

## Critical Reflection

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Following the KOFF roundtable on 19 December 2013

### Local Elections in Kosovo – A Step Closer to Normalization?

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#### An Agreement of Necessity

At the end of December 2013, I met a long time Balkans correspondent from a major German newspaper. When the conversation touched upon Kosovo, he was quite categorical: „It is over“ he said. „We will not talk about the Kosovo question in two to three years anymore. Now with the April Agreement, the topic will simply fade away“. Others – mostly Western politicians and diplomats but also many in the region – have coined the April Agreement „a historical breakthrough“.

I think this perception is too optimistic. Although I would agree that the April Agreement is an important step on the road to a more stable region, it is not yet the turning point. I would like to clarify this along four questions, before offering some conclusions.

- 1) Why is North Kosovo the key to a long lasting solution indeed?
- 2) What are the chances and risks of the April Agreement?
- 3) How has it been implemented so far?
- 4) What are the consequences of this process?

The process of normalization through negotiations has been going on for many years, and started – unsuccessfully – with a EU-sponsored dialogue on so called „technical questions“. These negotiations could never be successful because merely hidden behind the „technicalities“ stood the big question of the

disputed status of Kosovo. The moment this „dialogue de sourds“ was finally put on a higher, explicitly political, level including the Prime Ministers, and dealing primarily with North Kosovo, things started to move.

Why is North Kosovo essential? Ever since the end of the war in June 1999, it has been an actively disputed territory and has become the symbol of a frozen conflict. Throughout the years this territory developed its own type of sovereignty and self-control which could not be influenced by Pristina – and less and less so by Belgrade. Because the Kosovo conflict is essentially an ethnic-territorial dispute, it became clear that the *de facto* undefined status of North Kosovo was not only a risk for stability, but also a chance for compromise. How did the main actors deal with this chance?

Let us first have a look at the product of the negotiation process on North Kosovo. The April Agreement (AA) concluded on the 19<sup>th</sup> of April in Brussels is a two page paper with fifteen vaguely defined points. Its goal is, first of all, the inclusion of the four northernmost Serb-majority municipalities into Kosovo's legal system. Secondly, it foresees the establishment of a community of Serb-majority municipalities (ZSO, Zajednica srpskih opština) with a significant degree of self-governance. In short: Formal integration of the Serbian municipalities is combined with their factual autonomy. In order to create this community of municipalities, local elections had to be held.

To reach an agreement between Belgrade and Pristina in a relatively short amount of time, a lot of „creative ambiguity“ had to be put in its language. The two parties have very different perceptions on what they have agreed upon. And in public, the narrative of Belgrade and Pristina are obviously contradictory.

For Pristina, the agreement means that the territorial integrity of Kosovo has been secured. So called „parallel structures“ are abolished and North Kosovo and its Serbian population will be fully integrated according to the Kosovar constitution. Belgrade reads the agreement differently: In its view, a new ethnic-Serbian institution will be created, which for the first time is recognized by Pristina and the EU. This institution, the community of municipalities or ZSO, allows Belgrade to protect and influence the Serbian population in Kosovo. In the words of a Belgrade official, the agreement brings „more Serbia into Kosovo“. In Belgrade, they call the community „a kind of entity“ – in Pristina, Prime Minister Hashim Thaci spoke of an „NGO“. It is not without irony that Lady Ashton – the EU's High Representative for Foreign Affairs and Security Policy – who struck the deal applauded the two sides to have found „common language“.

What has been the motivation to agree on such a vaguely defined agreement? All three parties (Brussels, Pristina, Belgrade) have been under tremendous pressure to present a success. For Belgrade and Pristina the deal was a pre-condition for their next step in their EU integration process. And in Serbia, Kosovo and the EU, 2014 is a year of general elections. Also, the new commission in Brussels will be voted in. So far, Lady Ashton's endeavors as a „Foreign minister“ of the EU have not been rewarded with a lot of success. A Kosovo Agreement considered historic would clearly improve the rather meagre achievements elsewhere. In Serbia the government has to deal with a very dire economic situation and should implement a harsh and unpopular austerity programme. The announced „fight against corruption“ has yielded only limited results. The start of the negotiation process with the EU in January 2014 (mainly thanks to the April Agreement) is a rare sign of hope and success of the government. The same goes for Kosovo. The legitimacy of its government is probably even weaker than in

Serbia (as the results of the local elections suggest) and in September, there will be general elections. The start of negotiations on a Stabilization and Association Agreement (SAA) in October is therefore important. It shows that Pristina has contractual relations with Brussels although not all EU member states recognize Kosovo as an independent state.

## Less Than Perfect Elections

The speed and the urge for an agreement probably explain most of the flaws the process has had so far. And the rush to the first step of implementation – the local elections – made those very problematic as well.

At this point, two preliminary conclusions can be drawn:

1) The April Agreement was negotiated in a radical top-down process, without including the population at all. For 14 years, Serbs in the North have been supported by Belgrade in resisting by all means to the Kosovar state. They have been praised as patriots and lauded as „pièce de résistance“ of a „Serbian Kosovo“. Then, in less than seven months everything changed. They were told by Belgrade to take part in elections organised by Pristina and ordered to abandon some of the Serbian institutions. People had no idea of the consequences of the agreement for their lives, their jobs, their incomes (85 percent of the income in the North is paid for by Serbia's state sector). It was Petar Miletić, the ethnic-Serbian Vice-President of Kosovo's assembly, who commented in December: „It is our fate (as Kosovo-Serbs) not to decide over our fate“.

2) The legitimacy of the new arrangement is not provided by a transparent let alone democratic process, but by ethnic loyalty and inter-ethnic fear. As in other cases (in Bosnia's Dayton Agreement or in Kosovo's Ahtisaari Plan) the accent is put on top down state-building. State structures are built along the conflict lines, hoping that over time its institutions would absorb the conflict. But the case of Bosnia (and Macedonia) shows that these structures rather reproduce than solve a conflict.

It thus comes as no surprise that under these circumstances the election process was very

problematic. However, it is surprising that the OSCE, which organized and oversaw the elections, described them as „generally satisfactory“. Marko Prelec who has been with the International Crisis Group for years, came to a different conclusion. „The electoral process, from registration of parties and voters, to public outreach, civic education and finally the campaign, was so deeply flawed as to produce a fundamentally unfree and unfair result...“. Besides the inaccurate registers, the polling stations opened late, security was poor and there was widespread intimidation and group voting.

This was not only the case in the first round, but also in its repetition and in the second round. A good Western source assumes that the violence in the first round which led to the cancelling of the voting process was not perpetrated by local supporters of a boycott, but by people with instructions from Belgrade who were actually afraid that the boycott would succeed. With the repetition of the first round Belgrade gained two more weeks to put pressure especially on people on its payroll to vote. Led by their directors, the workers of entire state companies then went all together to cast their ballots. In North-Mitrovica, the election process took no less than four rounds. After the withdrawal of the originally elected mayor, the murder of one candidate and the arrest of a second one, elections finally succeeded on 23 February. With a turnout of 20 percent, Belgrade's candidate was chosen. In 9 out of 10 municipalities with Serbian majority, the Serbian state sponsored „Gradjanska inicijativa srpska“, Serbian Civic Initiative, clearly won. Only in Štrpce in the very South of Kosovo, it was the Serbian Liberal Party (Srpska Liberalna Stranka) which kept the position.

## The Distance May Increase Rather than Diminish

What are the foreseeable consequences of the elections? How might the new community of Serbian municipalities influence relations between the Serbian minority and the Albanian majority in Kosovo? And how will the relationship between Pristina and Belgrade be influenced?

With its single list, Belgrade retains a lot of influence in the North and gained new influence

in Serbian municipalities in the South. On the municipal level, Belgrade is now the third strongest player in Kosovo, controlling 9 municipalities. In comparison: The PDK – Thaci's party – controls 10 municipalities, the LDK – the main opposition party – also reigns in 9 municipalities.

Pristina's investment into the SLS (Serbian Liberal Party) did not pay off. „Thaci's Serbs“, as the party is called, has been marginalized. Competing against Belgrade's offer to strengthening links with the motherland, the SLS had little chances for success. This indicates that also in the South the integration of the Serbian population into Kosovo's state structures did not really succeed in 14 years.

The establishment of the ZSO is now imminent. There are a lot of open questions as to how this will happen. Pristina and Belgrade have different opinions on what competencies this new body should have. Leon Malazogu, a leading analyst from Pristina, predicts that the ZSO will assume new powers from the state level and from the municipal level. It could then become a kind of ethnic entity inside Kosovo. Comparisons with the Republika Srpska in Bosnia are exaggerated. The ZSO will not have veto powers to block decisions on the central level. It will rather live its own separate life from Pristina and the majority population. But the factual segregation and ethnic distance between Albanians and Serbs could grow rather than diminish.

This might endanger the functionality of the state as a whole. Ethnic distance can easily be turned into a perception of threat. Pristina has „used“ the topic of North Kosovo for years to keep up some ethnic mobilization and to legitimize a government which otherwise did not offer much to its citizens.

Having reached the main goal to start negotiations with the EU and having agreed only on very vague terms, it is likely that the negotiation process between Pristina and Belgrade will slow down now. A first indicator are the last rounds of discussions, where Thaci and Dačić were not able to agree on the integration of Serbian judiciary into Kosovo's system.

And finally, two more general remarks. Western conflict management in the case of North Kosovo is part of a long tradition. When dealing with the

Balkans, the local adversaries are usually not taken very seriously. Nor are their narratives of the conflict or their proposals for solutions considered very important. That is why the Kosovo conflict even today is mostly considered a human rights problem and a question of minority protection. And not as most Albanians and Serbs see it, as a territorial conflict.

Another consequence of this approach is the following. Political engineering, mostly as some kind of state-building, prevails over a real negotiation and a peace process. In the case of Kosovo, the EU accession process is directly

linked to the solution of the territorial conflict. Of course it makes sense to relate the peace process and the EU integration process. But they have different dynamics. It is an illusion to think that the EU integration process automatically leads to a lasting reconciliation and peace between Albanians and Serbs. But only this is the real normalization we are looking for.

## swisspeace

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