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ASUNTO: SERBIA-KOSOVO DIALOGUE: IMPLICATIONS OF ELECTIONS IN KOSOVO

Panel: Unión Europea

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The Central Election Commission of Kosovo reported on December 9th on the results of November's municipal elections. The Civic Initiative of Serbia, known as *Srpska* List, won in 9 out of the 10 Serb-majority municipalities and the Independent Liberal Party (SLS, by its Serbian acronym) so far leading Serb majority municipalities in the south of the Ibar River, won in 1. Serbia and Kosovo as well as the international community declared their compliancy with the electoral process, although this has not been fully implemented without altercations, particularly when the Serb-majority municipalities called for a boycott.

Despite the endorsement given by all parties, the triumph of the *Srpska* List, the only party backed by Belgrade has given rise to suspicions. This victory has been interpreted as an intrusion by Belgrade and a move to destabilize Kosovo; however, a more detailed analysis of the electoral process allows us to further examine this position, bringing to light the new challenges for the dialogue process to tackle.

THE IMPORTANCE OF THESE ELECTIONS

The proper implementation of these elections was necessary for Belgrade, as a part of the implementation of the April 19th agreement, through which Serbia and Kosovo agreed to normalize their relations. The EU considered this implementation a prerequisite for the beginning of the EU membership negotiations with Serbia. Belgrade, therefore, had much at stake and conscientiously pushed for security in the development of this election. Incidents occurred on the 3th November at the three polling stations in North Mitrovica¹, wherein Belgrade asked for "forty five minutes" to bring order to the situation, can only be interpreted in one sense: as a way to show to the international community and to the EU in particular, that they are playing along. Moreover, it also points out Belgrade's necessary complicity in "neutralizing" those opposed to the normalization process.

¹ Ref: <http://www.bbc.co.uk/news/world-europe-24798397>

Second, these elections were a litmus test for the 19th of April agreement, in which Serbia agreed to dismantle its remaining institutions in Kosovo (primarily security and justice), in exchange for the creation of a Community of Serb-majority Municipalities. Therefore, these elections pursued two objectives: the election of the future members from Kosovar Serb population for this new institution (yet unsettled) and, more importantly, through the participation of Serbs from North Kosovo in an election organized by Prishtina, North Kosovo (until now in a state of "jurisdictional limbo") has formally integrated Kosovo structures.

The main question is no longer the sovereignty of North Kosovo, but the institutional form through which the Serbian population will be integrated into Kosovar structures or, to be more precise, what institutional form the Community of Serb-majority Municipalities will have and what kind of powers will be conferred to it. This, however, is also one of the major Gordian knots in negotiations. Prishtina considers it merely an association for municipal management -like already stipulated in Kosovo's constitution for the rest of the territory- with advisory powers. Belgrade, meanwhile, wants to see in it an "entity" with a high degree of autonomy inspired by Bosnia's *Republica Srpska*.

Thus far, Belgrade's major argument has been in the participation in elections to elect future representatives to this new institution. Nevertheless, there is great confusion on this point among population. If both Prishtina and the international community are radically opposed to the creation of an "entity" similar to the *Republica Srpska*, the negotiation on this point remains open. Given the lack of transparency of negotiation talks in Brussels and the fact that constitutions will have to be rewritten in both Serbia and in Kosovo to adapt them to the agreement, it has led the citizens of Kosovo to worry about possible results. Some sources in Prishtina pointed out that granting high level of autonomy and capacity –veto power- as a major threat for the normal development of Kosovo. This interpretation is further reinforced by the fact that, only taking in consideration the means provided by the Constitution, the Kosovo Serb

population may have a high percentage of representation in the future assembly².

BELGRADE BACK IN KOSOVO?

The involvement and presence of Serbian authorities in Kosovo during the election campaign and even more so, the triumph of *Srpska* List among Serb-majority municipalities both in the north and the south of the Ibar River, has aroused great concern and has been interpreted as the "return of Belgrade". This political party, supported by Serbia and associated with the most radical elements of the Serb political spectrum, maintains a hard stance regarding dialogue with Prishtina. This is clearly exemplified by the victory of Krsmitir Pantic³ (*Srpska* List) as mayor of Mitrovica North facing Oliver Ivanovic (citizens' Initiative "Serbia, Democracy, Justice") a more moderate candidate and clearly preferred by international community.

This position of Belgrade is surprising for being an obvious "shot in the foot". Nevertheless, as some analysts have stressed, this maneuver of Serbia can be understood as an attempt to control radicals keen to sabotage the process. We should remember that this same maneuver was utilized by the current ruling party of Serbia, the Progressive Party. This political party left the ranks of the Radical Party (led by Vojislav Seselj, currently in the Hague charged with war crimes and crimes against humanity) and is now led by important figures linked to Milosevic era. Paradoxically, after the arrival of the Progressive Party to power in 2012, Serbia began the process of normalization of relations with Kosovo and is also expected to start the process of EU accession.

² The constitution of Kosovo provides a minimum of 10 seats allocated to the Serb minority out of 120 making up the Assembly.

³ The election campaign focused on his intransigence regarding the issue of recognition of Kosovo's independence from Serbia. The campaign sent out the message that voting to *Srpska* List meant that Serbia would remain in Kosovo. Ref : <http://www.serbia-times.com/panticsrpska-has-won-in-nine-serb-majority-municipalities/>

Only figures respected highly enough by the radicals can undertake such a risky procedure.

In fact, it should be kept in mind that this is the result of the high pressure that the EU is exerting on Serbia to advance as fast as possible in the normalization of relations with Prishtina. This also involves monitoring the progress of the Serbia-Kosovo dialogue throughout the entire process of Serbia's membership negotiations. In this sense, chapter 35 ("other matters") would be dedicated to the dialogue with Kosovo and, according to the non-paper submitted by the United Kingdom and Germany last October to the European partners, it could also include a special provision dedicated to this issue in each of the other chapters.

Nevertheless, *Srpska* List's victory could also be considered as a reaction in the interest of the anti-European faction of the Serbian government –or a card they will be able to play in the future. Negotiating in Brussels but fueling division in Kosovo could create a stumbling block used by enemies of the process on both sides. That is why we must take into account two factors that could be very destabilizing and could lead to reverse the situation in favor of an anti-European sector opposed to negotiation with Kosovo.

First, a lack of commitment from the EU in the context in which the *fatigue de l' élargissement* is growing. The government and in particular the Prime Minister, Ivica Dacic and Deputy Prime Minister Aleksandar Vucic have invested much of their political capital in a process (the *de facto* recognition of the independence of Kosovo in exchange for EU membership), which is far from popular among public opinion and also alienates an important part of the political class. If the EU showed signs of general lack of interest in the accession process, it could discourage the Serbian government and supporters from this option. It could represent for Kosovo a return to a "frozen conflict" position, of which the EU has no interest, considering its impact on security.

Second, we have the Russian factor. Russia is not only the traditional ally of Serbia, but also one of the most important actors opposing the recognition of Kosovo's independence. If the EU fails to live up to their commitments, a reconfiguration

in power in favor of the most anti-European sector will find in Russia a strong supporter. In this sense it is relevant to take into consideration the "effusive" response given by the Serbian government to the South Stream project (a stretch of the pipeline network goes through Serbian territory). This project, estimated at around two billion euros and at least 2,000 jobs, could mean for Serbia 200 million euros per year⁴, all without any political cost.

OUTSTANDING ISSUES

Finally, this election process brought two major issues still unaddressed or insufficiently treated to the surface. First, there is the issue of low voter turnout and legitimacy. More specifically, turnout in northern Kosovo has not exceeded 22%⁵. If it has been considered as acceptable by the international community as well as policy makers in Belgrade and Prishtina, this could lead to problems when enforcing agreements. Particularly in a context in which people feel *confused, betrayed* and *sold*. A representative of the civil society in northern Kosovo has pointed out that they "had not the time to get an idea of what was happening: in April began dialogue and in October these elections [through which they are supposed to accept the new authority of Prishtina] were held". Political talks in Brussels are being conducted with a low degree of transparency and citizens suffer from a lack of communication on the part of authorities explaining what has been agreed and how it will change their lives. For example, a major issue of concern, what will happen to Serb officials in north Kosovo when Serbian institutions (police and justice) will be removed (as long as Prishtina is unable to absorb all of these posts) has long remained unanswered. Additionally, the population of north Kosovo feels both trapped and as though

⁴ Ref : <http://uk.reuters.com/article/2013/11/24/uk-gazprom-southstream-serbia-idUKBRE9AN0ET20131124>

⁵ 21% in North Mitrovica, 22% in Leposavic, 22% in Zubin Potok y 11% in Zvecan.

they are being used as a political weapon. They do not understand the Belgrade's new maneuver and they fear the possible ramifications. In this context, it could be dangerous to go on with a process negotiated at the highest political level but with little support on the ground.

Secondly, the question of elections' outcome in Serb-majority municipalities in Southern Kosovo has to be considered. This group presented a high voter turnout⁶ whose results, as indicated above, gave the victory to the Belgrade-backed *Serpska* List. These municipalities had been governed until then by the SLS (Independent Liberal Party), a political party allied to Prishtina which holds three ministries. This party, in favor of a realistic policy of integration of the Serb population in Kosovo, aroused mistrust in Belgrade, which nicknamed it "Thaci's Serbs". With the perspective given by the creation of a Community of Serb Municipalities bringing together northern and southern Serb municipalities, and given the fact that the Serbian population is twice as large in the south than in the north of Kosovo, Belgrade has focused on "re-winning" the south of Kosovo. Therefore, much of the campaign effort focused on these southern municipalities. Conversely, Prishtina was interested in the maintenance of the SLS in order to "dissolve" the force of the future Community of Municipalities by creating a fracture within the group.

The Southern Kosovo Serb municipalities, unlike the North with its physical continuity with the Republic of Serbia, are far from the border and set up in enclaves surrounded by an ethnic Albanians. This population has been identified, and used by many both in Prishtina and Belgrade, as an example of integration between Kosovar Serbs and Albanians; however, the victory of the *Serpska* List in the south means this issue must be reevaluated. Although the recognition of the rights of minorities in the Constitution of Kosovo is high, including linguistic rights, and it the need for dialogue and

⁶ 56% in Ranilug, 57% in Kllokot, 47% in Gračanica, 51% in Shtrepce, 58% in Nobo Brdo and 56% in Partesh. Information available on <http://www.kqz-ks.org/en/>

reconciliation is continuously stressed⁷, their implementation remains a challenge that the Kosovo authorities have to face up to in practice.

CONCLUSIONS

The latest election in Kosovo has shown the commitment of both parties, as well as the international community, to move forward in a difficult process that should put an end to the last remaining conflict in Europe. In this sense, the prospect of EU integration is proving a great incentive to take bold policy decisions. At the same time the EU has so far shown that it lives up to the challenges that this process involves.

Despite alarmist interpretations of the electoral results, it seems that, for now, Belgrade would not be interested in using them to sabotage a process which must allow this country to joining the EU. However, other potentially hazardous elements emerge when analyzing the global context. In this context, the EU should give a clear support to the efforts made by the parties so far, in order to keep anti-European options unpopular. In this case, it is essential to begin membership negotiations with Serbia and, in the case of Prishtina, to carry on the negotiations for the establishment of a Stabilisation and Association Agreement.

Finally, Spain should maintain the role that has played in this process, always focused on a constructive goal. Being one of the five Member States opposed to recognizing Kosovo's independence, its role is necessary as a counterweight to the harder positions (Germany and UK) which exist in the EU and thereby allowing a space for more balanced negotiations for all parties. Moreover, Spain should continue to accompany the efforts made by Serbia and seize on the popularity it enjoys to stimulate more progresses.

⁷ Ref : <http://www.osce.org/kosovo/92244>

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