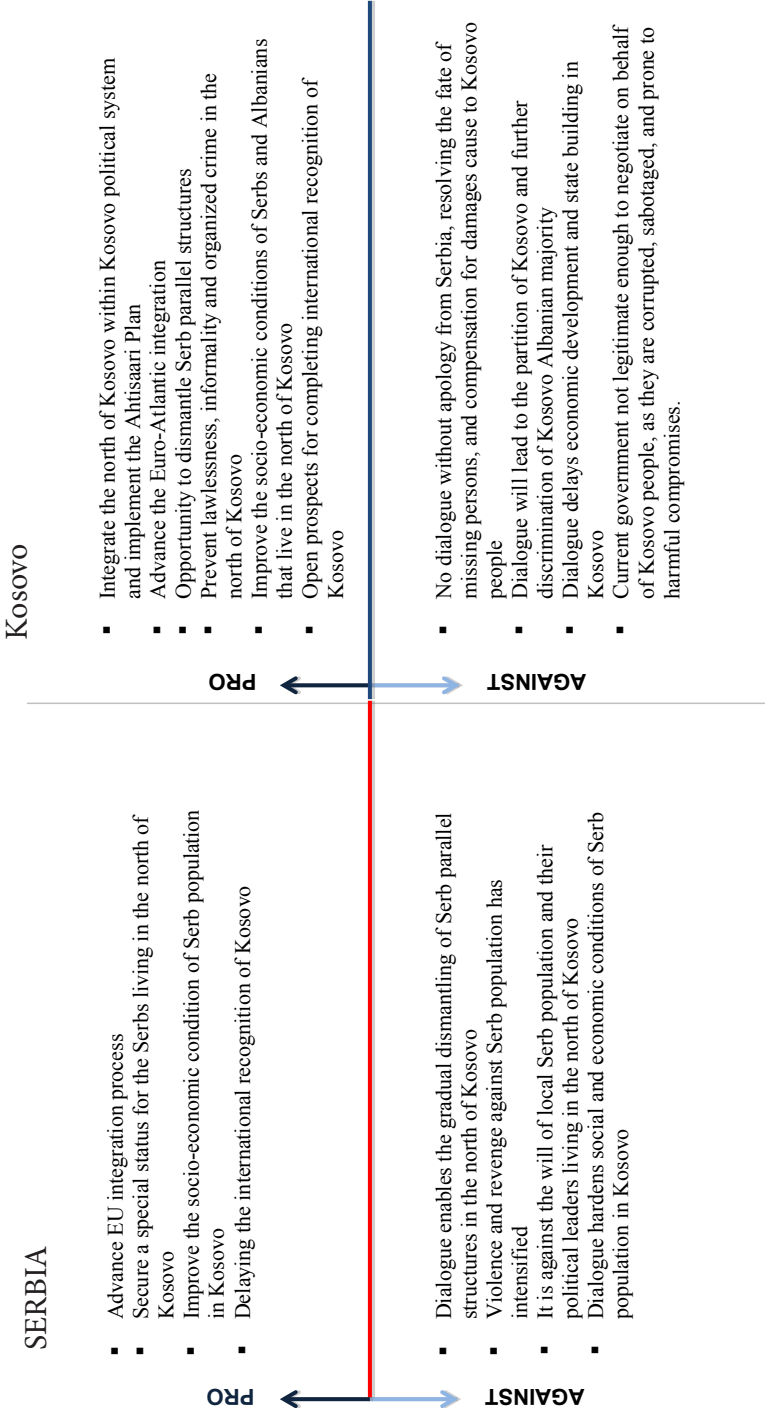
USA, Russia and the Kosovo-Serbia Dialogue

USA	Russia
<ul style="list-style-type: none"> • The United States of America are one of the strongest supporters of Kosovo's quest for consolidation of internal and external statehood, establishment of democratic governance, rule of law, and minority protection. • The position of USA concerning the dialogue with Serbia and the political situation in the north of Kosovo is that there should be no partition of Kosovo and that the solution should be found within the premises of Ahtisaari package. • The US government strongly supports Kosovo quest for extending its authority and sovereignty through out Kosovo, especially in the north. US also supports the future political dialogue with Serbia, which would lead to improvement and normalization of relations between both states. • The United States have been fully supportive to the efforts of KFOR and EULEX to ensure a safe and secure environment, promote the rule of law, enable the free movement of both goods and people within Kosovo, including the north, and facilitate proper border and customs operations in both directions over the Kosovo-Serbia border • The US considers the north of Kosovo as the greatest threat to peace and security in Kosovo. The US government has interpreted the agreement between Kosovo and Serbia reached during the technical dialogue as developments that solidify Kosovo statehood, sovereignty and independence to represent itself in regional affairs. • The US Ambassador in Kosovo has declared that Serbia's platform on Kosovo will obstruct the dialogue with Kosovo, which has the potential to normalize the relations between two countries, foster economic investment, and improve people's lives. 	<ul style="list-style-type: none"> • The Russian Federation is constantly against Kosovo's quest for consolidating its sovereignty. Since the 1999 conflict, Russia has backed Serbia in all its efforts to obstruct consolidation of Kosovo' independent institutions and statehood. • Russia's principle position is that Kosovo's independence was declared and obtained without the consent of Serbia and as such it in breach of international law and state creation norms. • In relation to Kosovo, Russia has exploited the deviant role of Serbia to strengthen its international role and oppose any constructive effort taken by the US and European states in building sustainable peace in the region. Russia has even increased its economic support to Serbia to increase its leverage in the region. • Concerning the north of Kosovo, Russian authorities have provided strong support to Serb government as well as direct support to Serb leaders in the north.

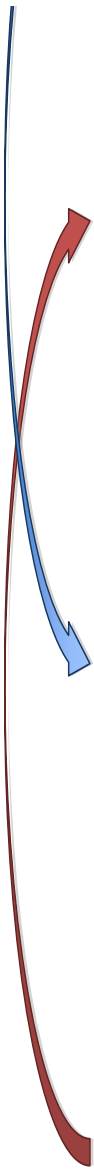
THE RELATIONSHIP BETWEEN KEY ACTORS



ARGUMENTS IN FAVOUR AND AGAINST DIALOGUE IN KOSOVO AND SERBIA



PARADOXICAL CONFORMITY OF OPPOSING DISCOURSES IN THE KOSOVO- SERBIA DIALOGUE



<u>SERB – RADICAL POSITION</u> <ul style="list-style-type: none">• Through technical dialogue and high-political meetings Serbia is de facto recognizing Kosovo• Dialogue risks the gradual dismantling of Serb institutions in the north of Kosovo• Dialogue will weaken the Serb status in the north of Kosovo by being subversive to Kosovo institutions and political system <u>ACTORS:</u> <ul style="list-style-type: none">• Democratic Party of Serbia• Serb leaders in the north• Opinion leaders• Serb war veterans• Media	<u>SERB – MODERATE POSITION</u> <ul style="list-style-type: none">• Dialogue in favor of Serbia's EU integration• Dialogue will enable a special status for the north• Dialogue aims to defend Serbia's Constitution and implicitly obstruct Kosovo's sovereignty and undermine international recognition• Certain Kosovo political leaders unaccepted, 'involved in war crimes'. <u>ACTORS:</u> <ul style="list-style-type: none">• The Government of Serbia• Certain opposition parties• Opinion leaders• Civil society groups• Media	<u>KOSOVO – MODERATE POSITION</u> <ul style="list-style-type: none">• Through technical dialogue and high-political meetings Serbia is de facto recognizing Kosovo• Dialogue enables the gradual dismantling of Serb parallel structures in the north of Kosovo• Dialogue aims to integrate the north under Kosovo institutions authority, improve the socio-economic <u>ACTORS:</u> <ul style="list-style-type: none">• The Government of Kosovo• Certain opposition parties• Opinion leaders• Civil society groups• Media
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ACTOR BEHAVIOUR AND THE HISTORY OF NEGOTIATIONS BETWEEN KOSOVO AND SERBIA

	The Rambouillet Accords 1998-1999	Vienna Final Status Negotiations 2006-2007	Technical dialogue between Kosovo and Serbia 2011-ongoing	High Level Political Dialogue 2012-ongoing
Kosovo	<ul style="list-style-type: none"> - Constructive - Signed the agreement 	<ul style="list-style-type: none"> - Constructive - Accepted and implemented Ahtisaari Package 	<ul style="list-style-type: none"> - Compromising - Constructive - Implemented the agreement 	<ul style="list-style-type: none"> - Hesitant, confident and balanced - Rhetorical commitment - Demanding
Serbia	<ul style="list-style-type: none"> - Destructive - Rejected the agreement 	<ul style="list-style-type: none"> - Destructive - Remained engaged until the end - Rejected the agreement 	<ul style="list-style-type: none"> - Constructive during the dialogue - Delaying the implementation of agreements 	<ul style="list-style-type: none"> - Pro-active - Instrumental approach - Radical position
EU	<ul style="list-style-type: none"> - Fragmented and divided - Facilitator role 	<ul style="list-style-type: none"> - Pro-active and unified - Open to negotiated settlement 	<ul style="list-style-type: none"> - Leading, facilitating role - Neutral and balanced position 	<ul style="list-style-type: none"> - Leading facilitating role - Neutral and balanced position
USA	<ul style="list-style-type: none"> - Imposing and threatening - Proactive 	<ul style="list-style-type: none"> - Pro-active role - Back-seated and observation - Instrumental in the Troika process 	<ul style="list-style-type: none"> - Supportive and observatory role - Supportive of Kosovo position 	<ul style="list-style-type: none"> - Supportive and observatory role - Supportive of Kosovo position
Russia	<ul style="list-style-type: none"> - Destructive - Supportive of Serbia's position 	<ul style="list-style-type: none"> - Destructive - Supportive of Serbia's position 	<ul style="list-style-type: none"> - Supportive of Serbia's position - No direct involvement 	<ul style="list-style-type: none"> - Supportive of Serbia's position - No direct role - Supportive of negotiations

