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Introduction

Part of the Kosovo-Serbia Agreement and on normalization of relations reached through EU mediation, last April 19th in Brussels¹, was the creation of the Association of Serb Municipalities in Kosovo, an institution tying together Serb-majority Kosovo municipalities with its headquarters in northern Mitrovica. The Association was accepted by the government in Prishtina in return for the dismantlement of all the illegal Serbian security structures in the North.²

It was agreed that the Association of Serb Municipalities would only be established after local elections were completed throughout Kosovo, including the problematic north. Ideally, the Serb population would elect legal and legitimate representatives to implement the Brussels agreement reached between Prime Ministers Hashim Thaçi of Kosovo and Serbia's Ivica Dacic of Serbia, and witnessed by mediator and EU High Representative Catherine Ashton. To implement the agreement, people and structures on the ground had to be willing to do it, and the Kosovo and Serbia governments had to accept these people and structures. The whole Kosovo-Serbia normalization deal thus obviously rests on having widely accepted mayors and local governments in Serb-majority municipalities.³ Serb participation in these elections was essential for Kosovo; it represented a unique opportunity to start integrating the Serb community north of the Ibar River. On the other hand, Northern Kosovo was always going to be subject to political negotiations with Serbia. "With 90% of population in the North being Serbs, there's no other way around it", said a former EU diplomat.⁴

* * *

As far as the north of Kosovo⁵ is concerned, the expected resistance towards Prishtina-Belgrade Normalization Agreement, noted also in our recent policy analysis "Kosovo-Serbia dialogue: Windows of Opportunity or a House of Cards?",⁶ complicates implementation of several key parts of the agreement, including the holding of elections.⁷ In Mitrovica, violence ended voting prematurely, as the OSCE mission supervising the process on behalf of the Kosovo Central Election Commission (CEC) abandoned the polling stations in the North due to security concerns. As a result, CEC ordered a repeat of elections in three polling stations in the municipality of Mitrovica North.⁸

¹ Press Release, European External Action Service, 19 April, 'Serbia and Kosovo reach landmark deal', available at: http://eeas.europa.eu/top_stories/2013/190413_eu-facilitated_dialogue_en.htm

² See text of the agreement: <http://www.europeanvoice.com/page/3609.aspx?&blogitemid=1723>

³ Several Western diplomats in Prishtina in informal discussions continuously underlined the importance of having representatives for Serbs in North of Kosovo, that would be accepted as legitimate by both Kosovo and Serbia governments.

⁴ Former EU diplomat until recently posted in Kosovo, Personal communication, November 18th.

⁵ Generally, the term "Northern Kosovo" encompasses four municipalities in northern part of Kosovo, which have Serb majority population. These are Mitrovica North, Zubin Potok, Zvecan and Leposavic.

⁶ GLPS, 2013, "Kosovo-Serbia dialogue: Windows of Opportunity or a House of Cards?", available at: <http://legalpoliticalstudies.org/download/Policy%20Analysis%2003%202013.pdf>

⁷ In North of Kosovo, besides organizing elections, there were and still remain problems in freedom of movement, as well as dismantling of parallel structures, etc.

⁸ Koha Ditore Daily, 'KQZ: zgjedhjet ne veri përsëriten me 17 Nëntor, available at: <http://www.koha.net/?page=1,17,164720>

The Government of Serbia was expected to help encourage Kosovo Serbs on the North to take part in the elections.⁹ Due to this expectation, Kosovo institutions as well as international presence ignored the extent of Belgrade's intrusion in Kosovo. According to a well placed source, besides Serb politicians like Prime minister Ivica Dacic, First Deputy Prime minister Aleksandar Vucic, and minister in charge for Kosovo issues, Aleksandar Vulin, who came regularly to lobby for election participation and in favor of "Srpska," Belgrade "also had Police and Gendarmerie presence in the North, who practically oversaw the whole of election campaign and voting."¹⁰

Initially, the aim of this presence was to prevent the boycott of elections from succeeding, which it partly did – the turn out in the Northern Kosovo after Mitrovica re-run was between 15-20 per cent, which was enough for the process to be considered successful.¹¹

Later, the Serbian security apparatus in Kosovo was used to pressure voters into voting for "Srpska" candidates.¹² These pressures led to many Serb candidates, including the Independent Liberal Party (SLS),¹³ depositing official complaints with CEC. Hence, Belgrade used its involvement to campaign on behalf of Citizens Initiative "Srpska,"¹⁴ openly supporting it against several Serb parties and initiatives competing for local offices in more than 10 municipalities.¹⁵ Oliver Ivanovic, leader of Serb Citizens Initiative SDP and candidate for mayor of Mitrovica North, most recently underlined Belgrade's involvement, by claiming that in the re-run of elections in Mitrovica, on November 17th, the "Srpska" candidate, Krstimir Pantic,¹⁶ had everything at his disposal, "*including pressure, force and extortion, institutions and blackmailing of people, forcing people to come out to polling stations, visiting ministers and government (of Serbia) representatives... I think only the Serbian aviation did not act, everything else was used.*"¹⁷

This also meant that already integrated Serb municipalities, like Gracanica or Strpce, became "battlegrounds" where incumbent Serb mayors and local parties were challenged by Belgrade sponsored "Srpska".¹⁸ As stated by a Kosovo Serb politician, "*we thought agreement was about integrating the North, but now it seems the risk is to have the already integrated South... disintegrate.*"¹⁹ This was underlined immediately after the second round of elections for mayors on

⁹ According to diplomatic sources, no meaningful turnout of Serbs in the North would be possible without Belgrade actively calling the Serbs to vote; this mainly because the Serb radicals and extremists campaigning for a election boycott had a strong foothold in the North, Personal communications, November 5th and November 7th.

¹⁰ A well placed source with a Kosovo security institution, who chose to remain anonymous, personal communication, November 14th.

¹¹ Before elections, diplomats hesitated to state what percentage of Serb turnout in the North would be considered "credible" in order for elections to be accepted as legitimate and representative. Informally, two diplomats agreed that anything above 15 % of turnout in the North would be huge success, personal communication, October 15-20.

¹² Kosovo Serb politician, who chose to remain anonymous, personal communication, November 11th.

¹³ Samostalna Liberalna Stranka - SLS is the member of Kosovo Governing coalition, in which it holds two ministries, as well as one of six Deputy Prime ministers.

¹⁴ Citizen Initiative "Srpska" was, in fact, created by Belgrade Government and it comprises mostly from people who were part of illegal Belgrade sponsored parallel structures in Kosovo.

¹⁵ Several Kosovo Serb parties and candidates complained openly that Government of Serbia officials were campaigning for "Srpska", in what they deemed to be unfair involvement of Belgrade officials.

¹⁶ Krstimir Pantic was previously mayor of illegal Mitrovica municipality, and member of Progressive Party of Serbia (SNS) led by Serbian Deputy Prime minister Aleksandar Vucic.

¹⁷ B 92, 18 November 2013, 'Ivanović: Samo avijacija nedostajala' available at: http://www.b92.net/info/komentari.php?nav_id=778799.

¹⁸ After the second round, held on December 1st, Gracanica was won by "Srpska", while SLS candidate was elected mayor of Strpce, apparently with many Albanians from that municipality voting for him.

¹⁹ Kosovo Serb politician, who chose to remain anonymous, personal communication, November 11th.

December 1, in which “Srpska” candidates won in eight of ten Serb-majority municipalities.²⁰ The “Srpska” candidate is also favored to win in Partes.²¹ The result was hailed by Serbia’s PM as a victory for Serbia.²²

For many, this means that “Srpska” will dominate and run the Association of Serb Municipalities, which, at a practical level, could mean that the Government of Serbia will be the supreme authority over this soon-to-be-created political entity in Kosovo.²³ This result feeds the widespread belief in Kosovo that Serbia aims to transform the Association of Serb Municipalities into a sort of Republika Srpska, the entity causing dysfunction Bosnia and Herzegovina.²⁴

Several diplomats in Prishtina also warn that the Republika Srpska scenario could be repeated among the Serbs in Kosovo.²⁵ The international public statements noting this possibility²⁶ came after the newly elected mayor of Mitrovica North, Krstimir Pantic, made the inflammatory claim that Association of Serb Municipalities will be an “obstacle to independence of Kosovo,” and that “after these elections Kosovo will never become member of UN.”²⁷ They also followed Belgrade’s statement hailing the election results as a “victory” for Serbia in its attempt to block further international recognition of Kosovo’s independence and analysts and opposition leaders in Prishtina vocally concluding, “A new Republika Srpska is being created in the North”.²⁸

* * *

The Kosovo government, although occasionally voicing its concern over Belgrade’s interference in the election process,²⁹ was mostly a passive bystander, waiting for the international community to comment on the results.³⁰

The OSCE mission in Kosovo administered the process in the North. While the OSCE was nominally helping CEC, there was, in reality, no CEC presence in the North. The OSCE was the de facto organizer of elections in the North. Thus, when OSCE noted security risk in polling stations in Mitrovica

²⁰ Citizen’s Initiative Srpska will have mayors in: Northern Mitrovica, Leposavic, Zubin Potok, Zvecan, Gracanica, Ranilug, Novo Brdo, and Klokoč. Only Sterpce was won SLS candidate. <http://rezultatet.rks-gov.net>

²¹ Due to irregularities, on December 15th voting will be repeated in one polling station in Partes municipality. “Srpska” candidate Dragan Nikolic leads the race, but SLS candidate Nenad Cvetkovic still has a chance of winning.

²² RTV Studio B, 04, December 2013, ‘Dačić: Ubuduće razgovori o Statutu ZSO’, available at: <http://www.studiob.rs/info/vest.php?id=95524>.

²³ Kosovo Serb politician, who chose to remain anonymous, personal communication, December 3rd.

²⁴ Former High Representative in Bosnia and Herzegovina, Paddy Ashdown, is among many Western diplomats and politicians who share the view that Republika Srpska President, Milan Dodik, intentionally works to keep Bosnia and Herzegovina a dysfunctional state, hoping he could force separation of Republika Srpska from BH. http://www.b92.net/eng/news/region.php?yyyy=2012&mm=01&dd=22&nav_id=78411.

²⁵ US Ambassador to Kosovo, Tracey Ann Jacobson, as well as German Ambassador Peter Blomeyer, have both warned that there’s a risk of Association of Serb municipalities turning into something close to Republika Srpska, <http://www.koha.net/?page=1.13.168006>.

²⁶ Ambassador Jacobson spoke during a public event in Prishtina, while ambassador Blomeyer addressed the issue in an interview with Koha Ditore newspaper, published on December 5th 2013.

²⁷ Kurir, 03 December 2013, ‘Krstimir Pantić: Mitrovica ostaje bedem Tačiju!’, available at: <http://www.kurir-info.rs/krstimir-pantic-mitrovica-ostaje-bedem-taciju-clanak-1115543>.

²⁸ Blic, 05 December 2013, ‘Vlasi: Stvara se nova RS na severu Kosova’, available at: <http://www.blic.rs/Vesti/Politika/425048/Vlasi-Stvara-se-nova-RS-na-severu-Kosova>.

²⁹ In several instances, Government of Kosovo has refused to allow Serbia officials to visit Kosovo, citing their inappropriate inclusion in local election campaign. But, in all instances, it allowed the visits days later, making itself look weak in front of what Kosovo majority saw as Serbian infringement of Kosovo’s laws and Constitution.

³⁰ Source from a Kosovo institution, with knowledge of process, personal communication, November 18th, 2013.

North and it withdrew all the staff from the whole of the northern municipalities, it effectively ended voting earlier than legally foreseen.³¹

Kosovo Albanian parties, including the governing Democratic Party led by Prime Minister Hashim Thaçi, appeared to have little interest in the Serb-majority municipalities. All were more engaged with elections in the Albanian-dominated municipalities, and rarely mentioned problems in the North during the campaign.³² Even after the elections were over, the Kosovo Government and the Kosovo Albanian political parties only belatedly noted the full implications of the new political situation in the North and among the Serb community in general. In all likelihood, they were preoccupied by unexpected election results, which saw the governing PDK take a huge blow and the main opposition party, LDK, gain ground throughout Kosovo, but, against long odds, lost a vital stronghold – the Prishtina municipality – to the Self-Determination Movement candidate, Shpend Ahmeti.³³

Such was the ignorance of the Kosovo Government and the opposition parties of events in the North that they failed to reply to Serbian PM Dacic's statement in Mitrovica that Association of Serbian municipalities will open its office in Brussels: "*For the first time you will have Serbian institutions which nobody can call parallel. They will be legal and legitimate, and we plan to open in Brussels an office for Association of Serb Municipalities*", said Dacic, implying Association of Serb Municipalities is "Serbian institution" independently represented in EU.³⁴ No one from Kosovo institutional and political leaders or parties challenged that statement.

Generally, this and other incidents showed that on November 3 as well as on December 1, there were two different elections held in Kosovo.

First, there were elections for local governments and mayors in Albanian majority municipalities.³⁵ These elections decided the officials who will deal with sewage, water supply, garbage collection, municipal services and administration in their municipalities.

Second, there were elections in Serb dominated municipalities, which were less about local government than they were about legitimizing Serbia's political structures in Kosovo. Illustrating this point, a Kosovo Serb politician said that during the election campaign, Belgrade-supported candidates were "*drawing geography and topography maps, out of water and sewage systems*".³⁶ Kosovo Serb politicians who chose to integrate into and work with the Kosovo government before the Brussels dialogue started³⁷ were attacked by Belgrade-supported candidates as "Thaci's serbs" and "traitors" who needed to be replaced.³⁸

However, the process failed to deal the mortal blow to "Thaci's Serbs"; instead, the results brought a more complicated picture, with Belgrade-supported "Srpska" getting less than they had hoped.³⁹

³¹ Source from a Kosovo institution, with knowledge of process, personal communication, November 18th.

³² With exception of the evening of November 3rd after the violence in the north became too obvious not to be seen.

³³ All the main cities of Kosovo, apart from Prizren, have seen opposition candidates win the race against incumbent mayors

³⁴ Dacic was speaking in a election rally, organized by Citizen's Initiative "Srpska" on November 15, in Mitrovica, two days before the re-run. <http://www.kurir-info.rs/dacic-zso-da-dobije-kancelariju-u-briselu-clanak-1088377>.

³⁵ Including municipalities with sizeable non-Serb minority like Dragash, Prizren, and Mamusha.

³⁶ Kosovo Serb politician, who chose to remain anonymous, personal communication, November 18th, 2013.

³⁷ SLS is the prime example, but not the only one.

³⁸ Kosovo Serb politician complained that in Serbian media he and his party were randomly described as "Thaci's serbs", noting that most of Kosovo serbs get their news from Serb media only, personal communication, November 11th.

³⁹ Citizen's Initiative "Srpska" failed to win Sterpce municipality, which is one of the biggest centers for Serbs in Kosovo, after the North and Gracanica.

* * *

The result, at least for the moment, is what was exactly predicted as possible negative development in previous analysis, “*Kosovo-Serbia dialogue: Windows of Opportunity or a House of Cards?*”:

- Raising tensions in the north
- Greater autonomy for Serbs ruining the Ahtisaari balance

Tensions in the North: Raised tensions in the North were easy enough to predict. However, the Election Day violence was by no means ordinary, and cannot be completely blamed on radical Serbs who opposed participation in the elections. According to several sources, on the evening of November 3, just as it was getting dark, masked men entered several polling stations in Mitrovica North, destroyed the ballots, and effectively invalidated the voting. The OSCE staff fled, and the Kosovo Police officers guarding the polling stations, did not react.⁴⁰ This led many to believe that incidents were orchestrated to force a re-run, because on November 3 Serb turn out in North Mitrovica municipality was lower than Albanian turnout, which meant that the Municipal Assembly could have an Albanian majority and that an Albanian might be elected as mayor. This, as stated publicly by Serbian PM Dacic, was “unacceptable” for Serbs, and would ruin the whole normalization deal. “*Election of an Albanian as mayor of Mitrovica would ruin the whole concept of Association of Serb Municipalities*,” said Dacic, immediately after elections. He added: “*If Serbs don’t go out to vote in good numbers, we will have an Albanian as mayor. This would cause conflicts, maybe even armed ones, and in that case Serbia could not help much*”.⁴¹ Oddly enough, within days Kosovo Foreign Minister Enver Hoxhaj stated that the “*mayor of Mitrovica will be a Serb*”.⁴²

The inescapable conclusion is that while the risk of tensions caused by radical Serbs boycotting Kosovo elections has fallen, a much greater danger looms in the not-too-distant future: a Kosovo Serb local government under the aegis of the Association of Serb Municipalities, led by “Srpska” and guided by the Government of Serbia that will test where are the “red lines” for Prishtina, as well as for Brussels. Allowing this scenario to unfold will be costly for all.

Greater autonomy for Serbs versus the Ahtisaari balance: After the April agreement, greater autonomy for Serbs in Kosovo is already agreed; Kosovo government has accepted many features of Association of Serb Municipalities that can make this entity function as the government of an autonomous region. If the Brussels deal had been carefully crafted to keep the delicate balance of positive discrimination in exchange for functionality, as proposed by Martti Ahtisaari in the Comprehensive Proposal for Kosovo Status Settlement, this might not have been a bad solution.⁴³ However, Kosovo negotiators failed to keep this balance.

For example, Kosovo should have insisted that no deal on Association of Serb Municipalities could be reached before Serbia accepts Kosovo’s sovereignty over Gazivoda Lake, an indispensable

⁴⁰ Events described by several sources, including Adrijana Hodzic, a candidate for mayor of Mitrovica, currently head of Kosovo Government office in Mitrovica North, who complained that police failed to intervene to prevent violence. <http://www.koha.net/?page=1,17,164361>

⁴¹ Dacic statements for Serbian press, November 6, <http://www.pressonline.rs/info/politika/290773/dacic-srbi-izadjite-na-ponovljene-izbore-da-ne-bude-albanac-gradonacelnik.html>

⁴² Enver Hoxhaj, interview for Deutsche Welle, November 14, <http://www.blic.rs/Vesti/Politika/419807/Hodzaj-Gradonacelnik-Mitrovice-bice-Srbin>

⁴³ For Ahtisaari proposal, see <http://www.unosek.org/unosek/en/statusproposal.html>

strategic interest for Kosovo.⁴⁴ There also should have been a more persistent demand to have the dialogue on economic issues first, including the privatization of former socially owned enterprises like the “Trepca” mines complex, which straddles southern and northern Mitrovica. It is worth noting that the Government of Serbia, in spite of the dialogue with Kosovo and the objections mad by the Kosovo government and its institutions, has negotiated a deal to sell part of “Trepca” mines in the northern Kosovo to an American company, NGP.⁴⁵

As arranged, the Association of Serb Municipalities deal that was supposed to disband illegal parallel structures has effectively legalized them. Furthermore, the Association of Serb Municipalities might very soon play a role similar to the one Republika Srpska is playing in Bosnia and Herzegovina: prove the incapability of Kosovo to function as a fully independent state.

For Serbia, it will be a good substitute for its current policy of blocking Kosovo’s development, since Belgrade will come under pressure to “let Kosovo be” once EU accession negotiations start.⁴⁶ Belgrade officials will continue to tell their people that they have not changed their position towards Kosovo independence, while they will be able to tell Western diplomats and EU bureaucrats that it is beyond their power to interfere with decisions made by legally elected local representatives acting through the Association of Serb Municipalities.

Responsibility for this negative outlook does not lie with Belgrade alone; Prishtina, as well as EU mediators, invited this possible disaster by agreeing to call the new political entity in Kosovo the “Association of Serb Municipalities.” By its name alone, the institution implies ethnic division, since these municipalities are defined as belonging to one ethnicity. This declared ownership is contrary to the principle of a multiethnic state of Kosovo on which the West, particularly the EU, has insisted.⁴⁷

If these are the true omens, then the future is not as bright in the North; empowering local Serbs through Association of Serb Municipalities without limiting the powers of such an entity (and getting Belgrade to accept these limitations), could very well cost Kosovo its functionality as a state. That, coupled with new kind of tensions in the North, is anything but a solution to a problem.

⁴⁴ Gazivoda Lake is situated in Zubin Potok municipality, in Kosovo territory, bordering with Serbia. It’s the biggest lake in Kosovo, and it’s water is essential among other things for Kosovo’s energy production.

⁴⁵ Novostni, 14 November 2013, ‘Amerikanci preuzimaju pola “Trepče”, available at: <http://www.novosti.rs/vesti/naslovnica/ekonomija/aktuelno.239.html:463716-Amerikanci-preuzimaju-pola-Trepce>.

⁴⁶ The Kosovo issue is expected to be part of more than one chapter in Serbia’s accession negotiations.

⁴⁷ Very telling was the warning that came from Belgrade immediately after first round of election, when Serbian PM stated that election of a non-Serb mayor of Mitrovica North will practically ruin the deal made in Brussels <http://www.kurir-info.rs/dacic-kljucno-pitanje-hoce-li-srbin-bitu-gradonacelnik-mitrovice-clanak-1086439>.

POLICY NOTES

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