

**Altering the Status Quo in the Northern Part of Kosovo after the First  
Brussels Agreement**

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## Executive Summary

The northern part of Kosovo has been one of the central political issues before and after its independence. Kosovo's authority in its northern part has been very limited throughout the past 13 years, and the more Kosovo worked towards its institutional building after the war in 1999 and strengthening its statehood after the Declaration of Independence in 2008, the more its northern part drifted apart. As such, until the First Brussels Agreement was reached, the northern part of Kosovo was only nominally part of Kosovo, while Serbia kept the area under almost full control. Even the international community present in Kosovo in accordance with the United Nations Security Council (UNSC) Resolution 1244 had less access and control than Belgrade. In fact, the 13-year long status quo in the northern part of Kosovo has been a result of a series of events that characterized its continuous detachment from Pristina's authority and its unceasing dependence on Belgrade.

### Before the commencement of the EU-facilitated dialogue

**June 1999 - February 2000:** The initial demographic changes in the northern part of Kosovo began with Serbs fleeing from the southern part of Kosovo and finding refuge in the north. As these newcomers settled, they started to expel the Albanians living there from their apartments, as a "pay off" for what had been their destiny in the south. Between 2 and 4 February 2000, organized Serb extremist groups killed 10 Kosovo Albanians from the northern part of Kosovo, and forced around 7,260 Albanians to relocate to the south.<sup>1</sup> The number of Serbs that fled from the south to the north is estimated to be around 6,950 (a figure which includes Serbs from the entire territory of Kosovo).<sup>2</sup> French KFOR, responsible for setting-up barbed wire on the bridge dividing Mitrovica, contributing to the physical division in addition to the psychological one that was taking place, silently observed the fleeing populations.<sup>3</sup> Serbs in the north appointed the "bridge watchers" that guarded any movements from south to north.

**October 2000 – December 2003:** As Kosovo began consolidating its first post-war institutions under UNMIK, its northern part remained largely detached from such endeavours. Kosovo organized its first post-war local elections in 2000, which Serbs, especially in the north, completely boycotted. These elections marked the first step towards Mitrovica's institutional detachment, because as the new municipality of Mitrovica was formed after the elections, it could only provide services in the part of municipality lying south of Ibër/Ibar river. The Serbs of the Municipality of Mitrovica boycotted any services or contact with their Albanian peers in the southern part of the city, and continued working under their own "Kosovska Mitrovica" municipality, constituted in 1999 in accordance with Serbia's legislation. Similarly, Serbs in the north boycotted also the 2002 local elections and explicitly demanded the international community to officially divide the city of Mitrovica in its northern part (for Serbs), and the

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<sup>1</sup>UNHCR, "Statistical Overview: Update at End September 2012," p.3 [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D108F6188A98652EC1257A9200494DE2/\\$file/Statistical+overview+September+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D108F6188A98652EC1257A9200494DE2/$file/Statistical+overview+September+2012.pdf)

<sup>2</sup> UNHCR, "Statistical Overview: Update at End September 2012" [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D108F6188A98652EC1257A9200494DE2/\\$file/Statistical+overview+September+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D108F6188A98652EC1257A9200494DE2/$file/Statistical+overview+September+2012.pdf)

<sup>3</sup> The northern part of the city becomes predominantly Serb area (before the war the northern part of town was shared 50%-50% between Albanians and Serbs)<sup>3</sup>, while the southern part of the city becomes predominantly Albanian area (before the war the southern part of town hosted around 300 Serb families) Source: OSCE, "Municipal Profile: Mitrovicë/Mitrovica," June 2006, [http://www.ecoi.net/file\\_upload/225\\_tmpphp3YtYUn.pdf](http://www.ecoi.net/file_upload/225_tmpphp3YtYUn.pdf)

southern part (for Albanians). The international community rejected such demands, and UNMIK established an office in the north.

**March 2004 – October 2004:** Additional interethnic conflicts solidified the detachment and the northern part slid further away from Kosovo's and international community's authority. After the media reported the drowning of three Kosovo Albanian children in the Ibër/Ibar river for which the Serbs were blamed, inter-ethnic violence broke out throughout Kosovo's territory. It culminated in 19 deaths (11 Kosovo Albanian, 8 Kosovo Serb); 4,000 Kosovo Serbs were displaced; dozens of Serb Orthodox churches and monasteries were destroyed. At this time, Albanians south of the Ibër/Ibar river attempted to physically enter the northern part of Kosovo, a violent occasion during which fires were set up in various places and bombs were thrown from all sides. These events eventually sealed the mistrust between the Serb and Albanian community in Kosovo, making it impossible for them to work and live together, even when UNMIK was the final authority. Kosovo's second central elections were held in October 2004. Serbs, distrustful of Kosovo authorities and the international community, completely boycotted the elections.

**2005 – 2008:** Within this period, the northern Kosovo Serbs achieved a kind of 'soft partition' of the north. As the Vienna status negotiations for Kosovo began in early 2006 (with no agreement by the end of 2007), it became clear that Kosovo would be supported by its major allies in the west to unilaterally declare its independence. Facing these developments, the Serbs in the north worked on building various security structures in order to prevent any unilateral intervention, by Kosovo or by the international community, to integrate the north with the soon-to-be independent Kosovo. Nebojša Jović, President of the SNC, which hosts a fair number of Serb nationalists and as such has been directly supported by the Belgrade DSS-led government, acknowledged the fact that "civilian defence committees were being created", but would be unarmed and would act more like "neighbourhood watch units",<sup>4</sup> something the SNC reiterated in August 2006 as well.<sup>5</sup>

**February 2008 – March 2011:** On February 17, 2008, Kosovo declared its independence as a result of which its northern part became more independent from Kosovo. The two border crossing points in the north were set on fire, and Serbs began refusing to pay custom duties to an independent Kosovo. During this period, the northern part of Kosovo became Serbia's free economic zone, enabling free access of goods from Serbia and exempting from VAT all its businesses that traded with the north. Serbia organized its first post-war local elections in Kosovo's territory, which were in violation of UNSC Resolution 1244 that it so vehemently protected. The northern part of Kosovo grew even closer to Serbia and further away from Kosovo; Kosovo had very limited, if at all, authority in the north. EULEX, which replaced UNMIK when Kosovo declared its independence, had also a very limited access in the North, and struggled to deploy in the area for two to three years.

In summary, before the EU-facilitated dialogue between Kosovo and Serbia commenced, as Kosovo was establishing and later strengthening its institutions by absorbing more competences from UNMIK, its northern part was strengthening its ties to Belgrade. The initial detachment of the north from Kosovo proper was materialized by the initial demographic changes that took place throughout Kosovo's territory,

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<sup>4</sup> WikiLeaks, "North Mitrovica Leaders Clarify Municipal Declarations," July 7, 2006, [http://www.wikileaks.org/plusd/cables/06PRISTINA575\\_a.html](http://www.wikileaks.org/plusd/cables/06PRISTINA575_a.html)

<sup>5</sup> OSCE, "Parallel Structures in Kosovo 2006-2007," <http://www.osce.org/kosovo/24618>

when the Serbian community in Kosovo established their stronghold in the northern part, and by the fact that Serbia's institutions never withdrew properly from that part of territory. Serbia did maintain some institutional presence in the Serb majority areas in the south as well, but its presence in the northern part of Kosovo became stronger with each passing event and attempt to integrate that part of the territory with the rest of the country. Subsequent conflicts, and Kosovo's declaration of independence without prior institutional presence and mechanisms to integrate the north, have contributed to its gradual independence from Kosovo proper and its ever stronger dependence on Serbia.

### **After the commencement of the EU-facilitated dialogue**

**March 2011 – October 2011:** The dialogue process began on March 8, 2011. During the period of the 'technical dialogue', the northern part of Kosovo shifted from a 'soft partition' to a 'physical partition'. Despite Kosovo authorities' constant denial, it was clear from the beginning that the dialogue had commenced in order to discuss Kosovo's internal rearrangement, as well as to convince Serbia to withdraw from the north and eventually recognize Kosovo's independence. Until July 2011, Kosovo and Serbia discussed only some technical issues, which did not involve any major compromises from either party. When the 6<sup>th</sup> round of dialogue concerning the free movement of goods was to be held on 20 July 2011, Serbia's representative did not want to participate in the meeting, because the discussion would inevitably touch upon the northern part of Kosovo. Any agreement on the topic would alter its status quo, and would restrict Serbia's free and uninterrupted economic access in the northern part of Kosovo.

Serbia constantly attempted to avoid discussing any issues related to the northern part of Kosovo, because it still hoped that by maintaining the status quo, which ensured its full control over that area, it could later propose the division of the north. These hopes were shattered after the EU reiterated that Serbia had to give up on such aspirations if it wanted to progress in the EU integration process. Serbia's refusal to discuss the issue of free movement of goods caused the Government of Kosovo to apply economic reciprocity measures, and it sent its special police forces to its northern gates in order to implement the decision. This resulted in armed clashes between the Kosovo Police and the local Serbs supported by Belgrade where one Kosovo police officer was killed. Serbs began erecting barricades and roadblocks in key strategic points in the north. This marked the physical division of the north. In an attempt to prevent further deterioration of the situation, the international community pressured both Kosovo and Serbia to resume negotiations. Consequently, on 2 September 2011, the agreement on free movement of goods was reached and Kosovo lifted its reciprocity measures.

**November 2011 – October 2012:** Kosovo began making substantial compromises with only mild relaxations but limited authority in the north. During the 7<sup>th</sup> round of 'technical dialogue' some other agreements were reached. Most importantly the agreement on the "effective and inclusive regional cooperation" was reached. However, this happened at the expense of Kosovo, which had to adopt the asterisk footnoting, a text which challenges its international legitimacy by referring to a 'status neutral' position of parties and the UNSC Resolution 1244, which Kosovo's leadership had long said to be a "part of history". The Agreement on the Integrated Border Management (IBM) was also reached, however its implementation never started, and the issue was re-discussed in the later 'political dialogue' between the two Prime Ministers. Serbia did not want to implement the IBM, as it would alter once again the status quo in the north.

When the 'technical dialogue' began losing momentum during 2012, partly because Serbia was in an election cycle, and partly because some agreements, such as the IBM, were not being implemented, there was a violent period in the north. Bombs were planted in various places, and in one case an Albanian family lost a member. During this period an additional 40 Albanian families fled from the north. KFOR began to remove roadblocks and barricades; however, it faced fierce armed resistance by the local Serbs. It became clear that the right policies to integrate the north without engaging Serbia were missing. As such, the international community was heavily involved in shuttle diplomacy in order to convince both Kosovo and Serbia to increase the level of dialogue at Prime Ministerial level, where the issue of the northern part of Kosovo would be discussed.

**October 2012 – April 2013:** The 'political dialogue' between the Prime Ministers of Kosovo and Serbia began, and the northern part of Kosovo was put on the negotiating table. After few rounds of 'political dialogue', on 19 April 2013, both Prime Ministers reached the First Agreement of Principles Governing the Normalization of Relations. Out of all fifteen provisions of this agreement, thirteen deal with internal issues of Kosovo, while the other two points deal with general provisions for both parties. For instance, points 1 to 6 deal with self-government mechanisms of the Kosovo Serbs, which involves the creation of the ethnic-based (Serb only) Association of Municipalities in Kosovo. Points 7 to 9 deal with Kosovo's security and police issues. Points 10 and 11 deal with Kosovo's judiciary, point 12 deals with Kosovo's elections, and point 13 deals with Kosovo's energy and telecom. Points 14 and 15 deal with the fact that the agreement calls both parties not to block each other nor call others to block them in their EU integration process, as well as with the establishment of the committee for the implementation of the agreement. In general, most parts of the agreement deal with the internal re-arrangement of Kosovo.

### **After the Brussels Agreement of 19 April 2013**

The First Brussels Agreement has indeed altered the status quo in the north; however, it has not pleased all the parties involved. The integration of the northern part of Kosovo, which the First Brussels Agreement envisages, began taking place only after the northern Kosovo Serbs were reassured that such integration shall occur in a 'status neutral' atmosphere. This was not a surprise, given that Kosovo had accepted right from the beginning the 'status neutral' stance of parties in the dialogue.

*Elections:* Kosovo was able to organize the November 3, 2013 elections in the north only after agreeing to renounce its state symbols and other state elements from the ballots sheets. Moreover, in order to make sure that they would not deal with any institutions that would make them explicitly recognize the independence of Kosovo, Serbs in the northern part of Kosovo agreed to participate in the elections only after OSCE agreed to mediate the process. Serbia created the Citizens' Initiative "Srpska", a political entity that ran in the November 2013 elections. The "Srpska" ranks are filled with previous activists loyal to Serbia in the northern part of Kosovo, through which it plans to wage its influence over Kosovo Serb inhabited areas. The "Srpska" representatives have already declared that they will challenge the independence of Kosovo.

*Local self-government:* The Association of Serb Majority Municipalities will be created in accordance with the First Brussels Agreement. Given that the "Srpska" won in 9 out of the 10 Serb majority municipalities in Kosovo, the Association is basically going to be run by the "Srpska" representatives, still influenced by Belgrade. This presents a future challenge for Kosovo's internal

functioning, as the Serb Association, whose competences are being drafted in the EU-facilitated dialogue, maintains its stance against the independence of Kosovo. Its future competences will define the extent to which Serbia, through this Association, will be able to wage influence in Kosovo and its decision-making.

*Police:* Serbia began, and is reported to have already finished, withdrawing its MUP (Serbian Ministry of Internal Affairs) structures as part of the First Brussels Agreement. In return, a new northern Kosovo Police Region has been created as a result of the First Brussels Agreement, which in addition, envisages that the Commander for this region shall only be a Serb. This will prevent any other communities in Kosovo to ever become a Police Commander in the north. The procedures that Kosovo followed to appoint the Commander were just a cover-up, as the Commander's name (Nenad Đurić) was agreed between Thaçi and Dačić, most probably with the latter's insistence. It is worth mentioning that Nenad Đurić comes from the ranks of MUP and has already defied orders from Kosovo's Central Police Directorate in Pristina.

*Judiciary:* As part of the implementation of the First Brussels Agreement, in July 2013, Serbia's Judicial Council issued an executive order, which asked all the courts and prosecutorial offices working in the northern part of Kosovo to cease all their activities, i.e. to not process any orders or decisions. As such, since July 2013, there are no criminal investigations going on, and there is a rule of law vacuum – these courts have only processed some urgent civil cases, but other than that, they have ceased their operations. In the meantime, Serbia passed a law on “seats and territories of courts and public prosecution”, which establishes courts and prosecutorial offices in Serbia. This law reads that the establishment of courts and prosecutorial offices for the territory “of the Autonomous Province of Kosovo and Metohija” will be regulated by a special law, which was expected to be published in the end of December 2013, but which apparently is postponed. In return, Kosovo accepted to have a separate room in its appellate court that will physically sit in the northern part of Kosovo. Unlike the police, the basic court will cover only one region, the four Serb majority municipalities in the north, and 3 Albanian majority municipalities in the south. However, the final negotiations regarding the seats that both communities will take are ongoing.

The changes in the north as a result of the First Brussels Agreement are taking place only after Kosovo agreed to abandon some important steps towards strengthening its statehood that it had been taking since the declaration of independence in February 2008. Various ethnic-based, internal, institutional and territorial rearrangements are already happening. Moreover, the changes that began to take place in the north are also a result of Kosovo's renouncement of its initial intention to extend its authority there, in accordance with its Constitution.

## 1. Introduction

The northern part of Kosovo<sup>6</sup> has been one of the most challenging political issues for Kosovo since the war ended in 1999, and one of the most challenging issues for Kosovo's sovereignty and territorial integrity after its Declaration of Independence, on 17 February 2008. For more than 13 years, the northern part of Kosovo went from one form of status quo to another. Several attempts have been made by the Governments of Kosovo (GoK) and the international community present in the country since then to alter the status quo in the north, which means to loosen the firm rejection of the majority Serb community living in the area to integrate in Kosovo's institutions and accept its final authority. In general, every attempt to extend Kosovo's institutional authority, and, later sovereignty, over that part of territory was faced by rejection and at times fierce resistance by the local northern Kosovo Serbs, who were constantly and directly supported by Belgrade.

Special constitutional provisions under the United Nations Mission in Kosovo (UNMIK) Constitutional Framework for Provisional Self-Government in Kosovo (PISG)<sup>7</sup> were devised for non-Kosovo Albanian communities, especially for Kosovo Serbs, in order to create the circumstances for them to accept Pristina's authority. Particular attention was given to issues concerning Kosovo Serbs also through the "standards before status" policy, which included eight<sup>8</sup> sets of standards<sup>9</sup>, which would have to be met in order to proceed with the final definition of Kosovo's status. This policy was endorsed on 12 December 2003 in a Security Council Presidential Statement.<sup>10</sup> Additionally, special legal provisions and guarantees were provided for Kosovo Serbs as part of the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Plan)<sup>11</sup>, which was used as the basis for Kosovo's Declaration of Independence in February 2008. The Ahtisaari Plan also served as the superseding legal authority over all legal acts of Kosovo, including its Constitution<sup>12</sup>, until September 2012 when its supervised independence ended and the International Civilian Office (ICO), responsible for the supervision of Kosovo's independence, dissolved.

It is worth mentioning that the Ahtisaari Plan was considered to be a massive compromise on the part of Albanian-led Kosovo authorities. Many feared that several of its provisions (providing substantial

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<sup>6</sup> The northern part of Kosovo consists of four municipalities north of Ibër/Ibar river which include: Leposaviq/Leposavić, Zvečan/Zvečan, Zubin Potok, and Mitrovica North (which was de facto divided gradually since 1999, and de jure when Kosovo declared its independence on 17 February 2008, in accordance with the Ahtisaari Plan, which envisaged the division of the city of Mitrovica into its North (majority Serb) and its South (majority Albanian), especially after the adoption of the Constitution of the Republic of Kosovo on 15 June 2008, which adopted the entire Ahtisaari Plan as part of its core provisions.

<sup>7</sup> Constitutional Framework for Provisional Self-Government in Kosovo, [http://www.assembly-kosova.org/common/docs/FrameworkPocket\\_ENG\\_Dec2002.pdf](http://www.assembly-kosova.org/common/docs/FrameworkPocket_ENG_Dec2002.pdf)

<sup>8</sup> The standards included: (1) functioning democratic institutions; (2) rule of law; (3) freedom of movement; (4) returns and reintegration; (5) economy; (6) property rights; (7) dialogue with Belgrade; and (8) the Kosovo Protection Corps, with particular focus on the non-Kosovo Albanian community in Kosovo

<sup>9</sup> U.N. Security Council, 4880th Meeting, "Security Council, in Presidential Statement, Expresses Support for 'Standards for Kosovo', Welcomes Launch of Review Mechanism," December 12, 2003. <http://www.un.org/News/Press/docs/2003/sc7951.doc.htm>

<sup>10</sup> UNMIK/PISG, "Standards for Kosovo", December 10, 2003, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20Standards.pdf>

<sup>11</sup> Comprehensive Proposal For the Kosovo Status Settlement, February 2, 2007, <http://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf>

<sup>12</sup> Comprehensive Proposal For the Kosovo Status Settlement, February 2, 2007, Annex I, Article 1, Paragraph 1.1, <http://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf>



guarantees and protection mechanisms, especially for the Kosovo Serb community) would put the future independent state at risk of being dysfunctional. In 2009, when a Madrid-based institute suggested that there needed to be an alternative to the Ahtisaari Plan, both the former President of Kosovo, Fatmir Sejdiu, and the current Prime Minister, Hashim Thaçi, reiterated that the Ahtisaari Plan was already a compromise in itself.<sup>13</sup> In response to the United Nations General Secretary's, Ban Ki-moon, six-point plan presented in 2008, the current Minister for Kosovo Security Forces (KSF), Agim Çeku, stated that "Kosovo has made a painful compromise when it accepted the Ahtisaari Plan, a plan which was initially also supported by Ban Ki-moon as well."<sup>14</sup> The former Austrian diplomat, Albert Rohan, in a recent interview reiterated that Kosovo made a compromise in 2007, when its authorities accepted the Ahtisaari Plan.<sup>15</sup> Beyond the political rhetoric, there is a wide consensus among the overwhelming majority of the population and civil society in Kosovo that the Ahtisaari Plan was indeed a massive compromise.

The special legal provisions and guarantees provided for the Serb community living in Kosovo as part of the Constitution of Kosovo<sup>16</sup> made neither the Ahtisaari Plan nor the Constitution of Kosovo acceptable for the majority of the local Serbs. In the northern part of Kosovo there was a consensus among all Serbs to reject the Ahtisaari Plan and the Constitution of Kosovo altogether. In fact, when Kosovo declared its independence in accordance with the Ahtisaari Plan, and as the Plan began being implemented, the northern part of Kosovo got even more detached from Kosovo's institutions and authority.

In fact, since the end of the war, the northern part of Kosovo has constantly remained detached from Kosovo's institutional and state-building efforts, or even ran against such efforts. The more Kosovo's statehood and independence solidified (i.e. strengthening its institutions for the "standards before status" policy during 2003-2008, and formalisation of statehood from 2008 and onwards), the more the northern part drifted away from it. The unsuccessful unilateral agreements attempting to integrate the northern part made it clear that the north was one of the key issues to be addressed in the European Union (EU)-facilitated dialogue between Kosovo and Serbia. The northern part of Kosovo, therefore, was dealt with

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<sup>13</sup> n.a., "Nuk ka devijim nga Plani i Ahtisaarit," *Telegrafi*, April 14, 2009, <http://www.telegrafi.com/lajme/nuk-ka-devijim-nga-plani-i-ahtisaarit-2-4038.html>

<sup>14</sup> n.a., "Çeku: Plani 6 pikësh e suspendon atë të Ahtisaarit," *KosovaPress*, November 16, 2008, <http://www.kosovapress.com/sq/arkiva/ceku-plani-6-pikesh-e-suspendon-ate-te-ahtisaarit-58238/?old=1> [translated from Albanian to English]

<sup>15</sup> Fatmir Aliu, "Rohan: Kosova ka bërë kompromis kur ka pranuar Planin Ahtisaari," *Radio Evropa e Lirë*, April 19, 2013, <http://www.evropaelire.org/content/article/24962442.html>

<sup>16</sup> **local-self government competences** such as:

- (1) rights to elect local heads of police;
- (2) manage public services;
- (3) competences on local finance;
- (4) autonomy on primary and secondary education, as well as university for the northern part of Kosovo;
- (5) autonomy on primary and secondary healthcare;
- (6) the right to assign and choose local government symbols
- (7) equitable representation in local public institutions;
- (8) the right for Serbia to fund its community in Kosovo

**central level competences such as:**

- (1) special religious protection of Serbian Orthodox Church in Kosovo;
- (2) reserved and later guaranteed seats in the Kosovo Assembly;
- (3) reserved seats at all level of courts in Kosovo and Police;
- (4) reserved Ministerial and deputy-Ministerial posts;
- (5) equitable representation at central public institutions;
- (6) provisions that make Serbian as the official language Kosovo wide

more substantially by the First Agreement of Principles Governing the Normalization of Relations between Kosovo and Serbia (hereinafter referred to as the First Brussels Agreement) that was reached in April 2013. The provisions of this agreement, which are being partially implemented at the time this paper is being drafted, have already begun to alter the 13-year long status quo in the northern part of Kosovo.

The aim of this paper is to examine the changes that are happening in the north as a result of this agreement, reached only 2 years after the inception of the dialogue between Kosovo and Serbia. These changes will be analysed in combination with those that have taken and are taking place in Kosovo's institutional set-up. The central focus of this paper will be to identify the extent to which the First Agreement has enabled the changes in the north vis-à-vis the extent to which Kosovo's overall legal and institutional set-up had to be compromised in order to actually enable these changes.

## **2. The north: before the commencement of the EU-facilitated dialogue**

Since 1999, the issue of the northern part of Kosovo has received attention and been dealt with partly by Kosovo's institutions and partly by the international actors present in Kosovo. The main problem was its continued detachment from Kosovo's institutional framework and legislation. Being under UNMIK did not help much for the integration of the north; on the contrary, it was precisely during the UN administration in Kosovo that actions were taken for dividing the northern part of Kosovo. The unilateral declaration of independence of Kosovo together with some events that took place thereafter further ignited the northern part of Kosovo Serbs' desire to detach from Kosovo.

In order to compare the political and institutional landscape of the northern part of Kosovo before and after the First Brussels Agreement, it is important to discuss the key milestones from June 1999 – when Serbia officially began its withdrawal from Kosovo, until April 2013 – when the First Brussels Agreement was reached. It is imperative to analyse the key developments that have led to putting the northern part of Kosovo on the negotiating table between the Prime Ministers of Kosovo and Serbia:

### General political and institutional landscape in the north prior to April 2013

- Kosovo's very limited access to its northern part, and Belgrade's almost full control over this part of Kosovo's territory;
- Kosovo's inability to control its northern border, including Gates 1 and 31 for both, people and commercial goods;
- The northern part of Kosovo being 'physically' divided with the installed barricades and roadblocks;
- Kosovo's legislation being implemented only minimally, while Serbia's legislation being used fully;
- Local governance, both executive and legislative, being part of Serbia's institutional framework, while Kosovo's institutions and legislation were ignored in this regard;
- Security being largely under Serbia's control through its MUP (Serbia's Ministry of Internal Affairs) and BIA (Serbia's Security Service) structures. Kosovo had only symbolic presence in this area, mainly through a number of police officers that, aside from wearing Kosovo's uniform, were continuously defying orders from Pristina;

- Rule of law institutions, such as courts and prosecutorial offices, working in accordance with Serbia's legislation, uninterruptedly under its control. Symbolic international presence in this regard remained;
- 'Civilian Protection Units' employed by Belgrade were installed and funded by the municipal administration;
- Education (primary, secondary, and university) completely managed by Serbia and under its full control;
- Healthcare completely managed by Serbia and under its full control;
- Telecommunications, energy, and railways completely managed by Serbia and under its full control;
- Serbia's tax administration, social welfare offices, and other state institutions fully operational.

### **2.1. Demographic changes: north's initial breakaway - (June 1999 – February 2000)**

With the signing of the military-technical agreement<sup>17</sup> between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia on 9 June 1999, which among other things envisaged the withdrawal of all Serbia's military, security, and state apparatus, including, but not limited to intelligence services and Ministry of Internal Affairs<sup>18</sup>, Serbia began withdrawing the required state institutions from Kosovo's territory. However, it never withdrew all of them from Serb majority areas in Kosovo, and it especially maintained more presence in the northern part, in order to ensure its control over that part of territory which directly borders Serbia, as became evident later on.<sup>19</sup> Therefore, there was no full withdrawal of Serbia from the northern part of Kosovo to begin with.

In the meantime, as Serbia's security apparatus began to withdraw from Kosovo, many Serbs who had lived in the southern part were expelled and the majority of them found refuge in the northern part of Kosovo, while some others fled to Serbia. In response, the newly arriving Serbs from the south began expelling the local Albanians from their homes in the north and getting into their apartments as a "pay off" of their own destiny in the south.<sup>20</sup> This marks the initial steps towards the ethnic division of the city of Mitrovica over the Ibër/Ibar river dividing the town.

As the movement of people occurred (more Kosovo Serbs moving north, and more Kosovo Albanians moving south), clashes between local Albanians and Serbs were a daily activity in this part of Kosovo. The main bridge over the Ibër/Ibar became a "city battlefield", mostly of scuffles without weapons.<sup>21</sup> As a result, NATO-led KFOR increased its presence and attempted to secure the bridge over the Ibër/Ibar, installing a de-facto check point, while Serbs from the north, established the "bridge watchers", supported and encouraged by Belgrade. The role of "bridge watchers" was to prevent any Albanians to (re)enter the

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<sup>17</sup> NATO, "Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia", June 9, 1999, <http://www.nato.int/kosovo/docu/a990609a.htm>

<sup>18</sup> NATO, Article 1, paragraph 3, subparagraph c, of the military-technical agreement foresaw the "FRY forces" which means: "FRY Forces" includes all of the FRY and Republic of Serbia personnel and organisations with a military capability. This includes regular army and naval forces, armed civilian groups, associated paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, federal and Serbian Ministry of Internal Affairs local, special, riot and anti-terrorist police, and any other groups or individuals so designated by the international security force ("KFOR") commander.

<sup>19</sup> Author's interview with a local Serb from the north, December 20, 2013, Mitrovica North

<sup>20</sup> Author's interview with a local Serb from the north, December 20, 2013, Mitrovica North

<sup>21</sup> Author's interview with a local Serb from the north, December 17, 2013, Prishtina

north, to collect information on KFOR and UNMIK Police moves and activities, and to collect information on the Kosovo Albanian population living in the North.<sup>22</sup>

At the time, there were no officially recognized local or central institutions which would govern the city. UNMIK was not yet fully established, and as a result did not call for local or central elections to be held. However, unlike the Albanian majority areas, which included around 80% of Kosovo's territory, where there was an institutional vacuum before UNMIK began its operations, the Serb majority areas in Kosovo had never halted their previously established local (and central) Serbian institutions and continued to work in accordance with Serbia's legislation and institutional set-up in a *business-as-usual* manner, with direct links to Belgrade.<sup>23</sup>

In the beginning of February 2000 the most fatal clashes occurred between Serbs and Albanians ever since the end of the war. Between 2 and 4 February 2000, organized Serb extremist groups killed 10 Kosovo Albanians from the northern part of Kosovo and expelled around 7,260 Albanians from the north to the south.<sup>24</sup> The number of Serbs that also fled from the south to the north is estimated to be around 6,950 (figure which includes Serbs from Kosovo's entire territory).<sup>25</sup> French KFOR, who had earlier set-up barbed wire on the bridge, which may have further contributed to the physical division in addition to the psychological division that was occurring, silently observed the fleeing populations.<sup>26</sup> This event effectively sealed the ethnic composition of the northern part of Mitrovica (predominantly Serb), and the southern part of Mitrovica (predominantly Albanian), making the period between June 1999 to February 2000 one of the first and a key milestone of the initial breakaway of the north from the rest of Kosovo.

## **2.2. Institutional detachment: north's further breakaway - (October 2000 – December 2003)**

In October 2000, the first local elections were organized in Kosovo under UNMIK. Taking into account that this was not long after the ethnic clashes of February 2000, the elections were boycotted by Serbs throughout Kosovo. The boycott took place regardless of the fact that these elections were being held in accordance with the United Nations Security Council (UNSC) Resolution 1244, which protects Serbia's territorial integrity over Kosovo. Neither did these elections give any indication to Kosovo's potential independence from Serbia, as many Serbs feared on the one hand, and as many Albanians were clearly working towards on the other hand.

Unlike the Serb dominated areas, the elections in the Albanian dominated areas throughout Kosovo produced municipal assemblies and mayors who were directly elected from the majority vote of the members of those assemblies. While the Albanians were working on establishing their first post-war

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<sup>22</sup> OSCE, "Parallel Structures in Kosovo October 2003," (Joint Publication with UNMIK) <http://www.osce.org/kosovo/42584>

<sup>23</sup> OSCE, "Parallel Structures in Kosovo 2006-2007," <http://www.osce.org/kosovo/24618>

<sup>24</sup> UNHCR, "Statistical Overview: Update at End September 2012," p.3 [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D108F6188A98652EC1257A9200494DE2/\\$file/Statistical+overview+September+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D108F6188A98652EC1257A9200494DE2/$file/Statistical+overview+September+2012.pdf)

<sup>25</sup> UNHCR, "Statistical Overview: Update at End September 2012" [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D108F6188A98652EC1257A9200494DE2/\\$file/Statistical+overview+September+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D108F6188A98652EC1257A9200494DE2/$file/Statistical+overview+September+2012.pdf)

<sup>26</sup> The northern part of the city becomes predominantly Serb area (before the war the northern part of town was shared 50%-50% between Albanians and Serbs)<sup>26</sup>, while the southern part of the city becomes predominantly Albanian area (before the war the southern part of town hosted around 300 Serb families) Source: OSCE, "Municipal Profile: Mitrovicë/Mitrovica," June 2006, [http://www.ecoi.net/file\\_upload/225\\_tmpphp3YtYUn.pdf](http://www.ecoi.net/file_upload/225_tmpphp3YtYUn.pdf)

institutions under UNMIK, Serbs in Kosovo refused to do so. As a result, UNMIK itself was forced to establish municipal assemblies in the three municipalities in the north (Zvečan/Zvečan, Zubin Potok, and Leposaviq/Leposavić) by self-appointing members of municipal assemblies of these three municipalities, who then elected their mayors. This was the first institutional rejection of the Serbs, especially those in the north, to integrate with Kosovo's institutional framework under UNMIK.

The situation in the city of Mitrovica was even trickier. Given that the municipality of Mitrovica was now ethnically divided, and that only the Albanians in Mitrovica took to the polls, the municipal assembly and the mayor of the municipality of Mitrovica elected during the October 2000 elections began providing services only for the southern part of the city where they could practically apply their authority. Serbs of the municipality of Mitrovica located in the north continued to reject the authority of the organs that were elected under UNMIK's directives. As such, the northern part of the municipality of Mitrovica continued to work in parallel with its pre-war municipal structures under Serbia's institutional framework and its Mayor, Nikola Radović, who had already been elected during the war in 1999. Mr. Radović was de-facto the parallel Mayor of the municipality of Mitrovica, whose authority UNMIK eventually accepted and thus began providing funds to civil servants working in the northern part of the municipality.<sup>27</sup> In fact, UNMIK worked with the parallel municipality of Mitrovica until 2003, after which it attempted to extend its authority through the establishment of the Local Community Office<sup>28</sup>, which Serb hard-liners in the north attempted to resist and sabotage. The Serb resistance to UNMIK and Kosovo institutions was facilitated by the Serb National Council (SNC), created in June 1999 with direct support from Belgrade. With this, Serbs of Mitrovica were implicitly saying to UNMIK and the international community that they would in fact want a separate municipality of Mitrovica that would not have anything to do with the Albanians in the south. This was something that the international community at the time rejected and attempted to convince the Serbs in the north to work together with the Albanians to manage their municipality's affairs by cooperating together.

A year after the local elections were organized, in November 2001, the central elections were held in Kosovo under UNMIK's directives. These were the first central elections held in Kosovo after the war. Serbs in Kosovo were ready to boycott these elections as well. However, UNMIK had to negotiate with Belgrade and reach an agreement that Serbia would not call the Serbs in Kosovo to boycott the elections, thus recognizing Serbia's legitimacy over Serbs and Serb majority areas in Kosovo.<sup>29</sup> This has officially marked the partial legitimacy of Serbia's presence and control in the northern part of Kosovo. Besides the fact that hard-liners, especially those in the north, called for boycotting central elections, the agreement between UNMIK and Serbia in the end resulted with substantial participation (47%)<sup>30</sup> of Serbs in Kosovo's first central elections, who as a result got 22 seats (most of them reserved) in the 120-seat Kosovo parliament.<sup>31</sup>

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<sup>27</sup> OSCE, "Municipal Profile: Mitrovicë/Mitrovica," June 2006, [http://www.ecoi.net/file\\_upload/225\\_tmpphp3YtYUn.pdf](http://www.ecoi.net/file_upload/225_tmpphp3YtYUn.pdf)

<sup>28</sup> Established already in February 2002

<sup>29</sup> Clem S. Watkins, 2003, "The Balkans"

<sup>30</sup> Clem S. Watkins, 2003, "The Balkans", p.40

<sup>31</sup> IDMC, "Little Kosovo Serb participation in Kosovo's political institutions at the central level (2007)," [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/5E0E4AC8B7811BDE802570B8005AAE21?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/5E0E4AC8B7811BDE802570B8005AAE21?OpenDocument)

Around six months before the second local elections were organized in October 2002, and as the first GoK was being constituted, Serb hard-liners in the north were engaged in clashes with UNMIK and other international institutions because of the arrest of one of the “bridge watchers” by the UNMIK Police. This occasion was used by the local Serbs in the northern part of the municipality of Mitrovica as an excuse to make their calls for the division of municipality more explicit, but to no avail. When the second local elections were held in October 2002, the Serbs boycotted them in all areas of Kosovo, except those where they constituted a majority, such as in Zvečan/Zvečan, Zubin Potok, Novobërdë/Novo Brdo, and Shtërpçë/Štrpce;<sup>32</sup> albeit their participation was much lower (20%)<sup>33</sup> than their participation in the previous year’s central elections. The Serbs in the northern part of the municipality of Mitrovica totally boycotted these elections, making their point once again for not wanting, and under any circumstances, to be part of what would be the majority Albanian “united” municipality of Mitrovica.

Around a month after these elections were held, the Special Representative of Secretary General (SRSG) promulgated the UNMIK Administrative Direction No. 2002/26 on implementing UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Mitrovicë/Mitrovica, announcing the official closure of the ‘parallel’ municipality in the north.<sup>34</sup> With this Administrative Direction the SRSG attempted to establish UNMIK’s full authority over the northern part of the municipality of Mitrovica by establishing a de-facto “administrative municipality” by creating the UNMIK Administration in Mitrovica (UAM). The UAM would be responsible for providing public services in northern Mitrovica without political competences, while accepting the fact that the municipal assembly of Mitrovica proper would not have competences over the administration of the northern part of municipality.<sup>35</sup> The first two local elections, therefore, marked yet another key milestone, which solidified the division of the northern part of Kosovo, this time even institutionally.

### **2.3. Additional conflicts solidifying detachment: north’s further breakaway (March 2004 – October 2004)**

By the end of 2003 Kosovo found itself with its northern part detached from the rest of the country, to a large extent even in terms of infrastructure: two separate water companies (coordinated by the UN Regional Office), two separate electricity providers – for the most part, two separate sewage companies (United and Standard), two separate telecommunications providers (PTK in the south and PTT in the north); as well as “dual institutions” in areas of education and healthcare. Additionally, as the institutions in the Albanian majority areas began consolidating and functioning, the Albanians grew impatient of the undefined status for Kosovo, which they always expected to be an uncompromised independence for the country. Unable to provide a clear answer by the end of 2003, the international community had set a new

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<sup>32</sup> Council of Europe, CG/Bur (9) 80, “Report on the municipal elections in Kosovo 26 October 2002,” January 8, 2003, <https://wcd.coe.int/ViewDoc.jsp?id=886367&Site=COE>

<sup>33</sup> Clem S. Watkins, 2003, “The Balkans”, p.40

<sup>34</sup> OSCE, “Municipal Profile: Mitrovicë/Mitrovica,” June 2006, p.3 [http://www.ecoi.net/file\\_upload/225\\_tmpphp3YtYUn.pdf](http://www.ecoi.net/file_upload/225_tmpphp3YtYUn.pdf).

<sup>35</sup> OSCE, “Municipal Profile: Mitrovicë/Mitrovica,” June 2006, [http://www.ecoi.net/file\\_upload/225\\_tmpphp3YtYUn.pdf](http://www.ecoi.net/file_upload/225_tmpphp3YtYUn.pdf)



policy of “standards before status”, which had also been endorsed in a presidential Statement of Security Council.<sup>36</sup>

Regardless of the new policy, a new violent conflict, which could be considered as one that would ultimately seal the Serb’s complete mistrust to be governed by the Albanian majority in Kosovo, erupted in March 2004. After the media reported the drowning of three Kosovo Albanian children in the Ibër/Ibar river for which the Serbs were blamed, inter-ethnic violence broke out throughout Kosovo’s territory; it culminated in 19 deaths (11 Kosovo Albanian, 8 Kosovo Serb); 4,000 Kosovo Serbs were displaced; and dozens of Serb Orthodox churches and monasteries destroyed. During this period, Albanians south of the Ibër/Ibar river attempted to physically enter the northern part of Kosovo, a violent occasion where fires were set up in various places and bombs were thrown from all sides. This was one of the key events that eventually made it impossible for the Serb and Albanian communities in Kosovo to work and live together. After that, even UNMIK and other international community actors were unable to convince the Serbs living in the northern part of Kosovo to even discuss about cooperating with their Albanian counterparts in the south, and let alone integrate and potentially be centrally governed by them. After these events, any hopes that had remained for a potential unification of the city of Mitrovica became just too remote.

In October 2004, the second general elections and the third local level elections were held. These elections were particularly important, as more competences were being delegated by UNMIK administrative officials to the PISG and to the local level governments; locals took over more responsibilities and more competences for decision-making and governance. However, given that the violent events of March had taken place six months before the start of the electoral campaign, the elections were largely boycotted by Serbs throughout Kosovo;<sup>37</sup> only 1% of them participated this time. This was also a result of the mixed messages that they were receiving from Belgrade. While Serbia’s President, Boris Tadić<sup>38</sup>, explicitly encouraged the Serbs in Kosovo to take to the polls, more nationalist parties like DSS, SRS, and SNS were doing the opposite. Nonetheless, those Serb political parties that ran in the elections managed to take over the 10 reserved seats in the Kosovo Assembly, even with the symbolic number of votes they had won.<sup>39</sup> A report by Kai Eide, the Secretary-General’s Special Envoy, was issued in August 2004 stating that the “standards before status” policy “lacked credibility and that a priority-based standards policy, aimed at facilitating orderly future status discussions, should replace it.”<sup>40</sup>

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<sup>36</sup>U.N. Security Council, S/PRST/2003/26, "Statement by the President of the Security Council," December 12, 2003, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20SPRST%202003%2026.pdf>

<sup>37</sup> Nicholas Wood, "Serbs Boycott Kosovo Vote, Raising Fears for the Future," *The New York Times*, October 25, 2004, <http://www.nytimes.com/2004/10/25/international/europe/25kosovo.html?pagewanted=print&position=&r=0>

<sup>38</sup> U.S. Department of State, "Serbian President's Call for Participation in Kosovo Elections," October 6, 2004, <http://2001-2009.state.gov/r/pa/prs/ps/2004/36840.htm>

<sup>39</sup> n.a., "Serbia-Kosovo: Assembly Elections," October 23, 2004, [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/infoElections/setimes/resource\\_centre/elections/kosovo\\_parliamentary\\_2004](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/infoElections/setimes/resource_centre/elections/kosovo_parliamentary_2004)

<sup>40</sup> U.N. Security Council, "Chronological Events: Kosovo" <http://www.securitycouncilreport.org/chronology/kosovo.php?page=all&print=true>

#### **2.4. Solidifying the ‘soft partition’ of the north: strengthening security structures before Kosovo’s Declaration of Independence (2005 – 2008)**

Having secured a strong enough status quo, where Serbia’s parallel institutions continued functioning and Serbs in the north kept minimal contacts with the PISG and other Kosovo institutions under UNMIK, not much happened between most of 2005 – 2008 as far as the citizens’ life in the north is concerned.<sup>41</sup> The security situation remained calmer; a number of MUP officers got recruited and integrated into Kosovo Police Service (KPS) under UNMIK’s supervision and officially took charge of the Serb majority areas, especially in the northern part of Kosovo.<sup>42</sup> Other low profile and informal security structures were still present, though more silently; the MUP offices remained officially open and engaged in issuing and collecting documents for drivers’ license, ID cards, and other MUP-related documents.<sup>43</sup>

On November 1, 2005, as a result of Kai Eide’s call for discussion between Kosovo and Serbia, the UN Secretary-General, Kofi Annan, appointed Martti Ahtisaari as Special Envoy for status talks between Pristina and Belgrade. Around two weeks after Ahtisaari's appointment, on November 17, 2005, the Kosovo Assembly passed a resolution that reconfirmed the political will of the people of Kosovo for an independent and sovereign state.<sup>44</sup> The northern Kosovo Serbs largely ignored the Kosovo Assembly resolution and maintained tight links with Serbia, completely disregarding the decisions being taken in Pristina.

On February 20, 2006, Pristina and Belgrade began the UN mediated talks in Vienna, where the internal rearrangement of Kosovo was discussed throughout the negotiations, with parties generally agreeing on the main principles, except the final status of Kosovo. A month after the negotiations began, Kosovo’s one-year serving Prime Minister, Bajram Kosumi, was ‘replaced’ by the international community in Kosovo with the former Kosovo Liberation Army (KLA) leader, Agim Çeku, which Serbia did not appreciate. Nonetheless, given his background as one of the key members of the KLA during the war, Mr. Çeku would make a more credible Prime Minister to negotiate the future status of Kosovo with Serbia. On the other hand, Serbia’s Prime Minister at the time, Vojislav Kostunica, a more extreme national-leaning politician, would not trade the independence of Kosovo for anything.

Several incidents occurred during June-August 2006 as the negotiations between Pristina and Belgrade were ongoing. On June 2, 2006, some influential leaders of the northern part of Kosovo, one of them being the Municipal Assembly President of Zvečan/Zvečan, and the other the regional coordinator of the Kosovo Coordination Centre (KCC), stated that due to the “deteriorating security situation in Kosovo, 385 civilian administrative personnel from the Yugoslav Army (Vojska Jugoslavija-VJ) would be deployed to northern Kosovo”<sup>45</sup>. They later denied having made such statement. However, this was not a surprise for UNMIK representatives, since to them such statements were just an affirmation of the “soft

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<sup>41</sup> Author’s interview with a local Serb from the north, December 20, 2013, Mitrovica North,

<sup>42</sup> OSCE, "Parallel Structures in Kosovo 2006-2007," <http://www.osce.org/kosovo/24618>

<sup>43</sup> OSCE, "Parallel Structures in Kosovo 2006-2007," <http://www.osce.org/kosovo/24618>

<sup>44</sup> Rep. of Kos. Assembly, "Resolution of the Assembly of Kosova," November 17, 2005, <http://www.assembly-kosova.org/?krye=news&newsid=567&lang=en>

<sup>45</sup> OSCE, "Parallel Structures in Kosovo 2006-2007," <http://www.osce.org/kosovo/24618>



partition” of the north that already existed.<sup>46</sup> Nebojša Jović, the President of the SNC, which hosts a fair number of Serb nationalists and as such was directly supported by the Belgrade DSS-led government, acknowledged the fact that “civilian defence committees were being created”, but would be unarmed and would act more like “neighbourhood watch units”,<sup>47</sup> something the SNC reiterated in August 2006 as well.<sup>48</sup> The Serb community in the north had already broken the ties with the PISG, which, as stated by Nebojša Jović, never existed to begin with. Simultaneously, they also strengthened the parallel security structures in the north following the potential outcome of the negotiations between Pristina and Belgrade, with the aim of preventing any outcome that would not suit their goals.

A year after the negotiations commenced, on February 2, 2007, Martti Ahtisaari presented the general framework of his proposal for Kosovo’s final status in Pristina and Belgrade. The EU foreign ministers backed the proposal, which envisaged the European Security and Defence Policy (ESDP) mission to play an important role in replacing UNMIK and implement the settlement. In the final round of talks that took place between Pristina and Belgrade on February 21, 2007, Kosovo Albanians accepted the proposal without any major changes, while Serbia’s representatives opposed the plan as they thought it violated Serbia’s territorial integrity. After having failed to reach a consensus between Pristina and Belgrade, on March 15, 2007, Martti Ahtisaari submitted his final report to the Secretary-General “recommending independence, supervised by the international community, and asked the Council to endorse the Kosovo Status Settlement proposal upon which independence be based.”<sup>49</sup> Considering that Russia would veto the proposal, the EU Member States and the United States (US) circulated a softened draft to the proposal, which once again Russia made clear that it would reject because it had the Ahtisaari Plan at its core.

In November 2007, a new Government in Prishtina was established under the former KLA commander, Hashim Thaçi of the Democratic Party of Kosovo (PDK), together with Serb Liberal Party (SLS) under the leadership of the current Deputy Prime Minister, Slobodan Petrović.<sup>50</sup> The SLS was established in 2006 with its stronghold in the Serb majority town of Graçanicë/Gračanica, and with the purpose of serving the interests of the Serb community living in Kosovo and not necessarily Serbia. Many Serbs in Kosovo, and especially those in the north, viewed Mr. Petrović and SLS supporters as “Thaçi’s Serb”, since Mr. Thaçi’s PDK and Mr. Petrović’s SLS were in coalition since the 2007 elections and have both enjoyed positions in the government, making the Serbs in the northern part of Kosovo, who have completely rejected the elections, to suspect that Petrović is making a lot of money with Thaçi.

After Russia’s fierce rejection of the Ahtisaari Plan throughout the end of 2007, it became clear that authorities in Pristina under Thaçi’s leadership, backed up by the US and other key EU Member States, would declare the independence of Kosovo sometime in the beginning of 2008. Throughout 2007, KFOR military build-up in the northern part of Kosovo continued, in order to prevent any violent outbreak in

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<sup>46</sup> WikiLeaks, "North Mitrovica Leaders Clarify Municipal Declarations," July 7, 2006, [http://www.wikileaks.org/plusd/cables/06PRISTINA575\\_a.html](http://www.wikileaks.org/plusd/cables/06PRISTINA575_a.html)

<sup>47</sup> WikiLeaks, "North Mitrovica Leaders Clarify Municipal Declarations," July 7, 2006, [http://www.wikileaks.org/plusd/cables/06PRISTINA575\\_a.html](http://www.wikileaks.org/plusd/cables/06PRISTINA575_a.html)

<sup>48</sup> OSCE, "Parallel Structures in Kosovo 2006-2007," <http://www.osce.org/kosovo/24618>

<sup>49</sup> U.N. Security Council, "Chronological Events: Kosovo" <http://www.securitycouncilreport.org/chronology/kosovo.php?page=all&print=true>

<sup>50</sup> Local elections are also held, with open lists, and direct vote for the mayor. Serb participation in these elections is once again extremely low, and is completely boycotted in the north

response to the outcome of the Vienna negotiations, and the eventual unilateral declaration of independence of Kosovo. However, regardless of what was happening in Pristina, the Serbs from the northern part of Kosovo, being ever more detached from Kosovo's institutional life and reality, looked for Belgrade's direction. In Belgrade, Serbian Prime Minister, Vojislav Kostunica, stated that Serbia intends to legally annul any illegal acts in its territory, such as the proclamation of independence of a fictitious state by "a leadership of convicted terrorists."<sup>51</sup>

### **2.5. Kosovo's Declaration of Independence: the north slides further towards Serbia (February 2008 – March 2011)**

As Kosovo declared its independence from Serbia, on 17 February 2008, the north became even more dependent on Serbia. The Declaration of Independence ignited anti-independence movements in the north, which marked the further breakaway from Kosovo and a strengthened and seemingly unalterable status quo.

Two days after the Declaration of Independence, Gates 1 and 31 in the northern part of Kosovo were set on fire by Serb extremists supported by Belgrade. Additionally, because Kosovo was considered as a separate customs zone under UNMIK administration, Serbs began refusing to pay any customs duties and Valued Added Tax (VAT) for products that entered Kosovo from Serbia. According to local Serbs and business, the boycott of customs duties and VAT started because the taxes collected would not go to Kosovo's Consolidated Budget under UNMIK anymore, but to the budget of an independent Kosovo instead. Payment of duties would imply recognition of independence, which Serbs wanted to avoid at all costs.<sup>52</sup> As a result, Serbia extended its influence further in the north by implementing a policy which exempted Serbia's economic operators trading with the northern part of Kosovo from paying VAT. In other words, businesses got VAT refunds for all the products that entered the north, which set the stage for all sorts of smuggling activities.<sup>53</sup>

So now, Kosovo was in a situation where, on the one hand it became an independence state, while on the other hand it had no institutional access to its northern part and could not control its borders in that part of its territory. The northern part of Kosovo had almost become Serbia's free economic zone without any customs or other trade barriers between the two. Ever since the declaration of independence of Kosovo, the Serbs of the northern part began defying even the limited authority the international community used to have in the north, including UNMIK, and especially the EU Rule of Law Mission in Kosovo (EULEX), which the Serbs and Serbia itself constantly viewed to be in the service of a now-independent "Albanian state." EULEX, whose official deployment was approved a few weeks before the Declaration of Independence, and as such was authorized under the UNSC Resolution 1244, had only limited access, if at all, to the north. This was another key milestone, which marked a major breakaway of the northern part of Kosovo from its southern part.

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<sup>51</sup> Douglas Hamilton, "Serbia plans wholesale rejection of Kosovo state," *Reuters*, February 12, 2008, <http://www.smh.com.au/news/world/serbia-planning-wholesale-rejection-of-kosovo-state/2008/02/13/1202760333880.html>

<sup>52</sup> Author's interview with a local Serb from the north, December 20, 2013, Mitrovica North

<sup>53</sup> Serbia's economic operators began using this opportunity by claiming that they have exported to the northern part of Kosovo on paper, but without doing so in practice, and got VAT refunds in the value of products they were claiming to export to the north.

On March 9, 2008, less than a month after Kosovo had declared its independence, Serbia's Prime Minister, Kostunica, resigned because he was unable to convince Boris Tadić's more liberal party (DS - part of the governing coalition) over the Kosovo issue. Kostunica claimed that his coalition partners gave up Serbia's claim on Kosovo in favour of better ties with the west, particularly with the EU.<sup>54</sup> Claiming that the Declaration of Independence by the Albanian majority authority in Pristina was illegal and against the UNSC Resolution 1244, Serbia organized local elections in Kosovo in May 2008, in breach of the very same Resolution. This was the first time that Serbia openly organized local elections in Kosovo. These elections were deemed illegal by Kosovo institutions, as well as by UNMIK, but it did not change the situation on the ground in favour of neither the independent Kosovo, nor UNMIK. Kostunica's DSS won the majority of the votes in Mitrovica, Zvečan/Zvečan, and Zubin Potok, while Tadić's DS won the majority of votes only in Leposaviq/Leposavić.

This was the period when Serbia officially got hold of the local executive and legislative organs, marking another step towards the further detachment of the northern part from the rest of the country and its increasing dependence on Serbia. However, with DSS's radicals having overwhelming control of the northern part of Kosovo on the one hand, and with a more moderate Tadić's DS-led government in Belgrade on the other hand, it was difficult for the latter to control the Serbs in the northern part of Kosovo. Consequently, not long after DSS won in northern Mitrovica, the Government in Belgrade dissolved the municipality and re-organized elections, where DS and SPS, together with Oliver Ivanović, won the elections in the northern Mitrovica. After several months, this proved to be unstable. Some of the members of the municipal assembly of Mitrovica switched sides over to the radicals. Thus, DSS together with SNS secured control of the northern Mitrovica municipality, and appointed Krstimir Pantić as Mayor.

On June 15, 2008, Kosovo's Constitution, which had adopted all the principles of the Ahtisaari Plan, came into force. This was an additional step to strengthening the institutional and legislative state authority of the independent state. Kosovo's Constitution ratification was faced with the northern Serbs' attempt to undermine it. A few weeks after Kosovo's constitution was ratified, the Kosovo Serb hardliners established a parallel 'Assembly of the Community of Municipalities of the Autonomous Province of Kosovo and Metohija' with the purpose of creating an association of Serb majority municipalities that would better coordinate their activities with Belgrade. According to Serbia's former Minister for Kosovo, Slobodan Samardžić, this was an act taken by the Kosovo Serbs and Belgrade to undermine Pristina's and the international community's (those that supported the independence of Kosovo) authority in Kosovo's territory – at least where the majority of the Serb population lives.<sup>55</sup>

As Serbia organized official municipal elections in Kosovo's territory with successful outcome in terms of holding an institutional grip in the northern part of Kosovo, Kosovo organized its first local elections as an independent state on November 15, 2009. Besides the de-facto independence from Pristina's authority, the north was growing more independent from the international community present in Kosovo as well, while dependence on Belgrade's authority was increasing. Unable to properly deploy EULEX in the northern part of Kosovo and provide a normalisation framework for the north, the UN Secretary

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<sup>54</sup> Peter Beaumont, "Serbia in crisis as PM quits over Kosovo," *The Guardian*, March 9, 2008, <http://www.theguardian.com/world/2008/mar/09/serbia.kosovo>

<sup>55</sup> n.a., "Kosovo Serbs launch new assembly," *BBC*, June 28, 2008, <http://news.bbc.co.uk/2/hi/7478865.stm>

General, Ban Ki-moon, proposed – in consultation with Serbia, the US, the EU, and Russia – his six-point plan, which Pristina rejected because it was based on the Resolution 1244 - which was "part of history" according to Pristina.<sup>56</sup>

Ban Ki-moon's six point plan ignited one of the fiercest protests ever held in Pristina in post-war Kosovo, gathering dozens of thousands of protesters from all around the country. A few months later, the head of the International Civilian Office (ICO) together with the GoK drafted and initiated a strategy for the northern Kosovo with the main goal of integrating it. This was one of the most serious steps that the international community together with the local interlocutors had taken to integrate that part of territory. Two main factors made the strategy to ultimately fail shortly after the start of its implementation. Firstly, it was already too late to start working with this strategy, since Belgrade had already stiffened the status quo in the north, which was practically unalterable by any unilateral actions undertaken by the GoK and the international community. Secondly, the international community, whose support Pristina needed to implement this strategy, was divided on the potential and the possibility of implementing the agreement; their division stemmed from the very fact that not all the EU and NATO Member States had recognized Kosovo, and as such EULEX's (EU), and KFOR's (NATO) support was essential for the northern part of Kosovo to be integrated. Belgrade proved even in practice to be much stronger politically and institutionally in the north than the GoK and the divided international presence in Kosovo taken all together.

While Kosovo was on its way strengthening its internal sovereignty (through the institutional swap from UNMIK over to state institutions proper) and its external sovereignty (through the increase of number of recognitions and attempts to gain membership in some international forums), Serbia was working on the opposite direction. It was successfully challenging both, Kosovo's internal sovereignty at its northern

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<sup>56</sup> Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 24.11.2008, S/2008/692

- (1) Police – Formation of additional sub-stations in minority areas; UNMIK will appoint a senior Kosovo Serb officer; All policing in Kosovo will remain under international monitoring;
- (2) Customs – Kosovo will continue to function as a single customs area; International customs officers appointed in accordance with Security Council Resolution 1244 (1999) will be reinstated at gates 1 and 31 Their deployment modalities will as far as possible reflect the modalities of the European integrated border management concept; Further discussions needed for customs revenues collected at gates 1 and 31 which should benefit, as appropriate, the development of local communities;
- (3) Justice – Following discussions to develop the principles, the courthouse complex in northern Mitrovica has been recently made operational on a limited basis under UNMIK control, applying UNMIK law only and staffed by UNMIK personnel for a period of up to 60 days from the opening of the courthouse; During subsequent phases, local judges and prosecutors will be appointed in accordance with Security Council resolution 1244 (1999);
- (4) Transportation and infrastructure – The discussions have indicated acknowledgement of the need for close cooperation on major matters of infrastructure (road, rail, water, electricity), flows of traffic and trade and very important practical matters, such as recognition of qualifications;
- (5) Boundaries – Many of the issues relevant to the management of the boundary will be addressed by the transportation and infrastructure technical committee process. Otherwise, and as indicated in my earlier report, in accordance with Security Council resolution 1244 (1999), KFOR, as the international military presence, will continue to fulfil its security mandate throughout Kosovo, including with respect to the boundaries, in conjunction with other international organizations; and
- (6) Serbian Patrimony – International protection of the Serbian Orthodox Church in Kosovo will continue; the agenda would include the implementation of protective arrangements around major Serbian Orthodox Church sites, activities related to the welfare of the monks and nuns, such as exempting the Serbian Orthodox Church from value-added tax, excise tax and customs duties, modalities of reconstruction of the sites by the Serbian Orthodox Church and the issue of return of archaeological artifacts.

part, and its external sovereignty by lobbying against it in states and international organizations that had not recognized Kosovo.

On July 22, 2010, the International Court of Justice (ICJ) released its advisory opinion on the question Serbia had sent to this institution back in October 2008 in its attempts to challenge the legality of the Declaration of Kosovo's Independence. However, the non-binding advisory opinion of the ICJ concluded that the "declaration of independence of 17 February 2008 did not violate general international law."<sup>57</sup> In response, a week later, on July 28, 2010, Serbia submitted a draft resolution to the United Nations General Assembly (UNGA) calling for new negotiations on Kosovo.<sup>58</sup> Nonetheless, another compromise UNGA resolution, co-sponsored by Serbia and the EU, was submitted and adopted on September 9, 2010, which, unlike the previous draft resolution submitted by Serbia, "welcomed the European Union's readiness to facilitate dialogue between the parties" over the Kosovo's declaration of independence.<sup>59</sup> This was the beginning of the end for Kosovo's and Serbia's independent diplomatic skirmishes over Kosovo's status, and around three years after the Declaration of Independence, Kosovo and Serbia commenced the dialogue on March 8, 2011.<sup>60</sup>

In summary, before the EU-facilitated dialogue between Kosovo and Serbia commenced, as Kosovo was establishing and later strengthening its institutions by absorbing more competences over from UNMIK, its northern part was strengthening its ties to Belgrade. The initial detachment of the north from Kosovo proper was materialized by demographic changes that took place throughout Kosovo's territory, where the Serbian community in Kosovo established their stronghold in the northern part, and by the fact that Serbia's institutions never withdrew properly from that part of territory. Serbia did maintain some institutional presence in the Serb majority areas in the south as well, but its presence in the northern part of Kosovo became stronger with each attempt to integrate that part of the territory with the rest of the country. Subsequent conflicts, and in the end Kosovo's declaration of independence without prior institutional presence and mechanisms to integrate the northern part, have all contributed to the north's gradual independence from Kosovo proper, and its ever stronger dependence on Serbia.

Geographical dispersion of the Serb majority areas, which later became Serb majority self-governing municipalities, has been one of the key elements that have also divided the Serbs in terms of accepting the legitimacy and legality of Kosovo's institutions on the one hand, and the ability to maintain tight links with Belgrade on the other hand. Serb municipalities and enclaves in the south of the Ibër/Ibar river are not contiguous, which means they do not border each other as to provide closer links among them, nor do they border Serbia. Whereas, Serb municipalities and enclaves north of the Ibër/Ibar river, are contiguous, i.e. they all border each other, as well as Serbia, thus creating a unified solid territory in the northern part of Kosovo. Therefore, the Serbs living in the southern part of Kosovo did not enjoy the geographical

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<sup>57</sup> ICJ, Summary 2010/2, "Accordance with international law of the unilateral declaration of independence in respect of Kosovo," July 22, 2010, <http://www.icj-cij.org/docket/files/141/16010.pdf>

<sup>58</sup> n.a., "Serbia submits Kosovo draft to UN GA," *B92*, July 28, 2010, [http://www.b92.net/eng/news/politics.php?yyyy=2010&mm=07&dd=28&nav\\_id=68748](http://www.b92.net/eng/news/politics.php?yyyy=2010&mm=07&dd=28&nav_id=68748)

<sup>59</sup> U.N. General Assembly, 120th Meeting, "Adopting Consensus Resolution, General Assembly Acknowledges World Court Opinion on Kosovo, Welcomes European Union Readiness to Facilitate Process of Dialogue," September 9, 2010, <http://www.un.org/News/Press/docs/2010/ga10980.doc.htm>

<sup>60</sup> n.a., "Serbia and Kosovo meet in Brussels for EU-backed talks," *BBC*, March 8, 2011, <http://www.bbc.co.uk/news/world-europe-12672846>

'benefit', which would have enabled them to reject Kosovo's institutions and maintain tight links with Belgrade as the Serbs living in the northern part of Kosovo did.

### **3. The north: after the commencement of the EU-facilitated dialogue**

#### **3.1. Moving from 'soft partition' to 'physical partition' of the north (March 2011 – October 2011)**

The EU-facilitated dialogue between Kosovo and Serbia foreseen in UNGA Resolution 64/298 commenced on March 8, 2011, where the general scope of what became to be known as "the technical dialogue" was discussed.<sup>61</sup> Considering that the negotiations between Kosovo and Serbia would be facilitated by the EU, which is divided on the final status of Kosovo, and that Serbia itself does not recognize Kosovo, the dialogue was conducted in a 'status neutral' atmosphere, which put Kosovo at a defensive position ever since the negotiations began. The Kosovo delegation was led by Kosovo's Deputy Prime Minister Edita Tahiri, while Serbia's delegation was led by DS's Borislav Stefanović. The first meeting between the two representatives, which was held in Brussels, and covered a range of issues such as the availability of verifiable information from civil registry books, as well as information on cadastre, and issues with direct impact on the daily lives of people.<sup>62</sup> The first meeting was a "preview" of what awaited both parties in the future.

It later became clear that the easier issues for the parties to agree on were some technical and administrative issues that did not touch, even indirectly, upon the issue of the northern part of Kosovo. Anything that had to do with the northern part of Kosovo in one way or another was either postponed or stalled. Until July 2, 2011, Edita Tahiri and Borislav Stefanović met five times in Brussels<sup>63</sup> and reached a total of three agreements: (1) freedom of movement, (2) civil registry books, and (3) acceptance of university diplomas. Overall, these three issues neither touched upon the issue of the northern part of Kosovo, nor required any particular compromise from either party.

The next meeting, 6<sup>th</sup> in the row, had been scheduled for July 20, 2011. However, the day before the meeting, the EU facilitator, Robert Cooper, issued a statement informing the parties that he had decided to cancel the meeting "as it became clear that no agreement would be reached."<sup>64</sup> In fact, it was Serbia who had asked to postpone the meeting,<sup>65</sup> because it was apparent that no agreement would be achieved on a number of issues discussed in the previous rounds.<sup>66</sup> Some of the issues included (1) regional trade and

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<sup>61</sup> European Union, Presse 5, "Press Statement: EU facilitated dialogue- A positive start Brussels," March 9, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/cfsp/119697.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119697.pdf)

<sup>62</sup> European Union, Presse 5, "Press Statement: EU facilitated dialogue- A positive start Brussels," March 9, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/cfsp/119697.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119697.pdf)

<sup>63</sup> 1<sup>st</sup> meeting held on 8-9 March 2011;

2<sup>nd</sup> meeting held on 28 March 2011;

3<sup>rd</sup> meeting held on 15 April 2011;

4<sup>th</sup> meeting held on 17-18 May 2011, and

5<sup>th</sup> meeting held on 2 July 2011.

<sup>64</sup> European Union, Presse 256, "Press Statement: EU facilitated dialogue- next round of talks postponed," July 19, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/123964.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/123964.pdf)

<sup>65</sup> n.a., "Better prospects for agreement in September," *B92*, July 20, 2011, [http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=07&dd=20&nav\\_id=75533](http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=07&dd=20&nav_id=75533)

<sup>66</sup> n.a., "EU Says Serbia-Kosovo Meeting Cancelled," July 19, 2011, [http://www.rferl.org/content/eu\\_says\\_serbia\\_kosovo\\_meeting\\_canceled/24270557.html](http://www.rferl.org/content/eu_says_serbia_kosovo_meeting_canceled/24270557.html)



free movement of goods, which was discussed at the March 28, 2011 meeting held in Brussels,<sup>67</sup> (2) telecom and energy issues, and (3) car licenses, which were discussed at the April 15, 2011<sup>68</sup> and at the May 17-18, 2011<sup>69</sup> meetings held in Brussels. All of these issues had one thing in common: they all would have affected or altered the status quo in the northern part of Kosovo that Serbia wanted to maintain. For instance, initially, many believed that Serbia's discord over the potential agreement on the free movement of goods was related to the customs stamp that Kosovo had changed from "UNMIK Customs" to "Kosovo Customs" after it declared its independence, and that allegedly Serbia did not want to recognize. However, in reality, Serbia's discord with this agreement had to do with the very fact that the free movement of goods would alter the advantageous position that Serbia enjoyed in the north through its de-facto free economic access. Thus, any agreement of the free movement of goods would change the status quo of the northern part of Kosovo in favour of the latter.

Considering that Kosovo was expecting the agreement for the free movement of goods to be reached (and that Kosovo's products were completely blocked from entering Serbia since the Declaration of Independence in 2008), on July 20, 2011, the GoK decided to apply reciprocity trade measures against Serbia.<sup>70</sup> In light of this decision, the GoK asked all the customs units at the border crossings to begin implementing the decision immediately. Given that the Kosovo Customs had difficulties in implementing the measure at the northern Gates 1 and 31, the GoK asked EULEX (which, from February to July 2008, had been the sole authority 'guarding' the northern gates)<sup>71</sup> to put it in operation. EULEX refused to do so, and as a result, the GoK sent a special unit of Kosovo Police (ROSU) to take over the Gates at the north. The GoK's unilateral attempt to take over the two gates by using unfavourably disproportional force against Serbia's security structures operating in the north led to clashes between ROSU and the local Serb population, organized to defend any passage to the north, resulting in the death of one ROSU member, killed by the local MUP. Therefore, attempts to regain control over the north backfired and led it to slip into another, stronger form of status quo.<sup>72</sup>

The status of the northern part of Kosovo changed from what became known as 'soft partition' into a 'physical partition', since the above mentioned events were followed by the erection of several dozen barricades in the fashion of "territorial defence", aimed at preventing Pristina's authorities from approaching the north with unilateral force again. On July 27, 2011, the Kosovo Customs post at the Jarinje border crossing was damaged by Serb criminal groups; KFOR reacted quickly by sending more (German) troops to the north to prevent further deterioration of the security situation, and, as the Security

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<sup>67</sup> European Union, Presse 83, "Press Statement: EU facilitated dialogue- working group on civil registry set," March 28, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/120350.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/120350.pdf)

<sup>68</sup> European Union, Presse 106, "Press Statement: EU facilitated dialogue- focus on freedom of movement Brussels, 15 April 2011," April 15, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/121570.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/121570.pdf)

<sup>69</sup> European Union, Presse 142, "Press Statement: EU facilitated dialogue- a productive meeting," May 18, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/122085.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122085.pdf)

<sup>70</sup> n.a., "Kosova nis reciprocitetin, bllokun mallrat e Serbisë", *Tema Online*, July 20, 2011, <http://www.gazetatema.net/web/2011/07/20/kosova-nis-reciprocitetin-bllokun-mallrat-e-serbise/>

<sup>71</sup> Fatmir Aliu, "North Kosovo Leader Demands Right to Join Serbia," *Balkan Insight*, October 26, 2011, <http://www.balkaninsight.com/en/article/snc-kosovo-s-north-remains-serbia>

<sup>72</sup> On 26 July 2011, Head of the CFSP, Catherine Ashton issued a statement "that the efforts must focus on resolving the underlying issues through the EU facilitated dialogue. The dialogue is the only way forward to solve the issue of customs stamps and to re-establish free trade in both directions", without much additional instruments at her disposal to resolve the conflict.

Council reported, to assist Pristina on enforcing its reciprocity measures with Serbia.<sup>73</sup> However, Borislav Stefanović came to the north and encouraged Serbs to prevent Pristina's attempts at establishing its authority there. Stefanović used his visit also to cut a temporary deal with KFOR, which would remain at the border crossing until September 15, 2011, which was breaching the UNSC Resolution 1244 by assisting the decision taken in Pristina.<sup>74</sup>

It became evident that despite the on-going negotiations with Kosovo, Serbia had constantly been creating circumstances to make it reasonable for everyone to support a future partition of Kosovo – as the situation on the ground de-facto stood. The idea for a future 'full partition' was shattered by Germany's clear message to Belgrade that the idea should be forgotten. Germany and its other western partners did not want to deal with substantial problems of the region by igniting demands for change of borders, which the international community so strongly opposed during the past 20 years. Germany persuaded Serbia to renounce the idea of partitioning Kosovo by enticing it with a rapid EU integration process, should Serbia fulfil the criteria that included the resumption of the dialogue with Kosovo, allowing EULEX to function in the north properly, and disbanding the parallel security structures. These conditions were made clear to Serbia's President at the time, Boris Tadić, in his meeting with Germany's Chancellor Angela Merkel in Belgrade, on August 23, 2011.<sup>75</sup>

Around ten days after Merkel's visit to Belgrade, on September 2, 2011, Pristina's and Belgrade's delegations met once again in Brussels and reached an agreement on the customs stamps, the very issue that caused the July crisis in the north. With this agreement, Serbia accepted the "Kosovo Customs" stamps, which lifted the trade embargoes between Kosovo and Serbia.<sup>76</sup> Serbia accepted this with hopes that it would gain the EU candidate status in the December Council meeting. Regardless of the agreement, Kosovo was able to dispatch its customs officer to Gates 1 and 31 at the north only via air transport, assisted by EULEX helicopters – a situation that lasted for around a year.

Being aware that this agreement would distort Serbia's free economic access to the north, Serb hard-liners in the north (especially in Zvečan/Zvečan, Zubin Potok, and northern Mitrovica) reacted by erecting even more barricades, thus preventing EULEX and KFOR, as well as Kosovo customs officers to implement the agreement. As a result, in an attempt to implement its UNSC Resolution 1244 mandate of ensuring the freedom of movement for all citizens in Kosovo's territory (which meant the removal of all the barricades), KFOR faced fierce physical resistance by the local Serbs. Between September and November 2011, the Serb organized groups in the north, led by the SNC, engaged in clashes with KFOR, which resulted in a considerable number of KFOR soldiers (mainly German) and Serbs getting injured.<sup>77</sup> Serbia

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<sup>73</sup> U.N. Security Council, "Chronological Events: Kosovo"  
<http://www.securitycouncilreport.org/chronology/kosovo.php?page=all&print=true>

<sup>74</sup> n.a., "Belgrade: KFOR stepped outside UNSCR 1244," *B92*, July 28, 2011,  
[http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=07&dd=28&nav\\_id=75662](http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=07&dd=28&nav_id=75662)

<sup>75</sup> Understanding that the idea for partitioning Kosovo was not popular primarily in Berlin, London, and Washington, Tadić came up with his infamous 4-point plan for Kosovo and the North, which included: (1) a special solution for northern Kosovo, (2) an administration of Serb monasteries and monastic complexes, (3) special guarantees for the Serbs in the enclaves, and (4) regulations regarding the property of Serb citizens and the state of Serbia.

<sup>76</sup> European Union, Presse 294, " Press statement: EU facilitated dialogue - Agreement on Customs Stamps and Cadastre," September 2, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/124501.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/124501.pdf)

<sup>77</sup> U.N. Security Council, "Chronological Events: Kosovo"  
<http://www.securitycouncilreport.org/chronology/kosovo.php?page=all&print=true>



was constantly reminded by Germany that the latter would block Serbia's candidate status if it did not distance itself from supporting the actions of the Serbs of the northern part of Kosovo. Serbia's excuse was that the DS-led government in Belgrade could not control the DSS and SRS-led Serb hard-liners in the north. The leader of the SNC in the north, Nebojša Jović, in the midst of clashes in October 2011, stated that "[i]f the barricades are taken down, EULEX and KFOR will have to pass through us."<sup>78</sup> Jović even asked for the north to be separated from the independent Kosovo and join Serbia.<sup>79</sup>

Around 7 months after its inception, the 6 rounds of EU-facilitated (technical) dialogue between Kosovo's representative, Edita Tahiri, and Serbia's representative, Borislav Stefanović, had produced a total of five agreements: (1) freedom of movement; (2) civil registry books; (3) acceptance of university diplomas; (4) customs stamps – free movement of goods; and (5) cadastral records. These agreements had not involved any substantial compromise by any of the parties, except the very initial backdrop that Kosovo had entered the dialogue in an unequal basis, at least because it accepted the 'status neutral' spirit of the dialogue, which would later burden Kosovo with some additional compromises. The only issue that touched upon the status quo in the north was the agreement on customs stamps – free movement of goods, which, although it secured Kosovo a symbolic presence at its northern gates, it substantially affected the situation in the north. The agreement ignited moves in the north that further detached it from the rest of Kosovo; physical installation of barricades and roadblocks made it unlikely for Pristina to interfere with the north's political, and other social and public affairs.

### **3.2. Kosovo's initial substantial compromises (November 2011 – October 2012)**

In the 7<sup>th</sup> round of negotiations, held on 21-22 November 2011 in Brussels, Kosovo's and Serbia's delegation, "[f]ollowing the agreement reached in principle on 2 July" regarding the acceptance of university diplomas, agreed that "the European University Association will be asked to certify diplomas issued by universities of each party for use by the other in connection with further education and/or public employment."<sup>80</sup> Additionally, during this round of dialogue it was reported that progress had been made on the issue of "effective and inclusive regional cooperation", and that the concept of Integrated Border Management (IBM) was discussed as "a way forward to find a European solution for crossing points."<sup>81</sup> Both, an agreement on inclusive regional cooperation and IBM were essential for Kosovo. The first was important because Serbia had been blocking Kosovo's participation in all possible regional meetings and fora. Whereas the latter because, Kosovo needed to establish an official border crossing that Serbia would have to respect, and that would allow it to set proper border control for its northern part.

Following the November meeting, the parties continued with their 8<sup>th</sup> round of dialogue, which was held in Brussels on December 2, 2011, where they reached an agreement on "the EU developed concept of

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<sup>78</sup> Fatmir Aliu, "North Kosovo Leader Demands Right to Join Serbia," *Balkan Insight*, October 26, 2011, <http://www.balkaninsight.com/en/article/snc-kosovo-s-north-remains-serbia>

<sup>79</sup> Fatmir Aliu, "North Kosovo Leader Demands Right to Join Serbia," *Balkan Insight*, October 26, 2011, <http://www.balkaninsight.com/en/article/snc-kosovo-s-north-remains-serbia>

<sup>80</sup> European Union, Presse 443, " Press statement: EU facilitated dialogue- Positive resumption," November 22, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/126265.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126265.pdf)

<sup>81</sup> European Union, Presse 443, " Press statement: EU facilitated dialogue- Positive resumption," November 22, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/126265.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126265.pdf)

integrated management for crossing points (IBM)<sup>82</sup> This would mean “that the parties [would] gradually set up joint, integrated, single and secure posts at all their common crossing points.”<sup>83</sup> The agreement also stipulated that EULEX “[would] be present in line with its mandate.”<sup>84</sup> Given the ‘status neutral’ premise of this dialogue process, Kosovo agreed that the border posts would include no state symbols, which many considered to be a compromise on the part of Kosovo since state symbols are used at its other border posts. The implementation of the IBM was dragged on by Serbia for more than a year, because this was another agreement that would impact the status quo in the north. For instance, the agreement on technical protocol for the implementation of IBM was reached during the 9<sup>th</sup> round of dialogue, on February 24, 2013<sup>85</sup>. Pristina signed the technical protocol only a few days later (February 29, 2013), as it would benefit Kosovo to at least establish a physical border that would be a first step towards minimizing Belgrade’s influence in the north. However, it took more than six months for Belgrade to sign the same protocol.

In the same round of dialogue, Kosovo and Serbia also agreed on regional representation and cooperation. Aside the fact that the agreement would allow Kosovo to participate in regional events and meetings without having Serbia blocking it, the agreement itself was one of the biggest compromises Kosovo has made in the dialogue process up to that date. This is because it stipulated that “Kosovo\* (*with an asterisk*) will be the only denomination to be used and a footnote to be applied to the asterisk will read: “This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.”<sup>86</sup> This was a major concession on the part of Kosovo, because, for the first time since the declaration of independence, Pristina had agreed to challenge its external sovereignty by giving a contested indication to its own status in terms of having no “prejudice to positions on status”, and by referring to the UNSC 1244. It is believed that this compromise may have convinced Serbia to sign the technical protocol on the implementation of IBM so at least Kosovo could strengthen its internal sovereignty (in the north). Nevertheless, the compromise of its external one was not enough to convince Serbia to implement the IBM, still hoping that it would maintain the status quo and switch the situation in the north in a way that would benefit Serbia’s influence in the area. Kosovo’s Foreign Minister, Enver Hoxhaj, had already voiced these concerns at the UNSC meeting on May 14, 2012, by reiterating that Serbia did not sign the technical protocol for IBM implementation, because it wanted to leave the option of partitioning Kosovo open.<sup>87</sup>

As Serbia was heading for elections, which took place in May 2012, the situation in the north continued to deteriorate. On April 8, 2012, a bomb was planted near an Albanian owned apartment in northern

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<sup>82</sup> European Union, Presse 473, " Press statement: EU facilitated dialogue- Agreement on IBM," December 2, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/126544.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/126544.pdf)

<sup>83</sup> European Union, Presse 473, " Press statement: EU facilitated dialogue- Agreement on IBM," December 2, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/126544.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/126544.pdf)

<sup>84</sup> European Union, Presse 473, "Press statement: EU facilitated dialogue- Agreement on IBM," December 2, 2011, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/126544.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/126544.pdf)

<sup>85</sup> European Union, Presse 9, "Press statement: EU facilitated dialogue- Agreement on Regional Cooperation and IBM technical protocol," February 24, 2012, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/128138.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/128138.pdf)

<sup>86</sup> European Union, Presse 9, "Press statement: EU facilitated dialogue- Agreement on Regional Cooperation and IBM technical protocol," February 24, 2012, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/128138.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/128138.pdf)

<sup>87</sup> Kosovo Ministry of Foreign Affairs, "Minister Hoxhaj: The duplicity of Serbia," May 14, 2012, <http://www.mfa-ks.net/?page=2.4.1238>

Mitrovica, killing one and wounding several other members of the family.<sup>88</sup> The Special Representative and the head of UNMIK strongly condemned the bomb attack in Mitrovica; the GoK judged it as a “criminal and terrorist act.”<sup>89</sup> As a result, around 40 Albanian families left their homes and fled to the south from northern Mitrovica,<sup>90</sup> while KFOR increased its presence in the area. Throughout mid-2012, the situation in the northern part of Kosovo was almost unmanageable. Several other blasts occurred during this period, partly to scare off the population and to strengthen the ‘under the siege’ mentality among the northern Kosovo Serbs, and partly for private and criminal matters, such as the case of bomb that was thrown at the Clinical Centre in the north.<sup>91</sup>

The May 23, 2012 action of the GoK for establishing the Administrative Office in Mitrovica North (AOMN) together with the ICO ended up being an improvisation of the implementation of the Ahtisaari Plan in the north. The Office became fully operational on July 22, 2012, and given the poor economic situation in the area, a number of Serbs did apply for jobs, and some Kosovo documents were issued for the Kosovo Serb population, most of whom needed them for obtaining an additional income from Kosovo’s social welfare programme.

During June and July 2012, KFOR managed to remove most of the barricades in Rudare and Zvečan/Zvečan, an endeavour which was not spared from clashes between the local Serbs and KFOR. While most of the roadblocks in the north were cleared, the two main ones remained and still continue to be in place. However, there were dozens of strategic points (main road curves and bridges) where “standby roadblocks”, in the form of piles of woods, rocks and “parked” truck trailers that could be reinstalled in 15-30 minutes, remained.<sup>92</sup>

### **3.3. From ‘technical’ to ‘political’ dialogue. The north gets on the negotiating table (October 2012 – April 2013)**

Although some compromises were made on the part of Kosovo during the technical dialogue (March 2011 to October 2012) - the most disputed one being the adoption of an asterisk to the name that contested Kosovo’s status in order to be engaged in regional meetings and forums - the technical dialogue in itself did not touch any issues that had to do with substantial internal affairs of Kosovo. The GoK continuously repeated that no internal issues would ever be discussed with Serbia, and this was maintained to a large extent throughout the technical dialogue.

Starting from February 2012, the intensity of the technical dialogue dropped compared to the preceding period. From March 2011 until February 2012 there were 9 rounds of dialogue held between Kosovo and Serbia representatives, while no rounds of dialogue were held from March 2012 until October 2012. This

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<sup>88</sup> n.a., "Serbia: One killed, five hurt, in north Kosovo bomb blast," *Humanitarian News*, April 9, 2012, <http://www.humanitariannews.org/20120409/serbia-one-killed-five-hurt-north-kosovo-bomb-blast>

<sup>89</sup> U.N. Security Council, "Chronological Events: Kosovo" <http://www.securitycouncilreport.org/chronology/kosovo.php?page=all&print=true>

<sup>90</sup> n.a., "Rreth 40 familje janë shpërngulur nga lagjja Tre Rrokaqiejt," *Gazeta Express*, April 16, 2012, <http://www.gazetaexpress.com/index.php/artikujt/lexo/8621/C4/C13/?cid=1,13,78991>

<sup>91</sup> n.a., "Two bomb attacks in northern Kosovo," *B92*, [http://www.b92.net/eng/news/crimes.php?yyyy=2012&mm=09&dd=05&nav\\_id=82079](http://www.b92.net/eng/news/crimes.php?yyyy=2012&mm=09&dd=05&nav_id=82079)

<sup>92</sup> Author’s own observation in the visit to the northern part of Kosovo on July 3, 2013

could be partly attributed to the result of the elections that were held in Serbia, and the unexpected change of government from a more liberal DS to a more conservative and nationalist SNS. In addition, it appeared that issues that could be solved through the ranks of Edita Tahiri and Borislav Stefanović were exhausted. As the new government in Serbia was being established and the new President elected, various high-ranking officials of the EU wanted to keep the spirit of the EU-facilitated dialogue high; thus, they began shopping for support from the high-ranking officials in both, Kosovo and Serbia.

On June 14, 2012, Catherine Ashton, met in Brussels with the newly elected Serbian President, Tomislav Nikolić (SNS), where she received his reassurance for the implementation of all the agreements that had been reached by the previous government. In her meeting with Nikolić, Ashton also began laying grounds for a political dialogue to commence by stating that “we need to move the process forward, and to be ready to tackle difficult issues”, hinting at the unbearable situation in the northern part of Kosovo.<sup>93</sup>

A month later, on 18 July 2012, the European Council President, Herman Van Rompuy, met in Brussels with the President of Kosovo, Atifete Jahjaga, where he stressed the importance of the continuation of the dialogue between Kosovo and Serbia, and just like Ashton, gave a direct indication that “the parties need to address the situation in northern part of Kosovo for the benefit of all people living there.”<sup>94</sup> Additionally, on September 4, 2012, the newly appointed Prime Minister of Serbia, and the former Minister of Internal Affairs, Ivica Dačić, was received in Brussels by both Van Rompuy and Ashton, where the former reiterated the need for a solution “to be found to the volatile situation in northern Kosovo, a solution that [would] improve the lives of people there”<sup>95</sup>, while the latter stressed “the need for all the agreements reached in the EU-facilitated dialogue to be fully implemented.”<sup>96</sup> Furthermore, on September 25, 2012, Ashton met Thaçi<sup>97</sup>, and on September 27, 2012, she met Nikolić<sup>98</sup>, both in New York in order to step up diplomatic efforts for the continuation of the high-level dialogue between the parties.

Following these intensive meetings between high ranking officials of the EU, Kosovo, and Serbia it was clear that grounds for a ‘political’ dialogue between Kosovo and Serbia had been laid when Ashton issued a statement, on October 18, 2012, that the next day she would have separate meetings in Brussels with Prime Minister Dačić, and Prime Minister Thaçi. In these meetings they would discuss “the way forward

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<sup>93</sup> European Union, A 273/12, "Statement by EU High Representative Catherine Ashton after her meeting with Serbian President Nikolic," June 14, 2012,

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/130990.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/130990.pdf)

<sup>94</sup> European Union, Presse 343, "Statement by Herman Van Rompuy, President of the European Council, following the meeting with President of Kosovo Atifete Jahjaga," July 18, 2012,

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/131811.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/131811.pdf)

<sup>95</sup> European Union, Presse 363, "Press statement by the President of the European Council Herman Van Rompuy, following his meeting with the Prime Minister of Serbia Ivica Dačić," September 4, 2012,

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/132252.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/132252.pdf)

<sup>96</sup> European Union, A 392/12, "Statement by the Spokesperson of High Representative Catherine Ashton following the meeting with Prime Minister of Serbia Ivica Dacic," September 4, 2012,

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/132268.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132268.pdf)

<sup>97</sup> n.a., "Kosovo: Ashton meets Thaci in New York, Nikolic Thursday," *Ansa*, September 25, 2012,

[http://www.ansa.it/ansamed/en/news/sections/politics/2012/09/25/Kosovo-Ashton-meets-Thaci-New-York-Nikolic-Thursday\\_7530461.html](http://www.ansa.it/ansamed/en/news/sections/politics/2012/09/25/Kosovo-Ashton-meets-Thaci-New-York-Nikolic-Thursday_7530461.html)

<sup>98</sup> n.a., "Serbian president meets with top EU official," *B92*, September 27, 2012,

[http://www.b92.net/eng/news/politics.php?yyyy=2012&mm=09&dd=27&nav\\_id=82372](http://www.b92.net/eng/news/politics.php?yyyy=2012&mm=09&dd=27&nav_id=82372)

in the EU-facilitated dialogue",<sup>99</sup> marking, thus, the inception of the first round of EU-facilitated 'political dialogue', where Cooper was replaced by Ashton as the facilitator. It is worth mentioning that the political negotiations between Prime Minister Thaçi and Prime Minister Dačić until the achievement of the First Brussels Agreement on April 19, 2013 were more than twice as intensive as the technical negotiations. Within six months, from October 19, 2012 to April 19, 2013, 10 rounds of negotiations were held between the two Prime Ministers, 2 rounds per month on average. Until the 4<sup>th</sup> round of negotiations, the issue of the northern part of Kosovo had not been touched.

In the 2<sup>nd</sup> round of negotiations that was held on November 7, 2012, both Prime Ministers discussed (1) the transparency of funds Serbia is providing to the Kosovo Serb Community in Kosovo; (2) the issue of protection of Serbian cultural and religious heritage in Kosovo; and (3) the feasibility study of Niš-Pristina motorway, to be potentially financed by the EU.<sup>100</sup> In the 3<sup>rd</sup> round of negotiations that was held on December 4, 2012, both Prime Ministers discussed (1) the implementation of the IBM agreement, which could not be implemented while the technical negotiations were held, for reasons mentioned earlier; (2) the appointment of Liaison Officers in respective capitals that would be hosted by the EU Delegation in Belgrade and the EU Office in Pristina; and (3) the establishment of a multi-ethnic special police unit within Kosovo Police that would be tasked with the protection of religious and Cultural Heritage.<sup>101</sup> Thus, the 2<sup>nd</sup> and the 3<sup>rd</sup> rounds of political dialogue had already touched the internal issues of Kosovo, albeit within the ability to be accommodated in Kosovo's Constitution.

Moving on to the 4<sup>th</sup> round of negotiations that was held on January 17, 2013, the issue of IBM was re-discussed in view of the fact that, although the related agreement had been reached a year before, nothing had been done to implement it.<sup>102,103</sup> Prime Minister Dačić could be convinced to implement the agreement only after Prime Minister Thaçi agreed in principle that the collection of customs duties and VAT for all the products passing through Gates 1 and 31 would be allocated for the four northern municipalities only. This marked the opening of the issue of the northern part of Kosovo in the dialogue between Kosovo and Serbia. Accepting the divisive allocation of the customs collections for a specific part of territory was another compromise that Kosovo has made, because, being a single customs zone, Kosovo has never envisaged the allocation of customs collections to be conditionally applied to its territorial parts.

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<sup>99</sup>European Union, A 460/12, "Statement by the Spokesperson of High Representative Catherine Ashton on the EU-facilitated dialogue," October 18, 2012, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/132944.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132944.pdf)

<sup>100</sup> European Union, A 496/12, "Statement by High Representative Catherine Ashton after the meeting in the framework of the EU-facilitated dialogue," November 7, 2012, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/133370.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133370.pdf)

<sup>101</sup> European Union, A 559/12, "Statement by the EU High Representative Catherine Ashton after the third meeting in the framework of the EU-facilitated dialogue," December 4, 2012, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/134038.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134038.pdf)

<sup>102</sup> As mentioned previously, Serbia was dragging the implementation of IBM, as it would substantially change the status quo in the North by undermining Serbia's influence that it had maintained through its "open and free" economic zone.

<sup>103</sup> European Union, A 25/13, "Statement by the EU High Representative Catherine Ashton after the fourth meeting in the framework of the EU-facilitated dialogue," January 17, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/134784.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134784.pdf)

The opening of other internal issues of Kosovo that included the northern part of Kosovo was becoming more apparent. As such, during the 5<sup>th</sup> and 6<sup>th</sup> round of negotiations, held on February 20, 2013<sup>104</sup> and March 4, 2013<sup>105</sup> respectively, other issues pertaining to the northern part of Kosovo were discussed, but no final agreement could be reached.

Fearing that the process would be dragged, or worse, would be completely compromised, on March 14, 2013, Catherine Ashton visited both capitals, Belgrade<sup>106</sup> – where she met with President Nikolić, Prime Minister Dačić, and Deputy Prime Minister Vučić, and Pristina<sup>107</sup> – where she met President Jahjaga, Prime Minister Thaçi, and several Kosovo party leaders for consultations in the EU-facilitated dialogue. As a result, the negotiations continued a week after with the 7<sup>th</sup> round of dialogue taking place on March 21, 2013, where according to Ashton the parties were “very close to a solution on some of the most difficult issues concerning northern Kosovo.”<sup>108</sup> After having returned to their respective capitals for “consultation”, they once again met in Brussels on April 3, 2013, which marked the 8<sup>th</sup> round of negotiations. During the 8<sup>th</sup> round of dialogue, an agreement was not cut, and, according to Ashton the “gap between the two sides is very narrow, but deep.”<sup>109</sup> In this round of negotiations, it seemed that Ashton was tired of both Prime Ministers as a statement issued immediately after the meeting stated that “[t]his is the last time we will meet formally.”<sup>110</sup>

Despite Ashton’s statements, the parties met again after two weeks in Brussels, on April 17, 2013, which marked the 9<sup>th</sup> round of negotiations, where an agreement on the northern part of Kosovo and some other issues seemed to be close, but not yet final. Immediately after the end this round, Ashton issued a similar, albeit more positive statement, this time saying that the “the differences [between parties] are narrow and very shallow.”<sup>111</sup> After having gone back for “consultations”, Prime Minister Thaçi and Prime Minister Dačić returned back to Brussels on April 19, 2013, where they finally concluded an agreement dubbed

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<sup>104</sup> European Union, A 95/13, "Statement by EU High Representative Catherine Ashton after the fifth meeting in the framework of the EU-facilitated dialogue," February 20, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/135606.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135606.pdf)

<sup>105</sup> European Union, A 110/13, "Statement by EU High Representative Catherine Ashton after the sixth meeting in the framework of the EU-facilitated dialogue," March 4, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/135807.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/135807.pdf)

<sup>106</sup> European Union, A 138/13, "Statement by High Representative Catherine Ashton after her visit to Belgrade in the framework of the EU-facilitated dialogue," March 14, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/136120.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136120.pdf)

<sup>107</sup> European Union, A 137/13, "Statement by EU High Representative Catherine Ashton at the end of her visit to Pristina in the framework of the EU-facilitated dialogue," March 14, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/136110.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136110.pdf)

<sup>108</sup> European Union, A 155/13, "Remarks by High Representative Catherine Ashton after the seventh meeting in the framework of the EU-facilitated Dialogue," March 20, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/136378.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136378.pdf)

<sup>109</sup> European Union, A 181/13, "Statement by EU High Representative Catherine Ashton at the end of the 8th round of the EU-facilitated dialogue," April 3, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/136626.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136626.pdf)

<sup>110</sup> European Union, A 181/13, "Statement by EU High Representative Catherine Ashton at the end of the 8th round of the EU-facilitated dialogue," April 3, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/136626.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136626.pdf)

<sup>111</sup> European Union, A 213/13, "Statement by EU High Representative Catherine Ashton following today's meeting in the framework of the EU-facilitated dialogue," April 17, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/136836.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136836.pdf)



The First Agreement of Principles Governing the Normalization of Relations (The First Brussels Agreement), which includes the following points:<sup>112</sup>

1. There will be an Association/Community of Serb majority municipalities in Kosovo. Membership will be open to any other municipality, provided that the members are in agreement.
2. The Community/Association will be created by statute. Its dissolution shall only take place by a decision of the participating municipalities. Legal guarantees will be provided by applicable law and constitutional law (including the 2/3 majority rule).
3. The structures of the Association/Community will be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, vice President, Assembly, Council.
4. In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the Community/Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning.
5. The Association/Community will exercise other additional competences as may be delegated by the central authorities.
6. The Community/Association shall have a representative role to the central authorities and will have a seat in the communities' consultative council for this purpose. In the pursuit of this role a monitoring function is envisaged.
7. There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the KP.
8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.
9. There shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvečan/Zvečan, Zubin Potok and Leposaviq/Leposavić). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Interior from a list provided by the four mayors on behalf of the Community/Association. The composition of the KP in the North will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the municipalities of Mitrovica South, Skenderaj and Vushtri). The regional commander of the four northern municipalities will cooperate with other regional commanders.
10. The judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities.
11. A division of this Appellate Court, composed both by administrative staff and judges, will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed by a majority of K/S judges. Appropriate judges will sit dependant on the nature of the case involved.
12. Municipal elections shall be organized in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards.
13. Discussions on Energy and Telecoms will be intensified by the two sides and completed by June 15.
14. It is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU path.
15. An implementation committee will be established by the two sides, with the facilitation of the EU.

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<sup>112</sup> European Union, A 216/13, "Remarks by High Representative Catherine Ashton on the EU-facilitated dialogue," April 19, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/136875.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136875.pdf)

It is evident, therefore, that by the time the Brussels Agreement was reached on April 19, 2013, all of the issues negotiated in the political dialogue turned out to be regarding Kosovo's internal issues. Thirteen out of 15 points of the Brussels Agreement deal exclusively with Kosovo's internal issues and Kosovo's internal rearrangement, while the other two points deal with general provisions for both parties. For instance, points 1 to 6 deal with self-government mechanisms of the Kosovo Serbs, which involves the creation of the ethnic-based (Serb only) Association of Municipalities in Kosovo. Additionally, Points 7 to 9 deal with Kosovo's security and police issues. Points 10 and 11 deal with Kosovo's judiciary, point 12 deals with Kosovo's elections, and point 13 deals with Kosovo's energy and telecom. Points 14 and 15 deal with the fact that the agreement calls both parties not to block each other nor call others to block them in their EU integration process, as well as with the establishment of the committee for the implementation of the agreement.

#### **4. The north after the Brussels Agreement of 19 April 2013**

After several congratulatory notes praising Prime Ministers of both countries involved in the dialogue, on May 14, 2013, Catherine Ashton invited them<sup>113</sup> for a next meeting where the implementation plan would be discussed. As a result, the 11<sup>th</sup> round of negotiations was held on May 22, 2013 during which the Prime Ministers discussed the text of the implementation plan of the Brussels Agreement, but no conclusions were reached. The implementation plan<sup>114</sup> which would put "into practice the provision of the April Agreement"<sup>115</sup> was only adopted on May 27, 2013.

##### **4.1. Integration in or synchronisation of the north's local governments with the South?**

As a result of the agreement and the subsequent implementation plan, several institutional rearrangements began in the north, many of them taking place for the first time. For many it seems very early to talk about changes; however several moves that have been taken have effectively started to alter the 13-year long, perpetually-stiffening status quo in the north. Yet, the changes begun to take place only after Kosovo agreed to renounce some important steps towards strengthening its statehood that it had been taking since the declaration of independence in February 2008, and its initial intended extension of authority in the north in accordance to its Constitution.

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<sup>113</sup> European Union, A 254/13, "Statement by High Representative Catherine Ashton on the next meeting in the framework of the EU-facilitated dialogue," May 14, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/137117.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137117.pdf)

<sup>114</sup> The implementation plan included (1) Adjustment of legal frameworks by end of June 2013; (2) Association/Community – establishment and adoption of a statute by the end of October 2013; (3) Police – an acting Regional Police Commander for the north will be appointed by the end of May, Serbia will commence the closure of its security structures' premises in Kosovo by the mid June, all premises of Serbian security structures in Kosovo will be closed by mid July, members of Serbia security structures in Kosovo will be fully integrated into the equivalent Kosovo structures and salaries exclusively paid by Kosovo budget by end of the year; (4) Justice – the composition of the judiciary shall reflect the ethnic composition of the territorial jurisdiction of each respective court; (5) Municipal elections to be held by end of October; (6) General provisions – which includes transparency of funding and full implementation of all agreements. For more on the implementation plan, Source: Government of Kosovo, "Law on ratification of the first international agreement of principles governing the normalization of relations between the Republic of Kosovo and the Republic of Serbia and the Implementation Plan for the Agreement," <http://www.kuvendikosoves.org/common/docs/ligjet/04-L-199.pdf>, pp. 12-15

<sup>115</sup> European Union, A 262/13, "Statement by EU High Representative Catherine Ashton at the end of the meeting in the framework of the EU-facilitated dialogue," May 22, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/137223.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137223.pdf)



One of the most important elements of the First Brussels Agreement is the establishment of the Association of Serb Municipalities in Kosovo (ASMK), which will be created after local institutions (assemblies, mayors, local administration) in the north will have been constituted. Both Prime Ministers agreed in Brussels that the local elections in Kosovo would be held on November 3, 2013, which marked another interference in Kosovo's internal affairs, as the elections in Kosovo are announced by the President of Kosovo upon consultations with political parties<sup>116</sup>, and not by the Prime Minister or an agreement that the latter reaches with Prime Ministers of other states. This was accepted as a compromise solution in order to convince the northern Kosovo Serbs to participate in the upcoming elections, so that Kosovo could use the opportunity to extend its authority over the area for the first time since the end of war in 1999.

In addition, Kosovo also accepted to abolish all state symbols, emblems, and other state elements on the ballot boxes, and election materials and instruments. Kosovo Serbs wouldn't partake in any election process that would indicate participation in the elections of the independent Republic of Kosovo. Given that it was in Kosovo's interests for the northern Kosovo Serbs to participate in the election, the ballot boxes were printed without any state symbols or elements on them. Regardless of these compromises, the DSS-influenced SNC members in the northern part of Kosovo organized several boycott activities in the north, especially in their strongholds municipalities of Zvečan/Zvečan and Zubin Potok, as well as northern Mitrovica.

When the implementation plan was adopted by both governments in Pristina and Belgrade respectively, on June 23, 2013, the Government of Serbia (GoS) decided to dissolve the municipalities in the northern part of Kosovo that were established and worked fully under Serbia's legislation and control. With this decision the head of northern Mitrovica (or "Kosovska Mitrovica" as it is referred to in Serbia) Dragiša Vlašković, the mayor of Zvečan/Zvečan, Dragiša Milović (DSS), the mayor of Zubin Potok, Slaviša Ristić (DSS), and the mayor of Leposaviq/Leposavić, Dragiša Vasić, were all sacked.<sup>117</sup> This was not difficult for the GoS to do from Serbia's internal political perspective, because none of these mayors was in any way linked closely to SNS in Belgrade. Their disposal would also make Belgrade's job in the north easier, as they would be able to better control the area, and perhaps push for changes that otherwise would have been difficult with, what many Serbs believe to be, 'principled' DSS leaders in the northern part of Kosovo. They constantly viewed with suspicion Belgrade's moves and decisions in the EU-facilitated dialogue.

Consequently, in order to get a better grip of the post-election northern Kosovo, and minimize the DSS's influence in the area, the SNS and SPS-led Government in Serbia established the Citizens Initiative "Srpska" that would run for local elections in Kosovo. The "Srpska" was registered to run in Kosovo's November 3, 2013 local elections; however, given that they did not want to recognize Kosovo, they registered and communicated with the Kosovo Central Election Commission (CEC) only through OSCE,

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<sup>116</sup> Rep. of Kosovo, "Law No. 03/L-072 on Local Elections in the Republic of Kosovo," Article 4, paragraph 4.1, [http://www.kqz-ks.org/Uploads/Documents/zgjedhjetlokale\\_en\\_wqdpwshxlo.pdf](http://www.kqz-ks.org/Uploads/Documents/zgjedhjetlokale_en_wqdpwshxlo.pdf)

<sup>117</sup> n.a., "Vlada Srbije raspustila skupštine opština na severu," *Srpska Politika*, June 24, 2013, Kosova, <http://www.srpskapolitika.com/Tekstovi/Analize/2013/latinica/79.html>

which was mediating the process.<sup>118</sup> None of the DSS politicians in northern Kosovo wanted to be part of the “Srpska”. They were boycotting the planned elections and the entire First Brussels Agreement. They considered the establishment of the “Srpska” as a cover-up to, what they believed to be, the biggest sell-out of Serbs in Kosovo from the GoS.

However, despite DSS not wanting to participate in the elections and to support Belgrade’s plan for the north, Belgrade would have still liked them to participate in the decision-making in the northern part of Kosovo because of their popularity among Kosovo Serbs. Slaviša Ristić would have actually made a perfect candidate for the “northern Kosovo Dodik”,<sup>119</sup> but it was Ristić and his associates themselves who did not want to meddle with Belgrade’s “new” politics in the northern part of Kosovo. Despite their withdrawal, DSS still remains one of the most supported political parties in north, and the Citizens Initiative “Srpska” which includes mostly SNS and SPS supporters only won because of DSS’s withdrawal; otherwise, “Srpska’s” real support in the area is around 5%.<sup>120</sup>

The November 2013 elections in the north were organized under extreme pressure coming from opposite directions. Citizens throughout the northern part of Kosovo were being threatened by the DSS-led boycott initiative on the one side, and by the GoS controlled structures in the north on the other. The latter threatened them that unless they vote, they would lose their jobs, which Serbia constantly funds. In order to ensure that people in the north would actually cast their ballots, groups of people were escorted to ballot stations by their superiors in the work place (usually public officers or public institution employees funded by Serbia). The result of the elections was clear: in all four municipalities of the northern part of Kosovo, the candidates for the local assembly and the mayors that ran under the “Srpska” won the elections.

The mayor of Mitrovica North became Krstimir Pantić, who had been already a mayor of northern Mitrovica from 2010 as part of Serbia’s parallel municipality of “Kosovska Mitrovica.” Moreover, even during his election campaign for the Kosovo-organized elections in November 2013 and the run-off in December 2013, Pantić was already the Deputy Director of the Office for Kosovo and Metohija under Serbia’s Prime Minister’s Office. This Office is responsible, among others, for the “functioning of the institutions of the Republic of Serbia in Kosovo and Metohija”, “coordination of activities in the field of economy and economic development with line ministries and other relevant bodies and organizations of the Republic [of Serbia]”, and for “financial, legal, technical and professional assistance in all areas of significance for Serbs and other non-Albanian communities in Kosovo and Metohija”<sup>121</sup>. After being elected, Pantić resigned for questionable reasons before even giving his oath as the new mayor; he was re-appointed as the Deputy Director of the Office for Kosovo and Metohija in the GoS, and allegedly wanted to keep the latter position, rather than that of the mayor in Kosovo.<sup>122</sup>

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<sup>118</sup> n.a., "Deadline expires, election lists submitted," Setpember 5, 2013, [http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=09&dd=05&nav\\_id=87558](http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=09&dd=05&nav_id=87558)

<sup>119</sup> Interview in northern Mitrovica, 20 December 2013

<sup>120</sup> Author’s interview with a local Serb from the north, December 17, 2013, Prishtina

<sup>121</sup> Government of Serbia, Kancelarija za Kosovo i Metohiju, "Ekonomija i pravosudje," <http://www.kim.gov.rs/sr/o-kancelariji/ekonomija-i-pravosudje>

<sup>122</sup> n.a., "KM: Mayor resigns, local coalition breaks down," *B92*, February 28, 2013, [http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=02&dd=28&nav\\_id=84929](http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=02&dd=28&nav_id=84929)

Dragan Jablanović, who used to be a Mayor of the same municipality as part of Slobodan Milošević's SPS during the war,<sup>123</sup> became the mayor of Leposaviq/Leposavić. He is a staunch supporter of Serbia's presence in Kosovo, especially in the north. Before the elections in Kosovo, and during the EU-facilitated dialogue between Taçi and Dačić, he was appointed to be a member of the working group that would be responsible for the establishment of the Association of the Serb Municipalities in Kosovo.<sup>124</sup> While holding the post of the Provisional Mayor of Leposaviq/Leposavić, during October 2013, Jablanović took the initiative and campaigned for declaring Serbia's Deputy Prime Minister, Aleksandar Vučić, as an honorary citizen of Leposaviq/Leposavić.<sup>125</sup> He was also one of the politicians in the north, together with Pantić, that mostly campaigned against holding elections, and later boycotting them unless the state symbols of Kosovo were removed.<sup>126</sup> During the October rallies for the November 2013 local elections in Leposaviq/Leposavić that were attended by Serbia's high ranking officials, Aleksandar Vučić and Aleksandar Vulin, the newly elected mayor of Leposaviq/Leposavić, Dragan Jablanović, urged citizens to vote for the "Srpska" if they wanted to save Serbia in Kosovo.<sup>127</sup> Jablanović continues to be a member of Socialist Movement in Serbia.<sup>128</sup>

Stevan Vulović, who was an interim chairman of the Provisional Council for Zubin Potok, became the Mayor of Zubin Potok. Vulović is also one of the newly elected northern mayors that support Serbia's presence in Kosovo. When in September 2013 the GoS's Property Directorate pledged a donation to the north for agricultural development, Vulović commented on this as "the return of Serbian institutions in Kosovo."<sup>129</sup> On the November 1, 2013 campaign event in Zubin Potok he was also accompanied by the GoS representative, Aleksandar Vulin.<sup>130</sup> Vulović was also a member of the Municipal Assembly of the UNMIK established local government institutions in 2002 in Zubin Potok, then under the "GISK" Initiative.<sup>131</sup> After being elected as the new Mayor of Zubin Potok, Stevan Vulović was one of the Serb representatives in the north that threatened EULEX and KFOR that unless they stopped the Kosovo Border Police from taking money from Serbian citizens in the north (which was actually part of the customs and IBM agreement between the two Prime Ministers), he would encourage the erection of barricades and roadblocks in the area.<sup>132</sup>

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<sup>123</sup> n.a., "Beograd izabrao poslušnike," *Vesti Online*, June 19, 2013, <http://www.vesti-online.com/Vesti/Srbija/322177/Beograd-izabrao-poslusnike>

<sup>124</sup> European Union, A 321/13, "Statement by the spokesperson of High Representative Catherine Ashton on progress in implementation work of the April agreement from the EU-facilitated dialogue regarding the establishment of Association/Community," May 14, 2013, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/137476.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137476.pdf)

<sup>125</sup> n.a., "Vučić počasni građanin i Leposavića," *B92*, October 23, 2013, [http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=10&dd=23&nav\\_id=768862](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=10&dd=23&nav_id=768862)

<sup>126</sup> n.a., "Bojkot ako izbori ne budu statusno neutralni," *Vesti Online*, October 30, 2013, <http://www.vesti-online.com/Vesti/Srbija/355813/Bojkot-ako-izbori-ne-budu-statusno-neutralni>

<sup>127</sup> n.a., "Miting "Srpske": Glasajte za opstanak Srbije," *vesti Online*, October 23, 2013, <http://www.vesti-online.com/Vesti/Srbija/354187/Miting-Srpske-Glasajte-za-opstanak-Srbije>

<sup>128</sup> n.a., "Vlada Srbije raspustila skupštine opština na severu Kosova," *Srpska Politika*, June 24, 2013, <http://www.srpskapolitika.com/Tekstovi/Analize/2013/latinica/79.html>

<sup>129</sup> n.a., "Vulin: Priština želi da Srbi ne glasaju," *Kurir*, September 29, 2013, <http://www.kurir-info.rs/vulin-pristina-zeli-da-srbi-ne-glasaju-clanak-1008749>

<sup>130</sup> n.a., "Uskoro otvaranje fabrike u Zubinom Potoku sa 120 zaposlenih," *Blic*, NOVEMBER 1, 2013, <http://www.blic.rs/Vesti/Ekonomija/416971/Uskoro-otvaranje-fabrike-u-Zubinom-Potoku-sa-120-zaposlenih>

<sup>131</sup> OSCE, "Municipal Profile: Zubin Potok," June 2006, [http://www.ecoi.net/file\\_upload/225\\_tmpphpUPtKbS.pdf](http://www.ecoi.net/file_upload/225_tmpphpUPtKbS.pdf)

<sup>132</sup> n.a., "Zubin Potok: Reketira nas KPS," *Vesti Online*, December 5, 2013, <http://www.vesti-online.com/Vesti/Srbija/365513/Zubin-Potok-Reketira-nas-KPS->

Vučina Janković was the “Srpska” candidate who became the Mayor of Zvečan/Zvečan. Upon his election, Janković thanked not only the citizens that voted for him, but also the GoS for supporting him.<sup>133</sup> In one of his visits to Zvečan/Zvečan, Aleksandar Vulin, once again, reiterated that citizens should vote for Janković and the “Srpska” if they want Serbia to remain in Kosovo.<sup>134</sup> Vulin’s statements in Kosovo were not a surprise as he had already made clear even in September 2013 that the elections in Kosovo would be a referendum in which the Serbs in Kosovo would decide on whether they were for or against Serbia remaining present in Kosovo.<sup>135</sup>

The victory of the four “Srpska” mayors in the north in the November 2013 local elections shows that Belgrade still has control and direct influence on some of the decisions in Kosovo, be those related to the First Brussels Agreement or others linked with its direct interests in the north. Serbia now does not have anyone resisting its decisions in the north as the DSS did, and it can hold the bridles in the area while the future negotiations with Kosovo’s Prime Minister continue. It is worth mentioning that the “Srpska” has also won in 5 out of the 6 Serb majority municipalities in the southern part of Kosovo. This means that the influence Belgrade used to have in the north before the Brussels Agreement will now be extended to the southern part of Kosovo as well through the Association of the Serb Municipalities that will be established after the municipalities will have been constituted.

It needs to be noted that, as this paper is being written, the participation of the northern Kosovo Serbs in the elections is not being intended as a substantial step towards the north’s proper integration in an independent Kosovo, but rather just as a synchronisation of the election dates with the other parts of Kosovo. This means that the issues of their proper integration into an independent Kosovo remains subject to further negotiations and potential compromises. Despite being elected on what should be Kosovo law and Kosovo’s institutional supervision, the mayors of 9 out of the 10 Serb majority municipalities that have won as part of the “Srpska” are rejecting Kosovo’s institutions, are keeping their ‘neutral stance’ towards Kosovo – just like Serbia, and are refusing to use Kosovo state symbols. In other words, the newly elected Serb mayors in Kosovo and the “Srpska” participants in the municipal assemblies reject the independence of Kosovo and its institutions, laying the ground for the entire future “Srpska”-led Association of the Serb Municipalities in Kosovo (north and south) to maintain the same stance.<sup>136</sup>

This is not surprising, considering that the ‘status neutral’ stance and renouncement of state symbols was accepted by Kosovo itself, just so that these mayors could be elected and institutions in the north constituted. Thus the new mayors and assemblies in the northern part of Kosovo, and those in the south where the “Srpska” has won are simply maintaining what Kosovo institutions accepted in the first place, before they even joined the election campaign. For instance, when it became clear that Krstimir Pantić had won the elections in the Mitrovica North municipality, he immediately made sure to announce his

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<sup>133</sup> n.a., "ZVEČAN: Vučina Janković proglasio pobjedu," *Kurir*, December 2, 2013, <http://www.kurir-info.rs/zvecan-vucina-jankovic-proglasio-pobjedu-clanak-1114079>

<sup>134</sup> n.a., "Vulin pozvao građane da podrže 'Srpsku'," *Aljazeera*, November 30, 2013, <http://balkans.aljazeera.net/vijesti/vulin-pozvao-gradane-da-podrze-srpsku>

<sup>135</sup> n.a., "Vulin: Priština želi da Srbi ne glasaju," *Kurir*, September 29, 2013, <http://www.kurir-info.rs/vulin-pristina-zeli-da-srbi-ne-glasaju-clanak-1008749>

<sup>136</sup> Kosovo state symbols are being covered by a duct tape in documents where the Serb mayors have to sign

position towards the status of Kosovo by stating that he did not recognize the Republic of Kosovo and that he, together with the “Srpska” initiative, will work for the interests of the Government of the Republic of Serbia. Additionally, when Krstimir Pantić sent the first invitation to all the newly elected members of the Mitrovica North Municipal Assembly, the invitation did not have any Kosovo state symbols; it had the emblem of Car Lazar (the old “Kosovska Mitrovica” adopted into “Kosovska Mitrovica North” emblem)<sup>137</sup>, as well as the asterisk notation “Kosovo\*”, which refers to the Resolution 1244, the ICJ’s opinion, and neutral positions on Kosovo’s final status<sup>138</sup>, breaching Kosovo’s Constitution and other legal provisions.<sup>139</sup> It seems like Pantić is setting a precedent for the 9 other “Srpska” mayors in Kosovo and for the entire soon-to-be established Association of the Serb Municipalities in Kosovo (north and south). The former Kosovo negotiator, Edita Tahiri, had to fly over to Brussels on January 8, 2014 to discuss the issue with the EU representatives.

In summary, the attempts to integrate local governments of the northern part of Kosovo by accommodating their participation in the Kosovo-organized elections through the application of several “tweaks” to the system resulted in a dubious outcome. Notably, Serbs in the northern part of Kosovo did participate in the Kosovo-organized elections for the first time, but mostly because Serbia pushed them to do so using the ‘status neutrality’ clause of the First Brussels Agreement. The elections produced the Citizens Initiative “Srpska” (created by the GoS) that won in 9 out of the 10 Serb majority municipalities in Kosovo.

Prior to the First Brussels Agreement, the southern Kosovo Serb municipalities, to a large extent - although not full heartedly, accepted the Republic of Kosovo as an independent state – they used its symbols and other state elements, and never rejected it. However, the manner in which the November 2013 local elections took place because of that Agreement, has led all municipalities (including those in the south) except one, to reject the Republic of Kosovo and its state elements. As such, the north and south of Kosovo may end up synchronizing institutional work, but as far as their integration in the institutions of the Republic of Kosovo is concerned, the jury is still out. It is sadly evident that the fertile grounds for the establishment of a Serb entity under the Association of Serb Municipalities in Kosovo, which will reject Kosovo’s independence and renegotiate their status in Kosovo again in the future, have already been created.

#### **4.1. Other institutions previously present in the north**

##### *4.1.1. Police*

Provisions 7 to 9 of The First Brussels Agreement that deal with police and security in general, envisaged that there shall be one police force in Kosovo; that all police in northern Kosovo shall be integrated in the Kosovo Police framework; and that salaries shall be paid only from the Kosovo Police. Moreover, according to this Agreement, the Serbian security structures present in the north shall be offered a place in equivalent Kosovo structures. Lastly, what should be of a concern for Kosovo is that the Agreement establishes an additional Police Region, which includes the 4 Serb majority municipalities in the north,

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<sup>137</sup> n.a., “Komunat e veriut sfidojnë kushtetutshmërinë në Kosovë,” *Koha Net*, December 19, 2013, <http://www.koha.net/index.php?page=1,13,169763>

<sup>138</sup> Kosovo and Serbia agreed on the “Kosovo\*” denomination only for regional meetings and fora, and not for internal use.

<sup>139</sup> n.a., “Ftesa me figurën e Car Llazarit u janë dërguar këshilltarëve shqiptarë në veri” *Koha Ditore*, p. 2, December 18, 2013

and that the Regional Police Commander for the north can only be a member of a Serb community in Kosovo. Not only does this mark another institutional step to ethnic division (ethnicity-based Police region), but it also reinforces such divisions by selecting the Police Commander for the northern Kosovo Police Region from the ranks of a specific ethnicity (in this case, Serb), thus exempting members of other communities from the opportunity to be elected in the position.

What further makes this division questionable in regards to its potential impact on the future functioning of Kosovo and the security at its northern part of territory is the actual appointment that was made for the Regional Commander for northern Kosovo, Nenad Đurić, negotiated between Thaçi and Dačić. Đurić entered the Kosovo Police Service in 2003 and served as the Station Commander for the Municipality of Zvečan/Zvečan. He has been previously fired twice from the Kosovo Police. First, he was suspended on 14 January 2011 after disobeying the orders of the Kosovo's main Police Directorate in Pristina that asked him to seize the Serbian registration plates that had the marking of Kosovo's cities.<sup>140,141</sup> The suspension was lifted on 20 January 2011, on no apparent grounds.<sup>142</sup> Second, he was suspended together with other police officials in the north<sup>143</sup> for allowing Serbia's officials to enter the northern part of Kosovo without Kosovo's permission.<sup>144</sup> So, someone who has already had a questionable loyalty to Kosovo Police and Kosovo in general, or who was clearly loyal to Belgrade, was appointed to an even higher position within Kosovo Police. Even the former General Police Director, and the current Member of the Parliament of Kosovo of the PDK Parliamentary Group, around a week after Đurić's appointment stated that he faithfully served the Serbian parallel security institutions and his appointment was a political one. The MP added that under normal circumstances, Đurić should be in custody.<sup>145</sup>

Also, as part of the implementation of the First Brussels Agreement, Serbia closed the MUP premises and, possibly, all the services in the north in June 2013.<sup>146</sup> As a result, Serb authorities have submitted a list of 337 former MUP members as potential candidates to be integrated in Kosovo Police, with the latter actually accepting 250-270 of them.<sup>147</sup> By 19 December 2013, it was reported that 16 former MUP

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<sup>140</sup> n.a., "Kosovo town police chief suspended over plates," *B92*, January 14, 2011, [http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=01&dd=14&nav\\_id=72119](http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=01&dd=14&nav_id=72119)

<sup>141</sup> n.a., "Captain Nenad Đurić The First Regional Commander For Northern Kosovo," *In Serbia*, June 25, 2013, <http://inserbia.info/news/2013/06/captain-nenad-djuric-the-first-regional-commander-for-northern-kosovo/>

<sup>142</sup> n.a., "Suspension lifted for Serb KPS member," *B92*, January 20, 2011, [http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=01&dd=20&nav\\_id=72220](http://www.b92.net/eng/news/politics.php?yyyy=2011&mm=01&dd=20&nav_id=72220)

<sup>143</sup> Bratislava Kragovic - commander for northern Mitrovica

Dragan Stevanovic - commander for Leposaviq/Leposavić

Draza Bozovic - commander for Zubin Potok

Dejan Vidojević - acting commander for Zvečan/Zvečan

Zoran Milks - commander for Gate 31

Radovan Radosavljevic - commander for Gate 1

<sup>144</sup> n.a., "IMENOVAN: Nenad Đurić komandir policije na severu Kosova," *Kurir*, June 25, 2013, <http://www.kurir-info.rs/imenovan-nenad-duric-komandir-policije-na-severu-kosova-clanak-860015>

<sup>145</sup> n.a., "Selimi: Nenad Djuric do të duhej të ndiqej penalisht," *Telegrafi*, July 6, 2013, <http://www.telegrafi.com/lajme/selimi-nenad-djuric-do-te-duhej-te-ndiqej-penalisht-2-33828.html>

<sup>146</sup> The abolished MUP offices in the northern part of Kosovo are currently operating in Raska, as stated by a northern Kosovo Serb citizen who had gone to Raska to obtain some document. She was told that the office in Raska will be dislocated as well – perhaps in Belgrade.

<sup>147</sup> n.a., "Kandidatë për Polici të Kosovës 337 ish-pjesëtarë të MUP-it" *Koha Ditore*, p.2, December 18, 2013



members had already been selected<sup>148</sup> to be trained in the Kosovo Academy for Public Security (Police Academy). However, it was EULEX, not the Kosovo Police trainers and professionals of this academy that trained the former MUP members, compromising the legitimacy of the institution in this area as well.<sup>149</sup> A week later, when the trainees were asked to report to the General Directorate in Pristina, they refused to attend the meeting, and get the ID photo-shoot and obtain their weapons according to procedures.<sup>150</sup>

Additionally, the initial implementation of the First Brussels Agreement led many of the MUP members to retire (some of them still in their thirties), and the reasons for this are two-fold. Firstly, some of them do not want to work for the Kosovo Police,<sup>151</sup> and secondly, most of them would want to benefit from Belgrade's retirement package, which consists of 60% of their last salary from the GoS as former regular MUP members, while simultaneously trying to benefit from the salaries they would get as new Kosovo Police members. Moreover, just like the case with the newly elected mayors and the Regional Commander for the north, the loyalty of the former MUP members in Kosovo Police is questionable. There are cases when even those Kosovo Serb police officers that have been integrated in the Kosovo Police a while ago, but which were working with double hats (one for the Kosovo Police and the other for Serbian Police), had refused the Minister of Interior, Bajram Rexhepi's, orders (on arrest warrants). For instance, when Bajram Rexhepi issued an order of arrest for Aleksandar Vulin upon his next attempt to enter Kosovo, the northern Kosovo Police officers refused to execute it, and instead of being arrested, Vulin was actually greeted with respect from all the Serb Kosovo Police officers.

In general, the establishment of the new Police region based on ethnicity, the limits as to members of which ethnic community can become Regional Commander for the north, and the questionable loyalty of candidates raises a lot of questions as to what extent will the northern Kosovo Police officers be integrated beyond nominal integration.

There is another "security" structure called Civil Protection Unit (CPU), which served as a parallel institution in the northern part of Kosovo. The CPU was a municipal security structure (paid by the parallel municipality budget), which Belgrade had created in order to "buy social peace" so that the northern Kosovo Serbs could be employed "somewhere."<sup>152</sup> Many young people, in Zveçan/Zvečan and other municipalities, would threaten to protest if the Mayor of the municipality would fail to provide a job for them and their relatives and/or friends.<sup>153</sup> However, beyond the "social peace" purpose behind it, the CPU has also been involved in protecting the Serbian population's interests that many times went hand in hand with Serbia's interests in the north. For instance, after the November 2013 elections were over and

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<sup>148</sup> They have not gone through the vetting procedures by the AKI as the law requires, but only through the verification of their identity in the Civil Registry Agency, under the Ministry of Internal Affairs of Kosovo. Source: n.a., "Kosova e trazuar nga MUP-ovcat", *Gazeta Zëri*, p.4, December 18, 2013

<sup>149</sup> n.a., "Ish-pjesëtarët e MUP-it trajnohen në Vushtrri nga EULEX-i," *Koha Net*, December 19, 2013, <http://www.koha.net/index.php?page=1,13,169808>

<sup>150</sup> n.a., "Policët e pranuar të MUP-it refuzojnë urdhrat e Kosovës," *Lajmi i Ditës*, December 24, 2013, <http://lajmiidites.blogspot.com/2013/12/policet-e-pranuar-te-mup-it-refuzojne.html>

<sup>151</sup> And because there may just be no room for around 800 MUP employees in the north including administrative staff, civilian employees, and other staff altogether.

<sup>152</sup> Author's interview with a local Serb from the north, December 20, 2013, Mitrovica North

<sup>153</sup> Author's interview with a local Serb from the north, December 20, 2013, Mitrovica North

after having assigned the Regional Commander for the north, the Kosovo Police had sent an order to the local authorities to remove municipalities' public signs with markings indicating Kosovo to be “the Autonomous Province of Kosovo and Metohija”, to which the CPU reacted by protecting the signs instead.<sup>154</sup> The potential integration of the CPU is still an open issue, but it is difficult to believe that it will cease protecting Serbia’s interests in the north.

#### 4.1.2 Judiciary

Provisions 10 and 11 of The First Brussels Agreement that deal with the judiciary in the north, envisaged that all the judicial authorities will be integrated and shall operate within the Kosovo legal framework; that the Appellate Court in Pristina will establish a separate panel composed of majority Kosovo Serb judges to deal with all Kosovo Serb municipalities – that is the Association of the Serb Municipalities, and that this panel (division) of the Appellate Court will sit permanently in northern Mitrovica. Consequently, in July 2013, Serbia’s Judicial Council submitted an executive order, which asked all the courts and prosecutorial offices working in the northern part of Kosovo to cease all their activities. Thus, since July 2013, no criminal investigations have been conducted and there is a rule of law vacuum. These courts have only processed some urgent civil cases, but other than that, they have ceased their operations. In the meantime, Serbia passed a law on “seats and territories of courts and public prosecution”, which establishes courts and prosecutorial offices in Serbia. This law reads that the establishment of courts and prosecutorial offices for the territory “of the Autonomous Province of Kosovo and Metohija” will be regulated by a special law, which was expected to go out in the end of December 2013, but which has been postponed.<sup>155</sup>

The Prime Ministers of Kosovo and Serbia have not agreed yet on how the courts will be arranged, but the agreement that was reached in principle does not establish any additional basic court for the territory of northern Kosovo, as has been the case with the separate region for the Police. However, there may be two ethnically divided buildings of the same basic court operating one in the north and one in the south, for both, security and political reasons as well.<sup>156</sup> It is expected that the withdrawal of the judicial system of Serbia from the north would imply the recognition of Kosovo as a territorial unit. Nonetheless, the problem remains on the “special law” Serbia will have to pass in order to amend its jurisdiction over Kosovo. In other words, what will this "special law" say, and to what extent will it be a step forward in Kosovo’s recognition, it still unclear. One potential risk is that it will be just a legal cover-up for Serbia’s institutions.

The implementation of the Brussels Agreement in regards to the judiciary has not yet started, and the only change that has taken place is Serbia’s courts and prosecutorial offices withdrawal. The manner in which the newly established courts will work in accordance to the First Brussels Agreement is yet to be seen, but it is clear that Kosovo has already removed all its state emblems and elements from court decisions and documents as part of the implementation of this agreement.

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<sup>154</sup> n.a., “Civilna Zastita’, ruan tabelat në Zubin Potok,” *Telegrafi*, December 24, 2013, <http://www.telegrafi.com/lajme/civilna-zastita-ruan-tabelat-ne-zubin-potok-2-39426.html>

<sup>155</sup> Law on seats and territories of courts and prosecutorial offices in Serbia, Article 12 , <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2013/3551-13Lat.pdf>

<sup>156</sup> Author’s interview with a local Serb from the north, December 20, 2013, Mitrovica North



#### 4.1.3 Energy and telecommunications

Independently of the agreement that was reached in regards to the energy and telecommunications sectors, no changes have taken place yet. Both sectors in the north are fully managed by Serbia's energy and telecommunications sectors.

### 5. Conclusion

Ever since the war ended in 1999, the northern part of Kosovo has not embraced the status of Kosovo's institutions and its sovereignty. On the contrary, the more Kosovo strengthened and consolidated its institutions, the further away its northern part broke out. Additionally, the more Kosovo worked towards its independence, which it later gained, and the less supervised its independence became (terminated in September 2012), the more independent its northern part grew. Moreover, throughout this period, Serbia was continuously and uninterruptedly increasing its influence in the northern part of Kosovo. Unlike the other parts of Kosovo, Serbia never withdrew its key institutions from the northern part of Kosovo, and it properly maintained them by making them function as if they were part of Serbia. Subsequent conflicts, and in the end Kosovo's declaration of independence without prior institutional presence and mechanisms to integrate the north, have all contributed to its gradual independence from Kosovo proper and its ever stronger dependence on Serbia.

Geographical dispersion of the Serb majority areas, which later became Serb majority self-governing municipalities, has been one of the key elements that have also divided the Serbs in terms of accepting legitimacy and legality of Kosovo's institutions on the one hand, and the ability to maintain tight links with Belgrade on the other hand. Serb municipalities and enclaves in the south of the Ibër/Ibar river were never contiguous, which means they do not border each other as to provide closer links among them, nor do they border Serbia. However, Serb municipalities and enclaves in the north of the Ibër/Ibar river, are contiguous, i.e. they all border each other, as well as Serbia, thus creating a unified solid territory in the northern part of Kosovo. Therefore, the Serbs living in the southern part of Kosovo did not enjoy the geographical 'benefit', which would have enabled them to reject Kosovo's institutions and maintain tight links with Belgrade as the Serbs living in the northern part of Kosovo did.

All the political efforts that were made with the intention to integrate the northern part of Kosovo since 1999 by both, the international community and Kosovo institutions, resulted in the north's further separation, making such efforts result in failures. Only in 2013 did the international community realise that unilateral political efforts to engage the northern part of Kosovo could not yield positive results unless Belgrade was engaged. The engagement of Belgrade in pacifying the north and altering the status quo required several compromises to be made on the part of Kosovo that went beyond the initial massive compromise of the Ahtisaari Plan.

After 10 rounds of 'technical' dialogue and around 200 hours spent in 20 rounds of 'political' dialogue,<sup>157</sup> the status quo of the northern part of Kosovo seems to be changing for the first time in 13 years. The changes that are taking place in the North are being presented in a positive light by both, Kosovo's Prime Minister, Hashim Thaçi, and Serbia's Prime Minister, Ivica Dačić. It cannot be denied that the situation in

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<sup>157</sup> n.a., "Ashton fjalë miradije për Thaçin dhe Daçiqin," *Gazeta Zëri*, December 19, 2013, <http://zeri.info/artikulli/23348/ashton-fjale-miradije-per-thacin-dhe-daciqin>

the northern part of Kosovo, where Kosovo in contrast to Serbia had only limited access and/or authority, is changing. The tensions that existed prior to the Agreement obstructed even the international community from intervening in the area; however now they are freer to operate.

Because of the First Brussels Agreement, the former MUP (Serbian Ministry of Internal Affairs) structures will not be dissolved and removed from Kosovo, but rather integrated in the Kosovo Police. The judicial structures of Serbia in the north will be integrated in the Kosovo judicial structures, but will keep their 'status neutral' stance, as the First Brussels Agreement envisages. Kosovo already started making the initial "cosmetic" changes in its key judicial documents, such as court orders and other key state documents, where the Republic of Kosovo emblems and other state elements have been removed. Custom duties will be collected under the Integrated Border Management in the north for the first time since the declaration of independence, but with the condition that all the proceedings will go to the northern municipalities only.

The Serbs in the north participated in the Kosovo-organized elections (mediated by OSCE in the north) for the first time since the declaration of independence. However, they participated with the request that Kosovo keeps and respects northern Serbs' (and probably soon southern Serbs') 'status neutral' stance towards Kosovo. As a result, the Association of Serb Majority Municipalities will be created, in accordance with the First Brussels Agreement. However, the 'status neutral' stance that Kosovo is already respecting for Serb community raises the doubt that this Association will be just a derivative of the previously established Assembly of the Community of Municipalities of the Autonomous Province of Kosovo and Metohija, an assembly association of local governments created by the municipal authorities in Kosovo, elected in the May 2008 municipal elections, called by the Government of Serbia.

It is clear that the status quo in the north is changing, and its synchronisation with Kosovo is already happening. However, this is coming at the expense of making additional compromises to the Ahtisaari Plan, while accepting the fact that the Serbs in Kosovo will remain neutral to the status of Kosovo and will not accept its independence. The wobbling of the status quo in the northern part of Kosovo has also come at the expense of accepting the asterisk notation to the name, which strengthens the status neutrality of Kosovo towards the international community, as accepted during the 'technical' phase of the dialogue. Additionally, the grounds have been already laid for the future "Srpska"-led Association of the Serb Municipalities in Kosovo to also stiffen the ethnic division in Kosovo beyond the northern part of Kosovo, as the Association now will include all the Serb municipalities in Kosovo (north and south).

Therefore, what seemed to be the first steps towards the integration of the north in Kosovo institutions are in fact the first steps towards the division of Kosovo Serbs in the south and their unification in a form of association, which currently rejects the Republic of Kosovo, creating grounds for future renegotiation of their status every time Kosovo will attempt to integrate them and alter their 'status neutral' stance. It is evident that Belgrade will maintain its influence in the Association, and will hold the reins through the "Srpska", resulting in having Serbia always as part of Kosovo when it comes to dealing with the Serbs in Kosovo.

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