

Community of Serb Municipalities in Limbo of Unfulfilled Agreements

May
2022





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Municipalities in Limbo of
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in Limbo of Unfulfilled Agreements

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About Open Initiative

"Democracy, Openness and Perspectives of the Serbian Community in Kosovo – Open" is an initiative of Kosovo Foundation for Open Society (KFOS) launched during 2020. The aim of this initiative is to develop an open and dynamic space for discussion within and among the Serbian and other communities, as well as with institutions in Kosovo.

Civil society organizations and media from Serb community in Kosovo, members of the initiative, specifically deal with analyses and assessments of impact of civic and political organizations on the development of democracy as well as openness of Serb community in Kosovo. These analyses assess the openness of institutions, public policies, and important processes towards Serb community in Kosovo, as well as the level of openness of Serb community towards them.

These analyses will help provide insights into the situation and perspectives of Serb community in Kosovo, serving at the same time for informed representation in front of decision-makers, local and central institutions, and the international community

1. Introduction

For almost a decade, the Community of Serb Municipalities has been the most controversial issue of dialogue between Belgrade and Pristina, conducted under the auspices of the European Union. The reason that makes this issue so contentious relates to the fact that the Community of Serb Municipalities was not formed, despite the clearly agreed and assumed obligations. Unlike other issues on which a compromise solution is not at hand, due to the irreconcilably distant positions of Belgrade and Pristina, the agreement of the parties on the formation of the Association of Serb Municipalities was confirmed through two agreements signed in 2013 and 2015.

The Belgrade-Pristina dialogue fell into a state of prolonged stalemate when negotiations on a comprehensive agreement on normalization of relation, as a final result of the Brussels process, were to begin. The Community of Serbian Municipalities is a cause for grave accusations that the two sides are making against each other, thus rendering the continuation of the dialogue pointless. The continues overstated political rhetoric, however, shows little regard for the position of Kosovo Serbs, for whose benefit the Community of Serb Municipalities is supposed to beformed.

Despite the fact that the dialogue is at an impasse, Belgrade and Pristina neither show readiness, neither work on the formation of the Community, not try to eliminate

misunderstandings that hinder its formation. In order to point out a possible way out of the stalemate, this paper will seek to clarify the place that the Community of Serb Municipalities has in the dialogue between Belgrade and Pristina, but also to point out the role it could play in protecting the legitimate rights and interests of the Kosovo Serb community.

Regarding the Community of Serbian Municipalities predominantly from the point of view of the wider negotiation process leads to the loss of the importance it can have for improving the position of Serbs in Kosovo. The public debate on this issue lacks insight into the needs and interests of Kosovo Serbs whom the Community should primarily serve. This paper therefore aims to look into how the Community could contribute to filling gaps in the institutional framework for the protection of the rights of Serbs in Kosovo.

The starting point for the preparation of this paper are the findings of a survey on the attitudes and perceptions of the Serb community in Kosovo conducted under the Open Program. The paper emphasizes the Community of Serb Municipalities as a mechanism for the protection of the rights and interests of Serbs in Kosovo, in accordance with the previously assumed obligations, and advocates a standpoint that such approach would open the space for reaching an agreement between Belgrade and Pristina on its formation and enable the re-launching of the dialogue.

2. Methodology

The writing of this paper was preceded by empirical research aimed at gaining insight into the attitudes and perceptions of members of the Serb community in Kosovo regarding the Community of Serb Municipalities. In-depth interviews, focus groups and surveys were used as data collection techniques.

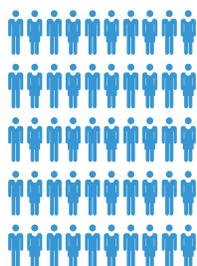
Field, face to face, survey was carried out during October-November 2021 on a sample of 500 respondents from Serb community. The questionnaire contained 46 questions and tackled a total of 6 areas. This was intentional,

quota sample while the criteria for quota was the size of municipality of residence. The interval of trust was +/-5. The sample had a total of 60.2% male and 39.8% female respondents. The average age of respondents was 42. A total of 64% respondents were interviewed north of the Ibar river, while the remaining 36% were interviewed south of the Ibar river. The survey included the respondents from municipalities Leposavic, Zvecan, North Mitrovica, Zubin Potok, Gracanica, Strpce, Novo Brdo, Ranilug, Klokot, Partes-Pasjane, ten municipalities with a Serb majority, and Kamenica.

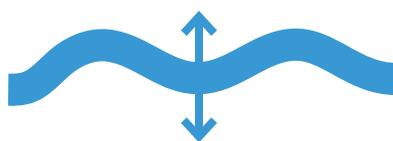
Research was carried out during October-November 2021 with a sample of

500

respondents from Serb community



64% respondents were interviewed north of Ibar



while the remaining **36%** were interviewed south of Ibar

The survey covered the following municipalities Leposavic, Zvecan, North Mitrovica, Zubin Potok, Gracanica, Strpce, Novo Brdo, Ranilug, Klokot, Partes-Pasjane, ten municipalities with a Serb majority, and Kamenica.

The sample had a total of

60.2%



39.8%



The average age of respondents was **42**

The interval of trust was +/-5.

| MUNICIPALITY: | FREQUENCY | PERCENT | VALID PERCENT | CUMULATIVE PERCENT |
|-----------------|------------|--------------|---------------|--------------------|
| Leposavic | 110 | 22.0 | 22.0 | 22.0 |
| | | | | |
| Kamenica | 10 | 2.0 | 2.0 | 24.0 |
| | | | | |
| Novobrdo | 30 | 6.0 | 6.0 | 30.0 |
| | | | | |
| Zubin Potok | 50 | 10.0 | 10.0 | 40.0 |
| | | | | |
| Strpce | 30 | 6.0 | 6.0 | 46.0 |
| | | | | |
| Zvecan | 60 | 12.0 | 12.0 | 58.0 |
| | | | | |
| Gracanica | 60 | 12.0 | 12.0 | 70.0 |
| | | | | |
| Ranilug | 30 | 6.0 | 6.0 | 76.0 |
| | | | | |
| Partes | 10 | 2.0 | 2.0 | 78.0 |
| | | | | |
| Klokot | 10 | 2.0 | 2.0 | |
| | | | | |
| North Mitrovica | 100 | 20.0 | 20.0 | 100.0 |
| | | | | |
| Total | 500 | 100.0 | 100.0 | |

Valid

A total of five in-depth interviews were conducted with prominent representatives of the Serb community in Kosovo. The interviews were conducted with one interviewee each from Gracanica, Silovo, Osojan and two interlocutors from North Mitrovica. Four focus groups were also organized with

the local community of Gracanica, Strpce, North Mitrovica and Kosovsko Pomoravlje (municipalities Ranilug, Novo Brdo and Partes). In addition, the drafting of this paper was also based on insights and information gathered through document analysis of documents and media reports.

Design of qualitative analysis

FOCUS GROUPS

Timeframe:

Research carried out during
1.10.2021 – 31.01.2022

Research instrument:

Guide for discussion with 10 questions

Number of focus groups:

4 focus groups

Total number of participants:

24 participants

Selection criteria for participants:

gender, place of residence, employment (in public institutions, private sector, but also in civil society and media sector)

INTERVIEWS

Timeframe:

Research carried out during
1.10.2021 – 31.01.2022

Research instrument:

Guide for discussion with 6 questions

Total number of interviewees:

5 interviewees

Selection criteria for interlocutors:

Participation in social and political life of Serb community in Kosovo, place of residence

3. Community of Serb Municipalities and dialogue between Belgrade and Pristina

The Brussels Agreement and the 'Grand Settlement'

The Community of Serb Municipalities was introduced into the dialogue between Belgrade and Pristina through the "First Agreement on Principles Governing the Normalization of Relationships" (hereinafter: the Brussels Agreement), which was signed in April 2013 by the then Prime Ministers of Serbia and Kosovo, Ivica Dacic and Hashim Thaci¹. The establishment of Community was part of the "Grand Settlement" reached at the time between Belgrade and Pristina. Pristina agreed on the establishment of the Community of Serb Municipalities in return for the consent of Beograd to the abolishment of the "parallel institutions" in the north of Kosovo, that is to the integration of police, justice and municipal structures of the forth northern municipalities in the unique Kosovo institutional system.

Until the present day, the Brussels Agreement is regarded as the greatest result of dialogue, conducted under the auspices of the European Union for more than a decade now. The significance of the Brussels Agreement is reflected not only in the political sensitivity of the issue for which it has found a mutually acceptable solution, but also in the fact that "tangible" progress has been made in its implementation. In fact, a large part of the Brussels Agreement has indeed come to life in practice. The Serbian side, despite occasional delays, has fulfilled its obligations. In contrast, the Community of Serb Municipalities has not yet been formed.

The importance of the issue of the Community of Serb Municipalities in the Brussels Agreement is confirmed by the fact that this document begins with a provision on the formation of the Community and dedicates six of its 15 points to it. The Agreement stipulates that there will be an "Association/Community of Municipalities in which Serbs make up the majority population in Kosovo" and that it will be formed on the basis of the Statute which will be on the same basis as the existing Statute of the Association of Kosovo

¹ First agreement on the principles governing the normalization of relations', Office for Kosovo and Metohija, <http://www.kim.gov.rs/lat/p03.php>

Municipalities. Municipalities will cooperate in the collective exercise of their competences through the Community, which will "exercise full oversight" in the areas of economic development, education, health, urban and rural development. The Community may also exercise additional competences which may be entrusted to it by the central authorities and may have a representative role in the central authorities and a place in the Consultative Council for Communities².

A stronghold for the formation of the Community can also be found in Ahtisaari Plan, to which Kosovo has unilaterally committed itself and which it has incorporated in its Constitution. The Ahtisaari Plan has found a mechanism in broad decentralization to protect the legitimate interests of Serbs and other non-majority communities in Kosovo. Among other things, the plan envisaged the formation of a number of Serb-majority municipalities and established their right to inter-municipal and cross-border cooperation on issues of common interest, as well as the right of municipalities to cooperate with institutions from Serbia and to receive financial assistance from Serbia³.

The agreement on the formation of the Community of Serb Municipalities was, in fact, an actualization of the provisions of the Ahtisaari Plan. In the context of the Brussels Agreement, the formation of the Community aimed to facilitate the establishment of new municipalities in the north and their integration into the Kosovo system. Although the new municipalities were established, the formation of the Community did not take place. This was also favored by the fact that the Serbian side was implementing its part of the Brussels Agreement, while at the same time not demanding that Pristina reciprocally fulfill its obligations regarding the formation of the Community. In this way, the possibility was left for Pristina to use the formation of the Community

² *ibid.*

³ Ahtisaari Plan, KOSSEV <https://kossev.info/wp-content/uploads/public/dokumenti/Sveobuhvatni%20predlog%20Martija%20Ahtisarija.pdf>

of Serb Municipalities in the further course of the dialogue as a trump card that it can offer anew in exchange for new concessions from the Serbian side. This happened as early as in 2015 when the Community became part of a new package of agreements which also included agreements on energy, telecommunications and the Ibar Bridge.

General Principles and Judgment of the Constitutional Court

In August 2015 the then prime ministers of Serbia and Kosovo, Aleksandar Vucic and Isa Mustafa, reached an agreement entitled "Association/Community of Municipalities with a Majority Serb Population in Kosovo – General Principles/Main Elements" (hereinafter: General Principles). This document confirmed that a Community of Serb-majority municipalities would be established in accordance with the provisions of the Brussels Agreement. The Community will be defined by its Statute, which will be adopted by the Constituent Assembly composed of representatives of the municipal assemblies of the members, and the Government of Kosovo will adopt a Decree confirming the Statute and which will be reviewed by the Constitutional Court⁴.

The Constitutional Court of Kosovo voiced its opinion in December 2015 regarding the Community of Serb Municipalities regarding the assessment of compliance of the General Principles with the spirit of the Constitution of Kosovo. The ruling was issued upon an initiative submitted in October 2015 by the then President of Kosovo, Atifete Jahjaga⁵.

Reviewing the General Principles, chapter by chapter, the Constitutional Court has ascertained that the document is a legal act that should

⁴ "Association/Community of Municipalities with Serb Majority in Kosovo – General Provisions/Key Elements", Office for Kosovo and Metohija <http://www.kim.gov.rs/pl7.php>.

⁵ "Judgment", Constitutional Court, <https://gjk-ks.org/sr/decision/u-vezi-sa-ocenom-saglasnosti-principa-sadranih-u-dokumentu-pod-nazivomasocijacijazajednica-optina-sa-srpskom-ve263inom--ne-kosove-opti-principiglavni-elementi/>.

enable the implementation of the Brussels Agreement as an international agreement. Namely, since the Assembly of Kosovo in June 2013 adopted the Law on Ratification of the Brussels Agreement, it became part of Kosovo's internal legal system as a ratified international agreement. As the Constitutional Court noted, the Brussels Agreement is not enforceable on its own, but requires additional legislation for enforcement. Thus, the Constitutional Court concluded that the implementation of the Brussels Agreement requires the establishment of a Community of Serb Municipalities which is thus a part of the constitutional order of Kosovo⁶.

The Constitutional Court Judgment states that the Community of Serb Municipalities will be established as envisaged, i.e. that the Government of Kosovo will adopt a directly applicable Regulation, which can also incorporate the Statute of the Community, and that the entire act will be submitted to the Constitutional Court for the assessment of its constitutionality. The Constitutional Court, however, found that the General Principles were not fully in line with the spirit of the Constitution, i.e. that a large number of the provisions contained in this document "did not fully meet constitutional standards". The Constitutional Court therefore found that the legal act of the Government and the Statute of the Community of Serb Municipalities should meet constitutional standards and be in accordance with the Constitution⁷.

The uncertain fate of the Community of Serb Municipalities

The Management Team for the establishment of the Community of Serb Municipalities was presented in September 2016. in Brussels. The Management Team of four members was appointed by the Pristina authorities with the

task of start working on the drafting of the Statute of the Community of Serb Municipalities without delay.⁸ Although there were announcements that by August 4, 2018 the steering team would present the Draft Statute in Brussels, it has never seen the light of day⁹. Instead, the idea of "demarcation" as a potential solution was introduced into public discourse during that period, which did not seem compatible with the formation of the Community of Serb Municipalities¹⁰.

The announcements which Pristina had after 2018 vis-a-vis the Community of Serb Municipalities ranged from the acceptance in principle of the obligation to form it, with an effort to postpone it and tie it to the signing of a comprehensive agreement on normalization and, possibly, to the recognition by Serbia, to the complete rejection of the obligations assumed in connection with the formation of the Community¹¹. The current government in Pristina, led by Kosovo President Vjosa Osmani and Prime Minister Albin Kurti as of 2021, has taken the position of explicitly rejecting the formation of the Community of Serb Municipalities, in line with the narrative on "Republika Srpska", whose formation would allegedly render Kosovo's institutions dysfunctional¹².

The formation of the Community of Serb Municipalities for Belgrade is a condition for the continuation of the dialogue¹³. During their visits to Belgrade and Pristina in early 2022 the United

⁸ CSM Establishment Team', Danas, <https://www.danas.rs/vesti/politika/tim-za-uspostavljanje-zso/>.

⁹ 'Statute of the Community of Serb Municipalities ready for Brussels', Radio Free Europe, <https://www.slobodnaevropa.org/a/statut-zajednice-op%C5%A1tina-spreman-za-brisel/29409651.html>.

¹⁰ Vucic: I am in favor of demarcation with Albanians", RTS, <https://www.rts.rs/page/stories/sr/story/9/politika/3224651/vucic-ja-sam-za-razgranicenje-sa-albancima.html>.

¹¹ "Hoti in Brussels: We will form the CSM, but only after reaching a final agreement", NI, <https://rs.n1info.com/vesti/a638547-hoti-zso-kad-se-postigne-finalni-dogovor-sa-beogradom/>.

¹² "Osmani: We will not allow models that would make Kosovo dysfunctional," Al Jazeera Balkans, <https://balkans.aljazeera.net/news/balkan/2022/1/31/osmani-necemo-dozvoliti-modele-koji-bi-kosovo-cinili-nefunkcionalni>.

¹³ "Petkovic: Without the formation of the CSM, we cannot move forward", Office for Kosovo and Metohija, <http://www.kim.gov.rs/v4660.php>.

⁶ *ibid.*

⁷ *ibid.*

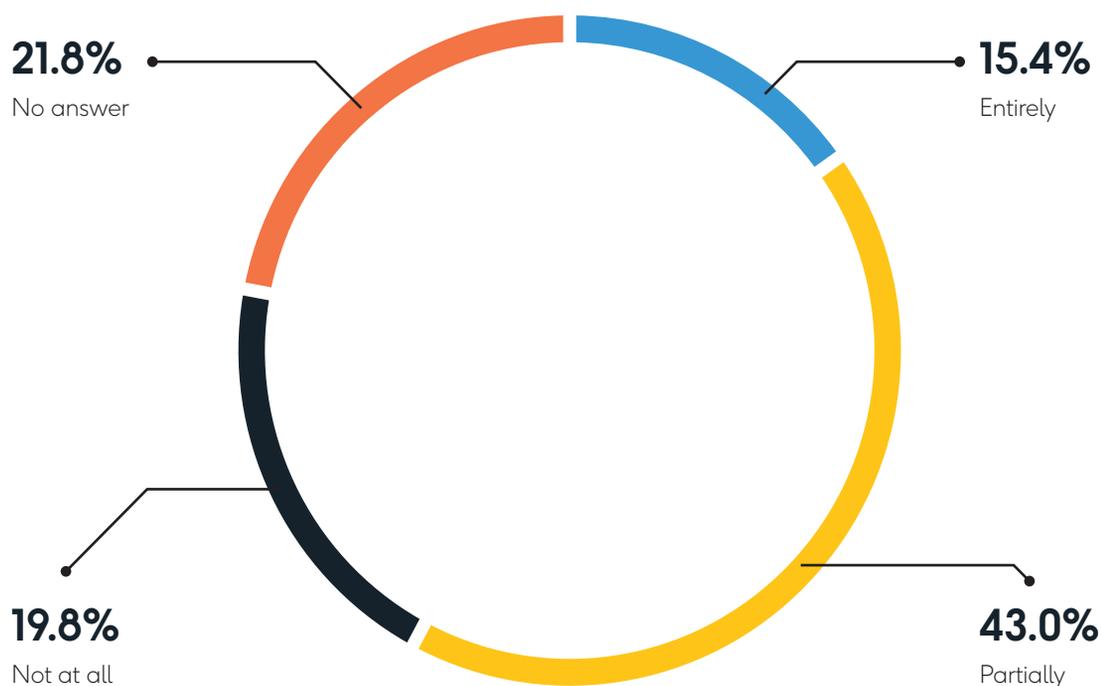
States' special envoy for the Western Balkans, Gabriel Escobar, and the European Union's special representative for dialogue, Miroslav Lajcak, confirmed the obligation to respect all previously reached agreements, including the agreement related to the formation of the Community of Serb Municipalities. On that occasion, the possibility of discussing new models for forming a Community of Serb Municipalities was hinted at as a way to overcome the stalemate¹⁴.

The results of a survey conducted with Serbs in Kosovo for the purpose of drafting this paper show that respondents believe that the formation of the Community of Serb

Municipalities would contribute to reaching a comprehensive agreement between Belgrade and Pristina. 58.4% of respondents fully or partially agree with this claim, while 21.8% do not have an answer to this question. The result is shown on Figure 1.

There are differing opinions among focus group participants and interlocutors of the interviews on whether reaching a comprehensive agreement would be closer if the Community of Serb Municipalities was formed. The majority believes that Belgrade will not accept a comprehensive agreement with Pristina, even if the Community is formed. Some of the interlocutors believe that this will

Figure 1. Would the formation of the Community of Serb Municipalities (CSM) contribute to reaching a comprehensive agreement between Belgrade and Pristina?



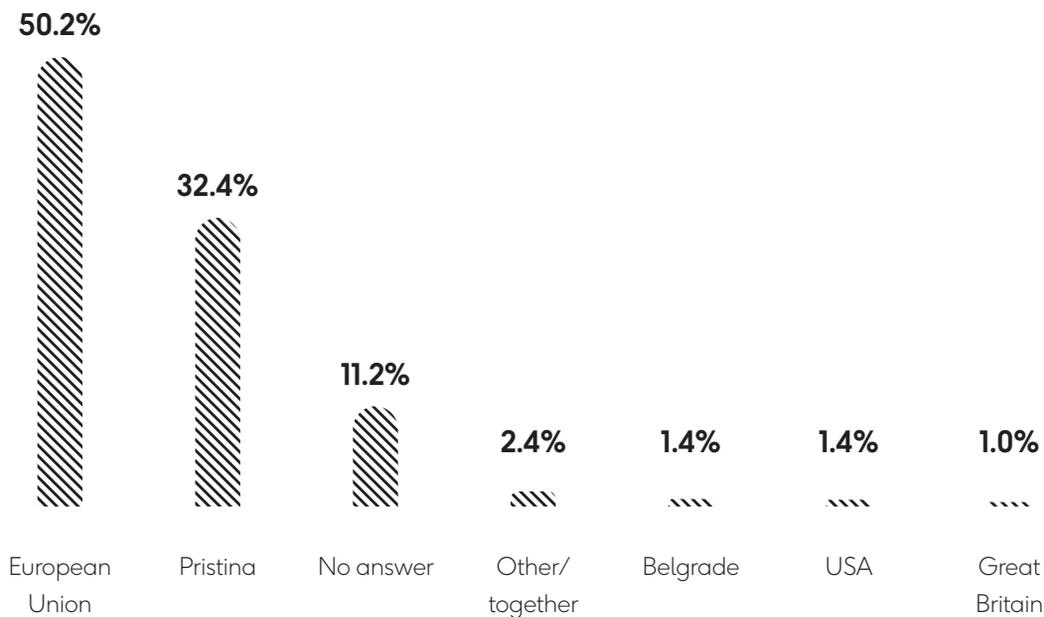
¹⁴ "Escobar and Lajcak are preparing the ground for the resumption of dialogue after the elections in Serbia." Voice of America <https://www.glasamerike.net/a/srbija-kosovo-escobar-lajcak-dijalog-brisel-vasington/6422261.html>.

not happen because there are other issues that need to be resolved, while others believe that Belgrade will not sign the agreement because it would mean a de facto recognition of Kosovo. Some interlocutors consider that these issues are interrelated, because forming the Community would be a concession by Pristina that Belgrade would accept in exchange for reaching an agreement or recognition.

When it comes to responsibility for the fact that the Community of Serb Municipalities has not yet been formed, more than half of the respondents (50.2%) believe that the European Union is the most responsible. The European Union is followed by Pristina, which was considered as the most responsible by 32.4% of respondents. The result is shown in Figure 2.

Focus group participants and those interviewed believe that the responsibility lies with all three sides – Pristina, Belgrade and the European Union. Most of them blame the Kosovo Government, i.e. Pristina, which, as they note, explicitly rejects the obligation to form the Community and creates an atmosphere in which this is impossible. Others believe that the most responsible is the European Union, which, although is the guarantor of the agreement, has not pressured Pristina to form the Community. A number of them believe that the responsibility lies with Belgrade, which does not urge enough on Pristina and the European Union to implement the agreement. Other actors who bear responsibility include the United States, which does not ask Pristina to implement its obligations, as well as political representatives of Kosovo Serbs who do not adequately demand the formation of the Community from Pristina.

Figure 2. Which of the following entities is most responsible for the fact that the Community of Serb Municipalities (CSM) has not yet been formed?



4. Dispute over Jurisdiction of Community of Serb Municipalities

The "stumbling block" that impedes the implementation of the agreement on the formation of the Community of Serb Municipalities concerns the competences it would have, and the main object of the dispute between Belgrade and Pristina is the possibility of the Community having "executive powers".

According to the General Principles, the main objectives of the Community are "the performance of public functions and services" in relation to certain areas. Based on the Brussels Agreement, the General Principles among Community Functions provide for "full oversight" in relation to the following: the development of the local economy; in the field of education; the improvement of primary and secondary health and social protection; the coordination of urban and rural development. In addition, the General Principles establish that the Community will also have functions in the following areas: strengthening local democracy; adopting measures to improve the living conditions of returnees to Kosovo; promoting and representing issues of common interest to member municipalities and their representation, including before central authorities; forming positions of common

interest for participation in the work of central authorities¹⁵.

As it follows from the agreement, the "exercise of full control" by the Community is limited to the areas of economic development, education, health, urban and rural development. Neither according to the most comprehensive interpretation of the provisions of the agreement, the Community has not been given the powers through which it could undermine the work of central institutions, because these are areas where the central government in Kosovo already has an obligation to respect the autonomy of municipalities in accordance with the Constitution and the Law on Local Self-Government.

According to the Law on Local Self-Government, economic development and urban and rural planning are the original competences of municipalities. The law also establishes that municipalities in which the Kosovo Serb community makes up the majority have expanded competences in the field of health, education and culture, which includes the

¹⁵ Association/Community of Municipalities with a Majority Serb Population in Kosovo – General Provisions/Key Elements", op. cit.

management of religious heritage, as well as the right to participate in the appointment of police station commanders. The municipalities of North Mitrovica, Gracanica and Strpce have an expanded competence in secondary healthcare, and the municipality of North Mitrovica has an expanded competence in higher education. The law also establishes that municipalities have the right to form partnerships for the purpose of exercising their competences, as well as to cooperate with institutions in Serbia, which includes the possibility of receiving financial assistance. Apart from municipalities themselves, partnerships between municipalities also have rights to direct relations with institutions in Serbia¹⁶.

Considering that the Community of Serb Municipalities would represent a municipal partnership, the autonomy it would enjoy, in terms of the areas of competence given to it, would not be greater than those already enjoyed by municipalities. The Community's role would be to coordinate the efforts of the municipalities in the exercise of their functions. This does not limit the powers of central institutions to supervise municipalities in accordance with regulations. The reservation made by the Constitutional Court regarding the competences of the Community provided for in the General Principles did not concern the relations of central institutions with municipalities. In this regard, the Constitutional Court expressed concern that the Community could replace or diminish the status of municipalities¹⁷.

When it comes to relations with central authorities, the Community has not been given functions in areas where they have exclusive competence, such as the protection of security and public order or foreign policy. According to the agreements, the Community of Serb Municipalities should be a platform for representing the interests of the Serb community

¹⁶ "Law on Local Self-Government," <https://mapl.rks-gov.net/wp-content/uploads/2017/10/Zakon-O-Lokalnoj-Samoupravi.pdf>.

¹⁷ "Judgment", op. cit.



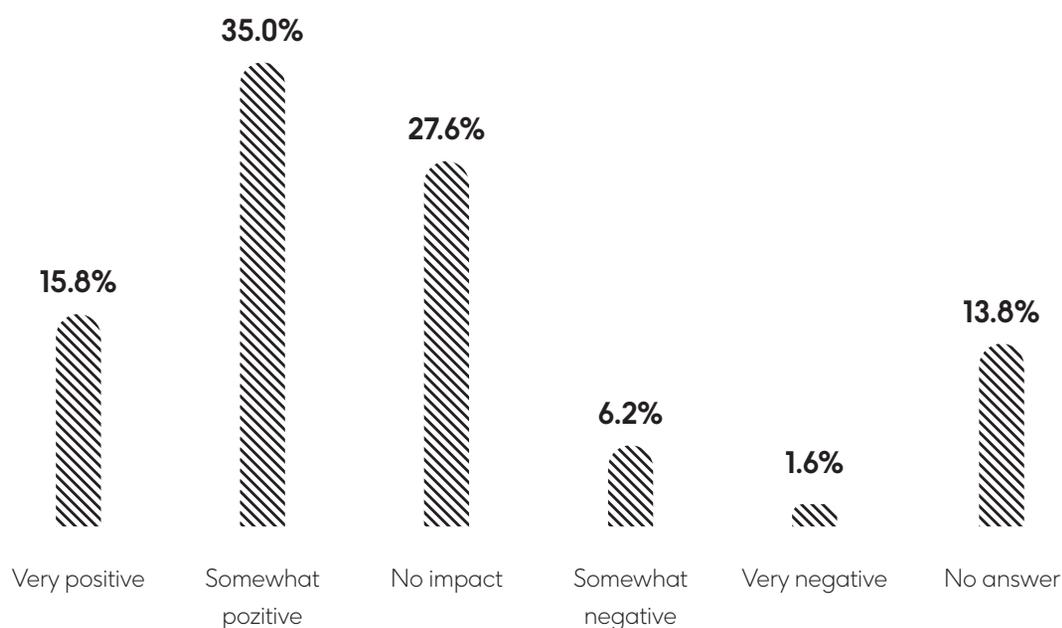
Considering that the Community of Serb Municipalities would represent a municipal partnership, the autonomy it would enjoy, in terms of the areas of competence given to it, would not be greater than those already enjoyed by municipalities.

at the central level. Regarding this issue, the Kosovo Constitutional Court concluded that the Community cannot be entrusted with the full and exclusive authority to promote the interests of the Serb community in Kosovo in relations with central authorities. The Constitutional Court affirmed the right of the Community to propose representatives in the Consultative Council for Communities. On the other hand, it also ascertained that the Community could not be entitled to a legislative initiative, that is, the right to propose amendments to the law. Nevertheless, the Constitutional Court confirmed that the Community has the right to access the courts, i.e. the right to initiate proceedings before the Constitutional Court and to claim to be a victim of violations of the constitutionally guaranteed rights¹⁸.

The relationship between the Community of Serb Municipalities and Kosovo institutions was the object of research that was carried out for the purpose of producing this paper. A survey conducted among Serbs in Kosovo showed that the majority of respondents believe that the formation of the Community of Serb Municipalities would improve the functionality of Kosovo institutions. 50.8% of respondents believe that the formation of the Community would have a very positive or somewhat positive impact on the functionality of Kosovo institutions, while 7.8% believe that it would have some or very negative impact. The result is shown on Figure 3.

¹⁸ *ibid.*

Figure 3. How would the formation of the Community of Serb Municipalities affect the functionality of Kosovo institutions?



Focus group participants and interlocutors also believe that the formation of the Community of Serb Municipalities could not jeopardize the functioning of Kosovo institutions at all. Rhetorical claims that the Community would impede the work of Kosovo's institutions are considered to be aimed at preventing the formation of the Community. Moreover, it is considered that the Government of Kosovo could rather obstruct the work of the Community than the other way around.

Focus groups have shown that there are differences among participants from the north and south in terms of the relationship that would exist between Serbs and Pristina in case of the formation of the Community of Serb Municipalities. Participants in focus groups held in Pomoravlje and Strpce expressed the expectation that the formation of the Community would have a lower impact on Serbs. In contrast, focus group participants in North Mitrovica believe that the formation of the Community would mean full integration of Serbs into the Kosovo system.

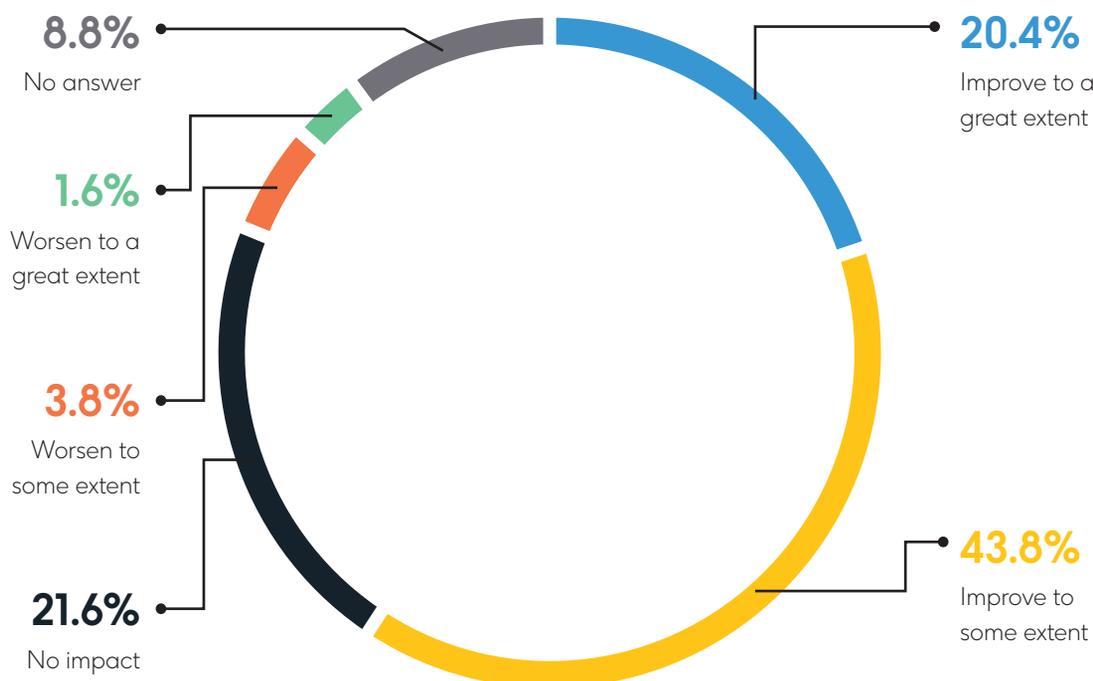
5. Community of Serb Municipalities and position of Kosovo Serbs

One of the basic potentials of this analysis is to introduce a perspective of Kosovo Serbs into the professional and public discussion on the Community of Serb Municipalities, to which not enough attention has been paid so far. Therefore, the analysis was preceded by extensive empirical research within the Serbian community, on whose findings this paper relies.

The basic conclusion that can be drawn from the combined analysis of interviews and focus groups conducted within the research is that Serbs in Kosovo do not have a clear idea of what the Community of Serb Municipalities would represent. Due to the fact that, as the interviewees themselves note, only partial and limited information and explanations are present in the public, it is not clear how the Community would be organized, what competences it would have and how the Serbian community would benefit from it.

The opinions and expectations of focus group participants and interviewees regarding the effects that the Community would have on improving the position of Serbs are divided. Some of them are skeptical and do not expect too many results. Focus group participants generally believe that the Community would not function well and would not be particularly effective, so they do not expect that the situation would significantly change after its formation and that living conditions of Serbs in Kosovo would improve. A slightly more positive view of the Community is shared by some interlocutors in the interviews. They believe that the Community would be of great importance to Serbs because it would enable Serb-majority municipalities to act together in promoting the interests and rights of the Serbian community and would improve as an address for communication with Belgrade.

Figure 4. Would the formation of the Community of Serb Municipalities (CSM) improve the position of the Serbian community in Kosovo?



The survey results show more optimistic expectations from the Community of Serb Municipalities. When asked whether the formation of the Community would improve the situation of Kosovo Serbs, 20.4% of respondents replied that it would improve greatly, while 43.8% replied that it would improve to some extent. The result is shown on Figure 4.

When it comes to specific areas that the Community would address, the participants of the focus group from Pomoravlje expressed the expectation that its formation should lead to an increase in the number of jobs, in order to reduce the emigration of people, as well as to greater investment in the infrastructure of the village. Participants of the focus group in Strpce similarly associate the formation of the Community with the increase in the number of jobs, as well as with greater connection and cooperation between enclaves, i.e. improving security and reducing the number of incidents.

The basic conclusion that can be drawn from the combined analysis of interviews and focus groups conducted within the research is that Serbs in Kosovo do not have a clear idea of what the Community of Serb Municipalities would represent.

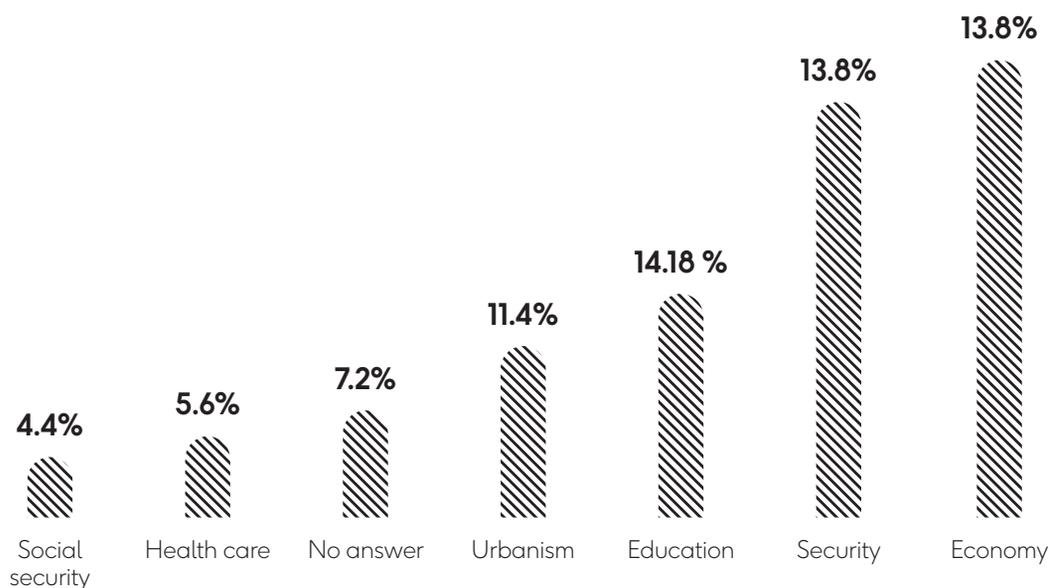
The expectations expressed during the focus groups match the survey results. When it comes to the areas which the formation of the Community would affect the most, 29.6% of respondents answered that this would be the economy. Another area singled out was security, chosen by 27% of respondents, followed by education with 14.8%. The result is shown on Figure 5.

Interlocutors in the interviews similarly point out the economy as the area in which the Community of Serb Municipalities could play the largest role, as it was noted that through the Community the projects would be implemented which would contribute to improving the economy in Serbian areas in Kosovo. According to the interlocutors, the Community would enable Serbs to connect more in the economy, education and healthcare, that is, to increase investments in the education and health system.

The interviews and focus groups show that there is a perception among members of the Serbian community that the formation of the Community of Serb Municipalities would lead to the shutdown of the remaining Serbian institutions in Kosovo. These are "soft" institutions in the field of healthcare, education and social protection. As it is believed, these institutions would be integrated into the Kosovo system through the Community, as was the case with the police and the judiciary. The Serbs employed there would move to Kosovo institutions and that would mean the cessation of Serbia's institutional presence in Kosovo.

A significant issue raised during the interviews and focus groups related to the position of Serbs living outside Serb-majority municipalities in the case of the formation of the Community of Serb Municipalities. Focus group participants and interviewees and almost

Figure 5. Which area would the formation of the Community of Serbian Municipalities (CSM) be most positively reflected in?



agree in the assessment that, in the event of the formation of the Community, Serbs living outside Serbian municipalities would face even greater challenges. According to them, Serbs in these areas would have no rights, would be left to themselves and exposed to additional marginalization and discrimination. It was concluded that this would lead to their emigration. During the interviews, it was said that some mechanism should be found to connect Serbs outside Serbian municipalities with the Community.

The focus groups also pointed to reflections regarding the different importance that the formation of the Community of Serb Municipalities would have on Serbian areas in the north and south of Kosovo. During the focus group in Gracanica, it was said that due to the territorial connection of Serbian areas, the Community could be functional only in the north of Kosovo. Municipalities in the south would benefit less from the Community, because the territory is not compact but disconnected. For these reasons, they believe that there would be no improvement in the lives of Serb areas in the south, but only in northern municipalities that would continue to develop disproportionately in relation to the south.

During the focus group in Pomoravlje, concerns were raised that if the Community of Serb Municipalities was to be formed, the north of Kosovo would be more easily incorporated into Serbia. On the other hand, the focus group in North Mitrovica considered that if the Community with executive powers were to function, it would contribute to better organization of Serbs in Kosovo, i.e. that the division into Serbs from the north and those living south of the Ibar would be smaller. It was also pointed out, however, that in this way the north, which is somewhat autonomous, would be annexed to Kosovo, and, in that case, Serbia would have a much lower impact on the situation in Kosovo.



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6. Final Considerations

For years, the Community of Serb Municipalities has been the subject of heated political discussions between Belgrade and Pristina. The question of the Community has its role in the dynamics of dialogue. This issue is used tactically by both sides to strengthen their negotiating positions and influence the course and agenda of the dialogue. However, unsubstantiated Community narratives contribute to deepening the antagonism between the parties and distorting the conditions for conducting the dialogue and implementing the reached agreements.

The Community of Serb Municipalities was originally conceived as a mechanism intended to facilitate the implementation of the agreement on the integration of police and judiciary and the creation of new municipalities in northern Kosovo. The integration of the four Serb-majority municipalities in northern Kosovo into the Kosovo system has been relatively successfully completed, although the Community has not been formed. This, however, did not eliminate the need for its formation.

The explicit rejection of the obligation to form the Community of Serb Municipalities, which comes from the Kosovo leadership headed by Albin Kurti and Vjosa Osmani, renders the renewal of the dialogue pointless. Reaching new agreements does not seem meaningful, if the valid agreements have not been implemented, and the parties reserve the right to unilaterally reject the commitments they

have previously made. The rejection of the Community agreement is not only a violation of dialogue, but also of the rule of law in Kosovo. The Constitutional Court, in its 2015 ruling unequivocally determined that the Community of Serb Municipalities is part of the constitutional order of Kosovo on the basis of a ratified international agreement and that its formation is not an option, but an obligation.

The discussion on the "new models" of the Community also does not represent a way out of the crisis. Such an approach would be a precedent that calls into question the sustainability of all other agreements reached through dialogue. This would mean that no agreement reached is definite. If the 2013 and 2015 agreements on the Community can be subject to review due to the withdrawal of one party from its obligations, then all other agreements may also be revised. In this regard, the integration of the police and the judiciary are not necessarily irreversible processes either.

The issue of the Community of Serb Municipalities cannot be resolved through a comprehensive agreement on the normalization of relations between Belgrade and Pristina, as represents is one of the key prerequisites for reaching it. In order to create the conditions for opening a dialogue on the final agreement, it is first necessary to implement in good faith all the commitments previously made. Otherwise, the whole process will be overshadowed by absence of credibility and unreliability. If the

parties do not show the will and commitment to implement the previously reached agreements, they cannot trust each other to implement the new ones. In this regard, the failure to establish the Community of Serb Municipalities is probably the most severe form of non-compliance with previously assumed obligations in the entire process.

In order to move the issue away from the deadlock, it is necessary to return to the development of the Draft Statute of the Community of Serb Municipalities and the Government Decree which would confirm it. These acts should then be submitted for review to the Kosovo Constitutional Court, as well as to the negotiating teams in Brussels. The authors of the Statute and Regulation have the difficult task of ensuring that these acts are at the same time in line with both the General Principles and the Constitution of Kosovo. If there would be a need to open new discussions on the Community, they may be conducted solely on the basis of the text of the Statute and the Regulation.

Fears that the Community of Serb Municipalities could jeopardize the functionality of institutions in Kosovo cannot refer to the central level of government, but to municipalities. If the "executive powers" of the Community, i.e. the "exercise of full oversight", are understood as the right of the Community to modify or revoke decisions of municipalities or to make decisions directly applicable in the territory of municipalities, then there is a risk of introducing Community tutelage over municipalities. This, however, is a remark that could be made more at the expense of the Community by the municipalities than by the central authority. Nevertheless, this should not be a reason for not forming the Community, but rather a risk that should be paid attention to when drafting the Statute.

The formation of the Community of Serb Municipalities, as a framework for cooperation and connection of municipalities in which Serbs

make up the majority, seems to be appropriate if we bear in mind that Serbian areas in Kosovo form a special social, cultural and economic unit. Citizens' mobility takes place between Serbian areas in Kosovo for the purpose of seeking employment and realizing business cooperation, as well as meeting educational and health needs. Members of the Serb community from smaller municipalities are sent, for treatment, to municipalities with larger healthcare centers, pupils and students transfer from one municipality with a Serb majority to another for the purpose of attending secondary or university education, or participating in school meetings, competitions, etc.

Mutual dependence of Serbian areas in Kosovo makes it necessary to further develop cooperation and partnerships between municipalities with a Serb majority. The Community of Serb Municipalities should also contribute to this goal. The community could also serve as a mechanism for managing investments and economic and infrastructure projects involving several Serb-majority municipalities, thus encouraging economic integration and empowerment of Serbian communities in Kosovo.

In order to provide greater public support for these processes, both parties should put an effort to inform their communities clearly and accurately of the actual content of the reached agreements. While Pristina should abandon the narrative that the formation of the Community of Serb Municipalities represents the "bosnization" of Kosovo, the Serbian side, i.e. Belgrade and Serbian political representatives in Kosovo should explain to the Serbian community what benefits it would have from the formation of the Community.

There is concern among the Serb community in Kosovo that the formation of the Community of Serb Municipalities would lead to the abolition of the "soft" Serbian institution in Kosovo, i.e. their integration into the Kosovo system. Such perception probably has to do with the

competences that the Community would have in the field of healthcare and education. However, no agreement on the Community explicitly provides for the integration of these institutions into the Kosovo system, as was the case with the Brussels Agreement regarding the integration of the police and the judiciary.

In order to dispel the doubts of Serbs in Kosovo, Serbian political representatives should clearly state whether the formation of the Community of Serb Municipalities represents a concession by Pristina in exchange for the integration of "soft" Serbian institutions into the Kosovo system. Another issue, which the Serbian side should consider, concerns Serbs living outside Serb-majority municipalities. The position of Serbs who would find themselves outside the territory covered by the Community of Serb Municipalities is an issue that Belgrade and Serbian politicians in Kosovo have not commented so far. If the formation of the Community does not provide adequate attention for Serbs outside Serbian municipalities, there is a fear that this could encourage their emigration.

The issue of Serbs outside Serbian municipalities indicates that the Community of Serb Municipalities is a significant, but not the only mechanism for protecting the rights and interests of the Serb community in Kosovo. The General Principles state that the Community of Serb Municipalities will take measures "to improve the living conditions of returnees to Kosovo". In this regard, it should be recalled that the return of Serbs has never occurred in major urban areas such as Pristina, Prizren, Pec, Gnjilane, Djakovica, Urosevac, etc. The community of Serb municipalities would not have the competence to create conditions for the return of displaced Serbs in these municipalities. This should serve as a reminder that work on improving the position of the Serb community in Kosovo must continue even after the Community of Serb Municipalities is formed.



Another issue, which the Serbian side should consider, concerns Serbs living outside Serb-majority municipalities. The position of Serbs who would find themselves outside the territory covered by the Community of Serb Municipalities is an issue that Belgrade and Serbian politicians in Kosovo have not commented so far. If the formation of the Community does not provide adequate attention for Serbs outside Serbian municipalities, there is a fear that this could encourage their emigration

7. Recommendations

For Pristina

Take steps without delay to form the Community of Serb Municipalities to demonstrate commitment to the implementation of previously assumed obligations.

Put dialogue in a higher place on the priority list and show greater political will to address open issues constructively.

Accurately and fully inform the public about the content of the reach agreements and refrain from inflammatory rhetoric that creates animosity among communities in Kosovo.

For Belgrade

Inform Serbs in Kosovo about the importance that the Community of Serb Municipalities would have for their position, as well as about the intentions regarding the status of Serbian health, education and social institutions.

Insist on fulfilling the previously assumed obligations, with special emphasis on the formation of the Community of Serb Municipalities, as a prerequisite for continuing the dialogue and reaching new agreements.

Pay attention to Kosovo Serbs living outside Serb-majority municipalities and show commitment to finding and representing positive solutions to improve their position.

For Brussels

Urge Belgrade and Pristina to show progress in implementing the previously undertaken commitments before reaching new agreements.

Confirm the commitment to the existing dialogue format, which implies the finality of the agreements reached and the obligation to implement previous agreements.

Advocate for the process of formation of the Community of Serb Municipalities to begin before the dialogue on a comprehensive agreement on normalization of relations is initiated.

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