



POLICY BRIEFS KOSOVO



Konrad
Adenauer
Stiftung

Kosovo Parliamentary Elections 2014: Serb community toward new political realities

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June 2014

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1. INTRODUCTION

This paper discusses political trends and tendencies among Serb community in Kosovo. It also highlights and analyzes dominant perceptions and attitudes of Serbs toward current political processes in Kosovo and processes between Prishtina and Belgrade. The paper approaches the political reality in Kosovo since 2008, in the context of supervisory role of international community over institutions and EU mediatory role in the Belgrade-Prishtina talks. More specifically, it acknowledges the impact of Belgrade officials as one of the stakeholders in the political processes in Kosovo¹, especially in the municipalities north of the Ibar river².

Recommendations in this paper present starting points for officials in Prishtina, and Belgrade, as well as for local politicians, concerning the future demeanor of Serbs toward new political processes in Kosovo. Prompt clarification of Serbs' major concerns before 2014 general elections, and appropriately addressing those concerns after the elections, could contribute to a problem solving, trust building and relationship-forming interaction between the Albanian and Serb politicians and communities.

2.

For more than a decade, the international community³ has played the fundamental role in shaping Kosovo's system of governance. Since the international intervention (1999) Albanians have been engaged in state and institution building processes. After the Serbian administration was forced to withdraw, Kosovo Serbs remained politically unorganized hence spontaneous and often confused moves were taken within the new realities created after June 1999. In post-intervention Kosovo, Serb population faced the shift in power relations and the transformation of relations that occurred. In the absence of political

leadership, the Serbian Orthodox Church (SPC), through the Serbian National Council (SNV) based in Gračanica/Gračanicë, became the main factor in organizing and leading the Serb community. For years, among those Serbs who remained, there was always a dilemma, especially in the post independence Kosovo, whether to participate in Kosovo's political system or not.

The local elections held in November 15, 2009 were the first local elections organized by Kosovo authorities after the independence declaration in 2008. Serbs boycotted elections in the four municipalities north of the Ibar River, where local leaders were elected in separate votes organized by Belgrade⁴. Despite the strong pressure⁵ from Belgrade to boycott the 2009 local elections, a part of the Serb community south of Ibar river (around 25 percent) participated and won authority⁶ over some of the municipalities in which the Serbs are in majority⁷.

The early parliamentary elections on December 2010 were sparked by the collapse of the government in October 2010. Unlike Belgrade's previous calls on Serbs to boycott Kosovo elections, in 2010 Belgrade officials directed appeal only on the Serbs in the north. On the other hand, Serbian parties demonstrated a great interest in participating in 2010 general elections, having MPs that are elected and not only appointed by quota⁸.

¹ For instance, Serbian officials were demanding that Kosovo's banner must be removed from November voting ballots in the North, and Kosovo government obeyed the demand.

² The north of Kosovo includes four municipalities: Leposavić/Leposaviq, Zvečan/Zveçan, Zubin Potok and Mitrovicë/Mitrovica. The Ibar River divides Mitrovicë/Mitrovica between the south, with the majority of Albanian population, and the Kosovo's Serb-dominated north.

³ By the term of international community we refer to the UN and its various agencies, the EU, NATO, the Organization for Security and Cooperation in Europe (OSCE) and an International Civilian Office (ICO).

⁴ Forming separate local institutions, known as parallel institutions, supported by Belgrade and opposed by Pristina.

⁵ Politicians from Serb Radical Party even used threats and requested penalties for any Serb paid by the government in Belgrade who might take part in the elections. Source: "Serbs should boycott Kosovo elections," B92, October 30, 2009, accessed April 20, 2014.

⁶ Forming another set of local institutions, supported by Pristina but opposed by Belgrade.

⁷ "Kosovo Election: A Test of Maturity," Helsinki Committee for Human Rights in Serbia, November 2009, No.46.

⁸ According to the Article 64 of Constitution of Kosovo: The Assembly has one hundred twenty (120) deputies elected by secret ballot on the basis of open lists. The seats in the Assembly are distributed amongst all parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly. Along with that, Constitution guarantees twenty (20) out of one hundred twenty (120) seats for the representatives of minority

The importance of the number of seats held by Serbs' representatives in the Assembly is best understood through the competencies of the Assembly. For example, in order to amend the Constitution, Assembly needs two thirds (2/3) of all its deputies including two thirds (2/3) of all deputies holding seats reserved and guaranteed for representatives of communities that are not in the majority in Kosovo⁹. Moreover, legislation of vital interest is also dependent both on the majority votes of all deputies and of the communities that are not majority¹⁰. This means that no amendment of the Constitution, or adoption of legislation of vital interest, can be done without Serb community agreement (as they claim one half (1/2) of minority representatives). On the other hand, adaptation of laws, decisions and other acts require majority vote of Assembly representatives¹¹, which means that the impact of minority community votes directly depends on their overall number of seats within the Assembly.

In the context of Belgrade – Prishtina normalization of relations, local elections held in Serb-dominated municipalities on November 3rd and December 1st, 2013 were of great importance as the first ones organized under the Kosovo legal framework in northern part of territory. Under the terms of the Brussels agreement, for the first time Serbs north of Ibar river participated in elections with Belgrade's

groups. Ten (10) out of those twenty (20) are for representatives of Kosovo Serb Community: parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community shall have the total number of seats won through the open election, with a minimum ten (10) seats guaranteed if the number of seats won is less than ten (10). This means that no matter the outcomes of the voting, Serb Community have ten (10) seats in the Assembly, while all above that depends on the voting results.

⁹ See: Constitution of Republic of Kosovo, Article 65

¹⁰ Legislation of vital interest:

- (1) Laws changing municipal boundaries, establishing or abolishing municipalities, defining the scope of powers of municipalities and their participation in inter- municipal and cross-border relations;
- (2) Laws implementing the rights of Communities and their members, other than those set forth in the Constitution;
- (3) Laws on the use of language;
- (4) Laws on local elections;
- (5) Laws on protection of cultural heritage; (6) Laws on religious freedom or on agreements with religious communities;

¹¹ Laws, decisions and other acts are adopted by the Assembly by a majority vote of deputies present and voting, except when otherwise provided by the Constitution.

blessing. Despite Belgrade's call on Serbs for high turnout, voting was suspended in north part of Mitrovica on November 3, 2013¹². The highest turnout in the other three Serb municipalities in the north was 22%, but Kosovo's electoral commission accepted results and limited the re-run to north part of Mitrovica. Officials in Belgrade urged Serbs to re-vote using political threats that boycotting means that Albanian will lead the city, and that Serbia will not be able to set up administration. It is evident that further repetition of isolated violent acts in the north would hinder the creation of the association of municipalities. Therefore, aggravation of the situation should be avoided if the Serbian government, local politicians and Prishtina officials explain the benefits from the implementation of the agreement, and if they act decisively against those who plan to carry out violent resistance. Conflicting statements regarding the agreement, with some saying that the agreement signifies the end of the Serbian institutions in Kosovo, and others claiming that the agreement would only strengthen Serbia's presence in Kosovo, contribute to a sense of confusion. This state is understandable, having in mind that Serbs were told for fourteen years that the north is part of Serbia, and now, according to the Brussels agreement, Serbs will have to integrate into the legal and institutional system of the state they don't recognize.

Accordingly, the dialogue between local Serb mayors and central authorities in Prishtina and Belgrade should be established in order to give support to local leaders in implementing local policies and functional public administration. This is especially important given that the local administration in the north have weak legitimacy due to low turnout. The dialogue would also enable authorities in Belgrade and Prishtina to get more familiar with the daily problems of the Serbs and of the challenges in the implementation of the Brussels agreement. Kosovo and international institutions in the cooperation with the local authorities should also send a clear message to those who aim to derail the process and should be more determined to enforce rule of law. This would encourage Serbs to participate more in Kosovo's public life and create a civil trust between citizens and institutions.

¹² Radical groups and extremists burst into three polling stations firing and destroying ballot boxes and threatening those who were willing to vote.

On 8th June, Serbs north of Ibar river will be drawn into greater Kosovo's political scene. Belgrade officials openly declare that Serbs should, in high turnout, participate in the upcoming parliamentary elections claiming that this would strengthen influence of Serbia in Kosovo. Belgrade brought together politicians both from the south and north of Ibar river forming Srpska List (Serbian List) as one which gather those who were bitter rivals for fourteen years. The Srpska List joins both Serbs from "parallel institutions", or those who opposes Kosovo's statehood, and those who participated in the institutions and has been characterized as traitors or Tachi's Serbs.

Candidates on the Srpska List consider that vital questions for the Serb community could be properly addressed only if they act unified and if they reach consolidation among themselves. Serb politicians who are not on that list perceive it as an unsustainable political platform that will last until the first parliament session or as the "extended hand" of Belgrade that may instruct future MPs in their decisions. In addition, in Kosovo's public discourse is raised the question of possible obstruction and slowing down the institutions if the Srpska List became a part of a future governing coalition. Nevertheless, regardless what list will have more of its candidates in the parliament; it is clear that, with high turnout, therefore with sufficient seats, Serbs could dramatically boost their influence on the Kosovo government.

3.

Addressing some of the major concerns of Kosovo Serbs

The "First Agreement of Principles Governing the Normalization of Relations", known as the Brussels agreement, marked a shift in the Serbian government's policy since 1999. Belgrade refused to negotiate directly with Kosovo's institutions and its main interlocutor was the international community. After the 2004 violent unrest, Belgrade urged Kosovo Serbs to boycott Kosovo's institutions. The situation got worse after Kosovo declared its independence in 2008, when Belgrade severed its communication with Prishtina. Therefore, the Brussels agreement is a significant breakthrough in the relations between Belgrade and Prishtina. Many say this is due to Serbia's interest to integrate into the European Union, for which improvement of relations with Kosovo appears to be one of major condition. On the other hand, Prishtina accepted the agreement, especially the formations of

the association for the Serb-majority municipalities (ZSO) only after strong international pressure. Though the international community believes that an agreement will be implemented, some are concerned of violent resistance by fringe elements in the north to the implementation. Also, the ambiguity of the agreement leaves room for wild interpretations, such as claims that it will bring partial integration or full institutional segregation of Serb community. These references are based on the current division of the Serb community in the north and possible violent resistance to full implementation by part of them. For the Serbs south of Ibar, the agreement generally means division between them and the Serbs in the north and in that sense they feel partly discriminated and neglected. Serbs in the north are treated differently, with different policies, and such an approach will alienate them as they strive to be treated as a single community. Considering the implementation of the Brussels agreement, the most common reference among stakeholders is awareness of impediments on the ground. Obstacles could be insufficiently developed mechanisms of the implementation, such as lack of trained staff, legal advisors, public officers, etc. Implementation of the agreement requires and should be broad, inclusive and long-term process that might take years.

The situation in the north is particularly fragile and tense, thus Serbs are confused by the potential effects and changes that the implementation of the Brussels agreement will bring for them in practice. They are worried that the end of the direct presence of Belgrade institutions, and Serbian salaries, will affect their jobs, pensions, healthcare, and education¹³. Integration into Kosovo's institutions also means lower salaries. What is more, Prishtina's increased role is also concerning for some, given their lack of trust in Kosovo's institutions.

¹³ A rough estimate indicates that around 85% of all income in the north depends on the public sector, about three-quarters of which is from Serbia and a quarter from Kosovo. The planned closure of the Serbia-financed institutions and their reintegration into Kosovo's legal framework will result in significantly lower salaries and jobs (for example in local administration and hospitals). Source: Filip Ejdus, Leon Malazogu and Milan Nic, "Municipal elections in Northern Kosovo: Towards a new balance?", Central European Policy Institute, October 10, 2013, accessed on April 23, 2014, <http://www.cepolicy.org/publications/municipal-elections-northern-kosovo-towards-new-balance>

One of the concerns of Serbs is related to the mistrust in local Serb leaders based on a doubt of their political leverage and true ability to take decisions in their own hands. Additionally, those who participated in Kosovo's institutions were often publicly characterized by Belgrade's officials as Thaci's Serbs¹⁴. It is notable that Kosovo Serbs urge for local decision makers who will be able to design strategies and pragmatic programs appropriate to the particular set of circumstances on the ground. Moreover so, those local decision makers need to be willing to secure the sustainability of such programs. The role of the international community could be very important in supporting and monitoring those programs, delivering trainings and advice to locals and encouraging local initiatives. Serbs leaders should gradually become politically independent from Belgrade and establish strong local institutions capable of resolving problems direct with Prishtina. The emphasis should be put on supporting new leaders, without criminal past and with the clear support of the international community.

In the context of the dynamics of interethnic relations, it seems that the lack of confidence is evident in the critical assessment of the actions of the other ethnic group. This is most visible in the north, especially in the north part of Mitrovica. Though the organized crime is prevalent in the north¹⁵, there is a notable tendency from both communities to politicize all incidents and crimes there. Strengthening media freedom and investigative journalism would allow both communities to have different and alternative sources of information, even creation of possibilities for joint media activities. In addition, political leaders of both communities should encourage the business sector to create employment opportunities for non-majority members by creating policies for jobs for members of different communities.

¹⁴ Petkovic, "Dacic zapretio liderima Severa," *Vesti online*, May 25, 2013, accessed on April 23, 2014, <http://www.vesti-online.com/Vesti/Srbija/315462/Dacic-zapretio-liderima-Severa>

¹⁵ "Kosovo 2013 Crime and Safety Report," *The Overseas Security Advisory Council (OSAC) – Bureau of Diplomatic Security, U.S. Department of State, Report, February 2, 2012*, accessed on April 19, 2014, <https://www.osac.gov/pages/contentreportdetails.aspx?cid=12089>

Great attention is been paid to the existence of a few influential local groups and individuals in the north. They have great influence in mobilizing the Serbs, often openly intimidate and threaten those who are willing to be engaged within Kosovo's political framework¹⁶. Utilization of fragile and tense situation by extremists could only contribute to maintenance of the black market in the north. Having in mind the fact that there are also informal security groups which may try to cause trouble because, according to the agreement, they have to be dismantled, KFOR and EULEX mission, as the key for security sections of the agreement, must stay in field since Serbs showed lack of trust in Kosovo police (KP) and other institution of Kosovo security system¹⁷. On July 2013, Prishtina agreed to an amnesty¹⁸ for the Serbs in the north, aiming to allow, or to facilitate, the integration of Serbs, by ensuring they are not prosecuted for the resistance to Kosovo authorities in the past, which would prevent them from taking roles in Kosovo public institutions in the future. Kosovo's institutions, with a support of international community, should also establish, develop and implement a comprehensive strategy for dealing with the past, along with transitional justice based on respect for all victims, and with judicial prosecution based on individual responsibility, to begin with the process of interethnic reconciliation in Kosovo.

¹⁶ BIRN team, "Hardliners Threaten North Kosovo Serbs at Polls." *Balkan Insight*, November 3, 2013, accessed on April 19, 2014, <http://www.balkaninsight.com/en/article/hardliners-threaten-north-kosovo-serbs-at-polls>

¹⁷ July 2011, after the decision of Kosovo's authority to send Kosovo Special Police Unite (ROSU) troops to violently implement customs policies at the northern border with Serbia, local Serbs blocked the main bridge over the Ibar river. Quick withdrawal of ROSU from the north demonstrated not only the ability of the northern Serbs to mount resistance, but it also exposed Prishtina's limited capacity to resolve the dispute by force.

¹⁸ Kosovo's parliament passed the law on amnesty which was an obligation under Brussels agreement. During the parliamentary debate on the amnesty bill, several hundred supporters of the Self-Determination Movement (Lëvizja Vetëvendosje) held protests outside the parliament building. The law also met with serious bottom up resistance. NGOs held peaceful protests demanding that such legislation should amnesty only northern part of Kosovo but to keep rule of law in the rest of the territory.

Generally, concerns of Serbs refer to absence of human security¹⁹ that contributes to a sense of their uncertain future in Kosovo. Among the less likely to happen are assumptions that the implementation of the agreement

will lead to silent exodus²⁰ of the Serb population or even with assimilation. Some of the Serbs in the north equate obtaining Kosovo's citizenship and documents with Albanian assimilation. Though Serbs in the north will most likely have to operate within Kosovo's political framework, the agreement provides sufficient safeguards for them to run their own affairs, such as the formation of an association of municipalities, autonomous local police, and guarantees that Kosovo's Security Force and special police units would not enter the north without the consent of the latter. To address and clarify the concerns of the Serbs population there has to be a more transparent communication between Serbian government and Serbs in Kosovo. Prishtina officials should also take a clear stand and create frequent communication channels with the Serb community, especially in the north as ambiguity of the Brussels agreement and, so far Serbian policy towards Kosovo, contributes to a feeling of disorientation and confusion among the Serb community. Clear presentation of what implementation of agreement means in practice, avoiding arbitrarily interpretations that contribute to polarizing the societies is more than needed on both side of Ibar river.

Huge problems remains, but recent political processes between Belgrade and Prishtina potentially paves the way for Serbs in Kosovo, to participate and to have high turnout on the parliamentary elections of 2014, electing the most legitimate representatives of Kosovo Serbs in Kosovo Parliament. Resolving the issues in north would finally allow Kosovo's institutions to deal with other major problems of Kosovo society, such as reducing unemployment rate, the systematic fight of corruption, organized crime and many more.

¹⁹ Human security is here specifically defined as freedom of fear.

²⁰ Filip Ejodus, Leon Malazogu and Milan Nic, "Municipal elections in Northern Kosovo: Towards a new balance?", Central European Policy Institute, October 10, 2013, accessed on April 23, 2014, <http://www.cepolicy.org/publications/municipal-elections-northern-kosovo-towards-new-balance>

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About the Center for Social Engagement

CSE is a non-governmental, non-profit and non-political organization centered in Prishtina, Kosovo. It is founded and lead by young professionals seeking to promote better interethnic relations and normalization of political and social life in Kosovo and throughout Western Balkans. Their mission is to work on promotion of tolerance and cooperation among different ethnic communities on local level, contributing to pacification and Europeanization of the region. They are also striving to contribute to rising of political competences of local populations and communities and their political representatives.

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The opinions and stances expressed in the paper are the authors` personal points of view and they do not necessarily represent the views of the Konrad-Adenauer-Stiftung.

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