# BIG DEAL

Split Asunder

Civic Oversight of the Kosovo-Serbia Agreement Implementation

“Sometimes I ask myself if this dialogue with Serbia is really worth it if it is costing us so much division within Kosovo society. This dialogue is the reason why parliamentary normality has been completely blocked in Kosovo. How can we be ready to dialogue with Serbia if we are not able to dialogue locally first, our government with opposition?”

**—BESA LUZHA, FRIEDRICH EBERT STIFTUNG**

“Sometimes I’m afraid of being wrong and making a slip of the tongue when talking about the decision-makers in the municipalities. I do not know which municipality they belong to, Kosovo or Serbian.”

**— CITIZEN FROM LEPOSAVIC**

“I did try to explain that there is an agreement between the two parties that Kosovo citizens enter Serbia with an ID card, but to no avail. He asked me to show him my ID, and when he saw that it is a Kosovo ID card, said “I’m sorry you cannot go with this.”

**—SHPEND KURSANI, KOSOVO CITIZEN RESIDENT IN FLORENCE, ITALY**

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## Split Asunder

Four and a half years since negotiations began between Belgrade and Prishtina, the two remain far apart, and the rift in Kosovo over the dialogue is widening.

December 2015
REPORT #3

BigDeal!

“If I could have one telephone number and not have to carry three separate phone plans (Kosovo cell, Serbia cell, and fixed)...Three telephones, two or three sets of license plates, everything is a lot more complicated than it was before. I don’t see any positive change, but I am confident that if they had asked the people, all this would have been resolved long ago.”

— V.N., SOUTH MITROVICA

“This process of negotiations goes on but life cannot wait to political agreements, laws are not written for further political agreement, but implementation. Citizens have the right to a trial within a reasonable time, everyone has his own legal interest and they want it to be protected by the courts.”

—EMPLOYEE OF SERBIAN STATE COURT IN NORTH KOSOVO

## Foreword

For almost two years now, we at BIG DEAL have been monitoring the level of implementation of the agreements made between Belgrade and Prishtina in the four and a half years of Brussels-mediated dialogue.

In our first report, "Civilised Monotony?" published in November 2014, we researched the prospect of truly integrating the north of Kosovo into a state whose capital is in Prishtina, not Belgrade. The title alludes to a short story written by British humourist Saki, based on his military service during the Balkan Wars of the early 1900s. The author was convinced that the era of war, meddling diplomats, and uncertainty were behind the region, which would eventually would settle into "civilised monotony," just as most of the rest of Western Europe had.

"Why are not talking about protecting human rights? If we are always talking about majority and minority communities, then Albanians and Serbs will always have problems."
– **MILORAD RADIVOJEVIC, ZVECAN**

More than 100 years later, his words haven't been prophetic. But the deals between Kosovo and Serbia are about the process of bringing that civilised monotony to all of Kosovo, and to Serbia, something which hasn't happened yet.

We detailed the lack of progress in our second report, "Lost in Stagnation," published in April 2015. In the six months between the first and second report, there had been little change in the level of implementation of the agreements, because of months of elections in Kosovo, Serbia and in the EU, resulting in leadership changes in all three.

This time around though, the title is a bit more ominous. "Split Asunder" refers to the rifts in relations wrought by the dialogue, between Kosovo and Serbia, and also an internal division in Kosovo society. For several months already, Kosovo's Assembly has been blocked because of the opposition's protest against the 25 August 2015 agreement on the main elements of the Association of Serb-majority municipalities and a new border demarcation deal with Montenegro. The level of real debate over the association in society is limited to "for or against," while in parliament the deal was presented without any provision for open debate.

Relations between Belgrade and Prishtina, too, have suffered serious damage in the fallout of Kosovo's failed campaign to join UNESCO, when aspersions were cast on all sides. In the month since, the decision of Kosovo's president to ask the Constitutional Court for interim measures temporarily suspending the implementation of agreements related to the Association have been met with frustration from Belgrade.

The agreements reached in the course of these four and a half years have the promise to make the region look more like the civilised monotony of Saki's short story. There truly has been tremendous progress made so far, even if many looming questions remain. However, none of the progress is irreversible yet.

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## Acknowledgements

In 2014, BIRN Kosovo and Internews Kosova started the initiative BIG DEAL: Civic Oversight of the Kosovo-Serbia Agreement implementation to monitor the implementation of the agreements between these two countries, brokered by the European Union since 2011.

The report was researched by Valerie Hopkins, Paulina Nushi, Una Hajdari, and Jeta Xharra, Faik Ispahiu, Lura Limani and of BIRN Kosovo and Internews Kosova as well as journalists Sanja Sovrlic and Jelena Markovic of Advocacy Center for Democratic Culture (ACDC) in Mitrovica. It was written by Valerie Hopkins.

This is the third in a series of "progress reports" focused on the implementation of the Kosovo-Serbia deals. The research relies on interviews with more than 100 sources. Interlocutors range from top government decision-makers to ordinary citizens grappling with the changes to their lives. Sources include officials from the Kosovo and Serbian governments, representatives of the European Union, as well as primary and secondary sources.

BIRN Kosovo and Internews Kosova cooperate to produce the most-watched and award-winning televised debates and investigative programmes in Kosovo. In September 2012, Internews Kosova and BIRN Kosovo launched a new televised platform, "Tema." Its first episode brought together stakeholders from both countries in an unprecedented debate to discuss citizens' concerns about standards of living and the progress, relevance and interpretation of a handful of agreements reached up until then. Ten debates covering issues ranging from freedom of movement to cultural cooperation have been broadcast both in Kosovo and Serbia on major television channels.

This report was made possible by support from the British Foreign and Commonwealth Office and the Rockefeller Brothers Fund.

At this time, we must note that BIG DEAL does not necessarily endorse every agreement reached between Serbia and Kosovo. However, we believe that the process must be monitored and reported on a regular basis to ensure transparency and accountability of the dialogue process and Kosovo and Serbian institutions, as well as the European Union as facilitator and guarantor of implementation.

## Executive summary

The Brussels-sponsored dialogue between Kosovo and Serbia began more than four and a half years ago, and has continued through three governments in Serbia and two in Kosovo. There have been almost 40 rounds of high-level dialogue, not to mention countless rounds of technical negotiations. Much is on its way to being accomplished, but none of the progress is irreversible. As time passes and full implementation looms larger, real change still feels far away. This year, in February, March and August, concrete steps have been agreed that could pave the way for implementation of the portions of the 19 April 2013 agreement, which had been opaque and undefined. Now there can be little excuse for non-implementation, and the coming period will truly be a make or break time for the dialogue.

One of the key deals –indeed the crux of the 19 April 2013 agreement – a new association/community of Serb-majority municipalities, remains delayed.

Sometimes it seems that both sides are not fully committed to a process and are rather using it for to gain political points both in European and local political arenas. They have committed to do what is necessary, but at some future point, maybe next year, or the year after, or when it is feasible. In the meantime, citizens across Kosovo are growing impatient and in some cases, nervous.

"Nothing good has come out of the Brussels agreement and all that the Serbian side has agreed to," says Milorad Radivojevic of Zvecan. "I do not see that it so far has brought any Serbs, north nor south of the Ibar, anything concrete."

On the other hand, Hana Marku, from Prishtina, worries that the agreements are giving Belgrade too much power inside of Kosovo.

"I'm not against a Serb association of municipalities, but I am against an entity within the country that will be funded and directed by Belgrade. That's the last thing Kosovo needs."

There has been some undeniably good progress: Kosovo has finally signed SAA and Serbia is set to open three chapters of its EU accession negotiations by the end of 2015. Progress towards accession for both countries will of course depend on forward movement in implementing the agreements made in Brussels. However, among the first chapters Serbia will be opening is chapter 35, which deals with good neighbourly relations with Kosovo. Judging by the harsh reaction of Serbian PM's cabinet to the opening benchmarks in the Chapter 35 screening report received from Brussels, most of which is simply to implement the agreements reached with Kosovo, the process is likely to be long and drawn out.[1]

However, the dialogue has now created so much division within Kosovo that many people are worried whether or not it is worth it, concerned that internal divisions within Kosovo are being created as kind of 'collateral damage' from the dialogue.

1 See PM Vucic's objections to the screening report conclusions here: http://europeanwesternbalkans.com/2015/10/15/ten-contentious-points-of-eus-draft-resolution/

"Sometimes I ask myself if this dialogue with Serbia is really worth it if it is costing us so much division within Kosovo society," says Besa Luzha of the Friedrich Ebert Stiftung. "This dialogue is the reason why parliamentary normality has been completely blocked in Kosovo. How can we be ready to dialogue with Serbia if we are not able to dialogue locally first, our government with opposition?"

At this point, only four of 17 deals have been completely implemented, though two more are almost there.

The key component of the 19 April 2013 agreement – and the most awaited by Kosovo Serbs – is the statute for the Association of Serb-majority Municipalities (ASM). Progress seemed imminent after a 25 August deal on the main elements of the body stipulated that a statute would be ready before the end of the year. The recent decision of the Kosovo Constitutional Court to suspend implementation on the deal until mid-January, while it assesses the constitutionality of the principles agreed in Brussels, has put progress on the Association, and on other agreements, on hold.[2]

There is no change since the last reporting period six months ago regarding the four agreements assessed as fully implemented: return of civil registry books, the use of customs stamps, November 2013 elections in the four northern municipalities, held for the first time under the Kosovo system for leaders of municipalities under the Kosovo state government, and the adoption of an implementation plan.

Two agreements are in the final state of implementation: integration of former MUP employees in northern Kosovo into the Kosovo Police, and the integration of Civil Protection members into relevant Kosovo institutions. The agreement on Freedom of movement has been more or less implemented, but the movement is not as free or as easy as it should be, and the use of illegal border crossings in north Kosovo is still common.[3] While the transfer of the cadastre books from Serbia to Kosovo is well on its way, the necessary law remains stalled in Kosovo parliament for two years now, and human rights experts have raised some concerns about its provisions.

Efforts for regional representation and cooperation continue, and Kosovo joined Kosovo became a permanent participant in RACVIAC (the Centre for Security Cooperation) and joined MARRI (Migration, Asylum, Refugees Regional Initiative). However, as the EU mentioned in its progress report for both countries, Serbia "needs to remain committed to the continued implementation of the agreement on representation and participation of Kosovo in regional forums." Kosovo too spent much of its resources for regional involvement dedicated to its UNESCO bid.

New plans agreed in August paved the way for the implementation of the telecom and energy agreements, but there have already been hiccups in both.

2 The November 10 decision is available here: http://www.gjk-ks.org/repository/docs/gjk_ko_130_15_ang.pdf
3 This is mentioned in the 2015 EU progress reports for Kosovo and Serbia.

Per a new plan agreed in Brussels in February, it seemed that the integration of the judiciary would be completed by the end of the year, but this has been stalled for several months because of disputes over physical locations of courts and negotiations about support staff.

The agreement on diploma recognition has been completely stalled since summer 2014, which is an egregious problem that both parties should work to fix immediately. Despite two agreements in 2011, the discussions remain on-going in Brussels.

Transparency has improved somewhat, especially with the European Union External Action Service, who published the results of the August 2015 negotiations. The Prime Minister's Office has published all of the agreements on its website except for the February agreement on justice, which is not on the Ministry of Justice's website either.[4] This summer, the Serbian Office for Kosovo has put up the text of the agreements as well.[5] Unlike the Kosovo government website, Serbia has only put the texts of the agreements, not the signed and dated PDFs of the actual agreements.

The time that is elapsing between reaching agreements and implementing them means the deals are susceptible to delay because of external political factors. During the failed campaign for Kosovo's membership in UNESCO in November, heated rhetoric coming out of Prishtina and Belgrade severely damaged the little trust that has been built in the past four and a half years. The failure is the first real blow to Kosovo's international recognition since the declaration of independence in 2008, and shows that while parties might be able to agree on some things, real dialogue and trust is very far away.

On October 8, members of the opposition bloc set of tear gas the Kosovo Assembly, as part of a protest against the Association of Serb-majority municipalities and a recent border demarcation agreement with Montenegro. Since then the parliament has been the scene of repeated tear gas bombs, pepper spray, cursing, and protest banners. The months-long political blockade has frustrated Serbs. It shows that the situation is tenuous and the dialogue is becoming less popular.

All of this is occurring in the aftermath of mass exodus from Kosovo. Between November 2014 and March 2015, an estimated 70,000 Kosovars, fed up with the situation at home, used illegal means to get to Western Europe and sought asylum.[6] As most are being returned to Kosovo slowly, many of them remain in asylum centres there, unsure of what awaits them at home. Most of these families paid exorbitant fees to traffickers to travel via Serbia to Western Europe. At the time, there was little cooperation between the Serbian and Kosovan police forces. The exodus was one of the many reasons why Kosovo

4 You can find all of the agreements on the Kosovo PM's website here: http://www.kryeministri-ks.net/?page=2,253
5 The agreements can be found here on the website of Serbia's Office for Kosovo and Metohija: http://www.kim.gov.rs/eng/pregovaracki-proces.php
6 9 September 2015, "Balkan asylum seekers face tougher times as Germany clamps down," Reuters. http://uk.reuters.com/article/2015/09/09/uk-europe-migrants-balkans-idUKKCN-0R91ZR20150909

deserves membership in Interpol, to crack down on trafficking rings and illicit business. However, after the failure of the UNESCO bid, it will be hard to gain membership to this body, which is extremely important not only for Kosovo's security but for the stability of the region.

At this point, all parties have assessed the coming period as a time for implementation, including the EU facilitators.[7] No new agreements are on the table, though several topics have been floated by both sides. (Among others, Kosovo wants to discuss missing persons, Serbia wants to discuss protection of cultural and religious heritage.) Future normalisation will depend on the implementation of these agreements, which will likely consume the coming year.

## Recommendations

### For the governments of Kosovo, Serbia and the international community, especially the EU:

- Find an urgent resolution to the problem of mutual diploma recognition that will enable all citizens to have equal access to job opportunities. Kosovo institutions must address the issue of quality education for Serbs and Belgrade needs to muster the political will to allow Kosovo Serbs to be fully integrated into the Kosovo education system.
- The recent agreement on the main elements of the Association/Community describes the future body as promoting "the interests of the Kosovo Serb community in its relations with the central authorities." Make sure that this body has a legally binding role to care equally for the other communities who are living in the relevant municipalities.
- Do not allow negotiations on the statute of the Association/Community to delay integration of Kosovo Serbs into all levels of the Kosovo government. Develop and publish a timetable with deadlines.
- Misinformation and ambiguity about what is being decided creates or widens gaps between communities and increases mistrust between people and institutions on both sides. It is commendable that the EU was very active in sharing information about the deals reached in August, but all information should be shared on a dialogue-related subset of the EEAS website.
- Support and facilitate efforts by civil society and youth organizations promoting cultural exchange between Kosovo and Serbia.
- Truth-seeking and truth-telling mechanisms to deal with the violent past should be part of the dialogue. Ensure commitments from both parties to disclose their archives and to support the mandate of REKOM. Establish a neutral Kosovo expert group to review history textbooks in Kosovo, and do the same in Serbia.

7 Interview with member of EU HRVP Mogherini's team in October 2015.

## For the Governments of Kosovo and Serbia:

- The governments of Kosovo and Serbia should regularly reiterate their commitment to the Brussels dialogue process. Leaders should say forthrightly that the implementation of the agreements is good for all of their citizens, and not portray them merely as a necessary burden imposed by the EU.
- Hold joint press conferences when possible to avoid the regular occurrence of conflicting messages after deals have been reached.
- Improve communication at the highest levels to discuss issues of mutual concern related to the dialogue process. Both PMs announced a direct hotline earlier in the year, but it is apparent it is not being used.
- Refrain from using inflammatory and rude language, which strains the process and incites citizens.
- Negotiation teams should set up regularly (monthly) meetings with media and civil society for briefings on the progress in the implementation of the agreements.
- Both governments' relevant agencies should conduct a comprehensive audit of employment in Serbian run institutions across Kosovo. This should be done while the process of setting up the Association/Community of Serb-majority municipalities is being set up.
- Serbia should encourage Kosovo Serbs to seek employment in Kosovo institutions, especially outside of the ministries they traditionally work in (Ministry for Communities and Return, Ministry of Local Self-Government), and participate across the spectrum of agencies.

## For Kosovo:

- Kosovo's opposition should use the parliament to engage in meaningful discussions about the obligations Kosovo agreed to in Brussels, rather than destabilizing the parliament to the extent that prevents true debate.
- The government should explain the points of the agreement to its citizens to allay fears over the Association/Community.
- The government needs to shift its political discourse and start reaching out to its Serb citizens. Outreach to Kosovo Serbs should be a top priority instead of making negotiating with local Serbs through Belgrade or the EU/US.
- Because Serbs in North Kosovo boycotted the most recent census, there is not accurate information how many Serbs live in Kosovo. The government should undertake the necessary efforts to determine how many Serbs live in Kosovo and where, and use this as a basis for future budgets, projects and activities.
- There are substantial laws that exist to protect Kosovo's non-majority communities, but there is a lack of coordination. Reinvigorate the Office of Community Affairs within the PM's cabinet to help coordinate. The

office should engage in detailed tracking of the employment levels of Serbs and non-Serb minorities in Kosovo institutions.

- Offer Albanian and Serbian language classes to all government employees and create incentives for studying whichever language is non-native.
- The Assembly should also adopt the law on the creation of the Kosovo Property Comparison and Verification Agency (KPCVA) as agreed in Brussels so that the cadastral documents can be transferred from Serbia.
- Do not lose momentum in the plan to
- Kosovo law enforcement bodies should seek formal relationships with Interpol and Europol submit a complete and detailed application for membership in Interpol, while requesting that the EU Council of Ministers include Kosovo to the list of third states and outside organizations with which Europol should seek strategic and operational agreements, for the sake of international police cooperation, for the security of Europe, and to put Kosovo on equal footing with other candidate and potential candidate countries.

## For Serbia:

- The first report on the state of play in the implementation of the dialogue, published in April, is a good step. These reports about the level of implementation of the agreements should be published more frequently.
- The Serbian Assembly should ratify the so-called Brussels agreement.
- The Serbian Constitutional Court has found that some agreements made in Brussels were unconstitutional. It is good that Serbia has adjusted its regulatory framework related to these agreements, but as the EU reminded Serbia in its progress report, it has not done so yet for the freedom of movement agreement. Verdicts on the energy and telecoms agreements are still pending. Serbia must to find legal solutions for the implementation of agreements that are sustainable and can withstand legal challenges.
- Encourage a culture of local Kosovo Serb participation in the Kosovo Government, with more than one dominant party.
- Make a serious effort to clamp down on illegal border crossings in the north of Kosovo.
- The parliament should openly discuss the report of its Investigative Committee ("Anketni Odbor") on Kosovo and publish the concrete results of its investigation into current sources of funding given to Kosovo from 2000 to 2012.[8]

8 For more on this topic see: http://www.blic.rs/Vesti/Politika/457889/Anketni-odbor-Patriote-sa-Kosova-se-bogatile-potkradajuci-drzavni-budzet-Na-sta-je-otislo-3-milijarde-evra

- Encourage Kosovo Serb leaders to participate in institutions that are not only related to communities or minorities, but also relevant to all citizens. Encourage local Kosovo Serb leaders to speak for themselves without checking statements with Belgrade.
- Carefully shut down the Privremeno Veće, or temporary councils, while ensuring livelihoods for the people employed by them. Encourage those who remain employed in the Serbian system to transfer to the Kosovo system, while ensuring that they will retain their right to receive their pensions from Serbia, including the years they worked in the Kosovo system.

## International Community, especially the European Union:

- Fulfil the financial pledges to fund development projects in Northern Kosovo.
- Consider establishing its own dialogue-related information portal, or at least dedicate a page of the EEAS' website where all relevant materials are collected.
- Consider publishing regular "progress reports" on the state of implementation of the agreements.
- Mandate greater transparency regarding the people negotiating on both teams, and demand greater inclusivity in the composition of those teams.
- Continue to support and encourage further economic development, and implement commitments for funding.
- In light of the drawdown of the EULEX mission, and Kosovo's status as a potential candidate country for EU accession, the Council of the European Union should propose Kosovo as a candidate for membership in Europol.

## Introduction

Relations between Kosovo and Serbia have been fraught since long before the 1998–1999 war and the 2008 declaration of independence. In 2011, Kosovo and Serbia began discussing issues bilateral technical issues. As a result, the exchange of goods and movement of people has become more frequent and relatively inexpensive.

On 19 April 2013, Kosovo and Serbia signed a landmark "First Agreement of principles governing the normalisation of relations," which set the framework for Kosovo to finally consolidate its control over the restive, predominantly Serb northern part of the country.

The Brussels-brokered dialogue seemed to be slowly but steadily framing functional, if not harmonious, relations between the two. Due in large part to progress in the dialogue, Kosovo signed a Stabilisation and Association Agreement with the European Union in Strasbourg on 27 October 2015. Serbia is set to open the first of its chapters for EU accession, before the end of the year.

The came on the heels of movement in 2015 after almost a year of complete stagnation in the dialogue due to elections in Serbia, Kosovo and the European Union, which saw leadership change in all three. The first part of 2015 promised forward movement. Two deals were signed on integrating the Judiciary and dismantling the Civil Protection and in February and March respectively, followed by some implementation. Then at the end of a long, hot summer four agreements referred to by EU High Representative Mogherini as "a turning point," fleshed out plans for four previously blocked issues: energy, telecom, the Association of Serbian-majority municipalities and the contentious issue of the steel bridge dividing north and south Mitrovica.

The following months brought division and violence to Prishtina's streets and parliament, as the three opposition groups try to coerce Kosovo's leadership to back down from the agreements on creating the Association, as well as a border demarcation agreement with Montenegro. Tactics have included pelting eggs at ministers, setting of tear gas, and wielding pepper spray in the parliament and on the streets.

This has made Kosovo's Serbs feel insecure, damaged Kosovo's image, and generated bad feelings between Belgrade and Prishtina.

Kosovo's bid for membership in UNESCO was also a major source of contention between the two countries. Prishtina ran a careful, and mostly positive campaign for membership, eager to boost its international legitimacy and to genuinely reap the benefits of UNESCO membership. Belgrade was initially quiet but eventually mounted a concerted counter-campaign. Belgrade, and members of the Orthodox clergy like Father Sava Janjic, cited concerns over a draft law on cultural heritage that was put forward in the Kosovo Assembly in April. There was concern that the law sought to nationalise the property of the Serbian Orthodox Church.[9] Belgrade has since maintained that it wanted the

9 Judah, Tim. "Fr. Sava: Time to Go Forward and Start Dialogue," Balkan Insight, 13 November

issue of religious heritage brought up in the Brussels dialogue, while Prishtina said that there are already enough existing mechanisms in place to ensure that the Serbian Orthodox Church's property thrives.

Foreign Minister Ivica Dacic escalated tensions when he said that admitting Kosovo would be tantamount to admitting ISIS.[10]

Kosovo lost by three votes, and in the meantime a lot of animosity between people from both countries was generated. The failure of the bid after concerted Serbian efforts to thwart it had many Kosovars believing that Kosovo should not seamlessly continue dialogue with Serbia until some assurances had been given, making the idea of a continued dialogue without any concessions from Serbia unpopular. A group of civil society activists sent an open letter[11] calling on the government of Kosovo to set new conditions for the continuation of the dialogue, and calling on the EU to ensure conditions for equal dialogue. (The civil society members also called for accountability within Kosovo for the failed bid, and for the continued protection of cultural heritage in Kosovo.) The months-long media war was toxic to relations at the high level and renewed enmity among citizens as well.

Indeed, the 19 April 2013 agreement is at the very crux of the on-going destabilization of the parliament by the opposition with tear gas, pepper spray, and divisive rhetoric.

"We will hinder every parliamentary session that will be organised by the Kosovo Government," said a representative of Vetevendosje on November 9, threatening to escalate the situation until the deal is withdrawn. "We will not allow holding of any regular session until the withdrawal of the signatures from the Agreements reached in Brussels because they are detrimental."[12] This is a significant change in position for other opposition parties. AAK MP Ramush Haradinaj was in support of the deal in 2013 and said that the proposed Association seemed to be in line with Kosovo's constitution.[13]

This started after August 25, when the parties in Brussels signed four key deals that fleshed out the 2013 agreement, focused on the main elements of the future Association of Serbian majority municipalities, deals on creating a country code for Kosovo and energy distribution, and a resolution for the barricade on Mitrovica bridge.

Serbia's negotiator Marko Djuric was quick to announce that Serbs had "won five to zero."[14]

This is a bid to shore up support for the dialogue process, because according to recent polling, only ten per cent of Kosovo Serbs in the four northern munic-

2015. http://www.balkaninsight.com/en/article/fr-sava-time-to-go-forward-and-start-dialogue-11-12-2015
10 "Admitting Kosovo to UNESCO would be same as admitting ISIS," Tanjug, 4 October 2015. http://www.tanjug.rs/full-view_en.aspx?izb=205909
11 For more on the letter see here: http://www.kosovotwopointzero.com/en/article/1950/there-is-life-after-unesco-and-much-work-to-do-too and http://koha.net/?id=27&l=83641
12 Frasher Krasniqi, Vetevendosje spokesman, November 9, 2015.
13 See: http://top-channel.tv/lajme/artikull.php?id=252302
14http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=08&dd=25&nav_category=11&nav_id=1031255

ipalities support the Brussels Agreement, though 56 per cent of respondents believe Kosovo Serbs should participate in Kosovo institutions.[15]

At the same time, Serbia had been for months dealing with the influx of thousands of migrants and refugees from the Middle East, Asia and Africa via its border with Macedonia, who were all seeking to pass as quickly as possible into Hungary, and after mid-September, to Croatia. Serbia won plaudits from Berlin and Brussels for its comparatively humane treatment of the migrants. Belgrade expended a lot of energy working with hostile neighbour Hungary, who erected a fence on Serbia's border to keep migrants out, and coping with former enemy Croatia to overcome disagreements over the path of migrants and eventually send them on their way.

It was hoped that the UNESCO bid would inject positive momentum to an autumn in Kosovo dominated by protests inside and outside of the parliament. The opposition coalition initiated a petition against the agreement on the Association/Community of Serb-majority municipalities and a border demarcation agreement with Montenegro, and received more than 200,000 signatures. Both deals were preconditions for Kosovo to receive an SAA. MPs from the coalition vowed to block parliament until the government backtracked on the agreements it had signed.

On October 13, opposition activists attacked a police station in Pristina after their former party president and current MP Albin Kurti, was arrested for setting off tear gas in parliament. Kurti was released after three hours,[16] but parliament continued to be disrupted. Any sessions are held in a small room above the main plenary area.

Meanwhile in Serbia, leaders began complaining that Germany was imposing new conditions for EU accession, something the German ambassador vehemently denied. President Tomislav Nikolic told a group of German journalists in Belgrade on October 15 that recognition of Kosovo's independence by Serbian officials would cause a civil war in the country.

Marko Djuric told TV B92 on October 14 that while Germany had not urged Serbia to officially recognise Kosovo as an independent state, it had introduced some conditions that Belgrade saw as tantamount to informal recognition of Pristina's independence.

The next day, Serbian wire service Tanjug published Prime Minister Vucic's response to a document from the European External Action Service about accession Chapter 35, which will deal with Serbia's relationship with Kosovo. In it, PM Vucic raised ten objections,[17] including that " Discontinuation of financial support to Serbian structures is requested, including provisional municipal bodies, which would leave around 5,000 people without jobs and lead to erosion of Serbia's authority in Kosovo-Metohija." Another gripe is that the document calls

15 Views of the citizens in north Kosovo," AKTIV & Center for Peace and Tolerance, November 2015.
16 http://www.balkaninsight.com/en/article/kosovo-police-arrests-opposition-mp-11-18-2015
17 See full text here: http://europeanwesternbalkans.com/2015/10/15/ten-contentious-points-of-eus-draft-resolution/

on Serbia to accept Kosovo seals and headers in official correspondence, which read "the Republic of Kosovo."

PM Vucic was very vocal that he would not "give up" Gazivoda dam in Zubin Potok in north Kosovo, even though the document requests finding a mutually acceptable solution as a pre-condition to EU membership.

The prime minister also expressed his dissatisfaction that the term used was "normalisation of relations with Kosovo," rather than Prishtina, as has been the official name of the process thus far.

On 31 October, President Atifete Jahjaga sent a request to the Constitutional Court to interpret the constitutionality of the agreements, in the hopes that it would end the blockade of parliament.

There are valid concerns over the mono-ethnic nature of the Association, but these should be debated within parliament rather than with violence.

The court decided on 10 November that the President's request to temporarily suspend all activity related to the implementation of the agreement was in the public interest, and said it would decide on the constitutionality of the principles by 12 January 2015.

Vetevendosje immediately claimed that they were victorious, calling the court under state capture, and saying that they would not stop their activities until the deal was annulled.

Serbian Foreign Minister Ivica Dacic said the delay is a "threat to regional security." Members of Srpska Lista, the Belgrade-backed Serb party in Kosovo, said they might leave the governing coalition if there are not efforts to form the Association had not ruled out backing out of the coalition. On November 16, Kosovo Minister of Local Self-government Branimir Stojanovic said breaking off dialogue was also on the table.

"The only option that is out of the question is to give up on living in this area. Everything else is an option," he told media. "When we exhaust all possibilities for reasonable dialogue that makes sense, then I believe that, just as someone had decided to talk, a decision can also be made not to talk."[18]

On November 18, more riots erupted after the Basic Court in Pristina issued arrest warrants for four members of the Kosovo Assembly, Vetevendosje's Albin Kurti, Albulena Haxhiu and Faton Topalli, and Donika Kadaj-Bujupi, a member of the Alliance for the Future of Kosovo.

The number of people on the streets is never more than one thousand, usually only several hundred, which means that there is no real threat of mass protest against the agreements, though there is a protest planned for days before the publication of this document.  However, it is telling that the opposition boycotted the vote to ratify Kosovo's SAA. It has always been the case that all parties in the country have been committed to Kosovo's European future, but without strong commitment from the EU, this too could dry up.

18 "Serbs "could leave" govt. over failure to implement deal," B92, 16 November 2015. http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=11&dd=16&nav_id=96062

## THE AGREEMENTS

### ROUND 1: Technical Dialogue

When Belgrade's negotiator, Borko Stefanovic, who was then serving as the political director for Serbia's Ministry of Foreign Affairs, and Kosovo Deputy Prime Minister Edita Tahiri, began meeting in March 2011, it was the first time Serbia and Kosovo had entered into negotiations since Kosovo's 2008 declaration of independence. The meetings were regularly front-page news, and they were wildly unpopular among the public at home. The negotiators signed their first agreements that July. That same month, violence flared along the border as Kosovo Police tried to take control of the border posts and impose Kosovo customs on the goods coming through. NATO peacekeepers had to intervene to stabilise the situation. A Kosovo Police officer, Enver Zymberi, was killed trying to take control of the northern border post. Six others were injured.

During the technical round of the so-called 'dialogue,' parties from Kosovo and Serbia agreed to the following, summarised and presented in chronological order[19]:

### Freedom of Movement[20]:

On 2 July 2011, both parties agreed that residents of each should be able to travel freely "within or through the territory of the other." This would be facilitated by an ID card system for 'cross border/boundary' travel of residents from the other party, with the use of entry/exit documents. Each agreed to enable residents of the other party to travel freely within or through the territory of the other. The parties also agreed to interim solutions for purchasing temporary insurance, while working for a commercial arrangement on mutual vehicle insurance.

### Insurance:

On 23 June 2015, parties agreed that there is no longer a need to purchase auto insurance at the borders.

### Mitrovica Bridge:

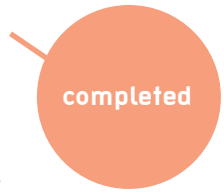
partially completed

On 25 August 2015, both sides pledged to close the bridge on 15 October 2015 to commence construction. The bridge is to be open for all traffic no later than the end of June 2016. In tandem, the central street of north Mitrovica, Kralja Petra (King Peter) is to be pedestrianised by the same deadline.

**Status: Partially completed**

19 The official language for each of the agreements is English. Full text of the agreements can be found on the Kosovo website here: http://www.kryeministri-ks.net/?page=2,191 and on the Serbian government website: http://www.srbija.gov.rs/kosovo-metohija/index.php?id=82315.
20 http://www.kryeministri-ks.net/repository/docs/agreement_0210_freedom.pdf

## Civil Registry[21]:




Also on 2 July 2011, both parties agreed that a tripartite committee consisting of civil registry experts from both sides and chaired by the EU's rule of law mission, EULEX, would identify gaps in pre-1999 civil registry books. Serbia agreed to make copies of the original registries, which, upon certification by EULEX, would be returned to Kosovo.

Status: Completed

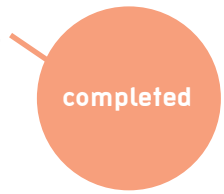
## Cadastre[22]:




On 2 September 2011, parties agreed to ensure a full cadastral record for Kosovo by a similar process as delineated in the civil registry agreement: Tripartite teams, chaired by the EU, scan and verify the pre-1999 documents. Each would be compared by a technical agency within Kosovo, and in cases of disparity, handled by an adjudication mechanism, with the Kosovo Supreme Court hearing appeals.

Status: Some progress

## Customs Stamps[23]:




On 2 September 2011, parties also agreed to accept Kosovo Customs stamps and promised to ensure the freedom of movement of goods in accordance with CEFTA, the Central European Free Trade Agreement.[24]

Status: Completed

## Mutual Acceptance of Diplomas[25]: On 21 November 2011, both sides agreed to ask the European University Association to certify university diplomas for use by the other, either for higher education or employment in the public sector. The EU said it would make every effort to begin implementation by January 2012.




On September 29, 2015 both parties agreed to commit to recognize the Kosovo diplomas within five months and to each create a list of accredited universities in respective countries.

**Status: No progress**

21 http://www.kryeministri-ks.net/repository/docs/agreement_0210_civil_books.pdf
22 http://www.kryeministri-ks.net/repository/docs/agreement_0210_cadastral_records.pdf
23 Full text: http://www.kryeministri-ks.net/repository/docs/agreement_0210_customs.pdf
24 In 2006, Serbia, under the framework of CEFTA, accepted Kosovo as an independent customs area.
25 Full text: http://www.kryeministri-ks.net/repository/docs/agreement_0210_university_diplomas.pdf

## IBM[26]:

some progress

In the EU context, IBM stands for 'Integrated Border Management', and is a key component of membership. Because Serbia does not recognise Kosovo, it prefers the term 'Integrated Boundary Management'.[27] In the negotiations, only 'IBM', which is status-neutral, was used. On 2 December 2011, parties agreed to apply the EU concept of IBM, agreeing to gradually set up joint border points "as soon as practically possible". They agreed to have a balanced presence of each side's personnel, and not to show any state symbols. Parties also agreed that EULEX officials would be present at six border crossings.

On 4 September 2014, both parties reached an agreement with the EU to build permanent facilities at the crossing points, which will be financed through 21 million euros in EU Instrument for Pre-accession funds for Kosovo and Serbia (3 BCPs each).

On 21 May 2015, Kosovo and Serbia agreed to open two new IBM crossing points, one near the Presheva Valley/Medvegja area, at Kapia/Vrapce and another in the north at Rajetici/Izvor. The first is hosted by Kosovo and the second by Serbia, according to the agreement, the BCPs are open 24/7 but customs functions only during the day.

**Status: Some progress**

## Regional Representation and Cooperation[28]:

some progress

On 24 February 2012, parties agreed, on an interim basis, that Kosovo's name could appear with an asterisk in regional bodies, with a footnote referencing UN Security Council Resolution 1244 and the International Court of Justice, ICJ, opinion on the Kosovo declaration of independence. They further agreed that any new agreements would feature Kosovo with the asterisk.

**Status: Some progress**

## Telecom[29]:

On 8 September 2013, the parties agreed that the EU and International Telecommunications Union would allocate Kosovo its own three-digit dialling code, and migrate the three used by Kosovo (Serbia's and Slovenia's for landlines, and Slovenia's and Monaco's for mobile) by January 2015. Parties also agreed to harmonise the spectrum for Global System for Mobile Communications (GSM) and television signals, with both parties agreeing not to intentionally infringe the "border/boundary" of the other.

On 25 August 2015, both parties agreed to an implementation plan for the

26 Full text: http://www.kryeministri-ks.net/repository/docs/agreement_0210_ibm.pdf
27 While Kosovo calls the line between itself and Serbia a border, Serbia refers to it as an 'administrative line.'
28Full text: http://www.kryeministri-ks.net/repository/docs/agreement_0210_representation.pdf
29 http://www.kryeministri-ks.net/repository/docs/Arrangements_regarding_Telecommunications_September_8_2013.pdf

previous telecom agreement. Kosovo will be granted the code +383 by the ITU. Meanwhile, Kosovo will allow temporary authorization for mobile and fixed telephony to a new company, a subsidiary of Serbian company, registered in Kosovo under Kosovo Law.

Status: Some progress




## Energy[30]:

Parties agreed that their energy transmission bodies, KOSTT, of Kosovo, and EMS, of Serbia, would sign a bilateral agreement within three months, establishing and regulating relations between the two transmission system operators. Both regulators were to issue licenses for trade (import, export, transit) and supply to their respective distribution companies. Parties also agreed to establish a new company under Kosovo law that would provide distribution services to the northern, Serb-majority municipalities. Kosovo and Serbia also agreed to, at a future time, find a common method for settling the claims both hold against one another for the use of transmission lines, agreeing to seek international arbitration if no solution came within six months.




On August 25, Kosovo/KOSTT signed connection agreement with the European Network of Transmission Systems (ENTSO-E) and its members. As part of the agreement, two new companies, from Serbian parent company, one for trading energy and one for supplying and distributing it, will be registered under Kosovo law and serve northern Kosovo.

Status: Partially completed

Each of the agreements called for an implementation plan[31] and an implementation committee to oversee its progress.

## ROUND 2: Political Dialogue

Baroness Catherine Ashton, the previous HRVP, brought the prime ministers together to agree on the "First Agreement on Principles Governing the Normalization of Relations," signed 19 April 2013.[32] It contained the following agreements:

### Establishment of four municipalities

Parties agreed that municipal elections would be organised in the four northern municipalities in 2013 with the facilitation of the OSCE, pursuant to

30 http://www.kryeministri-ks.net/repository/docs/Arrangements_regarding_Energy_September_8_2013.pdf
31 Implementation plan for 19 April 2013 agreement is here: https://s3.eu-central-1.amazonaws.com/euobs-media/0807580ad8281aefa2a89e38c49689f9.pdf
32 The official version of each of the agreements is in the English language. This document is available on the Kosovo government website here: http://www.kryeministri-ks.net/repository/docs/FIRST_AGREEMENT_OF_PRINCIPLES_GOVERNING_THE_NORMALIZATION_OF_RELATIONS,_APRIL_19,_2013_BRUSSELS_en.pdf

Kosovo law and in compliance with international standards.

Status: Completed

completed

## Association/Community of Serb municipalities

Parties agreed that once elections were completed, an Association/Community of the 10 Serb-majority municipalities in Kosovo would be established, which will have "full overview of the areas of economic development, education, health, urban and rural planning," and other competencies as delegated by central authorities. Its membership is open to any other municipality as long as all members agree. It will be created by statute, on the same basis as the existing statute of the Association of Kosovo municipalities. Participating municipalities "shall be entitled to cooperate in exercising their powers through the Community/Association collectively," in accordance with the European Charter of Local Self Government and Kosovo law. The body will have representative role to the central authorities and will have a seat in the communities' consultative council for this purpose.

some progress

On 25 August 2015, parties agreed to a set of "general principles/main elements" of the future Association/Community of Serbian-majority municipalities.[33] The document outlines the legal framework, objectives, organisational structure, relations with central authorities, legal capacity, budget and support, and more provisions. Parties agreed in principle that on its basis a statute will be drawn up in parallel with a process of shutting down Serbia's remaining governance structures in Kosovo.

Status: Some progress

## Police

The Kosovo Police, KP, will be the only police operating in the territory of Kosovo. All police working in northern Kosovo will be integrated into KP and all salaries will be paid by that body. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.

partially completed

One regional commander will oversee the four northern Serb majority municipalities (Northern Mitrovica, Zvecan, Zubin Potok and Leposavic). The commander will be a Serb, nominated by Kosovo's Ministry of Internal Affairs "from a list provided by the four mayors on behalf of the Community/Association". The composition of the regional unit will reflect the ethnic composition of the four municipalities. A separate regional commander for Mitrovica South, Skenderaj, and Vushtrri will be created, but the regional commander of the unit covering the fourth northern municipalities will cooperate with other regional commanders.

Status: partially completed

33 http://eeas.europa.eu/statements-eeas/docs/150825_02_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements_en.pdf

## Security

Point 8 of the 19 April 2013 agreement says that "members of other security structures will be offered a place in equivalent Kosovo structures." On 26 March 2015, parties agreed on a mechanism to integrate former members of the so-called Civil protection, and to give their property to the Kosovo government for use.

partially completed

Status: Partially completed

## Judiciary

The parties agreed that existing judicial authorities would be integrated into the Kosovo system. The Appellate Court in Prishtina will establish a panel composed of a majority of Kosovo Serb judges to deal with all Kosovo Serb majority municipalities.

some progress

A division of this Appellate Court, composed of administrative staff and judges, will sit permanently in northern Mitrovica. Kosovo Serb judges will comprise a majority of each panel.

On 10 February 2015 both parties met in Brussels and agreed exactly how the structure of the judiciary would look. Parties agreed that the president of the court will be a Kosovo Serb from northern Kosovo. The court in North Mitrovica will have an appeals division with five Kosovo Serb judges and 2 Kosovo Albanian judges, while a Kosovo Serb will be appointed the vice president of the court of appeals in Prishtina. It will also house the serious crimes division for the entire region, which will be composed of four Kosovo Serb judges and four Kosovo Albanian judges. There are also specific numbers of employees of both Serb and Albanian nationality prescribed for each court and its branches.[34]

Status: Some Progress

## Other

Both sides also agreed that discussions on energy and telecoms would be intensified by the two sides and completed by 15 June 2013.

partially completed

Status: Partially completed

Both parties agreed that neither would block, nor encourage others to block, the other side's progress in their respective EU paths.

some progress

Status: Some progress

Finally, the parties agreed to establish an implementation committee, with the facilitation of the EU. The chief negotiator for each country heads the respective implementation committees. These oversee the work of the imple-

34 This agreement has been published in leaked form. The Kosovo Ministry of Justice has made it available to BIG DEAL, but it has not published the full text of the agreement online.

completed

mentation committees dealing with each specific issue.

Status: Completed

Since the April 2013 agreement, there has been progress on implementation, but no new topics have been opened. In order for normalization to continue, parties will need to begin discussions about dismantling Serbia's tax administration in the north. Additionally, process of normalisation will continue to happen in tandem with a string of privatisations of businesses sought by both Prishtina and Belgrade. While not necessarily related to normalisation, both sides see privatisation of Mitrovica's Trepca mine, Gazivoda power plant, and Brezovica ski resort as key employment providers for the future, and the fight for jobs will significantly affect the normalisation process.

## Freedom of Movement of People and Goods

Freedom of movement between Kosovo and Serbia has been limited since the war, and especially after independence.[35] However, thanks to the dialogue, it is improving, though not completely free in terms of financial and bureaucratic obligations. The situation improved tremendously in May 2013 once the Freedom of Movement agreement that had been signed in 2011 started being implemented. Kosovars can travel with their government-issued ID cards, as well as UNMIK IDs and Serbian or Yugoslav documents. An agreement on mutual recognition of vehicle insurance, was signed in June 2015. Its implementation, which began on 12 August 2015, has erased most of the cost, if not the hassle, of travelling by personal car from Kosovo to Serbia.

In 1999, the United Nations Mission in Kosovo (UNMIK), assumed control over issuing personal ID cards, travel documents, license plates[36] and Kosovo's representation in international trade. After Kosovo declared independence from Serbia in 2008, UNMIK ended these practices and and newly-independent Kosovo began issuing documents. Customs stamps, which had once been "UNMIK Customs," became "Kosovo Customs." This resulted in an embargo on all Kosovo goods in Serbia. Kosovo passports, a symbol of nascent statehood, were also rejected by Serbia. Residents of Kosovo needed to enter Serbia with documents issued by UNMIK, Serbia, or Yugoslavia. Traveling with personal vehicles was also problematic: Serbia did not recognize driving licenses from UNMIK or Kosovo. Finally, in December 2011, a ground-breaking deal signed by Kosovo and Serbia entered into force. It allowed Kosovars without Serbian IDs to enter Serbia using their ID cards. Until recently, however, they had to buy expensive insurance, and if entering with a vehicle registered in Kosovo, they still must buy temporary license plates.

The situation is much better today, especially after removing the exorbitant insurance fees, but the hassle of changing to temporary Serbian license plates

35 Kosovars who had not retained Serbian documents were not allowed to cross into Serbia until the agreement began being implemented, in December 2011.
36 These license plates have "KS" at the front.

remains, which takes both time and money. There are regulations on which borders Kosovars can pass, and those who travel with their Kosovo ID, must receive an entry document which they must also present when they leave Serbia. These documents used to be valid only for two weeks, now they allow for up to 90 days stay in Serbia. Only Kosovars must register in this manner, and exit is not granted if the paper is not proffered.[37]

There remains no solution for foreign nationals whose countries do not issue national identity cards.[38] If they did not enter Kosovo via Serbia, they cannot enter Serbia through Kosovo. These foreign nationals must enter Serbia via another country, like Macedonia or Montenegro, or fly through a third country, making travel more time-consuming and often more expensive. BIG DEAL has been informed of cases when foreign nationals (even those in the possession of a valid Serbian stamp), were refused entry to Serbia, before high-level intervention.[39] This is one of the requirements that the EU has put on Serbia as part of its Chapter 35 screening process.[40]

In its recent progress report, the EU pointed out that with regard to the IBM (Integrated Border/Boundary Management) agreement, Serbia must make a stronger effort to clamp down on illegal crossings in the north.[41]

## Insurance

Mutual non-recognition of insurance between Kosovo and Serbia has been one of the key obstacles to cost-efficient travel between the two. Following adoption of an agreement on freedom of movement in July 2011, drivers entering Serbia with Kosovo number plates had to pay 105 euros a month - with the minimum rate set at one month. Those entering Kosovo with Serbian plates paid slightly less, 20 euros a week, 40 euros for 15 days, 80 euros for one month and 600 euros for one year.

On June 23, the Association of Serbian Insurers, UOS, and the Kosovo Insurance Bureau, KIB reached a deal to recognize one another's insurance. It was facilitated by the Council of Bureaux, which regulates the international green card, valid in most of Europe.

"This is one of the best deals that Kosovo has reached with Serbia," Faton Abazi, director of the Kosovo Insurance Bureau (KIB), told BIG DEAL, when the deal was made.

Kosovo is not a member of the green card system, which allows mutual acceptance of automotive insurance in most of Europe, and this agreement has not changed that, so cars coming to Kosovo from countries other than Serbia will still need to pay.

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37 If it is lost, the bearer of the document must report to the Serbian police.
38 These countries do not issue national identity cards: Australia, Canada, Denmark, Ireland, India, Japan New Zealand, Norway, the United Kingdom, and the United States.
39 Incident in March 2015 at Merdare border crossing.
40 See point 9: http://europeanwesternbalkans.com/2015/10/15/ten-contentious-points-of-eus-draft-resolution/
41 Kosovo* 2015 Report, 10 November 2015, page 29. Accessed via http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

Implementation was planned set for August 1, but days before it was set to start, on July 24, the deal seemed to collapse.

Prishtina officials said that they delayed implementation because the agreement meant that Serbia would be obliged to grant entry to vehicles from Kosovo with licence plates with with 'RKS' (Republic of Kosovo) insignia. Belgrade officials insisted that RKS license plates are against their 'status-neutral' policy and said they never signed an agreement which could potentially mean recognition of Kosovo's independence. Indeed, the agreement makes no mention of license plates.

After another meeting in Brussels on August 5, implementation finally began on August 12. Drivers with cars registered in Kosovo use third party liability insurance, similar to agreements with Montenegro. It costs slightly more but is not exorbitant as it was before. However, it was a departure from the previous regime in that the insurance is not purchased at the border. It has proven confusing for drivers who reach the Merdare crossing point and have to return home to purchase insurance from their usual insurance office. This could have been better explained to consumers by the government and by the companies themselves, as some people went to the border expecting to make the purchase, but not all Kosovo companies have sales points there.

Additionally, there has been confusion in the transition process. Kosovo Insurance Board leader Rrahim Pacolli announced his intention to freeze the insurance agreement because Serbia refused to recognize RKS license plates. However, Minister Tahiri disabused him and the public of this notion, saying that Pacolli "knows full well that the issue of temporary license plates is not linked with the agreement on insurance" because he was on the negotiating team,[42] but vowing to bring it up in Brussels.

"This is one of the best deals that Kosovo has reached with Serbia."

**-FATON ABAZI, DIRECTOR OF THE KOSOVO INSURANCE BUREAU (KIB)**

## License Plates and the threat of Reciprocal Measures

The issue of license plates continues to be thorny. Three sets of license plates are currently in use in Kosovo. Those issued in Kosovo after it declared independence, which Serbia does not recognise, bear the insignia 'RKS'. The second set are 'KS' plates, which were issued after the end of the 1999 conflict and before Kosovo declared independence in 2008. The third are the current plates in place, issued by independent Kosovo. The Yugoslav-era plates are not accepted anymore, and Kosovo does not want to accept Serbian plates which have city initials of towns in Kosovo ('KM' for Kosovska Mitrovica, for example). The Kosovo government's wants these plates prohibited on its territory, and has announced it will seize any vehicles which have them. Serbian officials say this is unacceptable for Kosovo Serbs and was never agreed as part of a deal.

The Kosovo government and its citizens are upset about the fact that the

42http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=09&dd=09&nav_id=95371

system in place, whereby Kosovo-registered cars receive "PROBA" or temporary license plates, is not uniformly implemented at all the crossing points. At most points, it takes about half an hour and costs approximately 5 euros to buy these temporary plates, have them registered, and then affix them to the motor vehicle.

However, as BIG DEAL has noted in previous reports, these temporary plates cannot be purchased at the Jarinje checkpoint (north of Leposavic). As the Kosovo government also wrote in a report from October 2015, the "sale point for insurance and payment of the "proba" plates more than 2 km away from the IBM CP. Drivers were required to park their vehicles in the IBM CP and walk for about 2 km and procure the required insurance or payments and come back to the IBM and present the necessary paper to the Serbian authorities."[43] This kind of cumbersome procedure does not constitute "free movement."

The Kosovo government has pointed out that the implementation plan for the freedom of movement agreement includes a clause on reciprocity: "The Kosovo side reserves itself the right to, after consultation with the EU, apply a temporary vehicle license plate regime as well." BIG DEAL has learned that Kosovo is undertaking technical preparations to impose reciprocal measures. The Ministry of Interior has purchased 50,000 temporary plates in case the government decides to impose reciprocal measures.[44]

Minister Tahiri has said that the Kosovo government will begin the illegal license plates still in use from the Serbian system (KM for Kosovska Mitrovica, GL for Gjilan, PR for Prishtina, etc). These license plates are not in wide circulation except for the four northern municipalities. The expiration date for the transition period is next year.

Minister Tahiri also said that Kosovo will undertake measures to address the issue of unregistered vehicles, and will soon implement a timeline to this effect.[45]

Kosovo has also raised objections about the long lines at the Multivoda border crossing from Kosovo into Medvedja, Serbia, which has a sizeable Albanian population, on the day of municipal elections, 13 September 2015. There were reports that numerous buses and 200-300 cars trying to enter Serbia from Kosovo were lined up at the border for hours.[46]

Minister Tahiri alleged that this was a violation by Serbia of the Freedom of Movement agreement, and that she and Liaison Officer Valdet Sadiku called upon Serbian partners and EU facilitator Alexis Hupin to intervene.[47]

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43 State of play report, October 2015.
44 Interview with international official in November, 2015.
45 Statement from Minister Tahiri to BIG DEAL in November 2015.
46 See article in Koha Ditore: "Bajram Mustafa fton qytetarët e bllokuar në Mutivodë për qetësi," 13 September 2015. http://koha.net/?id=27&l=74802
47 See "Brussels Agreements Implementation State of Play, March- September 2015," page 43. http://www.kryeministri-ks.net/repository/docs/Kosovo_Report_on_state_of_play_in_Brussels_Dialogue_061015-signed.pdf

## Transit and Air Travel:

On 16 September 2014, both sides agreed to allow Kosovars to travel through Serbia to new transit points to Bulgaria and Macedonia, in addition to existing points in Croatia and Hungary. This went into effect on 16 November 2014. On September 22, pursuant to the same agreement, Kosovo ID holders could legally fly into and out of Belgrade international airport. Kosovars have reported to BIG DEAL that they have been able to depart from and land in Belgrade airport, though the process takes approximately an extra half an hour because of paperwork.

Unfortunately, the system is not foolproof. One Kosovar, policy analyst Shpend Kursani, flew successfully in September 2015 from Florence to Belgrade. In an attempt to take the same exact flight from the same airline only one month later to give a training, he was blocked by airline personnel.

"I checked in with my passport and luggage, and there was no problem there," said Kursani. "As I was waiting in the line at the gate to board the plane, my name was called, and I went to the flight operators who stand at the get to "cut" your ticket before boarding the plane. They asked for my passport and the boarding passes I got when I checked in, and told me that I cannot board the plane. The reason they said is that I was not allowed to enter Serbia with my Kosovo passport. I told them that this is true, but we do not use passports to enter Serbia, and explained that we use ID cards, and that is the agreement. But they were just sorry about the fact that simply their computers were showing that Kosovo passports are denied entry; hence was turned back. I did try to explain that there is an agreement between the two parties that Kosovo citizens enter Serbia with an ID card, but to no avail. He asked me to show him my ID, and when he saw that it is a Kosovo ID card, said "I'm sorry you cannot go with this".

It seems that free movement in this case is left up to chance. It would behoove Kosovo and Serbia to jointly send notifications to any airline that flies to Belgrade and encourage them to update their computer systems.[48]

## Train Travel:

Train travel has yet to be raised in Brussels. After UNMIK stopped running the railway system in 2008, Serbia took control over 50 kilometres of railway in northern Kosovo, from Zvecan to Lesak. Since October 2013, Serbia's railways operates a train from North Mitrovica to Kraljevo, with connections to Belgrade and beyond. This train is not controlled by Prishtina and Kosovo government officials have expressed frustration that Serbia has not provided payment from Serbian railways for use of railway tracks which they consider Kosovo property.

48 Mr. Kursani traveled to Belgrade from Florence via Alitalia airline on 27 September 2015 successfully. He was barred from the same flight on 19 November 2015.

## Mitrovica Bridge

The steel bridge separating north and south Mitrovica is more of a symbol of division than something actively keeping people apart. There are two other bridges on both sides of it that connect the northern part of the city with the southern part of the municipality.

On June 18 2014, a group of ethnic Serbs cleared a barricade made of earth and rocks that had blocked on the north side of the bridge for three years. This was done without any prior notification of citizens on either side of the structure. In the few hours that it was open, some residents expressed shock and outrage, while a small group of ethnic Albanians drove across exuberantly. Hours later, large planted pots were set up as a makeshift barricade and north Mitrovica mayor announced that the bridge would be the site of a so-called "Peace Park." The street where the barricade had once stood was dredged up, which meant that it could not become normal overnight, the way the removal of the earlier barricade rendered it.

Since that time, the EU representation in Prishtina pledged to do a report on the feasibility of dismantling the barricade and beautifying the area. An EU-led working group was set up to determine a plan for the bridge that would be acceptable to all parties. On 29 June, 2015, both sides agreed to a joint architectural design plan.

On August 25, 2015, among the list of deals made in Brussels was a deal about the bridge's future. Both sides pledged to close the bridge on October 15 to commence construction. The bridge is to be open for all traffic no later than the end of June 2016. In tandem, the central street of north Mitrovica, Krajla Petra (King Peter) is to be pedestrianised by the same deadline.

On 15 October, when the construction was set to start, it was delayed for 48 hours because the issue of the construction was tied to the Memorandum of Understanding about the pending delineation of two neighbourhoods in north Mitrovica. There remains some disagreement about whether or not Kolasinska street will also be pedestrianised, but that will likely remain a street for cars.

The area is now inaccessible, sealed off by a fence made of sheet metal and the so-called "Peace Park" is completely blocked from vision and access. Pedestrian traffic is possible via the sidewalk on the west side of the bridge and it remains heavily guarded.

"The complete blockage sends a dangerous message," says one local government leader in North Mitrovica. "The Peace Park was progress, and now this barricade sends a dangerous message. It is good that it has the EU stickers on it everywhere, so it does not seem like a local initiative. Imposed decisions are not sustainable."

On November 13 the EU office in Kosovo opened a tender for the contract, which will close on 18 January 2016.

## Suvi Do/Suhadoli and Kroi I Vitakut/Brdjani Neighborhoods

A more niggling issue has been the demarcation of two neighbourhoods in north Mitrovica, Suvi Do and Brdjani, which local politicians have connected to the issue of the bridge. Suvi Do is about 1 kilometre from the main bridge on the Ibar, separated into lower and upper neighbourhoods with approximately one kilometre in between. Some 2000 Albanians live in the lower part and some 200-230 Serbs in the upper, alongside 15 Albanian houses. According to the Ahtisaari Plan, Suvi Do belongs in south Mitrovica, but according to Kosovo cadastral documents, they belong to north Mitrovica, and this discrepancy has led to an ongoing dispute between municipal officials from both sides of the city.

"The Peace Park was progress, and now this barricade sends a dangerous message. It is good that it has the EU stickers on it everywhere, so it does not seem like a local initiative. Imposed decisions are not sustainable."

**-LOCAL GOVERNMENT LEADER IN NORTH MITROVICA.**

According to the deal reached in Brussels on 25 August, "By 10 October 2015 the maps of administrative boundaries of cadastral areas in Suvi Do/Suhadoli and Kroi i Vitakut/Brdjani area will be solved through the Memorandum of Understanding on Municipal Development Plans, the Municipal Zoning Map and Detailed Regulatory Plan between relevant ministries and the two municipalities."[49]

What began as a discussion about 7 houses and several apartments has blossomed into a dispute over the cadastral demarcation of 52 houses and 36 apartments. This issue is not part of the cadastre negotiations, but is tied to the plans connected to the rehabilitation of the Mitrovica Bridge, with politicians from opposing camps not wanting to sign off on the plan for the bridge until this issue is resolved. Because the Kosovo cadastral agency has included Suvi Do as part of the north, it means that north Mitrovica is somewhat multi-ethnic, and there are more Albanians on the municipal council than any other northern municipality..

At a municipal assembly meeting on 23 October, Mitrovica North mayor Goran Rakic said he would not sign anything that harms the Serb community, arguing that the "Ahtisaari plan is not the bible which cannot be changed."[50]

Citizens are confused about whether their territory is supposed to belong to the municipality of North Mitrovica or South Mitrovica.

"According to the Ahtisaari plan, this area is supposed to belong to South Mitrovica," a 40 year old Albanian from Upper Suvi Do told BIG DEAL. "The bridge should be open, but anyway it is for me since several times a day I am crossing here and there. I go to Zvecan, I go to Leposavic."

Just several metres away, Jovica Denic, a Serb from North Suvi Do said he is sure he is part of North Mitrovica.

"Even in the Ahtisaari plan we are in northern Mitrovica, but anyway no one has talked to us, neither from the northern municipality or the southern."

49 Full text of the agreement is here: http://eeas.europa.eu/statements-eeas/docs/facilitated-dialogue/150825_02-bridge_en.pdf
50 See: "Rakić na opštinskoj sednici: Nije Ahtisarijev plan Sveto pismo pa da ne može da se menja, 23 October 2015, KosSev. http://kossev.info/strana/arhiva/bozovic__potpisivanje_memoranduma_o_razgranicenju_bi_dovelo_do_novih_lokalnih_izbora/6565

These discussions remain on-going, but citizens maintain they feel left out with an uncertain future.

## Customs and Free trade

Customs and free trade between Kosovo and Serbia functions well at this point, though there is a large trade imbalance.

Kosovo and Serbia's agreement on customs stamps and free trade was signed on 2 September 2011 and implementation began by the end of the same month, though was not implemented at northern crossing points Jarinje and Brnjak until December 2013. The agreement is grounded in the Central European Free Trade Agreement, CEFTA, to which non-EU countries in southeast Europe are party. The agreement removed a three-year trade embargo on Kosovo goods and trade has increased, though it remains heavily lopsided.

Pursuant to the customs agreement, money collected at the two BCPs goes into a "fund for the north," which has to date collected 7.6 million euros and initiated three projects in north Mitrovica: boosting small and medium sized enterprises, land expropriation for the new municipality, and creating a centre for the fire brigade.

After confronting numerous issues related to controlled substances such as medicines, a further agreement was put in place on 7 April 2015 enabling the licensing of controlled goods destined for north Kosovo. This process previously required constant and daily intervention and it has improved greatly. However, there are still kinks in the process, with regular intervention needed from the Mitrovica North Administrative Office.[51]

Kosovo Customs has registered 439 companies for import/export to and from north Kosovo, and 98% of them have Kosovo fiscal numbers.

Another agreement on pharmaceutical products went into force on 27 June 2015, which provides for reciprocal recognition of pharmaceutical certificates, which will be very important for the continued presence of the Serbian health system in northern Kosovo. It also means that Kosovo can sell its pharmaceuticals to Serbia. The agreement covers institutions like pharmacies and wholesalers, licenses for products themselves, and the import of medicines and medical donations to Kosovo.

The fact that there is an agreement is a drastic improvement from the last BIG DEAL reporting period, when hospitals and wholesalers in north Kosovo were concerned that there would be no solution for legally importing Serbian medical supplies.

This procedure has not been completely implemented, as few pharmacies and wholesalers have applied for licenses, and Serbia has not proffered the licenses for the pharmaceutical products. Until there are licenses, these products cannot be imported to Kosovo, so it will remain a problem until these licenses are secured by Serbia and given to the Kosovo government.

"Even in the Ahtisaari plan we are in northern Mitrovica, but anyway no one has talked to us, neither from the northern municipality or the southern."

**-JOVICA DENIC, A SERB FROM NORTH SUVI DO**

51 Interview, north Mitrovica, November 2015.

The Chambers of Commerce of Kosovo and Serbia have been key players in this segment of dialogue, meeting regularly to hammer out the details of technical agreements to enable the free flow of goods, especially tackling tough topics like phyto-sanitary concerns.

## Changes affecting Kosovo Serbs

Much of the agreements concern how to best integrate Kosovo's Serb community into Kosovo, especially the four northern municipalities, which were not legally under Prishtina's jurisdiction when the 19 April 2013 agreement was signed. That deal paved the way for new elections in November 2013 and the addition of the four municipalities under Kosovo administration. The current environment means that the four municipalities created by the 19 April agreement function, but not smoothly.

All four of the municipalities had assemblies in place by January 2014 and their municipal statutes in place by May of the same year, but disputes over budgeting with Prishtina hobbled their functionality this year. The four northern municipalities in Kosovo were set to receive municipal budgets for 2015 from government, several million euros each.

According to representatives in Prishtina, these municipalities would also be able to access 17 million to 20 million euros in state level funds for infrastructure projects. But according to Kosovo's ministries of finance and local governance, they requested funds for the four municipalities that were 59 million euros higher than expected,[52] and their budgets were blocked from February 2015 until May 2015.[53]

As a result, the municipalities have been struggling to make all of the expenditures by the end of the fiscal year.[54] In Leposavic, according to one member of the municipal assembly, only 7.3 per cent of the budget has been spent.[55] Given that there is a similar delay in budgeting and similar disputes as those present during the last budgeting period, there is a fear that this same problem could happen for the next fiscal year.

The previous structures of the municipalities also remain functional, and often with the same personnel: the deputy mayor of North Mitrovica under the Kosovo system is the mayor in the Serbian parallel system. The mayors of Leposavic and Zubin Potok are also mayors in both systems, receiving two salaries.

## Parallel structures

These municipal officials in the north form part of what is dubbed in Prishti-

52 North Mitrovica budgeted around 20 million euros, although only 2.7 million euros was approved by the government. Zvecan approved around 14 million euros compared to an allocated 1.6 million; Zubin Potok approved 21.5 million euros while only 1.8 million was allocated, and Leposavic approved 11.5 million euros while only 2.3 million was allocated.
53 See ECMI Kosovo, "MUNICIPAL BUDGETS IN NORTHERN KOSOVO: AGREEMENT, AT LAST," 7 May 2015. http://www.ecmikosovo.org/wp-content/uploads/2015/05/Political-Update-on-Municipal-Budgets-in-the-North_English.pdf
54 Interview in North Mitrovica with municipal official, November 2015.
55 Municipal Assembly monitoring report prepared by Mitrovica-based Advocacy Center for Democratic Culture for assembly session on November 12, 2015.

na "parallel structures." Until November 2013, governance, health, education, culture and in life in general were overseen by Serbian institutions. Now, these institutions continue receiving money from Serbia, though one by one as Prishtina takes the helm, for instance integrating former Serbian cops into the Kosovo Police, some of these bodies will be shuttered.

Serbia still has local government bodies called privremeno veće, or 'temporary councils,' and its institutions (health ministry, education ministry, etc.) continue to function as well. According to research by Serbian journalists, there are more than 5,100 elected or appointed people on the Serbian payroll working in local government or public enterprises, including schools and hospitals on the territory of Kosovo. Under the Serbian system, the municipality of Prishtina (whose administration has its seat in Gracanica) has the most people, with 840, while north Mitrovica has 614, Leposavic has 510, Zubin Potok has 399, and Zvecan 242.[56] Some of these people officially work in Kosovo institutions and receive two salaries.

According to recent polling, some 52 per cent of north Kosovo inhabitants rely on the budget of Serbia for income, so in many ways these 'parallel structures' are a lifeline for Kosovo Serbs.[57]

One of these officials who sits in two chairs is Zoran Todic, president of the municipal assembly of Leposavic according to the Kosovo system, and head of the temporary council of Leposavic's Serbian municipality structure.

"We undertook the first step in Brussels the agreement, which was to go to the polls under Kosovo law," says. "Regarding the functioning of the new local governments, they work only as much as is sufficient to fulfil some legal obligations."

Todic told BIG DEAL the process of closing the parallel institutions will take time.

"If anyone thought that overnight, by turning out to vote, we would be immersed in the new system, they are lying. There are a lot of technical details that need to be fulfilled in order to come to life."

Todic is looking to the Association/Community of Serb-majority municipalities to sort out the system:

"If the provisional institutions were abolished there would be chaos in the payment system. There are institutions that are directly financed from the budget of the Republic of Serbia. The essential plan of the Association of Serbian municipalities is to solve the issue of funding from Belgrade."

However, it can be confusing to have to address two systems, or to not be sure where to turn. "Sometimes I'm afraid of being wronged and make a slip of the tongue when talking about the decision-makers in the municipalities," a citizen from Leposavic told BIG DEAL. "I do not know which municipality they



"Sometimes I'm afraid of being wrong and making a slip of the tongue when talking about the decision-makers in the municipalities. I do not know which municipality they belong, Kosovo or Serbian."

**—CITIZEN FROM LEPOSAVIC**

56 Data provided by Ivan Angelovski, of Serbian broadcaster B92's show Insajder. The salaries for these 5,106 people cost the Serbian government almost 2.18 million euros per month.
57 "Views of the citizens in north Kosovo," AKTIV & Center for Peace and Tolerance, November 2015.

belong, Kosovo or Serbian." Often that is because the same municipal employees work for both structures.

"Everything that we used to call 'our' institutions, and what in the meantime were called 'parallel' institutions, which are looking at closure, they must all be shut down," says Leposavic municipal assembly member Nenad Radosavljevic.

"Of course things connected to documents, passports, ID cards, citizenship, etc. should be allowed to continue to exist in dualism in the sense that the Serbian people want their homeland to still be Serbia, and they should be allowed to have dual citizenship. But there is no dilemma that the parallel institutions will be closed and must be closed, in order for everything to function correctly. I expect that these will be closed in parallel with the formation of the Association of Serbian-majority municipalities," says Radosavljevic.

"Everything that we used to call 'our' institutions, and what in the meantime were called 'parallel' institutions, which are looking at closure, they must all be shut down."

— NENAD RADOSAVLJEVIC, LEPOSAVIC MUNICIPAL ASSEMBLY MEMBER

Indeed, according to the deal, the process of setting up the statute for the future Association/Community of Serb-majority municipalities should run in tandem with the dismantling of the Serbian state structures, and future funding for northern Kosovo will be eventually routed through the Association. A tripartite group should be set up to monitor the process of dismantlement as it proceeds with the statute.

## Association/Community of Serb-Majority Municipalities

The Association/Community of Serb-majority municipalities (ASM) is the cornerstone of the 19 April 2013 agreement, with six of 15 points of the deal focused on its creation. Most Serbs of Kosovo are eager to see it up and running, likely because a number of them have high expectations for it. One in five northern Kosovo Serbs believe the ASM will have executive competencies,[58] which is actually relatively low considering the promises that have been made for more than two years now by Serbian politicians.

The ASM is to include the four northern municipalities as well as Gracanica, Shtrpce, Novo Brdo, Klokot, Ranilug and Partes, with the regional center for southern municipalities in Gracanica.

The original 2013 agreement foresaw that it would be up and running by the end of the same year. However, implementation was more or less stalled until this summer. On 25 August 2015 Kosovo and Serbia agreed in Brussels on a set of general principles and main elements of the Association, which should eventually be translated into a statute. However, almost as soon as this agreement was reached, Kosovo's opposition bloc, consisting of Vetevendosje, Alliance for the Future of Kosovo (AAK) and the Initiative for Kosovo (NISMA) began protesting the decision.

The agreement fleshes out the competencies given to the association of the 10 Serb-majority municipalities to have full "overview" in the areas of rural and urban planning, economic development, education and health, though the

58 Ibid.

precise meaning of "overview" is not well-defined and seems to have multiple potential interpretations. It will also allow Serbia to contribute money – in a transparent manner – to the body. This is of vital importance to Kosovo Serbs, as more than half of the Serbs in the north report relying on money from the Serbian government for their livelihoods.[59] However, it is also an area of concern for those who see it as a way for Serbia to continue hold influence over Kosovo, and, in the case of the six Serb-majority municipalities south of the Ibar River, extend its influence.

The deal fleshes out the details of the ASM that are not enumerated in the Brussels agreement, but the principle that the Association conforms with Kosovo law and the European Charter on Local Self-government hold. Pursuant to this agreement, the ASM will have the following structures:

- An Assembly;
- A President and Vice President elected by the Assembly;
- A council of maximum 30 members who are residents of the municipalities, which includes the ten mayors. It is to serve as an advisory body.
- A 7-member board responsible for the daily management of the ASM, details on their colleagues to be defined in the statute;
- An Administration, whose chief is appointed by the board. Staff will be civil servants.
- A Complaints Office.

The agreement leaves many things undefined, including the seat of the Association.

Legal competencies/rights/entitlements include:

- Proposing amendments to legislation and regulations relevant "for the performance of its objectives."
- The right to initiate or participate in proceedings before courts, including the Constitutional Court, "against any acts or decisions from any institution affecting the exercise by the Association/Community of its powers in accordance with its Statute."
- Nomination of representatives to bodies of the central government.
- Right to access info from central authorities related to competencies of Association (health, education, etc.)
- The four northern mayors will nominate the regional police commander for the north.
- Property ownership
- Employees will have the status of civil servants.

Funding of the Association/Community is also controversial. The body will be subject to audit by the Auditor General. It can have the following sources of funding:

- Member contributions (ie budgets from municipalities)
- Income from revenues and services provided

59 ibid.

- Revenue derived from its property/moveable assets
- Transfers from central authorities in Prishtina
- "Contributions, grants, donations as well as financial support from other associations and organisations, domestic and international as well as from the Republic of Serbia."
- Like other municipalities, the ASM and participating municipalities are exempt from taxes.

The services provided to citizens for financial gain have not been delineated, neither has its visual identity. Symbols are important to both Kosovo and Serbia. The ASM is to have its own coat of arms and flag, in accordance to Kosovo law. It unknown yet what these will look like.

As it stands now, the principles seem to be in line with the Ahtisaari plan, but the powers accorded are indeed considerable. One the one hand, receiving money from Serbia—in a transparent way— to add to municipal budgets for healthcare and education relieves Kosovo's budget.

Some see this as a way of legitimizing the current system in a way that will let Prishtina know how much money it is investing in Kosovo. In the words of politician Oliver Ivanovic, "It needs to be explained to both sides the Brussels agreement will lead to the legalization of the status quo. Nothing significant will change except that some legal and normal limits will be introduced into the current situation."[60]

However, others fear potential pitfalls, for instance if Belgrade threatens to condition financing on certain behaviour or votes. In the period since the November 2013 elections, Belgrade has been exercising control over ethnic Serb functionaries in the Kosovo government. One such example is the recent decision to replace Aleksandar Jablanovic as head of Srpska Lista with Slavko Simic. It was made in Belgrade, announced by Prime Minister Vucic to a host of Kosovo MPs and ministers. Serbian Labour Minister Aleksandar Vulin, and Marko Djuric, head of Serbia's office for Kosovo was also present.[61]

However, as scholar Daniel Serwer pointed out after the recent agreement was signed, Prishtina did not have a choice during these negotiations, because it is already committed to implementing the Ahtisaari Plan.[62]

The Ahtisaari Plan, which is formally known as the Comprehensive Proposal for the Kosovo Status Settlement, was a plan put forward before Kosovo declared independence as a roadmap for Kosovo to transition from UNMIK control. It was drafted by former Finnish President Martti Ahtisaari, and is part of Kosovo's constitutional system.

The plan created the International Civilian Office (ICO), which oversaw

60 Oliver Ivanovic, from north Mitrovica is the leader of the independent citizens' initiative "Freedom, Democracy, Justice." In November 2014, he was indicted for alleged war crimes against civilians in 1999 and 2000. The trial remains ongoing. Before his arrest he was seen as one of north Kosovo's more moderate, pro-cooperation figures and a "key interlocutor for NATO and the EU." http://uk.reuters.com/article/2014/01/27/uk-kosovo-warcrimes-idUKBREA0Q1FS20140127
61 This decision was made on 23 October 2015 in Belgrade. http://www.blic.rs/Vesti/Politika/600742/Slavko-Simic-novi-sef-Srpske-liste-umesto-Jablanovica
62 See "It all depends," 26 August 2015. http://www.peacefare.net/2015/08/26/it-all-depends/

Kosovo's so-called "supervised independence," from February 2008 until the ICO's closure in September 2012. Serbia rejected the plan and as northern Kosovo remained outside of Prishtina's control, the plan was not implemented there.

The Ahtisaari plan focused on a decentralized model of Kosovo, giving significant responsibility to municipalities to manage their own affairs. Annex III of the plan drew new boundaries for municipalities, some of which were created on an ethnic basis, like predominantly Serb north Mitrovica.

The Ahtisaari Plan gave these municipalities important elements of self-rule in the fields of health, education and social issues, as well as participation in choosing the police chief.

Article six gave municipalities the right to form associations and partnerships with other municipalities in Kosovo: "Municipalities shall have the right to inter-municipal and cross-border cooperation on matters of mutual interest in the exercise of their responsibilities."

Municipalities also have the the right to cooperate with municipalities and institutions in Serbia, "including the right to receive financial and technical assistance from Serbia, within certain clear parameters set by the Settlement." In addition, municipalities are allowed to use educational material from Serbia in local schools.

Annex III stipulates that municipalities can cooperate with and receive funding from Belgrade and use educational material from Serbia in local schools. Mitrovica North is given special competence for higher education, including licensing and registering of educational institutions, while north Mitrovica, Shtrpce and Gracanica are given special powers with regard to healthcare. Annex IV provides that municipalities will have their own local courts and mandates that "Kosovo judicial institutions shall ... reflect the ethnic composition of their area of jurisdiction."

In this way, the clauses of the 19 April 2013 agreement and the "main elements" enumerated in August 2015 seem to be in harmony with the Ahtisaari Plan. The intent of the plan to allow Kosovo Serbs to be part of a multi-ethnic Kosovo while still maintaining ties with Serbia seems clear.

The plan did not, however, detail how any of these associations would relate to the central government in Prishtina, or organized links to Belgrade.

The central government has the power of administrative review of municipal actions, with the provision that if the municipality and the central government disagree, the matter is to be decided in the Kosovo courts (Annex III Art. 6). It does not mention a potential disagreement between an association of municipalities and the Kosovo government. The 25 August 2015 "main elements" document also does not address disagreements between the central authorities and the association. This will have to be addressed.

However, the plan did place these in the context of functional relationship with the government in Prishtina, who would retain administrative oversight of local competencies, as it is doing now. This oversight is slowly extending to the north, through the establishment of four northern municipalities in the Kosovo

system after the November 2013 elections.

The issue is that while the most recent agreement seems to be more or less in line with the Ahtisaari plan, it, the 2013 agreement and the recent "main elements/key principles" document are all ambiguous on the issue of municipal partnerships, and this ambiguity could lead to problems.

For instance, there are two articles dealing with municipal partnerships:

9.1.1 Municipal responsibilities in the areas of their own and extended own competencies may be exercised through municipal partnerships, with the exception of the exercise of fundamental municipal authorities,[63] such as election of municipal organs and appointment of municipal officials, municipal budgeting, and the adoption of regulatory acts enforceable on citizens in general.

9.1.2 Municipal partnerships may take all actions necessary to implement and exercise their functional cooperation through, inter alia, the establishment of a decision making body comprised of representatives appointed by the assemblies of the participating municipalities, the hiring and dismissal of administrative and advisory personnel, and decisions on funding and other operational needs of the partnership;

"These provisions allow for the exercise of powers collectively, but, importantly, not when it comes to basic municipal powers and authorities," points out scholar Gezim Krasniqi, Alexander Nash Fellow in Albanian Studies at University College London.

Articles 9.1 deal with "partnerships," while 9.2 deal with the formation of an association, which can offer its members services including "training, capacity building, technical assistance, research related to municipal competencies and policy recommendations."

It is unclear whether these are considered the same type of body or different possibilities, says Krasniqi.

The 2013 agreement puts the wording differently:

"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.[64] The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning.

The Ahtisaari Plan presents the opportunity to exercise "non-basic municipal powers together," but the 2013 agreement makes no such distinction.

The most recent agreement, on August 25, gives the future Association rights that were not mentioned in Ahtisaari or in the 19 April 2013 agreement:

9) The Association/Community will promote the interests of the Kosovo Serb community in its relations with the central authorities.

11) the right to initiate or participate in proceedings before the competent

63 Emphasis added by author.
64 Emphasis added by author.

Courts, including to the Constitutional Court

13) the right of the four mayors from the north to propose, on behalf of the association, a list of candidates for nomination as regional police commander

14) the right to own companies that provide local services within the scope of the Association

Point 9, as Krasniqi points out, gives Serbs another level of representation in addition to the seats in parliament reserved for them.

Point 14 intimates that the Association will not be purely a coordination mechanism but also a service provider.

Krasniqi concludes that there is potential for the Association to weaken the state of Kosovo, and the likelihood will be higher if the statute is ambiguous.

"I consider that a potentially ambiguous statute will be detrimental to the process of the integration of Serbs within the Kosovan system and ultimately Serb-Albanian relations," he says.

"Although the first objective of the association according to the 2015 agreement is 'to strengthen local democracy', I fear that the association will do the opposite. The aforementioned principles leave open the door for the emergence of a centralised mechanism controlled directly by Belgrade that weakens both the municipalities with Serb majority by exercising many competences on their behalf and representation at the central level."

Much of the implementation of the agreements depends upon the idea of "overview:" the 19 April 2013 agreement gives the ASM "overview" over the areas of healthcare, education, urban/rural planning and economic development, which are municipal capacities according to Ahtisaari. The Ahtisaari plan never mentions the word "overview," or ascribes it a functional definition. This term, which has been translated into Serbian and Albanian as 'supervision' and 'oversight,' interpreted by the Serbs as something like "executive authority," and has been interpreted by Prishtina as supervision but not an executive authority, will need to be fleshed out. Indeed, it may assuage some fears of Kosovo Albanians and create more realistic expectations for Kosovo Serbs if the term is better defined and presented to the public. The draft statute for the ASM, unlike the August 25 agreement, will be a legal document. It must either precisely define this term "overview" or replace it with other, more precise terms, considering that the precision of legal regulations is one of the three founding principles of rule of law.

"The biggest problem is legal ambiguity and the fact that Kosovo Serbs and Serbia don't recognise Kosovo," says Krasniqi. "It might make sense to have some provisional technical agreements in Brussels that are ambiguous but work in practice, but ambiguities in documents and legislation of crucial importance such as the functioning of the association and its relations with central authorities, risk to provide a long-standing source of disagreement and political impasse."

Scholars also raise concerns about the portion of the agreement which stipulates that the regional police commander will be a Serb, selected by the

mayors from Kosovo's four northern municipalities. A similar arrangement in Bosnia, which stipulates that the country's three presidents must self-identify as a Bosnian Serb, Croat, or Bosniak, was found to be in contravention of European human rights standards by the European Court of Human Rights in 2009.

"Kosovo has two main legitimate worries," says analyst Leon Malazogu. "First, that that [the Association] may face a type of deadlock similar to the Sejdic-Finci case in Bosnia if a non-Serb takes Kosovo to the court in Strasbourg about his/her inability to become the director of police in the north."

Malazogu, like many Kosovars, also shares Krasniqi's concern: "Serbia still keeps a discourse of enmity towards Kosovo which frames concessions to the Kosovo Serbs as potential threats to the state. While generally within the Ahtisaari framework, the wording [of this agreement] leaves an open door for divergent hopes in due course, which guarantees to poison relations in the future."

Branislav Nesovic, who conducted extensive research on the Association of Serb-majority municipalities and the expectations and fears communities ascribed to it, says most of these "new" competencies are not really new.

"The very fact that Kosovo does not have to change any laws for the Association to be formed speaks for itself," he says.

Moreover, Nesovic argues, the Association will actually serve to integrate northern Serbs into the Kosovo polity "at least institutionally," which will in turn ward off fears of "the other," and be a way to build trust in the Kosovo institutions.

"The Community of Serb-majority municipalities, jointly with political processes at central and local levels could be a useful institutional framework that can offer accommodation to Serbian community in Kosovo, and as the first resort, alleviate its fears and sense of distrust toward the process and Prishtina itself."

"The biggest problem is legal ambiguity and the fact that Kosovo Serbs and Serbia don't recognise Kosovo"
**— GEZIM KRASNIQI, SCHOLAR AT ALEXANDER NASH FELLOW IN ALBANIAN STUDIES AT UNIVERSITY COLLEGE LONDON**

Nenad Djurdjevic, of the Belgrade-based Forum for Ethnic Relations, says the Association was not granted executive powers, and, he argues "The system of election of the deputies in the assembly is indirect, meaning basically all the institutions will be created by deputies already elected in the municipalities, giving it less political and legal influence."

The Association does get new competencies like property rights and the ability to appeal directly to the Constitutional Court, but there are no veto powers, and no clauses that oblige the central government in Prishtina to consult with the Association on matters of importance to the Serbian community.

Moreover, says Djurdjevic, aside from the seats in the Assembly, there is no institution that can take care of the Serb community in a comprehensive way. Additionally, the right to nominate the regional police commander was foreseen in Ahtisaari, and the Kosovo Police is a more or less centralised and hierarchical institution.

Djurdjevic, who worked extensively with the Albanian national councils in Serbia, argues that a similar model would have been better for Kosovo's Serbs, rather than a model focused on territory.

"I would advocate more for personal rights and the creation of minority institutions that stem from it, like National Minority Councils, rather than than territorialisation of the rights," Djurdjevic told BIG DEAL. "But if Kosovo Albanian thought that they can have the state without granting additional guarantees to the Serbs they were wrong."

The fact that six Serb-majority municipalities south of the Ibar will join the Association is something that could serve to bring the northern municipalities further into the Kosovo system. While an association for only the four northern municipalities, could leave hopes for partition of a contiguous area, the addition of the four in the south, which have already been part of the Kosovo system for many years, could ease integration. However, it could also bring those six municipalities closer to Belgrade and further from Prishtina.

"Communities are already divided and no miracle will make multi-ethnicity function in the short term, but in the long term it is a chance to make them learn to live together and function through socialization."

The state of the ASM was to be drafted by a management team within four months of the agreement, by 25 December. However, their actions have been postponed due to the temporary suspension of the agreement by Kosovo's Constitutional Court.

On 31 October, following weeks of destabilization in the Assembly, President Jahjaga asked the Constitutional Court to determine whether or not the agreement complied with the Kosovo constitution.

In her report on the state of play of implementation of the agreements published on October 25, 2015, Minister Tahiri was very clear: "The [recent] Agreement is in compliance with the Constitution of the Republic of Kosovo and its laws. The Association will not have executive powers and will not be a third layer of governance in the Republic of Kosovo."

The agreement does envision a role for the Constitutional Court, but not until an actual statute is promulgated as a regulation by the Kosovo government.[65] That is why this decision is seen widely as a stalling tactic, and one that has the potential to break down the goodwill that was accrued in August in Brussels.

Belgrade said the court decision would have a negative effect on the ongoing process of dialogue. "This is really ruining the atmosphere of dialogue and further reducing communication," Marko Djuric, head of Serbia's office for Kosovo, told BIG DEAL.

"We weren't informed about the initiative to send this to the court, which is not right. We are a party to this agreement," he said.

Serbian Foreign Minister Ivica Dacic called the move a "threat to regional stability," accusing Kosovo of "mocking both the international community and the European Union."[66]

"The Community of Serb-majority municipalities, jointly with political processes at central and local levels could be a useful institutional framework that can offer accommodation to Serbian community in Kosovo, and as the first resort, alleviate its fears and sense of distrust toward the process and Prishtina itself."

**— BRANISLAV NESOVIC, RESEARCHER**

65 The text of the agreement refers to this as a "decree," but as the government cannot issue decrees, it will take the form of a regulation, according to Minister Tahiri.
66 http://www.balkaninsight.com/en/article/belgrade-pristina-row-over-brussels-agreement-sus-

Some analysts see this decision as political and question whether the President had any constitutional right to ask the court to opine on the legality at this stage, as the document is not final, and the Constitution gives the president the right only to ask about laws or decrees.[67]

One thing is clear: the 25 August agreement foresaw that the ASM would be established by the end of the year, and now the current state of affairs ensures that no progress can be made before early 2016. This does not inspire confidence in the Kosovo government on the part of Kosovo Serbs. More than 80 per cent of northern Kosovo Serbs already say that the Brussels agreement has done nothing to improve their lives,[68] and this deepens resentment.

It is important to note that the mono-ethnic nature of the proposed association is concerning. The text of the agreement made in Brussels says that "The Association/Community will promote the interests of the Kosovo Serb community in its relations with the central authorities." Of course, the constitutional setting does also foresee collective protection mechanisms as a right for the Serb community. However, every single one of these municipalities has non-Serb residents, and such statements are not in the spirit of multi-ethnicity of Kosovo's constitution.[69] A better text would say that it would promote the interests of all citizens of the given municipalities.

Minister Tahiri is adamant that the Association will not be established until all parallel institutions of Serbia are closed. As the statute is being written and finalized, a tripartite commission should be set up to evaluate Serbia's governance structures and find a solution for those who remain employed by the Serbian institutions so that these can be shut down with minimal impact on livelihoods.

"We weren't informed about the initiative to send this to the court, which is not right. We are a party to this agreement."

**— MARKO DJURIC, HEAD OF SERBIA'S OFFICE FOR KOSOVO**

## SECURITY

Security is an important component of society, and it is extremely important in Kosovo, where a small incident that may not be ethnically motivated can take on such a character.

### Police

2015 was the first year that saw only one police force serving Kosovo: the Kosovo Police. The implementation of the agreement on police is almost complete. This is a major success of the dialogue. By May 2014, the integration of 285 former Serbian Ministry of Internal Affairs (MUP) employees into the Kosovo Police was completed.[70] This more than doubled the number of KP officers in

pension-11-11-2015

67 http://www.balcanicaucaso.org/eng/Regions-and-countries/Kosovo/Kosovo-a-very-political-Court-165756

68 AKTIV survey

69 See Articles 1 and 3 of the Kosovo Constitution.

70 This topic is covered more extensively in the first BIG DEAL report from November 2014. For even more detailed information, see http://pasos.org/wp-content/uploads/2014/04/police_integration_nk_web.pdf

northern Kosovo's four Serbian-majority municipalities to 530.[71]

After the 19 April agreement, some 1,200 former police employed by the Serbian Ministry for Internal Affairs (MUP) were forced into early retirement. Administrative staff were never incorporated, and another 800 employees who were not from northern Kosovo were not integrated, and not eligible to receive pensions.[72] These administrative staff have been protesting, on the belief that the spirit of the agreement was that people would not lose jobs, or be financially damaged as a result of the agreement.[73]

160 of them from north Mitrovica continue to protest the decision.

## Civil protection corps

The Civil Protection Corps was a Serbian institution regulated by the law on Emergency Situations, and members were supposed to be first responders to floods, earthquakes, and other natural disasters. The units were under the jurisdiction of local governments.

The existence of the body has been a very touchy issue for Prishtina during the dialogue, because it considers the unit to be a uniformed and armed militias. Serbia, and indeed members of the CP themselves, considered themselves as providing important emergency services for citizens, services that the Kosovo government had not been providing. Equally if not more important, however, is the fact that the CPC was a source of income for its 751 employees.

Although disbanding the CPC was foreseen in the 19 April 2013 agreement to be completed by the end of 2013. That process did not begin until a second agreement, reached on 26 March 2015, provided more specific parameters for CPC members' retirement or absorption into relevant Kosovo institutions. The agreement also provided for a handover of all CPC materials: lookout points, offices, warehouses, uniforms etc., and legal adjustments within Serbia to make the CPC cease to exist as a legal entity.

Now, a total of 483 members of the CPC are being integrated into the Kosovo system. Already, 433 have received jobs in institutions and another 50 are receiving salaries and have been promised work placement within three years. Eligibility and institutional matching were determined by a four-person panel consisting of two representatives from Kosovo institutions, one former CPC member, and one EU representative.

In order to be considered for integration, each applicant was required to present valid proof of Kosovo citizenship along with a job application. Kosovo Police and EULEX conducted security checks. 50 applicants were found to have criminal backgrounds and needed to seek clearance from Kosovo judicial institutions in order to proceed.

The first 105 contracts were signed on 1 July of this year, for 80 people now

71 http://www.balkaninsight.com/en/article/serb-police-adapt-to-new-bosses-in-kosovo
72 The Kosovo Police had been functioning in northern Kosovo for several years prior, and already had administrative staff in place.
73 Interview with analyst, North Mitrovica, March 2015.

employed in the Emergency Management Agency and another 25 in Kosovo Correctional Service.

The agreement specified that the entire recruitment process would be finished on 1 September 2015, but that was not the case. The process of finding positions for the former employees is taking longer than expected.

The agreement also specified that all premises owned and operated by the Civil Protection would be handed over to the Kosovo government. This includes warehouses, offices, observation points, as well as equipment and uniforms. The problem here is that some of the property promised in Brussels did not belong to the CPC in the first place, something that the Serbian negotiating team in Brussels likely knew.

A joint group agreed upon a list of 15 units (offices, warehouses, etc) used by the CPC in all four municipalities. The EU told the Kosovo government that these premises are considered owned by the municipalities, not the CP, and that they don't have the right to hand them over to the Kosovo side. The Kosovo side claims that there should not have been negotiations over the premises in that case.

The equipment was handed over on August 25, 2015 to the Kosovo Emergency Management Agency.

There are three observation points located along the main road from Mitrovica to Jarinje. Per the agreement, they were to be removed on 20 April. This did not occur, but they were removed on 11 June. Another observation point in north Mitrovica overlooking the main bridge was handed over to Kosovo Police on 13 August, and completely removed with EULEX assistance on 14 September. This was also foreseen by the agreement for 20 April, so there was a five month delay.

According to the Kosovo government, On 29 April 2015, Serbia informed the EU facilitator in writing that the CPC in Kosovo will no longer exist within the Serbian system from 1 September 2015. CPC members no longer receive salaries from Serbia.

## Judiciary

Access to justice is a benchmark of democracy and a crucial component of the foundation of any country.  Kosovo has long sought a unitary judiciary, comprising its entire territory. The 19 April 2013 agreement and its 22 May 2013 implementation plan foresaw that the judicial authorities would be fully integrated by the end of the same year. Implementation had completely stalled and a new agreement was reached in the wee morning hours between 9 and 10 February 2015 on integrating the four northern municipalities into a Prishtina-based court system. This deal was the first made between Prime Ministers Mustafa and Vucic, and it came after months of stagnation. Though it signalled an injection of momentum to the process, these deadlines too were too ambitious: it foresaw that the unitary judiciary be fully functional by September 1, 2015.

"We need the court so northern Kosovo can finally stop being a rule of law

vacuum," says Dusan Radakovic, whose Mitrovica-based NGO works with the justice system. "The judiciary is the cornerstone of any society, and this agreement is the key to unlocking the others. Once this agreement is fully implemented, it will make it easier for the others to also be implemented."

The parties agreed that existing judicial authorities would be integrated into the Kosovo system. The Appellate Court in Prishtina will establish a panel composed of a majority of Kosovo Serb judges to deal with all Kosovo Serb majority municipalities.

A division of this Appellate Court, composed of administrative staff and judges, will sit permanently in northern Mitrovica. Kosovo Serb judges will comprise a majority of each panel.

On 10 February 2015 both parties met in Brussels and agreed exactly how the structure of the judiciary would look. Parties agreed that the president of the court will be a Kosovo Serb from northern Kosovo. The court in North Mitrovica will have an appeals division with five Kosovo Serb judges and 2 Kosovo Albanian judges, while a Kosovo Serb will be appointed the vice president of the court of appeals in Prishtina. It will also house the serious crimes division for the entire region, which will be composed of four Kosovo Serb judges and four Kosovo Albanian judges. There are also specific numbers of employees of both Serb and Albanian nationality prescribed for each court and its branches.[74]

The main points of the agreement are as follows:

- There will be one Basic court and one basic prosecution office for the Mitrovica region, which includes the four northern municipalities and the predominantly-Albanian and more populous Skenderaj and Vushtrri. The one basic court will have two premises (North and South Mitrovica) and four branches of the court: Zubin Potok, Leposavic, Skenderaj and Vushtrri.
- The court premises in South Mitrovica will have the department for minors for the entire region. It will adjudicate civil matters, uncontested claims, and minor offenses for Mitrovica north and south and Zvecan.
- The president of the court will be a Kosovo Serb from northern Kosovo. The chief prosecutor will be a Kosovo Albanian, with offices in the Mitrovica North Administrative Office in the Bosniak Mahala.
- Allocation of cases to prosecutors is based on expertise, specialization, and personal background knowledge. (This seems set to assure both parties that that their cases will most likely be prosecuted by members of the same ethno-national group.)
- The basic court will have 14 Albanian and 10 Serb judges in the building located in Southern Mitrovica, and 14 Serb and 10 Albanian judges in the North Mitrovica premises.
- The prosecutor's office will have 9 Serbs and 9 Albanians with 24 sup-



"The judiciary is the cornerstone of any society, and this agreement is the key to unlocking the others. Once this agreement is fully implemented, it will make it easier for the others to also be implemented."
**-DUSAN RADAKOVIC, HEAD OF MITROVICA-BASED NGO**

74 This agreement has been published in leaked form. The Kosovo Ministry of Justice has made it available to BIG DEAL, but it has not published the full text of the agreement online.

port staff each.

- There will be 79 Serb and 79 Albanian support staff, though the branches in Zubin Potok and Leposavic will each have seven Serb staff.
- The court in North Mitrovica will have an appeals division with five Kosovo Serb judges and 2 Kosovo Albanian judges. It will also house the serious crimes division for the entire region, which will be composed of four Kosovo Serb judges and four Kosovo Albanian judges. It will also adjudicate over criminal offenses for Mitrovica north and south and Zvecan. A Kosovo Serb will be appointed the vice president of the court of appeals in Prishtina.

At the time of writing, there are still several sticking points which were not negotiated in Brussels in February 2015 that have proven hard to solve: the location of the chief prosecutor's office, the ethnicity of the court clerk, and the number and ethnicities of of support and administrative staff.[75] Moreover, the existing software database of all court cases in Kosovo exists only in Albanian.

At present there is a backlog of half a million court cases in all of Kosovo, 8,000 of which are involve northern Kosovo. The Serbian judicial institutions have more or less shut down in mid 2013, pursuant to the agreement. They handle only civil cases like divorce and marriage. Only EULEX is in place to deal with criminal activities, though its mandate is set to end in June 2016, and it only conducts high profile war crimes, organized crime, or corruption cases. No strategy for coping with the backlog has been published.

When the police conduct a criminal investigation, the evidence is taken to Vushtrri/Vuciturn and kept there, until the court becomes fully functional. It is estimated that some 500 suspects from northern Kosovo will be taken in for questioning as soon as the prosecution becomes operational.[76]

It remains unclear whether a regulation or law will be passed ensuring that crimes with statutes of limitation which have expired due to lack of a place to try them.

"Serbian courts stopped their work more or less by 1 September 2013, when it was assumed that the integration process of the judiciary would be completed, but then nothing happened when the first of September 2013, rolled around, and negotiations continued," said a former employee of the Serbian judiciary who wished to be unnamed because of the sensitivity of the topic.[77] "This process of negotiations goes on but life cannot wait to political agreements, laws are not written for further political agreement, but implementation. Citizens have the right to a trial within a reasonable time, everyone has his own legal interest and they want it to be protected by the courts."

As we pointed out in our last report, the agreement on judiciary, like the agreement on police (which stipulates that the regional police commander

75 Only some of the ethnicities and numbers are delineated in the recent agreement/plan.
76 Interview with civil society activist monitoring the judicial system in Northern Kosovo in Mitrovica, November 2015.
77 Interview with employee of the Serbian system court in North Mitrovica, October 2015.

must be a Serb) has aroused the ire of the non-Serbian minority communities in Kosovo because it does not foresee participation in the judiciary explicitly for them. Representatives from the Bosniak, Gorani, Turkish, Ashkali, Roma and Egyptian communities have vocally announced their frustration and intention to challenge the decision before Kosovo's Constitutional Court.

Moreover, article 53 of Kosovo's constitution says, "Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights (ECHR)." In 2009, in its "Sejdic-Finci" ruling, the ECtHR ruled that the provision of Bosnia and Herzegovina's constitution, which provides for a three-member presidency consisting of one Serb, one Croat, and one Bosniak violates European human rights standards. This creates a precedent in European Convention case law that may yet haunt the arrangements agreed between Belgrade and Prishtina. The deal was made in Brussels long after the Sejdic-Finci verdict, yet the EU and the parties allowed for a ethnic makeup of the court that could contravene human rights.

In Bosnia, where judicial reform is on-going, the smaller entity, Republika Srpska, has asked for the election of new judges because it wants courts across Bosnia to have an equal number of judges from all three 'constituent peoples,',(the three main ethnic groups: Bosniaks, Croats and Serbs). However, this principle has been rejected as discriminatory, and European Union experts also said that the election of judges should be based on professional and not ethnic reasons.[78] It seems strange that in two enlargement candidate countries in the Western Balkans, the EU has two different standards.

Many residents of north Mitrovica already use the services of the court in Vushtrri, says Ruzica Simic, who runs a north Mitrovica-based anti-domestic violence NGO.[79]

"In the last year or two, the Basic Court of Mitrovica, relocated to Vucitrn [also known as Vushtrri], not only handles some urgent crimes but many more cases," Simic told BIG DEAL. "t seems to me to cover even the basic needs of the population in the north, not only criminal but also civil."

Simic says there is no difference in the treatment of people using the court services based on nationality.

"The only difference is between the education levels of various judges and prosecutors, how much they truly know [about domestic violence], as there is a new criminal code, so the only question is which criminal elements they put in the indictment and connect that to what is written in the law. This is problematic but we will need to work more with the police, the court and the prosecutors."

It is clear that Kosovo needs competent judges regardless of ethno-nationality, and it needs more of them. The judicial system is already under-staffed,

78 More here: http://www.balkaninsight.com/en/article/bosnian-court-fears-abolition-attempt-by-serbs-11-10-2015
79 The Centre for Preventive Action and Protection of Women Against Violence was founded in April 2015.

with 18.3 active judges per 100,000 people, according to the Kosovo Judicial Council.[80] This is higher than years past but significantly lower than other countries in the region.[81]

## Paperwork: Diplomas, Cadastre, Civil Registry

### Diplomas

Even though it is one of the earliest technical agreements made, mutual recognition of diplomas has not been going smoothly. The situation has not improved for any of the students mentioned in the last report. The Kosovo Ministry of Education passed a regulation in August that should pave the way for recognition of diplomas. Unfortunately in practice this has not enabled anything and nothing has changed since the last BIG DEAL report, which covered this issue extensively.

Mutual recognition of diplomas is an issue that touches the lives of many young people from both Kosovo and Serbia. Albanians in Serbia sometimes choose to study in Kosovo so that they can learn in their native tongue. Serbs in Kosovo need university degrees to get high-level jobs, especially in the government, where in most institutions Serbs are under-represented.[82] While the lack of recognized diplomas may not be the only reason for this, it is certainly a key component.

Albanians living in Serbia who want to get jobs in the public sector also struggle with balancing their desire to study in their native language and to have the potential to be employed in the future.

On 21 November 2011, both sides agreed to "ask the European Union Association (EUA) to certify university diplomas issued by universities of each for use by the other in connection with further education and/or public employment." The EUA is just what it sounds, a body representing more than 800 universities from 47 countries in Europe, committed to exchange and cooperation.[83]

A Dutch NGO, SPARK, was tasked with overseeing the process as a third party, receiving applications from both Kosovo and Serbia and forwarding them to the EUA. However, the two-year contract with SPARK ended in July 2014 and has not been renewed. According to SPARK representatives, this is because both sides need to recommit to actually accepting diplomas.

"In the last year or two, the Basic Court of Mitrovica, relocated to Vucitrn, not only handles some urgent crimes but many more cases, it seems to me to cover even the basic needs of the population in the north, not only criminal but also civil."

**-RUZICA SIMIC, HEAD OF NORTH MITROVICA-BASED ANTI-DOMESTIC VIOLENCE NGO**

80 Kosovo Judicial Council, "First Mid-Year 2014 Statistics of the Courts," August 2014. http://www.kgjk-ks.org/repository/docs/STATISTICS_REPORT_ON_THE_WORK_OF_THE_COURTS_Mid-year-2011_638768.pdf

81 See International Crisis Group, "The Rule of Law in Independent Kosovo," 19 May 2010. At the time the report was written, Bosnia and Herzegovina had 22.1 judges per 100,000 people while Croatia had 40.1 and Montenegro 51. http://www.crisisgroup.org/~/media/Files/europe/balkans/kosovo/204%20The%20rule%20of%20Law%20in%20Independent%20Kosovo.pdf

82 According to a 2013 study commissioned by the Kosovo Government, few ministries or institutions had the 10% minority representation required by law. Ministries of Finance, Justice, and European Integration each have less than 2% minority representation. The situation is similar in the tax administration (3%), treasury (1.5%) and customs (1.4%). The Kosovo Police has more than the required 10%. For more information, see "Assessment on the Employment of Members of Non-Majority Communities with the Kosovo Civil Service and Publicly Owned Enterprises," July 2013, by Novartis Consulting. http://www.novusconsult.net/pdf/FINAL_PRESENTATION_07_2013.pdf

83 http://www.eua.be/Home.aspx

Implementation began in February 2012 and as of the end of August 2014, 362 applications from Kosovo and 13 applications from Serbia were approved and certificates of recognition of the diplomas were issued. This is out of a total of 408 applicants from Kosovo and 25 from Serbia.

According to Serbia's office for Kosovo, Belgrade received only 38 applications, of which 28 were approved, five rejected, and five still being processed. This was after an additional nostrification process. In contrast with the centralized system in Prishtina, Serbia asks students to apply directly to universities for accreditation.

The nostrification process in Serbia is one of the most complicated in Europe and Serbia is planning to set up a national centre for diploma recognition. The hope is that diplomas from Kosovo too will be included in this process.

This is an issue that has been food for finger-pointing for many years. Discussions in September resulted in a plan that both capitals would create lists of accredited universities to circulate with the other, and to recognise outstanding diploma applications within five weeks. However, this has again been postponed. Both sides say that discussions are on-going, and that the other side is obstructing the implementation.

## University of Prishtina Relocated to Mitrovica

A separate issue is the recognition of diplomas from the "University of Prishtina relocated in Mitrovica." This has not been discussed in the Brussels dialogue because while Serbia sees this as a Serbian institution, Kosovo considers that it is on their territory.

Resolution of this issue is key for young Serbs living in Kosovo to find gainful

employment in public institutions, obtain professional licenses issued by public institutions, or participate in professional examinations organised by public institutions.

In June 2015, a working group has laid out criteria to determine how a graduate's qualifications can be assessed so that a certificate can be used as a replacement for a diploma, without actually recognizing the diploma of the university. According to the strategy, which is supposed to become operational by the end of 2015, a 7-member commission will issue certificates to citizens of the Republic of Kosovo who have degrees issued by the university in North Mitrovica. Two members of the panel will be proposed by the Prime Minister, and three will be proposed by the education minister. The strategy is rooted in the awareness of the right to work and education, as well as Kosovo's Law on Higher Education and the Law on Education in the Municipalities of the Republic of Kosovo.

The regulation should apply for three years, to all diplomas issued since 2001, when the university relocated to North Mitrovica.

Unfortunately, people close to this process are concerned that due to the halt on the Association imposed by the Constitutional Court, this procedure will

also be delayed.

## Cadastre

On 2 September 2011, parties agreed to ensure a full cadastral record for Kosovo by a similar process as delineated in the civil registry agreement: Tripartite teams, chaired by the EU, scan and verify the pre-1999 documents.[84] Each would be compared by a technical agency within Kosovo, and in cases of disparity, handled by an adjudication mechanism, the Kosovo Property Certification and Verification Agency (KPCVA), with the Kosovo Supreme Court hearing appeals.

In her recent report on the state of play, Kosovo Minister for Dialogue put the situation simply: "The implementation of this Agreement has not yet started."[85]

Serbia committed to scan and return the documents and Kosovo committed itself to creating the Kosovo Property Certification and Verification Agency (KPCVA), to handle disputes about those documents. The passage of the KPCVA law was blocked for a long time, though it was passed its first reading for the second time on 27 April 2015. More than four years since the agreement was signed, the law remains in its first reading before the Kosovo Assembly. At the time of writing, a second reading is planned, but continued obstruction of the Assembly's work could slow it down more.

Vetevendosje has opposed this law because it foresees that the KPCVA will be supervised by an EU representative, and the party argues that the period of supervised independence has been over for several years in Kosovo. The Kosovo government believes that the exchange of letters between President Jahjaga and Catherine Ashton in 2014, ratified by the Assembly, can provide the basis for this appointment.

The current law is certainly a compromise, because the original text of the agreement stipulates the establishment of a new agency. "This is not really reflected in the draft law," says a source involved in the process, "But if the law is interpreted rightly, it could be a workable basis."[86]

BIG DEAL approached a Kosovo Serb MP who sits on the Assembly's legislative committee to ask for the opinion of Srpska Lista of the draft law. The MP, unfortunately, sent BIG DEAL's request straight to Serbia's Office for Kosovo and did not respond to attempts to contact her.

Belgrade is not satisfied with the current draft law on the KPCVA, but wants to see resolution of property issues. According to the text of the agreement, a government official from Belgrade should be present in issues of property adjudication, which is not provided for in the draft law.

The current draft law also raises some logistical and human rights con-

84 Full agreement here: http://www.kryeministri-ks.net/repository/docs/agreement_0210_cadastral_records.pdf
85 "Brussels Agreement Implementation State of Play March-September 2015," page 45.
86 Interview in Prishtina in October 2015.

cerns, says independent property rights expert Massimo Moratti, who has more than fifteen years experience in property issues in the Balkans.[87] First of all, there is no clear hierarchy of documents provided for in the law, which would help in assessing claims.

The main concerns are violations of Article 6 para. 1 and Article 1 of the Protocol 1 of the European Convention on Human Rights.

The proceedings provided for in the draft law do not satisfy the requirements of "public hearing," says Moratti. The draft also does not provide necessary guarantees that the persons with legal interests will be timely informed about the proceedings and does not take into account the specific position of internally displaced persons.

Moreover, says Moratti, the wide discretionary power of the Executive Secretariat in the collection of evidence and the nonselective use of public archives in the process of comparison, verification and adjudication could lead to the final decisions being based on questionable evidence while the appellate proceedings before the Supreme Court of Kosovo are of too limited scope.

"I guess that within the EU there are some sort of legal checks of compliance of these agreements with human rights standards, so I am rather surprised that this issue has not been noticed by the EU unless the pressure to reach an agreement was the key factor in overseeing these issues."

Additionally, the draft law invokes remedies for the execution of the final decisions, which have proven to be ineffective in the past ten years of the Kosovo Property Agency. Unfortunately, there are no safeguards that the identified obstacles to their effective application would be removed.

Finally, there has been no feasibility study undertaken to determine how long the KPCVA would need to be operational and how much it would cost.

Moratti believes that in this case, an impartial body like the Venice Commission, which Kosovo is now a member of, should examine the draft law and its compliance with human rights standards.

The scanning continues in Belgrade. The original deal was only to scan the documents, but a test run of the process revealed that without making the database of documents searchable, finding specific cadastral records would be too difficult. In June 2014 Serbia agreed to make the future database searchable and now the documents are being indexed. As of November 6, there has been 3,198,257 images scanned and 329,309 images indexed out of a total estimated number 4,037,264 from 300 books in total.

The EU-funded support for the project runs until March 2016. At the time of writing the completion of scanning and hand over is feasible by that date. However, in the wake of the agreement on the constitutional court, the work of the legislative committee on KPCVA has been put on hold, and so has the second reading of the law in parliament.



"This is not really reflected in the draft law, but if the law is interpreted rightly, it could be a workable basis."

87 Interview in November 2015.

## Civil Registry

Before and during the war, Kosovo's civil registries, which contained information about births, deaths, marriages for Kosovo citizens born between 1850 and 1999, were destroyed, burnt or relocated to Serbia. An agreement was reached on 2 July 2011. The return of 12,391 certified civil registry records was completed in March 2014. Kosovo is undertaking an EU-funded project to digitize these copies.

## Kosovo and the World

Since declaring independence in 2008, Kosovo has been recognized by 111 countries, only two in the past year. As part of an agreement on regional representation and cooperation, on 24 February 2012, parties agreed, on an interim basis, that Kosovo's name could appear with an asterisk in regional bodies, with a footnote referencing UN Security Council Resolution 1244 and the International Court of Justice, ICJ, opinion on the Kosovo declaration of independence. They further agreed that any new agreements would feature Kosovo with the asterisk.[88] Although this asterisk means Kosovo remains unequal on the international stage, it was a big coup for Kosovo to be able to sign agreements in its own name, without having to be represented by UNMIK.

However, Autumn 2015 particularly has been a period of milestones for Kosovo's international memberships and recognition.

Kosovo signed a Stabilisation and Association Agreement (SAA), which paves the way for integration into the European Union, on October 27. This is a coup for Kosovo: the five EU members who do not recognize Kosovo still agreed on the deal, but the agreement was signed as a bilateral treaty between the EU and Kosovo. The SAA will allow Kosovo companies to export goods to EU countries without having to pay tariffs.

The signing of the SAA comes at a time when the ruling government coalition in Kosovo has been struggling to maintain control over the parliament, which for several weeks in October was blocked by the opposition coalition led by Vetevendosje. It is widely believed that the European Union chose to offer the agreement in order to provide a much-needed boost to the Kosovo government at a difficult time. The agreement is also certainly a reward for continuing the on-going dialogue with Serbia.

Kosovo was the last country in the region to sign an SAA. Kosovo officials have expressed willingness to apply for membership in the Council of Europe once the SAA is signed but it seems this has been postponed.

Another major development for Kosovo was its campaign to join UNESCO, launched officially on 16 July 2015 and intensified in September and October until the final vote in November. Kosovo Foreign Minister Hashim Thaci and Deputy Foreign Minister Petrit Selimi exhaustively lobbied in Paris, where UN-

88 Full text of the agreement can be found here: http://www.kryeministri-ks.net/repository/docs/agreement_0210_representation.pdf

ESCO is headquartered, and in capitals around the world for Kosovo's recognition. The bid, which needed a 2/3 majority of UNESCO's general assembly, failed on November 9 by three votes, with 92 voting in favour, 50 against, and 29 abstaining. It is a huge blow to Kosovo's momentum, though the blow is softened because of the SAA signed the week prior.

Serbia opposes UNESCO membership for Kosovo because in general it opposes any international recognition for Kosovo, but also because the four UNESCO sites on the territory of Kosovo are Serbian orthodox churches and monasteries. The four sites are officially known as "Medieval Monuments in Kosovo" and UNESCO has them registered in Serbia under "Autonomous Province of Kosovo." The sites are: Visoki Decani Monastery, the Patriarchate of Pec, the Church of the Holy Apostles in Gracanica, and the church of the Bogorodica Ljeviska in Prizren. They were inscribed in 2004, and were added to UNESCO's list of "World Heritage in Danger" in 2006, after riots in March 2004 in which 800 buildings were destroyed or damaged (29 of them churches and monasteries).[89]

Belgrade and the Serbian Orthodox Church were initially quiet but once the executive board voted to put the vote on the agenda, discourse became very heated, especially from representatives of the Serbian Orthodox Church. Serbia and members of the Serbian Orthodox Church have asked repeatedly for religious heritage to be brought up in the dialogue. Kosovo maintains that it already has mechanisms, like the Implementation and Monitoring Council (IMC) and other working groups, to handle these issues, and has been doing so.[90] Belgrade and representatives of the Serbian Orthodox community, however, have pointed to a draft law on cultural heritage, presented to Kosovo's Parliament in April as a reason for vociferous opposition to Kosovo's membership.

"My intention was to draw attention to the problems we've been having with Kosovo authorities, particularly since April, when they tried to pass a highly discriminatory law on cultural heritage," Father Sava Janjic, abbot of Decani Monastery, said recently. "In the context of that law, which requests all cultural heritage in Kosovo to become the property of the Republic of Kosovo, the UNESCO membership was seen by our Church as a tool of very likely cultural repression.[91]

Moreover, current chair of the IMC, Kosovo Vice-Prime Minister Kujtim Sha-

89 According to an OSCE report about the events: "On 17 and 18 March 2004, a wave of violent riots swept through Kosovo, triggered by two incidents perceived as ethnically-motivated acts. Demonstrations, although seemingly spontaneous at the outset, quickly focused on Kosovo Serbs throughout Kosovo. 19 people were killed (11 Kosovo Albanians, eight Kosovo Serbs), more than 900 persons were injured (including 65 international police officers and 58 Kosovo Police Service officers), and more than 800 buildings destroyed or damaged (including 29 churches or monasteries). By one estimate, more than 50,000 people participated in the riots." For full report, see: "Four years later: Follow up of March 2004 Riots Cases Before the Kosovo Criminal Justice System." http://www.osce.org/kosovo/32700

90 Moschopoulos, Dimitri. Serbian Orthodox Cultural Heritage in Kosovo (A Brief Status Report), 6 October 2015. http://www.peacefare.net/wp-content/uploads/2015/10/Status-Report-on-Heritage-Sites-in-Kosovo.pdf

91 Judah, Tim. "Fr. Sava: Time to Go Forward and Start Dialogue," Balkan Insight, 13 November 2015. http://www.balkaninsight.com/en/article/fr-sava-time-to-go-forward-and-start-dialogue-11-12-2015

la, who is currently responsible for chairing these working groups has minister for Youth, Culture and Sport, has not been regularly holding meetings. Several international observers have expressed frustration with his statements on heritage belonging to the Serbian Orthodox Church in Kosovo, and his reluctance to hold meetings. This should change, and Kosovo should recommit itself to implementing what has already been agreed to in the Ahtisaari Plan.[92]

The loss has been a blow to Kosovo's legitimacy, but it should focus on accession to the bodies defined in the list of the agreement brokered by EU facilitator Robert Cooper.

"Kosovo should now carefully design a smarter strategy for accession to other international organizations," says Fisnik Korenica, of the Group for Legal and Political Studies. "It should follow an approach of prioritizing less sensitive organizations first. Regional organizations where Kosovo was not able to accede due to Serbia's obstruction should be now denounced in Brussels. One should remind that Kosovo has not gained membership in the large majority of organizations prescribed in Cooper's list (which had been annexed to the asterisk agreement). This is an alarming result and Kosovo's diplomacy should now take it seriously."

"Kosovo should now carefully design a smarter strategy for accession to other international organizations."
**-FISNIK KORENICA, GROUP FOR LEGAL AND POLITICAL STUDIES**

Korenica also suggests that any future bids be made strategically.

"Another big failure after UNESCO would be seriously damaging for Kosovo's statehood," Korenica told BIG DEAL. "So, more strategic preparation is required, full political consensus between all parties, and less marketing for diplomatic things which need be managed softly and confidentially."

Kosovo remains barred from a number of regional bodies but it has made progress since the beginning of the dialogue, when both parties committed that "neither side will block, or encourage others to block, the other side's progress in their respective EU paths."

On June 10, 2015, Kosovo officially joined the Regional Initiative for Migration, Asylum and Refugees (MARRI).[93] Previously, Kosovo had been participating in MARRI meetings but noted that "obstruction from Serbia was evident."[94] This seems to have been sorted out, though in its recent progress report for Kosovo, the European Commission notes, "Serbia needs to remain committed to the continued implementation of the agreement on representation and participation of Kosovo in regional forums."[95]

The Kosovo government has also complained that the agreement on regional cooperation has been violated because of obstacles posed by Serbia and Bosnia and Herzegovina entity Republika Srpska because Kosovo only has the status of 'observer' in the Parliamentary Network of Western Balkan countries. Kosovo wants to have member status with equal voting rights.[96]

92 Discussions with international officials involved in protection of cultural heritage in Prishtina in October 2015.
93 http://www.marri-rc.org/upload/novi/201506,/Skopje%20Declaration.pdf
94 Tahiri, Edita. "State of Play in Implementation of Brussels Agreements," 16 January 2014.
95 Kosovo* 2015 Report, 10 November 2015, page 30. Accessed via http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf
96 Tahiri, Edita, "State of Play in Implementation of Brussels Agreements," 10 June 2015.

However, in the words of one international official familiar with Kosovo's regional accession aims, "If Kosovo spent just ten per cent of the energy and effort lobbying for membership in regional organisations as it has on its UNESCO bid, we would be much further along."[97]

Kosovo will need to reapply itself with a renewed vigour for Interpol membership. Although Kosovo has sent its request to join the international police cooperation body a few months ago, there is no indication whatsoever that Interpol is taking this request seriously. Interpol has not put Kosovo's request for membership in the agenda for its December meeting.

Driton Gashi, secretary of the Ministry of Interior described this as worrying because "with everything going on with terrorism in Europe, it is of mutual interest for Western countries to have Kosovo in Interpol in order to exchange information with us, as much as it is of our interest to have a forum like Interpol to exchange police information."

At the moment, international cooperation of police cases such as international banking crimes and similar issues have been largely dealt with via the EU Rule of Law Mission, EULEX, who has been given the mandate to do so by the UN Mission in Kosovo.

But Gashi rightly points out that this will not be the case forever.

"As it stands, EULEX is predicted to drastically reduce its mandate in 2016 so the question remains: how can we still count on exchanging information regarding police cases in international level once EULEX is gone? – of course, we prefer to do this exchange directly with countries as it will be of mutual benefit."

"I have everything in duplicate, it looks like I am Doctor Jekyll and Mister Hyde. Mobile telephony is chaos."
**-ZORAN RISTIC**

## Liaison officers

Two of the people who keep the functioning of the dialogue running smoothly are the liaison officers of the respective governments. Valdet Sadiku, Kosovo's liaison officer, is a career foreign service officer who formerly served as Kosovo's ambassador to Croatia. Serbia's officer Dejan Pavicevic had been part of the first team when Boris Tadic's administration began the technical dialogue in 2011.

Parties agreed in Brussels in September 2014 that they will both be in charge exclusively of official visits, and have each handled them ably.

A recent agreement allowing each office an extra staff member was also reached, but has not been fully implemented due to space constraints.

The Kosovo government has complained that after two years, Mr Sadiku has met only with one minister. Belgrade contends that Prishtina has not asked for the meetings, a claim Prishtina refutes.

## Telecom

In Kosovo there are a host of mobile operators, with three separate country

97 Interview in Prishtina in October 2015

codes, none of which belong to the country, as it is not yet a member of the International Telecommunications Union (ITU). Kosovo currently uses the Serbian country code +381 for fixed telephone calls, which functions seamlessly between Kosovo and Serbia. Serbian mobile phones with the +381 prefix don't work in Kosovo south of the Ibar except for spotty coverage near the borders and in areas where Serbs live, where they are not in roaming. In north of the Ibar river, +381 phones functions as if they were in Serbia. This results in most ordinary people carrying two, sometimes three cell phones.

"I have everything in duplicate," says Zoran Ristic from Gracanica. "It looks like I am Doctor Jekyll and Mister Hyde. Mobile telephony is chaos."

In Kosovo, the two mobile operators use the codes for Slovenia and Monaco, +386 and +377 respectively. +386, the Slovenian code, is considered roaming even in Slovenia, and is not considered part of EU-wide inexpensive roaming. Kosovo mobile users pay an average of eight times more than their neighbours or EU countries for roaming calls and about 100 times more for internet while roaming, according to research conducted by NGO LENS.

For many Kosovar consumers, roaming in Serbia is not even an option, a basic problem that inhibits businessmen, journalists, those who go to Serbia for medical treatment or family reasons, tourism, or for any other reason.

An agreement on telecommunications was reached on September 8, 2013 after approximately three years of negotiations.

Point 13 of the 19 April 2013 agreement stipulates that "Discussions on energy and telecoms will be intensified by the two sides and completed by June 15" and that the country code would be fully operational by January 1 2015. That did not happen, but as part of the August 25 package of deals a clarification on the telecom deal was reached.[98]

It stipulates that Austria will apply on Kosovo's behalf to the ITU for the country code +383. This is to be regulated by ARKEP, the regulatory agency.

Immediately after the deal, Minister Tahiri said that calls between Kosovo and Serbia would be international calls, while Serbian PM Vucic said "nothing changes," and that "Serbs from Kosovo, when they call Serbs in central Serbia, still dial only 011, and vice versa, when we call Mitrovica, we dial only 028, without any calling codes."[99]

According to the plan, both countries' regulators will 'encourage and facilitate the process of interconnection and roaming agreement between the mobile operators

of both sides with a view to reducing costs to citizens.'

Kosovo's regulator will give a temporary license to a new telephone company to be registered under Kosovo law until the opening of a new tender for a phone company.

According to the action plan agreed on 25 August 2015, Kosovo will be

98 Full text here: http://www.kryeministri-ks.net/repository/docs/150825-Joint-Action-Plan_Telecoms_en.pdf
99 http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=08&dd=25&nav_id=95216

officially allocated the country code by the ITU. With the code in place, Kosovo will no longer forfeit lucrative licensing fees that it has paid to Slovenia and Monaco that the Kosovo government estimates have cost 200 million euro.

There is a "migration period" envisaged from April to July 2016, and according to the action plan, "After this date, this dial code from the ITU will be used by all operators in Kosovo. Operators from both parties will reduce costs to local charges for citizens."

On fixed telephony, a full license for fixed telecommunications services will be issued a new company, a subsidiary of a Serbian company that is registered in Kosovo.

The deal also "opens the path toward achieving technical agreement in the postal services," but this had also been defined in earlier deals, and it remains blocked by ownership disputes over the property of the postal services.

## Energy

Serbia has held the reins of Kosovo's energy infrastructure since the war. In September 2013, parties agreed that their energy transmission bodies, KOSTT, of Kosovo, and EMS, of Serbia, would sign a bilateral agreement within three months, establishing and regulating relations between the two transmission system operators.

Both regulators were to issue licenses for trade (import, export, transit) and supply to their respective distribution companies. Parties also agreed to establish a new company under Kosovo law that would provide distribution services to the northern, Serb-majority municipalities. Kosovo and Serbia also agreed to, at a future time, find a common method for settling the claims both hold against one another for the use of transmission lines, agreeing to seek international arbitration if no solution came within six months.

On 14 September 2014 KOSTT and EMS signed an agreement for network management and system operations, giving both a legal basis for the independent operation of electricity system. This remained blocked until the recent agreement was signed on 25 August 2015.

KOSTT had faced obstacles establishing a relationship with the European network of energy distributors, ENTSO-E, because of Serbia's direct interference. Pursuant to the agreement, Serbia agreed to stop blocking Kosovo's membership.

Several applications have been filed for both of the Serbian companies, however they were apparently not according to the standards agreed in Brussels. Once the applications are re-submitted, the process of registering the two new companies should proceed normally.

Kosovo still wants to reach an agreement for compensation for past losses from Serbia's profits over control of the transmission of energy. EMS has been auctioning off the use of Kosovo's transmission lines since 2004. The government in Prishtina estimates that between 2004 and 2014 it has lost up to 150 million euros.

Some of the vital infrastructure for all of Kosovo's interconnected power infrastructure is in the north. The Gazivoda lake, home to Kosovo's largest dam, is located in Zubin Potok. It supplies 60 per cent of the potable water and it is the main source for cooling the power station in Obilic, 10 kilometres from Prishtina. It is also responsible for one third of the energy needs of north Kosovo. It remains one of the most contentious property disputes between Kosovo and Serbia, and there is no solution yet for it.

## CONCLUSION

Since 2011, the dialogue has seemed to be the way forward for both Kosovo and Serbia to finally resolve the status dispute and to make progress towards EU membership. The international community has made the dialogue the first priority, above improving democracy locally in both countries. This policy could yet prove to have a negative impact on the very progress made so far in the dialogue. EU and Western officials should not sacrifice local democracy in service of reaching deals in  process of negotiations between Kosovo and Serbia.

In the current phase of dialogue, it seems, that there are only a few small details on which there is no plan, meaning that there is little except for political will standing in the way of full implementation. This is a crucial period because the progress that has been made – and the potential progress once the deals are implemented – has not yet become irreversible.

"All of Kosovo's negotiating points should have been debated in parliament, the negotiations in Brussels effect the lives of everyone living in Kosovo, and the government's closed approach in this process has been deeply disappointing."
-HANA MARKU

In order to make it so, it will need more popular support. Both governments should do more to explain to their citizens that the implementation of the agreement brings them closer to the EU path, but that much will remain the same. In the words of north Mitrovica-based politician Oliver Ivanovic:

"The biggest obstacle to implementation is that the people of both Serbian and Albanian distrustful, as in fear, they are afraid of change. It will affect the Serbian people here but they have, in my opinion, insufficient information and that information must be given to them throughout the pyramid from top to municipal officials."

There should be a public campaign by politicians about why they have made these agreements, the progress should be regularly reported to the parliaments, and transparency should be a top priority.

"All of Kosovo's negotiating points should have been debated in parliament," says Hana Marku. "The negotiations in Brussels affect the lives of everyone living in Kosovo, and the government's closed approach in this process has been deeply disappointing."

Finally, Kosovo, Serbia and the international community should remember that ethnic quota systems are not the only way to achieve equality.

"Why are not talking about protecting human rights?" asks Milorad Radivojevic, of Zvecan. "If we are always talking about majority and minority communities, then Albanians and Serbs will always have problems."

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