

# COMMUNITY/ASSOCIATION OF SERBIAN MUNICIPALITIES

*"The Sum of All Fears"*



Community/Association of  
Serbian Municipalities: The  
Sum of All Fears

This project is supported by: Kosovo Foundation for Open Society (KFOS)  
The opinions, findings and/or conclusions contained in this publication are those of the authors and do not necessarily reflect the views of Kosovo Foundation for Open Society (KFOS)

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Published by:

NGO AKTIV  
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## **List of Abbreviations:**

AKM - Association of Kosovo Municipalities

CSM/ASM – Community/Association of Serb-majority Municipalities

CIG – Council for Inclusive Governance

EEAS - European External Action Service

EU – European Union

GoK – Government of Kosovo

GoS – Government of Serbia

K-Albanians – Kosovo Albanians

K-Serbs – Kosovo Serbs

LDK - Democratic League of Kosovo

NGO – Non Governmental Organization

PDK - Democratic Party of Kosovo

SAA - Stabilisation and association agreement

Srpska – Srpska list

## ***Executive Summary:***

Community/Association of Serb-majority municipalities has been a corner stone of the Brussels Agreement. Today, two years after the signing of the agreement, initial success of the process has been seriously undermined by delays in the establishment of the CSM/ASM. First envisaged for the end of 2013, its creation still lingers in the air and is subject to numerous disputes, fierce arguments, and misinterpretations stemming from all sides. Despite this reality, neither side in the process has tried to understand or address legitimate concerns of Serbian community in Kosovo when it comes to the implementation of Agreements and particularly establishment of the CSM. Is this approach sustainable in the long run? Is the Agreement a success if it leaves Serbian community dissatisfied and disenfranchised, if CSM does not have powers to respond to its needs? How should all sides approach this issue?

This report, commissioned by NGO AKTIV, seeks to answer these questions by offering analysis of the different interpretations expressed in Belgrade and in Pristina when it comes to the CSM/ASM, contrasted with the views of the local community in the North Kosovo. Drawing on primary and secondary sources, including review of several analysis and political and legal documents, this report provides a picture of the fears, perceptions and expectations the Serbian community has about the establishment of CSM/ASM. Main findings of the report indicate that recognizing and addressing fears and anxieties of the Serbian community when it comes to CSM/ASM is critical for the success of the Brussels Agreement and integration of Serbian community into Kosovo legal system. CSM/ASM modeled according to the community needs and expectations would enhance sense of security and lay the ground work for more sustainable inter-community relations.

## ***Findings:***

- Belgrade and Pristina have substantially conflicting interpretations and expectations of the establishment and the role of the CSM/ASM.

The “constructive ambiguity” applied during the negotiations has been decisive for reaching an agreement, but now it works as an obstacle to reaching its enactment. The lack of clarity allows the two governments to explain the Agreement to their public in a partial way, but even from within the two governments there are different stances. This further postpones the establishment of the CSM/ASM, and drives the anxiety of local community over entire process.

- Process of establishment of the CSM/ASM is technocratic and it lacks human face. Lack of transparency hurts the process as it enhances sense of uncertainty and insecurity of the Serbian community.

The primary concern is the exclusion of the local Serbian community from the process. The process itself is technocratic, reliant on experts in the working groups and negotiations behind closed doors, and completely lacking a human dimension. It is not clear to the citizens who owns this agreement and who are its beneficiaries. Political elites and working group experts cannot be main beneficiaries, but only citizen in whose name it was signed.

- General lack of information about the process, and the fact that for more than two years they are still being held on thin ice about the formation of the CSM/ASM has caused fear, uncertainties, dissatisfaction and distrust among Serbian community threatening to hurt entire process. Patience of the Serbian community is reaching tipping point

Uncertainty and dissatisfaction are the prevalent emotions among the Serbian community in the North. The predominant concern of the Serbian community in the North is its future relations with Belgrade and financing of the CSM/ASM. Complete integration without safeguards in preserving levels of public employment, health and education services, social safety nets and subsidies from Belgrade could lead to serious deterioration of economic wellbeing of community and consequently become major security problem. Health and education systems are another important part of the equation for the successful implementation of the Brussels Agreement and future functioning of the CSM/ASM. For the citizens the functioning of health and education as per the Serbian system is a red line which should not be crossed.

- Perceptions and expectations of Serbian community over the establishment of the CSM/ASM are prosaic, but the careful consideration of their demands and meeting some of their expectations could in a long run lead to successful integration and reduction of inter-ethnic tensions.

Despite the fact that entire process has aggravated tensions and fears, the future establishment on Community of Serb-majority municipalities, has been assessed by citizens as the most positive side of the agreement, as they have great expectations from its establishment. When it comes to the competencies of the CSM/ASM, the local community has more prosaic hopes, one that will ease the existing tensions in the North and offer reassurances for their future subsistence. First of all, Kosovo Serbs highlighted the necessity of having a body provided with executive powers in particular crucial areas of education, health care, economic development and urban and rural planning as stipulated in the agreement. In their opinion, only an autonomous body can improve their living conditions and protect them from majorization in Kosovo and secure community sustainability.

## ***Recommendations:***

With the Brussels Agreement Belgrade, Pristina and the international community have started the process of incorporating Serbian community into Kosovo legal and political framework. Community/Association of Serb-majority municipalities could play a beneficial role in this endeavour as it could be used to smooth the process, serve as the confidence building measures in order to increase the sense of security and trust of the community and lay the foundation for establishing more sustainable inter-community relations. In order to facilitate this:

General recommendations on Community/Association of Serb-majority municipalities:

- Greater powers/competencies should be devolved to the Community/ Association of Serb-majority municipalities, including executive powers in education, health, economic development and urban and rural planning. This should not be perceived as a threat to the Kosovo Albanian community but rather a model of joint being in Kosovo; a factor that will secure long term stability by offering initial reassurances to Serbian community for their security and safety and a pledge for the joint prosperous future of both communities in this part of the Balkans. The increase of competencies stipulated in the current Kosovo laws, would not be unprecedented concession but a sign of democratic governance and indication of Kosovo's society maturity. To build confidence it is imperative that dominant majority takes minority ethnic resentments and anxieties into account. In order to achieve this objective, changes in certain Kosovo laws, ie, (Law on Local Self Government, Law on Inter-Municipal Cooperation; Law on Local Self Government Finance) could be seen as a sign of good will and a sign of the honest wish for sustainable integration of Kosovo Serbs into society.
  
- Genuine ties between Kosovo Serbs and Belgrade should be recognized as legitimate interest. In that spirit, interpretation of Kosovo legal framework and agreements reached in Brussels dialogue, particularly on CSM/ASM should be affirmative toward such intent. Along with dense network of legal protection through decentralization policy and constructive interpretation of Brussels Agreement, support from Belgrade could help relieve distrust and fear of the Serbian community in Kosovo. Constructive approach from Belgrade, which constantly consults with political elite in Pristina with regard to protection of Kosovo Serb community rights and holds lines of communication open in order to address issues in this regard could be seen rather as asset than as a problem.
  
- Financing of public employment, infrastructural projects and projects aimed toward economic development in Serb majority areas was, up until now,

essential for keeping social peace, security and Serbs from migrating. If approached from the angle of economic development, financial support of Serbian community from Belgrade could be seen as positive thing as it could keep the levels of employment and public procurement within Kosovo therefore contributing to entire Kosovo economy. However, as proposed by Balkans Policy Research Group, Belgrade should conduct a thorough audit of current public spending and employment through Serbian institutions in Kosovo, following this measure it should propose acceptable lines of channelling finances through Pristina's institutions.

- CSM/ASM should have executive powers in four enlisted areas as per the agreement but also coordinate action in all other areas relevant to Kosovo Serb Community such as: public utility services, mining, public companies, owning and managing property, etc.
- CSM/ASM should be political, representative body of Kosovo Serb community. The structure, decision making system, and representation model in CSM/ASM should guarantee "equal saying" of two geographically separated Kosovo Serb communities, not only from Serbian majority municipalities, but also those Serbian representatives scattered around in enclaves in order to serve as genuine representative body of Kosovo Serbs. For the same reasons, CSM/ASM establishment should envisage mechanisms to prevent partisan based control/domination.
- CSM/ASM should govern the Development Fund for the North and use it for balanced development of all Serbian communities in Kosovo, including those South of River Ibar. Additional CSM/ASM should transparently and purposefully manage the requests and funds allocated from budget of Republic of Serbia.
- The CSM/ASM should play a leading role in administration of the Serbian education and health for Serbian community in Kosovo, notably with respect to institutions of community-wide interest, such as the North Mitrovica University and secondary medical centres. Municipalities do not have sufficient resources or experience to run such complicated systems as University education and secondary healthcare. Serbian healthcare and education in Kosovo are massive systems run and funded through line ministries in Belgrade which secure its sustainability. In order to provide maximum quality of service CSM/ASM departments for health and education should be given know-how from Serbian line ministries in order to be able to tightly cooperate with them on major issues. Funding for education and health should be conducted through CSM/ASM, rather than municipalities.

- As proposed by BPRG report, The Association/Community should offer pro bono legal aid and other assistance in dealing with central institutions, especially for isolated Serbs in the enclaves.

### **To Belgrade, Pristina and the EU:**

- General lack of information about the process, and the fact that, even after two years, they are still being held on thin ice about the formation of the CSM/ASM has caused fear, uncertainties, dissatisfaction and distrust among community in the North. All three sides should pledge to increase transparency of the process by publishing initial proposals of Statutes of CSM/ASM for public deliberation. EU should also pressure both sides to, following negotiations on CSM/ASM in Brussels, make **joint statement** about the possible agreements reached, as it would decrease the chance for ambiguous interpretations;
- The Tripartite negotiations on the establishment of the CSM/ASM should start as soon as possible, preferably on the next meeting between two Prime Ministers scheduled for **June 23<sup>rd</sup>** in Brussels. Not only due to EU conditionality in the EU integration process, but because CSM/ASM should resolve a number of daunting issues and relieve insecurities created by the Brussels Agreement. This on-going *status quo* is not sustainable in the long run and therefore a solution for the establishment of the CSM/ASM is imperative.
- The establishment of the CSM/ASM cannot be subject to closing of the „so called“ parallel institutions, these two processes need to go hand in hand. Premature dismantling of these institutions will make the Serbian community disenfranchised and even more negative toward the process. Before their closure, a solution needs to be found for all those employees who might become redundant due to integration, either through employment through CSM/ASM, or through some type of guaranteed pensions such as in the case of civil protection and police. However, certain social safety nets offered through Belgrade’s line ministries should continue to function through CSM/ASM and be transparently funded by Belgrade.

### **To Pristina and Belgrade**

- Political process in Brussels is not a zero sum game, and political elite in Belgrade and Pristina should stop discussing it in terms of winning and losing, but rather start to create more positive image to the process. Both the Governments, political representatives and other officials in Kosovo and Serbia should cease

animosity-feeding discourse that incites nationalism and ethnically-motivated crimes at the ground turn toward cooperation in regional developmental projects to create more secure livelihoods for their constituencies.

- Belgrade and Pristina should carefully approach future funding of the Serbian community in Kosovo, taking into consideration its sustainability and reliance on public sector employment as well as consequences of a premature resolution of this issue may cause.

### **To Government in Pristina:**

- Pristina should amend existing laws in order to accommodate establishment of Community/Association of Serb-majority municipalities. Omnibus law on the Community/Association, encompassing not only its competences, but also financing, levels of connection with Government in Belgrade and Pristina should be adopted.
- As explained in the general recommendations, financing from Belgrade for the purposes of well-being and development of Serbian community should not be perceived as a threat as long as it is conducted through the treasury in Pristina and for the clear purposes.
- As proposed by Big Deal report, government in Pristina should be encouraged to draft and implement a new outreach strategy for the northern municipalities. This would give credence to its declarations of support for inclusiveness of all Kosovo citizens. From a zero sum game discourse and one of forceful integration it should be changed to discourse of cooperation

### **To Government in Belgrade:**

- Open up consultations for draft statute for wider circle of Serbian community, ie. political leadership, civil society, university. They can offer valuable advice on what is feasible for implementation of the process.
- Give more saying and responsibility to local Serbian political leadership and support them to be more proactive in the process.
- Pledge financial sources for the future functioning of CSM/ASM and Serbian community in Kosovo and clearly state that intention of official Belgrade is to continue to fund economic development and functioning of institutions in Serbian majority municipalities. It is important that financial flows from Serbia are made more transparent in order to grant adequate support for the economic

development of the region as well as to reduce Pristina's fear of centrifugal tendencies.

**To local Serbian political leadership:**

- Serbian political leadership in Kosovo has to demand a greater role in the negotiations process for establishment of the CSO. One positive signal was that they participated in the first round held in Brussels. If they provided legitimacy for the entire process of the Brussels Agreement through participation at local and central elections, they should also use prerogatives and powers delegated by law to pressure political leadership in Pristina to respect signed agreements over establishment of the CSM/ASM.
- Use potential of Serbian civil society sector in Kosovo and consult with them on the issue of establishment of CSM/ASM.
- Invite interested parts of Serbian community for consultations on the establishment of CSM/ASM

## Introduction – The sum of all fears

“This no longer has anything to do with the Community/Association of Serb-majority municipalities! Now it's about fear! K-Serbs fear of being discriminated and majorized, K-Albanians and international community fears of the new Republika Srpska, dysfunctional system and centrifugal tendencies, politicians fear of being perceived as weak by their constituencies, fear of making a mistake...”

This purposeful misquote was taken from movie “The Sum of All Fears”(2002), based on Tom Clancy’s novel, in order to metaphorically visualize the state of affairs when it comes to formation of the Community/Association of Serb-majority municipalities (CSM/ASM).<sup>1</sup>The CSM has been the cornerstone of the Brussels agreement process, presented as a framework for the smooth integration of Serbian community into the Kosovo legal and political system. Two years after the signing of the agreement, the creation of the CSM, first envisaged for end of 2013, still lingers in the air and is subject to numerous disputes, fierce arguments, misinterpretations and delays stemming from all sides. All actors have been caught in a cycle of perpetuating fear, which further exacerbates tensions among communities on the ground level, leading to delays in resolving of the issue and the creation of the CSM.

The principal reason for the delay is the lack of clarity and understanding over the role and jurisdiction of this body. The vague formulations used in the Brussels agreement were useful to find a point of convergence at the time the agreement was reached, but now the same vagueness is an obstacle to its implementation, because both parties tend to interpret its contents according to their conflicting interests. The draft statute, which was supposed to be developed by the Management Team from four northern Serbian municipalities in the months following the signing of the so called Brussels agreement on 19 April 2013, still has not been made available to the public, remaining subject to speculation.

The political situation surrounding the establishment of the CSM was also intensely complex: the electoral period in Serbia, in the EU and in Kosovo in 2014 and the six month deadlock over the formation of a government in Pristina have delayed the implementation process and have left the Serbian community in Kosovo in an indeterminate state. Despite the coalition agreement reached between Srpska List, the Democratic League of Kosovo (LDK), and the Democratic Party of Kosovo (PDK) which envisaged the creation of CSM by mid May 2015, constant struggles within the coalition, internal problems in Kosovo and absence of Srpska list from the government for two months following the Minister for Communities and Return and Srpska list leader,

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<sup>1</sup>Abbreviations CSM and ASM are used simultaneously within the paper. CSM is used when explaining Belgrade’s and local community’s position, while ASM is used when explaining Pristina’s position.

Aleksandar Jablanović's removal from the Office, have further adversely affected the creation of CSM.

It seems that, finally, after numerous delays and visits of international actors, the parties will soon gather in Brussels to discuss the question of the CSM, its competencies and the road map toward its creation. The first discussions known to public were held at the end of May in the premises of European External Action Service (EEAS) between officials from the EU and Belgrade and joined by two representatives of the Kosovo Serb community. Representatives from Pristina were absent from the meeting.

Delays in the creation of the CSM have had a negative impact on Kosovo Serbs. Pressured by a lack of economic opportunities, an absence of opportunities for social development, weak security conditions, and with representative institutions unable to effectively respond to their needs, heavy expectations have been placed on the CSM to resolve a number of daunting issues and relieve insecurities created by the Brussels Agreement.

This report aims to offer an analysis of the different interpretations expressed in Belgrade and in Pristina when it comes to the CSM, contrasted with the views of the local community in the North Kosovo. This paper aims to offer recommendations to decision makers that would enhance the living conditions of Kosovo Serbs by taking their views into account. Needless to say that an increase in economic, social and cultural developmental opportunities for the Serbian community is in the interest of Kosovo and the region as a whole, because such advancements can reduce tensions and facilitate the development of peaceful relations between ethnic groups.

The research is primarily based on data obtained through interviews, conducted by AKTIV staff members with community leaders and experts from Belgrade, Pristina and Northern Kosovo. Also, in order to gain insight into citizens' views and concerns regarding the Brussels Agreement, interviews were accompanied by 6 focus groups conducted in North Kosovo within the last 5 months. The research also included review of several political and legal documents including official reports that have been fundamental for understanding the situation in depth. Our aim was to obtain information from different points of view in order to clearly outline all policy options and provide unbiased analysis and recommendations based on citizens' needs. In particular, the sources used in this report are the official reports from the government institutions of Belgrade and Pristina, NGOs and think tanks, as well as EU and international organizations and Serbian and Kosovo media reports.

# The Brussels Agreement

“The First Agreement on principles governing normalization of relations,” ie. the Brussels Agreement has been seen as a “game changer” in the process of the normalization of relations between Belgrade and Pristina. Following two years of technical discussions, which have opened up a path for negotiations at a higher level between the two Prime Ministers and eight rounds of discussions, the agreement was signed in Brussels on the 19<sup>th</sup> of April 2013. For Belgrade, the opening of accession negotiations was at stake, and the road toward it was the progress in the normalization of the dialogue process. For Pristina, aside from the Stabilisation and Association Process (SAA), the key benefit was the extension of its legal jurisdiction to the four northern municipalities. The results of the normalization agreements have been mixed at best, apart from the fact that only four (4) of the sixteen (16) agreements since 2011 have been fully implemented, the extent of implementation of remaining 12 agreements varies.<sup>2</sup> Particularly worrisome are delays in the implementation of the April agreement. Being a “jewel in the crown” of all agreements and depicted as historic and one of the greatest successes of European diplomacy,<sup>3</sup> two years onward it failed to produce clear outcomes. The establishment of the Community of Serb-majority municipalities (CSM), which is the subject of the first six points of the agreement, has proven to be a main stumbling block for its implementation and the consecutive accommodation of Serbian community into Kosovo’s legal framework. The sensitivity of the CSM for both Belgrade and Pristina is reflected in the way it has been interpreted and presented to the respective publics, creating further disagreements, insecurities and uncertainties.

An April agreement proposes the creation of an autonomous body integrated in the Kosovo system. Specifically, the Agreement states that “there will be an Association/Community of Serb majority municipalities” with membership being open to “any other municipality.”<sup>4</sup>The structures of the CSM “will be established on the same basis as the existing statute of the Association of Kosovo Municipalities”, so with the support of the President, vice-President, Assembly and Council.<sup>5</sup> The composition of the CSM structures is dependent on the results of municipal elections and will/should absorb individuals entrusted with mandates at local/municipal level.

In the Article 4 and 5 of the Agreement it is stipulated that the CSM will have “full overview” of the following areas:

- economic development;

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<sup>2</sup>BIRN (2015) – „Big Deal – Lost in Stagnation“, Available at: [http://crta.rs/uploads/documents/2015-04-27%2010:05:10\\_a\\_44\\_1\\_en\\_doc.pdf](http://crta.rs/uploads/documents/2015-04-27%2010:05:10_a_44_1_en_doc.pdf) „Of 16 agreements, only four have been totally implemented. Customs stamps, civil registry exchange, municipal elections in northern Kosovo, and the establishment of an implementation committee. This is no change from six months ago.“

<sup>3</sup>EU Observer (2013) “Kosovo-Serbia deal shows value of EU diplomatic service”, Available at: <https://euobserver.com/opinion/119903>

<sup>4</sup> First Agreement of principles governing the normalization of relations, Article 1

<sup>5</sup>Ibidem, Article 3

- education;
- health;
- urban and rural planning;
- possible additional competencies delegated by the central authorities.<sup>6</sup>

According to Article 6 of the Agreement, the CSM “shall have a representative role to the central authorities and will have a seat in the Communities’ consultative council for this purpose.”<sup>7</sup>

The idea behind the Brussels Agreement and establishment of CSM is to facilitate the integration of North Kosovo into the Kosovo legal system and put an end to years of existence of two parallel systems which functioned independently, between northern municipalities and Pristina. The resistance of Serbian community from the North to integrate into the Kosovo legal system has been on a collision course with the European aspirations of the government in Belgrade. Under the EU pressure, Serbia accepted to cede administrative control over this region and to abandon ideas of partition, but obtained the opportunity to exercise influence through the CSM.<sup>8</sup> The new entity could be the representative body of Kosovo Serbs set to enable more efficient and effective control over the powers devolved to municipalities as well as ensure better protection of community rights. Unfortunately due to the ambiguity of the Brussels Agreement it does not provide specific information on how this new institutional body will function. The “full overview” of the Agreement does not clarify the nature nor the degree of power entrusted to the CSM leaving the room for different interpretations by the two parties. The report written by Center for Inclusive Governance (CIG), stresses the level of disagreements and uncertainties between K-Serb and K-Albanians over interpretation of what the phrase “full overview” means. “The word ‘*overview*’ is the most ambiguous. The phrase ‘the Association will have full *overview* over’ is not quite clear, even in English. One could ‘give’ or ‘offer’ an overview, but not ‘have overview.’ The same goes for the Albanian translation of overview, ‘*vështrim*’. One cannot ‘have *vështrim*’; one can offer *vështrim*. The Serbian translation ‘*nadležnost*’ (competence) is closer to the Serbian interpretation of the mandate of the Association but it is not a correct translation of ‘overview. ‘Pregled’ is a more accurate translation.”<sup>9</sup>

With regard to the structure, the Agreement refers to a President, Vice President, Assembly and Council as stipulated within the existing Statute of Association of Kosovo Municipalities, but it does not mention how the members of these offices will be

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<sup>6</sup>Ibidem, Article 4, 5

<sup>7</sup>Other points of the Agreement (Articles 7, 8, 9, 10) are dedicated to the integration of Serbian security structures in the Kosovo Police, the integration of the judicial system and the commitment that neither side will block other in the EU integration process

<sup>8</sup>Malazogu, L., Ejduš, F., Nič, M. and Žornaczuk, T. (2014) “Integration or Isolation: Northern Kosovo in 2014 Electoral Limbo”, CEPI.

<sup>9</sup>CIG (2015) „Implementation of Brussels Agreement and European Integration Prospects for Kosovo and Serbia“, Available at:  
<http://www.cigonline.net/docs/Implementation%20of%20Brussels%20Agreement%20and%20European%20Integration%20Prospects%20for%20Kosovo%20and%20Serbia.pdf>

appointed, specifically whether they should be selected by the assemblies of already existing municipalities or elected through some other process. Ambiguity also features in the name of the body, because Association and Community is not the same thing and the use of one instead of the other has become an additional political issue: Belgrade prefers Community (Srb. zajednica; Alb. komuniteti), which reveals a new and stronger entity, while Pristina insists on Association (Srb. asocijacija; Alb.shoqatë), which is in line with the already existing legal framework, and Association of Kosovo municipalities.

At present, too little is publicly known about the new road map for the establishment of the CSM, competences, legal foundations, and relations with Belgrade. According to the Implementation plan a Management Team has been composed of representatives from the four northern municipalities in order to create a draft statute.<sup>10</sup> In January 2014 it was announced that the team was finalising the document and that it will publicly release some information soon. Although depicted as a product of local ownership, the statute was in reality drafted by technical team from the government in Belgrade, in order not to impede progress in the Brussels dialogue. For the local community in the North the draft Statute has almost a mystical nature and has been wrapped in a veil of secrecy. To date, even though it was promised, no draft statute has been revealed to the public. According to undisclosed sources from the government, one draft statute has been sent to Brussels but has been dismissed as being overly optimistic and sent back for revisions. For Pristina, the statute of the already existing Association of Kosovo municipalities is close to final, and no statute that entrusts more powers than stipulated in existing Kosovo laws is acceptable.

The process has also been obstructed by the elections held in 2014 in Serbia (March), the EU (May) and Kosovo (June) and by the standstill that occurred during the process of establishment of new government in Pristina. The coalition agreement reached between PDK, LDK and Srpska List had a clear point that the CSM will be a priority of the new cabinet and will be established between March and May 2015. The dismissal of Minister for Communities and Return Aleksandar Jablanovic, leader of the Srpska List, from the government after the pressure from the opposition parties and public in Pristina had serious repercussions for the process, and has further exacerbated tensions between the two sides. The Srpska List left the government and conditioned its return on the establishment of the CSM, but in the end settled for much less, when Srpska MPs and government officials returned to the institutions in the late April.

The deadline set by the coalition agreement has expired on the 12<sup>th</sup> of May and no discussions on the CSM were held within central institutions. If we have learned anything from the current processes it seems that international community has to enact pressure on both sides in order to see some progress. Following visits of the German Minister of Foreign Affairs to Belgrade and Pristina in May, the process rapidly

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<sup>10</sup>Morina, E. (2014) "Brussels "First Agreement" – A year after", Konrad Adenauer Stiftung<sup>11</sup> B92 (2015) „Albanci nisu došli na razgovore o ZSO“ – Available at: [http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=05&dd=26&nav\\_category=640&nav\\_id=996706](http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=05&dd=26&nav_category=640&nav_id=996706)

accelerated. This was the proof that international pressure and influence was needed to move things forward. Both sides were persuaded to take hard steps in implementation. For Belgrade it was important that talks on CSM start as soon as possible, but for it to happen, some results had to be shown in the implementation of previous agreements. Steps were taken by Belgrade and the Government Office for Kosovo and Metohija to alleviate the fears of the local community and persuade members of the judiciary and Civil Protection (Civilna zaštita) to integrate as stipulated by the agreements signed in Brussels. Pristina has to take hard steps in adopting the Law on the Special Court. Despite all this, it seems that the two sides are two far apart on a number of key issues and have conflicting interpretations on talks on the creation of the CSM. Finally preliminary discussions on the technical level on CSM were held in Brussels in European External Action Service (EEAS) on May 26<sup>th</sup>, but only the delegation from Belgrade was present at the meeting. According to Belgrade press, officials in Pristina justified their absence by claiming insufficient implementation of previous agreements, as well as internal political issues regarding the establishment of the Special Court.<sup>11</sup>

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<sup>11</sup> B92 (2015) „Albanci nisu došli na razgovore o ZSO“ – Available at: [http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=05&dd=26&nav\\_category=640&nav\\_id=996706](http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=05&dd=26&nav_category=640&nav_id=996706)

## **The establishment of the CSM: Conflicting interpretations and expectations**

The “constructive ambiguity” applied during the negotiations has been decisive for reaching an agreement, but now it works as an obstacle to reaching its enactment.<sup>12</sup> The lack of clarity allows the two governments to explain the Agreement to their public in a partial way, but even from within the two governments there are different stances. On one side of the spectrum, there is an attempt to provide this institutional body with huge executive responsibilities. On the other side, some believe that the CSM is comparable to an NGO with a mandate to supervise. The two sides also have conflicting interpretations on the timing of establishment of the CSM; while Pristina claims that majority of agreements should be implemented before the CSM is established, Belgrade’s view is that CSM should be established in pair with the implementation of other agreements. Legal foundations are also disputable, as one side claims that CSM could be established according to current Kosovo law, while other side demands changes in order for CSM to be accommodated into legal system. The financing of the CSM and the question of how public sector employment provided by Serbia up till now will be addressed has also proven to be stumbling block in the process. A common perception is that Kosovo Serbs have been excluded from the negotiation process that led to the Brussels Agreement and that citizens have not been properly informed about what the CSM will mean for them. In the following sections of this paper, the conflicting interpretations of Belgrade and Pristina on CSM will be presented in detail, followed by the perceptions of Serbian community from the North Kosovo.

### ***Belgrade’s position- Nothing is agreed before everything is agreed***

Officially, the position held by the Republic of Serbia over Kosovo has some fixed points: Serbia will never recognize Kosovo’s independence and it will always protect the rights of Serbian population within Kosovo. In reality, Belgrade has also set membership in European Union as a strategic goal and the government appears open to make concessions over the issue of Kosovo in order to achieve it. In this sense, the Brussels Agreement has been a critical point for the process of EU integration. This was confirmed by the decision taken by the European Council on 28 June 2013 to open accession negotiations with Serbia and the start of the negotiation talks that followed in January 2014. Opening accession negotiation chapters for Serbia are also subject to the “full implementation” the Brussels Agreement topics. Entire accession negotiations will be overviewed and conditioned by Chapter 35 which will closely follow the negotiation process between Belgrade and Pristina. Many believe that Serbia’s membership in the

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<sup>12</sup>Ejdus, F. (2014) “The Brussels Agreement and Serbia’s National Interests: A Positive Balance Sheet”, Konrad Adenauer Stiftung.

EU will be conditioned to signing the binding agreement with Kosovo on normalization of relations.<sup>13</sup>

The Serbian government position on Kosovo has been officially expressed in the Kosovo Platform, an internal document adopted in 2013.<sup>14</sup> The Platform, which clearly refused to recognise Kosovo's independence, requested high levels of autonomy for what is to become CSM within the Kosovo and Metohija institutional framework, and in many cases demands a level of autonomy that exceeds the powers of municipalities.<sup>15</sup> The Brussels Agreement definitely does not match the extent of devolved powers demanded in the Kosovo Platform document.<sup>16</sup> Consequently, its intended purpose, to offer benchmarks for dialogues strategy and offer assurance to the public in Serbia and Kosovo of Belgrade's commitment to preserve Kosovo within the Constitutional Framework of Republic of Serbia was stripped down to a document for purely internal use. The issue of the discrepancy in the discourse of the Belgrade Government toward its position on Kosovo has indeed proved to be an encumbrance for the governing coalition in Serbia whose constituency flirts with both positions (historical sentiment toward Kosovo and pragmatism in new constellations following the 1999 conflict). This is why, the latest Kosovo Platform, created by President Tomislav Nikolic and delivered to Prime Minister Vucic's office in May 2015 is seen as nothing more but an attempt to uphold the allegiance of both factions.

Serbian government officials have created a number of expectations regarding the nature of the CSM and its competencies. Immediately after the signing of the Brussels Agreement, the CSM was a selling point for the Serbian public in Kosovo, and the answer for every question about the future of the Serbian community. These expectations were purposely inflated before and during the local elections with portrayal of CSM as close to Republika Srpska, with the election slogan "Today we vote for Srpska, tomorrow we build Srpska"<sup>17</sup> and a promise that the CSM is to become a buffer zone between Pristina and the community in the North. The Serbian community in the North did not seem to endorse this explanation as it mostly reacted negatively toward Brussels Agreement. However, as the process continued the expectations were downplayed, as it was obvious that according to all official documents competences of

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<sup>13</sup>Deutsche Welle (2013) „Srbija težak kandidat za EU“. Available at: <http://www.dw.de/srbija-te% C5% BEak-kandidat-za-eu/a-17323766><sup>14</sup>New Platform on Kosovo is being prepared by the President Nikolic's cabinet. It is a subject of internal discussions within Government. The influence of the Platform on Serbian public opinion and internal politics remains to be seen.

<sup>14</sup>New Platform on Kosovo is being prepared by the President Nikolic's cabinet. It is a subject of internal discussions within Government. The influence of the Platform on Serbian public opinion and internal politics remains to be seen.

<sup>15</sup>Further rights have been demanded in fields of education, healthcare, sports, culture, environment, urban planning, agriculture, forestry, fishing, hunting, mining, energy as well as economic and fiscal policies, judiciary, internal affairs, telecommunications, trade and finances.

<sup>16</sup>Ejdus, F. (2014) "The Brussels Agreement and Serbia's National Interests: A Positive Balance Sheet".

<sup>17</sup>BPRG (2015) "Serb integration in Kosovo after the Brussels Agreement", page 37, Available at:<http://balkangroup.org/wp-content/uploads/2015/03/Serb-Integration-Kosovo-19-March-2015.pdf>

CSM could not resemble powers entrusted to Republika Srpska.<sup>18</sup> For officials in Belgrade, the CSM should be the “instrument for cohesion and unity of Serbian community in Kosovo, and a mechanism for its empowerment through political competences and connections with Belgrade.”<sup>19</sup>

Belgrade’s position regarding competences is essentially maximalist. Apart from executive competences in the four areas enlisted within the agreement: economic development, education, health, urban and rural planning, expectations are that CSM should take over some responsibilities of the so-called parallel institutions, but also have the powers to establish, agencies, public institutions and public companies. As explained in the Government of Serbia report on Implementation of the Brussels Agreement, Community without significant powers is meaningless. “Should the CSM remain without a clearly defined role in terms of the collective exercise of competences of mutual significance for member municipalities, or the oversight option in the areas specified by the First Agreement, the existence of the CSM would be rendered utterly pointless for the Serbian people in Kosovo and Metohija, and it could not be expected to safeguard their rights and assume the obligations set forth by the First Agreement.”<sup>20</sup> According to Article 5 however the competences of the CSM could be increased by Pristina authorities. This implies that in the future Belgrade may be able to obtain more competencies for the CSM, probably in exchange for the full normalisation of bilateral relations.<sup>21</sup> With reference to the institutional structure, Serbia has demanded that the CSM is constructed with directly elected bodies, but according to the Serbian experts interviewed, this possibility is unrealistic, because of Pristina’s strong resistance to such a proposal.<sup>22</sup> In Serbia, the CSM is currently referred to as “a kind of entity” through which Serbs will govern themselves autonomously from Pristina and no further explanation is provided.<sup>23</sup> Citizens of Serbia do not know exactly what to expect from it, due to the undeniable lack of sufficient information.<sup>24</sup>

For official Belgrade, it is critical that talks on the establishment of CSM start as soon as possible. The perception is that the more the two sides progress with implementation, the less is left for Community to “consume”. CSM could essentially become an empty shell, a form without substance if the remaining agreements are implemented before the CSM was found. For Belgrade, this is the primary reason behind delays in creating fully functioning municipalities in the North, full implementation of agreements on civil protection, judiciary, energy and telecom and the

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<sup>18</sup>Ibidem, Page 48.

<sup>19</sup> FER (2015) “Izveštaj sa okruglog stola u Gračanici – Decentralizacija i srpska zajednica na Kosovu“, Available at: <http://www.fer.org.rs/sr/news/saopstenja/izvestaj-sa-okruglog-stola-u-gracanici.html><sup>20</sup>Government of Serbia, Office for Kosovo and Metohija (2015), “Progress report on the dialogue between Belgrade and Pristina“, page 6.

<sup>20</sup>Government of Serbia, Office for Kosovo and Metohija (2015), “Progress report on the dialogue between Belgrade and Pristina“, page 6.

<sup>21</sup>Malazogu, L. et al. (2014) “Integration or Isolation: Northern Kosovo in 2014 Electoral Limbo”.

<sup>22</sup>AKTIV interviews with representatives of civil society, Belgrade, 29 October 2014.

<sup>23</sup>Morina, E. (2014) “Brussels “First Agreement” – A year after”.

<sup>24</sup>AKTIV interviews with representatives of civil society, Belgrade, 29 October 2014.

dismantling of the "Peace Park". A key focal point for the future development of the CSM is its funding system given the close financial link between Kosovo Serbs and Serbia. Financing of public employment within Serbian system (interim municipalities, public companies, tax service, education and health) was essential for keeping social peace, security and Serbs from migrating to inner Serbia. Belgrade aims to resolve this in par with the establishment of the CSM. Another expectation raised by Belgrade towards the local community was that no one will lose their jobs because of the integration. There are some 5,800 employees within the Serbian local self-government bodies still functioning in Kosovo.<sup>25</sup> The number of people working in other state institutions, and dependent on some type of public salary or aid provided by Serbia is measured in tens of thousands. Local municipalities and Ministries from Pristina do not have the necessary resources to keep the number of existing jobs, therefore Belgrade and locals are expecting that CSM will take the role in this through continued budgetary subsidies and transparent financing. The Implementation Plan of the Agreement states that all funding is to be conducted transparently and that Serbia must provide a detailed overview. Even if it is generally accepted that Kosovo Serbs can receive funds from Serbia transparently, there are different interpretations over what this means: Belgrade affirms that Pristina cannot stop the flow of money or change its purpose.<sup>26</sup> The clarification of this issue will be fundamental for understanding the real power of the CSM and the strength of influence from Belgrade and Pristina. It is important that financial flows from Serbia are made more transparent in order to grant adequate support for the economic development of the region as well as to reduce Pristina's fear of centrifugal development. For this the thorough audit of current public employment within Serbian institutions needs to be conducted.

When it comes to the legal foundations of the CSM, Belgrade expects that Pristina will have to change current laws on Local Self-Government, Local Government Finance, Inter-Municipal Cooperation and possibly the Constitution. Officials from Belgrade claim that it is the spirit of the agreement that both sides adjust their legal framework in order to accommodate provisions agreed, especially the establishment of the CSM. As per words of one Serbian official engaged in the negotiation process "if we fought in Brussels to strip away word 'existing' Kosovo laws from the agreement what's the point to accept that Community will be formed according to current laws."<sup>27</sup> "The Brussels Agreement wording nowhere mentions that the CSM is to be established in line with the 'current legislation.' Quite the contrary, Article 4 of the Agreement solely refers to the European Charter of Local Self-government and the Kosovo law as the frameworks in which the CSM is to exist. If we add to that the obligation of adjusting the legal framework provided in the Implementation Plan, it becomes absolutely clear

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<sup>25</sup>BPRG (2015) "Serb integration in Kosovo after the Brussels Agreement", page 18, Available at:<http://balkansgroup.org/wp-content/uploads/2015/03/Serb-Integration-Kosovo-19-March-2015.pdf><sup>26</sup>Malazogu, L. et al. (2014) "Integration or Isolation: Northern Kosovo in 2014 Electoral Limbo".

<sup>26</sup>Malazogu, L. et al. (2014) "Integration or Isolation: Northern Kosovo in 2014 Electoral Limbo".

<sup>27</sup>AKTIV interview with Serbian official, 20February, Istanbul

that this is an entity which is in its nature different from the Association of Kosovo Municipalities and which inevitably requires the adjustment to the legal framework.”<sup>28</sup>

Serbia’s officials have often provided guarantees to the public that they will work to make sure that the CSM is as independent from Kosovo authorities as possible. However, Belgrade has also assured Pristina and Brussels that it does not intend to be disruptive and that it will continue to cooperate. By signing the Brussels Agreement, Serbia has already moved forward significantly with the process, despite being done mainly as a response to conditions set by the EU.<sup>29</sup> Belgrade has demonstrated changes in its approach, for example it actively encouraged Kosovo Serbs to participate in the 2013 Kosovo local elections, the creation of local self-government, integration of police and civil protection, despite fierce opposition and criticism from the local community. Belgrade was able to suppress the criticism in the North through combination of coercive measures on the former political elite and continuation of financial flows without which Serbian community in Kosovo would not be able to sustain itself. It is likely that Belgrade will continue with the implementation of the Agreement and talks with Pristina, as long as it moves the country closer to the EU membership.

### ***Pristina’s position – First we agree on everything than we can discuss "nothing"***

Before the Brussels Agreement, Pristina saw the Ahtisaari Plan as an already large concession to the Serbian community and they were reluctant to accept the delegation of new competencies to some newly formed body.<sup>30</sup> The failure of the attempt to take control of northern Kosovo and crossings with Central Serbia in July 2011, combined with increasing pressure from the EU, encouraged Pristina’s institutions to undertake talks with Serbia, in order reach shared agreement over how to integrate the North into political and legal framework. After the signing of the Brussels Agreement, the EU awarded Pristina for its willingness for dialogue by initiating the Stabilisation and Association Agreement (SAA) negotiations with Kosovo on 28 October 2013. This was completed on 2<sup>nd</sup> May 2014. The SAA was adopted by European Commission in April 2015 and it is expected to be signed by the European Council in June.

Pristina’s position on the ASM<sup>31</sup> is minimalist, therefore granting to this body an overview only in policy areas mentioned in Article 4 of the Agreement. This approach has been clearly expressed by the former Prime Minister Hashim Thaci, who defined the ASM as a non-governmental organization (NGO) without any significant powers.<sup>32</sup> On

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<sup>28</sup>Government of Serbia, Office for Kosovo and Metohija (2015), “Progress report on the dialogue between Belgrade and Pristina“, page 7.

<sup>29</sup>AKTIV interview with representative of civil society, Belgrade, 29 October 2014.

<sup>30</sup>Rettman, A. (2013) “Thaci to Serbia: get your ‘forces’ out of North Kosovo”, *EU Observer*, 17 January.

<sup>31</sup>When discussing positions of Pristina on the establishment of the Community/Association of Serb-majority municipalities, we use ASM abbreviation.

<sup>32</sup>Peci, E. (2013) “NGO Fears ‘Republika Srpska’ Inside Kosovo”, *Balkan Insight*, 12 December.

more than one occasion Pristina's officials stated that the ASM will not be entrusted executive competences, nor new delegated or enhanced powers besides the one stipulated within the agreement.<sup>33</sup> More competences entrusted to the ASM would hurt the sensitive balance of power between local and central institutions enabled through decentralization process. Another fear is that enhanced competences for the ASM could "make it look like a third layer of government interposed between the municipalities and central authorities. This would cross all the red lines Pristina draws around the decentralization process and provoke Kosovar public opinion."<sup>34</sup> ASM should be in line with the current Kosovo Law, and modelled to already existing Association of Kosovo Municipalities (AKM), an organization, composed by representatives of Kosovo's local municipalities, as per Law on Local Self Governance and Law on Inter-Municipal Cooperation. A draft plan already presented to the EU by the Kosovo government has reportedly been based on statute of this body,<sup>35</sup> confirming the interpretation of the ASM as a mere coordination tool. The issue of financing for ASM from Belgrade is also very sensitive for Pristina. In essence Belgrade is allowed to provide financial and technical assistance, including expert personnel and equipment in the implementation of municipal competences, transparently and upon previous notification.<sup>36</sup> However, a number of senior government representatives stated that Belgrade could offer financial support to municipalities and the Association, but it cannot pay salaries of Association employees, as there is no state which would accept such a breach of sovereignty, questioning the loyalty of the employees of public institutions paid by Pristina.<sup>37</sup> "Pristina accepted in principle that officials in Serb municipal governments would keep their posts (as long as they dealt with local competencies) and simply move to the Kosovo system. They also agreed to find solutions for Serbs in positions without a Kosovo equivalent, such as the civil protection Kosovo officials argue this 'spirit' covers only a transitional period, and applies only to those who live and do real work in Kosovo."<sup>38</sup> In order to clarify this issue and progress toward implementation of the agreement, Belgrade and Pristina should carefully approach future funding of the Serbian community in Kosovo, taking into consideration its sustainability and reliance on public sector employment as well as consequences of premature resolution of this issue may cause.

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<sup>33</sup>KoSsev (2015) „Stojanović i Tahiri: Zajednica sa nadležnostima po zakonima, ili Asocijacija bez nadležnosti považećim kosovskim zakonima?”, Available at:

[http://kossev.info/strana/arhiva/stojanovic\\_i\\_tahiri\\_zajednica\\_ili\\_asocijacija\\_/4915](http://kossev.info/strana/arhiva/stojanovic_i_tahiri_zajednica_ili_asocijacija_/4915)

<sup>34</sup> BPRG (2015) “Serb integration in Kosovo after the Brussels Agreement”, page 37, Available at:<http://balkansgroup.org/wp-content/uploads/2015/03/Serb-Integration-Kosovo-19-March-2015.pdf>

<sup>35</sup>Malazogu, L. et al. (2014) “Integration or Isolation: Northern Kosovo in 2014 Electoral Limbo”.

<sup>36</sup>Law no.03/ L-040, Article 30

<sup>37</sup>CIG (2015) „Implementation of Brussels Agreement and European Integration Prospects for Kosovo and Serbia“, Available at:

<http://www.cigonline.net/docs/Implementation%20of%20Brussels%20Agreement%20and%20European%20Integration%20Prospects%20for%20Kosovo%20and%20Serbia.pdf>

<sup>38</sup>BPRG (2015) “Serb integration in Kosovo after the Brussels Agreement”, page 30, Available at:<http://balkansgroup.org/wp-content/uploads/2015/03/Serb-Integration-Kosovo-19-March-2015.pdf>

The government in Pristina demands the full implementation of signed agreements before it is ready to negotiate establishment of the ASM. "Kosovo's position is that discussions on the issue of Association can take place only when some necessary conditions are met. These conditions are: dismantling of all Serbian parallel structures, implementation of the agreement on justice, dismantlement of so-called civil protection and removal of barricade on the Mitrovica bridge."<sup>39</sup> There was some progress when it comes to the implementation of the agreement on justice and civil protection. In the "implementation offensive", Serbian officials have spent several days in the North pressuring Serbian judges and prosecutors to apply for positions as predicted by the agreement on judiciary.<sup>40</sup> The agreement on the dismantling of the Civil Protection was signed on March 26<sup>th</sup>, envisaging the integration of 483 members of former CP.<sup>41</sup> Positive steps were taken when it comes to adoption of the new municipal budgets after several months of delay. Dismantling of the so-called parallel structures and the barricade/Peace Park on the bridge will be however, much more demanding due to economic and security challenges it imposes on the local community. It seems that these processes will rather go in pair with the negotiations on the establishment of ASM. Failure to dismantle so-called parallel structures and persistence of Belgrade to finance them presents both functional as well as symbolic treat to Pristina and breach of the provisions of Brussels Agreement. On the one side, further functioning of these institutions undermines the process of establishment of fully functional local municipalities and the work of newly elected mayors. Elections were held, mayors were elected, assemblies were formed, and budgets were finally adopted, but municipalities in the north are not fully functional as major departments are still missing. On the other side, Pristina sees the parallel structures as an "illegal interference" by a foreign state into its own matters, which further aggravates public opinion in Pristina. Among analysts, politicians and the public in Pristina, one point is that Belgrade essentially gained more in the process as it can progress further on the path of EU integrations, while Kosovo still does not have full control over the North, and the EU integration process is questionable due to non-recognition of 5 EU member states.

In addition to the institutional position, several Kosovo Albanian scholars and politicians have denounced the destabilizing effects that the ASM could have on the whole Kosovo legal and political system.<sup>42</sup> They do not perceive the ASM as a tool for the integration of the Serbian community but rather as a way to disintegrate Kosovo from within.<sup>43</sup> There is concern that the ASM could be a vehicle for a centrifugal tendency that could damage Kosovo's functionality as a state and lead to an increase in

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<sup>39</sup>Government of Kosovo (2015), "Brussels Agreement Implementation – State of Play", page 15.

<sup>40</sup>KoSSev (2015), "Završen razgovor Đurića i Selakovića sa srpskim sudijama i tužiocima", Available at: [http://kossev.info/strana/arhiva/selakovic\\_u\\_kosovskoj\\_mitrovici\\_razgovara\\_sa\\_radnicima\\_pravosudja/4973](http://kossev.info/strana/arhiva/selakovic_u_kosovskoj_mitrovici_razgovara_sa_radnicima_pravosudja/4973)

<sup>41</sup>Stakic, I. and Bjelos, M. (2015), "Future of the civil protection in Kosovo North"

<sup>42</sup>Bajrami, A. (2013) "Association of Serb-majority municipalities: from a tool of integration, to a disaster in the making elections", Group of Legal and Political Studies, n. 5.

<sup>43</sup>AKTIV interviews with representative of civil society, Pristina, 20 October 2014, and Kosovo politician 5 November 2014.

inter-ethnic tensions.<sup>44</sup> This point of view reflects the belief that the ASM is modelled on the Republika Srpska<sup>45</sup> and that Kosovo therefore risks becoming a new Bosnia and Herzegovina, in which Serbian leaders will have the means to create a dysfunctional state. For others, ASM could hurt integration of Serbian community into Kosovo legal system and hamper the creation of genuine multi-ethnic state. "It is in the interest of Serbs not to isolate themselves from the Kosovo system, because by doing that they relieve political elite of its responsibility. It would be good if Serbs integrated as soon as possible so they can protect their community's interest better." Criticisms are strongly directed internally towards former and current governments for its unconditional acceptance of the EU agenda.<sup>46</sup> Consequently, populist and nationalist discourses are spreading throughout Kosovo and some analysts believe that this frustration will continue to grow and risk resulting in violent actions. It is thought that these tensions may spread among Albanians in the Presevo Valley and in Macedonia and that the destabilizing effects will be felt across the entire region.<sup>47</sup>

Despite this criticism, the government in Pristina assured its commitment to continue the talks with Belgrade and to ensure that the Brussels Agreement is put into practice. Following the 2014 elections, the political deadlock made the dialogue between Pristina and Belgrade difficult and the implementation of the Agreement was stalled. The new cabinet has since confirmed its desire to continue to push forward with developments in this area. This means that the prospect of European integration remains the goal of the Kosovo political leadership and that the EU will continue to put pressure on Pristina for the continuation of talks with Serbia and for achieving a sustainable solution over the issue of North Kosovo.

### ***Local community's views***

#### ***A technocratic process without human face***

Kosovo Serbs share several criticisms in regards to the deliberation over the CSM and tangible reservation over the whole process of Pristina-Belgrade dialogue. The primary concern is the exclusion of the local community from the process itself. A survey conducted by Ipsos shows that citizens from the North "are aware of provisions of Brussels Agreement to a very small extent, and they mainly blame the authorities in Belgrade for this... the majority of citizens think that this Agreement had a negative effect on their everyday life."<sup>48</sup> General lack of information about the process, and the fact that, for more than two years, they are still being held on thin ice about the

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<sup>44</sup> Morina, E. (2014) "Brussels "First Agreement" – A year after".

<sup>45</sup> AKTIV interview with Kosovo politician, Pristina, 5 November 2014.

<sup>46</sup> An important role is played by Levizja Vetevendosje, the most active opposition party. It has declared to be against the dialogue with Serbia and has advocated the Kosovo right to unify with Albania.

<sup>47</sup> In Presevo Valley (south Serbia) and in Macedonia a large Albanian community lives. Their representatives sometimes arise the demand to Belgrade and Skopje for more autonomy and powers. Kursani, S. and Deda, I. (2012) "Autonomy for the Northern Part of Kosovo: Unfolding Scenarios and Regional Consequences", KIPRED, Policy Paper Series, n.5.

<sup>48</sup> KFOS (2015) „Opinions of Serbs in Northern Kosovo – Mosaic of hope challenges and expectations“, Page 26.

formation of the CSM has caused fear, uncertainties, dissatisfaction and distrust among community in the North.<sup>49</sup> A number of respondents taking part in the focus groups conducted during the course of our research have stated that citizens are highly interested to get more information about the Brussels Agreement, however there is a lack of quality analysis, journalist reports and opinion pieces in the media,<sup>50</sup> which jointly with general lack of transparency by the government form rather gloomy picture. Although the northern municipality representatives are working on the draft of the statute, very little information is disseminated to the public. Technical consultations of the Management Team tasked with drafting the CSM statute are occurring solely at a government level while the community learns about the Agreement and its developments mostly from media coverage strongly influenced by Belgrade. The process itself is technocratic, reliant on experts in the working groups and negotiations behind closed doors, and completely lacking a human dimension. It is not clear to the citizens who owns this agreement and who are its beneficiaries. They all agree that political elites and working group experts cannot be main beneficiaries, but only citizen in whose name it was signed.

### ***It's all about fear***

Uncertainty and dissatisfaction are the prevalent emotions among the citizens we interviewed during focus groups. The majority have stated that they are betrayed and laboured under delusion and expectation that they will remain under the jurisdiction of authorities in Belgrade.<sup>51</sup> The transition towards new institutions has proven to be difficult and community feels that they are currently left in the limbo, not knowing where to turn and which institutions to hold accountable for the most basic services. There is prevalent feeling of lack of perspective as making any future plans is seen as pointless following the Brussels agreement.<sup>52</sup> Citizens interviewed at the focus groups do not see the clear benefits of the entire process.

The predominant concern of the Serbian community in the North is its future relations with Belgrade and financing of the CSM. Complete integration without safeguards in preserving levels of public employment, health and education services, social safety nets and subsidies from Belgrade could lead to serious deterioration of economic wellbeing of community and consequently become major security problem. The government in Belgrade was historically the employer of first and last resort for the

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<sup>49</sup>Focus groups held in the four North municipalities

<sup>50</sup>Focus group held in Leposavic on December 26<sup>th</sup> 2014.

<sup>51</sup>“All our expectations toward the Brussels agreement or Community of Serb-majority municipalities have been betrayed, we’ve been put down the drain, we literally don’t know where we are right now” – Interlocutor at the Focus Group in ZubinPotok, held on 27 December, 2014.

<sup>52</sup> “Some of my greatest fears are directed toward the future. We currently dont have safe future, we dont know what tomorrow brings, we simply don’t know. We also don’t know in which country do we live. If someone asked me, I would say Serbia, but facts are telling me something different as we are dragged to the process, which we didn’t ask for.”- Interlocutor at the Focus Group held in Zvecan on January 17<sup>th</sup>, 2015.

Serbian community in Kosovo. It spends around 350 million Euros per year<sup>53</sup> providing employment, social services, and infrastructural projects in Serbian communities. This was a strictly political strategy aimed at keeping the remaining Serbian population intact and preventing migration. Without getting into sustainability of this approach, there were no measures taken from Belgrade or Pristina toward the local community to dispel fears that Brussels Agreement process will not lead to massive job losses as a consequence of Belgrade's withdrawal from Kosovo and integration of institutions. Even citizens are aware that government in Pristina is not able to finance integration of entire staff on Belgrade's payroll into system, as many positions in the former system do not have its counterpart in the Kosovo system.<sup>54</sup> It is doubtful that Belgrade is ready to provide funding on the same terms and quantity as it has until now. One of participants from focus groups in Zubin Potok explained that integration in economic terms mean that "one economically dominant system is getting integrated into inferior system. Considering that Serbia pays much more per capita than Kosovo, into social safety nets for its citizens, from health, social service packages, etc. what will be incentive for Serbian community to integrate?"<sup>55</sup> Rada Trajkovic also believes that Serbian funding actually preserved Kosovo's multi-ethnic character "...whatever international community and Pristina think, Serbian tax payers have preserved multi-ethnicity of Kosovo for the last 15years. If it wasn't for Serbia, Kosovo would not be multi-ethnic, and if we lose systems such as healthcare, education, social services, we shall lose perspective of Kosovo as multiethnic, we shall lose perspective of survival of Serbian population in this territory."<sup>56</sup>

The local population has hopes that those employees who become redundant in the transition process of closing "parallel" institutions, will find employment through CSM that will be financed through Belgrade donations channelled through institutions in Pristina. For Pristina, as previously explained this is unacceptable as it does not want to see public employees getting salaries paid from another state, assuming the deficit in loyalty of those employees. Consecutively if this solution is enacted the CSM could be an overstaffed institution, initially serving as a mechanism for preserving social peace. The premature closure of Serbian institutions in Kosovo as demanded by Pristina without previously finding solution for "redundant" employees could be a major stumbling block in the entire process and the challenge for the success of the entire process of normalization. Both sides need to be particularly sensitive to the issue of assistance of Belgrade institutions to Serbian community in Kosovo, and try to find more creative solutions and possibly change some existing laws, such as Law on Local

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<sup>53</sup>BPRG (2015) "Serb integration in Kosovo after the Brussels Agreement", page 30, Available at:<http://balkansgroup.org/wp-content/uploads/2015/03/Serb-Integration-Kosovo-19-March-2015.pdf>BPRG (2015)

<sup>54</sup>"I don't think that Pristina is ready to finance such a high number of employees that we have here. They don't have that much money in the budget to finances such a high number of people. I am thinking about those employees who are on Serbian payroll in municipalities, and if these municipalities are shut down, and left without Serbian finance, what will happen to them?", Interlocutor from Focus Group in ZubinPotok.

<sup>55</sup>Focus group held in Zubin Potok, 27December, 2014.

<sup>56</sup>KoSSev (2015) „Trajkovic: Ako ne bude formirana ZSO nece biti zivota za Srbe na KiM“, Available at: [http://kossev.info/strana/arhiva/trajkovic\\_\\_ako\\_ne\\_bude\\_formirana\\_zso\\_nece\\_biti\\_zivota\\_za\\_srbe\\_na\\_kim/3973](http://kossev.info/strana/arhiva/trajkovic__ako_ne_bude_formirana_zso_nece_biti_zivota_za_srbe_na_kim/3973)

Self Government and Law on Inter - municipal cooperation, but also try to interpret them more with sensitivity toward Serbian community in Kosovo. This is also important because it can be used as a sign of good will and confidence building measure enacted by Pristina toward Kosovo Serbs. The local community generally shows signs of distrust toward institutions in Pristina. General detachment from the processes and perception of official Pristina as illegitimate since 2008 has been further aggravated by Pristina's discourse on the nature of the integration process post Brussels agreement which is seemingly oriented toward the extension of sovereignty and territorial integrity, rather than supportive and aware of community views and the nature of their problems. It seems that Pristina does not recognize fears and positions of the local community in the North.<sup>57</sup>

The health and education systems are another important part of the equation for the successful implementation of the Brussels Agreement and future functioning of the CSM. For the citizens that we interviewed in the focus groups, the functioning of health and education as per Serbian system is the red line which should not be crossed.<sup>58</sup> Kosovo law assigns management of primary and secondary education and primary healthcare to local municipalities, while municipalities of Mitrovica North, Gracanica and Strpce have enhanced competencies in the provision of secondary healthcare. Mitrovica North has also enhanced competencies in the provisions of University education. Many question the ability of local self-governments to run such complicated systems as University education and secondary healthcare. Serbian healthcare and education in Kosovo are massive systems run and funded through line ministries in Belgrade which secures its sustainability.<sup>59</sup> Serbian healthcare is an integrated system comprised of primary, secondary, and tertiary centres. While primary and secondary healthcare are available in Kosovo, K-Serbs rely on inner Serbia for tertiary healthcare. Being users of healthcare insurance for decades, citizens fear what the future brings with regards to their healthcare benefits, especially because in K-Albanian areas healthcare is not as organized and lacks quality tertiary centres. Transition cost incurred in the process of implementation could be high and costly in social terms. Except its social, both education and healthcare have economic function, as they are single largest employers in Serbian areas. For years, employees in education and healthcare receive 150% of the salary that their counterparts have in Serbia, which is significantly higher than salaries in Kosovo. Northern municipalities have finally, under pressure, adopted budgets with education and health included in them, but according to the various media sources,<sup>60</sup> the salaries will not be paid out before final agreement on the CSM. According to KoSSev, there is a huge discrepancy between number of employees in education and healthcare that are included in the budget and those actually employed. The

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<sup>57</sup>Except already mentioned minimalist perceptions on the CSM, the official discourse of Pristina is that there is no negotiation about the integration. Some Pristina officials were especially harsh when they talked about the integration of the North mentioning integration as the end of "barricaded Serbian mentality".

<sup>58</sup>Focus groups held in four municipalities from December to April

<sup>59</sup>Remark of one of the Mayors of Serb-majority municipalities at CIG event in Gracanica, 12February, 2015.

<sup>60</sup>KoSSev (2015), "Usvojenibudžetisaškolvomizdravstvom: Revidiraju se spiskovizaposlenih", Available at: [http://kossev.info/strana/arhiva/usvojene\\_izmene\\_i\\_dopune\\_budzeta\\_/4683](http://kossev.info/strana/arhiva/usvojene_izmene_i_dopune_budzeta_/4683)

municipality of North Mitrovica for instance included 318 employees in primary and secondary healthcare and 404 from primary and secondary education. Previous budgets submitted in January 2014 enlisted 1481 employed in healthcare and 2080 in education.<sup>61</sup> Pristina could not pledge the necessary resources to fund these institutions at such levels. The solution needs to be found for Belgrade to continue channelling funds for their functioning.

Community fears over integration of educational institutions are also rampant. Participants in the focus groups were also concerned that if integrated as per Kosovo law, Serbian curriculum and textbooks could be used only upon notification of line Kosovo ministries and revision of independent commission.<sup>62</sup> Many have stated that they do not want to send their children to an education system that applies Kosovo curricula. For them this is highly symbolic and emotional issue that also affects the way community perceives the entire process of integration. Apart from emotional there is a practical concerns deriving from possibility that adoption of Kosovo curriculum could affect eligibility of Kosovo Serb graduates at the academic and employment level in Serbia. Another issue is the recognition of diplomas from the state University in Mitrovica North. Even not directly connected to establishment of CSM and subject to negotiations on different levels, the issue is highly important because holders of diplomas from Mitrovica North are not eligible to apply for jobs in Kosovo public institutions, because the University is not accredited. This issue should be tackled in parallel to the establishment of the CSM. The CSM could have an essential role in this as it could ease the tensions regarding the accreditation of University of Mitrovica North and its future functioning. Different solutions can be enacted, from double registration in both systems, through omission of state insignia from diplomas, etc.

### ***Perceptions and expectations***

A myriad of opinions exists in the North Kosovo over the nature of the CSM itself and what it can bring to Kosovo Serbs. On the one hand, the number of citizens and politicians disregard such organization as it represents capitulation to Pristina's demands toward integration, loss of political subjectivity that the North has had for 15 years and loss of economic sustainability as it will inevitably lead to reduction of economic support from Serbia once institutions integrate into the new system. In the

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<sup>61</sup>Ibidem

<sup>62</sup>Schools that teach in the Serbian language may apply curricula or textbooks developed by the Ministry of Education of the Republic of Serbia upon notification to the Kosovo Ministry of Education, Science and Technology. In the event of an objection by the Kosovo Ministry of Education, Science and Technology to the application of a particular curriculum or textbook, the matter shall be referred to an independent commission to review the said curriculum or textbook to ensure conformity with the Constitution of Kosovo and legislation adopted in accordance with this Settlement. The concerns are not ungrounded, the Independent commission for the review of Serbian language teaching materials has given recommendations that considering the fact that "Kosovo's Government cannot affect any change to the education system of the Republic of Serbia, the Commission proposes that the Kosovo Ministry of Education, Science and Technology (MEST) develops a complete Serbian-language curriculum and teaching materials that is in line with Kosovo's Constitution and Kosovo Curriculum Framework".

interview with a Serbian political leader from the north he stated that "CSM should 'whitewash' the Brussels Agreement before publics in Serbia and Kosovo and strip away responsibility from political elites"... and that it means only "...crumb which Pristina will give to Serbs in order to integrate them."<sup>63</sup> On the other hand, despite criticism of the agreement there are more pragmatic voices which see agreement as inevitable and CSM as probably only mechanism for protection of Serbian community rights and safeguard mechanism from future discrimination. In the words of Rada Trajkovic, "if the Serbian community is left without CSM that it needs, it will not be sustainable, because there is no other institutional mechanism which can safeguard their rights. Belgrade, Pristina and international community owe establishment of CSM to the Serbian community. There is no compromise with CSM establishment, because it will be compromise with life and survival."<sup>64</sup> Focus group results show that citizens are generally reserved when it comes to the CSM, drawing on experience with the implementation of the Brussels Agreement. Intuitively they feel that the huge discrepancy between Belgrade and Pristina over the competences and powers of the CSM could fall on their shoulders as they will remain "bargaining tool" in a greater game of Belgrade and Pristina EU integration path, which can downplay the role they envisage for the CSM.<sup>65</sup> The majority of participants in the focus groups in the North were also dissatisfied with the timetable of implementation and defiance of Pristina to accept establishment of the CSM. Overall observation was that Pristina gained much more from the agreement as slowly and subtly it started to integrate North, without key benefits and safeguards for the local community itself.

Despite the fact that entire process has aggravated tensions and fears, the future establishment on Community of Serb-majority municipalities, has been assessed by citizens as the most positive side of the agreement, as they have great expectations from its establishment. "While the Brussels Agreement is primarily evaluated tremendously negatively, its concretization is evaluated positively in at least some segments. Namely, one out of four Serbs from the North Kosovo believes that the formation of the Community of Serb-majority municipalities in Kosovo will have a positive impact on the quality of life (24%). The percentage of citizens who positively consider the formation of this Community considerably exceeds the percentage of those who oppose it."<sup>66</sup> When it comes to the competencies of the CSM, the local community has more prosaic hopes, one that will ease the existing tensions in the North and offer reassurances for their future subsistence. First of all, Kosovo Serbs highlighted the necessity of having a body provided with executive powers in particular crucial areas of education, health care, economic development and urban and rural planning as stipulated in the agreement. In their opinion, only an autonomous body can improve their living conditions and protect them from majorization in Kosovo and secure

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<sup>63</sup> AKTIV Interview with Serbian politician from the North, North Mitrovica, 23 January, 2015

<sup>64</sup> KoSSev (2015) „Trajkovic: Ako ne bude formirana ZSO nece biti zivota za Srbe na KiM“, Available at: [http://kossev.info/strana/arhiva/trajkovic\\_\\_ako\\_ne\\_bude\\_formirana\\_zso\\_nece\\_biti\\_zivota\\_za\\_srbe\\_na\\_kim/3973](http://kossev.info/strana/arhiva/trajkovic__ako_ne_bude_formirana_zso_nece_biti_zivota_za_srbe_na_kim/3973)

<sup>65</sup> Focus group held in Mitrovica North, 16 January, 2015.

<sup>66</sup> KFOS (2015) „Opinions of Serbs in Northern Kosovo – Mosaic of hope challenges and expectations“, Page 33-

community sustainability. CSM is also seen as a bridge between K-Serbs, Belgrade and Pristina. Given K-Serbs reliance on Belgrade transparent funding from Serbia is considered as fundamental for economic and social development. Pristina and international community should be able to contribute as well.<sup>67</sup> CSM is also seen as a political body that could “serve as a forum to discuss and articulate Serb interests and represent and unify the Serb community in Kosovo. As forum for discussion it would also contribute to political pluralism among K-Serbs.”<sup>68</sup> Kosovo Serbs want to see that priority is given to economic development. “Citizens from the North Kosovo who expect improvement of their living conditions from the formation of the Community of Serb-majority municipalities after the implementation of this provision of Brussels Agreement primarily expect improvements in the domain of economy (24%), but also in the area of security and rule of law (28%).”<sup>69</sup> A tangible result from the CSM should be establishment of public companies run by the Community in public utility sectors, such as electricity, waste disposal, water supply or park management. It might also be possible to hire public employees which might be made redundant after the full integration of northern municipalities in to the Kosovo legal system. Another economic policy that needs to be addressed by the CSM is the mining policies, which are of crucial importance in the region. Kosovo Serbs hope that the CSM will be able to address these issues, but a lot of uncertainties remain over how this body will be established. The majority suspect that Pristina, backed by the support of the international community, will not accept devolution of power to the CSM and as a consequence it will not be able to protect Serbian community’s interests and rights.<sup>70</sup>

Up until now, aside from members of the Management Team, the local community was largely side-lined from the process of the negotiations and establishment of the CSM. Having in mind that purpose of the Brussels agreement is the accommodation of Serbian community into the Kosovo political and legal framework, and that CSM has been chosen as the framework for its integration, more steps need to be taken in order to include community views in the process. The presence of Serbian political leaders in Brussels in the latest negotiation round was an important step forward, but other steps should follow in the future.

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<sup>67</sup> AKTIV interview with representative of civil society, North Mitrovica, 21 October 2014.

<sup>68</sup> CIG organized Serb to Serb Round Table in Gracanica, 12 February 2015.

<sup>69</sup> KFOS (2015) „Opinions of Serbs in Northern Kosovo – Mosaic of hope challenges and expectations“, Page 33

<sup>70</sup> AKTIV interview with representative of civil society, North Mitrovica, 19 December 2014.

## Conclusion

At present, there are not many certainties about how the CSM will be established, what its exact structure will be and what powers it will be granted. There are still no clear timelines, benchmarks and responsibilities for the implementation of the first six points of the Brussels Agreement. The following months will give us much clearer picture, but the majority of it will depend on external pressures enacted on the political elite in Belgrade and Pristina. Based on what we have observed in the previous paragraphs we can draw some conclusions over the nature of integration of Kosovo Serbs, and what role the Community/Association of Serb-majority municipalities could play in this regard. The issue at hand is not what it will be but what it ought to be in order to enable secure and sustainable livelihoods for the Serbian community but also offer potential for reestablishment of inter-ethnic relations. The accommodation of Serbian community in Kosovo should be taken with due diligence and sensitiveness as it is one of many puzzles for stability in the region, relation between Belgrade and Pristina and future of inter-ethnic cooperation.

In essence the responsibility for the integration of minority communities lies on the majority community. Pristina will have to show positive signals and have more sensitive discourse toward Serbian community if it wants to prove that it is supporting integration more than just superficially. The Community of Serb-majority municipalities, jointly with political processes at central and local levels could be a useful institutional framework that can offer accommodation to Serbian community in Kosovo, and as the first resort, alleviate its fears and sense of distrust toward the process and Pristina itself. Cooperation among ethnic groups only becomes a possibility when there is security for the further social, economic and cultural development of a non-majority community, and when mutual distrust among groups is mitigated. In our opinion, Community of Serb-majority municipalities is only logical if it enhances Kosovo Serbs human security, from a political, social and economic perspective. Indeed, the devolution of competencies should serve the purpose of improving the lives of the local population, enabling citizens to live in peace, protect national identity and support a move towards greater prosperity. For these reasons, conclusions and recommendations are rooted in a prioritisation of the needs of Kosovo Serbs. Confidence building measures created through establishment of the CSM should be followed by stronger connections between K-Albanian and K-Serb political elite, business elite and civil society. More vibrant inter-ethnic relations will follow in the years to come with the easing of tensions.

We believe that the CSM should not be perceived as a threat by K-Albanians, but as useful means for fostering tolerance among communities and for boosting the integration of Serbs, without denying their cultural, religious and social features. What essentially Kosovo needs from the entire process is integration of population, removal of parallel institutions, exercise of sovereignty and functioning judiciary. Successful and

creative solutions over establishment of the CSM, together with confidence building measures, could in perspective act in accordance to stated objective. The comparison between the CSM and Republika Srpska in Bosnia and Herzegovina is extreme: the CSM will not have legislative competences or veto power to block executive decisions. The degree of devolved competences, whichever interpretation prevails, will certainly be smaller for the CSM than is the case for the Serbian entity in Bosnia. On the contrary, the real risk is to end up with an inefficient body with little leverage in relation to the central government and with no local legitimacy whatsoever. Therefore, the only way to improve the Kosovo Serbs trust in Pristina is by providing them with legitimate leadership with executive powers in substantial policies in order to address economic and social issues.

With regards to the structure, the mandate that states the CSM will have a President, Vice President, Assembly and Council should be respected. More doubts arise over the way in which members of these offices will be appointed. The solution proposed by Pristinians is that municipal assemblies appoint members of the Assembly, but this does not seem to give them enough representation, as Serbian community from other municipalities will be left out. Furthermore, it is important to build a structure able to act in the interests of Serbs from both North and South of the Ibar River, by granting equal participation to Serbs from all parts of Kosovo in order to overcome their geographical separation.

With reference to the whole process that has led to the Brussels Agreement, one of the biggest problems is the lack of transparency and lack of inclusion of the local population in the negotiations. This arguably undermines the trust of locals in the contents of the Agreement and in the Belgrade and Pristina authorities. The lack of clarity about the CSM fosters confusion, scepticism and suspicion towards this new body, further inducing fear and distrust. In this tango for two between Belgrade and Pristina, one more player is forgotten, as the key for successful implementation and ownership of the Agreement lays in the hands of Kosovo Serbs who should be brought into play. There is a strong necessity for more dialogue and inclusiveness in order to give real attention to the needs of the citizens. Transparency might change citizens' attitudes and build trust between all actors, especially between Kosovo Serbs and Pristina authorities. Inclusion of prominent Serbian community members in the process of negotiation and establishment of the CSM could give it more weight and community trust.

In conclusion, if the CSM is a body provided with executive powers and it works transparently and in connection to the local community, it will be a useful tool for the Serbian community and for Kosovo as a whole. The CSM has the potential to have the capacity to address economic, cultural and social needs of population. Pristina will have a legal and legitimate actor to collaborate with when trying to integrate a part of the population into Kosovo, whilst not denying their connection to Belgrade. If this happens, decentralization in Kosovo, and the Brussels Agreement in particular, will

become a success story. If the hard-line position prevails and ambiguity continues and ultimately all that is created is a weak and ineffective body the accommodation of the Serbian community in Kosovo will be protracted, while dialogue between Serbs and Albanians will remain problematic.

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### ***Focus Groups***

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Focus Group held in Zubin Potok, Moderated by Nesovic, B (27 December 2014)

Focus Group held in Mitrovica North, Moderated by Nesovic, B (16 January 2015)

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Focus Group held in Leposavic, Moderated by Platform for research and analysis (5 May 2015)

Focus Group held in Zubin Potok, Moderated by Platform for analysis and research (7 May 2015)

