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Policy Paper

PERSPECTIVE OF NORTHERN KOSOVO IN THE PROCESS OF NORMALISATION BETWEEN BELGRADE AND PRISHTINA

PERSPECTIVE OF NORTHERN KOSOVO
IN THE PROCESS OF NORMALISATION
BETWEEN BELGRADE AND PRISHTINA
A Report

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The views expressed in this Report do not necessarily reflect the views of this organization.

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In this Report, the name "Kosovo" is used without prejudice to positions on status, and is in line with UNSC Resolution 1244 and the ICJ Opinion on the Kosovo's Declaration of Independence.

Belgrade, April 2013

EXECUTIVE RECOMMENDATIONS

Recommendations regarding the current state of the dialogue

◇ Continue the dialogue between Serbia and Kosovo

◇ Reach clear agreements and ensure their full implementation

◇ Involve representatives of Serbs from Northern Kosovo in the dialogue

◇ Conclude the dialogue with a framework agreement on the normalization of relations

Recommendations for the implementation of agreed solutions

◇ Treat implementation as an integral part of the dialogue, not as collateral

◇ Ensure the monitoring of the dialogue and the overseeing of the implementation of agreements

◇ Develop transitional solutions for Northern Kosovo

Recommendations for increasing the inclusiveness of the dialogue

◇ Consider public opinions in the process of normalization of relations

◇ Increase the presence of opinions from EU and the Western Balkans experts'

◇ Intensify contacts of decision-makers and opinion-shapers with Kosovo communities' reps

Recommendations for international actors

◇ Maintain active and concerted role of international community

◇ Devise an economic strategy for Northern Kosovo and support municipal cooperation

◇ Develop a comprehensive security package

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INTRODUCTION

This paper draws on the results of the International Conference "Northern Kosovo in the Regional Cooperation Perspective", held at the hotel "Splendid", Bečići, Montenegro, January 11-13 2013. The Conference was organized by the Forum for Ethnic Relations, (Belgrade, Serbia), Institute for Democracy and Mediation, (Tirana, Albania), with the financial support of the Fund for an Open Society (Belgrade, Serbia).

The main topic of the Conference addressed the problems of divided societies, such as Kosovo and Northern Kosovo, and divided cities, primarily Mitrovica. The Conference was attended by political experts from the EU and the Western Balkans, representatives of parliaments from Serbia and Kosovo, experts from the region (Serbia, Kosovo, Montenegro, Albania), international experts and officials dealing with problems of divided cities/societies and ethnic diversity management, experts involved in inter-ethnic dialogues and negotiations, including the dialogue between Belgrade and Prishtina, and representatives of the Serb community and local communities from Northern Kosovo (see Appendix 1 - *List of Participants*).

During the Conference preparation phase, the organizers formed a working group represented by dr Sotiraq Hroni, dr Dušan Janjić and Nenad Đurđević. The working group conducted several preliminary field trips to gain a better insight into the current political processes and to specify the conference topics. Members of the working group visited the following locations: North Mitrovica, Leposavić and Jarinje crossing point (during the protests, on December 5, 2012) in Northern Kosovo; South Mitrovica, Prishtina and Gračanica in Southern Kosovo; Tirana in Albania; Sarajevo in Bosnia and Herzegovina, and Skopje and Tetovo in Macedonia. Further, a series of consultation meetings were held in Brussels with representatives of the European Commission and European Policy Center, and in Serbia – primarily in Belgrade, Bujanovac and Novi Pazar. These missions enabled better insight into the current Serb-Albanian relations, relations between Serbia and Kosovo, and attitudes towards these relations in the region and the European Commission.

The information gathered during the field trips and consultation meetings was used for drafting a document, which was distributed to all participants of the Conference who were invited to provide comments, which were incorporated in the Situation Analysis, provided in the first part of this Report. The results of the discussions at the Conference are provided in the second part of this Report – Cooperation through Dialogue. Conclusions and recommendations, that emerged from the first and second part of the Report, preliminary analysis and opinions of the Conference participants, are provided in the third part of the Report.

1. SITUATION ANALYSIS

Context of the Problem

Although a relatively small area that includes four predominantly Serb municipalities north of the Ibar River – Zubin Potok, Leposavić and Zvečan – and North Mitrovica, Northern Kosovo has become one of the most complicated issues in the Western Balkans and South Eastern Europe. It threatens to destabilize Kosovo and Serbia, but also the neighbouring countries (Bosnia and Herzegovina, Montenegro and Macedonia).

Northern Kosovo is a status question. For Albanians, it is about the completion of the establishment of independent state and effective sovereignty over the entire territory, and for Serbs living in Northern Kosovo, it is about citizenship and national status. A majority of Serbs in Northern Kosovo regard themselves as citizens of Serbia and an integral part of the Serbian nation, whereas accepting Kosovo institutions would impose on them the status of "national community" or ethnic minority and acceptance of Kosovo citizenship. This outlook creates a fear that they will lose identity and the present level of rights and freedoms.

Such radically opposed political aims, a significant influence of the extremists from both sides, and high level of armed civilians, made Northern Kosovo and Mitrovica a serious security risk, and current conditions no longer desirable.

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Previous Policies

Maintaining the *status quo* is only one of the long-term policies that have been applied towards Kosovo. In the recent period, several strategies of conflict management have been applied:

1. Status quo – maintaining the "frozen conflict" situation arising from the *de facto* dual sovereignty in Northern Kosovo. *The status quo* position that will be discussed in greater detail later is unsustainable in midterm perspective and this creates the responisbility of participants to engage in search for the peaceful solution.

2. Division – territorial delimitation and division along the ethnic lines (in the case of Northern Kosovo and Mitrovica, along the Ibar River). Practice over the last two decades has shown that this was an inadequate solution. It is usually a coerced solution that does not bring peace and stability but permanently freeze the conflict.

2.1 The exchange of territories – subcategory of *Division,* which implies the exchange of predominantly Albanian municipalities of Preševo and Bujanovac in central Serbia for Zubin Potok, Leposavić, Zvečan and North Mitrovica in Kosovo. This option is unlikely to take place in the current security and political circumstances.

3. Integration within Serbia – through ethnic cantonization and regionalization. This was an idea contained in many peace projects during the last decade of the previous century. It was also advocated by the Belgrade negotiation team during the talks in 2006 and 2007[1].

4. Integration within Kosovo – through application of the *Comprehensive Proposal for Kosovo Status Settlement (CSP)* or the *Ahtisaari Plan*[2]. Integration of the North into the Kosovo's institutional framework has been the strategy of Kosovo's authorities since unilateral declaration of its independence, which was coordinated with the international community (US and most of the EU member states).

The strategy of integration within Serbia was not realized, nor does it seem to be viable in near future, although some elements of such concept (establishment of the Serb-majority municipalities and protected zones around the

[1] Serbian Government, *Platform on the Future Status of Kosovo and Metohija*, January 5 2006. www.srbija.gov.rs/kosovo-metohija/index.php?id=51322
[2] United Nations Office of the Special Envoy for Kosovo, *Comprehensive Proposal for a Status Settlement for Kosovo*, March 2007. www.unosek.org/docref/report-english.pdf

Serbian Orthodox monasteries and cultural and historical monuments) were contained in the Ahtisaari Plan. Serbian government policies from 2001 to 2012 typically oscilated within the framework of the first two plans. As *plan A,* Serbian government advocated reintegration, which in practice maintained *"frozen conflict"*, while the underlying *plan B* was partition of Kosovo. Although these policies were not deliberated in the public, developments on the ground indicated these directions.

The main obstacle for Serbia regarding Ahtisaari plan regarding Northern Kosovo was that it was associated with Kosovo's independence. For the Serbs from Kosovo it was the conferring of "minority community" status that implied a risk of losing their acquired level of rights. On a practical level, there were at least two reasons for rejection of CSP by the Kosovo Serbs, their strong conviction that the implementation of the plan would mean lower living standards, and a fear of the loss of public sector jobs in the North[3].

In spite of resistance by Serbs in the North and Serbia, the Government of Kosovo, appointed (2010) Ylber Hysa as the head of the Office that would coordinate implementation of "The Strategy for Northern Kosovo"[4]. Although the Government of Kosovo with the assistance of the International Civilian Office (ICO) adopted an ambitious plan, which implied holding elections on the territory of Northern Kosovo in less than a year, this attempt failed. Therefore, *The Quint*, ICO and the Government of Kosovo pursued new avenues to implement the strategy.

Within the same effort, a new "office" called the "Temporary Administrative Office for North Mitrovica"[5] was opened in summer of 2012. The Ahtisaari Plan did not foresee an administrative office for the municipality of North Mitrovica, and instead, a "Joint Board" was envisaged for Mitrovica, a city divided into two municipalities. In 2011, there was a lot of talk, in Serbia and Kosovo, about a suggested "Ahtisaari Plan Plus". Even though such plan has never materialized in a proposal, these initiatives and discussions have increased the potential of the Ahtisaari Plan's provisions to be used in future solutions for the North of Kosovo.

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Transitional Solutions

There are different models of *transitional solutions*, which stipulate some temporary forms of integration of Northern Kosovo and Kosovo's institutions, as follows:

"Regional autonomy", without compromising the territorial *status quo,* but also without predisposition when it comes to Kosovo's status.

"Interim solution", transitional administration guided by the principles of minority self-government, based on the right to self-organization and self-administration, including the regional autonomy.

"Special status" or interim government – solution in which Serbian legislation remains, however with a plan of progressive harmonyzation with Kosovo's.

"Provisional administration under international supervision" - integration by introducing Kosovo's legislation, under the supervision of the International Community, as it was done in Eastern Slavonia. In developing a model for the resolution of Northern Kosovo problem, the experience of Erdut Agreement[6], which created conditions for peaceful integration of Eastern Slavonia as precondition for mutual recognition of Serbia and Croatia, should be kept in mind,.

Even though none of these options necessarily implies prior agreement on the status of Kosovo, each of them assumes reaching an agreement on the normalization of relations

[3] International Civilian Office, *Guests In Our Own House: The Comprehensive Settlement Proposal and the Serb Community in northern Kosovo*, 2012. www.ico-kos.org/data/Image/1ICO_annual_Report_eng.pdf

[4] Coordinator's office for the Strategy of North, *Report on Parallel Institutions on North of Kosovo*, May 2011. www.kohaditore.com/repository/docs/Raporti_per_Veri_-_Anglisht_-_2011.pdf

[5] Kosovo Government, Decision on the establishment of Mitrovicë/Mitrovica North Administrative Office, 01/75, 23 May 2012. kk.rks-gov.net/mnao/getattachment/Municipality/Government-Decision/GOK-DECISION--(eng)-FINAL-ZKM.pdf

[6] United Nations, *Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (Erdut Agreement)*, November 1995. peacemaker.un.org/sites/peacemaker.un.org/files/HR_951112_ErdutAgreement.pdf

between Serbia and Kosovo, which would confirm the agreed transitional solution.

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Technical Dialogue

During 2011 and early 2012, *a technical dialogue* was held between Belgrade and Prishtina, according to UN General Assembly Resolution 64/298[7]. The representatives of the current Kosovo and former Serbian government, reached seven agreements, on:

- Cadastral records,
- Civil registry books,
- Freedom of movement,
- Customs stamp,
- Recognition of the university diplomas.
- Integrated management of crossing points, and
- Regional representation and cooperation[8].

The process of implementing the agreements has been assessed differently by Belgrade and Prishtina. There is a consensus that the biggest progress on the ground was made regarding the regional representation and freedom of movement, while some advances were made in the exchange of civil registry books and cadastral records.

The next step was an agreement, made between interested and involved parties – Serbia, Kosovo, EU, US – to continue the dialogue and to elevate it to the highest level, by engaging Prime Minister of Serbia, Mr. Dačić, Kosovo PM, Mr. Thaçi, former US State Secretary Mrs. Clinton and the EU High Representative for Foreign Affairs and Security Policy, Baroness Ashton. In addition, participation of the Serbian President Nikolić in the future talks was encouraged.

The dialogue was continued on October 19, under the auspices of Catherine Ashton, with the meeting in Brussels between Prime Ministers Dačić and Thaçi. This "warming up" meeting[9] was followed by expanded discussions held on November 7[10] and December 5[11] 2012, and continued in 2013, on January 17[12], February 19[13], March 4[14] and March 20[15]. At the time of writing this paper, seven rounds of discussions have been held, and it is expected that this phase of the dialogue will end in April 2013. Following this, the implementation of agreed matters will be pending. Depending on the form and contents of the reached agreements, the progress in implementation will be assessed either by the EU External Action Service or EC Directorate-General for Enlargement.

In general, the progress achieved in the discussion indicated positive trends, already during the January and February 2013 meetings. Besides the clarification of modalities for the implementation of earlier agreements (in particular about the integrated management of crossing points in Northern Kosovo), two major breakthroughs were made in this period.

At the meeting held on January 17 2013, the PMs of Serbia and Kosovo agreed on establishment of liaison offices and the exchange of liaison officers, and also clarified their status. This step has resulted in creating a new channel of communication and an institution that will facilitate the implementation of agreements and be an important instrument in the further normalization between Belgrade and Prishtina.

The second breakthrough was the meeting between Serbia's President Tomislav Nikolić and

[7] A/RES/64/298 - Resolution adopted by the General Assembly: *Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law*, 2010. www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/298

[8] Serbian Government, *The agreements reached in Belgrade-Pristina dialogue with EU mediation*, 2012. www.srbija.gov.rs/kosovo-metohija/index.php?id=82315

[9] European Union External Action, *Catherine Ashton discusses EU-facilitated dialogue with Prime Ministers Ivica Dačić and Hashim Thaçi*, October 19, 2012. www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133036.pdf

[10] Ibid, *EU-facilitated dialogue: Catherine Ashton meets Prime Ministers Thaçi and Dačić for further discussions*, November 7, 2012. www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133370.pdf

[11] Ibid, *3rd meeting in the framework of the EU-facilitated dialogue*, Dec 5, 2012. www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/134038.pdf

[12] Ibid, *4th meeting in the framework of the EU-facilitated high–level dialogue for the normalization of relations between Belgrade and Pristina*, January 17, 2013. www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134784.pdf

[13] Ibid, *Catherine Ashton's fifth meeting with Prime Ministers Dačić and Thaçi in the framework of the EU-facilitated dialogue*, February 20, 2013. www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135606.pdf

[14] Ibid, *Catherine Ashton statement after the sixth meeting in the framework of the EU-facilitated dialogue*, March 4, 2013. www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135807.pdf

[15] Ibid, *EU-facilitated dialogue: Catherine Ashton's seventh meeting with Prime Ministers Thaçi and Dačić*, March 20, 2013. www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136378.pdf

his Kosovo counterpart, Atifete Jahjaga, in Brussels, on February 6, 2013, under the auspices of EU High Representative[16]. This meeting raised the dialogue to the level that was expected of it in the beginning, when it was defined as "high level political dialogue". During this meeting, it was agreed to continue the dialogue, with the main objective of normalizing relations between the sides, and addressing the outstanding issues, such as Northern Kosovo, at the next meeting of the two Prime Ministers on February 19, 2013.

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Perspective of the Dialogue

In terms of the implementation of agreements, the dialogue can be assessed as limited. For the continuation of dialogue and the normalisation of relations, it is crucial to assess in advance the feasibility of the agreed solutions and their potential impact on the situation on the ground.

However, the progress achieved in the technical dialogue is more significant if the number of discussed and agreed issues is considered. The implementation of agreement on integrated management of crossing points has started, while in the next stages of the dialogue, a series of other questions should be addressed: energy, protection of property rights, claims on seized properties, servicing of Kosovo's external debt by Serbia, mutual claims and obligations, infrastructure, energy and mining investments, etc. The biggest challenge will be the agreements on dismantling the "parallelism of institutions", i.e. resolving the status of institutions supported by the Republic of Serbia in Kosovo and services provided to the Serb population.

The progress made so far has created optimistic expectations that the dialogue on normalization could be finalized by the end of April, and that a framework agreement on the normalization of relations between Prishtina and Belgrade could be achieved, perhaps signed in May 2013. Hardly anyone expected such outcome at the beginning of the dialogue in 2010, and especially after the change of government in Serbia, in May 2012.

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Responses to Risks

Optimistic perspective of the dialogue brought the obligation of identifying and managing risks that might jeopardize the success of the project. The following three risks are of key importance.

The first risk is linked with the political instability of the governments, which might grow as the dialogue progresses. The second risk involves the resistance to change in the *status quo* by certain interest and political groups benefiting from the current system. In Kosovo, these groups are represented by the "pan-Albanian" political movement "Self-Determination", and in the North by the local elites, especially those associated with the Democratic Party of Serbia (DSS). Finally, there is a risk of resistance to dialogue and normalisation by individuals and businesses supporting or being engaged in smuggling, organized crime and corruption, which has been facilitated by *status quo*.

If one seriously proceeds with the examination of those risks, there are several processes that could present a long-term response:

- Acceleration and successful completion of the dialogue,
- Opening of prospects for visa liberalization for Kosovo,
- Opening of prospects for the Stabilization and Association Agreement for Kosovo,
- Fixing the date for negotiations on membership in the EU for Serbia, and finally,
- Establishing of an adequate „safety package", which would imply intensification of cooperation between Serbia and NATO on the one hand, but also establishing of cooperation between security institutions of Serbia and Kosovo on the other.

[16] Ibid, *Catherine Ashton Statement following meetings with President Nikolić and President Jahjaga*, February 6, 2013. www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135269.pdf

2. COOPERATION THROUGH DIALOGUE

In this part of the Report, the most important ideas and themes from a fruitful discussion held at the two-day conference will be presented. These will be grouped in chapters, in line with the program of the conference panels:

- Framework for continuation of the dialogue between Prishtina and Belgrade,

- Possible solutions for Northern Kosovo, and:

- Northern Kosovo and regional cooperation.

Working languages of the Conference were English, Serbian, and Albanian and, in order to ensure open and constructive discussion, participants worked according to the *Chatham House* rule. Therefore, in this part of the text, no names of the participants or their respective affiliations will be quoted. In rare cases, it will be stated whether domestic or international experts or officials are in question, because of the importance attributed to their respective messages.

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2.1. Framework for the Continuation of the Dialogue

Jeopardized *status quo*

Participants at the Conference agreed that maintaining a fragile *status quo* has a negative impact on the prospects of resolving the open political, security, and even the status issues between Serbia and Kosovo, or, in a wider context, between Serbs and Albanians. The following was specified as factors that have jeopardized the *status quo* in the past two years:

- Waning presence of the Serbian public institutions south of the Ibar River, and inclusion of the significant number of Serbs, and Serbian enclaves, in the Kosovo government system.

- Progress in the technical dialogue, which has given rise to the *de facto* acceptance of the Kosovo institutions by Belgrade.

- Political crisis in Northern Kosovo induced by the agreements reached in the technical dialogue, particularly the strengthening of resistance of Serbs from Northern Kosovo (political demonstrations, setting up of barricades, and armed clashes with members of KFOR).

- Termination of the mission of the International Steering Group (ISG) and closure of the International Civilian Office (ICO) in the course of 2012[17], as well as reducing the presence of UNMIK to symbolic numbers, since as early as 2008.

Taking into account all of the above elements, many participants in the discussion stressed the importance of upholding the dialogue and pointed to the possibility that an interruption could open space for exacerbation of the political circumstances and for escalation of violent clashes.

[17] International Civilian Office, *Ending of supervised independence*, September 10 2012. www.ico-kos.org/?id=61

There was no doubt among the participants that the dialogue would be a long and complex process in which politically difficult decisions must be taken. Therefore, it is important that the dialogue is time-limited, and focused on results, and the recommendation from the European Union, that the participants in the dialogue should keep focus on the essence of dialogues, was accepted and supported.

Although the dialogue is officially related to the so-called technical issues, the resolution of problems that have a direct impact on the life of people in Kosovo, there is an understanding that it is particularly difficult to draw a clear line between technical and political issues. Much of the political capital has been invested in the so-called technical dialogue, it was pointed by an international official, who gave the example of acceptance of the solution for appearance of Kosovo in the regional dialogue, the popular "footnote". Through the dialogue, both parties accepted each other as legitimate interlocutors and demonstrated determination to resolve the issues, even those explicitly political, through the dialogue. Another international official observed that this it is a very positive result.

The dialogue on a high political level is important and indispensable, but it is also necessary to establish a dialogue between the Albanians and the Serbs in Northern Kosovo. In addition, as stated by the participants, the Serb-Serb dialogue is also needed – between the Serbs participating in the Kosovo institutions and Serbs from Northern Kosovo, and with the authorities of the Republic of Serbia. The Serb-Serb dialogue, which is, according to the standpoint of the participants, of vital importance for the well-being of Serbs, and the Albanian-Serb dialogue, which would include Serbs from Northern Kosovo and other Serbs who are active in the institutions of the Republic Serbia with the Government in Prishtina, could be the decisive factors for the stabilization of Kosovo, successful conclusion of the dialogue, as well as for commencement of substantial normalization of relations between Serbia and Kosovo.

Aspects of Normalization

As for the normalization of relations between Serbia and Kosovo, at least three aspects should be kept in mind: what does normalization mean to Albanians in Kosovo, what does it mean to Serbs in Kosovo, and what does it mean to Serbia? Not least important is the assessment of the normalization by the European Commission and the European Council.

Normalization is considered to be the aim of the dialogue; nevertheless it is not only the normalization of relations *between* Serbia and Kosovo, but also „normalization" of Serbia and of Kosovo. As a measure of achievement of the first objective, it ought to be necessary to establish criteria of visible and sustainable progress in the relations. The Serbian structures in Northern Kosovo are viewed as one of the obstacles to the cooperation that would lead to normalization. In order to make progress, participants believe that it is unavoidable to include Serbs from the North, besides the governments, in the political dialogue.

In the other context of „normalization", the needs for a higher standard of living, the issues of national identity, and other long-term themes should be taken care of. It is expected that the dialogue between Belgrade and Prishtina will last for long time. However, the „Kosovo issue" shouldn't be allowed to follow in footsteps of some European cases, in which conflicts last, or have lasted, for decades. In these terms, the European future is, for the time being, the only point at which Serbia and Kosovo are united, and it is necessary to „put pressure" on the European Union to intensify the accession to the membership to the states in the region.

An international official highlighted these principles of normalization as guidelines for the future dialogue:

- Development of negotiations, as a method of problem solving, while renouncing the use force;
- Integration instead of isolation, of Serbs and Albanians in the Kosovo's and Serbia's societies, and of Serbia and Kosovo in the EU;

- Decentralization of powers, including strengthening the rule of law, particularly in Northern Kosovo;
- Improvement of the living standard in Kosovo, and in Serbia.

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Role of Political Leaders of Serbia and Kosovo

The success of the initiated dialogue, and its continuation, depends to a great extent on the leaders and their respective visions. Every progress in the dialogue will put on the agenda increasingly difficult issues, which will lead to the manifestation of two problems in Serbia and Kosovo: political leaders' lack of vision and strategy, and countries' insufficient political stability.

The political life in both societies is marked by fragmentation and reordering. This environment conditions political leader to seek backing in their political parties and to approach solutions that could threaten their and their parties' public support, very cautiously. In Serbia, the Kosovo problem and the themes of the dialogue belong to the issues that do not bring, but rather take away the popularity. One of the participants in the discussion described this by saying: „One goes to Kosovo as a Pope, and returns from it as a Cardinal."

The second detected, long-term, problem is the failure of the political elites to exert influence on the development of open societies. Kosovo institutions did not turn out to be sufficiently open to Serbs and the situation is similar in case of the Serbian institutions. Kosovo institutions might have been more democratic and to a greater extent open to new proposals and to constructive dialogue, had the participation of the Serbian political parties in the decision-making been more significant. International community made the attempt in this direction with the introduction of the joint decision-making mechanism, but participants stated this is hard to implement, especially if the majority in Kosovo view precisely the Serbs as their biggest problem.

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Role of Mediators

In such a situation, the success of dialogue will depend on two „external factors". The first one is the degree of accord between the EU and the USA, and the second one is the level of development of the mediator's strategy, and EU's readiness to make an attempt to impose solutions in moments of a crisis in the dialogue. This has not been the case so far; instead, the conditionality has largely been relinquished to certain member states.

The participants stressed, more than once, that the membership in the European Union is a common goal of both Serbia and Kosovo, and therefore, engagement of the European Commission should be more corresponding with the wishes of Belgrade and Prishtina to accelerate towards the accession. Specifically, Belgrade should be enabled to proceed to negotiations on the membership, and Kosovo should get the feasibility study. At the same time, in the view of some participants, the European Commission should impose conditions to both parties, most notably for the progress in dialogue, which could primarily be exerted through regional cooperation and resolution of the status of Northern Kosovo. Additionally, keeping the dialogue going in the spirit of transparency and inclusiveness facilitates implementation of reached agreements.

Based on experience, the two sides had the toughest conflicts over the issues in which their positions were the most divergent, such as the status of Kosovo. That is why it is recommendable to create an atmosphere that would facilitate themes in the dialogue that would relax the positions of negotiators, such as the progress in approximation to the European Union. It is necessary to find a way for Serbia and Kosovo to experience normalization of relations as a way to eliminate their respective obstacles to joining EU.

Although both parties would easily agree on the European Union as the scene where the Serbian-Kosovo problem is to be resolved, it is much more difficult to come to a common position, which was advocated by one of the participants in the discussion, that the most

adequate and sufficient basis is the Ahtisaari Plan. While many in Kosovo believe this plan enables Serbs and Albanians to resolve problems on their own, Serbs largely reject it, because they deem it exclusively oriented to the finalization of Kosovo sovereignty, state-building, and international recognition, and that it does not recognize the needs of Serbs, particularly those in Northern Kosovo. Such a situation indicates that elements of the Ahtisaari Plan may be used as a starting point for resolution of some problems, but also calls for creativity, finding solutions that are absent from that document.

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2.2. Possible Solutions for Northern Kosovo

Although majority of the participants in the discussion considered the *status quo* in Kosovo, and particularly in the North, a frustrating factor, there was no consensus about the solution.

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Divergent Positions

It seems that, from the Belgrade perspective, there are will be no solutions for Northern Kosovo if Belgrade is not consulted, and, on the other hand, prevailing positions is that Kosovo is a state and therefore the issue of North is actually an internal issue, while the Serbs from the North oppose any imposed solutions, regardless of whether they come from Belgrade or from Prishtina.

An analyst from Kosovo insisted that Serbia is the generator of crisis, instead of being a partner for solving problems. Although it was pointed out at the Conference that the Resolution of the National Assembly of the Republic of Serbia[18] differs from the text of the platform, which was presented to the public as the text created in the cabinet of the President of Serbia Tomislav Nikolić („Platform for Resolution of the Problem of Kosovo"[19]), the participant in the discussion claimed that the document represents a „platform for conflicts, and not for problem-solving". The Platform reveals Serbia's aggressive territorial intentions, and Belgrade cannot count on having a converser in Kosovo about the reintegration of Kosovo into Serbia. This speaker sees the solution in the protection of full freedom of movement in the entire Kosovo, in the termination of local authorities in Northern Kosovo, and in returning the North under the jurisdiction of the Regional Center in Mitrovica. After that, the dialogue should focus on the improvement of the living standard for Serbs in the North, and in the entire Kosovo.

In response to these statements, it was said that since the formation of the new government, the position of Belgrade has been changed, that the earlier coercive rhetoric is terminated, and that the attitude that scapegoats Belgrade is not objective. According to this position, the Government of Serbia found the European Commission position concerning the territorial integrity of Kosovo difficult, but the current it has still decided to assume the obligations of the previous government and to proceed with the implementation of the former agreements. It was pointed out that the Parliament Resolution does not obstruct the dialogue, and that there are no reasons to doubt Belgrade's the commitment to seeking solutions. Having in mind the difficulty and delicacy of the efforts of the government officials in Serbia and in Kosovo, they should be given a chance to complete the dialogue and to start implementing agreements. Some of the participants from Serbia were saying that, for the time being, Serbia wishes to assume its part of the responsibility for the stabilization in the region, and not to be the exporter of instability.

A participant in the discussion from Northern Kosovo pointed out that Serbs from the North do reject the Albanian institutions, *inter alia* because they do not recognize the state of Kosovo. He said that they do not want conflicts, and that they wish peaceful and constructive

[18] Vlada republike Srbije, *Rezolucija o osnovnim principima za političke razgovore sa privremenim institucijama samouprave na Kosovu i Metohiji*, januar 2013. www.media.srbija.gov.rs/medsrp/dokumenti/rezolucija-kim130113_cyr.pdf

[19] Vlada republike Srbije, *Politička platforma za razgovore sa predstavnicima privremenih institucija samouprave u Prištini*, decembar 2012. www.media.srbija.gov.rs/medsrp/dokumenti/politicka_platforma2013_cyr.pdf

solution to the problem of the North. However, Northern Kosovo will not accept an imposed solution, either by the Government of Serbia or by KFOR. This participant in the discussion stressed that, for the Serbs in the North, the only acceptable degree of autonomy is one that Albanians in Kosovo have towards Belgrade.

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Possible Solutions

Participants pointed out that the solutions for the status of the North should be sustainable and should be in a form of regional autonomy, or an association of municipalities, as one official stated. Such solutions would have as the starting point the principle of self-government of national associations and self-administration of local communities. These principles are partially included in the Ahtisaari Plan, but also in the Resolution adopted by the National Parliament of the Republic of Serbia on January 13, 2013[20].

Such a solution should be reached by means of a temporary, transitional solution, in form of an interim administration of the EU over Northern Kosovo, as two participants from Prishtina and from Belgrade agreed. Similar roles of the international community, including European Union, are not a novelty in the region, since the models of interim international administration had formerly been implemented in Mostar and in Eastern Slavonija. Because Northern Kosovo, has been outside of Kosovo institutions framework since it's inception, as well as because of a deep distrust between Serbs from Northern Kosovo towards Kosovo authorities and Albanians, it is necessary to find a transitional solution in which the EU would be an interim co-administrator of this part of Kosovo. Such a temporary solution could ensure some kind of territorial autonomy for the North, or an association of municipalities, in advance of the implementation of Kosovo laws. It was said that partnership with the international community is of crucial importance to both Kosovo and to Serbia, and that it opens up a possibility to find such a solution.

Economic approach to the resolution of the problem of Northern Kosovo is pointed to as the most feasible one, compared to the rest. The first reason is that such an approach does not breach the highest legal acts of Serbia and Kosovo, or the Ahtisaari Plan. Second, an economic solution cannot be contested as being ethnically motivated. This fact would represent an important factor for integration of the Serbian community with the Kosovo society, as well as for integration of the entire region. Finally, it could help Kosovo to change the perspective of being a poor European country. For these reasons, the participants supported the idea of adopting a comprehensive economic development strategy, and establishing a development fund for Northern Kosovo.

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Rights of Communities

In the discussion about institutional solutions for Northern Kosovo, an international official made a remark that the rights of national communities, including the Serbian one, cannot be different depending on whether their members live to the south or to the north from the Ibar River. As an alternative, a solution for rights of communities would have to begin through compliance with the European standards, and in this particular case, with the European Charter of Local Self-Government[21]. These standards guarantee local communities, or municipalities, the right to communicate with decision makers on the central level, and the right to elected representatives, who should enable such communication. In the view of one expert, local communities should have the ability to engage in regional and international activities, to communicate with international organizations, including the system of United Nations, as well as to join the organizations

[20] Resolution on Basic Principles for Political Discussions with Interim Institutions of Self-government in Kosovo and Metohija.
Vlada republike Srbije, *Rezolucija o osnovnim principima za političke razgovore sa privremenim institucijama samouprave na Kosovu i Metohiji*, januar 2013.
www.media.srbija.gov.rs/medsrp/dokumenti/rezolucija-kim130113_cyr.pdf

[21] Council of Europe, *European Charter of Local Self-Government*, October 1985. http://conventions.coe.int/Treaty/en/Treaties/Html/122.htm

supporting such cooperation, within the European Union and the Council of Europe.

When it comes to the status of the Serbian community, the approach, that same solutions should apply for the entire community, regardless of where its members live, there are elements recognized already in the Ahtisaari Plan. But there is also the need to improve the self-government of national communities, in the way it has been done in the Republic of Serbia, for instance, by introducing the minority protection mechanism in the institutional system of Kosovo, in a form of national councils of communities. These organs of personal and cultural minority autonomy could be organized on the level of local communities, municipalities, and, on the level of whole Kosovo, coordinated through the National Council of the Serb Community, in the domains of services, such as education, culture, sports, media, etc. In the view of the participants at the Conference, the solution could correspond with the one that exists for Albanians, and other minority communities in Serbia.

The presented model of autonomy implemented in Åland Islands (the region of Finland inhabited by the Swedes) stirred up a lively discussion at the Conference. One of the controversial matters was the principle: "the territory belongs to the population living in it". There were opinions that this example and principle should be further deliberated, because of its possible implementation on the autonomy of Bosniaks in some municipalities of Serbia (Raška region, or Sandžak) or in Montenegro, by setting up an Albanian municipality in a part of the territory of the Podgorica municipality. Some participants in the discussion insisted that, based on this principle, Serbs could create their own territorial autonomy, while others asserted that it is an "ethno-nationalist principle" which would be the basis for secession.

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2.3. Northern Kosovo and Regional Cooperation

Under the current circumstances, Northern Kosovo does not participate in regional cooperation at all. It can be described as a „black hole", not only of Serbia or Kosovo, but of the Western Balkans, which captures political energy and produces distrust, disagreements, and conflicts. In contrast to this gloomy description, participants in the discussion pointed towards Northern Kosovo as potential generator of regional cooperation, *inter alia,* as one participant proposed, by developing the concept of a "mini European region".

"Mini European region" is not the term that exists among the "key words" of the European Union administration, however it would, in terms of contents, represent the concept similar to *Euroregions*. It could be an important instrument for Europeanization, not only of municipalities in Northern Kosovo, but also of their neighbouring municipalities, both in Kosovo proper – South Mitrovica and Vučitrn, and in Central Serbia and Montenegro – the municipalities of Sandžak, but also the municipality of Skadar in Albania. This concept could be implemented by fostering and supporting the cooperation of citizens and local communities across the divisions of present borders. It was suggested in the discussion that such a program of cross-border cooperation could be supported by the European Union, both politically, and financially.

3. RECOMMENDATIONS

The following is a list of thirteen recommendations to the participants in the dialogue, based on the preliminary analysis and opinions of the conference participants.

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Regarding the current state of the dialogue:

1. Continue the dialogue between Serbia and Kosovo

The dialogue between Serbia and Kosovo was one of the main topics of the *International Conference on Northern Kosovo in the Regional Cooperation Perspective* and it was agreed that the continuation of dialogue is of utmost importance. It should continue until all the issues of the facilitated dialogue are resolved (particularly the solution for Northern Kosovo) and the negotiating teams should remain engaged. In addition, it is recommended to intensify meetings of the two sides at all levels.

2. Reach clear agreements and ensure their implementation

In the course of the dialogue, the two parties and particularly the mediator should try to ensure that clear agreements are reached, based on which responsibilities for their implementation can be easily defined. They should also set clear timelines for full implementation of agreements. In some cases, more effort and time should be put in negotiation process, in order to enable easier implementation of the agreements.

3. Involve representatives of Serbs from Northern Kosovo in the dialogue

Serb leaders from Northern Kosovo should be actively involved in permanent dialogue with Belgrade and in direct communication with Prishtina. By addressing key issues and establishing direct and more intensive communication of Serb political leaders from Northern Kosovo with Belgrade, and especially with Prishtina, the conditions will be created for improvement of citizens' living condition in Kosovo and Serbia, and improved communication will have effect on the normalization of relations between Serbia and Kosovo.

4. Conclude the dialogue with a framework agreement on the normalization of relations

The dialogue between Kosovo and Serbia should be concluded with a framework agreement on the normalization of relations between Belgrade and Prishtina, which might enable the normalization of relations, stabilization and improvement of security in Serbia, Kosovo and the region. The two sides should commit themselves to cooperation, with the aim to improve the lives of citizens in Kosovo and Serbia and develop good neighbourly relations. The framework agreement should also stipulate all agreements reached in the dialogue and the implementing bodies that have been identified in them (liaison officers and liaison offices, coordinating/implementing body, interim administrative council of Northern Kosovo, etc.)

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Regarding the implementation:

5. Treat implementation as an integral part of the dialogue, not as collateral

Coordination and responding to challenges that come up in the course of implementation should be ensured. The two sides should appoint liaison officers and establish a joint body composed by representatives of Belgrade and Prishtina, under the auspices of the EU representative, whose task will be to coordinate the implementation of agreements reached in the dialogue. A representative of the interim administrative council of Northern Kosovo can also participate in the work of this coordinating body, to address the issues related to the integration.

In order to secure the implementation of the framework agreement, a comprehensive and detailed analysis of the legal frameworks of Serbia and Kosovo should be carried out, in order to identify provisions that might jeopardize the implementation of agreements. In this regard, the parties in the dialogue should be focused on solutions which do not create unnecessary legal and political difficulties that could subsequently delay the dialogue. An example of such a case would be to use the constitutional law as a legal framework for implementing the agreements.

It is also recommended to Brussels to urge Belgrade and Prishtina to consider the consequences before calling any early elections, which would, under current circumstances, potentially delay the Belgrade-Prishtina dialogue.

6. Ensure the monitoring of dialogue and the overseeing of agreements' implementation

Participants of the Conference agreed on the importance of the initiative for monitoring, analysis and reporting on the progress of the dialogue between Belgrade and Prishtina, and in particular for monitoring the implementation of the reached agreements. The success of the dialogue and the implementation of agreements is a central ingredient of the future normalization of relations between Serbia and Kosovo, because it will influence the creation of an environment for improving citizens' living conditions. It will also ensure the sustainability of the agreements and advance the public's support for the process.

7. Develop transitional solutions for Northern Kosovo

Serbia and Kosovo are involved in a difficult dialogue, especially when it comes to parallel security, administration and financial institutions, and above all, regarding the status of Northern Kosovo. However, these critical issues should not jeopardize the dialogue, i.e. the dialogue should continue, in spite of difficulties in resolving these problems. In some situations, when agreement is impossible, it is better to establish *modus vivendi* – "we agree to disagree", but in the meantime let us cooperate where we can – and apply *transitional solution* model, that will temporarily satisfy both sides.

Regarding Northern Kosovo, Belgrade should establish the cooperation and information exchange with Serbs living there, whereas Prishtina should be clear about the benefits and risks of integrating them in Kosovo's legal and institutional framework. The issues related to economic opportunities, living standard, rule of law, and security, cannot be overestimated.

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To improve the inclusiveness of the dialogue:

8. Consider public opinions in the process of normalization of relations

Given the importance of the dialogue, the general public in Serbia and Kosovo should be encouraged to come up with their ideas, suggestions and opinions on the normalization and the course of the dialogue. There should be greater involvement of NGOs, media and general public, and in defining positions on different issues addressed in the dialogue. An important duty of both sides and the mediator is to objectively and promptly inform the public on the course of the dialogue and the content of agreements. This should help avoiding radicalization and politicization of the positions, problems, or reached solutions in the course of the dialogue.

9. Increase the presence of opinions from EU and the Western Balkans experts'

Participants at the Conference agreed that presence of experts in public discussions on the issue of Northern Kosovo must be increased, and offered to contribute to finding solutions. Media activities can include press conferences, roundtables, and media workshops with narrow circle of experts and decision makers, as well as thematic dialogues aimed at informing the general public.

10. Intensify the contacts of decision-makers and opinion-shapers with the representatives Kosovo communities'

Strengthening communication between decision-makers and public-opinion-makers with community representatives from Northern Kosovo is perceived as one of the key contributions to cooperation, which could ensure that the dialogue focuses on searching for successful models for improvement of living conditions for Serbs in Northern Kosovo. It is recommended to involve in this this communication the representatives of the authorities from Serbia and Kosovo.

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Finally, the international actors should:

11. Maintain active and concerted role of international community

The international community, principally the European Union, should continue to play an active role, both in the dialogue and normalization and in implementation of the solutions in Northern Kosovo. The United States and the EU should speak with one voice; all past experiences show that was an important requirement for resolving the conflicts in the Western Balkans.

12. Devise an economic strategy for Northern Kosovo and support municipal cooperation

Difficult economic situation in Kosovo is one of the underlying factors of the problem. Since both Serbia and Kosovo share common interest in improving the economic situation, it would be useful to establish a special Fund for development of Northern Kosovo.

A way to support economic growth is by strengthening the inter-municipal cooperation between the communities of North and South Mitrovica with municipalities from Serbia or with the region, for instance Shkodër (Skadar) district in Albania. This cross-border cooperation projects should be supported by the European Union.

13. Develop a comprehensive security package

Last but not least, particular attention should be paid to developing a suitable "security package", in the course of the dialogue and implementation of the agreements. It should entail the mechanisms for overseeing the legal, political and security activities of both sides, development of cooperation between security institutions in Serbia and Kosovo, and their cooperation with EULEX and KFOR, and particularly important is building trust and cooperation between local Kosovo Serbs and EULEX and KFOR.

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Appendix - *List of Participants*

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Rexhep Meidani, Former President of Albania

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Montenegro

Đorđije Blažić, Dean of the Faculty of European and State Studies

Dritan Abazović, Secretary General, *Positive Montenegro* political party

Dušan Ičević, Forum for Ethnic Relations

Serbia

Nenad Đurđević, Forum for Ethnic Relations, former Director, Directorate for Human and Minority Rights, Ministry for Human and Minority Rights, Public Administration and Local Self Government

Emir Elfić, MP, Bosniak Democratic Community

Dušan Janjić, Forum for Ethnic Relations, and President, New Social Democracy

Jadranka Jelinčić, Executive Director, Fund for an Open Society in Serbia

Dušan Kozarev, Cabinet of the President of the Republic of Serbia

Zoran Vujić, Assistant to the Minister, Ministry of Foreign Affairs, the Government of Republic of Serbia

Kosovo

Ilir Deda, Executive Director of Kosovar Institute for Policy Research and Development

Ardian Gjini, Vice-President of Alliance for the Future of Kosovo

Nenad Radosavljević, Director, Radio/TV Mir, Leposavić

Nexhmedin Spahiu, Director General of Radio Television Mitrovica

Krstimir Pantić, Mayor of North Mitrovica

Azem Vllasi, Political Adviser to the Prime Minister and President of NGO Kosovo Society for Interethnic Cooperation

International Participants

Pieter Feith, former European Union Special Representative and International Civilian Representative for Kosovo

Elisabeth Nauclér, MP, Parliament of Finland

Fayez Risheg, Regional Liaison Officer, EULEX Mission in Belgrade

Samuel Žbogar, Head of the EU Office in Kosovo, EU Special Representative in Kosovo

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