

A POLICY REPORT BY THE GROUP FOR LEGAL AND POLITICAL STUDIES

NO. 02 – FEBRUARY 2012



From Technical Arrangements to Political Haggling:

—The Kosovo-Serbia Dialogue
and the North of Kosovo



ABOUT GLPS

Group for Legal and Political Studies is an independent, non-partisan and non-profit public policy organization based in Prishtina, Kosovo. Our mission is to conduct credible policy research in the fields of politics, law and economics and to push forward policy solutions that address the failures and/or tackle the problems in the said policy fields.

Policy Report 02/2012

From Technical Arrangements to Political Haggling: The Kosovo-Serbia Dialogue and the North of Kosovo

Aubrey Hamilton

February 2012

© Group for Legal and Political Studies, 2012.

Group for Legal and Political Studies
'Rexhep Luci' str. 10/5
Prishtina 10 000, Kosovo
Web-site: www.legalpoliticalstudies.org
E-mail: office@legalpoliticalstudies.org
Tel/fax.: +381 38 227 944



Fondacioni i Kosovës për Shoqëri të Hapur
Kosovska Fondacija za Otvoreno Društvo
Kosovo Foundation for Open Society

Supported by Kosovo Foundation for Open Society (Soros Foundation), Prishtina, Kosovo. The opinions expressed in this publication do not necessarily reflect those of the Kosovo Foundation for Open Society (KFOS).

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any mean without the permission. Contact the administrative office of the Group for Legal and Political Studies for such requests. Information on contacts can be found at the web site of the Group. If you wish to further use this paper, please contact GLPS for permission.

FROM TECHNICAL ARRANGEMENTS TO POLITICAL HAGGLING: THE KOSOVO-SERBIA DIALOGUE AND THE NORTH OF KOSOVO

For the first time since Kosovo declared independence in February 2008, Kosovo and Serbia began a direct dialogue in March 2011, under the facilitation and mediation of the European Union. The EU-facilitated dialogue between Kosovo and Serbia has sought technical solutions and agreements that promote neighbourly relations between Kosovo and Serbia and help normalize the situation in the northern Kosovo.

Acting as a neutral mediator and leveraging the benefits of European integration (which is partly conditional upon maintaining a pro-European Belgrade), the EU hoped to help Kosovo and Serbia find lasting policy solutions for the multi-ethnic northern Kosovo and the relations between Kosovo and Serbia. However many challenges, both technical and political, have prevented the successful implementation of agreements that have been reached so far. Parallel structures and institutions in the north, ethnic tensions, and domestic pressures on politicians in both Belgrade and Prishtina have ignited conflict over the northern border and solution for the north that has inhibited the success of the dialogue thus far and has prevented the normalization of the situation in the northern Kosovo.

While the dialogue between Kosovo and Serbia continues, the European Commission's Enlargement Strategy of 2011-2012 placed individual pressure on Prishtina to embark on a new comprehensive agenda for the north. While a new normalization and development plan for the north could be seen as a close alternative to the UN commissioned Ahtisaari Plan, the European Union has not made clear what is meant by a 'comprehensive agenda for the north.'

The sometimes ambiguous position of the European Union (and particularly of Robert Cooper) regarding the dialogue and end-goals for the northern Kosovo and the normalization of relations between Kosovo and Serbia is seemingly a result of the varied positions of EU member states regarding Kosovo's independence, their approach to the issue of the northern municipalities of Kosovo, and their regard for Serbia's EU integration. These differing perspectives on the dialogue and the situation in Kosovo are the result not only of historical ties to Belgrade or Prishtina but also of many EU members' own ethnic situations. Sometimes, as is the case with the European Commission's approval but European Council's objection to Serbia's EU candidacy in December 2011, the differing positions of the EU member states in regard to the dialogue and the situation in Kosovo have led to internal contradictions within the European Union and between different bodies of the EU.

The aim of this policy report therefore is to provide an analysis of the Kosovo-Serbia dialogue, the role of the European Union in the dialogue and the political implications of the dialogue, and the role of the dialogue in finding a sustainable solution for the northern Kosovo. In the first section of descriptive analysis, we highlight the drawbacks and successes of dialogue thus far and the unique character of the EU as facilitator. In the second section of analysis, we argue that the strictly "technical" EU-facilitated dialogue had, not surprisingly, *political* implications that challenged and reversed the success of the previous agreements and progress in the north. Moreover, internationally polarized positions and internal contradictions within the European Union over the strategy and goals of the dialogue led to doubts about mutual adherence and inhibited the implementation of the agreements and the commitment of Belgrade and Prishtina. However, we suggest that the European Union continues to have value in facilitating the dialogue and finding a solution for the north as it can leverage European Union membership and European integration for Serbia and Kosovo, in addition to fulfilling its role as a "neutral" third party by

bridging the divide between Prishtina and the north and allowing Prishtina a “back door entry” economically and politically. Furthermore, we address how a government turnover in Belgrade – shifting towards more nationalistic politics – could impact Belgrade’s approach to northern Kosovo and their adherence to EU conditionality.

Finally, in the third section of this policy report, we identify the political, economic, discursive/communicatory mechanisms that Prishtina can use to implement a comprehensive approach, regain/extend the Ahtisaari Plan authority in the north, provide a better life for the people living in the four northern municipalities, and subsequently reap the benefits of European integration (in the immediate form of visa liberalization). In addition, we analyze how the EU can leverage the possibility of EU candidacy status to convince Belgrade to remove their parallel structures in the north, thus allowing a space for Prishtina to fully implement a comprehensive agenda and incorporate northern Kosovo Serbs and Albanians into Kosovo civil and political society.

I. BACKGROUND AND INFORMATION

With a settlement status agreed upon, Kosovo declared independence on February 17, 2008 and accepted the Ahtisaari Plan as part of its national constitution.¹ Seven nations recognized Kosovo’s independence the next day and over twenty states recognized and confirmed Kosovo’s statehood and sovereignty by the end of February 2008—notably including the United States, the EU members states of France, the UK, Latvia, Germany, Estonia, Italy, Denmark, Luxembourg, Belgium, Poland, Austria, Ireland and NATO members Albania and Turkey. The entire Quint had accepted the statehood of Kosovo, while Serbia and Russia fiercely opposed Kosovo’s independence. The day after Kosovo’s declaration of independence, the EU approved three mission deployments, maintaining the EUSR and ICO presence and installing EULEX as a rule of law mission in Kosovo.²

Despite the continued presence of KFOR and UNMIK, in the aftermath of the proclamation of independence, violent conflict broke out above the Ibar River in northern Kosovo. While 5 percent of Kosovars are ethnic Serbs and 90 percent are ethnic Albanians, Serbs are the ethnic-majority above the Ibar River in northern Kosovo.³ This ethnic polarization is still a serious challenge for Prishtina’s authority in the four northern municipalities in Kosovo.

On March 16, 2008, Belgrade offered the “functional division” of Kosovo in an attempt to officially gain control over the institutions in the northern Kosovo municipalities, but Prishtina declined. However, on May 2008, Belgrade went ahead with municipal elections in northern Kosovo municipalities marking the first Serbian municipal elections in Kosovo since 1996.⁴ While the Kosovo constitution took effect on June 15 and UNMIK transferred its power to the Kosovo government in Prishtina, Serbs in Mitrovica established a parallel assembly less than two weeks

¹ See the Kosovo Declaration of Independence, 17 February 2008, available at: http://www.assembly-kosova.org/common/docs/Dek_Pav_e.pdf

² International Crisis Group. ‘CrisisWatch Database: Kosovo’, <http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bE549D816-1DF9-4BC0-B890-0F3A2B62FD1B%7d#results>. (June 2008).

³ Statistical Office of Kosovo (ESK). (2008). Report on: Ndryshimet demografike të popullsisë së Kosovës në periudhën 1948-2006, Seria 4: Statistikat e Popullsisë, retrieved from: <http://esk.rks-gov.net/statistikat-e-popullsise/shko>

⁴ International Crisis Group. ‘CrisisWatch Database: Kosovo’, <http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bE549D816-1DF9-4BC0-B890-0F3A2B62FD1B%7d#results>. (January 2012).

later. Both Prishtina and the UN declared these elections to be illegal. Despite the attested illegality of the May elections condemned by Prishtina and the UN, Belgrade and northern Kosovo Serbs worked together to launch the assembly of forty-five northern Kosovo Serbs in Mitrovica that could defy and challenge the new government in Prishtina.⁵

With Serbia and Russia continuing to question the legality of Kosovo's independence on the global public stage, the United Nations General Assembly resolution 63/3 was issued in October 2008, approving Serbia's request for the International Court of Justice to provide an advisory opinion addressing whether the "unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo was in accordance with international law".⁶ On July 22, 2010, two years later, the ICJ rendered Kosovo's declaration not in violation of both general and *lex specialis* international law.⁷ On September 11, 2008, the Kosovo government announced decentralisation plans to incorporate and integrate ethnic communities into Kosovo's political sphere, as prescribed in the Ahtisaari Plan, which would hopefully serve the additional benefit of challenging the parallel municipal authorities that had been established both north and south of the Ibar River.⁸

Finally in December 2008, EULEX took over the rule of law mission from UNMIK. Because EULEX would be deployed north of the Ibar River, Belgrade and Russia insisted upon a UN mandate for EULEX.⁹ In late November, the UNSC approved a 6-point plan providing for EULEX's deployment to Kosovo which included provisions for separate chains of command for ethnic Albanian and Serb police, a status-neutral force, and an agreement 'not to implement' the Ahtisaari Plan.¹⁰ Despite practical problems, the EULEX mission was fully deployed by April 2009. However, the increasing ethnic tensions in the north coupled with parallel structures that diminished the effectiveness of rule of law and a functioning civil and political society pushed the UN General Assembly, on September 9, 2010, to respond favorably to the ICJ's opinion and authorized 'the European Union to facilitate a process of dialogue between the parties' of Prishtina, Belgrade, and the EU that could "promote cooperation, achieve progress on the path to the European Union and improve the lives of the people".¹¹ The overall rationale after this call was to promote the communication between Kosovo and Serbia, and to push forward policies that normalize the political problems initially through 'technical' arrangements.

The European Union was a convenient moderator as both Serbia and Kosovo had their sights set on eventual accession, and both Belgrade and Prishtina were persuaded to reengage in direct dialogue under the facilitation and mediation of EU's Representative Mr. Robert Cooper. However, the dialogue, while geared towards solving the economic, political, legal and social problems and inventing a sustainable communication between Kosovo and Serbia, was limited to strictly 'technical issues' such as freedom of movement, rule of law, telecommunications, and energy sharing.

⁵ Ibid.

⁶ See GA Res 63/3 of 8 October 2008.

⁷ International Court of Justice, 22 July 2010, "Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo", retrieved from: <http://www.icj-cij.org/docket/files/141/15987.pdf>.

⁸ International Crisis Group

⁹ Ibid.

¹⁰ Ibid.

¹¹ UN General Assembly Resolution 64/298. "Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law." (13 October 2010).

After the Kosovo government was reformed in February 2011 as a result of parliamentary elections that were held in December, the dialogue began on March 8. While three agreements were reached between Kosovo and Serbia on July 2nd, the inability of Kosovo and Serbia to produce an EU-facilitated customs agreement that allowed for the movement of Kosovo goods into Serbia was deemed a major set-back for the dialogue process, for relations between the governments of Serbia and Kosovo, and for the normalization of northern Kosovo.

Since independence, Serbian goods moved freely into Kosovo while Serbia refused to accept customs stamps from the *Republic* of Kosovo and the presence of Kosovo border guards, inhibiting the movement of goods and people across the border. The economic and domestic pressures were mounting for the Kosovo government to reach a timely EU-facilitated customs agreement that would provide for the free movement of Kosovo goods into Serbia. For Kosovo there were two alternatives left: a timely customs agreement or swift reciprocity measures (as foreseen by the 2006 Central European Free Trade Agreement) involving a ban on imports from Serbia.

According to Deputy Prime Minister and Head Kosovo Representative for the Dialogue Edita Tahiri, the Kosovo delegation insisted upon resolving this issue through an official EU-facilitated settlement as opposed to imposing a ban on imports from Serbia.¹² However, when the EU failed to facilitate a Customs Agreement on July 2nd, as Tahiri revealed, she reminded all parties involved in the dialogue that “either we solve this problem in dialogue, or we are going to plan reciprocity and place an embargo on Serbian goods.”¹³ When the EU facilitator Robert Cooper and the Prishtina Representative Edita Tahiri convened in Brussels on July 19th to negotiate a Customs Agreement the next day, Belgrade’s representative was absent without warning.¹⁴ According to Deputy Prime Minister Tahiri, Serbia’s refusal to attend indicated their lack of readiness and willingness to accept Kosovo customs stamps.¹⁵ In contrast to Tahiri’s affirmation, Robert Cooper’s press statement issued on July 19th spoke of *his* decision to postpone the meeting scheduled for the next day due to his belief that no agreement would be reached, complicating the understanding and analysis surrounding the events of late-July.¹⁶ According to the Italian Ambassador to Kosovo and former EU Representative to the Northern Kosovo Mr. Michael Giffoni, he also informed Mr. Robert Cooper that the consequences of a postponement of the issue were clearly the Kosovo Government’s adoption of reciprocity measures. According to Mr. Giffoni, what happened between the end of June and the end of September “was the anticipation of a crisis”, and both the Kosovo and Serbia governments had readied themselves to take alternative action when the EU-facilitated dialogue failed or did not match their agenda.¹⁷

When Serbia neglected to attend the July 20th meeting, Kosovo looked to Plan B—reciprocity in the form of an immediate back embargo on Serbian goods.¹⁸ According to Ms. Tahiri, this embargo was not because Kosovo wanted to strengthen its sovereignty or assert its authority in the north but was rather, after three years of tolerating an embargo on Kosovo goods without reciprocation, a reaction to Serbia’s reluctance to reach an agreement on free trade or customs stamps. However, EULEX manned the borders with little control and limited ability to enforce the

¹² Edita, Tahiri. Personal interview. 6 January 2012.

¹³ Ibid.

¹⁴ Ibid; Giffoni, Michael. Personal Interview. 9 January 2012.

¹⁵ Ibid.

¹⁶ EU Press Statement 256. “EU facilitated dialogue: next round of talks postponed.” (19 July 2011).

¹⁷ Giffoni, Michael. Personal Interview. 9 January 2012.

¹⁸ Lazarevi, Tatjana (2011) ‘The northern Kosovo barricades’, Osservatorio Balcani e Caucaso, (2 August 2011), Retrieved from: <http://www.balcanicaucaso.org/eng/Regions-and-countries/Kosovo/The-northern-Kosovo-barricades-99713>.

embargo, allowing Serbia to challenge Kosovo's decision and transport goods into Kosovo via the 'fragile' and 'porous' EULEX-guarded northern borders (Tahiri). Therefore, according to Ms. Tahiri, it was Serbia's violation of Kosovo's decision to place an embargo that pushed Kosovo to undertake the action of the 25th of July, "in the name of rule of law."¹⁹ On July 25, the Kosovo Government sent special units of Kosovo police to regain control over border points 1 and 31. While Mr. Giffoni asserted that both he and Mr. Cooper expected reciprocity measures²⁰, the European Union did not imagine that Kosovo would send guards to the north to fully implement its decision.

On the other hand, a close analysis of Serbia's actions in the weeks leading up to the 25th of July and the immediacy and strength of the mobilization of northern Kosovo Serbs against the Kosovo border guards on the morning of July 25th suggest that Serbia anticipated and prepared for Kosovo's culminating decision to enforce the embargo with Kosovo police and border guards. Serbia veiled their resolute unwillingness to compromise on a customs agreement in July, prompting Kosovo to maintain their focus and resources on finding an EU-facilitated agreement. When Serbia continued to export goods into Kosovo illegally, Kosovo quickly implemented a self-enforced embargo strategy. The government of Kosovo sent special police units to Gates 1 and 31 (Jarinje and Brnjak crossings) on the morning of July 25th. Kosovo border guards and police units from the south restricted the movement of Serbian goods into the northern Kosovo municipalities, resulting in a cascade of events that seriously set back inter-ethnic relations and normalization in the north, harming the international perception of Kosovo's political progress and stability, and the dialogue process.

Kosovo Serbs in the north were quick to react to the police-enforcement of the Prishtina-originated embargo on Serbian goods. On July 25th, northern Kosovo Serbs blocked roads leading to the border crossings 1 and 31 and fired upon the border points.²¹ Belgrade was also seemingly prepared to react directly, sending their Chief Negotiator for the Dialogue Boris Stefanovic to the north on the 25th to negotiate on behalf of Kosovo Serbs. The speedy mobilization of northern Serbs (and political forces from Belgrade) in response to the enforcement of the embargo further supports speculation that Serbia pursued a dialogue strategy throughout the summer months while awaiting and preparing for Kosovo's ultimate enforcement of the back embargo. In response to the riots, the Kosovo police units retreated southward, during which a Kosovo Albanian special police officer was killed by a Serbian sniper on July 26, 2011.²² On July 27th, Kosovo Serbs in the north set fire to Kosovo customs posts and vandalized the Jarinje border crossing leading KFOR to take greater control over the two border points.²³

The riots and violence that erupted in the north in response to Kosovo's enforcement of the embargo had numerous consequences. First, the reaction of northern Kosovo Serbs to the arrival of Kosovo police at the two border crossings pushed the Kosovo Government and the EU farther

¹⁹ Edita, Tahiri. Personal interview. 6 January 2012.

²⁰ Giffoni, Michael. Personal Interview. 9 January 2012.

²¹ Lazarevi, Tatjana (2011) 'The northern Kosovo crisis' Osservatorio Balcani e Caucaso, (29 July 2011), retrieved from: <http://www.balcanicaucaso.org/eng/Regions-and-countries/Kosovo/The-northern-Kosovo-crisis-99511>.

²² Szpala, Marta. "Tension on the Serbia-Kosovo border escalates: the crisis has been resolved but the problem is still present." OSW Centre for Eastern Studies. (10 August 2011). Retrieved from <http://www.osw.waw.pl/en/publikacje/ceweekly/2011-08-10/tension-serbiakosovo-border-escalates-crisis-has-been-resolved-problehttp://www.osw.waw.pl/en/publikacje/ceweekly/2011-08-10/tension-serbiakosovo-border-escalates-crisis-has-been-resolved-proble>.

²³ Ibid.

from their goal of integrating northern Serbs, enacting rule of law, and normalizing life in the north. Second, the violence at the border and between Kosovo Serbs and Kosovo police hurt Kosovo's case in the courtroom of world opinion. This was a "huge cost for Kosovo—to be seen on European news and BBC once again as a place where a policeman or civilian can be killed" said Mr. Haki Abazi, an expert on Balkan political issues.²⁴ Notably, international awareness of the violence in the north would have economic and political ramifications—the interethnic violence, spurred by the under-conceptualized agreement sends the signal of political instability indicating "to the private sector that this is not a safe environment to invest [in] for a few more years."²⁵ Third, the events in late July had both negative and positive effects on the dialogue process. To find a way out of the late-July border conflict, the EU and KFOR were forced to resume discussion with the parties from Belgrade and Prishtina separately. On July 29th, Belgrade's Representative for the Dialogue Borislav Stefanovic reached an 'agreement' with Erhard Buhler over the customs posts and border crossings.²⁶ Although on August 3, KFOR reached an agreement with the government of Kosovo stipulating that the border crossing would remain under KFOR control until September, that trucks carrying goods would not be allowed through, and that the roadblocks must come down.²⁷ The conflict over the border in late-July also prevented the resumption of dialogues until early September. According to Kosovo's Minister of Labour and Social Welfare and a Serbian political leader in Kosovo, Nenad Rasic, "every postponement creates more differences between Serbs and Albanians."²⁸ After all, the initial 'postponement' of the meeting on July 19th created a space for unilateral (re)actions that were not under the purview of the EU and Mr. Robert Cooper. The long break in the dialogue process (and the inability of the EU to produce a customs agreement that could have prevented the events of late-July) likely undermined the EU's perceived legitimacy as an effective and efficient mediator.

In addition to the negative effects that the events of late-July had on inter-ethnic relations and normalization in the north, Kosovo's public appearance, and the dialogue process, domestic dissatisfaction over the retreat of Kosovo police from the borders was an additional consequence for Prime Minister Thaci and Kosovo's government. Albanians in the south of Kosovo, particularly the Albanian nationalist party Vetevendosje, reacted to the withdrawal with opposition, expressing their disappointment that Kosovo forces had retreated without successfully enforcing reciprocity measures. (Vetevendosje strongly advocated for reciprocity measures again in January 2012 by physically blocking certain border points with Serbia). It was not until over a month and a half later that Kosovo customs officials re-inhabited border points 1 and 31.

On September 2, 2011, the EU brokered a customs agreement wherein Kosovo and Serbia would mutually accept each other's custom stamps (Kosovo's custom retained its label as 'Kosovo customs') to enable trade and movement via the northern border. If Cooper's initial motivation was originally to gain time for Belgrade in order to allow Tadic to compellingly present the customs situation to the nationalist opposition and public, this end-goal was ultimately successful, while overshadowed by the arguably disastrous events that followed in July. Kosovo's attempt at reciprocity, while somewhat feeble, if maintained, could be financially detrimental to Serbian business and institutions for many of whom Kosovo is their largest external market. In addition to perceived economic risks of a successful embargo, EU pressure on Serbia to

²⁴ Abazi, Haki. Personal Interview. 21 December 2011.

²⁵ Ibid.

²⁶ Todorovic, Vladimir and Leon Malazogu. "Belgrade-Prishtina Dialogue: Transformation of Self-interest Required." The New Policy Center; Project on Ethnic Relations. (November 2011).

²⁷ Szpala, Marta...(10 August 2011).

²⁸ Rasic, Nenad. Personal Interview. 12 January 2012.

negotiate a customs agreement following the events in July was mounting. EU High Representative Catherine Ashton issued multiple statements in late July expressing her concern about the tensions and violence and encouraging Prishtina and Belgrade to avoid escalation by reengaging immediately with the EU and returning to the dialogue²⁹. Notably, Ashton's press releases also indicated that the EU facilitator would meet with the parties separately for a time.

While Serbia found itself able to accept a Customs Agreement on September 2, the agreement quickly fell apart during implementation. The agreement stipulated that the mutual trade embargoes would be lifted and that stamps from Kosovo would be marked with 'Kosovo customs'.³⁰ However, when the agreement took effect at checkpoints 1 and 31 on September 16, the border crisis, still simmering from July, reignited. On September 16, Kosovo Serbs in the north with extensive support from Belgrade and Serbian officials barricaded major roads and bridges in the northern municipalities preventing EULEX, Kosovo Police, and KFOR from traveling throughout the north.³¹ Again Serbia and Serb networks in the north had been prepared to react against Kosovo's presence at the border. Unable to move throughout northern Kosovo, Kosovo customs and police, EULEX, and KFOR lost control over the northern municipalities and were forced to access border points 1 and 31 via helicopter on September 16.³² While the shaky presence of EULEX and Kosovo customs officials allowed for the movement of goods across the border points 1 and 31, the barricades effectively prevented the trade and transportation of goods throughout the north. Northern Serbs manned blockades near the border posts and the main bridge in Mitrovica.³³

Belgrade pulled out of the EU-facilitated talk with Prishtina on September 28, stalling progress regarding the barricades. At least a dozen roadblocks were maintained throughout October, and northern Serbs mobilized to reinforce the barricades when KFOR attempted to remove them on October 20.³⁴ According to an ICO survey conducted in northern Kosovo in September, 65 percent of northern Kosovo Serbs approved of the roadblocks and 66 percent reported assisting with at least one barricade.³⁵ However, the survey suggests that northern Serbs participated in the barricades for a variety of reasons: 59 percent of sampled Kosovo Serbs in the north reported that they attended due to support for the cause of their community, while 23 percent reported attendance due to curiosity or having "nothing better to do." While the majority of northern Kosovo Serbs attended one barricade out of support, a significant portion of Serbs sampled (20 percent) reported attendance due to feelings of pressure and intimidation. Belgrade and Serb structures in the north clearly carried some level of authority.

The situation in the north resulting from the implementation of the September Customs Agreement reflected poorly on both the Kosovo and Serbian government. Kosovo lost all visible authority in the north, while Serbia moved farther from a solution to the border problems, a point of conditionality for Serbia's EU candidacy. The EU also faced criticism, and sought speedy

²⁹ EU Press Release A 303/11. "EU Statement by High Representative Catherine Ashton on the situation in the north of Kosovo." (28 July 2011).

³⁰ EU Press Release 294. "EU facilitated dialogue: Agreement on Customs Stamps and Cadaste." (2 September 2011).

³¹ Lazarevi, Tatjana (2011) 'Game of nerves in the North of Kosovo', Osservatorio Balcani e Caucaso, (22 September 2011), retrieved from: <http://www.balcanicaucaso.org/eng/Regions-and-countries/Kosovo/Game-of-nerves-in-the-North-of-Kosovo-103242>.

³² BBC News. "EU police fly in to secure Kosovo border crossings." (16 September 2011). Retrieved from <http://www.bbc.co.uk/news/world-europe-14943576>

³³ Ibid.

³⁴ International Crisis Group.

³⁵ Report by the International Civilian Office. "Roadblocks and Reciprocity." (September 2011).

alternative solutions during the talks that resumed between Prishtina and Belgrade in late November 2011. Having required the continuation of negotiations and resolution of border problems as a point of conditionality for Serbia's EU candidacy but also needing to maintain support for President Tadic who was pro-Western and eager to join the European Union, the EU responded strategically. Instead of pursuing an interventionist strategy to solve the border dispute (which would have jeopardized Serbia's accession process if Tadic had responded and jeopardized his domestic support if he did not), the European Union brokered an agreement for integrated border management (IBM) in the hope that northern Kosovo Serbs (with the support of Belgrade) would remove the barricades and allow for the transport of goods and people between Kosovo and Serbia. Ironically, the technical agreement intended to rectify the political ramifications of the former customs agreement quickly became political: whether the "B" stands for border or boundary has been a point of contention between Serbia and Kosovo. The EU-facilitated IBM agreement supported Tadic's argument that Serbia was acting in good faith vis-à-vis the northern Kosovo. At the same time, acceptance of the IBM agreement was beneficial for Serbia as leverage for achieving candidate status (although this did not come to pass in December 2011). But for the situation in the north, the retroactive EU-facilitated IBM agreement provided too little, too late. The barricades were maintained by the local Serb community, allowing little opportunities for enforcement of rule of law or movement throughout the north and provided a space where the parallel Serb-owned institutions, schools, businesses could function unchecked. The fortified parallel structures fueled the divisions between Kosovo Serbs as to whether aligning with Kosovo institutions would be an issue of national loyalty. The EU, therefore, did not heed its own call for a 'long-lasting solution for the northern Kosovo.' While Tadic asked Kosovo Serbs to remove the barricades in November, many still remain in place continuing to limit the freedom of movement within northern Kosovo. This also compromises the rule of law, as EULEX and police cannot move throughout the territory, and harms the continuation of dialogue over other technical agreements surrounding political, media, telecommunications, energy, water, and financial development.

While the EU's ability to leverage European integration for Serbia and Kosovo has provided Deputy Prime Minister Tahiri and Minister Rasic with the belief that the EU certainly remains the most suitable moderator for talks, despite the slow and poorly implemented agreements reached thus far, divisions within the European Union have also threatened Serbia's path to candidacy and are preventing a clear presentation of benchmarks for the dialogue. Comments by German Chancellor Merkel and the European Council's rejection of Serbia's candidacy in December suggest that Serbia's candidacy may in fact be linked to the removal of parallel structures in the north. The gradual removal of parallel structures could leave room for Kosovo to implement a "comprehensive agenda for the north" as suggested by the European Commission in their 2011-2012 Enlargement Strategy.³⁶ However, a parliamentary turnover favoring Nikolic's and Kostunica's parties as well as a referendum in the north scheduled for February 2012 could increase ethnic-tensions and further set back the dialogue and peace-building processes before the removal of parallel structures and before the development of a comprehensive agenda for the north can be pushed forward. The EU must play a delicate game in order to maintain a pro-European government in Belgrade while pursuing a dialogue that prompts Serbia to gradually remove parallel structures and prompts Kosovo to develop better practices of ethnic-integration and to develop a comprehensive agenda for the north.

³⁶ Communication from the Commission to the European Parliament and the Council. "Enlargement Strategy and Main Challenges 2011-2012." (10 December 2011).

II. THE DIALOGUE PROCESS AND INTERNATIONAL INFLUENCE

In previous cases of unilaterally declared independence such as Cyprus, South Ossetia, Abkhazia and Transdniestra, the EU had “adhered to the prevailing norms on secession and had strongly favored reconciliation within existing borders,” leading both the EU and the US “to portray Kosovo as a ‘unique case’ precisely in order to ensure that its effects are not felt elsewhere”.³⁷ However, a lack of acceptance of Kosovo’s territorial integrity by the UN Security Council and five of the twenty-seven EU member states as well as the complicated politics between Serbia and Kosovo have led the European Union to limit the dialogue to ‘technical issues’ and facilitate ‘technical’ solutions in order to sideline political conflict.

Thus far, the broad sweeping goals of EU-facilitated dialogue, as outlined in the first meeting between Mr. Stefanovic of the Serbian delegation, Ms. Tahiri of the Kosovo delegation and Mr. Robert Cooper as the EU facilitator, has included the removal of obstacles that have a negative impact on people’s daily lives, improved cooperation between Belgrade and Prishtina, and creating opportunities for progress for both of these states on their path to EU membership.³⁸ The EU dialogue has also aimed to help soften inter-ethnic tensions in Kosovo. A mix of institutional actors in the northern Kosovo and the ongoing fight for authority over the north has kept ethnic tensions on the surface, which has largely prevented the integration of Kosovo Serbs, limiting the establishment of a functioning and ethnically-incorporative market economy and political life. However, the EU has explicitly avoided a strategy of dialogue that looks to address the statehood status of Kosovo or the territorial integrity of the northern region of Kosovo, which continues to be a primary roadblock for both the dialogue process and the European integration of Serbia and Kosovo. Major challenges remain for the dialogue process and the development of a sustainable northern Kosovo: keeping the dialogue technical and not political, lack of domestic support on both sides, and the lack of incorporation of Kosovo Serbs whose representation and normalization are at the heart of the dialogue process.

While the agenda was set for technical issues such as civil registry books, license plates, freedom of movement, telecommunications and aviation, it has been “difficult to split the technical issues from the political issues” said Ms. Tahiri. For this reason, the issue of the north was never accepted as a topic for the dialogue. According to Ms. Tahiri, “if you accept the north as a problem, then you have to find a *political* solution.” Keeping the issue of territorial sovereignty out of the dialogue has been particularly difficult as the freedom of movement, free trade, and customs agreements all involve the regulation of territorial borders.

In general, nationalists, in both countries, regard the assent to dialogue with one another as a betrayal of national sovereignty: those in Serbia, argued that dialogue with Kosovo undermines the legitimacy of Serbia’s stance of non-recognition for Kosovo for the sake of EU-candidacy. Vice President Dragan Todorovic of the Serbian Radical Party told the SETimes that “the government is cheating its own people for a meaningless candidacy of which we will have no benefit, while it is waiving away the highest national interest”.³⁹ In contrast, the parliamentary

³⁷ Ker-Lindsay, James (2011) Between “pragmatism” and “constitutionalism”: EU-Russian dynamics and differences during the Kosovo status process. *Journal of Contemporary European Research*, Vol. 7, No. 2, p. 185.

³⁸ Press Statement by the European Union. “EU facilitated dialogue: A positive start.” (9 March 2011). Presse 55.

³⁹ Pekusic, Biljana. “Serbia awaits EU membership candidacy deliberation.” SETimes.com. (8 December 2011).

Retrieved at

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/12/08/feature-01.

opposition in Kosovo – especially Vetevendosje, the ‘Self-determination’ party – argued that dialogue with Serbia leaves Kosovo in deadlock regarding its statehood legitimacy. Despite what political parties have argued, from an international point of view, neither Kosovo nor Serbia had the chance to refuse to participate in this dialogue. Should any of the parties have followed this opposing strategy, they would have been labeled as an ‘allergic’ and non-cooperative player who was countering the international community’s aims for peace building. This would hinder both Serbia and Kosovo’s own strategic interest in European integration.

Another case against the dialogue, although it has not been used by oppositional parties, suggests that the dialogue as such is producing agreements that are not ‘international agreements’ under the auspices and context of international law as well as national law. Each of the agreements reached so far, has been modeled by the EU in a way which does not prejudice the parties as ‘state’ parties, and requires no signature/ratification from their sides. The implementation of the agreements therefore rests primarily within the political will of the contracting parties and under the guarantee of the European Union. In this context, one can argue that the agreements reached under this EU model reflect the desire of Serbia to refuse to engage with Kosovo as a legal party, as, in contrast, signing a bilateral agreement in the form of a treaty with Kosovo would suggest that Serbia explicitly recognizes Kosovo as a state. Therefore, the agreements as such could be explained as political commitments which both Kosovo and Serbia have taken towards the EU, with the latter holding the position of both arbiter and ‘stick’, therefore no sign of international agreements in the legal sense is observed in this dialogue. Moreover, in Kosovo, one could argue that legitimately many could question whether the Government alone – without the approval of the President of Republic, which is the head of foreign policy in constitutional terms, and the ratification of the parliament – could create international obligations to the EU regarding agreements with Serbia. This raises the question of the constitutionality of the agreements reached with Serbia from the context of Kosovo’s constitutional law, and leaves space for one to argue that the agreements as such also hold no domestic constitutional ground.

On the other side, of note is the fact that the Kosovo Serb community has not been suitably represented in the dialogue process. According to Minister Rasic, it was agreed that a deputy for the Chief Negotiator Ms. Tahiri would be a Serb.⁴⁰ Indeed, Deputy Prime Minister Ms. Tahiri said that she was aware that the dialogue could help the Kosovo government find ways to integrate the Serbs of the north. While Ms. Tahiri asserted the benefits of having southern Serbs in the Kosovo government, not one Kosovo Serb became part of the delegation for the dialogue. While the dialogue aims to incorporate Kosovo Serbs and normalize life in the north, Kosovo Serbs have had no place in the dialogue process. Kosovo’s Serbian Minister of Labor and Social Welfare, Nenad Rasic, argued that the Kosovo Serb community could provide a concrete contribution in presenting the problems of Serbs to those in the dialogue and to the Serbian delegation; he highlighted the paradox at hand—“these negotiations are actually created to make conditions better for the Serbs living in Kosovo; so everyone over these is talking about us, and not one of us is present over there.”⁴¹ The dialogue should begin to incorporate the voices of Kosovo Serbs as it works to normalize the situation in Kosovo and relations between Serbia and Kosovo, while Kosovo’s comprehensive agenda for the north should undoubtedly build upon multiethnic deliberation and collaboration in order to build a sustainable multiethnic Kosovar society.

⁴⁰ Rasic, Nenad. Personal Interview. 12 January 2012.

⁴¹ Ibid.

While the dialogue has met with many challenges, the EU has maintained their commitment to the technical dialogue foregrounding the issues of civil registry books, cadastre information, regional trade, freedom of movement of goods, customs stamps, rule of law, telecommunications, aviation, and energy. While the entirety of this list has yet to be fully discussed, the governments of Kosovo and Serbia have reached certain agreements with the help of EU facilitation and mediation.

III. EU-FACILITATED ‘AGREEMENTS’

The first EU facilitated meeting between Belgrade and Prishtina was held on March 8, 2011. While the EU-facilitator Mr. Robert Cooper outlined the aims of the dialogue—“to remove obstacles that have a negative impact on people’s daily lives, to improve cooperation, and to achieve progress on the path to Europe”—the only agreement reached was to hold a second meeting.⁴² At the second EU facilitated meeting between Mr. Stefanovic and Ms. Tahiri on July 2, 2011, three agreements were reached. The first agreement surrounded the return of civil registry books to establish a complete and comprehensive civil registry in Kosovo.⁴³ While many of these agreements met with serious challenges during implementation, Serbia did begin to return copies of civil registry books to Kosovo on December 20. The second agreement surrounded freedom of movement, which allowed for people and cars to travel between Kosovo and Serbia with ID cards and ‘Kosovo’ license plates.⁴⁴ However, this technical agreement promoted freedom of movement that was far from free and played with the finances of the citizens because travelers were forced pay for vehicle registration on each side of the border as well as pay for the re-registration of their license plates each time that a KS plate was issued for travel in Serbia and an RKS license plate was issued for travel in Kosovo.⁴⁵ The third agreement reached during the July 2 meeting provided for the mutual acceptance of university and school diplomas that are certified and approved by an international body or third party.⁴⁶ Unfortunately, what or who that third party would be was left undecided until the meeting in late July, leaving one of the few agreements reached thus far with no teeth and no capacity for implementation.

The next meeting was cancelled due to Belgrade’s unannounced absence on July 19th. As previously discussed, the events that followed (including Prishtina’s embargo, Serbia’s continued transport of goods across the border, and the arrival of Kosovo’s special police force to enforce the embargo) increased tensions in the north and between Belgrade and Prishtina. EU High Representative for Foreign Affairs and Security Ms. Catherine Ashton issued multiple statements in late July, expressing her condemnation for the use of violence and her expectation that both Prishtina and Belgrade would engage with Mr. Cooper cooperatively in order to find a solution to the situation in northern Kosovo. However, in general, one can say that the EU – especially Ms. Ashton’s Office – remained rather silent regarding how to regain effective control in the northern Kosovo. This could be seen as a signal that EU did not want to be regarded as a full supporter of Kosovo in the eyes of Serbia. But on the other hand, this meant that the EU took partial ‘ownership’ of the problems/implications that could arise in the future with the northern Kosovo. With the EU playing a rather neutral role in this affair, Kosovo’s Government has implied that the

⁴² Press Statement by the European Union. “EU facilitated dialogue: A positive start.” (9 March 2011). Presse 55.

⁴³ Press Statement by the European Union. “EU facilitated dialogue: three agreements.” (2 July 2011). Presse 225.

⁴⁴ Ibid.

⁴⁵ Rasic, Nenad. Personal Interview. 12 January 2012.

⁴⁶ Ibid.

EU/EULEX are also responsible for the failure to tackle the problems in the north during the Summer of 2011. While the dialogue was postponed through July and August, Serbia and Kosovo's delegation returned in September to follow Catherine Ashton's suggestion to increase their cooperation over the issue of customs stamps and mutual free trade during the EU facilitated dialogue.⁴⁷

A) CUSTOMS AGREEMENT

On September 2 in Brussels, Prishtina and Belgrade reached two additional agreements with the help of Robert Cooper that propelled them closer to meeting European standards. The first agreement provided for the return of cadastre photocopies to protect people's property rights.⁴⁸ The second and more contentious Customs Agreement allowed for the mutually free movement of goods between Serbia and Kosovo as long as goods from Kosovo were stamped with 'Kosovo Customs' instead of 'Republic of Kosovo'.⁴⁹ This agreement implicitly provided for the removal of mutual trade embargoes that had plagued both Kosovar and Serbian businesses and was a major step towards EU candidacy for Serbia, reflecting the acceptance of a crucial norm and value of the European Union. The agreement as such – or Serbia's approval of Kosovo's Customs Stamps – is a step that could indicate Serbia's recognition of a state feature of Kosovo, namely its customs' regime.⁵⁰

Unfortunately, the Customs agreement utterly fell apart during implementation, catalyzing an escalation of conflict in the north and resulting in what many have called the 'Log Revolution', thus revealing the disastrous consequences of a 'technical' dialogue that had not taken into account the political implications of the border management that was necessitated by the new agreement. There is a set of arguments that explains why in particular the implementation of the agreement on custom stamps was difficult to manage. On one hand, the Kosovo government insisted that the agreement on custom stamps was a factual recognition of the Kosovo statehood, while Serbia continuously denied those claims and insisted that the agreement was status neutral.⁵¹ Moreover, the movement of goods and people across the border between Kosovo and Serbia required the presence and authority of customs officials. Both Kosovo and Serbia differed on the modalities relating to the deployment of custom and police officers at the border crossings in the north (in particular at gate 1 and 31). That being said, in response to the Kosovo Government's intentions to deploy Kosovo customs officials at the border crossings, as expected, Belgrade officials claimed that the agreement on custom stamps did not address whether border crossings in the north should be under the authority of and

⁴⁷ Statement by the High Representative Catherine Ashton on the situation in Kosovo. European Union Releasae A 300/11. (28 July 2011).

⁴⁸ European Union Press Statement. "EU facilitated dialogue: Agreement on Customs Stamps and Cadaste." (2 September 2011). Press 294.

⁴⁹ Eurlbid. 294.

⁵⁰ Moreover as Lazarevi argues 'For Pristina, Serbia's acknowledgment of its customs seal is a recognition of Kosovo's sovereignty, while Belgrade's response was that the seal bears the name "Kosovo Customs" instead of "Republic of Kosovo Customs" and is without any state symbols'. See Lazarevi, Tatjana (2011) 'Game of nerves in the North of Kosovo', Osservatorio Balcani e Caucaso, (22 September 2011), retrieved at: <http://www.balcanicaucaso.org/eng/Regions-and-countries/Kosovo/Game-of-nerves-in-the-North-of-Kosovo-103242, p. 2.>

⁵¹ See: B 92, „Team chief: Kosovo stamp has no statehood attributes“, 3.09.2011, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=09&dd=03&nav_id=76221

governed by Kosovo police and custom officers.⁵² While Tadic accepted the Customs Agreement due to economic and European Union pressures, Belgrade and Serbian nationalists were not ready to accept the presence and authority of Kosovo's border guards whom Belgrade saw as indicative of a *national* border.⁵³ According to a report, both Kosovo and Serbian Government were also using the implementation and/or non-implementation of the Customs Agreement as a source for internal legitimization.⁵⁴

Not only did the consequences of the September 2 Customs Agreement make manifest the unintended political consequences of a dialogue limited to 'technical' issues, but it sparked a complete loss of control (by Belgrade, Prishtina, KFOR and EULEX) over the situation in the north and left the parties in a political situation that was worse than before the Customs Agreement had been implemented. The Customs Agreement had provided "an opportunity for the Kosovo government and international community to do things and be less seen as enemies by the north, but the unprepared dialogue cemented [the] situation so that Kosovo has, once again on the news, become a conflict area where interethnic relationships are again at zero level and nothing has survived that has been built in [the] last ten years."⁵⁵ In the same vein, a Report published back in September 2011 affirms that the Customs Agreement could have been utilized by Kosovo Government to gradually extend its authority over the border points and rebalance the power relationship between Kosovo government and parallel institutions in the northern Kosovo.⁵⁶

On one hand, it can be perceived that because the technical dialogue lacked discussion of territorial sovereignty and the status of Kosovo, it could not foresee the political ramifications of a customs agreement that involved *international* border structures and was thus indicative of Kosovo's statehood. The *international* structuring of border controls led to a cascade of technical and political problems due to the limited conceptualization and foresight offered by a strictly 'technical' dialogue. By omitting a discussion of territorial sovereignty and status from the development of the Customs Agreement, the unforeseen reaction of Kosovo Serbs in the north seriously set back the dialogue and left the situation in the north worse off technically and politically than before the agreement was signed. The barricades caused serious technical problems preventing free movement across the northern border and within the northern municipalities severely inhibiting the transportation of goods, trade and commerce, the free movement of people, and law enforcement institutions (since police, KFOR, and EULEX could not move within the north). The barricades also induced serious political ramifications for the dialogue and progress between Belgrade and Prishtina: in-person illegal networks were able to mobilize in the absence of police, KFOR, and EULEX presence, to provide money, weapons, organized planning, and influence and encouragement from Serbian nationalists in Belgrade; the inability for law enforcement and the increasing mobilization of illegal networks stood as a serious threat to political instability in the north—something Belgrade and Kosovo Serbs in the north could use as political leverage against the European Union and Prishtina.⁵⁷ The repercussions in the north, resulting from a conceptually poor EU facilitated dialogue, incited a 'Log Revolution' in the north of Kosovo that left international organizations and Prishtina with no

⁵²Ibid.

⁵³Ibid.

⁵⁴ Policy Analysis 02/2011 by the Group for Legal and Political Studies, 'Custom Agreement between Kosovo and Serbia: Prospects and Challenges', September 2011.

⁵⁵ Abazi, Haki. Personal Interview. 21 December 2011.

⁵⁶ Policy Analysis 02/2011 by the Group for Legal and Political Studies, 'Custom Agreement between Kosovo and Serbia: Prospects and Challenges', September 2011.

⁵⁷ Abazi, Haki. Personal Interview. 21 December 2011.

authority and increased tension between Belgrade and Prishtina, inhibiting future progress and EU facilitated dialogue.

On the other hand, information from Kosovo's Deputy Prime Minister and Prishtina's Representative for the dialogue Ms. Tahiri suggests an alternative answer as to why the technical dialogue that produced the Customs Agreement fell through during implementation. Belgrade had two faces—one in front of the European Union and another in Belgrade. According to Ms. Tahiri, Belgrade accepted the Customs Agreement to gain favor with the European Commission in its campaign for candidacy, but had little intention to favor the agreements that had been made. Two facts support this position. First, Belgrade did not show up to the EU-facilitated talks on July 19th where a Customs Agreement was scheduled to take place.⁵⁸ Second, President Tadic denied Belgrade's acceptance of a Customs Agreement that allowed for the presence of Kosovo border guards and customs officials.⁵⁹ Furthermore, the Serbs in the north, backed by Belgrade, were exceedingly prepared with the materials and manpower necessary to erect barricades throughout the north, on major transit routes and bridges in Mitrovica and at the northern border crossings as soon as EULEX and Kosovo customs official arrived to implement the Customs Agreement on September 16 (interviews with: Political Representative and Kosovo Police Officer (from Serbian nationality) in the north who chose to remain anonymous, October 2011).

In general, it is observed that the approval from Serbia's side over the Customs Agreement was a step to neutralize the domestic businesses' pressure to start exporting into Kosovo's market. Meanwhile, it is understandable that Serbia had already envisaged that should Kosovo try to capture the border gates in the north as a result of the Customs Agreement, it would react with a prepared plan to stop this (interview with high ranked diplomat who was directly involved in the negotiations process, November 2011).

B) INTEGRATED BORDER MANAGEMENT

To find a solution to the border dispute the second time around, the EU was forced to consider the previous ramifications of a customs agreement that was indicative of an international border (and thus Kosovo's sovereignty over the northern territory). On December 2, 2011, the EU had facilitated an agreement for integrated border management (IBM) that called for the union of the Kosovo and Serbia border points, leaving one border point between the two territories that would be manned by one official from the EU, one Serbian official, and one Kosovar official—a border strategy that mirrored the EU's own priorities and was not necessarily indicative of a national border.⁶⁰ While in reference to the European Union, the acronym IBM stands for 'Integrated Border Management', the official EU document only reads that Prishtina and Belgrade reached an agreement on 'integrated management for crossing points (IBM)'. Thus, in a move of discretion, the agreement did not clarify whether the 'B' stood for border or boundary in order to avoid official recognition of Kosovo's statehood. Although, interestingly enough, the U.N. Secretary General officially referred to "IBM" as the 'Integrated Border

⁵⁸ Tahiri, Edita. Personal Interview. 6 January 2012.

⁵⁹ International Crisis Group.

⁶⁰ International Crisis Group. Moreover, the agreed conclusions between Kosovo and Serbia about the Integrated Border Management was welcomed also by the Secretary-General, claiming his hopes that this would be an important step to 'pave the way for the normalisation of the situation at gates 1 and 31 of the border crossings and the restoration of freedom of movement in a peaceful manner'. See Press Release, 'Secretary-General- Welcoming Resumption of Serbia-Kosovo Dialogue', Secretary-General, SG/SM/13999 (6 December 2011), retrieved from: <http://www.un.org/News/Press/docs/2011/sgsm13999.doc.htm>.

Management (IBM)' agreement.⁶¹ This popular debate reveals again the politics and political challenges at the heart of an agreement attempting to remain strictly technical.

According to the agreement, at the Jarinje and Brnjak crossings (border points 1 and 31), EULEX would take over authority while both Kosovo and Serbian police would be merely present. A balanced presence was prescribed and no national symbols or flags would be allowed at the border, reported Kosovo's Chief Negotiator for the Dialogue, Ms. Edita Tahiri.⁶² On the one hand, the agreement reflects a substance which could be agreed upon only between sovereign states: only sovereign states have international legal authority to set borders, and to decide the movement within these borders. On the other hand, formally speaking, the fact that the IBM agreement allows for the establishment of joint border points – with three representatives represented equally, Kosovo Police, Serbia Police and EULEX – points to the fact that Kosovo nevertheless loses a bit of its original authority to control the movements with Serbia, arguing that this could be seen as a step backwards from Kosovo's perspective. Furthermore, if one takes into account the argument that the IBM agreement mirrors the Lisbon Treaty's approach and the standard practice followed by EU Schengen States, this issue becomes a bit more problematic wherein, by contrast to EU states, again Kosovo appears to lack effective authority in its northern borders with Serbia. This was in fact a criticism by oppositional parties like Vetevendosje who felt that such an agreement was not representative of Kosovo's territorial sovereignty in the north and simultaneously launched Belgrade closer to the European Union.⁶³

Indeed, Serbia's acceptance of the IBM agreement, and its call for removal of the barricades in late November, was most likely related to Serbia's campaign for candidacy, which would be considered by the EU in late December. While the implementation of the IBM agreement was set to take effect on December 26, Belgrade began allowing for the movement of Kosovar citizens into Serbia via the connecting border on December 22.⁶⁴ Kosovo passports continue to be denied, but instead, travelers from Kosovo could travel into Serbia with ID cards and Kosovo drivers' licenses.⁶⁵ Belgrade's provisions to allow the freedom of movement between the two territories across Kosovo's northern border came a week before the European Union was scheduled to announce whether Serbia was granted candidate status, revealing the significance of EU accession a political determinate in the EU-facilitated dialogue between Belgrade and Prishtina. However, Serbia did not win EU candidacy in late December.

This agreement, coupled with Tadic's request in late November for the removal of barricades, led Serbs to remove the barricades from border points 1 and 31 on December 5. Yet, Tadic's call carried little weight as many of the barricades still remain, preventing normalization in the northern territory. Tadic was "not able to stop the reaction of the community" said Ambassador and former EU Representative to the north Kosovo Michael Giffoni⁶⁶, bringing to mind the aforementioned challenge surrounding the lack of Kosovo Serb involvement in the dialogue. As the European Union moves forth with the dialogue and Kosovo moves forward with a comprehensive agenda for the north, they should pursue a strategy that heavily relies on involvement of Kosovo Serbs and Kosovar citizens of the north.

⁶¹ See Press Release, 'Secretary-General- Welcoming Resumption of Serbia-Kosovo Dialogue', Secretary-General, SG/SM/13999 (6 December 2011), retrieved from: <http://www.un.org/News/Press/docs/2011/sgsm13999.doc.htm>.

⁶² Tahiri, Edita. Personal Interview. 6 January 2012.

⁶³ Karadaku, Linda and Jovanovic, Ivana 'Kosovo, Serbia agreement on IBM draws doubts'. SETimes.com. (05 December 2011), retrieved at:

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/12/05/feature-01.

⁶⁴ International Crisis Group.

⁶⁵ Ibid.

⁶⁶ Giffoni, Michael. Personal Interview. 9 January 2012.

IV. THE SIGNIFICANCE OF EU ENLARGEMENT ON THE KOSOVO-SERBIA DIALOGUE

Under the auspices of a ‘technical’ dialogue, the European Union is increasingly playing a largely political game. To garner a full understanding of the political influences and implications of the EU facilitated dialogue between Belgrade and Prishtina, the politics of the EU Enlargement Strategy as it relates to Serbia and Kosovo as well as the international actors within and outside of the EU who are calling for alternative dialogue strategies must be considered. The EU Enlargement Strategy for 2011-2012 reveals two distinct implications for the future of dialogue between Prishtina and Belgrade and the situation in the north.

First, the EU Enlargement Strategy recognizes the central importance of the divergences over status as a major inhibitor of progress in the north. While the EU may be trying their best to ignore political issues and particularly the issue of Kosovo’s territorial integrity, predominantly the north, to spur some level of immediate progress regarding the increasingly tense and violent situation in the north, the recently released 2011-2012 EU Enlargement Strategy suggests that the issue of status is in actuality at the center of the discussion within the EU and discussions surrounding the accession of other Balkan countries including Serbia and Kosovo. Despite assurances that the EU facilitated dialogue would not directly incorporate talks over status, the European Commission has recognized in their December Enlargement Strategy that inter-ethnic and status issues have obstructed the institutional development and reform process.⁶⁷ While the issue of status has been left out of negotiations, the European Commission recognized the central importance of the issue in their December 2011 Enlargement Strategy acknowledging that ‘differences over status continue to affect negatively both Kosovo and the region’ and have ‘obstruct[ed] the finalization and signing of the Transport Community Treaty and the extension of the Autonomous Trade Measure for Kosovo and other Western Balkan partners’.⁶⁸

Second, the EU has played upon Belgrade’s and particularly President Tadic’s EU aspirations to construct a timeline for the dialogue and Serbia’s candidacy that will force certain concessions from Belgrade and will likely increase the chances of reelection for the pro-EU Tadic and a pro-European parliament. While Tadic is publicly wedded to Serbia’s accession to the EU, having stated that Serbia “will never abandon” the EU path,⁶⁹ the election of members from Tomislav Nikolic’s Serbian Progressive Party and Kostunica’s nationalistic anti-European Democratic Party of Serbia (DSS) pose a serious threat to the willingness of Belgrade to comply with EU dictation in general and especially in regards to a continued dialogue with Prishtina.

While Serbia did not win candidacy status on December 9, the Council will reconvene in February or March of 2012 to determine whether Belgrade has made significant progress in the dialogue with Prishtina and situation in the north.⁷⁰ As the European Commission recommended that “the Council should grant Serbia the status of candidate country” in their 2011-2012

⁶⁷ Communication from the European Commission to the European Parliament and the Council. “Enlargement Strategy and Main Challenges 2011-2012” (10 December 2011). p. 8.

⁶⁸ Ibid. pages 8 – 9.

⁶⁹ Jozwiak, Rikard. “EU Postpones Serbia Candidacy Decision Until Spring.” Radio Free Europe. (9 December 2011), retrieved from: http://www.rferl.org/content/eu_postpones_serbia_candidacy_decision/24416646.html.

⁷⁰ Ibid.

Enlargement Strategy released in December,⁷¹ they have revealed two critical insights as to the future of Serbian accession. First, it is almost assured that the European Commission will again recommend that the Council of the European Union (hereinafter the Council) accept Serbia's candidacy status in March. Second, it is clear that Serbian candidacy was held up by a veto on the Council. The Council will vote again in March 2012 to decide whether to grant Serbia the status of Candidate country. This vote will take place before the Serbian parliamentary elections in May. The benefits of maintaining a pro-European Serbia and Tadic's support, based on promises made to the Serbian people surrounding EU integration, suggest that Serbia may likely achieve the sought-after EU candidacy status this March.⁷²

However, there are multiple hurdles that could prevent the Council from granting candidacy status to Serbia. First, there is much speculation over whether Serbia may have to remove parallel structures from northern Kosovo before being granted candidate status. According to Mr. Abazi, Belgrade hopes to win EU candidacy while maintaining the parallel structures in the north. This would provide Belgrade with "leverage for the next phase in terms of recognition of independence."⁷³ One prediction is that candidacy is linked to parallel structures and full membership linked to the recognition of the independence of Kosovo. The "EU cannot [afford] to import another problem similar to Turkey and Cyprus".⁷⁴ On the other hand, one can also suspect that Serbia will be asked to recognize Kosovo as they get closer to the door of the European Union. However, the correlation that has been cast between Serbia's EU accession and recognition of Kosovo suggests that finding a sustainable solution and normalizing relations between Serbia and Kosovo may be a long-term process, keeping in mind that the process from candidacy to accession can take a decade.

Second, the European Commission and Belgrade may be forced to play into the hands of Germany and its suspected Council issue-based allies of "Austria, Denmark, Finland, the Netherlands, and the United Kingdom, [who are] believed to have backed Germany in postponing the decision to the spring ahead of Serbian parliamentary elections in May".⁷⁵ German Chancellor Angela Merkel's visit to Kosovo on December 19, 2011 indicated not only Germany's support for an independent Kosovo but also suggested that Germany may be unwilling to provide Serbia with a bid for candidacy in the Council until Belgrade accepts the same conclusion, or at least until Belgrade dismantles the parallel structures in northern Kosovo and provides for the full authority of EULEX and KFOR.⁷⁶ Germany's and Austria's interest in the removal of barricades and Serb parallel structures peaked when thirty German and Austrian soldiers were injured trying to remove the roadblocks.⁷⁷ While the UN passed off the issues between Serbia and Kosovo as being due to gridlock in the Security Council between the West and Russia, the EU has been similarly troubled by diverging political pressures within the European Union, notably from Germany, Austria, Britain, the Netherlands, Russia, and the external influence of the United States.

⁷¹ Communication from the European Commission to the European Parliament and the Council. "Enlargement Strategy and Main Challenges 2011-2012" (10 December 2011). p. 29.

⁷² European high ranked diplomat. Personal Interview. November 2011.

⁷³ Abazi, Haki. Personal Interview. 21 December 2011.

⁷⁴ Ibid; Tahiri, Edita. Personal Interview. 6 January 2012.

⁷⁵ Jozwiak, Rikard. "EU Postpones Serbia Candidacy Decision Until Spring." Radio Free Europe. (9 December 2011). Retrieved from http://www.rferl.org/content/eu_postpones_serbia_candidacy_decision/24416646.html.

⁷⁶ SETimes.com "Merkel pushes for rule of law, good neighborly relations of Kosovo." (20 December 2011).

⁷⁷ Bytyci, Fatos. "Merkel urges Serbia, Kosovo to normalize relations." Reuters. (19 December 2011). Retrieved from <http://www.reuters.com/article/2011/12/19/us-germany-merkel-kosovo-idUSTRE7BI1HM20111219>.

Of note is the fact that together the Serbian nationalists—led by Vojislav Kostunica as President of the Democratic Party of Serbia and strongly anti-European, Tomislav Nikolic as President of the oppositional Serbian Progressive Party, and Russia with a strategically anti-European interests for Serbia—have pressured President Tadic and Chief Negotiator for Belgrade Borislav Stefanovic against making discursive concessions that would involve any discussion of political issues of statehood or territorial sovereignty in the EU-facilitated talks as well as concessions involving the removal of parallel structures in the north of Kosovo. Russia now stands in strategic alliance with nationalist leader Nikolic who opposes the removal of parallel structures and, more importantly for Russia, Serbia’s commitment to European integration. For Russia, this position is not only illustrative of Slavic solidarity. In the power struggle between East and West—between the US, EU and Russia—Serbia’s EU accession would eliminate one of the last Russian allies in Europe. As such, the European Union (although halted by the position of Germany and the Council) has an interest in maintaining a pro-European Belgrade, and giving Serbia leverage of their own in the dialogue process. If the Serbian elections in May result in a parliamentary turnover favoring Nikolic’s party, this could risk the leverage that the EU now holds against Serbia.

Amid suppressed concerns over whether technical achievements can be successful given the political tension between Serbia and Kosovo and concerns over the future political leanings of Belgrade, the escalating conflict and lack of authority (from either Prishtina or Belgrade) in the north and surrounding the border between Kosovo and Serbia have left many to question the value and success of the current dialogue strategy and the potential for a sustainable solution for the north.

V. THE WAY FORWARD FOR KOSOVO-SERBIA RELATIONS AND A SUSTAINABLE FUTURE FOR THE NORTHERN KOSOVO

The European Commission proposed in their December 2011 Enlargement Strategy that Prishtina should adopt a “comprehensive agenda for the north.” In this section of this policy report, we identify political, economic, and communicatory mechanisms that Prishtina can use to implement a comprehensive approach, and the role that EU-facilitated dialogue may play during the implementation of such a strategy. This comprehensive approach should aim to improve the lives of people living in the four northern municipalities, create a sustainable solution for the north, and meet EU standards that may allow Kosovo to reap the benefits of European integration.

Despite the fact that Swedish Foreign Minister Carl Bildt recognizes “no easy solution to overcoming an existing division that is currently growing stronger and more hostile by the day,” he rejects the possibility of partitioning Kosovo or granting some form of regional autonomy to the municipalities in the northern Kosovo.⁷⁸ For most of Europe, autonomy should not be an option for northern Kosovo—it would “open a Pandora’s Box of new claims” as “ethnic Serbs in Bosnia, as well as ethnic Albanians in Macedonia and in the Presevo Valley in Serbia, are looking at north Kosovo as a potential precedent for expanding self-rule”.⁷⁹

⁷⁸ Rettman, Andrew. “Sweden urges EU to take control of north Kosovo problem.” EUObserver.com. (28 November 2011).

⁷⁹ Ibid.

Nor is dual sovereignty a feasible solution for the northern territories, as the parallel structures in the northern Kosovo have contributed to the existing division of civil and political society. Belgrade has thus far clung to the parallel structures in the north as a fortification of their authority over the northern territory in Kosovo.⁸⁰ This strategy has been somewhat successful since a lack of communication between Prishtina and local Serbs and institutions in the northern Kosovo has prompted the international community to view the Serbia's government in the north as "a semi-legitimate, but effective representative of the local Serbs living in the northern Kosovo".⁸¹ Political structures puppeteered by Belgrade have prevented the effective incorporation and representation of northern Kosovo Serbs by Prishtina; Serb political structures, supported by Belgrade, "opposed the census and encouraged the boycott of the elections organized by Kosovo authorities".⁸² These parallel structures in the north of Kosovo have fueled the ethnic division of civil society in the north, which Swedish Foreign Minister Carl Bildt described as "more tense and more divided today than it has been for a long time," after visiting Mitrovica in November.⁸³ Italian Ambassador to Kosovo Mr. Giffoni, former EU Representative to the North Kosovo, also felt that the north was more divided and progress more stagnant than before the events at the border in July and the establishment of barricades in September.⁸⁴ The Commission also acknowledged the parallel educational structures remain in Kosovo, wherein "the Serb community both north and south of the Ibar still relies on textbooks and an education system provided by Serbia".⁸⁵ While the Commission acknowledges the authority of such structures, their suggestion that "Kosovo authorities need to offer an alternative and to develop a Serbian curriculum" indicate their support for the dawning of a new authority in the north—that of Prishtina.⁸⁶

The escalation of conflict in the northern Kosovo has necessitated a new approach to the situation in the North. The European Commission's Enlargement Strategy that was released on December 10, 2011 advocated for Kosovo's adoption of a new comprehensive agenda for the north. While the European Commission "calls upon all parties involved to continue to seek practical and pragmatic solutions to ensure the inclusiveness of regional cooperation, without prejudice to differing positions over the status of Kosovo" and to reject "unilateral actions and violence, [as the] only possible basis for moving ahead in Kosovo,"⁸⁷ the request for Prishtina's development of a 'comprehensive agenda for the north' suggests that "there could be no role for Serbia in northern Kosovo".⁸⁸ The call for Prishtina to develop an agenda for the north corroborates Group for Legal and Political Studies' October 2011 assertion that the European

⁸⁰ According to some observers both the status and the issue of the northern Kosovo are the heart of the problem between Kosovo and Serbia. See Freizer, Sabine 'Kosovo-Serbia: A Risky Moment for the International Community', International Crisis Group, The Balkan Regatta, (2 August 2011), retrieved from: <http://www.crisisgroup.org/en/regions/europe/balkans/kosovo/kosovo-serbia-a-risky-moment-for-the-international-community.aspx>, and Topalova, Evelyn, 'The Kosovo-Serbia dialogue: the second round', EUinside.eu. (29 March 2011), retrieved from: <http://www.euinside.eu/en/news/kosovo-serbia-dialogue-second-round>.

⁸¹ Policy Note 03/2011 by Group for Legal and Political Studies. "A Comprehensive Agenda for the North: The New European Approach." (October 2011). p. 6.

⁸² Communication from the Commission to the European Parliament and Council.

⁸³ Rettman, Andrew. "Sweden urges EU to take control of north Kosovo problem." EUObserver.com. (28 November 2011).

⁸⁴ Giffoni, Michael. 9 January 2012.

⁸⁵ Communication from the Commission to the European Parliament and Council, p. 67.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Policy Note 03/2011 by Group for Legal and Political Studies. "A Comprehensive Agenda for the North: The New European Approach." (October 2011). Page 2.

Commission's does recognize "the authorship and ownership of Kosovo to put into control and substantially manage the northern part of its territory," which is indicative of the European Union's intention to ultimately settle the issue of Kosovo's status. This prediction of the long-term status-settling aims of the EU is further corroborated by the Commission's encouragement of "efforts for overcoming obstacles to the development of relations between the EU and Kosovo caused by differences on Kosovo's status."⁸⁹

The EU is *the* necessary mediator as leveraging EU candidacy, which may ultimately compel Belgrade to relinquish their hold on the structures and mechanisms of power in the north. In November, President Tadic called for the removal of barricades, a move which would predicate the opening of a space for the functioning of a new Kosovo civil society and rule of law. Mr. Abazi believes that Serbia's EU "candidacy is linked to parallel structures and full membership is linked to the recognition of the independence of Kosovo," even though this has not been presented as an official trade-off by the European Union.⁹⁰ While the European Union has not officially conditioned Serbia's candidacy status and eventual accession on the removal of parallel structures or the acceptance of Kosovo's statehood, the EU did admit that they would open negotiations for Serbian accession when Belgrade meets the "key priority—further steps to normalize relations with Kosovo".⁹¹ The European Commission recommended that the Council should grant Serbia the status of candidate country on the same date that the Commission issued their 2011-2012 Enlargement Strategy⁹², indicating their majority opinion that Serbia had engaged sincerely in the dialogue and taken steps to normalize relations. However, the conditionality of Serbia's candidacy on the removal of parallel structures may rest with the European Council, especially Germany. While Belgrade accepted Berlin's "Kosovo conditions" and agreements over customs and free movement, Germany's suspected veto and the European Council's refusal to grant candidacy to Serbia in December 2011 increasingly suggests that Serbia's bid for candidacy does indeed rely on removal of parallel structures.⁹³

However, the nationalists in Belgrade pose a threat to the success of the dialogue and removal of parallel structures in the north. On November 24, the nationalist Serbian Interior Minister Ivica Dacic (leader of Socialist Party of Serbia founded by Slobodan Milošević), said that Serbia should be ready and willing to go to war to maintain their territorial sovereignty over northern Kosovo.⁹⁴ If the European Union can compel Belgrade to gradually remove parallel structures in the north, so as not to incite the nationalists but also to spur progress that can convince the Council to accept Serbia as a candidate in March, a space may open for the functioning of a new liberal local leadership and civil, economic, and political structures supported by Prishtina.⁹⁵

While Prishtina has had almost no political or economic presence in the north, the European Commission has given Prishtina reason to take very seriously the responsibility of

⁸⁹ Communication from the Commission to the European Parliament and Council.

⁹⁰ Abazi, Haki. Personal Interview. 21 December 2011.

⁹¹ Gallucci, Gerard. "Kosovo – the EU demands surrender." Transconflict. Retrieved at <http://www.transconflict.com/2011/10/kosovo-the-eu-demands-surrender-120/>

⁹² Communication from the Commission to the European Parliament and Council, p. 27.

⁹³ Gallucci, Gerard. "Kosovo – the EU demands surrender." Transconflict. Retrieved at <http://www.transconflict.com/2011/10/kosovo-the-eu-demands-surrender-120/>

⁹⁴ International Crisis Group.

⁹⁵ According to Lazarvi 'International pressure on the Belgrade government to abandon the North corresponds to support for Pristina in establishing governance of the compact Serbian territory.' See Lazarevi, Tatjana (2011) 'Kosovo: lonely Mitrovica', Osservatorio Balcani e Caucaso, (23 November 2011), Retrieved At: <http://www.balcanicaucaso.org/eng/Regions-and-countries/Kosovo/Kosovo-lonely-Mitrovica-108013, p. 3.>

implementing a comprehensive agenda for the north. The European Commission's pledge to support Kosovo's efforts in reaching "two key objectives – eventual visa liberalization and a trade agreement with the EU" is placed in the Enlargement Strategy three lines before the Commission "underlines the importance of Kosovo launching a comprehensive agenda for the north".⁹⁶ This strategic placement suggests that the benefits of European integration for Prishtina are directly dependent on Prishtina launching a successful comprehensive plan that incorporates the northern municipalities, yielding visible economic, political, and communicative improvements in the north; the implementation and success of a 'comprehensive agenda for the north' should become a condition for Kosovo's European integration.⁹⁷

However, the difficult question that remains for Prishtina is how to gain authority and increase the quality of life and representation in the north. On September 6, 2011, High Representative Catherine Ashton of the EU and President of Kosovo Atifete Jahjaga agreed on the "importance of reaching out to all communities in Kosovo and on the involvement of civil society".⁹⁸ The European Commission provided that "more efforts are needed to address the needs of the Serbs across Kosovo, but in particular in the north".⁹⁹ Whereas the previous "subjects that were chosen to be discussed like freedom of movement, accepting diplomas, custom stamps and so on are the principles of the EU, the comprehensive agenda needs to address the critical issues that exist in the north and to incorporate the citizens of the northern Kosovo municipalities in a larger discussion surrounding the economic, legal, discursive, political, infrastructural, and informational environments that northern Kosovars live within".¹⁰⁰ However, what those subjects might be will not be directly (or publicly) determined by the European Commission. According to the EU Observer, "the feeling in Brussels is that Pristina should come up with a home grown plan for winning Serb hearts and minds the way it has done in south Kosovo, instead of launching a new EU-led process on the sensitive subject".¹⁰¹

A. ROLE OF THE EU

Will it be valuable for Prishtina to portray the comprehensive agenda for the north as originating from the European Union and the dialogue between Prishtina and Belgrade? The majority of Kosovo Serbs in the north have confidence in the neutrality of the European Union and the value of the EU-facilitated dialogue.¹⁰² While the majority of both Kosovo Serbs and Kosovo Albanians are suspicious when they hear about agreements being reached, 64 percent of those sampled by the ICO assumed the EU to be a neutral actor and 80 percent assumed that the European Union would be able to find a durable solution. As such it is important for Prishtina to emphasize the role of the EU while publicizing and implementing a new comprehensive agenda in the north of Kosovo.

While Prishtina implements a comprehensive agenda in the north, they should continue to engage with the EU-facilitated dialogue to convey the symbiotic relationship that exists

⁹⁶ Communication from the Commission to the European Parliament and Council.

⁹⁷ Policy Note 03/2011 by Group for Legal and Political Studies. "A Comprehensive Agenda for the North: The New European Approach." (October 2011).

⁹⁸ Statement by HR Catherine Ashton following the meeting with the President of Kosovo, Atifete Jahjaga. EU Press Release A 349/11. (6 September 2011).

⁹⁹ Communication from the Commission to the European Parliament and Council, p. 66.

¹⁰⁰ Abazi, Haki. Personal Interview. 21 December 2011.

¹⁰¹ Rettman, Andrew. "Sweden urges EU to take control of north Kosovo problem." EUObserver.com. (28 November 2011).

¹⁰² ICO Survey 2011.

between the two approaches. The benefits of this symbiotic relationship between an EU-facilitated technical dialogue and Prishtina-driven comprehensive approach derive from the support that the EU-facilitated dialogue has garnered from those in the north, despite the fact that fifty percent of survey respondents have not considered the process so far to be beneficial.¹⁰³

Despite the expectation that the dialogue will not bring benefit to Belgrade, which is held by 75 percent of the northern Kosovo Serbs that were sampled, 68 percent of Kosovo Serbs would prefer that the dialogue continue.¹⁰⁴ These numbers suggest that Serbs in the north are more concerned with the benefits that dialogue may yield for the north than the political successes of Belgrade. Prishtina should take advantage of these findings to incorporate and represent the Kosovo Serbs and Albanians in the north and “to bring into calculation the people rather than Belgrade, Prishtina and Brussels” urged Mr. Abazi.¹⁰⁵

In Prishtina’s comprehensive agenda, if they truly attempt to meet the needs of the people, they should first improve access to employment, capital, and public services. Mr. Abazi stresses that “at the end of the day everyone goes back to their family. And their question is: ‘where can I get money to feed my kids, to send my kids to school, or travel or anything else?’”¹⁰⁶ To gain any authority in the north, people must see that the Kosovo government is helping to provide jobs and economic growth so that Kosovars in the north can live independently (and simultaneously independent from the parallel Serb structures). According to the September 2011 ICO survey of 800 people in northern Kosovo, jobs were the most important issue that should be addressed with 50 percent of respondents citing such.

Providing alternative routes for the northern polities to garner funds and subsidies for business start-ups, entrepreneurs and agricultural initiatives would help to lessen the reliance of northern Kosovo on Serbian cash flow and economic support.¹⁰⁷ The idea for economic development would certainly involve the institutionalization and/or support for small and medium enterprises and funds that allow people to start living on their own “instead of being dependent on Belgrade or the government institutions of Kosovo or illegal sources of money”.¹⁰⁸ Italian Ambassador Giffoni suggested that individual municipal budgetary control may be the only solution to disincline municipalities and communities from engaging with illegal forms of trade and sale and parallel economic structures in the north.¹⁰⁹ While northern Serbs may not wish to perpetuate the black markets and illegal sales, many of those in the north are forced into these markets and into working with or within parallel structures as their only opportunity to generate revenue.¹¹⁰

Foreign direct investment is critical for sustainable economic growth in the north. Group for Legal and Political Studies suggested in October 2011 that Prishtina promote foreign direct investment “via a coordinated initiative with the Ministry of Economic Development of Kosovo”.¹¹¹ Unfortunately, however, political and technical challenges remain for the increase of

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Abazi, Haki. Personal Interview. 21 December 2011.

¹⁰⁶ Ibid.

¹⁰⁷ Policy Note 03/2011 by Group for Legal and Political Studies. “A Comprehensive Agenda for the North: The New European Approach.” (October 2011).

¹⁰⁸ Abazi, Haki. Personal Interview. 21 December 2011.

¹⁰⁹ Giffoni, Michael. Personal Interview. 9 January 2012.

¹¹⁰ Ibid; Rasic, Nenad. Personal Interview. 12 January 2012.

¹¹¹ Policy Note 03/2011 by Group for Legal and Political Studies. “A Comprehensive Agenda for the North: The New European Approach.” (October 2011).

foreign direct investment into northern Kosovo. The north will not be able to entice foreign investment until the international community no longer identifies corruption, political conflict, and dysfunctional rule of law as the most noticeable characteristics in the north. As seen recently in Egypt, political instability and dysfunctional rule of law drive away investors from even the most powerful and successful markets. It is a “huge cost” for not only the northern Kosovo, but all of Kosovo, “to be seen on Euronews and BBC... as a place where a policeman or civilian can be killed. It sends the signal to the private sector that this is not a safe environment to invest for a few more years” said Mr. Haki Abazi.¹¹²

Moreover, foreign direct investment, which will provide more sustainable economic development in the north than government subsidies and aid, is conditional on a political environment with low corruption and an environment in the north that projects financial, political and legal institutional stability. Until the international community recognizes that the rule of law, judiciary, and political environment in Kosovo has stabilized, not only the north but all of Kosovo will have trouble attracting international investment. With weak rule of law and judiciary, Kosovo has lost a lot of opportunities for investment. For example, no international investor would consider investment in the mineral mines in the north while the barricades exist. The barricades prevent the efficient transport of materials and the creation of facilities and structures. Thus, political instability that leverages the threat of barricades, inhibits the transport of goods, or threatens the structures in the north will continue to squash Kosovo’s ability to attract foreign direct investment, despite the wealth of minerals and natural resources that exist in the territory.

This symbiotic relationship between institutional and political development, improved rule of law, and attracting foreign direct investment necessitates the continued participation of Prishtina in an EU-facilitated dialogue. This must happen if Prishtina intends to devise an *economically* successful future for the north of Kosovo. The politics of Belgrade should remain at home in order to develop a stable institutional and political environment in the north that is not plagued by parallel structures and the conflicts of the capitals.

For example, after job creation, the second most important issue for those in Mitrovica who were sampled by the ICO September 2011 survey is better water supply. As such, it is in Prishtina’s interest to communicate their intentions to improve the water supply and also develop infrastructure like roads and street lights, facilities like theatres and cinemas, and public services like education; such investments would reflect a major initiative to normalize the situation and lives of people in the northern Kosovo. The Municipal Preparation Team (hereinafter MPT) in North Mitrovica has undertaken projects such as firewood distribution for heat and a massive park renovation near the city’s kindergartens with public lighting, trash cans and a playground.

On one hand, while projects of the MPT help to return normality to the region, “there is an issue with communication and visibility”.¹¹³ While around 40 percent of the people sampled in North Mitrovica saw the two renovated parks, only a fifth in one case and a third in the other were aware that the Municipal Preparation Team had undertaken these initiatives.¹¹⁴ On the other hand, those sampled responded very positively to work of the MPT, with 93 percent of those sampled responding that they want the MPT to do more of this type of work.¹¹⁵ As 66 percent of the survey respondents identified better water sources as their most urgent concern, perhaps water and not firewood should be the next undertaking of the organization.¹¹⁶ Prishtina

¹¹² Abazi, Haki. Personal Interview. 21 December 2011.

¹¹³ ICO Survey 2011.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

should promote the continuation of such work and provide additional support and resources to prompt the normalization of lives and civil society in the north. Abazi argues that once these territories begin to regain normality, the public space of civil society can regain its community spirit and find other things to occupy their time, thus narrowing the space for intimidation by illegal manipulators and the parallel structures that currently fill that space.¹¹⁷

Third parties like the MPT could be beneficial intermediaries between the Kosovo government and Kosovars in the north. Kosovo's Minister of Labour and Social Welfare Nenad Rasic predicts that Kosovo will have to find alternative ways to develop their own systems and attract involvement from citizens in the north, because "the northern Kosovo Serbs will continue to support Belgrade while they are relying on the employment and economic support provided by Belgrade and Serbian institutions in the north".¹¹⁸ The allegiance to Serbian institutions in the north, whether due to nationalist sentiment, intimidation, or economics, produces a number of challenges for the Kosovo government in their attempts to develop utilized institutions in the north and integrate northern Kosovo Serbs. According to the 2011 ICO Survey, only 13 percent of Kosovo Serbs in the north reported their belief that the government of Kosovo cared about them compared to 56 percent who believed that Belgrade cared. These numbers indicate that "the mistrust is deep" said Deputy Prime Minister Edita Tahiri.¹¹⁹ Given this mistrust and tension between the Kosovo government and Kosovo Serbs in the north, Deputy Prime Minister Tahiri, Minister Rasic, and former EU Representative to the north Ambassador Giffoni all suggested the use of international partnerships and third parties as a "backdoor entry" into the north which could help with the confidence building process.¹²⁰ For example, civil society groups, ambassadors, international organizations could serve as intermediaries for establishing and strengthening political and communicatory linkages between the north and the south Serb communities, Kosovar society, and the government in Prishtina. Not only will increased cooperation with northern Serbs rely on the involvement of "neutral partners," but neutral third parties can be relied upon to promote the successful development of infrastructure, facilities, and social services in the north while some of the northern Kosovo Serbs continue to reject and refuse direct cooperation with Kosovo institutions. For example, the European Commission's ECLAW might have an easier approach to citizens in the north than the government of Kosovo might.¹²¹ Establishing groups similar to the MPT, and funded by the Kosovo government, could directly serve the interest of normalizing civil life in the north by providing infrastructure, social services, and facilities from the bottom up. Minister Rasic believes that this "bottom-up" strategy must include cooperation with citizens and families that participate in the parallel structures, as the only way of competing with Belgrade's mechanism for supporting the parallel structures which is largely financial.¹²²

The financial support that Belgrade lends to the parallel institutions in the north is difficult to compete against. Deputy Prime Minister Tahiri suggested that Belgrade has invested billions in the north since 1999 as a "Serbian mechanism to keep domination in the north".¹²³ Undoubtedly, this mechanism (300-400 million euro worth estimated per year) has proved largely successful. According to International Crisis Group 'Serbia spends some €200 million annually on

¹¹⁷ Abazi, Haki. Personal Interview. 21 December 2011.

¹¹⁸ Rasic, Nenad. Personal Interview. 12 January 2012.

¹¹⁹ Tahiri, Edita. Personal Interview. 6 January 2012.

¹²⁰ Rasic, Nenad. Personal Interview. 12 January 2012.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Tahiri, Edita. Personal Interview. 6 January 2012.

the North, down from over €300 million in the middle of the previous decade'.¹²⁴ It will be very difficult for the Kosovo government to offer similar amounts of financial support for business and economic growth in the north. In response, the Kosovo government could lobby the EU to order a stop to the Serbian financing for the northern Kosovo as a point of EU conditionality. Ultimately, this may be a feasible strategy once the government of Kosovo has seriously taken up the call to implement a comprehensive agenda for the north. However, according to Minister Rasic, it is very difficult to identify a strong commitment to the north from the Kosovo government budget for 2012.¹²⁵ Before forcing the elimination of 'parallel' institutions in the north, on which many Kosovars in the north have relied for years, the Kosovo government must first prepare itself to financially support civil life in the north. Providing real budgetary and financial support for the north as soon as possible will help make the long-term transition from Serb to Kosovar institutions easier and financially feasible for those in the north. Moreover, the successful implementation of financial and budgetary support mechanisms in the north will allow the Kosovo government to indicate their readiness to the EU, thus providing greater leverage when pressuring the EU to place increased demands on Serbia to remove the parallel institutions.

The development of facilities and public services may ultimately enable a revitalized civil society in the north to fill the space that is currently occupied by "illegal manipulators." Meanwhile, Prishtina, in conjunction with KFOR, EULEX and possibly Belgrade must take a number of additional steps to reinstate and enforce rule of law in the northern municipalities. First, removal of the barricades is critical to allow KFOR, EULEX and police to move throughout the territory. While the majority of Serbs in the north have been present for at least one barricade reinforcement in order to support their community or the cause, the arrest of criminals was the third most important issue, behind jobs and better water supply, for Kosovars living in Mitrovica.¹²⁶ As such, if Prishtina, with the help of the European Union presence in Kosovo in whom northern Kosovo Serbs have great confidence, can convince northern Serbs of the trade-off between maintaining the barricades and the improved ability of police and EULEX to halt criminality, Serbs may relinquish their hold on the barricades to allow for the arrest of criminal groups that have "extensively restricted the rights and freedoms of the people living there".¹²⁷ Prishtina must also reestablish Kosovo police and courts, which are currently under the supervision and influence of Belgrade. As this would require removal of Belgrade's parallel judicial and legal structures, Prishtina should call upon the European Union to increase the pressure on Belgrade to remove their illegal and official structures in the northern Kosovo.

While Abazi mentioned that some illegal manipulators fill the space of civil society in the north, he was quick to assert his condemnation for political rhetoric that refers to entire groups and organizations of Serbs in the north as illegal or criminal networks. Prime Minister Thaci should halt his current rhetorical strategy and reference to networks [in the north] as criminal networks, because "criminality does not have a personality"—not an ethnicity.¹²⁸ While the rule of law undoubtedly must be addressed, and is a critical element of the EU-facilitated dialogue and should be included in the comprehensive agenda for the north, Prishtina should be careful not to marginalize northern Serbs as they have with their provocative rhetoric.

¹²⁴ International Crisis Group (2011) 'North Kosovo: dual sovereignty in practice', Europe Report, No. 211, (14 March 2011) retrieved from: <http://www.crisisgroup.org/en/regions/europe/balkans/kosovo/211-north-kosovo-dual-sovereignty-in-practice.aspx>, p.4.

¹²⁵ Rasic, Nenad. Personal Interview. 12 January 2012.

¹²⁶ ICO Survey 2011.

¹²⁷ Policy Note 03/2011 by Group for Legal and Political Studies. "A Comprehensive Agenda for the North: The New European Approach." (October 2011). p. 6.

¹²⁸ Abazi, Haki. Personal Interview. 21 December 2011.

The politicians of both Prishtina and Belgrade have used rhetoric surrounding “the criminal networks, criminal gangs, criminal this, criminal that,” which has “further distanced the population [in the north] from Kosovo society”.¹²⁹ This type of rhetoric has been politically beneficial for Prime Minister Thaci in the south, but has seriously hurt the incorporation and representation of the north, providing the opportunity for a few Serbs to mobilize the rest on the basis of the rhetoric.¹³⁰ Prime Minister Thaci’s aggressive rhetoric regarding the action he will take against the ‘criminal networks’ in the north may garner support from few in the south, but Mr. Haki Abazi warns that this rhetorical strategy gives small groups of Serbs in the north “the opportunity to say ‘this is how they treat us as people...Then of course, that has the consequence of broader mobilization, bad feelings, mistrust between the general population of Serbs in the north towards the Kosovo government”.¹³¹

B. POLITICAL STRATEGY

Prishtina must increase its political presence in the northern municipalities. Whether or not Prishtina can ultimately gain a level of political authority in the north as it has in the south, increased political presence in the north may serve to counter the greater influence of Belgrade and their parallel structures. Few political leaders from Prishtina have visited the north, although former President of Kosovo Behgjet Pacolli visited in February 2011, as a symbolic gesture of cooperation.¹³² However, President Pacolli only visited northern Mitrovica, whereas the Serb majority live in northern Kosovo beyond Mitrovica as well.¹³³ Currently, the Kosovo Serbs in the north feel much better represented by Belgrade than by Prishtina. The September 2011 ICO survey corroborates this finding, revealing that 54 percent of Kosovo Serbs surveyed in the north approve of Boris Stefanovic, the Serbian representative for the Belgrade-Prishtina negotiations and the only politician in the survey to receive higher approval ratings than disapproval ratings—and 47 percent felt best represented by politicians from Belgrade, a higher level of representation than any of the four local municipalities. However the support for Stefanovic has decreased after the recent tensions in the northern municipalities of Kosovo and their continuous disapproval of Belgrade’s approach vis-à-vis negotiations, mainly influenced by the rhetoric of opposition (nationalist) political parties that still control the majority of the northern municipalities. An upcoming referendum in three municipalities in the north is expected to corroborate this finding, and may complicate and politicize the continuation of EU-facilitated dialogue and Prishtina’s attempt to incorporate northern Serbs and initiate a comprehensive agenda in the north. In addition, a referendum could also be seen by the EU as Belgrade’s intention to wield authority over the north of Kosovo. Despite the fact that Serbian President

¹²⁹ Ibid.

¹³⁰ As Lazarevi argues ‘The image of Serbs from the North as criminals, the implication that they are the last obstacle for Serbia to join the European Union, is difficult to accept for many Serbs in North Kosovo: “Months of keeping watch at the barricades and nighttime temperatures below zero were not as hard for me to accept as being called a criminal in my own country,” said Rade A. (44)’. See Lazarevi, Tatjana (2011) ‘Kosovo: lonely Mitrovica’, Osservatorio Balcani e Caucaso, (23 November 2011), Retrieved At: <http://www.balcanicaucaso.org/eng/Regions-and-countries/Kosovo/Kosovo-lonely-Mitrovica-108013>, p. 3.

¹³¹ Abazi, Haki. Personal Interview. 21 December 2011.

¹³² Bislimi, Bekim and Anamari Repic. “Serbian Candidates Run in Kosovo’s First Postindependence Vote.” Radio Free Europe. (15 November 2009). Retrieved from http://www.rferl.org/content/Serbian_Candidates_On_Ballot_In_Kosovos_First_Postindependence_Vote/1877565.html

¹³³ Ibid.

Tadic called for a halt to the referendum, Belgrade may be forced to distance itself from structures in the north to appease the EU. According to a high ranked European diplomat, Belgrade has all the necessary means to stop the referendum.¹³⁴

While the Council, and particularly Germany, places pressure on Serbia to relinquish the parallel structures in the north, Prishtina should design a strategy for the north with a similar methodology for the political incorporation and representation of northern Serbs as it has done in the south. First of all, the European Commission noted that “the integration of Kosovo Serbs has improved in the South, [while] tensions in northern Kosovo have increased”.¹³⁵ For example, Kosovo Serbs and Albanians have lived peacefully together in the municipality of Novo Brdo, where the December 2011 mayoral elections saw two Serb and two Albanian candidates.¹³⁶ Throughout Kosovo, Serbs have made up nearly a third of the 74 candidates participating in elections since Prishtina first declared independence; having Serbian names on the ballots may help persuade a greater number of Kosovo Serbs to engage in the political process.¹³⁷ However, a major advancement in encouraging Serb political participation in the south has been decentralisation. As stipulated in the Ahtisaari Plan, decentralisation measures are a key strategy that must be adopted by the Government of Kosovo in order to better incorporate and represent Serbs in Kosovar civil and political society. In some cases, decentralisation measures have been accompanied by the expansion of municipalities to absorb populations of nearby communities and increase the population percentage of Serbs in those municipalities.¹³⁸ The decentralisation initiative puts greater responsibility into the hands of municipal leaders and was a critical element of the Ahtisaari Plan. While the European Commission’s Enlargement Strategy avoids mention of the Ahtisaari Plan, the report places emphasis on the value of decentralisation highlighting the similar methodology that may link the Ahtisaari Plan to the “new” comprehensive agenda for the north.¹³⁹ The report’s discussion of decentralisation again makes manifest the Commission’s belief that Belgrade’s parallel structures in the north must be removed to make space for Prishtina and their comprehensive strategy for the north. The report notes that “Serbia-supported structures have continued to operate within Kosovo preventing full implementation of decentralisation”.¹⁴⁰

However, Belgrade’s parallel structures in the north of Kosovo are not the only challenge for Prishtina’s successful implementation of a decentralisation strategy in the north. A lack of confidence in local politicians and a misconception of what is meant by decentralisation both inhibit support for decentralisation measures in the north. First, decentralisation worked in the south because both Albanians and Serbs knew and trusted their municipal candidates. However in the north, the political leaders of all four municipalities (Mitrovica, Zubin, Potok, Zvecan, Leposavic) all had higher disapproval ratings than approval ratings.¹⁴¹ Moreover, not one of the municipalities seemed to represent more than 20 percent of their populations. Mitrovica provided the greatest representation, where 20 percent of respondents felt represented by their

¹³⁴ Personal Interview. January 2012.

¹³⁵ Communication by the Commission to the European Parliament and Council

¹³⁶ Bislimi, Bekim and Anamari Repic. “Serbian Candidates Run in Kosovo’s First Postindependence Vote.” Radio Free Europe. (15 November 2009). Retrieved from http://www.rferl.org/content/Serbian_Candidates_On_Ballot_In_Kosovos_First_Postindependence_Vote/1877565.html

¹³⁷ Repic, Anamari. Personal Interview. 27 December 2011.

¹³⁸ Ibid.

¹³⁹ Communication by the Commission to the European Parliament and Council, p. 66.

¹⁴⁰ Ibid.

¹⁴¹ ICO Survey 2011.

local politicians, and Leposevic provided the lowest level of representation, where an astonishingly low four percent of citizens felt represented by him.¹⁴²

Prishtina should not try to gain authority in the north by infusing hand-picked politicians into their decentralisation strategy for the north. Thus far, Prishtina has adopted more [of] “a strategy of building political position than a genuine engagement of government to provide an opportunity for inclusion of the Serbs into the society” said Mr. Abazi.¹⁴³ If Prishtina unilaterally compels the involvement of northern politicians in their decentralisation strategy—via high pay and benefits—this will only provide ‘fake representation—an image of Serbs—and at the same time further divide the population from their political representatives’.¹⁴⁴ However, even if Kosovo promotes a grassroots system for northern Serbs to select the representatives for the northern municipalities via free and fair elections, the government of Kosovo must first fight the “lack of understanding [in the north] about the wide-range of opportunities than an Ahtisaarian local governance brings to their representation and political self-rule”.¹⁴⁵ The 2011 ICO survey of 800 citizens of northern Kosovo revealed that only 12% of Kosovo Serbs thought that ‘decentralisation’ meant ‘accountable local government’ whereas 33% understood ‘decentralisation’ as ‘Pristina will take over’.¹⁴⁶

While the Kosovo government should pursue the decentralisation and representation strategies outlined in the Ahtisaari Plan, they should not package the plan with the Ahtisaari name brand. Abazi suggests that the rejection of Ahtisaari by Belgrade and northern Serbs necessitates a strategy of decentralisation and political incorporation with a new face—one that does not include the name Ahtisaari. By maintaining the same strategy that has already been rejected by Serbs, Prishtina is compromising their ability to pursue a decentralisation strategy that could be accepted by the northern municipalities.¹⁴⁷ While decentralisation in the south of Kosovo seems to have truly yielded more accountable municipal governments that can represent the Kosovar citizens (both Serbs and Albanians in those provinces), there is either misunderstanding or disbelief regarding a similar decentralisation strategy in the north.

The misunderstanding of decentralisation may also largely be a result of an extremely poor communication strategy on behalf of Prishtina. One critical way to address this misunderstanding is to open and fill the channels of communication between the central Kosovo government, the Kosovo population in the South and the northern municipalities—something that should be a major agenda item for the comprehensive plan. There is virtually no channel for communication between Prishtina and the north¹⁴⁸, and the physical channel of communication that is open to politicians and representatives from Prishtina is dangerous and has been underutilized. While Ms. Tahiri has strongly emphasized the necessity of communication between Prishtina and the North, interviews with politicians from Prishtina have revealed that Prishtina has not devised any such strategy or identified any specific and feasible mechanisms of communication.

¹⁴² Ibid.

¹⁴³ Abazi, Haki. Personal Interview. 21 December 2011.

¹⁴⁴ Ibid.

¹⁴⁵ Policy Note 03/2011 by Group for Legal and Political Studies. “A Comprehensive Agenda for the North: The New European Approach.” (October 2011), p. 7.

¹⁴⁶ ICO Survey 2011.

¹⁴⁷ Abazi, Haki. Personal Interview. 21 December 2011.

¹⁴⁸ Ibid; Tahiri, Edita. Personal Interview. 6 January 2012.

C. MEDIA AND COMMUNICATION

The use of media will be critical for opening not only a channel of communication between Prishtina and the north but also a space for public opinion formation in the north. RTK currently stands as the only public television station in Kosovo. While Kosovo law stipulates that every cable television in Kosovo should have access to RTK, there are two critical challenges that prevent RTK from reaching ethnic-minorities in Kosovo and specifically those in the north.

First, RTK has not provided representative or beneficial news for minority communities, although the situation is improving. In an effort to improve the quality of information for ethnic minorities and provide information from local sources that are not Prishtina-centric, RTK has teamed up with multiple local, Serb, Bosnian and Turkish news sources to funnel and provide information to minority communities during segments broadcast in Serbian, Bosnian, and Turkish each evening. However, RTK continues to broadcast in Albanian during the vast majority of their programming, only providing 15 minute segments of news in Serbian, Bosnian and Turkish five days a week (with an additional Roma segment).¹⁴⁹ RTK also provides an additional hour of television in Serbian each week. These times are regulated by law, but according to the Deputy-General Director of RTK, Anamari Repic these 15 minute news editions are “absolutely not enough” for ethnic communities in Kosovo”.¹⁵⁰ Repic also highlighted that the staff held from before 1999 makes it difficult to transition towards an RTK that is representative and incorporative of a multi-ethnic Kosovo.

Second, many cable service providers in the north have not succumbed to legal stipulations that require RTK’s broadcast as part of all cable packages in Kosovo. According to Repic, some Serbs and Serbian cable providers in the north refuse to include RTK in their cable packages and some cable providers in the north choose to provide RTS (Serbia’s public broadcasting channel) instead of RTK in their cable packages. This refusal to comply with the law that requires the inclusion of RTK in all cable packages, and the replacement of such with RTS, heavily contributes to the asymmetry of information in the north.

However, the creation of RTK2 provides an opportunity to counteract both of these current challenges and to establish an open, accurate, and representative channel of communication that can combat the asymmetry of information by connecting northern Serbs with Prishtina and can open an alternative public sphere for information sharing and political opinion formation by connecting northern Kosovo Serbs to other Serb communities throughout Kosovo.

First, RTK2 has the capacity to overcome the current challenges of linguistics and restricted dissemination in the north. RTK2, while possibly allowing time for other ethnic minorities in Kosovo, intends to broadcast primarily in Serbian language. Repic is intending to unveil RTK2 at the end of 2012.¹⁵¹ Hopefully, broadcasting in Serbian and using both Serb sources and sources from Prishtina will convince cable providers in the north to open their programming to include RTK2. Repic is very excited about this possibility, noting that “it will be historical moment when for the first time in history there will be one Serbian TV channel by a public service broadcaster in Kosovo”.¹⁵²

Second, if these challenges can be overcome, RTK2 may be able to combat the asymmetry of information in the north by providing an alternative channel to RTS through which information from Prishtina and other provinces can reach the northern municipalities. The

¹⁴⁹ Salihu, Mevlyde Salihu. “OSCE Mission helps Kosovo’s RTK improve non-majority language programming.” OSCE. (4 August 2010). Retrieved at <http://www.osce.org/kosovo/72430>.

¹⁵⁰ Repic, Anamari. Personal Interview. 27 December 2011.

¹⁵¹ Ibid.

¹⁵² Ibid.

inclusion of RTK2 in all Kosovo-based cable packages will again be a legal requirement.¹⁵³ The use of RTK2 as a televised channel of communication is particularly important for effective communication because television is the primary medium through which Serbs in the north receive information. According to the September ICO survey, 95 percent of those surveyed in northern Mitrovica reported television as their primary source of information.¹⁵⁴ As such, providing television channels based in Prishtina and the rest of Kosovo, as an alternative to RTS, should be the first priority for developing an effective communication plan as part of the comprehensive agenda for the north.

Third, the establishment of RTK2 may open a space for an alternative public sphere to develop where Kosovo Serbs can exchange information and engage in public and political opinion formation. Repic intends to establish RTK2 as “one 24 hour public space where they [Serbs] will discuss different issues”.¹⁵⁵ This space will provide information surrounding not just what’s going on in the north, but also will provide stories and specials illustrating the lives of Serbs throughout Kosovo (such as small Serb families who are producing wine in Kosovo suggested Repic). Through greater civic representation of Kosovo Serbs and the development of sources that can organize news editions “according to needs that Serbs have in Kosovo,” RTK2 may ultimately establish itself as “their address [where] they can debate, analyze, give their opinions”.¹⁵⁶ With the development of a new political sphere made possible through debates and “through media, you provide a channel for them to express their views” and engage politically.¹⁵⁷ Ideally, the creation of a new public space where not only civic but also political opinion formation can take place, will allow people to gain the confidence to elect their own representatives, or some of them “can step up and be the leaders of the communities rather than always waiting for someone else to fill that space”—whether from Belgrade or Prishtina.¹⁵⁸

However, despite the benefits of RTK2 for the incorporation and media representation of Kosovo Serbs and fulfilling the obligations of Ahtisaari and the Kosovo constitution, there has been minimal progress in regard to the creation of a Serb-language national television channel. According to Minister of Labour and Social Welfare Nenad Rasic, discussions between Prishtina and the international community six years ago highlighted Serbian television with locally-derived broadcasts as one of the most important mechanisms for Serb integration.¹⁵⁹ While Minister Rasic asserted an argument, popular among Kosovo Serbs, for full broadcast independence (managerial, financial and editorial and not just editorial independence), he did express hope that the Kosovo government would finally put their finances and weight behind the creation of a Serbian language television channel.¹⁶⁰

The required establishment of RTK2 as stipulated in the Ahtisaari Plan and Kosovo’s constitution should be implemented full-force as part of Prishtina’s comprehensive agenda for the north. The timely unveiling of RTK2 provides Prishtina with an opportunity to fight the asymmetry of information for Kosovo Serbs and particularly those in the north, who currently receive little to no information from Prishtina. While the communication strategy “should be aimed at fighting the asymmetry of information that local Serbs in the north are being served

¹⁵³ Ibid.

¹⁵⁴ ICO Survey 2011.

¹⁵⁵ Repic, Anamari. Personal Interview. 27 December 2011.

¹⁵⁶ Ibid.

¹⁵⁷ Abazi, Haki. Personal Interview. 21 December 2011.

¹⁵⁸ Ibid.

¹⁵⁹ Rasic, Nenad. Personal Interview. 12 January 2012.

¹⁶⁰ Ibid.

with,” it should also aim to diversify and professionalize the sources of information therein.¹⁶¹ Prishtina and RTK2 should work to professionalize the standards of journalists working in Kosovo by enforcing objectivity and encouraging journalists to engage in training programs abroad.

Increased objectivity and professionalism of RTK2 journalists will contribute to the creation of an open and free public media space where real public and political opinion formation can take place. Currently, Serbs in Kosovo have an infinitesimal public media space for political opinion formation. Ultimately, such media coverage may “facilitate their establishment as a new legitimate political class for representing the interests of local Serbs”.¹⁶²

In addition to public television as a channel of communication, Prishtina should utilize both private televisions and traditional forms of in-person communication to increase their presence in the north and to open a public space where dialogue can take place between all interested individuals and parties in the north. That being said, creating a space where northern actors and minorities could contribute to the public information sharing and political opinion formation is critical. While Kosovo Deputy Prime Minister Edita Tahiri proposed roundtables as a traditional yet immediate way to initiate communication between Prishtina and the north and within the north itself.¹⁶³ Prishtina’s unwillingness to incorporate parties who they deem to be “illegal” or criminal including those who are participating in or managing parallel institutions would effectively limit the benefits of such a solution.

Until roundtables and RTK2 can be established as mechanisms of communication between the Kosovo government and northern Kosovars, the Kosovo government should work to communicate directly with the citizens and families in the north (despite their involvement in parallel structures or benefits from Belgrade). Minister of Labour and Social Welfare for the Republic of Kosovo, Nenad Rasic, coined this a strategy of “backdoor entry,” suggesting that the government of Kosovo should tailor benefits and communication for the “lowest level of society, through the people who are unemployed and need benefits”.¹⁶⁴ Rasic also highlighted the importance of Kosovo’s willingness to cooperate with and incorporate Serbs in the north despite their involvement with Serbian structures and systems in the north. As Prishtina can immediately employ an in-person communication strategy (unlike RTK2 whose institutional and infrastructural elements will take time to develop), Prishtina should utilize the private Serbian media outlets, international presence and embassies in Kosovo to put forth Ambassadors and ‘objective’ international actors whom Serbs in the north may be, currently, more willing to trust.

CONCLUSION

The EU-facilitated dialogue between Kosovo and Serbia prompted a long-awaited process of dialogue between the two governments. While six agreements have been reached thus far, the implementation of such agreements (and particularly the Customs and IBM agreements) met with serious politicization and complications during implementation. While the delegations have resumed the dialogue in 2012, the dialogue appears to be losing support from the respective populations while both the referendum in the north set for February 2012 and the 2012 Spring elections in Serbia will again put the dialogue and normalization process at risk. While the

¹⁶¹ Policy Note 03/2011 by Group for Legal and Political Studies. “A Comprehensive Agenda for the North: The New European Approach.” (October 2011). p. 6.

¹⁶² Ibid. 7.

¹⁶³ Tahiri, Edita. Personal Interview. 6 January 2012.

¹⁶⁴ Rasic, Nenad. Personal Interview. 12 January 2012.

government of Kosovo should continue to engage in the dialogue for the sake of normalizing relations, finding a sustainable solution for the north, and Kosovo's own aims of European Integration, developing a 'comprehensive strategy for the north' is the best solution for Kosovo to strategically integrate Kosovo Serbs in the north, normalize Kosovar civil life, and provide the EU with a comprehensive plan. This plan would necessitate the removal of parallel structures and prompt the EU to place additional pressure on Serbia to remove their parallel structures in the north. Kosovo should take seriously the recommendation of the European Commission to develop a comprehensive agenda for the north and should immediately commit to the expansion/development of financial, political and communicatory mechanisms that have been and still remain absent in the north.

POLICY REPORTS

Policy Reports are lengthy papers which provide a tool/forum for the thorough and systematic analysis of important policy issues, designed to offer well informed scientific and policy-based solutions for significant public policy problems. In general, Policy Reports aim to present value-oriented arguments, propose specific solutions in public policy – whereby influencing the policy debate on a particular issue – through the use of evidence as a means to push forward the comprehensive and consistent arguments of our organization. In particular, they identify key policy issues through reliable methodology which helps explore the implications on the design/structure of a policy. Policy Reports are very analytical in nature; hence, they not only offer facts or provide a description of events but also evaluate policies to develop questions for analysis, to provide arguments in response to certain policy implications and to offer policy choices/solutions in a more comprehensive perspective. Policy Reports serve as a tool for influencing decision-making and calling to action the concerned groups/stakeholders.

Group for Legal and Political Studies
'Rexhep Luci' str. 10/5
Prishtina 10 000, Kosovo
Web-site: www.legalpoliticalstudies.org
E-mail: office@legalpoliticalstudies.org
Tel/fax.: +381 38 227 944