

BIG DEAL

Civilised Monotony?

Civic Oversight of the Kosovo - Serbia Agreement Implementation

BigDeal!

“I feel like we’ve gone back ten years, when [as a Kosovo Serb] I was called a traitor for being in parliament. I hope the new government in Kosovo comes soon because we didn’t have problems while the dialogue was on-going”. —**PETAR MILETIC**

“We still don’t have free movement, and this is a challenge for Kosovo authorities because if there is a patient who is sick, who needs to go somewhere, he has to pay, either with his money, or with his life”. —**SELATIN KACANIKU**

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As implementation Kosovo-Serbia agreements slows to a crawl, both sides and the EU need to regain momentum on path to normalisation.

November 2014
REPORT #1

BigDeal!

“My degree is recognised only in countries that have not recognised Kosovo. My parents have invested a lot in me. I’ve invested a lot of effort into my education. Years and years of learning ... Why? For nothing”.

—**DRAGIC BRDAR, ONE OF THE 12,000 STUDENTS STUDYING IN THE PUBLIC UNIVERSITY IN MITROVICA**

“These agreements are not attractive anymore for Brussels, Belgrade or Prishtina”.

—**BORKO STEFANOVIC, FORMER SERBIAN NEGOTIATOR**

Foreword

The journalist and author H.H. Munro, known by his pen name, Saki, spent the early 1900s covering the Balkan Wars of 1912-1913. The short stories he wrote based on his time in the Balkans, including “The Cupboard of Yesterdays”, feature not only fictional characters from the Balkans, but also how they were shaped by and commented upon Western European actors.

Written 100 years ago, his story speculates that the territory being fought over and claimed by political and ethnic groups of the Balkans would be ever diminishing, until southeastern Europe would no longer have parcels of disputed territory, transformed into “the Bexhill of the East”, referring to a seaside town in England, a distant suburb of London, 120 kilometres to its southeast.

One hundred years and several conflicts later, the agreements between Kosovo and Serbia, brokered by the European Union, carry the promise of ‘normalising’ relations between Belgrade and Prishtina, relegating their tumultuous past to the “cupboard of the yesterdays”, of bringing lasting and final peace.

The aim of this project, Big Deal, is to monitor this process of normalisation, or, as Munro termed it, “civilised monotony”.



“After every important war in South-East Europe in recent times there has been a shrinking of the area of chronically disturbed territory... an intrusion of civilised monotony... the dust of formality and bureaucratic neatness will slowly settle down over the time-honoured landmarks... all those familiar outlandish names and things and places, that we have known so long as part and parcel of the Balkan Question, will have passed away into the cupboard of yesterdays... And what shall we have to hand down to our children? Think of what their news from the Balkans will be in the course of another ten or fifteen years... They will drive out to some suburb to tea, and write home about it as the Bexhill of the East.”

—SAKI (H. H. MUNRO), “THE CUPBOARD OF THE YESTERDAYS”

Acknowledgements

BIRN Kosovo and Internews Kosova have partnered with Center for Research, Transparency and Accountability - CRTA in Belgrade to monitor the implementation of these EU-brokered agreements, acting as independent watchdogs.

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The report was researched by Vukosava Crnjanski, Rasa Nedeljkov, Ivana Savic, Misa Laketic, Vesna Radojevic and Jelena Bjelica of CRTA, and Jeta Xharra, Faik Ispahiu, Nektar Zogjani, Paulina Nushi, Bane Krstic and Bojana Barlovac of BIRN Kosovo and Internews Kosova, and designed by Trembelat. It was written by Valerie Hopkins and edited by Alex Anderson.

The research relies on interviews with more than 70 sources. These interlocutors include key stakeholders in the dialogue process from across Serbia, Kosovo, and Brussels as well as ordinary citizens whose lives are affected by the agreements and their level of implementation. We also reference primary and secondary sources.

CRTA has established its reputation and credibility among the Serbian public as a government watchdog and advocate for transparent and accountable decision-making. CRTA empowers citizens with information and mobilises the public to react when public officials and institutions do not honour transparency. While promoting accountability as a fundamental value in democracies, CRTA influences public officials for improved accountability to citizens, opening up the work of the Serbian Parliament and other institutions, and higher transparency of local budgets.

BIRN Kosovo and Internews Kosova cooperate to produce the most-watched and award-winning televised debates and investigative programs in Kosovo. In September 2012, Internews Kosova and BIRN Kosovo launched a new televised platform, "Team". Its first episode brought together stakeholders from both countries in an unprecedented debate to discuss citizens' concerns about standards of living and the progress, relevance and interpretation of a handful of agreements reached up until then. Nine debates covering issues ranging from freedom of movement to cultural cooperation have been broadcast both in Kosovo and Serbia on major television channels.

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Executive summary

If 2012 and 2013 were years for breakthroughs in relations between Kosovo and Serbia, 2014 has so far largely been a washout. Following years of estrangement and tension, both parties began in 2013 implementing the watershed agreements they signed in 2011 and 2012. Then in April 2013 they signed an agreement – heralded as historic – that unlocked Serbia’s path to European Union membership and promised to move Kosovo further along in the process. In 2014 the parties have held some meetings, and continued to implement the technical agreements, but this has largely been a year of waiting rather than acting.

2014 has seen limited progress: Kosovo’s four predominantly Serb municipalities have finally come under Prishtina’s de jure control, even if the capital’s influence on the ground is practically non-existent. Hundreds of former Serbian police officers were integrated into the Kosovo police system. And Serbia came through in September with plans for joint border crossings, according to EU standards, allowing Kosovo Albanians to fly through its airport in the capital, Belgrade, and a deal to settle disputes over energy transmission. Kosovo’s foreign minister Enver Hoxhaj even made his first official visit to Belgrade on 23 October 2014, the first minister to do so since Kosovo declared independence in 2008.¹

Yet the momentum and goodwill accrued before a year of elections in Serbia, Kosovo, and for the European Parliament is waning. Furthermore, the European Union External Action Service, EEAS, has shifted some of its attention away from Kosovo and Serbia, toward the conflict in Eastern Ukraine. Baroness Catherine Ashton’s replacement, the new high representative for foreign affairs Federica Mogherini, has an opportunity to inject new life into the dialogue, but she must make sure that amid all that is going on in the EU’s neighbourhood, she prioritises the dialogue.

The four northern municipalities have stayed mostly out of Prishtina’s reach, and low-level violence persists. Violence flared in Mitrovica after the barricade over the north side of the bridge on the Ibar River was temporarily removed and a “Peace Park” erected. There were targeted incidents in both Serbia and in Kosovo, particularly following the October football European qualifier match between Albania and Serbia.² The longer the status quo in the northern municipalities persists—namely, no functional court and no Association of Serbian municipalities, there remains potential for dissatisfaction and unrest.

1 Hoxhaj visited Belgrade as part of an EU-sponsored gathering for government ministers from the Western Balkans on 23 October 2014. A visit for Kosovo’s president Atifete Jahjaga to Belgrade on 1 November 2014, sponsored by a Western discussion group, was canceled. President Jahjaga said she needed to remain in Kosovo due to the continuing political crisis. For more, see Reuters, 31 October 2014. “Proposed Meeting of Western Balkan Leaders Unravels.” <http://www.voanews.com/content/planned-meeting-of-western-balkan-nations-crumbles/2503182.html>

2 Two houses of Serb returnees were burned to the ground in Kosovo, while Molotov cocktails were thrown in the headquarters of the North Mitrovica Civil Defense unit and at a Serb-patronised café in Fushe Kosove/Kosovo Polje. In Serbia, there was a spate of arson and vandalism on six Albanian-owned businesses in two cities in Serbia in the aftermath of the games.

Serbia's relationship with Kosovo is going to be a key component of its EU accession talks. Chapter 35 of the accession packet, usually slated for "other issues," will in Serbia's case deal directly with progress normalising relations with Kosovo. The EU, in its 2014 progress report for Serbia, has indicated that Chapter 35 should be open early on and continue in tandem with the other open chapters Serbia will conclude, adding that it should be a platform for monitoring the implementation of agreements reached. The National Convention on the European Union, a coalition of 200 civil society organisations, is supposed to serve as a platform for Serbian government engagement with the public on accession issues. Each chapter has a corresponding working group in the Convention. However, there has been only one constitutive meeting of the working group (9 July 2014), but the group has no activities since, has no work-plan nor methodology for monitoring the implementation of the agreements in place.³

This report looks at all of the agreements made between Serbia and Kosovo since they began formal dialogue in March 2011 with the facilitation of the EU and offers some recommendations:

For Kosovo, Serbia and the EU:

- Ensure that clarity is a key feature of all agreements to reduce potential for both sides to offer divergent interpretations. Agreements on police integration were clear and thus were implemented; agreements on the judiciary and the Association/Community of Serbian municipalities were vague and remain unimplemented.
 - Encourage the participation of members of the community from northern municipalities to participate in the dialogue, and ensure they are included on implementation committees. Engage with ordinary citizens more to make sure they are informed about what is being discussed on their behalf. An NDI poll in February found that fewer than 10 per cent of northern Kosovo Serbs knew what is contained in the agreement on the judiciary, underscoring the need to better inform ordinary people about past and future agreements.
 - Negotiate a timely agreement on vehicle insurance so that drivers from Kosovo and Serbia do not have to pay rates higher than people from other countries.
 - Open negotiations to streamline the cumbersome process of business registrations for transit of goods from Serbia to northern Kosovo.
 - Open negotiations on transportation by rail and air traffic. Broaden the dialogue to issues of missing persons and cultural heritage.
 - Improve the capacities and capabilities of the liaison officers.
 - Establish a direct line of communication between Belgrade and Prishtina that does not necessitate mediation by EULEX, the EU's rule of law mission, as it is downsizing and planning to withdraw as early as 2016.

³ Informed by conversations with several Belgrade-based experts and NGOs working on Kosovo and related issues.

For Kosovo:

- Form a government expeditiously so that there is a counterpart in Prishtina with whom implementation of the agreements can continue and further dialogue can proceed.
- Engage more with Kosovo Serbs through formal channels.
- Ensure that the relevant bodies investigate any allegation of violence against minority communities in order to show commitment to ensuring the security of minorities in Kosovo.
- Find a solution for recognizing diplomas of students who have finished their studies in the relocated University of Pristina in Mitrovica.
- Approve the law on cadastre that has stalled in the Kosovo Assembly.
For Northern Municipalities in Kosovo:
 - Ensure freedom of movement for EULEX in order to implement the agreement.
 - Find a formal way to inform residents about who from the community is negotiating in Brussels and working on implementation teams. Engage residents to inform them about the status of implementation of the agreements and what it will mean for their lives.
 - Remove all barriers to freedom of movement on the main Ibar/Ibar River bridge in Mitrovica.
For Serbia:
 - Maintain commitment to regional cooperation, including allowing Kosovo to participate in regional bodies and forums.
 - Robustly patrol the roads and bypasses in north Kosovo used by smugglers.⁴
 - Find legal solutions to overcome the decisions of the Constitutional Court that find some agreements unconstitutional.
 - Recognise the diplomas of the University of Prishtina and other Kosovo universities.
 - Remove barriers to Kosovo receiving its own international telephone code.
 - Dismantle Civilian Protection structures so their employees can be integrated their employees into relevant Kosovo institutions.
 - Make it possible for international passport holders to travel from Kosovo to Serbia without needing to enter Serbia first.
 - Make sure that the discussions surrounding Chapter 35 of the EU accession talks are transparent and ensure robust participation from civil society groups.

⁴ In its 2014 progress report for Serbia, the European Commission urges Serbia to take "additional measures" to stop illegal crossings.

For the EU:

- Take a more active approach in discussing openly whether or not both parties are holding to their sides of the deal. Do so by making all agreements public and being vocal about levels of implementation on all sides. Monitor the implementation and make the reports that result public.
- Insist on implementation of existing agreements, including judiciary, telephone code, diplomas, cadastre and Association/Community of Serb municipalities.
- Continue to tie progress on the dialogue to accession benchmarks. As a condition for candidate status, Serbia agreed to transfer security and justice structures to Kosovo. The agreement has been made, and Serbia has opened negotiations. Since then, little substantive progress on the judiciary has been made. The EU must insist on full implementation of Serbia's commitments.
- HR Mogherini should revive the momentum of the dialogue by hosting high level meetings as soon as Kosovo forms a government, to show that this remains a top priority
- Open chapter 35 discussions on EU accession early and apply it horizontally to other chapters. Consistently monitor the progress.

Introduction

Relations between Kosovo and Serbia were estranged for years following the end of the war in 1999, and the hostility was exacerbated by Kosovo's declaration of independence in February 2008. Kosovo Albanians had difficulty freely traveling to Serbia, even in transit to third countries. Kosovo's economy was hobbled by a trade embargo in Serbia, and its telecommunications and energy distribution system remained technically under Serbia's control.

In 2011, dragooned by the European Union, the two governments began meeting regularly to address some technical issues between them. They first tackled technical agreements about infrastructure, free movement between the territories, return of civil registry books and mutual recognition of diplomas, and later began at highest political levels agreeing to "normalise relations".

Serbian negotiator Borko Stefanovic, who then served as political director of Serbia's foreign ministry, held exhaustive talks with Kosovo's Deputy Prime Minister, Edita Tahiri. These initial technical talks are chronicled in "The Agreement," a one-hour documentary sponsored by the European Union showing how both negotiators came to eventual decisions to each make concessions in the pursuit of improving the functional ties between their countries, and how EU moderator Robert Cooper was instrumental in the process.

Eventually, the EU's High Representative for Foreign Affairs and Security Policy, Catherine Ashton, succeeded in bringing to the Brussels table both Prime Minister Hashim Thaci of Kosovo and Prime Minister Ivica Dacic of Serbia, in October 2012. This was the first official meeting on the prime ministerial level since Kosovo's declaration of independence in 2008. Both sides agreed to exchange liaison officers, establish a special multi-ethnic Kosovo Police unit to protect Serb religious and cultural heritage sites, and complete a study on the feasibility of a Prishtina-Nis motorway.

On April 19, 2013, both signed the "first agreement on principles governing the normalization of relations." While the technical agreements were focused on relations between Kosovo and Serbia, the "Brussels Agreement," as it came to be known, focused primarily on the future of Kosovo's ethnic Serb population. The agreement's 15 points gave Prishtina de jure control over Kosovo's predominantly Serb northern municipalities, while guaranteeing limited autonomy for the Serbs living there through a Serb-led Kosovo Police unit, majority-Kosovo Serb Appellate court, and a yet-to-be formed Association/Community⁵ of Serbian municipalities. In May they agreed upon an implementation plan.

The agreement was greeted with much fanfare in Brussels, heralded as a breakthrough that would ensure lasting peace between former long-time enemies. The participation of the governments of both countries has been heavily influenced by their need to please the EU, which both hope to join. Serbia has been able through this process to calibrate what it concedes to Kosovo, without formally recognising Kosovo's statehood. Its hardest balancing act has been

⁵ The agreement uses both terms interchangeably, as the structure was not agreed upon in Brussels.

in agreeing to dismantle its government structures that had been operating throughout the territory. In exchange, Kosovo authorities agreed to give limited autonomy for four major Serb municipalities in northern Kosovo, and permit the creation of an association of Serb municipalities. For Kosovo the process has given its citizens some access to Serbia – where previously they travelled with difficulty, and held out the prospect of extending sovereignty over its entire territory.

As mediator, the European Union won the right to claim a foreign policy success, a feather in the cap of its Common Security and Defence Policy (CSDP). Serbia was given a date to open accession talks in January 2014, and Kosovo has progressed in negotiations toward eventually signing a Stabilisation and Association Agreement (SAA).⁶

Yet while the plaudits have continued from Brussels, the politicians who negotiated both sides have received criticism from their constituents. Two-thirds of Serbs from Serbia support the dialogue with Kosovo, while only half of Kosovo Albanians do, and fewer 10 per cent of Kosovo Serbs from northern municipalities think Kosovo is going in the right direction (compared with 24 per cent of Kosovo Albanians who do).⁷ Serbia has been criticized by nationalists for effectively recognizing Kosovo's statehood, while Kosovo's Deputy Prime Minister, Edita Tahiri, and the government she represents have been accused of cementing Kosovo's ghetto status while giving Serbia a free pass to Europe. Critics say Brussels has been indulging Serbian Prime Minister Aleksandar Vucic and Kosovo Prime Minister Hashim Thaci, giving both a free hand for deviancy in governance in Serbia as long as the dialogue stays on track.

The agreements were made behind closed doors in the boardrooms of Brussels. Though it is known what has been agreed in principle, often, complete information about the meetings and the agreements reached does not reach the public. Kosovo has published nine of the technical agreements while Serbia has published six.⁸

However, most available documents do not explain the full details on how the agreements are to be implemented. This has led to misunderstandings while those whose lives are most affected remain in the dark about what has been negotiated on their behalf, and thus unable to exercise the rights stipulated in the agreements.

⁶ The SAA was initiated in Brussels on 25 July 2014, and will likely be adopted by the Council of the European Union in spring 2015. It is important to note here that Kosovo's SAA, is a pared down SAA, unlike those signed by other Western Balkan countries. It was not ratified by all EU members because five EU members still do not recognise Kosovo. This SAA does not put Kosovo on the same EU path as its neighbors.

⁷ Polling conducted by National Democratic Institute in February 2014. <https://www.ndi.org/files/NDI-Kosovo-Feb-2014-Public-Opinion-Research-on-Brussels-Agreement.pdf>

⁸ Serbia has not published the agreements on Energy, Telecom or Diplomas on its website. For the agreements on Serbia's website, see <http://www.srbija.gov.rs/kosovo-metohija/index.php?id=82315>. For agreements on the Kosovo website, see <http://www.kryeministri-ks.net/?page=2,191>.

“We are missing transparency,” North Mitrovica Administrative Office⁹ head Adrijana Hodzic told Big Deal. “I cannot give you this answer as to how many of our citizens from North Mitrovica are involved in the ongoing discussions. We don’t know even how many groups we have that are dealing with different issues. We have issues about police, courts, local self governance, etc.

Lack of awareness has manifested itself as dislike and distrust in the agreements. Recent polling found that half of Albanians from Kosovo oppose the on-going dialogue, and two thirds of Kosovo Serbs oppose it.¹⁰ However, while citizens believed that they are informed about it, misinformation persists. For instance, the same poll found that seven in 10 respondents in northern Kosovo believe the agreement envisions a special new security force in the north, which it does not. Moreover, fewer than half of Kosovo Serbs in the north are aware of the competencies of the Association of Serb municipalities. Though Kosovar Albanians have the highest opinion of the personal benefits of the agreement, they have lower awareness: two thirds report not to have “read or heard about the agreement.”

Inclusion of actors from the northern municipalities, and transparency about their inclusion, said Hodzic, is the only way to get buy-in from the local community.

“We need to know who is talking about these local issues, and when people see that we have quality people in these delegations talking about these issues, that is the way to make sure that people understand that we do have good people representing us and our needs”, Hodzic said.

The vagueness of some agreements has also led in some cases to divergent interpretations of how they are to be implemented, which has given both sides time and space to promote divergent opinions on how the implementation could be realized. For instance, a key component of the Brussels Agreement is the Association/Community of Serb-majority municipalities. The fact that both words are used has given rise to two differing interpretations of the structure, capacity, and role that this body will play once it is formed, raising expectations of citizens whether they prefer to see it either weaker or stronger.

Nevertheless, several key developments that once seemed inconceivable, like the creation of Serb-majority municipalities in north Kosovo under the governance of Prishtina, have come to pass, though Prishtina’s actual reach remains limited and Belgrade continues to wield considerable influence and authority. Likewise, the integration of northern Kosovo Serbs into the Kosovo police forces has laid a solid foundation for progress.

However, progress is not irreversible and many open issues remain. There has been no progress on the exchange of cadastral documents, no progress on forming a unitary judiciary for the north of Kosovo, and a flare up in June over the barricade on the main bridge between north and south Mitrovica remains unresolved.

⁹ This is an office in North Mitrovica under the government of Kosovo that has been functioning since May 2012 where citizens can access necessary municipal services from Kosovo institutions.
¹⁰ *ibid.*

Former Serbian Negotiator Borko Stefanovic told Big Deal that after the 19 April agreement, all parties lost momentum on implementing the technical agreements.

“These agreements are not attractive anymore for Brussels, Belgrade or Prishtina,” he said. “I believe our government as well as [Kosovo’s] simply take the Stefanovic-Tahiri agreements as null and void, or irrelevant. Like the Brussels Agreement¹¹ swallowed it all. It is as if there is a silent agreement between the two governments not to insist too much, meanwhile the EU said ‘we have this shiny new agreement which is a more interesting toy than the technical agreements’”.¹²

The implementation process this year was further complicated by elections in Serbia in March. Elections for the European Parliament in May strengthened the hand of Euro-sceptics, which has dampened applicant countries’ hopes for accession in the near term. This year the implementation of the agreements and continuing dialogue has been hampered to the greatest extent by early elections in Kosovo in June and a political stalemate that as of nearly November had yet to produce a new government..

From March to September, there was very little progress on implementation, but delays occasioned by elections were only part of the problem. Components of the agreements that were clearly articulated and defined in the text, like police integration, passage of an amnesty law in Kosovo, and return of civil registry documents, have been implemented. But much of the Brussels agreement is shrouded in ambiguity. Opacity was good for finessing agreement between the two parties but poses an obstacle to implementation, which is one reason why there has been little progress on the Association/Community of Northern municipalities and the integration of the courts in Mitrovica and Vucitrn, neither of which were well defined in the text of the agreements. Moreover, the Serb “Civilna Zastita”, or Civil Protection structures, active in the four northern municipalities, have not been dismantled. On the contrary, they are hiring new employees, according to an interview with a top Serb politician and member of Serbian parliament.¹³

The current situation of partial implementation has left room for a dangerous vacuum in the North. In September 2013, the so-called ‘parallel courts’, or criminal courts funded by Serbia, stopped accepting new cases, in line with the implementation plan, which foresaw that new courts under the Kosovo system would be up and running, but they are not. With EULEX taking cases related only to organised crime, corruption, and war crimes, there is a serious judicial

11 The Brussels agreement, also referred to as the 19 April agreement, refers to the one signed between two prime ministers Thaci and Dacic on 19 April 2013, as opposed to the technical agreements negotiated by Tahiri and Stefanovic.

12 This interview was conducted on the 23 September 2014, just days after new implementation plan for freedom of movement was reached, allowing Kosovo Albanians to travel from Belgrade airport, and opening new transit borders between Serbia and three other countries.

13 Interview with Aleksandar Jablanovic, leader of Srpska Lista and MP in Serbian parliament from Labor Minister Vulin’s Socialist Party, sitting on the Serbian parliament committee for Kosovo.

vacuum in the four northern municipalities.

“I’m afraid that, especially when it comes to crime, especially crimes for which a sentence of up to ten years in prison, there is a kind of legal vacuum that malicious people use,” Serbian negotiator and director of Serbia’s office for Kosovo, Marko Djuric told Big Deal.¹⁴

As time has elapsed without full implementation, the European Union is being tested and strained by the Russian assertiveness in Eastern Europe, which threatens the bloc’s security. Additionally, the results of the recent European Parliament elections have shown that enlargement fatigue has grown. EU Foreign Policy Chief Baroness Catherine Ashton has handed the reins to Italian Foreign Minister Federica Mogherini at a time when her ability to focus on progress in the Western Balkans will likely be distracted by conflict in Ukraine.

As time marches on with no new high-level meetings, and no progress, problems can arise, such as those that followed the 14 October 2014 abandoned Serbia v. Albania football match. The event ended after a drone flying a flag depicting Greater Albania appeared above the pitch, and fighting between the players of both teams, as well as spectators, ensued. Violence on Albanian-owned businesses in Serbia and on Serbian returnee communities in Kosovo followed, too.

“After the football match, I feel like a we’ve gone back ten years, when [as a Kosovo Serb] I was called a traitor for being in parliament,” Petar Miletic, former deputy speaker of the Kosovo Assembly told Big Deal. “I hope the new government in Kosovo comes soon because we didn’t have problems while the dialogue was on-going.”

Five months since general elections, Kosovo has yet to form a government. If there is any benefit to this continuing political stalemate, it is that it has brought the Serb representatives closer to Prishtina, as they participate in negotiations over governing coalitions.

“Such is my life now, that I’m in Prishtina twice a week, and Belgrade twice a week,” the leader of Srpska Lista, the largest Kosovo Serb bloc, Aleksandar Jablanovic told Big Deal, of his participation in negotiations for composing the government.

¹⁴ Interview with Marko Djuric, the representative of Serbian delegation, on 25 September 2014.

The agreements

When Belgrade's negotiator, Borko Stefanovic, who was then serving as the political director for Serbia's Ministry of Foreign Affairs, and Kosovo Deputy Prime Minister Edita Tahiri, began meeting in March 2011, it was the first time Serbia and Kosovo had entered into negotiations since Kosovo's declaration of independence. The meetings were regularly front-page news, and they were wildly unpopular among the public at home. The negotiators signed their first agreements that July. That same month, violence flared along the border as Kosovo Police tried to take control of the border posts and impose Kosovo customs on the goods coming through. NATO peacekeepers had to intervene to stabilise the situation.

During the technical round of the so-called 'dialogue,' parties from Kosovo and Serbia agreed to the following, summarised and presented in chronological order¹⁵:

partially
completed

Freedom of Movement: On 2 July 2011, both parties agreed that residents of each should be able to travel freely "within or through the territory of the other." This would be facilitated by an ID card system for 'cross border/boundary' travel of residents from the other party, with the use of entry/exit documents. Each agreed to enable residents of the other party to travel freely within or through the territory of the other. The parties also agreed to interim solutions for purchasing temporary insurance, while working for a commercial arrangement on mutual vehicle insurance.

completed

Civil Registry: Also on 2 July 2011, both parties agreed that a tripartite committee consisting of civil registry experts from both sides and chaired by the EU's rule of law mission, EULEX, would identify gaps in pre-1999 civil registry books. Serbia agreed to make copies of the original registries, which, upon certification by EULEX, would be returned to Kosovo.

no
progress

Cadastral: On 2 September 2011, parties agreed to ensure a full cadastral record for Kosovo by a similar process as delineated in the civil registry agreement: Tripartite teams, chaired by the EU, scan and verify the pre-1999 documents. Each would be compared by a technical agency within Kosovo, and in cases of disparity, handled by an adjudication mechanism, with the Kosovo Supreme Court hearing appeals.

completed

Custom Stamps: On 2 September 2011, parties also agreed to accept Kosovo Customs stamps and promised to ensure the freedom of movement of goods in accordance with CEFTA, the Central European Free Trade Agreement.¹⁶

¹⁵ Full text of the agreements can be found on the Kosovo website here: <http://www.kryeministri-ks.net/?page=2,191> and on the Serbian government website: <http://www.srbija.gov.rs/kosovo-metohija/index.php?id=82315>.

¹⁶ In 2006, Serbia, under the framework of CEFTA, accepted Kosovo as an independent customs area.

Mutual Acceptance of Diplomas: On 21 November 2011, both sides agreed to ask the European University Association to certify university diplomas for use by the other, either for higher education or employment in the public sector. The EU said it would make every effort to begin implementation by January 2012.

some progress

IBM¹⁷: In the EU context, IBM stands for 'Integrated Border Management', and is a key component of membership. Because Serbia does not recognise Kosovo, it prefers the term 'Integrated Boundary Management'. In the negotiations, only 'IBM', which is status-neutral, was used. On 2 December 2011, parties agreed to apply the EU concept of IBM, agreeing to gradually set up joint border points "as soon as practically possible". They agreed to have a balanced presence of each side's personnel, and not to show any state symbols. Parties also agreed that EULEX officials would be present at six border crossings.

some progress

Regional Representation and Cooperation: On 24 February 2012, parties agreed, on an interim basis, that Kosovo's name could appear with an asterisk in regional bodies, with a footnote referencing UN Security Council Resolution 1244 and the International Court of Justice, ICJ, opinion on the Kosovo declaration of independence. They further agreed that any new agreements would feature Kosovo with the asterisk.

some progress

Telecom: On 8 September 2013, the parties agreed that the EU and International Telecommunications Union would allocate Kosovo its own three-digit dialling code, and migrate the three Kosovo use (Serbia's and Slovenia's for land-lines, and Slovenia's and Monaco's for mobile) by January 2015. Parties also agreed to harmonise the spectrum for Global System for Mobile Communications (GSM) and television signals, with both parties agreeing not to intentionally infringe the "border/boundary" of the other.

no progress

Energy: Parties agreed that their energy transmission bodies, KOSTT, of Kosovo, and EMS, of Serbia, would sign a bilateral agreement within three months, establishing and regulating relations between the two transmission system operators. Both regulators were to issue licenses for trade (import, export, transit) and supply to their respective distribution companies. Parties also agreed to establish a new company under Kosovo law that would provide distribution services to the northern, Serb-majority municipalities. Kosovo and Serbia also agreed to, at a future time, find a common method for settling the claims both hold against one another for the use of transmission lines, agreeing to seek international arbitration if no solution came within six months.

partially completed

¹⁷ While Kosovo calls the line between itself and Serbia a border, Serbia refers to it as a 'boundary line.'

Each of the agreements called for an implementation plan and an implementation committee to oversee its progress.

Baroness Catherine Ashton brought the prime ministers together to agree on the “First Agreement on Principles Governing the Normalization of Relations,” signed 19 April 2013. It contained the following agreements:

completed

Establishment of four municipalities: Parties agreed that municipal elections would be organised in the four northern municipalities in 2013 with the facilitation of the OSCE, pursuant to Kosovo law and in compliance with international standards.

no
progress

Establishment of an Association/Community of Serb municipalities: Parties agreed that once elections were completed, an Association/Community of the 10 Serb-majority municipalities in Kosovo would be established, which will have “full overview of the areas of economic development, education, health, urban and rural planning,” and other competencies as delegated by central authorities. Its membership is open to any other municipality as long as all members agree. It will be created by statute, on the same basis as the existing statute of the Association of Kosovo municipalities. Participating municipalities “shall be entitled to cooperate in exercising their powers through the Community/Association collectively”, in accordance with the European Charter of Local Self Government and Kosovo law. The body will have representative role to the central authorities and will have a seat in the communities’ consultative council for this purpose.

partially
completed

Police and Security: The Kosovo Police, KP, will be the only police operating in the territory of Kosovo. All police working in northern Kosovo will be integrated into KP and all salaries will be paid by that body. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.

One regional commander will oversee the four northern Serb majority municipalities (Northern Mitrovica, Zvečan, Zubin Potok and Leposavić). The commander will be a Serb, nominated by Kosovo’s Ministry of Internal Affairs “from a list provided by the four mayors on behalf of the Community/Association”. The composition of the regional unit will reflect the ethnic composition of the four municipalities. A separate regional commander for Mitrovica South, Skenderaj, and Vushtrri will be created, but the regional commander of the unit covering the fourth northern municipalities will cooperate with other regional commanders.

Judiciary: The parties agreed that existing judicial authorities would be integrated into the Kosovo system. The Appellate Court in Prishtina will establish a panel composed of a majority of Kosovo Serb judges to deal with all Kosovo Serb majority municipalities.

A division of this Appellate Court, composed of administrative staff and judges, will sit permanently in northern Mitrovica. Kosovo Serb judges will comprise a majority of each panel.

no
progress

partially
completed

Other: Both sides also agreed that discussions on **energy and telecoms** would be intensified by the two sides and completed by 15 June 2013.

Both parties agreed that neither would block, nor encourage others to block, the other side's progress in their respective EU paths.

some
progress

Finally, the parties agreed to establish an implementation committee, with the facilitation of the EU. The chief negotiator for each country heads the respective implementation committees. These oversee the work of the implementation committees dealing with each specific issue.

completed

Since the April 2013 agreement, there has been progress on implementation but no new topics have been opened.

Freedom of movement and goods

Since the end of the war in 1999, the freedom of movement of people and goods between Kosovo and Serbia has been limited, with further restrictions following Kosovo's 2008 declaration of independence. However, it has significantly improved since the signing of the first agreements in 2011, though the procedure foreseen in the agreement was not fully operational until May 2013. In September 2014, even more barriers to free travel were removed, as Kosovo citizens were allowed to transit through Belgrade Nikola Tesla Airport. Rail and air traffic have yet to be discussed.

From 1999, the UN Mission in Kosovo, UNMIK, assumed control over issuing personal identity cards, travel documents, license plates¹⁸, and Kosovo's representation in international trade. This was complicated by Kosovo's declaration of independence because it meant the end of UNMIK's administrative functions that July. Serbia continued issuing relevant documents such as passports and license plates. Kosovo, as a newly independent state, began issuing its own as well. Customs stamps, which had previously read 'UNMIK customs', became 'Kosovo Customs', rendering them unacceptable to Serbia, resulting in an embargo on goods from Kosovo. Kosovo passports, a symbol of statehood, also were not accepted, and residents of Kosovo could not enter Serbia unless they

"We still don't have free movement, and this is a challenge for Kosovo authorities because if there is a patient who is sick, who needs to go somewhere, he has to pay with his money, or with his life."

—SELATIN KACANIK,
NGO "CONSUMER"

¹⁸ These license plates had "KS," for Kosovo, at the front.

held a Yugoslav or Serbian passport, or that of another country.¹⁹ Driving in with a private car was an additional problem, as Serbia did not recognize UNMIK or Kosovo driving licenses.

This continued until the July 2011 agreement on freedom of movement gave Kosovo citizens the ability to travel to Serbia using their Kosovo ID cards. Upon arrival on Serbian territory, they must receive an entry document that allows a stay of up to 90 days. The same document is presented when they exit Serbia.

On 4 September 2014, after a year of negotiations, Serbia and Kosovo reached an agreement in Brussels to build permanent buildings at the border/boundary crossings.

There is still no solution for people from countries whose national ID cards are accepted in lieu of a passport to enter Serbia from Kosovo, unless they have previously legally entered Serbia before arriving in Kosovo.²⁰ The only solution is to enter Serbia through a third country like Montenegro or Macedonia, substantially prolonging a car trip, for instance. If they entered Serbia before Kosovo, they have 90 days to re-enter Serbia provided they did not leave Kosovo and re-enter from another bordering country.

Serbia delayed implementing the agreement on jointly administered border points until December 2012, but now the checkpoints are co-located and jointly administered. They are run by officials from both Kosovo and Serbia. EULEX monitors and advises but no longer actively conducts passport or customs control, which was a key duty at the two northern gates until mid-2014. An agreement on the draft layouts of permanent crossing points was reached in September 2014. However, in its 2014 progress report for Serbia, the European Commission said Serbia must do more to clamp down on illegal crossing points used by smugglers.

Because Kosovo is not a member of the Green Card System, which allows mutual acceptance of automotive insurance in most European countries, the mutual acceptance of insurance is a bilateral issue between Kosovo and Serbia. The 2011 IBM agreement necessitated motorists traveling in both directions having to buy expensive insurance at the border.²¹

During first four months of 2012, when the insurance agreement was first implemented, passenger vehicle traffic from Serbia to Kosovo was halved, and people in Serbia, especially ethnic Albanians from the south, claimed the cost cut them off from business and family ties to Kosovo.²² Those entering Kosovo with Serbian license plates must buy insurance costing 20 EUR for one week, 40 EUR for 15 days, or 80 EUR for one month.²³ Those entering from other coun-

¹⁹ In rare cases, IDs issued by UNMIK were accepted on a case-by-case basis.

²⁰ Citizens of the following countries do not have national identity cards: Australia, Canada, Denmark, Ireland, India (see below), Japan, New Zealand, Norway, the United Kingdom and the United States.

²¹ Center for Regionalism, *Monitoring the Implementation of the Agreement Concluded between Kosovo and Serbia in the field of Free Movement of People and Goods*, Novi Sad, 2013.

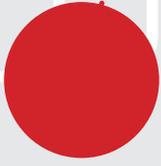
²² http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/blogreview/2012/04/28/blog-03

²³ See the Kosovo Insurance Bureau pricing table: <http://www.bks-ks.org/static/uploads/>

no progress

some progress

2011



Cadastre



Mutual Acceptance of Diplomas



IBM

2012



Regional Representation and Cooperation



Judiciary



Telecom



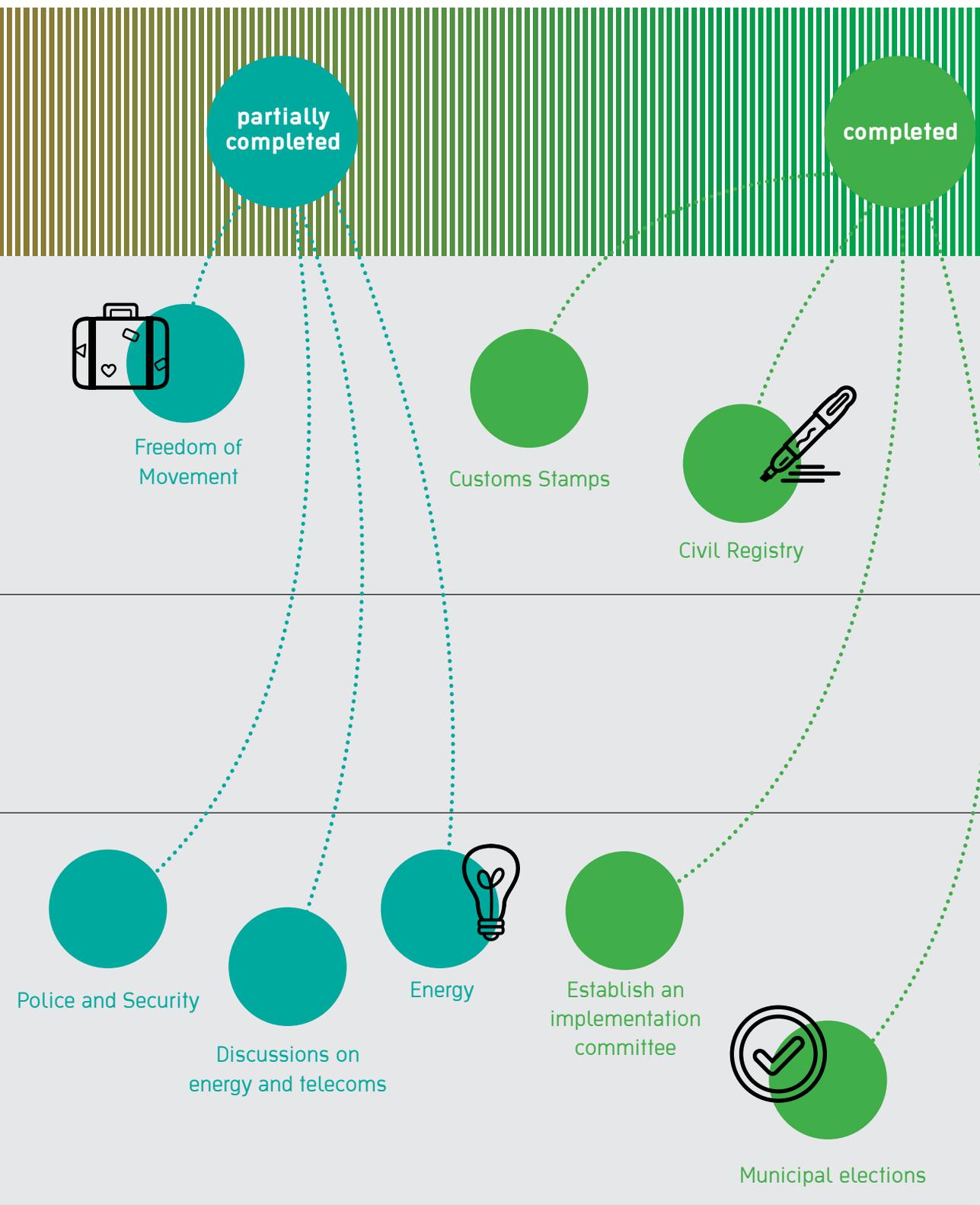
Association/Community of Serb-majority municipalities



Neither will block

2013





Year	No progress	Some progress	Partially Completed	Completed
2011	1	2	1	2
2012		1		
2013	3	1	3	2
Total	4	4	4	4

tries pay 30 EUR for 15 days or 41 EUR for one month.²⁴

Following lobbying from politicians in southern Serbia, the Kosovo government in October 2013 decided that it would pay the insurance fees for ethnic Albanians who live in Presevo, Medvedja, and Bujanovac²⁵ and wish to travel to Kosovo.²⁶ So far the government has spent almost one million EUR.

Drivers entering Serbia with Kosovo plates pay 105 euros for monthly insurance, the only rate and time period available. This is a substantial fee considering the average monthly wage in Kosovo is approximately 436 EUR.²⁷ They also must buy temporary 'PROBA' license plates for an additional cost of 5 EUR per day of travel. At the Jarinje crossing point, the process of entering Serbia is quite complicated. The kiosk, which used to be located at the border to sell insurance to people driving with RKS (for "Republic of Kosovo") license plates, has been closed. Sources at the border who wished to remain nameless for fear of their job explained that the Serbian government did not want insurance sold at the border.²⁸ Rather, Kosovar travellers must park their vehicle at the border, walk or hitch-hike approximately 1.5 kilometres to purchase the insurance, and then return to the border.

"We still don't have free movement, and this is a challenge for Kosovo authorities because if there is a patient who is sick, who needs to go somewhere, he has to pay with his money, or with his life," said Selatin Kacanik, director of the NGO Consumer.

There are substantial complications in arranging mutually accepted insurance schemes, as most of the insurance companies are privately-owned companies that the government says it cannot regulate.

"There is no agreement we can make that can force private companies to change their rates...the insurance company lobby is strong, and most are foreign companies," said Borko Stefanovic, who negotiated the Freedom of Movement deal for the Serbian side.²⁹ "All we can do is allow people to enter." However, he points out that the government has a stake in appointing the directors of the state-owned Dunav insurance company.

"There are some international rules of the game when it comes to insurance, and the state is the ultimate controller, which determines the mode of operation of insurance companies," Marko Djuric told Big Deal. "Certainly it is our obligation to be guided by the interests of the people and not the interests of any businesses and we will be consistent to the end."³⁰

The Council of Bureaux, the managing organization of the multilateral Green

[publications/tarifaf/tarifa0.png](#)

²⁴ See the Kosovo Insurance Bureau pricing table: <http://www.bks-ks.org/static/uploads/publications/tarifaf/tarifa1.png>

²⁵ Decision 02/151 of the Kosovo Government dated October 11, 2013.

²⁶ The Kosovo government spent 315,000 EUR covering fees in 2013, and so far in 2014 it has spent 620,000 EUR, according to a spokesman for the Ministry of Finance.

²⁷ Average wage for Kosovo citizens in September 2014 as reported by the Kosovo Statistics Agency.

²⁸ Big Deal visit to Jarinje in October 2014.

²⁹ Interview with Borko Stefanovic 23 September 2014.

³⁰ Interview with Marko Djuric on 25 September 2014.

Card used in most of Europe, has agreed to serve as intermediary in the discussions between Kosovo and Serbia on mutual recognition of insurance, but several disagreements over the substance of the solution remain.³¹

On 7 October 2014, Vlora Oberlinca, the director of the Green Card Department in the Bureau of Kosovo, promised the issue would be resolved within several months.

“Kosovo will be granted and will facilitate the issue of export barriers and facilitating the issuance of green card from a credible state of Western Europe”,³² she said.

In an interview, Kosovo Deputy Prime Minister Tahiri told Big Deal that arrangements would be prepared by January 2015 for lower insurance prices.³³

Transit and Air Travel: On 16 September 2014, both sides agreed to allow Kosovars to travel through Serbia to new transit points for Bulgaria and Macedonia, (in addition to existing points for Croatia and Hungary), effective 16 November.³⁴ It also gave Kosovo citizens the right to fly from Belgrade international airport using their ID cards starting from September 22. They will eventually be allowed to fly from the Nis airport, too. In October, a member of the Big Deal team landed at Belgrade’s Nikola Tesla airport and departed to Podgorica, Montenegro, using his Kosovo ID, confirming that the policy has been implemented.

Train Travel: There is another issue related to freedom of movement, but it has not been raised during the dialogue in Brussels: and that is of the Serbian train that, since October 2013, runs from North Mitrovica to Kraljevo, with connections to Belgrade and beyond.

“This train is beyond the control of the railway authorities of Kosovo,” Deputy Prime Minister Tahiri, told Big Deal.³⁵

From 2000 to 2008, UNMIK railways operated all railway lines throughout Kosovo. Kosovo Railways took over from UNMIK in 2008. However, in March 2008, Serbia “retook” control over the 50 kilometre Lesak-Zvecan line. The train from Serbia to Zvecan started running in June 2008. Service was extended to North Mitrovica in October 2013. The leaders of Kosovo’s train companies, TrainKos and InfraKos, say they have received no payment from Serbian Railways for use of its property, the railway tracks.

“They don’t give us any money; this is an illegal occupation, even an invasion,” Kosovo Railways’ union leader, Sabet Thaci told Big Deal.³⁶

31 See Government of Kosovo’s October 2014 State of Play report, page 25.

32 Statement of Vlora Oberlinca on 7 October 2014 in Prishtina.

33 Interview with Deputy PM Tahiri in Prishtina on 21 October 2014.

34 The Border points are Kelebia (BCP of Serbia with Hungary), Gradina (BCP of Serbia with Bulgaria), Presevo (BCP of Serbia with Macedonia)

35 Statement to Prishtina Insight in March 2014. For more, see <http://www.balkaninsight.com/en/article/train-to-serbia-leaves-kosovo-steaming>

36 Interview with Sabet Thaci in Fushe Kosovo in March 2014.

Customs and free trade

Serbia and Kosovo reached agreements on customs stamps on 2 September 2011, and implementation began on both sides by the end of the same month. The agreement is based on the principles of the Central European Free Trade Agreement, CEFTA, a trade agreement between non-EU countries in southeast Europe. It removed a three year-long embargo on Kosovo's goods in Serbia.

The agreement was initially implemented in four of the border crossings, while there were barricades and roadblocks preventing the flow of goods at northern crossing points Jarinje and Brnjak. This unrest led to a counter embargo by Kosovo on Serbian goods. The impasse was resolved by the December 2011 IBM agreement, which planned to put customs officials of both countries under one roof. It is slowly being realized, with a breakthrough in September 2014 agreement on the draft designs for the permanent construction of the jointly located checkpoints.

On 17 January 2013, both sides reached an agreement on customs revenue collection at Jarinje and Brnjak to collect money that would go into a special fund for developing the four northern municipalities. Collection began without incident on 14 December 2013. EULEX maintains a presence as well at the border, and there have not been any major problems, according to Kosovo customs officials. The Kosovo authorities collect applicable excise duties including VAT. An EU spokesman told Big Deal that by mid-September, more than 3 million EUR had been collected for the fund.³⁷

As a result of the agreements, trade between the two countries has gone up dramatically in line with the customs agreement. According to Adriatik Stavileci, a spokesperson for Kosovo Customs, Kosovo exports to Serbia in comparison to last year have increased. Statistics have shown an increase of 185 per cent from EUR 7.7 million in 2013 to an estimated EUR 22.5 million in 2014.³⁸

Despite the rise in the volume of trade, a significant trade imbalance remains. Imports from Serbia into Kosovo valued 255.6 million EUR in 2010 and 280 million EUR in 2013, according to Stavileci, with Serbian estimates even higher at 300 million EUR.³⁹

There have been significant bureaucratic challenges over exactly how to implement the free trade agreement, according to municipal officials in Mitrovica who register Serbian companies. According to the initial understanding of the agreement, Serbian companies already operating in northern Kosovo did not need to re-register provided they had been operating before 19 April 2013. However the Kosovo customs agency has insisted that all companies re-register through a cumbersome process that one Kosovo official says is not in the spirit of the agreement.⁴⁰

³⁷ Interview with EU Special Representative Samuel Zbogar in September 2014.

³⁸ Interview with Stavileci in September 2014.

³⁹ Center for Regionalism, *Monitoring the Implementation of the Agreement Concluded between Kosovo and Serbia in the field of Free Movement of People and Goods*, Novi Sad, 2013.

⁴⁰ Interview with Kosovo official in north Mitrovica in September 2014.

The Development Fund for northern Kosovo was established on 13 December 2013, the day before Customs collection began at Jarinje and Brnjak. The Customs money collected from the “companies operating and goods destined to local population of the northern municipalities” is to be transferred to the Development Fund, as regulated by Kosovo law.

The creation of the fund – a Kosovo responsibility – did not occur on time. The agreement on customs collection was reached in Brussels on 17 January 2013, and it called for the establishment of the fund within seven days of the agreement. However, there were some issues determining the legal framework of the fund, and the only solution was to incorporate the fund into the semi-annual budget review conducted by the Kosovo Assembly.⁴¹ The law on the budget, including provision for the development fund, was adopted on 25 July 2013 and signed by the president on 2 September 2013, but, according to Deputy Prime Minister Edita Tahiri, “no preparatory work was done in the meantime”. According to the Kosovo government’s report, EU officials then determined it would be wiser to wait until after the November local elections had finished before beginning to collect customs.

The three-member board responsible for determining the projects is composed of EU Special Representative Samuel Zbogar, Kosovo Minister of Finance Besim Beqaj, and Serb representative Danijela Zubac. The board has yet to decide on a use for the money.

Per the agreement, “The Development Fund can be increased by the addition of other contributions by donors, in accordance with Kosovo legislation,” but so far no money other than the customs revenue collection has been added to the fund.



“With the support of Prishtina, Belgrade got stronger representation in Kosovo at the national level.”

—KOSOVO OFFICIAL
SERVING IN LOCAL
GOVERNMENT

Changes affecting Kosovo Serbs, especially in northern municipalities

Serbia promised, as part of the Brussels agreement, that it would dismantle its governing structures on the territory of Kosovo, and that the four northern municipalities would be created under Kosovo law. Serbs from north and the rest of Kosovo would be granted autonomy over education, culture, health, and urban planning. These duties would be overseen by an Association/Community of Serbian-majority municipalities. The new arrangement will give Kosovo Serbs—and Belgrade—unprecedented power at the national level, while the level of autonomy that will be granted to the association/community remains hotly debated. While the fact that 400 Kosovo Serb policemen joined the ranks of the Kosovo Police is commendable, the lack of formation of the Association of Municipalities foreseen by the agreement, and the lack of a functioning judiciary both pose obstacles to stability.

⁴¹ State of play report published in January 2014.

Parallel structures

After the Kosovo war ended in 1999 the war ended between Serbia and Kosovo, the Serbian government continued to operate throughout Kosovo. It still pays employees throughout the full territory of Kosovo through bodies called *privremeno vijece*, or ‘temporary councils’. According to research by Serbian journalists, there are a total of more than 5,100 elected or appointed people on the Serbian payroll working in local government or public enterprises, including schools and hospitals on the territory of Kosovo in 29 municipalities. Prishtina has the most people, with 840, while north Mitrovica has 614, Leposavic has 510, Zubin Potok has 399, and Zvecan 242.⁴² Some of these people officially work in Kosovo institutions and receive two salaries. Others do not have a workplace to go to or a job to do, but continue receiving their salaries.

In 2012 and 2013, the Serbian government spent 634 million EUR in Kosovo, an average of 867,000 EUR per day.⁴³ The government of Kosovo calls these and others ‘parallel structures’. The name is an umbrella term referring to Serb-funded institutions in Kosovo, but in common parlance it is used in other ways. It often used to refer to the *Civilna Zastita*, or ‘Civil Protection’ units operating in the northern municipalities, which Kosovo and the European Union want to see disbanded and personnel incorporated into the relevant Kosovo institutions.

More broadly, it refers simply to institutions, like schools, hospitals or municipalities, which provide services to Serbs living in Kosovo. “You cannot call these ‘parallel institutions’”, said a municipal official in Mitrovica, “because these are the only institutions providing services the people need”.⁴⁴

In many cases, without funding from the Serbian government, important services provided to people living in Kosovo would cease to function. For instance, there are about 1,560 employees working in the hospital in north Mitrovica, according to a local municipal official. The Kosovo government provides funding for approximately 225 salaries,⁴⁵ while the Serbian government provides the rest of the money. Although the hospital may not need all 1,560 employees to be fully functional, it needs at least 1,000, estimates the official, and 225 is certainly too few.⁴⁶ The same can be said of other institutions: they are bloated with Serbian money, but the Kosovo government has barely committed even a fraction of the money needed to fund the budgets of these institutions.

As part of the 2013 Brussels Agreement, Serbia vowed to dismantle the four northern municipalities that answer to Belgrade and hold elections for local government under Kosovo.

42 Data provided by Ivan Angetovski, of Serbian broadcaster B92’s show *Insajder*. The salaries for these 5,106 people cost the Serbian government almost 2,175,000 EUR per month.

43 According to investigations by journalists from Serbian broadcaster B92’s show *Insajder*, much of this money was wasted on corruption. An Inquiry Committee charged by the Serbian parliament to investigate allegations of corruption from 2000 to 2012 published a report in April 2014 which concluded that a Serbian government decision in 2005 to exempt VAT for goods going to Kosovo led to a flourishing of organised crime, destabilizing the north of Kosovo.

44 Interview in September 2014 with a high-level municipal official.

45 In cases like this, the employee also takes a salary from the Serbian government, so 225 employees have double salaries.

46 Interview with municipal official in North Mitrovica.

Elections

On 3 November 2013, the predominantly Serb municipalities in northern Kosovo took part in elections under Prishtina's administration for the first time since Kosovo's independence, facilitated by the Organization for Security and Cooperation in Europe (OSCE). This happened despite a climate of intimidation and even violence in north Mitrovica from hardline local opponents of the deal and workplace coercion to vote transmitted from Belgrade. The municipalities then adopted municipal statutes and began to function under Kosovo's Ministry of Local Self-Government, though they will retain a degree of autonomy when an Association of Serb-majority municipalities is formed.

The climate under which elections were held was tense, especially in Northern Mitrovica, where a series of four elections were first marred by violence, and then saw one mayoral candidate killed and another arrested for alleged war crimes.

According to the Organization for Security and Co-Operation in Europe, OSCE, the turnout was 22 per cent in Leposavic and Zubin Potok, and 11.21 per cent in Zvecan, a very low turnout compared to the Kosovo average of about 40 per cent. The Serbian Civic Initiative, known as GIS for its Serbian name *Gradjanska Inicijativa Srpska* (better known as *Srpska Lista*), won nine out of ten Serb majority municipalities (the exception is Strpce). GIS, which gathered most of the Kosovo Serb political parties, is the list of candidates openly preferred by Belgrade and the GIS victory means that Belgrade can exert influence over the officials to implement the agreement when it wants to. In Strpce, the Srpska Samostalna Stranka, SLS, which was in coalition with Kosovo Prime Minister Hashim Thaci's Democratic Party of Kosovo, PDK, retained control of the municipality.

The security presence in the north was lacking. In Northern Mitrovica, masked men stormed three polling stations around dusk. The OSCE withdrew its observers, closed the polling stations early, and annulled all results. Two Serbian journalists, one from Kosovo and another from Serbia, and one Serbian MP told Big Deal that the masked men who stormed the three polling stations in north Mitrovica were members of the Serbian gendarmerie, who sought to prevent an Albanian, Agim Deva, from being elected as a result of low Serb turnout, and sought to mar the vote instead.

On 17 November, elections in the three polling centers were conducted once again. All security forces were on hand: Kosovo Police, EULEX, KFOR, as well as the Serbian security forces and the *civilna zastita*, or civil protection. In Northern Mitrovica, elections were held for a third time. No one emerged victorious from the 17 November vote, and a run off held on 1 December put Krstimir Pantic in charge with 55 per cent of 5,000 votes cast. Pantic, however, refused to sign the oath that had the Kosovo coat of arms on it, saying in doing so, he would violate the Serbian Constitution. A candidate who could have replaced

him, Dimitrije Janicijevic was shot dead outside his apartment on 16 January.⁴⁷ Janicijevic, a member of the Serb Liberal party, SLS, which was part of the government coalition in Prishtina, had lost to Pantic, but could have been elected. A week later, Oliver Ivanovic, another primary contender for mayor was arrested by EULEX on suspicion of war crimes. He was indicted in August.⁴⁸ Janicijevic murder and Ivanovic's arrest added to a sense of fear and foreboding before the fourth round of elections were held on 23 February. Belgrade's favoured candidate, former firefighter Goran Rakic, won.

A number of residents of North Mitrovica have been critical of the selection of the candidates who stood for the vote, and the pressure exerted on voters.

"People were forced to go out and vote, it was not democratic," one citizen of North Mitrovica who did not want to be named told Big Deal. "Employees of the schools and public companies were pressured to vote ... people have lost faith in democracy".⁴⁹

Petar Miletic, former deputy speaker of Kosovo parliament and founder of SLS, the Independent Liberal Party, which was in coalition with PDK in the last government, agrees.

"Leadership of Kosovo Serbs must come from elections—these weren't real elections, the ones they picked in our name were not chosen, they were named by Belgrade," he told Big Deal. "There is no Serbian political elite in North Kosovo. The five MPs from the north, nobody knows them, and the mayors are politically weak. The only good thing is that the hardliners have been marginalised."⁵⁰

After difficulties with elections, municipalities were slow to begin functioning, and everything has been done at the last minute, but all four have been brought under Kosovo law officially. On 11 January 2014, in the evening, the legal deadline for the municipal assemblies to hold their inaugural sessions, the mayors and councilors signed their oaths only after EU stickers covered the Kosovo insignia. 10 February was the legal deadline for elections of municipal assembly chairs, who were voted in with just hours to go. Sources tell Big Deal that some municipal officials were not eager to get Kosovo ID cards, but they eventually did so in order to receive their salaries. In Mitrovica, once again the municipal assembly waited until the last day possible to settle on its municipal charter, on May 15, coming perilously close to needing another round of elections. The charter was eventually settled on with the assistance of rigorous US and European brokering. The need for constant international intervention is concerning.

Serb parties were unsure whether or not they would participate in the June 8, 2014 general elections, which would be the first time northern Serbs participated in the north. With only two days left before the vote, the Serbs agreed

47 <http://uk.reuters.com/article/2014/01/16/uk-kosovo-murder-idUKBREA0FORZ20140116>

48 <http://www.bbc.com/news/world-europe-25933153>

49 Interview in September 2014 in North Mitrovica.

50 Interview with Miletic in Gracanica in October 2014.

to participate, making for a very short campaign period. Allegations of voter intimidation and Serbian public companies conditioning salaries for votes are rampant.⁵¹

To pave the way for the appointments of mayors, police officers, and other Serb officials into the Kosovo system, Kosovo agreed in Brussels to pass an amnesty law. The original intention was to guarantee that those guilty of non-serious crimes committed when agitating against the Prishtina government after Kosovo's declaration of independence would not be prosecuted. Serbia said it would not dismantle its parallel structures until the law had been passed. The original version of the law drafted by the government, given to Kosovo's Parliament in June 2013 was more inclusive than Brussels called for: it included crimes committed across Kosovo rather than only in the northern municipalities. The offences to be pardoned include arson, inciting ethno-national, racial or religious hatred, espionage, armed rebellion, possession of illegal weapons and endangering Kosovo's territorial integrity.⁵²

Kosovo's Assembly adopted the law on July 11, 2013⁵³, with 90 of 120 voting in favor, but there was substantial opposition in the Assembly and within civil society activists who opposed the law because they considered it too permissive. Opponents gathered almost 13,000 signatures on a petition asking the president not to sign the law. The Vetevendosje movement bitterly opposed the law and sent it to the constitutional court. Nevertheless, the law was signed by the President on 19 September 2013, after it was amended by Kosovo's Constitutional Court, which demanded that articles providing for amnesty for destruction of property, assisting offenders, and falsification of documents be struck out. The law remained permissive, providing amnesty for more than the Brussels agreement intended. Recent analysis by Kosovo daily newspaper Koha Ditore found that 1,237 people have benefited from this law: 1000 Albanians, 216 Serbs and 21 Bosniaks.⁵⁴

Association of Municipalities

Although Serbia recognises the results of elections in Kosovo, and supports the candidates who won, it continues to finance its old Serbian municipalities through "temporary ruling councils," and the Srpska List politicians elected in the north also have titles in the Serbian government. The leader of Srpska List is Aleksandar Jablanovic, who is the deputy president of the Serbian parliament from the Socialist party, led by Labor minister Aleksandar Vulin, Serbia's former

51 In one interview, an interlocutor's immobile, bed-ridden grandmother was told she would need to vote in order to receive her pension. BIG DEAL personally saw the SMS from the public nursing home on election day on June 8, 2014.

52 <http://www.reuters.com/article/2013/07/11/us-kosovo-serbia-amnesty-idUSBRE96A0P120130711>

53 Draft law on Amnesty. <http://www.assembly-kosova.org/common/docs/ligjet/04-L-209.pdf>

54 See "Amnesty law gives results," Koha Ditore, September 9 2014. <http://kohanet/?id=27&L=25058>

head of office for Kosovo. All sides agree that these structures will be disbanded once the Association of Serbian municipalities is formed.

The Association has been a source of disagreement between Belgrade and Prishtina. In the November 2013 elections, one of the slogans used by the Srpska Lista was “November 3: Vote for Srpska, November 4, build Srpska.”⁵⁵ The latter Srpska ostensibly refers to the Bosnian entity of Republika Srpska, which has substantial autonomy in Bosnia and whose leader, Milorad Dodik, threatens often to secede from Bosnia and Herzegovina. Kosovo’s Prime Minister Hashim Thaci, on the other hand, said the Association would function more as an NGO.

The disparity in views and press about the ASM will lead to inevitable disappointment, says Miletic.

“This type of talk raises expectations on both sides, which could have negative consequences,” he told Big Deal.⁵⁶

The Implementation plan agreed upon in May 2013 foresaw the creation of a management team for the establishment of the ASM by the end of May, and the establishment of the association itself by mid-December. In mid-June 2013, both governments agreed who would be on the Association’s initial management team, four northern Serbs: Igor Kalamar, Dragan Jablanovic, Ljubomir Maric, and Dejan Radojkovic.

The implementation plan foresaw that the ASM would be established and its Statute would be ready for the Kosovo Assembly to adopt it, by the end of October 2013. There were significant delays in electing municipal representatives and establishing the municipalities themselves. As a result, the ASM was not constituted. Using the model of the Association of Municipalities of Kosovo, MLGA,⁵⁷ the government in Prishtina developed a draft statute and presented it in Brussels in December. It was discussed at the meetings of the two prime ministers on 27 January 2014, the first meeting after the municipalities were finally established. However, the draft statute proposed by Kosovo’s MLGA was not endorsed by Belgrade and the ASM was not on the agenda for later meetings.

There are concerns, said an EU official, that Serbs may say that whatever is not explicitly defined in a future statute is also the competency of the ASM. However, due to the agreed nature of the ASM – education, health, culture and municipal planning – it is unlikely that it could wield veto power to block decisions at the central state level.

The ASM could pose some pitfalls for Kosovo’s central government. It will likely have access to substantial funding, as it may be the main repository for funds from Serbia and the European Union. This would likely diminish Prishtina’s role in governing the north. Authors of a Central European Policy Institute brief noted that “If the ASM gets all the funding it needs from Belgrade and the

⁵⁵ Listen to the advertisement on Radio Gračanica’s Youtube page: <https://www.youtube.com/watch?v=07BfG3LUhsY>

⁵⁶ Interview with Miletic in Gračanica in 2014.

⁵⁷ Kosovo’s Association of Municipalities is composed of all municipalities in Southern Kosovo. Its goal is to promote decentralization of power as well as fostering partnership between local and national government. Its head is chosen in rotation.

EU, then the Serbs of northern Kosovo will have few incentives to reach out to Prishtina”.⁵⁸

However, officials in the northern municipalities were skeptical that funding promised by the EU would arrive, and raised some concerns about possible corruption in allocation of contracts and disbursement of funds allocated specifically for the north.⁵⁹

The inclusion of the six predominantly-Serb municipalities in the south, which have already been more or less successfully incorporated into the Kosovo institutions, and have ties to Prishtina, could keep the ASM rooted in Kosovo, rather than engendering the feeling of a completely separate entity.

Meanwhile, tensions could flare quickly in the north, particularly in Mitrovica. Just two weeks after Kosovo’s nationwide elections, on 18 June 2014, residents awoke to news that the three year old barricade on the north side of Mitrovica’s “New Bridge,” separating the predominantly Serb north with the South from the predominantly Albanian south, had been taken down. It is unclear who ordered the barricades’ removal but citizens were not told about it ahead of time, though there are indications that top-level local and international officials knew about it in advance.⁶⁰

“This was expected. I’ve come to work closely with foreign diplomats, but also with people in the north of the city. I have delivered my promise, because as you can see, the barricade is being lifted,” said south Mitrovica mayor Agim Bahtiri.⁶¹

Albanians began driving across the bridge wearing traditional *plis* hats and chanting triumphantly, which alarmed the residents of the north.

The excitement was short lived. and the following day North Mitrovica Mayor Goran Rakic announced the bridge would be blocked by a “Peace Park,” once again obstructing the freedom of movement of people on both sides of Mitrovica.⁶² The bridge was covered in mud as gardeners set about planting grass and surrounding the grass with arboreal barriers.

A protest begun on the southern side on 22 June quickly escalated into a full-fledged riot and 23 people were injured. The park continues to be a source of tension.

The bridge has now become a separate topic for Brussels-mediated discussions. The EU convened a working group on 11 July which ended without a result after ten hours of discussion. On 22 July the parties again met more productively, though no final solution was reached. According to a recent report by Edita Tahiri, in Brussels all parties agreed that the EU will “conduct a technical

58 “Integration or Isolation? Northern Kosovo in 2014 Electoral Limbo.” Leon Malazogu, Milan Nič, Filip Ejdus and Tomasz Zornaczuk for the Central European Policy Institute, 13 Feb 2014. <http://www.cepolicy.org/publications/integration-or-isolation-northern-kosovo-2014-electoral-limbo>

59 Visit to North Mitrovica Administrative Office in September 2014.

60 Interview with Kosovo government official.

61 Elton Tota, “Barricade Lifted in Mitrovica,” 18 June 2014.

<http://www.balkan.eu.com/barricade-lifted-mitrovica/>

62 Reporting in Mitrovica on 19 June 2014.

evaluation of the bridge's static structure stability," to be presented in September 2014.⁶³ Tahiri also pledges that if there is any action to place a barricade on the bridge, the government of Kosovo would "respond with the force of law".

In a separate rule of law investigation, EULEX announced in August that there is a warrant for the arrest of Stefan Vulovic, the mayor of Zubin Potok, because he did not appear for questioning in the matter of Slobodan Sovrlic. Sovrlic allegedly led a raid to the Zubin Potok police station, which enabled the release of several men⁶⁴ who were being held there on suspicion of using firearms in an attack on three Kosovo policemen.⁶⁵

Vulovic has allegedly left Kosovo along with former mayor Slavisa Ristic, who is suspected of endangering UN personnel and committing a murder.⁶⁶

Security

Integration of former policemen from Serbia's Ministry of Internal Affairs into one Kosovo police unit has been successfully completed, though the Serbian-sponsored civil protection⁶⁷ and security structures still remain. Police integration is a very significant achievement of the agreement that has had a positive impact on the policing of North Mitrovica.

According to the agreement, all police working in northern Kosovo were to be integrated into the KP and all salaries paid by that body. Members of other Serbian security structures were to be offered a place in equivalent Kosovo structures.

As per the agreement, one regional commander, a Serb, oversees a unit consisting of the four northern Serb-majority municipalities. The commander was nominated by the Ministry of Interior from a list provided by the four mayors.⁶⁸ The composition of the regional unit will reflect the ethnic composition of the four municipalities.

By May 2014, 285 former employees of the Serbian Ministry of Internal Affairs, or MUP, had been integrated into the Kosovo Police. These numbers bring



"The people view us the same way as they do any police - they don't like us! ... Well, they like us a bit more than they like EULEX."
—MIODRAG LEKIC,
KOSOVO POLICE OFFICER

63 Republic of Kosovo, "Brussels Agreements Implementation: State of Play January – September 2014, Report submitted to the European Union/European External Action Service by the government of the Republic of Kosovo, 10 October 2014. Page 20.

64 "Locals break into police station, free detained Serb," 13 March 2014.

http://www.b92.net/eng/news/crimes.php?yyyy=2014&mm=03&dd=13&nav_id=89618

Sovrlic was arrested in May and investigated for "committing a number of serious criminal offences, including Endangering UN and Associated Personnel, Obstructing Official Person in Performing Official Duties, participating in a crowd committing a criminal offence, attacking EULEX personnel and property, and participating in a violent escape," according to a EULEX press release.

65 BIRN interview with Kosovo Police, 1 April 2014. <http://www.balkaninsight.com/en/article/kosovo-police-officers-survive-armed-attack-in-the-north/1592/2>

66 <http://www.tanjug.rs/news/143178/warrants-for-arrest-of-stevan-vulovic--slavisa-ristic.htm>

67 Civilna Zastita, known in English as the 'Civil Defense' or 'Civil Protection,' is a name given to units who are responsible for local security. In 1990s and early 2000s they operated under the Serbian Ministry of Defense. Now, they are regulated by Serbian law under the Ministry of Interior to be governed by municipal governments as first responders to emergency situations including floods and earthquakes. The government of Kosovo considers them to be paramilitary structures operating illegally in Kosovo. Members of the structure in Leposavic told Big Deal that the main tasks are related to maintaining the municipal area, for instance clearing snow-covered roads, repairing bridges and other infrastructure. The European Union told Big Deal in interviews that they must be disbanded and incorporated into the relevant Kosovo bodies.

68 According to the agreement, the four mayors are supposed to compile this list on behalf of the Community/Association, but it has not been formed yet.

ethnic Serb representation in KP to 12.6 per cent. By 5 July 2013, all nine Serbian Ministry of Internal Affairs (MUP) offices were closed. According to interviews with newly-incorporated police officers, this has substantially increased the police presence because there are more personnel on patrol.⁶⁹

Nenad Djuric was appointed on 25 June 2013 as the regional commander.

Kosovo law provided for only six separated police regions for the whole territory, but the agreement mandates the creation of an additional individual unit for the north. Kosovo adopted a law amending the framework to provide for the Regional Center North on 22 July 2013.

The beginning of the integration was to start by mid-June 2013, when Kosovo was to offer positions in the Kosovo Police. However, there were some delays to this process. According to a report by the Kosovo government, Serbia was to present a list of individuals for integration into Kosovo security institutions by 16 September of that year, but the list was not received until 11 December.⁷⁰ The Mitrovica MUP Police Directorate provided Belgrade with a list of 337 individuals ready for integration. Belgrade in turn gave the list to the government in Prishtina during a meeting in Brussels. Then Kosovo's Ministry of Internal Affairs conducted background and security checks on the individuals. KP also checked the criminal backgrounds of the potential new employees to ensure that they had not committed crimes not mentioned in September's amnesty law.⁷¹ Of a full list of 337 former MUP officials presented to Prishtina, 52 were not invited for employment, either because they did not actually want to join the KP, did not meet the requirements, or lacked security clearance. In the process, another 800 former MUP employees in central and eastern Kosovo were retired after an order from the Serbian Government order on 26 December 2013.⁷² This led to a protest of approximately 1,000 former employees and the Serbian Police Union issued a statement criticizing the decision and calling it unlawful.

The new recruits were trained in February at Kosovo's Academy for Public Safety in Vushtrri/Vucitrn. The training program, usually nine months, was condensed into one week, and focused on teaching about Kosovo's legal system and introduction to the equipment.⁷³

Police officer Milorad Mitrovic told Big Deal the incorporation of MUP officials meant there are more officials on patrol, keeping north Mitrovica more secure. He said he had no problem accepting a new boss after 20 years of working for Belgrade. "Belgrade is not influencing my work any longer and that's it. We

⁶⁹ Interviews with Nenad Djuric, Director of Police for North Mitrovica, Deputy Director Besim Hoti, conducted 29 April 2014. Read more here: <http://www.balkaninsight.com/en/article/serb-police-adapt-to-new-bosses-in-kosovo>

⁷⁰ State of Play report

⁷¹ A report on implementation of the police integration by the Security Research Forum details the vetting process describing that it was criticized for being carried out too quickly http://pasos.org/wp-content/uploads/2014/04/police_integration_nk_web.pdf

⁷² Government of the Republic of Serbia, 2013, Uredba o uslovima za ostvarenje prava na posebnu penziju zaposlenih u Ministarstvu unutrasnjih poslova na teritoriji AP Kosovo I Metohija, Official Gazette of the Republic of Serbia, Nos. 55/05, 71/05.

⁷³ *ibid.*

are professional police officers.”⁷⁴

Officer Miodrag Letic put it another way. “The people view us the same way as they do any police – they don’t like us! ...Well, they like us a bit more than they like EULEX,” he told Big Deal.⁷⁵

Civilna Zastita

The dismantling of other security structures is another story. By the end of 2013, members of Serbian Security structures were to be completely incorporated in equivalent Kosovo structures—Police, Intelligence, Emergency Response—and salaries paid exclusively from the Kosovo budget.

There has been no progress dismantling the so-called ‘Civil Protection’ (*Civilna Zastita*) structures. In the former Yugoslavia, these organizations were a component of the military. Now, they are regulated by Serbian law on Emergency Situations as first responders to emergency situations including floods and earthquakes. The units come under the jurisdiction of local governments, and conduct operations that Kosovo local authorities do not yet have the capacity to do in the north.

Though their official purpose is emergency response, the Kosovo government considers them to be illegal paramilitary organizations, likely because some members were on barricades in prior years or participating in violent riots. European Union officials have told Big Deal in interviews that they consider them to be armed groups with uniforms, which need to be disbanded.⁷⁶

Members of the Civil Protection Units that Big Deal met with in northern Kosovo maintained that their role is primarily humanitarian, acting as first responders for a rural population. When torrential floods devastated Serbia, 90 members of the Civil Defence mobilised to send aid.⁷⁷

“We are not a part of the problem; we are part of the solution,” the deputy head of Leposavic’s civil protection team told Big Deal, though he did not want to be named. “We don’t have a military structure, and we don’t function like an army. We help the fire department, and we help clean village roads during winter to make them passable for the people who live there”.⁷⁸

In September, members of the structure in Leposavic told Big Deal that the main tasks are related to maintaining the municipal area, for instance clearing snow-covered roads, repairing bridges and other infrastructure. They spoke of plans to hire more members of the Civil Defence, paid for with the Serbian budget.⁷⁹

⁷⁴ Interview in Northern Mitrovica in May 2014.

⁷⁵ To read more about the integration of former MUP officers into the Kosovo Police, see “Serb Police Adapt to New Bosses,” Balkan Insight, May 1, 2014. <http://www.balkaninsight.com/en/article/serb-police-adapt-to-new-bosses-in-kosovo>

⁷⁶ See January 2014 State of Play report, page 9.

⁷⁷ Civilna zaštita sa Severa KIM u pripravnosti za pomoć ugroženim mestima u Srbiji, 15 May 2014. http://www.kossev.info/strana/arhiva/civilna_zastita_sa_severa_kim_u_pripravnosti_za_pomoc_ugrozenim_mestima_u_srbiji/1555

⁷⁸ Interview in Leposavic in September 2014.

⁷⁹ Leader of Srpska Lista Aleksandar Jablanovic, told Big Deal that with the help of Serbian Labor Minister Aleksandar Vulin, the municipality would hire 250 new employees, between 50-100 of



“We are not a part of the problem, we are part of the solution.”

—DEPUTY HEAD OF
LEPOSAVIC CIVIL
DEFENCE

According to a report by Deputy Prime Minister Edita Tahiri, “EU facilitators could not convince the Serbian side to enter discussions on this matter until the last meeting held in December 2013, at the level of Prime Ministers and HR Ashton, where the EU presented a draft proposal to sort out this problem. The government of Kosovo claims that Serbia has been “late in introducing a dismantling plan,” while the EU also needs to present a “Roadmap for dismantling of so-called civil protection service”.⁸⁰

Petar Miletic said: “Civilna Zastita is only dangerous in the way that Kosovo institutions don’t have the money to put everyone on the payroll,” he told Big Deal. “Anyone who knows he will be let go from his job and unable to support his family becomes dangerous. Those people are easier to manipulate.”⁸¹



“The government in Belgrade keeps us on ice. They limited our activities and they forbid us to act outside of official authority. At the same time there are no instructions on our authority. We are forbidden to communicate with the public and with the media. We accept wages that we do not earn. There is no public strategy, what we should do and for how long.”

—JUDGE IN ZVECAN

Judiciary⁸²

Representatives from Kosovo and Serbia agreed that existing judicial authorities would be integrated into the Kosovo system. The Appellate Court in Pristina is to establish a panel composed of a majority of Kosovo Serb judges to deal with all Kosovo Serb majority municipalities. A division of this Appellate Court, composed both by administrative staff and judges will sit permanently in northern Mitrovica. Each panel of the above division will have a Kosovo Serb majority.

The 22 May implementation plan called for the full integration of judicial authorities in the north by the end of 2013. This has not happened, and it now looks less likely that it will happen by the end of 2014. This has created a serious vacuum for justice.

The same plan called for the establishment of a working group to create a comprehensive plan for the implementation of article 10, and to agree on a date and plan to stay new cases being heard in the Serbian courts. By mid-June, Serbia was to provide information to Kosovo about which judicial officials were interested in joining Kosovo institutions, as soon as the Amnesty Law guaranteeing that those guilty of non-serious crimes would not be prosecuted, was passed (Amnesty Law did not enter into full effect until September 2013).⁸³

By mid-June the “composition of the judiciary was to reflect the ethnic composition of the territorial jurisdiction of each respective court.” To date, this has not happened.

Serbian courts agreed to adjudicate cases introduced before 15 July 2013 and to issue decisions by 1 September 2013. The court was to be closed thereafter. This timeline created a serious vacuum for justice in the north. On 17 June 2013, Serbia decided that after 15 July 2013, all submissions for new investigations or cases could only be stored for future resolution by Kosovo courts.

whom would be allocated to the Civil Protection Units.

⁸⁰ Government of Kosovo, October 2014 State of Play report, page 13.

⁸¹ Interview in Gracanica in October 2014.

⁸² The quote on the left is from an interview with a veteran judge in Zvecan in October 2014 who did not want to be named because of the sensitivity of the topic.

⁸³ See the full section on the Amnesty Law for more information.

In December 2013, both sides reached an agreement that provides for one basic court and one basic prosecutor's office for the Mitrovica region. (The judiciary will continue to operate with one Supreme Court and one Appellate court.) The Kosovo government says this "opened perspectives for integration process", but that it is being hampered by the ethnic logic of those courts that Serbia is demanding." The Serbian government wants disputes brought by members of Kosovo's Serb community to be adjudicated by Serb judges, while Kosovo government maintains that "justice as a universal value cannot be divided by any lines."

Even though they were supposed to stop by 1 September 2013, Serbian parallel courts have continued to deal with "urgent civil cases" but not criminal cases. In interviews with Big Deal, members of the judiciary said that judicial officials continue to receive their salaries from Serbia even though they are not resolving anything but urgent cases.⁸⁴ Meanwhile, no criminal cases can be filed in the north, rendering it ever more lawless.

"I'm afraid that, especially when it comes to crime, the part of the crime for which a sentence of up to 10 years in prison, there is a kind of legal vacuum that malicious people take advantage of" Marko Djuric told Big Deal.

There was a meeting in Brussels on 12 February 2014, in which the parties reportedly narrowed some differences. Both sides told the media at that time that they had neared an agreement, which would be signed once both parties had formed governments.

The precise structure of the Mitrovica court, the number of judicial employees and their ethnic distribution all remain open questions for now.

Djuric blamed the Kosovo government for the breakdown in negotiations. "Somewhere in the process, the political will was not there," he said. "It is my belief that it was not the will of the representative institutions in Pristina that the agreement is finalised".⁸⁵

Discrimination

The agreements on the structure and composition of the police and the courts create ethnic-based jobs: the commander of the KP regional command in the north must be a Serb, the appellate court will establish a panel of majority Serb judges to deal with all majority Serb municipalities, and one division, composed by a majority of Serb judges, will sit in the north.

The 19 April agreement was challenged before Kosovo's Constitutional Court by parliamentarians from Levizja Vetevendosje ['Self Determination Movement'] for, among other things, the system of providing jobs based on ethnicity for judicial and police officials. The court refused to hear the case, saying that international agreements are not subject to constitutional court review.

Article 53 of Kosovo's constitution says, "Human rights and fundamental

⁸⁴ Interviews with judges and judicial staff in North Mitrovica, August 2014.

⁸⁵ Interview in North Mitrovica in September 2014.

freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights (ECtHR).” In 2009, in its “Sejdic-Finci” ruling, the ECtHR ruled that the provision of Bosnia and Herzegovina’s constitution, which provides for a three-member presidency consisting of one Serb, one Croat, and one Bosniak violates European human rights standards. This creates a precedent in European Convention case law that may yet haunt the arrangement agreed between Belgrade and Prishtina



My parents have invested a lot in me. I’ve invested a lot of effort into my education. Years and years of learning ... Why? For nothing.”

—UNIVERSITY OF PRISHTINA RELOCATED TO MITROVICA STUDENT DRAGIC BRDAR

Paperwork: Diplomas, Civil Registry, Cadastre

DIPLOMAS⁸⁶: Mutual recognition of university diplomas is a matter of importance both for Albanians living in Serbia and Serbs living in Kosovo. On 21 November 2011, both sides agreed “to ask the European University Association to certify university diplomas issued by universities of each for use by the other in connection with further education and/or public employment”. Implementation began in February 2012 and as of August 2014, 362 applications from Kosovo and 13 applications from Serbia have been approved and certificates of nostrification [foreign recognition of diploma] issued. This is out of a total of 408 applicants from Kosovo and 25 applicants from Serbia.

The nostrification process was being overseen by SPARK, a Dutch NGO focused on higher education and entrepreneurship.⁸⁷ SPARK acted as a third party, receiving applications for nostrification and submitting them to the EUA. However, its two-year contract ended in early 2014 and it has not yet been renewed by the EU. “According to the government of Kosovo’s October 2014 report, “there was only one case where an official recognition was issued by authorities in Serbia to a dialogue-based certified diploma from Kosovo institutions of higher education.”⁸⁸ According to the European Commission’s 2014 progress report, Serbia accepted only five certified diplomas from Kosovo, after an additional nostrification process.

There have been cases where even when students have had their diplomas nostrified, they are not recognised. One student, who has a law degree from Nis, in Serbia, was unable to sit for the Kosovo bar until the intercession of Deputy Prime Minister Tahiri.

The text of the agreement makes no mention of the University of Pristina in Mitrovica, which is run under the Serbian system. The university has 14 faculties and it is accredited by Serbia. The Kosovo government has determined that its degrees cannot be accredited, while the Serbian side sees that it should be considered under the scheme of Serbian universities. According to Serbian negotiator Borko Stefanovic, it was not explicitly discussed in the dialogue. Kosovo Serbs who study at the University of Pristina in Mitrovica are not eligible for roles in the Kosovo government or institutions that require a university diploma,

⁸⁶ The quote on the left is from an interview with Brdar in October 2014.

⁸⁷ See SPARK website for more information: <http://www.spark-online.org/about-us/> and specific to Kosovo: <http://www.spark-online.org/region/kosovo/>

⁸⁸ October 2014 State of Play report, page 24.

they are unable to sit for the Kosovo bar exam which would enable them to fill posts in the Kosovo judicial system. This damages job prospects for Kosovo Serbs who study at this university, the only Serbian language university on the territory of Kosovo, as well as minorities like the Gorani, who wish to be educated in Serbian, which is close to their mother tongue.⁸⁹

“I hope I make it in a month or two to graduate,” medical student Dragic Brdar, a 25 year old from Karlovac, Croatia, told Big Deal. “After that, I planned to return home to Croatia. But because of problems with the degree I plan to stay in Belgrade and to do a professional practice that is 6 months. After that, I do not know what I’ll do. I can work in Serbia with my degree but in Serbia there is no work for doctors. Croatia and the other countries of the European Union have a shortage of doctors. However, my degree is recognised only in countries that have not recognised Kosovo. My parents have invested a lot in me. I’ve invested a lot of effort into my education. Years and years of learning ... Why? For nothing.”⁹⁰

CIVIL REGISTRY: Before and during the Kosovo war in 1999, Kosovo’s civil registries were destroyed, burned, or sent to Serbia. An agreement on civil registry was reached on 2 July 2011 to scan the original documents, certify them, and give the copies to Kosovo. Implementation began on December 6. The documents were scanned in Nis by tri-partite teams. A period of nine months was envisioned, and though the full transfer of documents took longer, it was completed in March 2014.

Besim Jonuzaj, Acting Director of the Department of civil Registration, confirmed to Big Deal that a total of 12,391 records were returned to Kosovo⁹¹. The registers are certified copies of their original, and they include notes of the birth, marriage and deaths for Kosovo citizens born between 1850 and 1999.

⁸⁹ Interview with member of the Gorani community in June 2014.

⁹⁰ Conversation with Brdar in October 2014.

⁹¹ Statement from Jonuzaj in August 2014.



“I want to finally have a clean slate—to know who stole it, who sold it. If they sold, they are lying.”

—SERBIAN
POLITICIAN

CADASTRE⁹²: Unlike the civil registry documents, only 0.02 per cent of the 12 million cadastral documents Kosovo hopes to have returned from Serbia have been received. The changes in Kosovo’s population during and after the war mean that property changed hands, often illegally.

An agreement was reached on 2 September 2011 in Brussels, and an implementation plan agreed on 21 December of the same year.⁹³ The agreement stipulates that scanned copies of all pre-1999 cadastral records removed from Kosovo will be handed over to the EUSR. A technical agency is then to compare all copies with the reconstructed Kosovo Cadastral Agency, and if there is a discrepancy, it will be adjudicated by a third body.

Kosovo is supposed to bring its legislation in line by promulgating a law establishing the Kosovo Property Comparison and Verification Agency, KPCVA, which would receive the scanned documents. The law has not yet been adopted by the parliament.

The process of scanning the documents began in January 2012 with 3 million EUR of European Union funding envisioned to last two years and to be finished by the end of 2014.⁹⁴ That will not happen. The first tranche of documents, comprising 37,000 pieces, or 0.002 per cent of the total, was received by EU Special Representative Samuel Zbogor on 24 January 2014. However, a spokesman for Kosovo’s cadastral agency maintains that he has not received any documents from Serbia proper or from Zbogor’s office, likely because they must first go through the yet-to-be-established KPCVA.⁹⁵

A spokesman for EU told Big Deal that this is because it has not been agreed how many documents should be handed over at one time.⁹⁶

The KPCVA must be established by Kosovo’s parliament, however Vetevendosje objected to the proposed law on its creation because it not want any members of the agency to be international. However, according to the draft law, the cadastral documents must be handed over to international parties first.

“It is our fault we didn’t approve the law which could allow creation of a technical agency for verification of documents that will check the documents upon return from Serbia to Kosovo,” Deputy Prime Minister Edita Tahiri told Big Deal in an interview in October 2014.

On January 30, 2014, Serbia’s Constitutional Court declared that the agreement on cadastre was unconstitutional. In its decision, published on 1 August, it ruled that the decision was unconstitutional because though the government promised to adopt a law on the transfer process, no law exists.

According to a recent report on the state of implementation of the dialogue,

92 The quote on the left is from an interview in Belgrade in September 2014.

93 http://www.kossev.info/strana/arhiva/uredba_o_posebnom_nacinu_obrade_podataka_katastarskih_knjiga_za_kosovo_i_metohiju__neustavna_i_nezakonita_/2113

94 http://www.kossev.info/strana/arhiva/uredba_o_posebnom_nacinu_obrade_podataka_katastarskih_knjiga_za_kosovo_i_metohiju__neustavna_i_nezakonita_/2113

95 Statement from Denis Pitarka, Information Officer Kosovo Cadastral Agency, made to BIRN on 18 August 2014.

96 Statement by EU Spokesman Stojan Pelko in August 2014.

the Serbian government issued a decree dated August 21, 2014 directing the cadastre scanning process to go forward.

Kosovo and the world

The dialogue has helped Kosovo make inroads in its relations with the rest of the world, in addition to Serbia. In May 2013, Kosovo and Serbia agreed to exchange liaison officers. Their mandate is to monitor and engage in all issues related to normalization of relations. Each has an office in the EU Delegations. The officers arrived on 15 July 2013, beginning work on 17 July.

Kosovo's officer in Serbia was first Lutzim Peci, but his tenure lasted only two days. His removal was not fully explained in the official statement by Kosovo's Ministry of Foreign Affairs.

He was replaced by Valdet Sadiku, who had previously served as Kosovo's Ambassador to Croatia. On 25 July Kosovo's office officially started business. Sadiku had some difficulty with his logistical and operational formal existence in Belgrade, including being prevented from flying to Brussels from Belgrade, as detailed in Tahiri's January 2014 State of Play report, but these have been resolved now.

Serbia's liaison officer is Dejan Pavicevic. Pavicevic served in 2008 as the chief of cabinet for Serbia's office for Kosovo and was part of former Prime Minister Ivica Dacic's negotiation team in Brussels.

Both officers keep low profiles, with few public activities, and declined to speak in detail about their activities in interviews with Big Deal.

Kosovo also expanded its relations with other states and international bodies as a result of the dialogue. Article 14 of the 19 April agreement says "it is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU paths". This article, which provoked the Constitutional Court debate in Serbia, seems to be a question of goodwill, rather than an issue of concern.

With the dissolution of Yugoslavia, the number of regional forums multiplied many times over. Kosovo seeks to be a part of these organizations. Kosovo has made some progress in access to regional bodies. In January, deputy foreign minister Tahiri wrote that there were "constant impediments by the Serbian side" that were sometimes resolved with EU support. "The fact that EU intervention is needed to remove those obstacles shows the failure of Serbia to implement this Agreement," Tahiri wrote.⁹⁷ On 2 July 2014, former Serbian Deputy Prime Minister and currently Minister of Foreign Affairs Ivica Dacic said he would prevent Kosovo's membership in regional organizations "unless in line with the Brussels agreement." However, Serbia passed an order that when Kosovo's name was denoted with an asterisk, it was acceptable for Belgrade.⁹⁸

On 28 February 2013 Kosovo joined the Regional Cooperation Council, RCC,

⁹⁷ See State of Play report from January 2014.

⁹⁸ <http://www.tanjug.rs/news/135914/dacic--kosovo-did-not-become-seecp-member.htm>

and the Regional School of Public Administration, RESPA, on 23 November 2013. In 2014, Kosovo became an equal participant of the South-East European Cooperation Process, SEECP, a full-fledged member of Migration, Asylum, Refugee Regional Initiative, MARRI, and gained full-fledged membership in the Venice Commission.⁹⁹ Kosovo plans to apply for full Council of Europe membership by the end of 2014, according to the Deputy Minister of Foreign Affairs, Petrit Selimi.¹⁰⁰

Kosovo has still had trouble gaining access to the following organizations:

The Center for Security Cooperation, RACVIAC; Southeast European Law Enforcement Centre, SELEC; European Directorate for the Quality of Medicine and Health Care; Initiative of the European Cooperation; and the Police Cooperation Convention for Southeast Europe.¹⁰¹

Energy and Telecom¹⁰²

Energy and telecommunications issues have been discussed and negotiated for over four years. The agreement gave a mid-June 2013 deadline for settlement. The energy negotiations, at least, have finally gotten somewhere with an agreement this March and a recently agreed upon implementation plan in September.

Until the new plan is implemented, Kosovo has been reliant on the Serbian state-run electricity firm Elektromreza Srbije, EMS, which can technically switch off the lights if it chooses and continues to sell off capacity on Kosovo's electricity network to energy firms looking to transfer energy to and through the neighbouring country.

The electricity grids of Kosovo and Serbia are deeply intertwined, enforcing a degree of cooperation since it is impossible to entirely separate the two.

At the time of Kosovo's declaration of independence in 2008, it was feared Serbia could partition the territory along the Ibar river, which separates the rest of Kosovo from the north. The predominantly Serb population living there refused to recognise Kosovo and there was a concern that Belgrade would shut off Kosovo's access to the Gazivoda reservoir, which supplies 60 per cent of the country's water. The water is used for drinking and also a coolant in Kosovo's main power station, located in Obilic/Obiliq, 10 kilometres from Prishtina. It produces two thirds of Kosovo's electricity, and shutting it off would have had serious consequences for the whole region. While technically possible, cutting off access would have had a significant effect on the stability of the energy network in Serbia and a lesser impact in neighboring countries such as Romania and Bulgaria.

Kosovo maintains and operates its transmission network through KOSTT,



"Today the auction of transmission capacities from Kosovo's border towards neighbours is still under Serbian management. We never had access to this process even when energy was imported by us and we paid for it."

—NAIM

BEITULLAHU, HEAD OF KOSOVO ENERGY TRANSMISSION OPERATOR

⁹⁹ Officials from the Council of Europe office in Kosovo said the membership was largely a result of Russia's absence in the CoE meetings, because of the current conflict in Ukraine.

¹⁰⁰ Statement to Big Deal from Selimi in early August 2014.

¹⁰¹ For more on this topic, see Tahiri's two reports on the "state of play" in implementation of the Brussels agreement.

¹⁰² The quote on the left is from an interview with Bejtullahu in August 2014.

Kosovo Transmission, System, and Market Energy Operator. Serbia's state-run firm EMS retains ultimate control, although it has rarely used these powers. Following an agreement in February 2014, EMS agreed to hand over the reins to KOSTT, although this has yet to happen.

EMS has prevented Kosovo from importing and exporting energy in the past. Serbia has been auctioning off use of the transmission lines since 2004, with the government in Prishtina, estimating that it may have lost up to 15 million EUR a year as a result, a total of up to 150 million EUR since 2004.

At the end of February 2014, Kosovo's KOSTT and Serbia's EMS signed a framework agreement on principles of operation between Transmission System Operators, TSOs, and an agreement on compensation for lost transit revenues. Main points include:

- Demarcation of the border between the two electrical systems that comply with state border between Kosovo and Serbia;
- Establishment of an independent control area by KOSTT starting January 2015;
- Independent Trade Area by 1 January 2015, which means independent cross-border capacity allocation by EMS;
- Compensation by EMS for revenue lost from energy transit if cross-border transmission blocked.

Kosovo does not believe it will get any of the money it claims it has lost before the agreement was signed. Naim Bejtullahu, the head of KOSTT, told Big Deal, "KOSTT will be compensated for all the money it has lost from March 2014." However, Bejtullahu said he was sceptical that Kosovo would receive any money from Serbia that was lost before March 2014.¹⁰³

Kosovo first complained about Serbia's continued dominance of the transmission lines to the Energy Community, the organisation charged with arbitrating such disputes in South East Europe, in 2010. The following year, the body ruled in favor of Kosovo and ordered Serbia to stop, but EMS has continued to auction off capacity and retain control.

"Today the auction of transmission capacities from Kosovo's border towards neighbours is still under Serbian management," Bejtullahu told Big Deal. "We never had had access to this process even when energy was imported by us".¹⁰⁴

Kosovo suffered a major blackout in 2007, when Serbia stopped the import of emergency energy. On 29 January 29 of that year, EMS also blocked a delivery from energy trader EFT.

Nermine Arapi, director of KEDS, the privately owned Kosovo firm responsible for the distribution of electricity, said Kosovo's position also makes exporting energy virtually impossible as it cannot guarantee delivery without EMS's support.¹⁰⁵

As a result, KEK has been forced to reduce the amount of energy being generated by Kosovo's two power plants, Kosovo A and B, to avoid creating a

¹⁰³ Interview in August 2014.

¹⁰⁴ *ibid*

¹⁰⁵ Interview with Arapi in August 2014.

surplus. This has cost Kosovo in lost exports and by reducing the efficiency of the plants.

As for telecom, Kosovo currently uses the codes of Serbia, +381, and Slovenia, +386, for landlines; for mobile phones, the codes of Slovenia and Monaco, +377, are used. An agreement on telecommunications was reached on 8 September 2013 after approximately three years of negotiations. Kosovo is to receive the country code +383, and Sweden, Italy and Austria offered to apply for a new code on Kosovo's behalf.

Talks on implementation of the agreement began in January, but have been held up by extraordinary elections in Kosovo in June. Deputy PM Tahiri told Big Deal in March that Kosovo would have a code by autumn, and in May she said by January 2015, but no progress has been made so far to indicate that it could happen by this deadline.¹⁰⁶ In October, Tahiri told Big Deal of that a solution had been found. "It is not in our hands," she said.¹⁰⁷

Kosovo Parliamentarians have complained that they have never seen the agreement on telecoms, and therefore that it is not transparent.¹⁰⁸

Conclusion

In 2013, Serbia and Kosovo made substantial progress in normalizing their relations with the high-profile Brussels Agreement on 19 April and positive developments implementing the IBM agreement. Optimism and momentum have been diminishing in 2014 as Kosovo enters its fifth month since snap elections without a government, and new EU foreign policy chief Federica Mogherini's intentions for the dialogue remain unclear.

To date, the process may be civilised but it has been far from monotonous. The attacks on Serbs in Kosovo and Albanians in Serbia following the Serbia-Albania football match show that the situation remains fragile. Without implementation of the key components of the 19 April agreement that can allow northern Kosovo Serbs to live normally: the formation of the association of Serb-majority municipalities and the establishment of a functional judiciary, the agreement can still flounder.

In order to keep momentum alive, it is essential that not only Belgrade but also Prishtina maintain an open, transparent, and direct channel of communication with the four northern municipalities, while also not infringing on autonomous local self-government.

Once the framework is in place for an association that will oversee the smooth functioning of institutions, Kosovo should make it clear that it has the power and the will to genuinely maintain security for all its minority residents, especially in the north. By that time, Serbia will have progressed with its EU candidacy, while chapter 35 remains open. That will be the time when Serbia and Kosovo will be prepared to negotiate a settlement that will address Kosovo's status.

¹⁰⁶ Interview with Edita Tahiri on March 6, 2014. <http://www.gazetajnk.com/?cid=1,1029,833>

¹⁰⁷ Interview with Tahiri on October 21, 2014.

¹⁰⁸ Statement by LDK MP Vjosa Osmani on 17 September 2014.

How soon this will be depends of course on leaders in Prishtina and Belgrade, and on the level of effective governance that as yet remains established in the northern municipalities.

At the current pace of the dialogue and the implementation of the agreements, it will take years yet before the Kosovo – Serbia story will be relegated to the cupboards of yesterdays.

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