



POLICY NOTE

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A Comprehensive Agenda for the North: The New European Approach

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Summary Points:

- A. The Enlargement Strategy 2011-2012 of the European Commission of the European Union has requested that Kosovo 'adopt a comprehensive agenda for the north';
- B. The European Commission's assertion seems explicitly unqualified, but a careful analysis of it reveals a number of arguments;
- C. The 'comprehensive agenda for the north', on the part of the EU, should be complemented by an increased pressure upon Serbia to halt financing its parallel structures in the northern Kosovo;
- D. With the request for a 'comprehensive agenda for the north', the European Commission recognizes the authorship and ownership of Kosovo to put into control and substantially manage the northern part of its territory;
- E. The 'comprehensive agenda for the north' becomes a conditionality standard against which the European Commission measures Kosovo's progress towards the EU integration;
- F. With the request for a 'comprehensive agenda for the north', the European Commission explicitly confirms that there could be no role for Serbia in the northern Kosovo;
- G. As this Policy Note deems, a 'comprehensive agenda for the north' would involve these policy measures: 1) 'A new communication strategy with the local Serbs living in the north'; 2) 'A comprehensive rule-of-law strategy'; 3) 'A new economic growth and public services approach'; 4) 'A new strategy to facilitating the new legitimate leadership for the Serbs living in the north, and promotion of a new political representation class'; 5) 'A strategy to alter the logic of parallel life into an Ahtisaarian governing logic'; and 6) 'A strategy to implement a local elections scheme, and enhance the representation of the northern local Serbs into public administration and public services at both central and local level'.

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About GLPS

Group for Legal and Political Studies is a think-tank based in Kosovo. It is one of the foremost institutions which provide both academic and policy-based research in the South Eastern Europe. Group for Legal and Political Studies is mainly concentrated in the politics, law and economics fields of research, however special attention is paid to the democratization phenomena in the post-communist world. The Group intends to use its policy research and solutions for furthering the process of democratization and European integration of Kosovo.

A Comprehensive Agenda for the North: The New European Approach

Being conscious of the latest complex and challenging situation in the northern Kosovo, the European Commission has officially requested in its Enlargement Strategy 2011-2012 that Kosovo adopt 'a comprehensive agenda for the north'.¹ As it stands, in its part, the European Commission gave no further explanation on this 'advice', leaving it as a straightforward contention. Although many perceive this as a simple statement having hardly any effect, one should dare to analyse more profoundly the substance of this request of the European Commission.

Therefore, this *Policy Note* will analyse the substantive meaning and the significance of the European Commission asking Kosovo to adopt a comprehensive agenda for the north, and hints on the possible policy options that could derive thereof. We argue that the comprehensive agenda, nevertheless, should be complemented with an increased pressure of the EU upon Serbia to halt financing and supporting parallel structures in Kosovo. Certainly, Kosovo's Government must effectively lobby at the EU institutional and member states' level to transform this in an explicit condition on Serbia's European integration track.

Three preliminary arguments as to the Commission's proposal

First, by asking that Kosovo adopt a 'comprehensive agenda for the north', the Commission recognizes the authorship and ownership of Kosovo to put into control and substantially manage the northern part of its territory. This, therefore, should be perceived as a step where the Commission recognizes and identifies the Kosovo's institutions as having the

duty to administering the problems in the north, and that Kosovo has to do this on basis of its constitutional attribution. This, on the one hand, means that the Commission recognizes to Kosovo the legitimacy and authority of managing the situation in the north, and on the other, informs the EU member states and institutions that the rule over the northern Kosovo should be within the authority of the Kosovo's lawful institutions.

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Second, by asking that Kosovo adopt a 'comprehensive agenda for the north', the Commission puts the management and good administration of the situation in the north as a condition for Kosovo's European integration. It is thus comprehended that the Commission considers that the continuous (in)ability of Kosovo to administer the problems and establishing democratic institutions in the north is an issue of the Kosovo's EU-integration dialogue. This being said, the Commission distinguishes Kosovo's readiness, accountability and capacity of addressing the comprehensive agenda for the north as a condition for its European integration path. Therefore, the argument goes, the adoption and progress of implementation of the 'comprehensive agenda for the north' will be a new, specific evaluation block of measuring Kosovo's progress to European integration.

Third, by asking that Kosovo adopt a 'comprehensive agenda for the north', the Commission implicitly asserts that it does neither require anything beyond Ahtisaari Plan nor requests Kosovo's institutions to coordinate their actions with Serbia. A simple deconstruction of this argument

¹ See European Commission (2011) 'Enlargement Strategy and Main Challenges 2011-2012', Brussels, 12.10.2011, COM(2011) 666 final, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/strategy_paper_2011_en.pdf, p. 18 and 28.

would lead to the conclusion that the Commission excludes any role for Serbia in making the new agenda for the northern Kosovo. Therefore, the Commission attributes the legitimate authority of setting a management agenda for the north only to Kosovo's institutions.

What could a 'comprehensive agenda for the north' contain?

Group for Legal and Political Studies deems that a 'comprehensive' agenda for the north must involve these policy actions, as following:

a) A new communication strategy with the local Serbs living in the north:

Most argue that the lack of communication between the Kosovo's central institutions and local Serbs living in the north – as it currently stands – has produced a situation where the Serbia's Government is being recognized by the international community as a semi-legitimate, but effective, representative of the local Serbs living in the northern Kosovo. This, certainly, poses threat to Kosovo's institutions legitimacy to inflict their authority in the north.

Therefore, a first point within the concept of a comprehensive agenda for the north is that the Government of Kosovo must adopt a communication strategy to establish – both formally and informally – the communication and interaction with the local Serbs living in the northern Kosovo. Should this policy become implemented, the Kosovo's Government would legitimize itself towards the international community to represent the local Serbs' interests, on the one hand, wherein leading to the situation for beginning the process of including local Serbs living in the north in the Kosovo's policy making structures and framework, on the other hand. The communication strategy, *inter alia*, should be aimed at fighting the asymmetry of information that local Serbs in north are being served with, in addition to diversifying the sources of information therein. As an initial commitment, the Government of Kosovo should take the necessary measures to establish as soon as possible a Kosovo-wide independent and public Serbian language television channel (RTK 2 broadcasting service), whose aim would be to

primarily serve with independent information the Serbs in the north.

b) A comprehensive rule-of-law strategy:

It is obvious that the current regime of parallel structures established in the northern Kosovo and the criminal groups – both of which have a structural cohabitation – have extensively restricted the rights and freedoms of the people living there. Therefore, the Government of Kosovo – in cooperation with EULEX and KFOR, and under the coordination of the European Union – must launch a rule of law agenda for the north. This, *inter alia*, means: a) (re)establish the first Kosovo's Police Headquarters in the north, courts and prosecutorial offices; b) (re)establish a service to offer free state legal aid; c) help integrate Serbian community members in those judicial, prosecutorial, police and customs offices; d) provide special protection and financial measures for Serbian community members pertaining to the above institutions.

"... communication strategy, inter alia, should be aimed at fighting the asymmetry of information that local Serbs in north are being served with, in addition to diversifying the sources of information therein.."

c) A new economic growth and public services approach:

The Government of Kosovo, within the concept of a comprehensive agenda for the north, should adopt a new economic growth and development strategy for the north, including an initiative to (re)establish the provision of public services. This, *inter alia*, would include:

- a) to promote the foreign direct investments in the north, via a coordinated initiative with the Ministry of Economic Development of Kosovo, and extend a social policy agenda there;
- b) to (re)establish the provision of public services in key sectors;

- c) to promote a program to establish a fund for business start-ups initiatives, and offer financial support to young entrepreneurs;
- d) to establish farm loan programs, and subsidy farmers and agriculture business initiatives; and
- e) to promote the establishment of Kosovo-licensed financial institutions, and support the access of other telecommunication providers therein.

This economic agenda would generate incentives for local businesspersons in the north to expand their commerce activity, and link their profit-making operation and future personal goals with the Kosovo's market.

- d) A new strategy to facilitating the new legitimate leadership for the Serbs living in the north, and promotion of a new political representation class:**

It is obvious that the self-isolation of local Serbs in the north is a result of the lack of their legitimate political representation, and their subordination to the political aims of the Serbia's Government and nationalistic political parties in Serbia. This being said, it is obvious that there is a need to promote the establishment of a legitimate local leadership for local Serbs in the north – either via the current Serbian political elite in Kosovo or new political parties and elites. Therefore, it is important for the Kosovo's Government to identify, promote and support – in coordination with other international stakeholders – civic initiatives, political parties and movements that address and represent the legitimate voice and interests of the local Serbs therein.

This could be done by an international facilitation, which, *inter alia*, offers financial support, public diplomacy tools and media coverage to facilitate their establishment as a new legitimate political class for representing the interests of local Serbs therein. However, of note is the fact that the involvement of the Kosovo's Government should not

hamper or put into jeopardy the independence of these initiatives.

- e) A strategy to alter the logic of parallel life into an Ahtisaarian governing logic:**

One of the key problems in the north is that local communities there have a lack of understanding about the wide-range of opportunities that an Ahtisaarian local governance brings to their representation and political self-rule. Therefore, it is important that the Government of Kosovo initiate public diplomacy campaigns to inform local Serbs about the Ahtisaari Plan, the local self-government, and broad protection offered by it. The Government of Kosovo – in coordination with EULEX and international specialized agencies – should start incrementally (systematically) promoting the Ahtisaarian governance and simultaneously narrowing the parallel institutional life. This process should progress simultaneously with the agenda for identifying and promoting a new legitimate leadership for the northern Kosovo.

- f) A strategy to implement a local elections scheme, and representation of local Serbs into public administration and public services at both central and local level:**

To link the two above-mentioned policies, Kosovo must adopt a strategy to implement local elections in the north. Certainly, this process should be centrally coordinated by Kosovo's central institutions – with Serbian representatives involved therein – however, its operative part must be conducted in full cooperation and administration with the OSCE and the EU. In addition, the Government of Kosovo must start reengaging local Serbs in the north in the ethnic community quotas in the public administration and public services – both local and central – and offer special protection for their participation. In addition, Kosovo authorities should take all necessary measures that help the participation of the members of the Serbian community in courts, prosecution, police and customs services.



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