



POLICY NOTE

Number 02 – March 2012

Are Belgrade's local elections an end in itself: A view towards the dynamic plan in extending/ diminishing hopes for an Ahtisaari-based authority in the northern Kosovo

Author:
Group for Legal and Political Studies

Summary Points:

- A. Kosovo's Government continues to lack a more proactive and effective strategy to tackle the northern Kosovo issue, indicating its weak policy approach to address an issue of national security;
- B. Serbian local elections would increase both inter-ethnic tensions and further enhance the divisions within Kosovo Serbs between those living in the north and those living south of the Ibar River;
- C. Such elections in the northern Kosovo would essentially hinder the EU-facilitated Dialogue between Kosovo and Serbia, provoking its full breakdown;
- D. Local elections would substantially jeopardize EU's foreign policy objectives, and delegitimize its position and objectives with regard to the continuation of the Dialogue;
- E. Serbian local elections in the north, at the same time, would predetermine that the northern Kosovo issue become part of the agenda of Dialogue;

Policy Note 02/2012

Are Belgrade's local elections an end in itself: A view towards the dynamic plan in extending/diminishing hopes for an Ahtisaari-based authority in the northern Kosovo

March 2012

© Group for Legal and Political Studies, 2012.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any mean without the permission. Contact the administrative office of the Group for Legal and Political Studies for such requests. Information on contacts can be found at the web site of the Group. If you wish to further use this paper, please contact GLPS for permission.

Group for Legal and Political Studies
'Rexhep Luci' str. 10/5
Prishtina 10 000, Kosovo
Web-site: www.legalpoliticalstudies.org
E-mail: office@legalpoliticalstudies.org
Tel/fax.: +381 38 227 944

ABOUT GLPS

Group for Legal and Political Studies is an independent, non-partisan and non-profit public policy organization based in Prishtina, Kosovo. Our mission is to conduct credible policy research in the fields of politics, law and economics and to push forward policy solutions that address the failures and/or tackle the problems in the said policy fields.

Are Belgrade's local elections an end in itself: A view towards the dynamic plan in extending/diminishing hopes for an Ahtisaari-based authority in the northern Kosovo

Background

Having gone through an in-depth Dialogue facilitated by the European Union (hereinafter: EU), both Kosovo and Serbia had faced difficulties in reaching consensus in numerous politically sensitive issues. Though the pressure of the EU upon the parties has increased constantly, the Dialogue has continued to pass its 'border' between 'technical' to 'political' dimensions.¹ The entire concept of Dialogue, however, was lately concentrated in saving the pro-European government in Belgrade from potential turn over, giving Kosovo a little more than a promised visa liberalization process. Under an increased pressure from both the EU and the United States, Kosovo and Serbia agreed on the 24th of February on the regional representation formula, with Kosovo assenting that it be represented via an asterisk referring to the UNSC Resolution 1244 and the ICJ Opinion on Kosovo's Declaration of Independence.² The agreement on regional representation, that was viewed by the EU as the successful model for both Kosovo and Serbia to bypass their EU integration pitfalls, had faced huge domestic opposition in Kosovo: opposition political parties and the public hugely contested the legitimacy of an agreement that leads to Kosovo accepting an uncommon asterisk for a state proclaimed as independent, whereas the international community argued that this seemed the only realistic way to enable Kosovo's presence at the regional and EU level meetings.

Many trusted that the EU enlargement leverage upon Serbia would finally 'normalize' the

situation in the northern Kosovo, with Serbia assenting that it remove its active position in the northern Kosovo and allow for the situation to be managed under an EU instruction. With the strong words of Chancellor Merkel that Serbia must remove its structures from the northern Kosovo and the EU's award of the candidate status to Serbia, the reasonable expectation was that Belgrade would smoothly reduce and refrain from being institutionally the manager of the situation in the northern Kosovo. A key point to test this 'reasonable expectation' was to observe whether Serbia will announce local elections in the northern Kosovo, bearing in mind that those elections would be legally in contrast to the UNSC 1244 and fully in opposition to the EU's expectations from Serbia. Therefore, a key question here is whether announcing and organizing local elections in the northern Kosovo would endanger the entire concept of Dialogue between Kosovo and Serbia, the Serbia's EU integration, and more importantly, whether the elections would impact the position of the Serbians in Kosovo. To that purpose, this Policy Note, examines the political implications that the Serbian local elections in the northern Kosovo would draw in the relationship between Kosovo and Serbia, the EU and more particularly, in the domestic affairs in both countries.

A View on the Main Actors' Position

In a complex political setting, with the EU and the United States requesting that Serbia refrain from announcing local elections in northern Kosovo, the Speaker of the Serbian Parliament Slavica Djukanovic – which comes from the Socialist Party of Serbia – announced elections in some of the municipalities in northern Kosovo (Zvecan and Zubin Potok), whereas, she argued, that the other municipalities' mandate in northern Kosovo has not terminated yet.³ The Serbian Government also formally asserted that such local elections would be held in line with the UNSC 1244 Resolution and with the support of UNMIK, which seems totally

¹ Aubrey Hamilton (2012) 'From Technical Arrangement to Political Haggling: Kosovo Serbia Dialogue and the North of Kosovo'. Policy Report 02/2012, Group for Legal and Political Studies, February 2012.

² Agreement on Regional Representation, Brussels, 24 March 2012, available at: <http://koha.net/repository/docs/26marr.pdf>.

³ B92, Parliament speaker calls local elections, 13 March 2012, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=03&dd=13&nav_id=79248.

contradictory in fact.⁴ Kosovo Government, on the other hand, condemned the decision of the Serbian Parliament Speaker to announce local elections in northern Kosovo, and argued that such decision is in full opposition with the constitutional law of the Republic of Kosovo.⁵ The Assembly of the Republic of Kosovo adopted a 4-point Resolution, affirming that the Serbian local elections in Kosovo would violate Kosovo's sovereignty and the good neighborly relations.⁶ The Assembly also requested that the Government of Kosovo must take all necessary steps to halt the Serbian local elections in northern Kosovo. From an international perspective, the United States Ambassador to Serbia, Mrs. Mary Warlick, asserted that the United States is against local elections in Kosovo and that Kosovo is a sovereign state.⁷ She also added that the Serbian local elections in northern Kosovo would produce representatives which would have no authority according to the laws of the Republic of Kosovo. EU, on the other hand, also argued that the Serbian local elections violate the UNSC 1244 Resolution and therefore are fully unacceptable.⁸

Although Serbia has absolutely no doubt on whether or not local elections in northern Kosovo should be organized, there are, however, two tricky issues that Serbia is playing upon. First, Serbia did not announce elections in all northern municipalities, and second, Serbia asked that such elections be held with the cooperation of UNMIK.⁹ Though very contradictory in nature, as local elections could not be organized with the support of UNMIK and would not accordingly be in harmony with the UNSC 1244 Resolution, Serbia still tries to soften its voice towards the EU.¹⁰ One significant observation is that the position of the Serbia's government over the northern elections in Kosovo would seem a very important indicator for its popular support in Serbia's May elections, hence, it seems that this card of Tadic is being somehow implicitly accepted at the EU tables as well.

Political implications that would derive from the Serbian local elections that could be held in northern Kosovo

Although Serbian political scene will continue to calculate its domestic political fights with a view to the northern Kosovo issue, the Serbian local elections will produce numerous implications for Kosovo and the northern issue in general. By discussing and providing policy-oriented implications that will arise in view of the Serbian local elections in the northern Kosovo, this Policy Note aims to enhance the policy debate on the more rational policy solutions that could shed light on preventing such implications appear.

a) Kosovo-Serbia Dialogue and Local Elections

⁴ Express, Serbia asks the help of UNMIK to organize elections in Kosovo, 21 March 2012, available at: <http://gazetaexpress.com/?cid=1,13,76792>.

⁵ Koha Ditore Daily, Kosovo Police has adopted an operative plan to block holding of Serbian elections in Kosovo, 17 March 2012, available at: <http://koha.net/?page=1,13,91910>.

⁶ Assembly of Kosovo, Resolution concerning the Serbia elections in Kosovo, No.04-R-06, Prishtina, 15 March 2012, available at: <http://koha.net/repository/docs/Rezoluta.pdf>.

⁷ B92, The U.S. supports Kosovo's sovereignty, U.S. Ambassador to Serbia Mary Warlick said, 08 March 2012, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=03&dd=08&nav_id=79157.

⁸ B92, Elections in Kosovo not good for Serbia, facilitator says, 10 March 2012, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=03&dd=10&nav_id=79199,

Radio Free Europe, Kosovo Government has no means to stop Serbia's elections in Kosovo, 21 March 2012, available at: <http://www.evropaelire.org/content/article/24523197.html>.

Moreover, 'Serbian Minister for Kosovo Goran Bogdanović has stated that it is no secret that holding of local elections in Kosovo is opposed by a number of countries', See B92, Minister on elections in Kosovo, Belgrade-Priština talks, 16 March 2012, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=03&dd=16&nav_id=79296.

⁹ Gerard M. Gallucci, Kosovo – Serbian elections going ahead in a Tadic compromise, TransConflict, 15 March 2012, available at: <http://www.transconflict.com/2012/03/kosovo-serbian-elections-going-ahead-in-a-tadic-compromise-153/>.

¹⁰ Koha Ditore, UNMIK will not organize Serbia's election in Kosovo, 22 March 2012, available at: <http://koha.net/?page=1,13,92611>, and B92, UNMIK "unable to organize local elections", 22 March 2012, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=03&dd=22&nav_id=79406.

A very significant issue in the context of Kosovo-Serbia Dialogue is whether the Dialogue could have prevented an implicated situation where Serbia decisively announces the local elections in the territory of the northern Kosovo? Certainly, a very natural argument in this regard is that neither the EU nor the Kosovo's Government have been so anticipative with regard to the long-term problems what will arise. Both parties, therefore, have to a certain extent shown little consistency in preventing situations which would be meant as totally destructive towards the Dialogue. This said, should the EU's main aim remain the facilitation of a Dialogue that produces tangible, long-term and effective results, the current behavior of Serbia towards the local elections proves the opposite. From an EU perspective, permitting Serbia organize local elections in the northern Kosovo diminishes not only the key EU foreign policy aim in the Western Balkans, but also will provide for a highly reluctant position of Kosovo to reengage in the Dialogue with Serbia. It seems that the EU has no determined position with regard to the Serbian local elections in northern Kosovo – although EU declaratively shows a rigid voice in this regard. This said, the EU seems worried that determining Serbia to halt local elections in northern Kosovo could turn over Tadic's government in the May elections. Although this calculation might seem proper, the northern Kosovo could not always be left as a base wherefrom Belgrade's government turnover is calculated upon. The EU, more rationally, should also take into account that the northern Kosovo would as well become a basis for a more nationalistic politics in Kosovo, and that the liberal position towards the question of multiethnicity could become jeopardized should northern Kosovo continue serving Belgrade's political aims. Overall, local elections in northern Kosovo would seriously diminish possibilities for the EU-facilitated Kosovo-Serbia Dialogue; whereas EU would substantially lose its objective for the normalization of the situation in the northern Kosovo should such elections appear in practice.

b) EU fears of the rise of nationalism in Serbia, it is therefore likely that it will not stop, block or anyway hamper the holding of elections

Another dimension of the role of the EU in stopping and/or blocking the holding of elections in the north relates to the concerns over the rise of nationalist parties in Serbia. The argument therefore supports the claim that hindering or blocking the Serbian Government from organizing local elections in the northern municipalities of Kosovo can impact and/or directly influence the outcome of the May parliamentary elections in Serbia. In this sense, an EU diplomat holds that:

'Probably who will run Serbia in the next 4 years is more important than organizing elections in the northern municipalities of Kosovo. Moreover, according to an EU foreign policy adviser, the winner of the May elections in Serbia is seminal to the stability of the region. The north of Kosovo and local elections are not therefore part of EU foreign policy priorities.'

Therefore, the long expected role of the EU institutions and the impact that they could have in stopping, blocking or anyway hampering the holding of local elections and establishing the Ahtisaari based governance in the northern municipalities should be assessed vis-a-vis the impact that those actions can have in Belgrade's liberal political parties. Allowing that local elections be held in the northern Kosovo would for sure legitimize nationalist agendas in Belgrade, and would simultaneously upholds Belgrade's bargaining power stronger than before: it is therefore of paramount importance for the EU to screen the realities being facilitated via such local elections.

c) KFOR: reluctant, neutral and unprepared

In general, the role that KFOR can play in establishing rule of law and an Ahtisaari-based governance in the northern municipalities is very important. This holds true even with regard to the role of KFOR in blocking parallel structures in northern municipalities from acting as Serbian Government mandated officials in organizing and managing the election process. Moreover, KFOR is perceived as one of the neutral facilitators that could help Kosovo authorities as well as EULEX mission in Kosovo to implement their strategies for an Ahtisaari based governance in the northern Kosovo.

However, the role that KFOR can play should not be overestimated, especially if one considers its continuously 'neutral' attitude towards many issues in the north of Kosovo. In addition, according to the KFOR commander, the role that KFOR can play in the north is conditioned upon finding a political settlement between Kosovo and Serbia, and having full regard of the will of the people who live there. Here again, according to the KFOR commander, holding local elections in northern municipalities is not KFOR concern,¹¹ therefore complicating the issue even further.

d) A Step Back in Integrating Serbs: local elections increase inter and intra ethnic division and tensions

Serbian local elections in the northern Kosovo would certainly turn out more tensions not only between Kosovo and Serbia, but also more tensions between Serbs and Albanians, and between northern Kosovo Serbs and south Kosovo Serbs. From a more pragmatic point of view, Serbian local elections would prove a step back in integrating northern Serbs into Kosovo's institutional structure, and substantially hamper the Ahtisaari chances in the northern Kosovo. Local elections in the north would also transform more rigidly northern Kosovo Serbs into tools of the Belgrade nationalist parties, therefore clearly diminishing their possibilities for having their own democratic and legitimate voice as to their governance. It goes without saying that local elections would also divide Serbs themselves, and increase tensions between them: on the one hand, south Kosovo Serbs would continue to rely on their party leadership as part of the Kosovo's institutional structure, whereas northern Serbs would increase their aversion towards their south Serbian countrymen. This would translate not only into more likelihood for tensions between Serbs and Albanians and Serbs themselves (those in the north and south), but would also diminish chances for a multiethnic Kosovo. This tendency would also provoke a last chance for the decline of the

Ahtisaari rule in the northern Kosovo or at least predetermines the beginning of the end of the Ahtisaari plan, which would certainly delegitimize the entire process of the international engagement for an ethnically plural Kosovo over the last decade. All told, the international community should recognize that the citizens living in the north are instrumental in keeping nationalist parties in power and are being served to nationalist agendas, which clearly questions the entire international peace-building investments in Kosovo and the region.

e) Kosovo Government with no long-term strategy: is willing but shaky

It seems clear that besides its will, Kosovo's Government has no long-term strategy to tackle issues like the Serbian local elections in the northern Kosovo. It goes without saying that the current situation in the north is also a result of the Kosovo's Government negligence, weak policy-making, and lack of informed strategy to normalize the situation and extend its authority. Except the political rhetoric, the Kosovo's Government seems unprepared to strategically address the issue of the north and to engage with the international community for its own responsibility upon that issue. One of the weakest points in this regard is the totally absent voice of Kosovo's Government at the EU foreign policy doors – by contrast to Serbia – clearly offering space to EU to show no responsibility over the Serbia's behaviour towards the northern Kosovo. In this way, the Kosovo's Government is further delegitimizing its authority to restore the rule-of-law in the north, and to behave as a sovereign agent in that part of Kosovo. The lack of a proactive approach in setting bridges of communication and representation of the citizens living in the north is predetermining the northern Serbs to adhere strictly to the Belgrade Government, therefore forming a false perception at the international level that the legitimate authority to represent their interests is the Serbian Government. Altogether, this state of affairs is allowing that Serbia further its claim over the north of Kosovo, thus diminishing possibilities for softer interethnic relations under international standards.

On the other hand, the proactive role that Kosovo Government could have played in a priori preventing the local elections through the dialogue process is an important step to assess the long term strategy

¹¹ B92, Local Election 'not KFOR's concern', 14 March 2012, available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=03&dd=14&nav_id=79254.

in preventing the elections in the north. In this point to this discussion, there are two arguments that intend to explain whether the dialogue between Kosovo and Serbia had a role in determining new mechanisms for launching municipal elections under the Ahtisaarian prescriptions in the northern part of Kosovo. The first, of course, relates to the Kosovo Government and draws upon the fact that the latter had neither oriented nor predetermined the agenda of the Kosovo-Serbia Dialogue on basis of Kosovo priorities. That said, the argument is that the Government of Kosovo should have played a more proactive role in the dialogue with the aim of prohibiting the launch of the new municipal elections in the northern municipalities. Moreover, conditioning the dialogue process with the long-term aim of extending the Ahtisaari plan decentralization principles in the north of Kosovo could have rearranged the power relations in the northern Kosovo. To this point in this discussion, the second critique relates to the position of EU as both a good-faith facilitator of the dialogue and as the manager of the largest rule of law mission in Kosovo. On the one hand, the EU refrained from being decisive in producing stability in the northern municipalities of Kosovo, and on the other hand, refused to extend its rule of law mission in four northern municipalities of Kosovo. Moreover, via permitting local elections in the northern municipalities of Kosovo, the EU is diminishing the hopes for a short run solution in the north as well as failing to uphold the aim of the dialogue between Kosovo and Serbia in promoting cooperation, achieving progress and improving the lives of the people.

f) The way forward?

It is crucially significant that the EU and the United States put every effort to halt Serbia from organizing local elections in the northern Kosovo. Serbian local elections in the northern Kosovo would significantly delegitimize and hinder the rationality for further Dialogue between Kosovo and Serbia. On the other side, domestic pressures will rise up and Dialogue would even lose that little degree of popular support. This said, Serbian local election in the northern Kosovo seem to be the indicator for the continuation of the Dialogue, or, seen from the other context, Serbian local elections in the northern Kosovo would bring the northern Kosovo issue in the table of the Dialogue. Notwithstanding the logical grounds whereupon EU calculates the political outcomes, allowing that Serbia organize local elections in the north further feeds nationalism in Belgrade and would continue to uphold the north as an issue of partisan campaign and 'food' for politics for Serbian political parties. The Kosovo's Government must be shown far more proactive and rational, and less rhetorical, whereby transforming the northern issue into a national policy priority rather than an issue for public consumption and partisan naivety. The negligent, unsound, unconsulted and often wrong approach of Kosovo's Government towards the northern issue is certainly hindering the entire progress in Kosovo's political landscape. It is also highly important for the EU to recognize that Serbian local elections in the northern Kosovo would increase ethnical tensions, but also destruct relations between Serbians in the north and those in the south, clearly diminishing the entire concept for a multiethnic Kosovo.

POLICY NOTES

Policy Notes provide short, concise, timely, informative, and policy oriented analysis on specific issues. Policy Notes are short papers which outline the rationale for choosing a particular policy alternative of action in a current policy/issue debate. They are commonly published in response to a specific event and advocate for the professional stand of the Group for Legal and Political Studies. Indeed, the Policy Note is an action and advocacy-oriented document, which provides arguments for the adoption/amendment of a particular policy choice. Policy Notes aim to influence the target audience on the significance/implications/solutions of the current problem, and therefore brings recommendations to policy-makers, civil society and media, and the general public.