

From Creative Ambiguity to a Constructive Process

How to Approach Northern Kosovo?

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Executive Summary

Plans on how to address northern Kosovo abound. Ideas range from the Ahtisaari plan, with additions and subtractions, various shades of regional autonomy, partition and territorial exchanges, or modalities grouped in bullets of four or six.

A comprehensive plan for the north has not yet been put forward and this report has no such ambitions. The aim is rather to emphasize guidelines that would improve the process towards achieving a sustainable and acceptable solution.

If a consensus on the outcome is not possible, it must be built on the process. It is more fruitful to focus on the steps that need to be taken and constructively broach the sensitive topics. Improving relations is a precondition to further progress.

All of the stakeholders involved—the governments in Prishtina and Belgrade, the northern Serb representatives, and the international community—have agreed that the current status quo is untenable. By the same token, force has been ruled out as means of integration due to its likely counterproductive and detrimental effects.

While Belgrade maintains a physical presence and influence in the north, Prishtina has publicly refused to dialogue with Serbia over the issue, considering it an internal matter. Kosovo and Serbia still maintain very different interests and are suspicious of each other's intentions.

Three important building blocks are essential towards aligning the opposing interests: (a) the resistance towards the Ahtisaari provisions is not related to their protective mechanisms, but only to its implications on Kosovo's status; (b) divisions have grown due to a lack of trust and dialogue,

and; (c) it is urgent that a solution is found so that tensions in the north do not escalate further.

A sustainable and acceptable solution for the north requires political dialogue between Prishtina and northern Serb representatives, with the robust support of the international community and Belgrade. Sustainable success can be achieved only in transforming the perception of a largely hostile population to see benefits from integration with Prishtina.

The Government of Kosovo should continue to invest in improving the lives of citizens in the north, while improving the implementation of minority rights throughout Kosovo. Recognizing the inherent differences the suspicion harboured towards Prishtina, the government's success with Serbs in the south can create momentum for progress in the north. Above all, Prishtina should drop its resistance to talking to the northern leaders and engage with them in earnest.

Northern Serbs should engage in a dialogue with Prishtina, while showing good will towards establishing mutually acceptable governance structures. Belgrade should be constructive in continuing its dialogue with Prishtina. A recipe may be found to regulate Belgrade's indirect inclusion in Prishtina's dialogue with northern Serb representatives, although this is very sensitive issue.

All stakeholders in Kosovo and Serbia seem to know what outcomes they do not want, and less what they want. The European Union and the United States must step up their influence to provide direction and necessary guarantees to all the parties involved. Harnessing bilateral relations between Kosovo and Serbia will reduce the stakes in the conflict and improve multilateral relations.

Note on Terminology

In this paper, we use “Kosovo” (rather than “Kosova,” the name preferred by Albanians, or “Kosovo and Metohija” or “Kosmet,” preferred by official Serbia), because that is the name most commonly used in the English-speaking world. “Kosovo” is used as both a noun and an adjective.

In the first mentioning of a geographic location, both the Albanian and Serbian language names are used. However, for the sake of simplicity, the name most commonly used in English is provided thereafter.

The paper uses Prishtina, avoiding Prishtinë or Priština. Although it is not the most widely used version in English, ‘Prishtina’ is most likely to be pronounced accurately as it is in Albanian and Serbian. Kosovo considers that it has a ‘border’ with Serbia, while the latter sees it as a ‘boundary line’. For practical purposes, this paper refers to them merely as ‘crossings’.

The term “Kosovar” is an adjective used to describe Kosovo’s inhabitants, whether Albanians, Serbs, Roma, Turks, or others. ‘Serb’ is used as an ethnic term, whereas ‘Serbian’ is employed when referring to Serbia and its institutions.

Introduction

The situation in the north of Kosovo remains difficult and threatens to escalate into open violence. This growing tension influences much of the present political discourse and has significantly impacted the EU-sponsored dialogue between Prishtina and Belgrade, as well as the European perspective of the region.¹

Without imaginative solutions and an inclusive political process, it would be very difficult to reconcile the diametrically opposed positions and bring much needed normalcy to the lives of citizens in north Kosovo. Developments in 2011-2012 have eroded trust building and made a conversation between Prishtina and the north more difficult.

The aim of this paper is to contribute to the conversation on resolving the crisis in Kosovo's north by proposing steps that stakeholders need to take in order to move the process forward peacefully. The paper examines the various approaches that have been put forward until now and suggests effective contributions towards sustainable peace.

Resolving the north is not a process that will yield results overnight. It took more than four years to make significant progress in the integration of Serbs in the south of Kosovo and more remains to be done there. It is redundant to highlight that the situation in the north is much more complex and thus will take more time to resolve.

While time is needed, time alone will not deliver results. Counter-intuitively, time without proper action has seen the situation steadily worsen in the north. Such a small piece of land did not suddenly appear as a major international problem – its gestation period has entered well into the

second decade. Looking ahead, ignoring it further risks reigniting a wider conflict.

Dealing with the north is especially important now that the supervision of Kosovo's independence has come to an end. The timing is auspicious since the leadership in Serbia has a fresh mandate of four years. There is a year ahead of Kosovo municipal elections, and a breakthrough could pave the way to holding them in the north too.

Build-up to the Conflict

The area commonly referred to as northern Kosovo has around 1,200 square kilometres (ten percent of Kosovo's total territory). There are around 40,000-50,000 inhabitants (about ninety percent ethnically Serb and about ten percent ethnically Albanian, but overall only three percent of Kosovo's total population).

Northern Kosovo became an issue since 1999, with the territory north of the Ibër/Ibar River having experienced a mixture of administrators, including UNMIK, the institutions of Kosovo and those of the Republic of Serbia. Although it never disappeared, the north re-emerged in the political discourse following Prishtina's efforts to establish control over its border with Serbia.

While the Kosovo government sent a clear signal of its intent to maintain Kosovo's sovereignty and territorial integrity, the actual means of integrating the north remained elusive. Integrating the north is the last remaining significant piece of the state consolidation puzzle for the government in Prishtina.

A Territorial Dispute, Not a People Conflict

The recent lack of contacts with Kosovo Albanians means that northern Serbs do not possess the experience of multiethnic coexistence in the way that Serbs in the rest of Kosovo do. Such an analysis creates the false implication that the conflict has emanated from a long-established hatred.

The truth is that the north has experienced multiethnic coexistence in the past, although not to the degree of their southern brethren. The current coexistence in the south is a

proof that despite the bitterness of the nineties, Serbs and Albanians can live together.

The argument that the Serbs in the north fear the Kosovo Albanians is also invalid. If pressure was as prevalent as it is portrayed, fear should have been more widespread among the Serbs in the south. If assimilation and migration did not materialize in the south as feared, the compact Serb community in the north has few practical reasons to be fearful.

The inter-ethnic disputes in Kosovo have often been treated either as an issue of misunderstanding, ancient hatred, or as issues of a technical nature more recently. Kosovo's northern challenge belongs to none of these categories but to the most common category of disputes around the world: competition between two groups over a disputed territory. This territory is coveted by the two groups primarily because the north possesses significant resources of water (about 20% of Kosovo's fresh water reserves) and large mineral assets.

Another argument that the issue of the north is not a matter of hatred is the growing perception that the dispute over the north is the kernel which poisons the overall relations between Serbia and Kosovo. Moreover, there is a widespread belief that its resolution would improve the relations between Serbs and Albanians in general. The underlying assumption is that except for the north, relations between these two groups are improving.

It is no secret that Kosovo Serbs prefer to live in Serbia and share little affection for the new state of Kosovo. After all, it is not difficult to understand why an ethnic group prefers to avoid becoming a minority in a region where historically there is very little respect for diversity. In addition, this minority previously enjoyed a majority status. But other large ethnic communities have gone through similar

transformations. The dissolution of the Soviet Union left 25 million Russians outside Russia and they have largely been accommodated in their new respective countries with far fewer political rights compared to those recognized to the Kosovo Serbs and enshrined in Kosovo's Constitution.

25 July 2011 and the Barricades

Frustrated over Belgrade's delay of a long anticipated agreement on customs stamps,² Prishtina sent its special police units to the two northern crossing gates to Serbia in an operation to enforce its government decision to reciprocate to Serbia's trade boycott. The intervention was to a large degree fuelled by opposition pressure which increasingly accused the authorities of abandoning state interests in the north. The opposition also maintains that if Kosovo decides to discuss the issue of the north with Serbia, it will risk division of the country and a special autonomous status that will render Kosovo dysfunctional.³

Prishtina's action to establish its control over the crossings provoked a violent revolt of the local Serb population, supported by Belgrade. This resulted in one Kosovo police officer being killed. Kosovo Serbs from the north saw this action by the Kosovo government as an attempt to limit their ties to Serbia and introduce the rule of law of the Republic of Kosovo in the north. They set up barricades with the goal of preventing the Kosovo police's movement from the south and have engaged in a number of violent incidents against EULEX and KFOR.

A number of senior officials from Belgrade spent significant time at the barricades themselves. However, the most active organizers of these barricades were leading local politicians from the four northern municipalities, most of them from parties in opposition to the then government in Belgrade.

Prishtina treated the barricades as a criminal matter, although it has recently toned down its rhetoric. It is evident that not all people manning the barricades were criminals. While there are criminals present and northern Serbs say that they feel threatened by them, they see the mayors and other elected officials of their four municipalities as legitimate. Prishtina's accusations make northern Serbs perceive it as an antagonist.

The great majority of Kosovo Serbs led a peaceful protest and are not criminals. They were not forced to be at the barricades against their will. Their perception is that the actions by the Kosovo authorities and by KFOR and EULEX were an attack against their lives and their community.⁴ Approaching the north exclusively with a security lens indicates that Prishtina does not fully comprehend the scale of the challenge requiring its resolution.⁵

Under Germany-led European Union pressure, at the end of 2011 the then Serbian President Tadić was forced to request the Serbs in the north to dismantle the barricades. Despite KFOR's removal of some barricades, many still stand where they were a year ago and there are few signs that they will disappear soon. The most visible barricade stands as a symbol of separation on the main Ibër/Ibar river bridge dividing the north and the southern parts of the city.

Since September 2009, Kosovo Police officers continue to be brought in to the crossings by EULEX helicopters and largely serve as a symbolic presence inside the customs' booths. EULEX and KFOR are officially in charge only of monitoring the two crossing gates in the north, but effectively discharge the duties to the Kosovo Police.

Critics argue that the intervention has provoked and justified the barricades. Proponents argue that the intervention has changed the status quo in the north and created a new momentum forcing international powers to

take a stand on Kosovo's side and guarantee Kosovo's borders.

The Northern Referendum

Three factors influenced the perception of a lack of political security among the northern Serbs at the end of 2011:

- the crisis of the summer of 2011;
- a *volte-face* withdrawal of support for the barricades by the Serbian government; and
- the perception of the West's increasing direct support of the actions of the Kosovo government in the north.

The perception that these three factors would adversely affect their political future persuaded the local politicians in the north to hold a referendum on February 14-15, 2012 with a single question: "Do you accept the institutions of the so-called 'Republic of Kosovo'?" The referendum was primarily an effort to reject what they saw as an imposition of Kosovo's institutions upon them. Kosovo, Serbia, the EU and the U.S. all considered the results of the referendum invalid.

While a number of politicians in Belgrade supported the referendum, Tadić's government publicly opposed it, fearing it would become an obstacle to the country's EU prospects. The Serbian government labelled it unnecessary and beyond the constitutional competencies of the municipal governments. President Tadić asked for the referendum to be cancelled, while the EU issued strong statements against it.

The four municipal authorities in the north did not heed to these demands and went ahead with the referendum. The turnout was 75% and 99.74% of those who voted responded against the Kosovo institutions. The organizers saw the referendum as a confirmation of the political reality in the north that has to be taken into the account by anyone trying

to change the situation on the ground. The results placed additional political pressure on Kosovo Serbs in the north not to cooperate with the Kosovo institutions.

Rule of Law and Security

The situation in the north is largely peaceful, although it remains tense. The most serious and immediate issue confronting the citizens in the north is the lack of the rule of law. Serious crimes are not prosecuted and petty crimes and administrative misdemeanours are not even addressed. Around 3,000 people in the north are reported to use illegal drugs, a very high percentage for such a small population.⁶

Incidents including small bomb explosions take place with regular fervour, and the Kosovo government's newly established Mitrovica North Administrative Office (MNAO) provides an additional target. These incidents have the potential to develop into a larger problem and some of them can even serve to mobilize the masses into an eruption of more serious conflict.

On 8 April 2012, an explosion killed a 38-year-old Kosovo Albanian man and injured two of his four children on the ground floor of an apartment block in northern Mitrovica. Hours later in a nearby suburb, three Kosovo Albanian youths assaulted a 66-year old Kosovo Serb, who subsequently required hospitalization. The Kosovo police responded by attempting to set up new fixed guard points in the area, which were then physically resisted by Kosovo Serb residents.⁷

A small number of Albanians still live in the north although thousands who fled the northern part of Mitrovica in 2000 have not returned. A "You Can Help Too" campaign was organized in 2012 to support reconstruction of houses for Albanians who wish to return. Some funding came forth, and dozens of homes are being rebuilt in the northern surroundings of the town.

Reconstruction and return in the northern part of Mitrovica has stalled as UNMIK stopped issuing permits. The

establishment of the MNAO will not easily change the situation. Even after the MNAO's formation, the parallel municipality continued issuing warnings with UNMIK insignia to Albanians that only a permit issued by the Serb parallel administration is valid for reconstruction in northern Mitrovica.

A serious danger is the recent appearance of violent and unpredictable youth gangs. They seem to be organized through football fan groups or extreme far right movements, some outlawed even in Serbia itself.⁸ It is essential that Belgrade and local officials retain control over these groups to avoid violence, especially during the upcoming dialogue process.

Security remains a constant issue. Various police and security structures currently operate in the north, including:

- NATO's Kosovo Force (KFOR);
- The European Rule of Law Mission (EULEX), which has so far largely been incapable to implement its mandate in the area;
- The Kosovo Police, a local branch of which is partially effective and is, to a large degree, outside Prishtina's chain of command; and
- Plain clothed police officers of the Ministry of Internal Affairs of Serbia.

No municipal or minor offence courts function in northern Kosovo, apart from the Mitrovica court staffed by EULEX.⁹ The Mitrovica court still consists solely of EULEX judges and prosecutors and operates with a limited capacity. The Mission eventually exhausted all possibilities to transport Kosovo justice staff to the courthouse, leading to the postponement of scheduled trials.

Access to justice in the north was brought to a near standstill by these conditions, severely violating the right to a trial within a reasonable timeframe. Since March 2008, only

forty-two criminal cases have been adjudicated, while civil cases are not processed at all.¹⁰

Freedom of movement for EULEX continues to be severely hampered by the northern Serbs who maintain roadblocks. EULEX's access to the north of Kosovo has been intermittent as northern Serbs staunchly oppose the transport of the Kosovo border police and customs officers to the northern crossing gates.

Public opinion on EULEX in the north was also negatively affected when the EU mission began distributing flyers about the implementation of the Belgrade-Prishtina dialogue agreements on the freedom of movement and on the integrated management of the crossing points in the north.

Tensions in northern Kosovo and between the region and Prishtina will persist until a political solution is reached. It is difficult to have rule of law without a clarification of which sets of laws apply—a highly political matter.

Border/Boundary Crossings

The issue of security of the border (for Kosovo) or the boundary (for Serbia) crossings between Kosovo and Serbia in the north became a serious problem in the summer of 2011. Following the installation of barricades in no-man's-land inside Serbian territory, traffic stopped at gates 1 and 31. Only following the removal of these barricades by the Serbian police in March 2012 did traffic get back to normal.

Since July 2011, alternative crossings and routes have been set up by local Serbs. In 2012, KFOR closed off some of these roads in a set of coordinated actions with the Serbian Police. The situation resulted in numerous demonstrations and occasional violent clashes between local Serbs and KFOR, when the latter's troops attempted to dismantle the barricades. Until September 2012, quite a few of these

alternative roads continued to provide unhindered access to anyone with an interest to avoid scrutiny.

After a long Serb blockade and numerous scuffles, KFOR went on and opened the border crossings to traffic. But they were not used as intensively as before, and parallel structures encouraged Serbs to use alternative roads on their travel to Serbia. These illegal crossings are used for smuggling and similar forms of illegitimate transit. Kosovo Police sources claim that hundreds of cars, vans and trucks loaded with fuel and other items arrive from the north of Kosovo and continue unhindered to other parts of Kosovo.¹¹

The situation has not been resolved by the recent integrated border/boundary management (IBM) agreement reached in Brussels by Prishtina and Belgrade. Further developments will depend on the actions of the new Serbian Government and the approach from KFOR, EULEX, and the Kosovo security structures. Prishtina sees the implementation of the IBM agreement as an essential step to suppressing Serbia's ambitions for partitioning the north.

Kosovo customs and police officers remain locked in a container placed at the crossing gates with no ability to control goods or persons passing through the border.¹² Many Serbs avoid these two northern crossings due to this symbolic presence of the Kosovo authorities.

In late summer 2012 KFOR began to close these pathways, despite Serb opposition. Serbs call the closing of alternative crossings as being in the interests of Prishtina.¹³ Parallel leaders continuously warn of impending KFOR action and maintain a sense of permanent emergency in the north.

Northern Institutional Map-Out

Unstable and under significant influence from the gray economy and organized crime, the north is largely controlled by the so-called “parallel structures”. Following international practice, we employ this term throughout this paper. At the heart of this parallel system are the municipalities created by the Serbian government following local elections organized by Belgrade in May 2008. These institutions are the only fully functioning local administrative bodies in the northern municipalities of Leposavic, Zubin Potok, and Zvecan. What is termed as ‘parallel’ throughout Kosovo is, however, less parallel in the north, where the Serbian local administrations face little challenge from Kosovo’s institutions.

Even though the Kosovo government considers all Serbian institutions in Kosovo illegal, one must distinguish between parallel political and administrative bodies and service provision institutions. The north functions thanks to bodies managed and financed by the Serbian state—schools, medical facilities, municipal and district offices—together attracting approximately €200 million Serbian government funds per annum. Such institutions provide important services to the Serb community which Kosovo cannot currently offer. These institutions are also functional in the south and Prishtina is reluctant to dismantle them for it would put thousands of Kosovo Serb citizens out of work.

The service institutions will continue to function as Prishtina has neither the financial nor the technical capabilities to immediately fill the gap. Awaiting better relations between Serbia and Kosovo, these institutions would ultimately come under Kosovo’s institutional roof, as prescribed by the Comprehensive Status Proposal (CSP).

A more problematic presence of Serbian institutions are municipal administrations, district heads, and police, which challenge Kosovo's authority and duplicate services that should be offered by Kosovo institutions in the north. Serbia also maintains operational police in northern Kosovo, albeit either in civilian clothing or infiltrated within the ranks of the Kosovo Police. There are also reports of the existence of paramilitary groups, and plain clothed Serbian gendarmerie and intelligence personnel. In mid-September 2012, EULEX for the first time openly acknowledged such a presence and called for their removal. International Crisis Group (ICG) even argues that there are strong links between criminal and armed groups, mayors and the district head in the north.¹⁴

In order to win the trust of local politicians, further distinctions should be made among the political institutions as well: those elected locally and those appointed by Belgrade. If Kosovo local elections are held in the north, the current local leaders may run and get elected. It does not take much creativity to envisage the transition of these municipalities into part of Kosovo's institutions. The change on the ground would be minimal and would involve little more than changing the institutional logo.

Kosovo Government Presence

Northern Mitrovica used to be more peculiar due to its functioning under the banner of UNMIK Administration Mitrovica (UAM). For years, Kosovo channelled its budget to the northern part of Mitrovica through UAM which was practically only a façade for the Belgrade-controlled municipal structures. Short of Kosovo funding, UAM is bound to close.

Since 2009, the Government of Kosovo has operated a Municipal Preparatory Team (MPT) for North Mitrovica. It was actively supported by the ICO office in Mitrovica. Not having fulfilled the task of setting up institutions for a new

Kosovo municipality, in the spring of 2012 the MPT was replaced by the Mitrovica North Administrative Office (MNAO).

MNAO is not yet a fully fledged municipal structure and is not perceived as threatening by the Serbs in Mitrovica. However, the range of services it has on offer is still limited. Beyond the role of providing personal documents of the Kosovo institutions, it is unlikely that the local population will cease seeking construction permits at the parallel municipality and switch to doing so at the MNAO. Even with the best performance, MNAO will provide for only a marginal improvement. Its effects will be three-pronged, but limited: (a) offer Kosovo documents to northern citizens who are reluctant to venture to the south, (b) implement small scale projects that do not threaten the Serbian government-run parallel municipality of North Mitrovica, and (c) serve as the core of a future municipality.

Relations with Prishtina

Since 2008, the Kosovo Government has had virtually no possibilities to integrate the north into Kosovo. Just when the former Serbian President signalled the abandonment of partition as an option in December 2011, Prishtina signalled its willingness to engage in a direct dialogue with Serb politicians in the north.

Unfortunately, there is no regular direct channel of communication between relevant political leaders in the north and in Prishtina. Prishtina sends its senior officials to informal roundtable discussions organized by the U.S.-based Council for Inclusive Governance together with the Swiss Government. These events fill some of the gap by convening roundtable exchanges for Serb political party representatives from the north and parliamentary parties from Kosovo and Serbia.¹⁵

Northern Serbs often argue they have no confidence in Prishtina because the latter has not done enough to establish trust. They cite the non-resolution of court cases related to inter-ethnic crimes, and the lack of funding. Yet their trust toward Belgrade is also waning. While Prishtina cannot replace the void between the northern Serbs and Belgrade, it has not grasped the opportunity to improve its image as a trustworthy actor.

However, the nature of Prishtina's rhetoric changed in 2012. The high powered and aggressive messages of 2011 have gradually become more thoughtful conciliatory tones. Kosovo Prime Minister Hashim Thaçi expressed the readiness to meet with the northern Kosovo Serb political leaders in "their private capacities" in order to hear their concerns and "to assist them more than Belgrade does". He stressed that his government was not in conflict with the

Serb citizens in the north and that it could be “as creative as necessary” in meeting their needs.

The Serb leaders of the ‘parallel’ administration employ serious anti-Prishtina rhetoric, the main message of which being that the Serbs in the north do not want and will never integrate within an independent Kosovo. But one has to keep in mind that similar statements were expressed by southern Serbs until four years ago.

The Experience from the Southern Process

The experience from the integration of the Serbs in the south could be a more effective source of soft power, especially if used in parallel with dialogue with northern politicians. The southern story cannot, however, be the main tool. While the messages among ordinary Serbs are constructive, exchanges among Serb elites across the Ibër/Ibar River have had some counter-effects.

Firstly, Serbs in the south face a different geo-political reality. Secondly, the integration they under-went left few other viable alternatives, while northern Serbs do not feel such an imperative. Third, southern integration puts southern Serbs under accusation as traitors by their northern brethren.

Thus, southern Serb leaders do not want to serve as a tool in integrating the north. When communicating to northern representatives, Serb leaders from the south usually adopt patriotic rhetoric, basically stating that they only did what they had to. This often implies that northern leaders should not integrate since they do not have to.

One needs to learn from the experience in the south while realizing that this cannot be squarely replicated to the north. Prishtina should try to learn and sell the process of the south, not the outcome. The first lesson from the south is the establishment of trust and mutual confidence with a

relatively wide political spectrum of the local Serb leaders. The second lesson is the visible improvement in the lives of Serb citizens. The improved wellbeing [in the south] may not yet impress northerners, but it is strikingly better than it was previously. Over time, the wellbeing of southern Serbs will surpass that of the north.

The Serbs in the south saw integration as a conscious choice for improving their difficult situation. For some of them, integration does not mean that they have rejected Serbia and recognized Kosovo's independence. It only means that they have accepted the reality and want to make the best of their available options. As one Serb leader told the authors of this paper: "We accept but do not recognize [independence]."

The main lesson from the south is the importance of delivering significant practical benefits through cooperation with the Serb population. The most impressive result in the south was decentralization. It is important to understand decentralization as not just the establishment of Serb majority municipalities. After all, such municipalities already exist in the north and if taken as an outcome to be copied, it will hardly appeal to northern Serbs.

The south has had more contact with the Kosovo authorities, and has cooperated for over ten years within Kosovo's institutional life. The situation is not entirely satisfactory, but since the Kosovo Government made inter-ethnic relations a priority, decentralization has been the best performing cluster in recent EU progress reports on Kosovo.

Serbs in the south admit that they were very suspicious of Kosovo's sincerity at the outset of the decentralization process. Many of the fears originally vocalized by Serbs in the south (e.g. assimilation) have failed to materialize. Northern Serbs may express their preference to live in Serbia, but vocalizing such fears is irrational. Even in the smallest pocket inhabited by Serbs, fears that

decentralization would turn Serbs into Albanians were not vindicated.¹⁶

Decentralization has brought control and responsibility to local leaders in order to improve basic services and the wellbeing of their citizens. Southern Serbs agree to varying degrees that the Ahtisaari Plan for decentralization has been a good solution for the south. However, Serbs seem to know “what they don’t want but not what they want.”¹⁷ The process that made results possible in the south could present an attractive perspective of an improved future to the Serbs in the north.

Proposals Developed So Far

Several proposals have been developed in the past to provide advice on managing the situation in the north and arriving to a solution. It is encouraging that the dispute has narrowed down from being about the whole of Kosovo to only on the north. Proposals developed by pundits and officials have also reduced the scope, as does this paper, to focusing on the north alone. Below is a description of the main features and the challenges of proceeding with each of the main proposed ideas for Kosovo's north.

The proposals start with the Comprehensive Status Proposal and its feasibility for implementation in the north, followed by ideas about its neutral implementation, and suggested economic packages. Stefan Lehne's proposal of regional autonomy for the north is also discussed, as are Boris Tadić's four points. Partition is briefly discussed along with several other minor proposals and so-called face-saving options.

The Ahtisaari Plan and Creative Interpretations

The most often heard proposal for resolving the problem of the north is the implementation of the Ahtisaari package. Most Kosovo Albanian political parties refuse to concede that there is even a remote possibility to go beyond the offer delineated in the Ahtisaari proposal. The adoption of the Ahtisaari package was indeed a major compromise in the first place. Except the reality on the ground, it is difficult to see why the north should be offered anything different if the package was acceptable to the south.

The Ahtisaari Plan provides the following: (a) additional competences for the Municipality of North Mitrovica; (b) a higher share of public funding for Kosovo Serbs; (c) a direct role for the municipalities in selecting police commanders; (d) provision of Serbian schooling according to the

curriculum of the Republic of Serbia; (e) an autonomous University of Mitrovica; (f) adequate ethnic composition of the judiciary; (g) allowing the municipalities to cooperate, work with and receive funding from the Republic of Serbia, provided it is done transparently; (h) Serbia can continue to fund schools and hospitals, and much more in a transparent manner.

The implementing the Ahtisaari Plan in northern Kosovo would require setting up a new municipality in North Mitrovica (or transforming the structures of the newly created MNAO) and holding new elections in the other three already-existing municipalities. It would require the dismantling of parallel judicial structures and the establishing of the relevant institutions under Kosovo law, as well as the deployment of Kosovo police and customs officials to the border crossings with Serbia. There could no longer be an informal presence of Serbian security personnel and funding from Serbia would have to be brought in line with the foreseen transparency provisions. Most of these changes presuppose a high level of cooperation from the local population.¹⁸

Northern Serbs find no major qualms with the substance of the self-government provisions. Despite the lack of deliberation on the subject, they are considered as sufficiently accommodating to the needs of the Serb population to preserve their way of life. It is not the quantity or quality of these competences that raise fears. It is the implementation of the very same substance that fuels mistrust.

One of the real worries is the loss of benefits. The north does not want Kosovo's institutions to replace the parallel institutions, for two additional financial reasons: (a) better salaries from Serbia, (b) more job opportunities, which Prishtina cannot match. Northern Serbs argue they already

have more than what the Comprehensive Status Proposal gives them, hence they see the deal as a loss.

In terms of self-government, there is nothing in the Ahtisaari package that the northern Serbs do not already possess. Moreover, many elements provide roles for the Prishtina authorities, which the Serbs regard with the utmost suspicion.¹⁹ Many Serbs feel that the Ahtisaari Plan is unacceptable to the northern Serbs because it gives Kosovo independence and does not offer sufficient security and institutional guarantees for the Serb community.²⁰ Former President Ahtisaari recommended the implementation of the package in an independent Kosovo, although this was presented as a separate letter.

Northern Serbs express fears that if the Ahtisaari Plan is implemented in the north, they will be “Kosovarized” just like the Serbs in the south” and will be cut-off from Serbia. Serb resistance is on two levels: (a) mistrust in the intentions of the Kosovo authorities, and (b) a preference to continue to live in Serbia, and not in Kosovo. It is important that the Kosovo Government reassures the north that very little if anything would change when they are integrated into Kosovo’s institutional fold.

The CSP’s problem is three-fold: (a) it ‘has been tainted by its association with the declaration of independence,’ (b) implies perceived loss of current benefits, and (c) northern Serbs nourish mistrust in the level of implementation of the package by the Kosovo Government. The emotional trade-off of adjusting to another state is not part of the Ahtisaari proposal.

If avoiding Ahtisaari’s venerable name in the north gets implementation further, the package should be insisted upon without the name. The Special Representative of the European Union in Kosovo, Samuel Žbogar, suggested “to discuss and see how the local governance works within the

government for specific areas as education, health, a specific municipality and other matters of names before we come to a solution.”²¹

It is interesting to note that even the most ardent critics of the Ahtisaari plan such as the former UN administrator in Mitrovica, Gerard Gallucci, have started to discover that maybe it is not all that negative. Gallucci argued that Serbs should start to embrace Ahtisaari’s provisions, and request additional provisions, while at the same time resisting Kosovo’s status. Details have not been forthcoming but this heralds a gradual rapprochement of positions.

Even if the Ahtisaari package is the real red line of Prishtina’s position, a conversation about the sufficiency of its safeguards may be useful. If for nothing else, this discussion would at least inform the stakeholders about what it does and what it does not do. Such an exercise will give answers to northern Serbs on how they can make the best of the package and preserve their way of life.

The Comprehensive Proposal is not sufficiently detailed. Even if the continuation of the process remains fully loyal to the plan, further deliberation is necessary to fill in the blanks. The fear that they may raise additional issues is an insufficient argument not to have such an exchange.

Belgrade and Kosovo Serb politicians should accept the Ahtisaari provisions without the status. A number of activities need to be done in order for the north of Kosovo to begin to consider the provisions.

Ahtisaari Plus or Minus

One way to secure buy-in from the northern Serbs was inspired by the *Preokret* (Change) Coalition of the Liberal Democratic Party, the Serbian Renewal Movement and other minor parties in Serbia, which suggested that Serbs should embrace the CSP and detach the Ahtisaari from

Kosovo's independence. In practice, this means making use of the provisions it offers, while continuing to reject independence. For local Serbs, this would be more difficult as it would involve some level of assent to the Kosovo institutions. This option is what many have referred to as 'Ahtisaari Minus'.

Thus, the main challenge is to obtain people's cooperation. Repeating that the Ahtisaari Plan is the only way for resolving the north will not produce progress. Serbs in the north do not know the CSP in detail or at all. More information would help but would still not be decisive. Local consent is arguably impossible to win as long as Belgrade does not send the right signals.

Most international officials support the Kosovo Albanian leadership that the north is to be resolved within the framework of the Ahtisaari Plan. But 'within the framework' may include minor 'fill-in-the-details' or creative interpretations that lead to major revisions dictated by the circumstances. The second option has produced what many have called 'Ahtisaari Plus', implying a set of additional concessions to northern Serbs.

The fall of 2011 saw ample discussion about the package's re-labelling and about an offer assuming that presenting it in a different context and with a different label could generate greater acceptance. The assumption for an 'offer' to the north is that (a) the north is more special than the rest of Kosovo, and (b) that this uniqueness is insufficiently recognized and addressed by the Comprehensive Status Proposal. The argument is that due to the environment, people in the north are developing into a unique polity.

The European Union Progress Report placed a request for Kosovo to develop a "comprehensive agenda for the north". The Kosovo leadership did not know how to clearly interpret this requirement and feared it might imply additional

compromises. It was widely perceived that this formulation implied a request to find a different solution than what was foreseen with the Comprehensive Status Proposal.

The Kosovo Minister of European Integration, Vlora Çitaku, initially interpreted the wording to mean that Brussels requested the “drafting of a comprehensive strategy for involvement and integration of the north into the institutional and social framework of the Republic of Kosovo.” Deputy Prime Minister Hajredin Kuçi said that the Progress Report’s request for a comprehensive agenda from the Government of Kosovo implies measures that should be undertaken to restore the rule of law in the north, economic development, and the implementation of the Ahtisaari Proposal.²²

The then acting head of the European Commission Liaison Office in Prishtina, Khaldoun Sinno, gave another interpretation to this message, stating that the government has “to rethink the way to approach the north.”²³ Jean François Fitou, France’s Ambassador to Kosovo, further commented on the Progress Report, interpreting that the European Commission did not request that this agenda be outside the Ahtisaari plan. “It is the duty of the Government and the north of the country, to find a joint approach.”²⁴

Ideas abound, including a serious unofficial conversation with the participation of the north, Prishtina, and Belgrade that would dissect the Ahtisaari Plan (even without mentioning its name). This discussion would aim at seeing what is missing in the Plan and what the north would like to have.

Overall, Prishtina fears that a new offer inevitably goes beyond the Ahtisaari package. Some speak of a special status and regional autonomy—both implying additional prerogatives for the north but without going into details.

If the request for additional concessions would be difficult to obtain from Prishtina, additional assurances that existing provisions are to be implemented fully and with certainty could be a good starting point for further intra-Kosovo discussions. The recommendation here is that a deliberative process is started without preconditions, to ensure that a constructive exchange is possible.

A number of politicians and analysts have suggested allaying the north's difficult political transition with a generous economic development program. Most recently, Kosovo's first deputy prime minister Behgjet Pacolli suggested turning the north into a free economic zone which would create thousands of new jobs annually over the next 20 to 30 years. Various ideas on economic packages were presented in the past with the premise of placing emphasis on economic development instead of on politics.

A lawless area such as the north cannot attract investment. The future benefits of a free zone may be appealing, but this is too long-term to have an effect on the current stalemate. As such, a free economic zone can perhaps be an added component to an offer but not a core of the solution. This inclusion as a component can only be the case if the concept is well developed and explained to the north through the right channels.

Economic packages are not the main way of moving forward for two reasons: (a) more political funding could promote more of the same in the north, and (b) the northern municipalities top the list of Kosovo's municipalities for income per person. The stark difference of the north with one of the poorest parts of Kosovo, southern Mitrovica, only makes integration more difficult.

From Partition to Boris Tadić's Four Points

While it never became an official policy, many prominent Serb politicians have long been supportive of the partition of Kosovo along the Ibër/Ibar River. According to them, this was a realistic way of “bringing the painful Kosovo story to an acceptable end.” The often-discussed partition (or adjustment of borders) has been raised recently by a number of public personalities in Serbia, most notably by Ivica Dačić who is now the Serbian Prime Minister. Partition is the first preference for northern Serbs, but they can only nourish this ambition for as long as there are significant political forces in Belgrade still talking about partition.

In addition, partition would have far reaching consequences beyond Kosovo, i.e. in Macedonia, Bosnia, and even in Serbia itself. Obligations that Kosovo has undertaken under the Ahtisaari package would almost surely be dropped if the north were to join Serbia.

Partition has been rejected not only by Prishtina but also by the United States and the European Union. Since the end of 2011, it is officially rejected by Serbia, but very senior officials often express preference for partition in their individual capacity. It is also rejected by the Serbs in Kosovo south of the Ibër/Ibar who fear that their status will change dramatically with the departure of the north. They feel that they would as a result be forced to leave their homes in Kosovo.

In late 2011, then President Boris Tadić of Serbia issued a “Four Point Plan” for resolving the Kosovo issue. This proposal was received suspiciously in Prishtina even though it did provide a departure from the previous Serbian position. Tadić merely stated that Serbia will neither recognize Kosovo’s independence nor propose its partition and failed to elaborate on his plan in detail.

At the heart of Tadić's proposal was the idea of creating a region with special rights in northern Kosovo. Such a proposal is unlikely to be accepted either by Prishtina or by the international community as it resembles the emergence of an entity akin to Republika Srpska. If Bosnia's deadlock is any guide, Prishtina would resist the emergence of such an entity at all costs. The refusal emanates from the fear that this setup would not only challenge the central Kosovo Government but also make Kosovo dysfunctional and a hostage to party politics in Belgrade.

Such an option is clearly unacceptable to Prishtina. However, it would be helpful to understand why Belgrade and the Serbs in the north ask for a region with special rights. Their objective is to try to minimize the reach of Prishtina in the north and its involvement in local governance and affairs there. The Ahtisaari package addresses much of this apprehension. At the same time, Prishtina fears that under these conditions the northern part of Kosovo would remain part of the country only on a weather map. Understanding the fears of both sides is essential to moving forward.

Prishtina has no serious complaint about its minimal role in the north and harbours little ambition for major influence there. Autonomy for the university was not a problem at all, but Prishtina has less appetite for a joint assembly of the four municipalities. Kosovo finds it unacceptable to create a new layer of governance that may halt developments on the central level. The real objective would be to minimize the interference of Prishtina in the business of the north,²⁵ which is the direction that Stefan Lehne, a former senior EU diplomat has developed.

Stefan Lehne's Proposal for the North's Regional Autonomy

Stefan Lehne, a scholar at the Carnegie Endowment for International Peace, who was the Council of the European Union's point man on the Balkans for the first decade of this century, published a policy proposal in March 2012 for normalizing the relationship between Prishtina and Belgrade.

An experienced diplomat, Lehne has rightly zeroed down on north Kosovo as the key issue needing resolution, and which could be the main catalyst for advancing Kosovo and Serbia from the current stalemate.

Lehne advocates direct political dialogue between Prishtina and Belgrade focused on the north and conducted with the good services of the European Union. He points out the EU's solid experience in bringing historic adversaries together.

Modalities which would help overcome the separation between the north and the rest of Kosovo would amount to regional autonomy for the former. The key part of Lehne's proposal for direct dialogue on the north between Belgrade and Prishtina includes the participation of the northern Serbs conducted by the EU.

Lehne draws inspiration from the 1972 treaty between East and West Germany and recommends far-reaching normalization including contractual and (special) diplomatic relations between Kosovo and Serbia without formal recognition.

Such a framework for cooperation between Kosovo and Serbia would allow for the parties' differing legal positions on status and end Serbia's opposition to Kosovo's membership in international organizations and to further recognitions.²⁶

First Steps Forward

Despite the fact that the explosive crisis in the north is in its second year, so far no stakeholder has come forward with a comprehensive plan on how to resolve the status quo. In addition, steps that have been taken have only worsened the situation and delayed resolution even further.

Force is Not an Option

For a considerable time now, no major stakeholders advocate aggressive policies. Under international pressure, Belgrade has adopted a more constructive policy. Similarly, Prishtina no longer counts on the police to integrate the north. The international community, for its part, counts on both sides simply growing tired.

Apart from it being extremely difficult, any forced integration of the northern municipalities into Kosovo could have permanent detrimental effects. Aggressive action could cause significant numbers of Serbs to leave, especially those more educated and better able to find employment in Serbia. Such an outcome will damage the Serb communities in the south as well and “thus be a deep blow to the concept of a multi-ethnic Kosovo.”²⁷ KFOR has consistently called for political dialogue as the answer to the north’s conundrum. The possibility of such an outcome in and of itself supports a call for finding a political solution to the problem.

Trying to close Serbian institutions in a forceful or violent way may be counterproductive as well. A forceful attempt by Prishtina to regain control of the Mitrovica court in 2008 led to violence and the death of a KFOR soldier. It seems that, as a Serbian official said, “We should aim at gradual transformation of those institutions in a way that is acceptable to everyone.”²⁸ The risk is that the process of forging common denomination may last forever.

Northern Serbs continue to resist and threaten to use force, but recently Belgrade has helped politically and on the ground to reduce the potential for instability. Political leaders in the north are much more hardline than those in Belgrade. The local leadership and Belgrade exhibited fierce resistance towards Kosovo's integrationist policies. As long as Belgrade resists, the northern Serbs will see no reason to change either.

While force is not an option as a tool for conflict resolution, KFOR and EULEX should be firm to use force for conflict prevention. As the north is being dealt with, several potential flashpoints are on the horizon and security forces as well as diplomacy should remain ready to react prudently but decisively. Any peace-building process is fraught with potential instability and risks posed by spoilers, preventing which is of essential importance.

No More Benefits from Delay

It is a unique development that all stakeholders and especially inhabitants of the north consider the status quo as untenable.²⁹ This is the first time there is such unanimity and this opportunity should not be lost.

Serbian analysts believe that this is the best window of opportunity in a long time and that it will not get better. A Serbian analyst in a recent roundtable in Mitrovica (under Chatham House rules) stated that if Serbia does not deliver on Kosovo in the next year or so, it will never do so.

Even the most zealous critics of international policy towards the north agree that, after twelve years of a frozen conflict, a solution is long overdue:

The international peacekeepers have reached the limits of their ability to project political solutions that do not have the support of the local communities in the north.³⁰

This is an argument that promotes dialogue with the northern leaders. It is the first time that the Serb interlocutors in the north as well as Belgrade feel that the timing is favourable and that Kosovo is not an entity that is about to disappear. Prishtina similarly feels that the U.S.'s strategic focus is shifting and that it should take advantage of U.S. support before the region fully comes under European influence.

Public opinion remains divisive but agrees on the urgency for a resolution. Most Kosovo Serbs (64%) consider Prishtina responsible for the current political situation in the northern part of Kosovo and virtually no Kosovo Serbs attributed this responsibility to the Serbian government.³¹ The majority of Kosovo Albanians attributed this responsibility to the Serbian government (46%), the international community (16.5%), and the parallel structures (13%). Around a sixth (16%) of Kosovo Albanian respondents attributed the situation to Prishtina. All were, however, united in one important view: the vast majority (around 86%) of both the Kosovo Albanians and the Kosovo Serbs are concerned with the current situation in the north.³² The status quo is unacceptable and the longer it lasts, the more the situation on the ground will deteriorate.

How to Begin Tackling the North?

Our analysis yields a number of premises: (a) the Ahtisaari guarantees are not the problem, but the status that it is perceived to establish, (b) the lack of dialogue has widened the divisions further, and (c) that finding a solution is urgent.

The wide distance between Serbs and Albanians on this matter also indicates that it may be premature to discuss about a final settlement for the north. If consensus on the outcome is not possible, it must be sought on the process. It has been already suggested to build consensus on principles that could guide the search for a solution in the mid to long

term. It may be more fruitful to focus on the first steps that can be made to constructively approach the issue, and improve relations as a precondition to any further progress.

The fear is that the two sides are simply incapable of reaching any agreement at all. Both leaderships hold their political prerogatives dearer than they hold a historic agreement, and would rather serve a full mandate than sign something that may prove to be right only in the long-term. Belgrade and Prishtina have engaged in a dialogue on technical topics and was it not for more forceful engagement by the EU and U.S. mediators, no agreements would have materialized.

A Conditional Division of Labour

Until recently, the authorities in Prishtina were hoping that the international community would integrate the north into Kosovo. Prishtina has seen it as the duty of the international community and in particular of KFOR and EULEX to promote, and if necessary force the integration of the north into Kosovo's state structures.

International powers pretended to deal with the north in the past, in order to nurture Prishtina's hopes and prevent its frustration and hasty action. The international community has gradually showed that it does not take sides, and prefers to wait for a political agreement. Western countries that recognized Kosovo have re-emphasized several times that they consider the north to be an integral part of Kosovo and some even asked Belgrade to explicitly recognize that fact.

Pressure has mounted on the Government of Kosovo to adopt a constructive or comprehensive approach towards the north. Upon his departure as the International Civilian Representative, Pieter Feith said

The perception that internationals should resolve the situation in the north is wrong because this can only be

done by the Government of Kosovo and the Albanian majority by reaching out the reconciliation hand to the Serb community.³³

Prishtina is devoid of strategic ideas on how to make progress on this issue. It is also unclear if Prishtina understands the scale of the challenge ahead. The Government is yet to appoint a new coordinator for the north. Even opposition parties do not have designated officials in charge of developing policy with regard to the north.

Ultimately, it is Prishtina's creativity along with the gradually more limited options that northern Serbs and Belgrade will face, that will see a rapprochement of positions.

Relaxed relations between the parties will bolster the chances of finding a solution. A gradual process would ensure that Belgrade is not in active opposition, will avoid tension and build a good working climate over time. Prishtina should receive firm assurances by the international community that the required compromises along this path would not endanger Prishtina's red lines, namely that Kosovo would not lose functionality as a state. Moreover, Prishtina should be empowered with the technical capacity and diplomatic finesse to feel comfortable during the process. Belgrade should see this process as a significant step forward in its EU candidacy. The Serbs in the north should understand it as an earnest resolution of their existential problems.

Such an environment can create a process that sees gradual implementation. But to create this environment requires very tough conditionality on all sides, and greater unity among the mediators. The only way to make Belgrade assent to implementing the Ahtisaari Plan in the north would be the EU's employment of tough conditionality throughout the enlargement process.³⁴

From Creative Ambiguity to a Constructive Process

A number of dialogue formats have been proposed. Prishtina's concerns are partly alleviated by the insistence that no political dialogue is to occur before the implementation of the technical agreements reached in Brussels. However, preparations for a high-level dialogue are progressing full-steam. The likelihood is that after an initial senior level meeting, two tracks of dialogue will continue, on telecommunications & energy, as well as a dialogue on the north.

Implementation of technical agreements	High-level meeting	
	Telecommunication & Energy	Dialogue about/with northern Kosovo

The high-level dialogue is much more a sign of despair of previous failures than encouragement of previous success. If it does take place, a high-level exchange can serve to spearhead efforts and to communicate the importance of being constructive to the respective publics and lower level officials. Moreover, it may also be a test of political will to ensure easier implementation.

Talking to the North

The lack of trust between the Serb community in the north and the Kosovo institutions is self-evident. A Kosovo analyst argued that this mistrust is largely due to the lack of understanding about mutual realities across the river. Yet, beyond profound misunderstanding, there are substantial differences and a dialogue is indeed necessary.

Representatives from the north might have converging, but they do not have identical interests with Belgrade. Belgrade has often ignored the political representatives for reasons of internal political differences. Prishtina should talk directly to northern representatives, but resistance to this dialogue is manifold:

- (a) Prishtina is reluctant to legitimize northern mayors;
- (b) Northern mayors are reluctant to legitimize Kosovo's statehood and show signs of weakness; and
- (c) Northern leaders are reluctant to leave Belgrade out of the conversation.

Prishtina claims it has made efforts to start a dialogue with the Serbs in the north; however, none of these efforts were successful. Prishtina's initial position was that it would talk to citizens in the north, but would not legitimize the current mayors of the parallel municipalities.³⁵ Claiming to talk to ordinary citizens is desirable, but is no substitute for talks with leaders or representatives. Additionally, while engaging with individual citizens is favourable (and could be done through assistance), it is not a way of garnering the general and collective political will of the area.

The EU has consistently called on Prishtina to draft an action plan for a political dialogue with northern Serbs, immediately after the Serbian elections in May 2012. Talking to the northern leaders is essential since these elites can act as spoilers or contribute to an escalation of tensions, as evidenced by the referendum in February 2012 on the acceptance of the institutions of Kosovo.

Prishtina's position has gradually evolved. Media reported that EU representatives insist that the dialogue take place as soon as possible between the Government of Kosovo and parallel structures in the north. Moreover, in the event of

this dialogue failing, the only remaining solution would be direct talks with Belgrade.³⁶

One year on, for any integration to be seen as possible in the foreseeable future, it is essential that municipal elections are organized in the north in the fall of 2013, along with the rest of Kosovo. Finding a *modus* for these elections and on the establishment of local governance acceptable to all sides is a mid-term objective that may enable “dialogue with the real representatives,” as Prishtina suggests. Another approach is to attempt a full-fledged compromise with the current leadership where elections are only part of an overall agreement. Addressing their career prospects may be decisive for a deal.

In early July, the Prime Minister of Kosovo announced that “in the nearest future” his government would present a “very generous” plan for the inclusion of northern Serbs into Kosovo’s institutions. The potential discussion with the parallel leaders of the north and a plan/offer of the Government how to treat the north is important. Most Serbs in the north, and a significant number in the south, depend on these institutions. It is essential that the Kosovo Government assure them that regardless of the dialogue and developments, they will not be left in the cold.

Those willing to engage in dialogue face direct pressure within their own communities and parties which is an experience not unique to this conflict. The criticism is often directed with the accusation that a dialogue “legitimizes the other side.” While Kosovo Albanian officials refuse to meet with northern representatives, a Serb advised them that being less picky about one’s collocutors helped a former Serbian official, Nebojša Čović, re-integrate the Preshevo valley into Serbia’s fold. Prishtina should send the right messages every single day. If repeated sufficiently, people may start to believe that Prishtina really means it.

The main remaining contentious point is the level of Belgrade's inclusion. Prishtina holds the position that Serbia should not be involved. The Minister of Foreign Affairs Enver Hoxhaj claimed that

The USA and EU through representatives in Prishtina can contribute to integrate municipalities in the north into the Kosovo institutions.³⁷

International officials express their support to Prishtina to reach out to the north with dialogue. The British ambassador to Kosovo, Ian Cliff, recently noted

The Dialogue about the north is inevitable and that Quint states will politically support the Government of Kosovo for a dialogue with the Serbs in the north of Kosovo.³⁸

Northern Serbs refuse to talk to Prishtina without Belgrade's endorsement and leadership. While comprehensive dialogue is nearly impossible as long as the parties are split over Kosovo's status, initial contacts could help "improve the climate of hostile distrust," as ICG terms it. President Nikolić should express his support to this endeavour.³⁹

Even international officials who have been positively predisposed to Kosovo have started to hint that Belgrade may get involved. The European Parliament's Rapporteur on Kosovo stated that "The optimal solution would be for dialogue to be held between the government of Kosovo and local Serbs from the north, but if the need arises Belgrade can be included too."⁴⁰

Belgrade's Role

For now, Prishtina does not intend to discuss the north with Belgrade. Belgrade's inclusion as a direct party will raise fears that major new compromises are looming on the horizon. Discussing the north in an open format might imply opening autonomy variations or even partition, and at the

very least gives Belgrade influence over Kosovo's internal matters.

The problem is that, without Belgrade's inclusion or its implicit agreement on what Prishtina could agree on in its dialogue with the Serb leaders from the north, little implementation is possible. In fact, the northern Serb leaders themselves might not sit down at the table with Prishtina without Belgrade's blessing. Northern resistance is difficult to overcome even with Belgrade's support, and is almost impossible without it.

Northern leaders should overcome the feeling that engaging with Prishtina is tantamount to accepting independent Kosovo. But in any outcome, they will have no choice but to deal with Prishtina. They should understand that no problems that they currently face could be successfully and permanently resolved without Prishtina.

Prishtina can question the legality of northern mayors, but it finds it more difficult to question their legitimacy. This battle of arguments may last long but there is little rationale to avoid these officials as interlocutors. After all, Prishtina should favour talking to the mayors more than talking to Belgrade. Prishtina should overcome its fear of legitimizing the parallel structures and should approach the northern leaders, perhaps in their capacity as party representatives.

In its avoidance of Belgrade on this topic, Prishtina has significant diplomatic support. French Ambassador Fitou said northern Kosovo will not be part of the political dialogue between Kosovo and Serbia, "because the north is an internal issue of Kosovo."⁴¹ However, he did not support Prishtina in conditioning its participation in the political dialogue with implementation of the prior agreements reached. The Ambassador repeated his country's stance that the sovereignty and integrity of Kosovo are inviolable. Fitou emphasized that the issue of the north should be solved

within existing documents in Kosovo and not with new plans or different threats.⁴²

Prishtina cannot avoid talking to the mayors who were elected through open ballot. For the normalization of the situation in the north, the Kosovo Government should talk with Serb citizens there while the international community and Belgrade should help this process.

The fears of both sides are irrational. Belgrade did not accept independent Kosovo by talking to Prishtina during the Brussels-sponsored technical dialogue, and the same will be the case for Prishtina as it engages northern leaders.

The EU requests that Belgrade encourage northern leaders to discuss with Prishtina. Belgrade should privately communicate to the northern representatives that partition is off the table. Northern Serbs should examine what is more in their interest, having an elevated position in Kosovo or becoming a deep rural periphery in southern Serbia. The *de facto* special status that they have enjoyed so far will not be possible, and should not be used as a reference point for comparison of future outcome.

Ultimately, northern leaders should engage with Prishtina over a possible implementation of at least some of the Ahtisaari provisions. Even if Ahtisaari ends up being modified somewhat, it will not be on the major features, but on implementation. This must occur in the dimension of talks between Prishtina and northern Serb leaders, with or without Belgrade's presence.

Overall, the Prishtina-Northern Mitrovica-Belgrade triangle will find it impossible to function if the whole scheme is not part of an assertive policy by the EU, which should lead the way, show the end-goal, and be the referee towards its implementation. Belgrade will move on these issues only with strong EU-backed conditionality.

EU Leading the Way

Implementing agreements requires additional institutional capacity, finances and trust. There is considerable distrust between the two communities and any dialogue requires not only the involvement and guarantees by the international community, but also weighty steering. All aspects require heavy international involvement. The implementation may even involve an executive international presence “to mediate and enforce what is agreed for several years beyond the lapse of the ICO and EULEX mandates elsewhere in Kosovo.”⁴³

Much will depend on the government’s vision for the north. The authorities openly agree that the Administrative Office in North Mitrovica and investments are insufficient. Prishtina should be genuinely concerned with its perception and responsiveness in the north. Instead of focusing only on potential end-settlement, the authorities should focus on a number of first steps to relax relations, and to improve understanding. They will need to find ways to communicate sincerity and honesty. The same should be reciprocated.

Perception and messages are extremely important. The messages have recently improved and must continue to improve. The negative perception has become a problem in and of itself. For example, there are fears among Serbs that health and education may be under risk. Prishtina should clearly communicate and publish a list of which institutions are not at risk.

This period should be used by Prishtina to improve its reputation in the north, so that when the time for a transition comes, it is not perceived as a catastrophic outcome by northern Serbs. Prishtina must be honest and sincere in its approach to improve its image, so that it moves from the category of ‘fearful’ to the category of ‘undesirable but acceptable’.

Threats do not work. Quite the opposite, they may unify ordinary people around aggressive leaders that they would not ordinarily support. Kosovo must learn to develop its soft power if it wants to pursue its objectives in the north. Prishtina needs help to find ways to improve its credibility among the Kosovo Serb population, even if this includes a long wait for any meaningful buy-in.

A channel of communication would improve the outlook. It is clear that some politicians will continue to resist but mutual perception must improve. As the ICO phases out, Kosovo takes over many new obligations. How this process is managed and utilized to improve its image is essential, as it is important to prevent adding to the current anxiety.

Before departing, the ICO head Pieter Feith has outlined: “A solution for northern Kosovo should be based on three principles: the north should remain with Kosovo; there should be no violence and there should be no frozen conflict in the north.”⁴⁴

Prishtina and the international community have little influence on the north. While Prishtina needs to show good will and the readiness to talk, tolerate and support, the key lies with Belgrade. Belgrade maintains a massive public sector and all northern Serb political leaders on its payroll. Moreover, there is now a greater alignment of political party control between Belgrade and the northern municipalities. Whatever Prishtina does in the current environment will not be sufficient.

Senior international officials were encouraged after the decision of the Serbian Government for a different interpretation of the footnote and Kosovo’s regional representation. After the talks with Dačić at the EU headquarters, European Council President Herman Van Rompuy said:

I am pleased that the Serbian Government has issued a decision that will now allow for an effective and inclusive cooperation throughout the region. But the work does not end here. A solution needs to be found to the situation in northern Kosovo, a solution that will improve the lives of people there.⁴⁵

Belgrade will gradually come under pressure to withdraw. As much as Prishtina would prefer Belgrade to withdraw quickly, even that situation would create challenges. First, an institutional vacuum would create tremendous anxiety among northern Serbs. Second, Prishtina would not initially be able to shoulder the financial burden of the transition.

Intermediary tools to make the north evolve faster may include an international mission—some form of management group for the north or reinforced international presence. It will probably not involve a new separate mission as this would be counter-productive. The media have already heralded a greater focus on the current missions, and the main weight will probably fall on EULEX.⁴⁶

Trust should undergo a similar transition. Much of the northern leadership worries that once the conflict is resolved, they will be politically abandoned by Belgrade. This does not mean that they will automatically embrace Prishtina; therefore, it is essential that they feel they can rely on both capitals.

The focus should be placed on the EU integration of Serbia and Kosovo, and promoting this outlook among the respective publics. Upon normalization, Kosovo should be coaxed to perform a difficult transformation, while political criteria will ensure that Serbia accepts the reality. A combination of reform and compromise can get both sides out of the quagmire and help them move on.

It should be made clear to each side that each capital holds the key to each other's progress. They will either sink

together or realize that treating each other as partners will be more beneficial.

While the timing is auspicious, the loss of trust, and the tussle for the north's identity have made the conflict more intractable. Even the minimum trust for an exchange of opinions has been eroded. The possibility for dialogue has also been compromised due to the belief that the conflict cannot be resolved by local actors. At times, this path will look like forcing the elites of the two countries to do something against their will. The EU should realize that acting forcefully is the right thing to do. If the respective political elites do not recognize what is in the interest of their societies in the long run, the EU should help them discover it.

Recommendations

There are basically two ways to approach the north, (a) bold mediation by the international community, or (b) facilitation of political dialogue with the risk of the conflict remaining frozen for years to come. Given the right conditions—security provision in the north, and conditionality—dialogue may yield a breakthrough. However, the dialoguing parties alone will not achieve such a result. The end goal must be shown to them, along with the steps they need to reach it.

After twelve years of frozen conflict, it has become clear that an effort to find a practical accommodation for the north is long overdue while Kosovo's status does not enjoy universal acceptance.

The problem of the north is not administrative but political. Short of a political process, the establishment of administrative structures will have a limited effect. A combination of assistance, service delivery, and improved rule of law by EULEX, coupled with political dialogue, may pave the way for meaningful local governance that is acceptable to all.

The two sides should be requested to engage in a number of confidence-building measures immediately. Both Prishtina and the Serb community in the north must take proactive steps to better understand each other, and they should open an effective channel of communication. All sides should send the message that if relations do not improve, the already difficult conflict will become tougher to resolve.

The elimination of the barricades is essential and would improve the climate for dialogue. Issues of mistrust need to be discussed forthwith to enable wide acceptance to remove the barricades.

The track record of inter-ethnic relations in the south should be assessed by the Kosovo Government together with the Serbs serving in the Government and the Parliament of Kosovo, and those in the opposition. An honest appraisal on cooperation within the Kosovo political spectrum, the workings of the Serb-majority municipalities, and the current level of inter-ethnic trust must be convened. Self-perceptions about the wellbeing of the Serbs in the south are extremely important. If the perceptions are positive, sooner or later these attitudes may migrate to the north.

Prishtina

Prishtina should send conciliatory messages about the type of parallel structures that will ultimately be embraced. Serb doctors and teachers should not fear losing their jobs and should not feel that Prishtina treats what they do as illegal.

MNAO might achieve some progress only if it is seen as a light presence and spends funds on the real problems facing the people in the city and their priorities, and goes well beyond MPT in its activities.

The Kosovo Government should develop large-scale infrastructure projects in the north, provide incentives for businesses, and bring services closer to the north. Opponents will find it difficult to argue against development projects with obvious benefits.

The authorities should improve the implementation of minority rights throughout Kosovo—especially of the language policy and dealing with the past. The Kosovo Assembly should pass all the lingering laws and obligations emanating out of Ahtisaari and from the European agenda.

Civil society in Kosovo should also back the process supporting a better understanding of relations and mutual perceptions. Prishtina should focus on practical steps to start tackling the north constructively, improving Prishtina's

perception among northern Serbs, and establishing communication.

Prishtina should drop deprecating rhetoric generalizing northerners as criminals. Prishtina should explain directly to northern leaders and civil society that it does not aim to change their way of life and will cooperate with Belgrade and offer investments and extended rights.⁴⁷ Such a dialogue should explore all avenues of cooperation, discuss the current models, and include patient listening even to the most maximalist proposals that are put forward.

Kosovo Serbs

Northern Serb leaders should enter into dialogue with Prishtina in order to improve the situation and security of the Serb population in the north and work towards the establishment of mutually acceptable local governance. They should encourage Albanians to return to northern Mitrovica. In terms of local security, northern leaders as well as EULEX should tackle the issue of violent youth gangs in northern Mitrovica. Together with Prishtina, northern Serb leaders should discuss ways to integrate members of the Serb police in the north into the Kosovo Police and do away with the parallel Serbian Ministry of Internal Affairs structures.

Prishtina and southern Serb leaders should finalize the final mile of the Ahtisaari obligations. The full functioning of the Serb TV channel of the national broadcaster should be prioritized, in order to ensure better information for ordinary Serbs about developments in Kosovo.

Belgrade

The focus of Belgrade's policy should be resolving the real problems of Kosovo Serbs, both in the north and south. South Serbs should not be endangered by proposed outcomes for the north. Belgrade should cease pressuring

individuals to resist participation in the institutional life of Kosovo.

The leadership should find the strength to assess what is realistic and strive to attain reachable goals. It should advise the local leaders to engage in a dialogue with Prishtina.

Belgrade should also change its attitude towards Kosovo Serb municipalities in the south and provide support. Moreover, it is in the mutual interest of Belgrade and Kosovo Serbs from the south, and more importantly in the Serbs' in the south interest, for Belgrade to support the newly established Serb-majority municipalities.

Civil society in Serbia should focus on the human aspect of the Serb interest in Kosovo and advocate for policies that benefit ordinary Serbs.

The European Union and the United States

A compromise will not be found by the sides if they're left to their own devices. Their bilateral engagement is essential and is the only path towards a sustainable, peaceful and prosperous future. Locally developed and mutually acceptable solutions are the only ones that will succeed in the long run. At present, however, the middle ground must be shown to the dialoguing parties, and these foreign stakeholders should give these parties direction. The only outsider that can be most efficient in Prishtina, Belgrade and the north is the European Union. If the EU has its own interests in mind at the same time, the solution will lead to two functional countries developing an instinct for cordiality first and perhaps even friendship later.

To this effect, Prishtina and Belgrade should help the EU to design a solution but will leave the final decision to the EU. Both capitals should agree ahead of the process to agree to whatever proposal that the EU comes up with. Ultimately, the EU should employ sufficient arbitration to end the

dispute, but at the same time sufficient involvement by the parties to ensure that the respective political leadership does not get away without ownership, ensuring that the conflict does not return again.

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