



Kosovo Alert

The agreement on northern Kosovo: Making it a people's process

2 May 2013

Summary

In April 2013, Kosovo and Serbia reached a key agreement on the normalisation of relations and northern Kosovo. While the agreement signals the success of the EU-facilitated dialogue, there is a gap between this success and the situation on the ground. An agreement alone will not deliver sustainable peace in (northern) Kosovo. The agreement between the governments of Serbia and Kosovo must first be acceptable to local citizens. The April agreement is very unpopular, at least among the Serb majority in northern Kosovo, and is likely to cause further unrest in the short term. It is of the utmost importance that the agreement finds acceptance among local citizens. Accordingly, Serbia, Kosovo and the EU must immediately address the security concerns of the people of northern Kosovo and start an inclusive process for implementation of the April agreement.

Key recommendations

1. Jointly and separately, Serbia, Kosovo and the EU should stimulate a more enabling environment for peace and security in northern Kosovo.
2. Serbia and Kosovo should ensure that the agreement pertaining to northern Kosovo becomes acceptable to local citizens.
3. The EU should commit to an intensive engagement with northern Kosovo.

Analysis

The governments of Kosovo and Serbia reached an historic agreement on northern Kosovo in April 2013. This is a significant achievement and an unprecedented success for the European External Action Service in the person of High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission Catherine Ashton. The EU-facilitated dialogue between Pristina and Belgrade started in 2011 as a technical dialogue to improve bilateral relations and the daily lives of the people of Kosovo and Serbia, but was transformed at the end of 2012 into negotiations at a higher political level. The mediator of the dialogue, High Representative Ashton, involved prime ministers Ivica Dačić (Serbia) and Hashim Thaçi (Kosovo) and other government leaders in discussing sensitive issues, of which the most important was the institutional set up of northern Kosovo. The key driver of progress in the dialogue has been the EU enlargement process, as both Serbia and Kosovo hope to move forward in the EU accession process after the EU Council meeting in June. At this meeting, Serbia hopes to receive a date for opening membership negotiations and Kosovo hopes to open negotiations on a Stabilisation and Association Agreement. During the General Affairs Council meeting on 22 April, both the European Commission and High Representative Ashton advised the Member States to grant these steps to Serbia and Kosovo.

The 15-point agreement reached in April is highly relevant, not only for northern Kosovo, but also for the broader population in Serbia and Kosovo. A more normal relationship between Kosovo and Serbia will allow the people of Serbia and Kosovo to focus on the future as well as provide an opening for them to deal with the past. The agreement is also potentially beneficial for peace and stability in the region. The problem of northern Kosovo, however, is not 'solved' now that an agreement has been reached. There is a gap between the achievements in the dialogue and the situation on the ground. The true effect of the dialogue cannot be ascertained until implementation of the agreement has commenced, and there are concerns that the people of northern Kosovo may be resistant to change.

The vast majority of Serbs in northern Kosovo resent the results of the dialogue. Since the dialogue commenced in 2011, life in the north has become less secure and less predictable. In the eyes of the local population – Serbs, Albanians and others – the agreements reached in the dialogue have not improved their daily lives. Even the exact implications of technical agreements concluded earlier in the dialogue are unclear to many people. All that most people know about the April agreement is that it means that northern Kosovo will be brought into Kosovo's institutional system, which Serbs strongly oppose. This is what thousands of Serbs gathered to protest against in Mitrovica on 22 April 2013. Rumours about the agreement run rife. Local citizens, regardless of ethnicity, have security fears over the implications of the April agreement, ranging from the mundane, such as the future validity of university diplomas, to physical safety once Serb-run structures are integrated into the Kosovo system. Living in the north has been complicated for many years, but the majority of Serbs felt that they were living in Serbia and believed that Serbia would protect them. Now they perceive that Serbia has abandoned them. Until now, local Serb leaders in northern Kosovo have largely followed Serbia's directives. Now these leaders may opt to boycott the agreement and steer their own course, independent of Belgrade's wishes. More protests and the erection of barricades are expected in northern Kosovo. Rumour has it that the manning of these barricades will again become obligatory for all civil servants.

The agreement is likely to cause further unrest in the upcoming period, but for how long and to what extent depends largely on the policies of local leaders, the governments of Serbia and Kosovo, and the EU in the next few months. In order to decrease tension and start a genuine peace process in northern Kosovo, all policy actors should make it a priority to address the security concerns of the population and find local acceptance for the April agreement. Serbia has a crucial role to play in this regard. The April agreement implies that there will be less influence from Belgrade at the end of the implementation process. If Serbia, the only state actor that has control and popular legitimacy among Serbs in the north, diminishes its direct ties with northern Kosovo too soon, it will create more space for hard-line local leaders. With Serbia at a distance, there will be little incentive for Serbs in northern Kosovo to cooperate with Kosovo's institutions, which they do not trust. Hence, Serbia needs to stay closely involved and the transition to Serbia's new role should be taken step-by-step.

Implementation of the April agreement should be inclusive – and an inclusive process takes time. Local people on the ground need to be involved in fleshing out the 15 points agreed upon and developing a realistic plan for implementation. There are many compelling reasons to open up the thus far closed process. The main moral imperative is that the 15 points in the agreement will have a far-reaching impact on the lives of the people in northern Kosovo, which gives them a right to be involved. It would be a good idea to make use of local concerns, expertise and ideas when such agreements are worked out. Given that this was not the case, inclusion is a way to make the implementation process (and, thereby, the agreement) acceptable in the eyes of the people. Conversely, exclusion guarantees sustained protest. Lastly, democratising the process through consultations with local people may decrease the power of hard-line local leaders. However, before any constructive engagement on implementation can take place, the content of the agreement and its possible ramifications need to sink in. For this to happen, the agreement needs to be explained to the local population in detail to address their fears and the Serb population needs time to vent their discontent.

Both Kosovo and Serbia have a responsibility to address the lack of popular support for the agreement. To achieve a buy-in by citizens, the governments of Serbia and Kosovo need to explain the agreement to Serbs, Albanians and others in northern Kosovo. Serbia should engage with people in the north and be frank about the consequences of the agreement. Serbia should also use its influence with local leaders to a maximum extent to ensure cooperation and involve a broad group of community representatives in implementation. Kosovo, on the other hand, should refrain from nationalist statements and guarantee that

it will not use force to enforce its rule. Kosovo should also refrain from any unilateral policies that may increase tension and should work to build confidence through its policies towards the north. Kosovo should be ready to engage in an open dialogue with locally elected Serb leaders and recognise them as community representatives as soon as possible. Relationship building is too important to wait until representatives become 'official' under Kosovo law after elections facilitated by the Organisation for Security and Co-operation in Europe. Both Kosovo and Serbia should fully cooperate with the European Union Rule of Law Mission in Kosovo (EULEX) to prevent violence and strengthen rule of law.

The EU also has a key role to play for the agreement to be accepted and implemented in northern Kosovo. So far, the EU has mostly left ownership of the dialogue process and results with Serbia and Kosovo, but the north cannot be left in the hands of Serbia and Kosovo alone. The Government of Kosovo has no popular legitimacy in the north. In contrast, Serbia has popular legitimacy but no legal basis. The EU needs to step up its engagement in order to reach a sustainable solution for northern Kosovo and to improve the relationship between Kosovo and Serbia in practice. EU representatives need to communicate much more intensively with people in the north – including local community leaders, members of civil society and ordinary people – and explain the dialogue outcomes together with Serbia and Kosovo. The EU should clarify that it stands for an inclusive, impartial approach when it comes to monitoring implementation and that it is ready to listen to the needs, concerns and ideas of the people, within the framework agreed upon by Serbia and Kosovo. The EU can do more to make the agreement acceptable to people. It should demonstrate to the people in northern Kosovo that they can benefit from the EU integration process. The EU needs to show its commitment, both through a larger role for EULEX in rule of law on the ground and through EU investment in the local economy and infrastructure. The European Commission needs to step in to support the reform of local authorities in the north to meet EU standards. A clear commitment now would show that the EU is dedicated, not only to regional cooperation between states, but also to the security and wellbeing of the people.

Recommendations

1. Jointly and separately, Serbia, Kosovo, and the EU should stimulate a more enabling environment for peace and security in northern Kosovo.
 - Kosovo and Serbia should refrain from statements that are in breach of constructive and good neighbourly relations and should uphold the spirit of the 15-point April agreement. If Kosovo and Serbia fail to do so, the European External Action Service and European Commission should react, both publicly and unofficially.
 - Kosovo institutions at the central and local level should refrain from unilateral measures in northern Kosovo. Kosovo must reiterate that it will not use force to enforce the April agreement upon the people of northern Kosovo.
 - Kosovo, Serbia and the EU should stimulate intercommunity dialogue between Serbs and Albanians and others in northern Kosovo.
 - EULEX, the Kosovo Police and Serbian institutions should improve cooperation on the ground in relation to preventing and investigating violent incidents.
 - EULEX and the Kosovo Police should maintain joint patrols in northern Kosovo.
 - Serbia, Kosovo and EULEX should agree on a plan to increase the credibility of, and trust in, security structures among people from different backgrounds in northern Kosovo. To this end, Serbia should express its support for the work of the Kosovo Police.
2. Serbia and Kosovo should ensure that the agreement pertaining to northern Kosovo becomes acceptable to local citizens.
 - Political leaders from Serbia and Kosovo should commit to transparency including by:
 - making information on agreements resulting from the dialogue easily accessible and distributing information in the north (in both Serbian and Albanian languages) explaining all agreements point-by-point;
 - ensuring that representatives from the different technical working groups explain the exact content, meaning and effect of earlier dialogue agreements; and
 - visiting northern Kosovo, both north and south of the Ibar, as soon as possible to explain to their constituencies in public meetings what has been agreed (including a visit by Prime Minister Dačić and Vice-Prime Minister Vučić).

- Kosovo and Serbia, supported by the European External Action Service, should commit to a more inclusive process to flesh out the April agreement on northern Kosovo and develop a realistic plan for implementation based on:
 - the inclusion of at least two representatives from northern Kosovo in the implementation committee, as part of the Serb and/or Kosovo delegation(s);
 - consultations with, and the participation of, community representatives and experts from northern Kosovo in the technical negotiations between Kosovo and Serbia to work out the 15 points of the agreement; and
 - local research into the needs and concerns of citizens in northern Kosovo as input to the technical negotiations, executed by a neutral international organisation.
 - The Government of Kosovo should express its willingness to engage in direct communication with elected representatives in northern Kosovo as soon as possible, irrespective of their legal status within the Kosovo system.
 - Kosovo and Serbia should agree to a long-term implementation process with international guarantees.
3. The EU should commit to an intensive engagement with northern Kosovo.
- High level EU representatives and EU Member State ambassadors, including High Representative Ashton, should immediately commence frequent visits to northern Kosovo to meet with local community leaders and civil society to express the EU's long-term commitment to the security and wellbeing of the people in northern Kosovo, provide clarification of the agreement and explain the benefits to be gained from implementing the agreement.
 - The EU should commit to increased funding to support local economic development and infrastructure.
 - The EU should immediately commit to specific grants for civil society in northern Kosovo (north and south of the Ibar) to organise public discussions about the dialogue agreements; provide well-informed staff to attend these meetings to provide detailed information; and encourage Serbia and Kosovo and local leaders to co-fund and join in these meetings.
 - The EU Council should commit to a special role for the EU in northern Kosovo to facilitate the implementation of agreements on the ground and the EU should prepare regular public reports on progress in the implementation of dialogue agreements.
 - The EU Council should commission the European Commission to develop a support process for reform at the local governance level and substantially increase the European Commission's local staff, resources and mandate.
 - The EU Council should stick to the conditionality set out in the December 2012 conclusions and grant Serbia the opening of accession negotiations and Kosovo the opening of Stabilisation and Association Agreement negotiations in June, provided both countries continue to be committed to the agreements reached in the dialogue and their implementation.
 - In its June meeting, the EU Council should take into account the fact that the work of Kosovo and Serbia on building local support for the agreement is an integral part of the implementation process.

*Kosovo Alert is a policy letter published by the Dutch peace movement IKV Pax Christi
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