



**KOSOVAR INSTITUTE FOR POLICY RESEARCH AND DEVELOPMENT**  
DISCUSSION PAPER

# **ETHNIC CENTRALIZATION AND THE PERILS OF CONFUSING SOLUTIONS**

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## 1. EXECUTIVE SUMMARY

Seven years since the introduction of international administration in Kosovo the process aimed at finding a solution for the future status of the territory has started. As part of Kosovo's status package, decentralization has a significant weight. Substantial energy has already been invested in this project, yet different perceptions, expectations, fears and interests drive the attitude of Kosovo Albanians and Kosovo Serbs vis-à-vis decentralization. It is still unclear how these diverging attitudes will change once the final status is resolved and decentralization turns from project to reality.

This discussion paper<sup>1</sup> highlights the following major sources of conflict:

### *Un-preparedness as a perpetuating source of conflict*

This discussion paper aims at raising awareness within the Government, municipalities, political parties, international administration and other relevant stakeholders about the likely sources of conflict in respect to decentralization. In the discussion paper herein specific potential for conflict is identified. It is beyond the intention of this paper to suggest specific courses of action in light of such potential. Yet, it is beyond doubt that all involved in the process of decentralization ought to be prepared to respond in an appropriate and concerted manner to mitigate potential conflicts. Thus, the main threats regarding decentralization as such lie within the following scenarios: (a) should the government and international administration disregard serious threats ahead, (b) should they fail to prepare ahead of new challenges, or (c) if we end up in a blame-game between local institutions and international administration, government and opposition.

### *Reaction of Serbs in the north of Kosovo*

First of all, once the status amounting to any form of independence is made clear, Kosovo Serbs in the north of Kosovo will most likely react with non-cooperation and possibly with some kind of declaration of independence for the area currently under their control. As the commitment to decentralization by Kosovars is conditional given an independent Kosovo is recognized with its current borders, such an action may challenge this commitment, not only for the northern territory beyond the Kosovo Albanians control but also for the rest of Kosovo. Kosovo negotiators have conceded to some aspects of decentralization and some of its bitter consequences, only as a price for independence. Consequently, with the north of Kosovo further entrenched into a renegade territory implementation of decentralization will likely be derailed in the entire territory of Kosovo

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<sup>1</sup> The paper takes a look at several documents that have circulated between UNOSEK and the negotiating parties as well as views of the main stakeholders involved (or otherwise present) in the process. As the starting point for analysis, the paper uses the last document that UNOSEK has presented to both Prishtina and Belgrade (dated September 12, 2006) and is focused on the main areas of responsibilities that document contains. In addition a number of decision-makers have been interviewed in order to gain as deeper insight as possible into different perceptions and expectations regarding solutions that will likely comprise the package on decentralization.

### *Conditional commitment*

Conditional commitment of Kosovo institutions will be put to question should the future status lack the expected clarity. If the status is kept unclear for longer, in order not to disturb any of the parties and to keep them all onboard (north of Kosovo, Kosovo institutions etc) this will amplify criticisms against decentralization. Kosovo institutions in that instance may either retract their commitment to decentralization or lukewarmly carry out their duties pertaining to decentralization.

### *Division of Mitrovica*

Another threat will be the division of the city of Mitrovica. If the existing situation of *de facto* partition is further cemented that will serve as a constant source of instability for the entire Kosovo. Prolonging the current partition implies a continuation of operation of Serbia's structures, a direct challenge for central authorities and a sharp ethnic divide.

Two sides look through different lens to the future City Board. Kosovo Albanians will try and use this body as a stepping stone towards reintegration of the northern Mitrovica with the rest of Kosovo. Kosovo Serbs on the other hand will either try to have the body limited to a sheer consultative function, to actively block it or not boycott it altogether.

### *Unilateral declaration of political and territorial autonomy*

A serious source of tension would be the turn of Serb-majority municipalities into a political and territorial autonomy. In the course of negotiations and through a number of comments on Ahtisaari's documents the delegation of Serbia continuously referred to autonomy. In the context of the right of Serb-majority municipalities to enter into mutual cooperation and establish associations the most serious threat is if those associations unilaterally evolve into territorial autonomy.

### *Opposing perceptions*

There are considerable threats related to the existing perception of decentralization as such. Both Kosovo Serbs and Kosovo Albanians see decentralization through different lens and have different expectations from this process. While Kosovo Albanians generally see this process as a price for independence, Kosovo Serbs see it as a means that will guarantee them as much autonomy as possible, outside the influence of Kosovo's central institutions.

### *Non-recognition of new municipal boundaries*

One potential source of threat is related to boundaries of new municipalities that will emerge as a result of decentralization. In some instances leaders of municipalities that will "lose" part of the territory to new municipalities bluntly revealed that they will not recognize new boundaries. In practical terms that will imply attempts by leaders of those municipalities to exercise authority in the territory that legally is no longer within their scope of power.

### *Lack of funding*

An unclear division of "obligatory/discretionary", "exclusive/shared" responsibilities may come when new municipalities will be unable to exercise some of the things they want to. Hence, it is a key that donors are able to fund them during the next three-four years during the bumpy transition to a viable state. It is also critical that the PISG establishes good channels of communication with all communities and municipalities to make sure that such problems are noticed early on.

### *Contentious appointments*

When it comes to new responsibilities that will be assigned to Serb-majority municipalities tensions about appointments of heads of police are envisioned. More serious possibility would be non-recognition of the lines of command within police service. As an isolated source of tension this scenario has relatively low chances to surface. Yet, in a case of partition of the northern part or/and declaration of territorial autonomy it is almost automatically triggered.

### *Disregarding decisions of higher courts*

In respect to judiciary the most serious threat may appear should the judges in Serb-majority municipalities disregard decisions of the Supreme Court and the Constitutional Court in cases when central judicial bodies reverse decisions of lower courts. As an isolated instance this scenario has low chances to appear, but in case of a partition of the northern part of Kosovo, declaration of territorial autonomy or defiance of the chain of command in the area of police, it is automatically triggered.

### *Funding from Belgrade*

Funding from Belgrade is not seen as a serious short-term problem. However, from a long-term point of view, unhindered funding from Belgrade will pose a serious barrier for Kosovo Serbs to develop their loyalty towards Kosovo. Thus, the challenge in this field appears in the form of permitting the right to donations from Belgrade, while at the same time limiting its orientation against building Kosovo Serbs recognition of Kosovo institution's authority.

### *Education*

The issue of education poses a threat if control over education in Serb-majority municipalities is not transferred from Belgrade to the Kosovo institutions. Practical issues, such as appointment of the dean of the University in the north Mitrovica are likely to cause tensions between Kosovo's central institutions and Kosovo Serb community. This source of conflict may have serious weight on its own only if we don't see partition of Mitrovica and if Serb-majority municipalities do not declare political-territorial autonomy.

Once these municipalities are up and running their sustainability will be put to test. Henceforth we can safely predict that when the immediate threat that Serbs currently perceive is gone, hardship realities will kick in, and some Serbs will seek to be incorporated back into bigger municipalities. In the future, more and more services will depend on "own revenues", and those municipalities that do not have a solid tax-base will be unable to raise funds and will offer less services to their citizens.

## **2. BACKGROUND**

On 24 October 2005, the U.N. Security Council endorsed the start of final-status talks for Kosovo. UN Special Envoy Martti Ahtisaari was charged with facilitating the status talks as well as drawing up a package solution on the settlement of the political status of Kosovo. The package would be presented to the six-nation Contact Group<sup>2</sup> (henceforth: the Contact Group) at the beginning of this year. After receiving comments from Contact Group

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<sup>2</sup> Composed of the United States, Britain, France, Germany, Italy, and Russia.

members and from Prishtina and Belgrade, the package solution goes to the Security Council as a draft-resolution, though this course of actions remains uncertain.

The issues related to decentralization have dominated the talks about the final settlement of Kosovo's future status held in Vienna. Although not explicitly stated, the decentralization process in Kosovo is considered critical to any solution about the Kosovo future status. Through this process, the international community is trying to ensure that the rights of the Serb community will be constitutionally guaranteed and their competencies will be significantly empowered in the municipalities where they constitute the majority.

**The decentralization process  
is Kosovo is considered  
critical to any solution of  
Kosovo's political status.**

A substantial number of Kosovars consider the process of decentralization as controversial and ethnically motivated. As an earlier study indicated 50-65 per cent of Kosovo Albanians find the following issues as "unacceptable": (a) increasing the powers of Serb-majority municipalities more than in other region,

and (b) allowing these municipalities to receive direct financial and other support from the government of Serbia.<sup>3</sup> Yet, the same study revealed that the decentralization issue proposals are less polarized between members of different ethnicities than the future status issue and that a considerable flexibility exists towards decentralization if the latter is a part of a bigger, acceptable, package.

The first elements of the tendency towards decentralization in Kosovo can be traced back as far as the 2001 when former Special Representative of the Secretary General (SRSG), Mr. Hans Haekkerup and Mr. Nebojsa Čović, representative of the President of the former Federative Republic of Yugoslavia (FRY) and of the Serbian Government, signed the UNMIK-FRY Common Document. This document was designed in particular to enhance the participation of Serbs in judiciary, police, and civil administration and among others; it guaranteed that Serbs would have the right to be educated in their own language including higher education (UNMIK-FRY Common Document; Belgrade, November 2001). However, it was the Seven Points' Plan of the SRSG, Michael Steiner that unambiguously gave rise to the process of decentralization as such<sup>4</sup>. The then SRSG Steiner presented his plan a week before local elections in an effort to motivate Serbs to turn out and vote, which did not happen. However, Steiner's commitment to decentralization continued. He launched discussions about a process of decentralization that would pertain to all municipalities and called upon the Council of Europe to come up with recommendations on decentralization.<sup>5</sup>

The violent events of March 2004 put the security capacities in Kosovo to test and precipitated tension and fear among Kosovo Serbs (ICG Report Nr. 155, 2004). Serbia rushed to blame Kosovo institutions and called upon the international community to commence immediately with the process of decentralization in order to create Serb autonomy within Kosovo (Danas, March 24, 2004). The new situation stressed the interethnic concerns and again necessitated the need to address these concerns via an advanced institutional set-up. The international community responded to these demands by

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<sup>3</sup> See KIPRED, Kosovo Future Status Process: Knowledge – Attitudes – Practices Survey, July 2006, (available: [http://kipred.net/UserFiles/File/Kosovo\\_Future\\_Process\\_KAP\\_Survey\\_Report.pdf](http://kipred.net/UserFiles/File/Kosovo_Future_Process_KAP_Survey_Report.pdf)).

<sup>4</sup> "A choice for Mitrovica – the Seven Point Plan", UNMIK Press Release. 1 October 2002. Available: <http://www.unmikonline.org/press/pressr02.htm> (last accessed: 4 November 2006)

<sup>5</sup> For a critical account of CoE proposal on decentralization see KIPRED policy brief # 1 at: [www.kipred.net](http://www.kipred.net).

reinforcing decentralization as the best mechanism to address these grievances and by pressuring Kosovo institutions to give their backing to this endeavor.

The international community in Kosovo wanted the PISG to take ownership over the process of decentralization. However, the local leaders were initially reluctant towards the idea of decentralization. Hoping that decentralization would take away the justification of Serbs not to join the institutions (and the importance that this had for the status), Kosovo leaders eventually agreed to work on the decentralization process.

In March 2005, the Kosovo Government adopted its Kosovo decentralization plan. Based on the local government reform framework document that was approved in July 2004, the Kosovo Government recognized the need to enhance accountability and ownership at the local level. For this purpose the Kosovo Government went on to establish the Ministry of Local Government Administration

**Serbia used the March riots as a pretext to demand from the international community to commence the decentralization and through it secure Serb autonomy in Kosovo**

(MLGA) tasked with developing a plan to implement decentralization and enhance the coordination between central and municipal institutions. According to the plan of the Kosovo Government, five municipalities were selected as pilot projects, aimed to show the political commitment to the process of decentralization. To show that decentralization is also for the benefit of Albanians, two of the selected pilot municipalities were in predominately Kosovo Albanian areas; Hani i Elezit/Đeneral Janković and Junik and two in predominately Serb areas: Graçanicë/Gračanica and Partesh/Parteš. The fifth was the predominately Turkish area of Mamushë/Mamuša (Administrative Direction 2005/11).

In the wake of the final status package and the beginning of its implementation Kosovars see the process of decentralization as insufficiently transparent, hence the broadly negative perceptions of the process (see Table 1). As the head of the AAK parliamentary group stated, “The Team of Unity should have done a better job in explaining the process and consequences to the people. TU should have worked with mayors and with citizens” (Syla, 2006). The most common understanding by Kosovo Albanians regarding decentralization was that the process was imposed by the international community and had to be accepted as the price which Kosovo had to pay to achieve independence (Ibrahimi, Kuçi, Mujota, 2006). Some also thought that decentralization was a precursor to Kosovo’s partition. “The so called ‘decentralization’ aims to partition Kosovo’s territories and have them centralized with Belgrade” (Xhemajli, 2006). As such, this process was thought to represent a potential threat for the territorial integrity of Kosovo. “This form of decentralization is not even taking place to satisfy the interests of the Kosovo Serbs but the demands of Belgrade’s policy which is against any kind of stability in Kosovo” (Ibid). Furthermore, it is frequently argued that “the creation of new municipalities is taking place along ethnic lines and that will be difficult to function” (Krasniqi, 2006).

### **3. CONFUSION ABOUT DECENTRALIZATION**

Uncertainty over Kosovo’s final status has constituted a key obstacle for negotiating the decentralization process in Kosovo. Consequently, the Kosovo Delegation proposal for decentralization is based on the fundamental premise of an independent Kosovo. All the proposals the Kosovo delegation presented in the course of the Vienna talks were grounded on the assumption that independence is achieved. The conditional commitment towards

decentralization is likely to face the most crucial test should the future status package contain any ambiguity related to the status as such.

While reaffirming its Guiding Principles on the future of Kosovo, the Contact Group

**Many Kosovo Albanians understood the process of decentralization as being imposed by the international community to satisfy Serbia and the interests of Kosovo Serbs**

released a statement a few months after the appointment of the Special Envoy Ahtisaari, ruling out any return of Kosovo to Serbian control, any partition of Kosovo or any union of Kosovo with another country. The statement also stressed that “effective provisions for the decentralization of the Kosovo government will be crucial to the status settlement” (Contact Group 2006). The Contact Group stated that

the settlement needs to address such issues as “freedom of movement, transparent and constructive links between local communities in Serbia and Kosovo, mechanisms for resolving the fate of missing persons and a specific package of measures for protection of religious communities and sites” (Ibid. Point #3). Further, arrangements for good relations between Serbia and Kosovo, and within the region, had to be part of a status settlement.

In November 2005, the Kosovo Delegation endorsed a document on the principles and positions of Kosovo with regard to the talks on the final status<sup>6</sup>. This document set Kosovo’s Delegation platform for the negotiations stressing, among others, the need to conclude the process on the final status within 2006 and that the final outcome should reflect the will of the Kosovo people for sovereignty. The document was discarded as the launching of the package has been postponed to February, while the status remains to be clarified in the following months. The document also recognized the importance of decentralization as a mechanism to enhance the rights of communities in Kosovo. In this respect the Kosovo institutions committed themselves to draft the necessary legal framework for the purpose of the reform of the local government.

The direct negotiations between Kosovo and Serbia, which commenced in Vienna in February 2006, initially dealt with the so-called “technical issues”. These technical issues included the protection of cultural heritage and religious sites, financial issues etc. Perhaps the most important issue dealt with in the talks has been the process of decentralization in Kosovo. The Serb delegation proposed the creation of a large number of Serb-majority municipalities within Kosovo. They also sought the division of the northern city of Mitrovica, separating its Serb-majority part north of the Ibër/Ibar River from the ethnic Albanian-dominated southern part. According to the proposed document on decentralization, these municipalities would be controlled by local Serb authorities, with their own police, and would be closely linked with each other and with Serbia. On the other side, the Albanian delegation believes it was generous in agreeing to the creation of 5+1 Serb-majority municipalities.

While talks on decentralization were under way, the frustration and dissatisfaction among various interest groups in Kosovo grew. Demonstrations were organized in some affected municipalities in Kosovo with the movement “Vetëvendosje”<sup>7</sup> often leading them. This

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<sup>6</sup> The Kosovo Delegation’s document on talks about the final status of Kosovo, addressed to Martti Ahtisaari, was endorsed on November 22<sup>nd</sup>, 2005. This document was referred to as the platform of the Kosovo Delegation about the final status talks. The whole content of this document can be found in the daily newspaper Express, November 23, 2005, pp. 6-7.

<sup>7</sup> In English “Self-Determination”.

movement has continuously voiced dissatisfaction and opposed the process of decentralization in Kosovo. According to its leader, Albin Kurti “the decentralization discussed in Vienna is not real decentralization and does not represent devolution of power in favor of the Kosovo citizens, but it is centralization and widening of the Belgrade power over Kosovo enclaves which will vanish because they will be unified” (Kurti, 2006). Along with Kurti there are other actors who oppose decentralization, elaborated further in the paper.

**Some interests groups strongly oppose the decentralization process in Kosovo thinking that it will endanger the territorial integrity of**

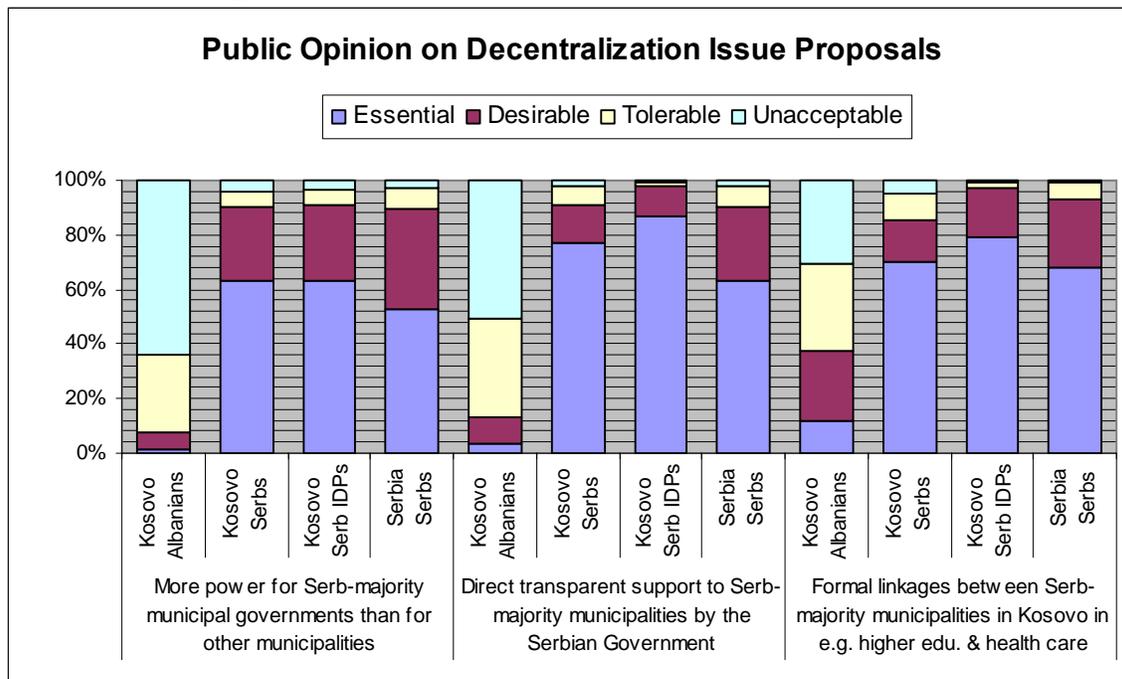
Although promoted as a process to bring Kosovo closer to the realm of a multiethnic society, the decentralization process is largely seen to consist of redrawing municipal borders along ethnic lines. According to the Kosovo delegation, while trying to limit off the Serb territorial claims within Kosovo, they agreed to allow the creation of the new Serb majority municipalities. As the deputy Prime Minister of Kosovo stated “the good and the bad thing of decentralization in Kosovo is that it has eliminated the territorial aspects but in the other hand it has strengthened the ethnic principle” (Haziri 2006). In fact, the ethnic component is one of the key reasons why some Kosovo Albanian interest groups strongly oppose this process. The town of Gjilan/Gnjilane was in a state of anxiety over decentralization along ethnic lines, arguing that an enormous part of the municipality will secede which will make the municipality unviable. The branches of all relevant political parties and organizations

**“If the decentralization of this kind is the price for the independence of Kosovo then its cost is too high”**

strongly opposed the Kosovo Negotiation Team (often referred to as the Team of Unity”) and accused them for instigating the partition of Kosovo. The Protest Council of the municipality, being against the proposal put forward by the Negotiating Team, called for the resignation of that Team. The head of PDK in Gjilan/Gnjilane Qemajl Mustafa stressed that “the proposal for decentralization will wall in Gjilan/Gnjilane into 400 sq km with a population of around 130,000, while the municipalities, with around 12,000 dwellers, will get 230 sq km of land. “Decentralization will remove from Gjilan/Gnjilane a very large piece of its territory, it will take away its arable land and water resources and the town will be left with nothing; in addition to such decentralization plans, the main communication roads will be shut down” (Mustafa 2006). Activists against decentralization in this municipality argue that “if the decentralization of this kind is the price for the independence of Kosovo then its cost is too high” (Kurteshi 2006). They have already collected 30,000 signatures of citizens who strongly demand to stop decentralization among ethnic lines.

Obviously one of the main difficulties regarding the decentralization plan is related with its perception. Kosovo institutions felt under pressure to show political commitment towards Serbs and the international community. Yet, at the same time, Kosovo institutions have failed in explaining to the majority of the population why they could not also count on immediate benefits from decentralization and that this is a process that will take at least a decade.

**Table 1. Public Opinion on the Decentralization Issue<sup>8</sup>**



The overall sense amongst decision-makers varies. There are those that strongly oppose it and others who consider it an unavoidable evil and a price to be paid for independence. For the PISG and major political parties decentralization is seen to have fundamental importance as the bargain price for independence. Yet, amongst Kosovo Albanians a number of different entities strongly oppose decentralization. The main political leadership in the region of Anamorava (Gjilan/Gnjilane, Viti/Vitina and Artana-former Novobërda/Novo Brdo) believes that decentralization will make their municipalities dysfunctional. The same reasoning is shared in Viti/Vitina. The mayor of Viti/Vitina contends that he will not implement the plan: “Let them [central government] come and implement it” (Misini, 2006). Here, the municipal leadership firmly refuses to implement the proposed decentralization plan, considering it unjust, imposed and involving a heavy financial burden on the municipality’s budget.

On the other side, Kosovo Serbs generally support decentralization, although depending on their location they have different expectations of it. While for many Serbs in the north the goal is to cement existing situation of *de facto* partition, throughout the rest of Kosovo a number of legitimate concerns drive Kosovo Serbs’ support for decentralization. These interests, among others, include control over education, health, local development, security and justice.

Aside from Kosovo Albanians and Kosovo Serbs a number of other parties have stakes in the process of decentralization and their actions will affect that process one way or another. Belgrade has been directly involved in the Vienna negotiations in an effort to guarantee

<sup>8</sup> Kosovo Future Status Process. Knowledge – Attitudes – Practices (KAP) Surevey. Data collection fieldwork took place from May 10 to May 20 2006. Interviews were conducted with the following sub-samples of stakeholders: Kosovo Albanians (N=753); Kosovo Serbs (N=485); Kosovo Serb IDPs living in Serbia proper (N=248); Kosovo Others (N=300); Serbia Serbs (N=795); and Serbia Others (N=100).

autonomy for Kosovo Serbs and prevent independence of Kosovo. For Belgrade, decentralization was labeled “a vital condition enabling [Kosovo Serbs] survival, security and returns.” (Rasković-Ivić, 10.6.2006)

In addition to the aforementioned stakeholders, the international community remains an important factor. In fact, it is the main driver of decentralization. The decentralization process is considered pivotal for the normal development of the Kosovar society by different segments of international community (Contact Group, UNOSEK etc.). In the process of implementation, aside from the Contact Group, the International Civilian Office is expected to be heavily involved. The latter will certainly have a prominent role, particularly in providing a final arbiter for contending issues between parties.

With this plethora of parties involved in the process, each driven by different ideas and expectations, outcomes become more questionable.

#### 4. DECENTRALIZATION AND THE MAIN ISSUES AT STAKE

The process of decentralization has been heavily politicized. Some actors claim “it was a strategic mistake to associate decentralization with Serbs only and not understand it as something from which all benefit” (Ivanović 2006). According to this view it was also a mistake to treat decentralization as the main item of the negotiations on the final status and because of this people will react negatively (Ibid). One of the main shortcomings of the current process of decentralization is the widespread sense of lack of information. While there are obviously shortcomings in ensuring proper information-flow among relevant stakeholders and the public at large it is unrealistic to expect much more before decisions are made and the package on future status, including decentralization, is made public.

**The main goal of decentralization is to address legitimate concerns of the Serb community and other non-Albanian communities**

Based on one of the latest drafts of the decentralization plan and the perceptions of the public opinion, it is possible to highlight some of the main issues at stake related to the process. According to the proposed document, the main goals of decentralization in Kosovo are:

- a) *To address legitimate concerns of the Serb community and other non-Albanian communities,*
- b) *To enhance good governance and efficiency of public service throughout Kosovo,*
- c) *To apply the principle of subsidiarity as essential to building up a sustainable system of local self-government.<sup>9</sup>*

As it comes across from the document itself, this process is primarily aimed at pacifying Serbs (and to a less degree, other non-Albanian communities). While in principle there is nothing problematic about this, as decentralization very often aims to address grievances of minority communities, it is the perception prevailing amongst the majority community that may fuel future tensions. The very idea underpinning subsidiarity (and by corollary,

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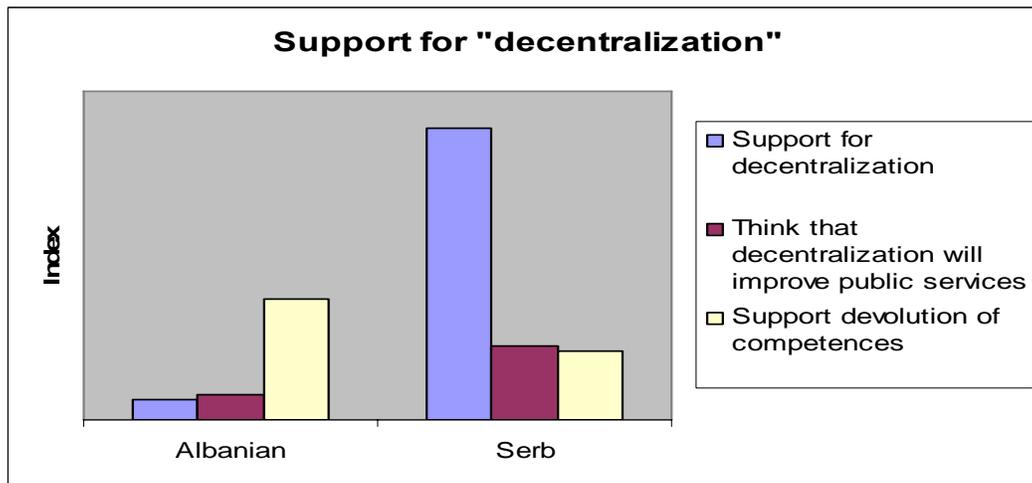
<sup>9</sup> The document proposed by UNSEK is still subject to further changes and no agreement has been reached yet on its final content.

decentralization) is that it is to serve a diversity of interests, and this does not apply to homogeneous societies but to diverse ones. There is no more salient difference than ethnicity. Only point (b) mentioned above directly benefits the minority communities, whereas the other two points benefit Albanians also. However, it is understandable that Albanians outside of Prishtina will not have many distinct interests from Prishtina at this stage when the status is not solved, so they will see little justification for “subsidiarity” per se.

According to many decision-makers, goals such as enhancing good governance are set as substandard of the main aim. The first goal as such, both in the document and in the general approach towards decentralization, included in the decentralization document is the main cause of fear and dissatisfaction among some Kosovo Albanian interest groups who firmly oppose this process. As the ethnic component is too salient compared to others, it reinforces perceptions that the entire process is ethnically based and it will lead to ethnic insulation.

That a lot has to do with proper packaging and communication is seen from the different responses given by the same respondents when asked about decentralization and devolution. Both Albanians and Serbs in principle support devolution of competencies to municipal levels when asked whether “local authorities should be entitled to as many responsibilities as possible, so that citizen needs can be addressed by those who understand those needs best” (see Table 2). Despite agreement on the benefit of decentralization there seems to be a doubt about its political directions. Whereas Albanians support devolution of competences and feel that decentralization will improve public services, few of them support decentralization when referred to it as such. Serbs on the other hand largely support “decentralization” however they do so not due to its perceived ability to improve local government (Ibid).

**Table 2. Public Opinion on Decentralization vs. Devolution<sup>10</sup>**



<sup>10</sup> RTI – USAID, Perceptions of Local Government in Kosovo, 2005 (Prepared by KIPRED)

### **a. Creation of the new Serb-majority municipalities**

From the very outset of the decentralization process, the creation of new Serb-majority municipalities was seen by Kosovo's politicians as a painful concession to Serbs. As already outlined above, Kosovo Albanians feared that the main reason behind the creation of the new Serb-majority municipalities in Kosovo, lied in the intention to paralyze functionality of central institutions and to establish full autonomy within Serb inhabited areas. In case of such a scenario, Kosovo Albanians feared that once these enclaves turn into municipalities and establish territorial links between them, then they may ask for a special autonomy within Kosovo and *de facto* partitioning of Kosovo, or leading to a Serb region, much-like Republika Srpska in Bosnia. These assumptions raise fears that the future state of Kosovo might become paralyzed and dysfunctional (Xhemajli, 2006). In addition, Kosovo Albanians fear that "decentralization will create Albanian enclaves within the new Serb municipalities whereby Albanians will become a minority" (Kurti, 2006). Kosovo Albanians generally fear that decentralization will serve as a prologue to a Bosnian scenario of separate entities.

Serbs, unlike Albanians, have insisted on gaining their own municipalities. Only exceptionally ones can hear criticism amongst them for the ethnic drive behind creation of new municipalities, which illustrates that this is exactly what they are expecting of this process. As a Kosovo Serb leader pointed out, Serbs would have been "interested to have some municipalities where Albanians would be in minority, so that they [Kosovo Albanians] know how it feels and thus establish a

**"Strategy of Serbs is that all small municipalities become as similar as possible to states...as strong as possible and with links between each-other"**

better understanding for the minority needs in general. This would have been an important test for Serbs also and we would see how they behave where they are in majority" (Ivanović, 2006). While these views are definitely in a minority, for Kosovo Serbs the decentralization process and the creation of the new Serb-majority municipalities (along ethnic lines) was seen as fundamental to improve the grave situation of the Serb community living in Kosovo, particularly in terms of freedom of movement and enjoyment of services that municipal authorities ought to provide. In addition, for Serbs decentralization is seen as critical for their long term demographic viability. Other practical reasons also affect the drive of Serbs for decentralizations, such as for e.g. getting things done is much easier via networks of familiar connections (same as for Albanians), so Serbs who have less ties in Albanian municipalities see less possibilities to have things done. Furthermore, similar as for Albanians, giving out jobs and tenders is a key source of political power, which understandably more Serb leaders want for themselves, i.e. at a level that they can control.

Through new municipalities, Kosovo Serbs expect to control competencies that affect their direct needs, namely health care, education, police and judiciary etc. (Nojkić, 2005). Furthermore, as a member of Serbia's negotiating team, Leon Kojen, argued that the intention of Serbia was focused on the "efforts to use the process of decentralization in order to protect the Serb community and enable return of refugees to the province" (Kojen 2006). Further, through structures where they constitute a majority, Serbs see an open

avenue for unhindered institutional links with Belgrade. "We want direct institutional links between Belgrade and Serb municipalities. In certain areas we are planning greater assistance to municipalities with Serb majority, specifically in the field of health care, education, religion, cultural heritage", said the Advisor of the Serbian President at the press conference in Vienna. Hence, decentralization from the point of view of Serbs was driven by a blend of legitimate concerns and the goal to have as little dependency or interaction as possible on institutions where Kosovo Albanians constitute majority.

It is widely believed that due to the aim of the decentralization in Kosovo as a bargain for pacifying Serbs in the wake of the final status resolution, some of the standard criteria used in other countries for the creation of the new municipalities have been neglected in the case of Kosovo. For instance, the economic and financial sustainability considered as a primary criterion elsewhere, are believed to have fallen into a secondary position in Kosovo. "The ethnic, demographic and geographic setting of a region/group of villages was among those criteria to decide about the creation of the municipalities in Kosovo" (Mujota, 2006).

**Once the immediate threat that Serbs currently perceive is gone, hardship realities will kick in.**

Although this is frequently raised as an issue it does not contain some significant threats as such. The argument that municipalities in rural areas may be much smaller than those in urban areas has to do with homogeneity/heterogeneity of the needs of the population. In addition, it is local communities seeking more control of resources, a matter which needs to be taken into account. Yet, the fact that many Kosovo Albanian decision-makers cite this as a problem shows: (a) ignorance of the needs of Serbs, (b) fear of the role of Belgrade.

Once these municipalities are up and running, their sustainability will be put to test. Henceforth we can safely predict that once the immediate threat that Serbs currently perceive is gone, hardship realities will kick in, and some Serbs will seek to be incorporated back into bigger municipalities. In the future, more and more services will depend on "own revenues", and those municipalities that do not have a solid tax-base will be unable to raise funds and will offer less services to their citizens.

The competences of the new municipalities seem to bring a lot of confusion as well, since at this stage first-hand information for many stakeholders remains scarce. In fact, poor channels of communication at all levels and high scale of uncertainty about final outcomes of the decentralization considerably feed suspicion over the entire decentralization process, its motives and likely outcomes. Beside the very exhaustive list of the own competences, the new municipalities will be entitled to the delegated competences on: (a) cadastral records; (b) civil registries (registration and documentation); (c) voter registration; (d) business registration and licensing; (e) social assistance payments; and (f) forestry protection. In addition to the own and delegated competences, the new municipalities will have the so called "additional municipal competences" in the areas of:

- d) *Health Care – primary and secondary;*
- e) *Education – all levels;( it is nor sure if the tertiary education will apply only to the Mitrovica North or also elsewhere);*
- f) *Culture, including, in conformity with the provisions of the Agreement on the preservation of religious and cultural heritage, relevant protection of all Serb cultural and religious heritage within the municipal territory and of other local cultural and religious heritage as well as support for local religious communities;*

*g) Social protection.<sup>11</sup>*

The rationale behind this, understandably, relies on the current situation. Until now, Kosovo Serbs have excessively relied on education and health services provided and funded by Serbia, and have managed these themselves. Having this situation on the ground, it would be difficult to take away what they have managed themselves so far. Since Albanians would never agree to any regional level taking over these competencies and which would not resolve the needs of southern Serbs anyway), the most sensible option was to “legalize” secondary health care provision of Graçanicë/Gračanica and northern Mitrovica. Whereas secondary health care in Kosovo is centralized at the Ministry, this would be an exception that it would go to the municipal level in these two cases. Similar “asymmetry” would happen with the university in Mitrovica. Both of these are justified since Serbs “lost any urban foothold” in Kosovo, hence the need to devolve some “central” powers to the new “capitals” of Serbs, northern Mitrovica and Graçanicë/Gračanica .

**An unclear division of “obligatory/discretionary”, exclusive/shared” responsibilities will come when these municipalities will be unable to exercise some of the things they want to.**

These two instances of asymmetric decentralizations do not pose any serious financial problem since they serve significant populations. The problem is in particular with the symbolism of Serbs insulating themselves from the Albanians, but this harms them much more than it does Albanians.

At present the apparent perplexity about the new municipalities and their competences might not look as problematic, but the real difficulties will start to appear during the phase of approving the relevant legislation and beginning the practical implementation. Such legislation will need to be drafted with substantial involvement and approval of Kosovo Serb representatives. Hence, the opposing views and expectations will come to a serious test already in the phases of drafting necessary legislation, as a precondition for implementation of the decentralization package. The international community is trying to make arrangements to satisfy both sides. Nevertheless, it is realistic to expect that the ultimate aim of the creation of the new municipalities in Kosovo is to address Kosovo Serbs grievances. While recognizing the creation of the new municipalities as a necessary step, it is very important to make sure that municipal competences will be equal Kosovo wide and they will not put in question the normal functioning of the Kosovo institutions.

Another difficulty will come regarding funding. An unclear division of “obligatory/discretionary” and “exclusive/shared” responsibilities will appear when these municipalities will be unable to exercise some of the things they want to. Hence, it is key that donors are able to fund them during the next three-four years during the bumpy transition to a viable state. It is also of key importance that the PISG establishes good channels of communication with all communities and municipalities to make sure that such problems are noticed early on. There are similar problems even with Albanian-majority municipalities.

In addition, in cases where substantial criteria were neglected when establishing new municipalities, this will become apparent once they are on their feet and running. For those

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<sup>11</sup> The full list of own municipality competences as well as delegated and additional competences has been referred to the fifth version of the UNOSEK document on decentralization and also includes the comments made by the Kosovo delegation.

municipalities that may be ailing, or mildly inefficient, local Serbs and their leaders are likely to blame central institutions. The latter will also face additional criticism, be it from opposition, “Vetëvendosja” or public at large that those municipalities should not have been created in the first place. It is in matters like these that a number of factors with relatively low power might converge into strong alliances opposing decentralization.

For the international community the decentralization as a process became unavoidable having in consideration the interethnic tensions between the Kosovo Albanians and Kosovo Serbs. The levels of tension and the irreconcilable positions more and more pointed to the need for a greater insulation of the communities. Kosovo’s deep Albanian-Serb cleavage, and fears of the latter’s exodus prompted Ahtisaari to craft decentralization provisions that largely insulate most Kosovo Serbs from Prishtina and give Belgrade continuing influence. UNOSEK hopes that this will aid a peaceful and stable transition (ICG, 2006). While isolation may be prudent in the short term, further ethnic isolation endangers the long-term vision of an integrated society and the very sustainability of the communities that it tries to protect.

The main potential source of threat is related to boundaries of new municipalities. In some instances leaders of municipalities that will “lose” part of the territory to new municipalities have hinted that they will not recognize new boundaries. In practical terms that will imply attempts by leaders of those municipalities to exercise authority in the territory that legally is no longer within the scope of their power.

### ***b. The divided city of Mitrovica***

Mitrovica remains the major problem for Kosovo. Seven years after the war, the city is ethnically divided at the Ibër/Ibar River between the Albanian and Serbian community, although this does not reflect the pre-war ethnic composition of this town. All efforts made so far towards the unification of the city, and integration of the Serbian community in the municipal structures of the South, have failed. Instead of integration, Serbs assembled in the northern side of the Ibër/Ibar River have established and empowered their parallel structures. In most Serbian enclaves, as well as in the northern municipalities of Kosovo, Serbian state administration; courts, schools, hospitals, etc, directly answering to Belgrade, have been maintained (Parallel Structures, OSCE October 2003). The present situation in the city does not allow any room for great optimism and the only hope for improvement remains within the package for the final settlement of Kosovo’s political status. Yet, even the offer for two municipalities with a single city board has been rejected by most politicians, not only as incredible, but also as an unwanted outcome. Most of the Kosovo Albanian citizens share the same view (see Table 2).

**The Kosovo delegation has envisaged the formation of a new municipality in North Mitrovica with the concept “One City – Two Municipalities” to be governed by a “Joint Administrative City Board” as a temporary solution**

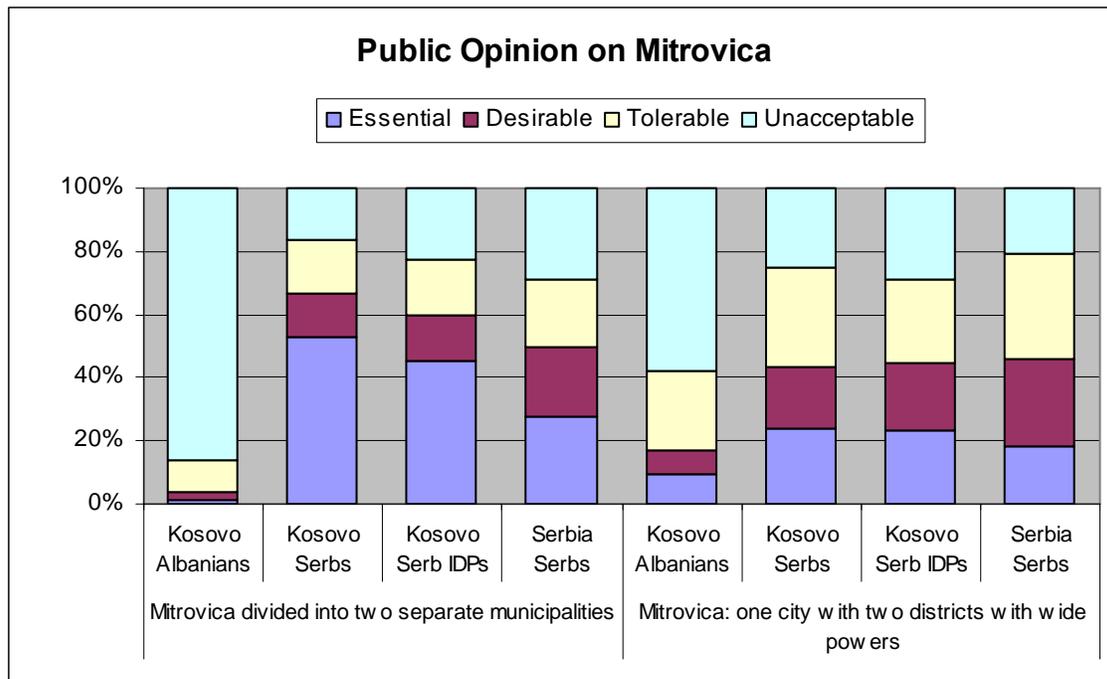
The divided city of Mitrovica is still perceived, by the majority of Kosovo Albanians, as the main threat to the territorial integrity of Kosovo. For Serbs on the other hand, northern Mitrovica represents the only urban centre they control. Hence the proposal of the Kosovo delegation suggesting the formation of a new municipality of North Mitrovica with the concept “One City – Two Municipalities”

to be governed by a Joint Administrative City Board consisting of representatives of both South and North municipalities as well as international representatives (Position of Kosovo delegation on the issue of Mitrovica, 2006). According to this plan the newly formed Municipality of North Mitrovica shall function as a regular municipality with all competencies and obligations coming with it, including its own elected organs of local government (municipality assembly and municipal president). The main purpose of the Joint Administrative Board (henceforth: the Board) would be the reunification of the city in the mid-term perspective and some very limited competencies that pertain to the city at large. The Board would take over the competences held by the UNMIK administration and focus on ensuring security, rule of law, freedom of movement and respect of minority rights, the dissolution of parallel structures. For Kosovo Albanians the Board should be an executive body. This view however is not shared by Kosovo Serbs, who believe that “a joint body should be made according to the parity principle, it will deal with common concerns and it will have only a consultative character” (Ivanović, 2006). According to this view, the City Board will not be in charge of any executive functions.

The Kosovo delegation proposal regarding the city of Mitrovica has been welcomed by UNOSEK and as such, it has met the expectations of the international community (Express, May 4, 2006). Municipal officials of South-Mitrovica say that the proposed plan by the Kosovo delegation is in fact the “maximum that can be accepted by Kosovo Albanians”. Further on, they strongly oppose any idea or plan, which suggests that the new municipality of North Mitrovica can merge with Zvečan/Zvečan municipality (Terrnava; Ibrahim, 2006). Central governmental officials argue that the proposal for the solution of the Mitrovica problem emerged as an attempt to integrate the city. “This proposal does not mean that we are about to legalize what is called partition in geographical terms on the Ibër/Ibar River” stressed Mr. Haziri, the Minister of Local Governance. He argued that “the new municipality of North Mitrovica represents the only urban center where Kosovo Serbs are assembled and the key formula leading towards integration and cooperation is within the proposed plan”. Regardless of the proposal, there is no indication whether the Serbs living in the northern Mitrovica will agree with this plan.

The main fear that surrounds this plan is the uncertainty about the behavior of the Kosovo Serbs living in the north once the final decision on Kosovo future political status is taken. Serb political leaders in the north of Kosovo strongly oppose to the possibility of Kosovo’s independence. The se mayor of the Zubin Potok municipality in Kosovo north declared, “as far as concerning the issue of the final status of Kosovo we will not accept its independence because Serbs have their own state” (S. Ristic, Koha Ditore, December 8, 2006). This means, that if Kosovo is going to win some sort of independence then it depends a lot how the Kosovo Serbs will respond to that. If they recognize and accept the final solution on Kosovo’s political status then the proposed plan for Mitrovica has good chances to be implemented. But in case of undertaking any different position, which does not comply with the final political solution for Kosovo, then uncertainty about the unification of the city and the integration of the Serbian community living in the north will increase.

**Table 2: Public Opinion on Mitrovica<sup>12</sup>**



One of the significant risks has to do with different expectations that communities have regarding the Joint Administrative City Board. On one hand Kosovo Albanians look at the Board as a stepping stone towards integration, while Serbs on the other hand consider it a sheer consultative body<sup>13</sup>. From these mutually excluding positions pressures will follow on how the Board will function and which direction it should take. Consequently, blockades of the Board are very likely while there are no mechanisms to avoid that. The central institutions are left with no means whatsoever to push it towards the direction targeted, which may only lead to non-cooperation and entrenching of both sides on their positions. This becomes more viable once the central institutions will try to respond to the public pressure for integration of the north, while becoming more aware of the scarcity of their realistic options. Different views on the role of the Board are emblematic of opposite views on comprehensiveness and substance of changes to take place in the city. Thus, this role will most probably be up to the International Civilian Officer (ICO) for the next couple of years of transition phase.

**The main purpose of the Joint administrative Board would be the reunification of the city in the mid-term perspective.**

To sum up, the implementation of the proposed plan on the City of Mitrovica remains very uncertain for various reasons. And as the situation stands now in the three Serb municipalities in northern Kosovo there show little political will to abandon positions of power already established and place their fate in the hands of a joint board, let alone central

<sup>12</sup> Kosovo Future Status Process. Knowledge – Attitudes – Practices (KAP) Surevey.

<sup>13</sup> While Kosovo Albanians see this body in charge for significant responsibilities, including issues related to security, Kosovo Serbs on the other hand would like to see it exercise only advisory functions.

institutions. For this reason, the international community and the Kosovo Government should develop scenarios to deal with the anticipated situation.

In addition, two sides look through different lenses to the future Board. Thus, the involvement and role of ICO should be critical regarding Mitrovica. It should encompass actions towards establishing good faith, reminding parties of their duties as well as providing necessary interpretation regarding the decentralization package.

The main threat though, will be division of the city of Mitrovica. If the existing situation of *de facto* partition is further cemented, that will serve as a constant source of instability for the entire Kosovo. That implies continuation of operation of Serbia's structures, a direct challenge for central authorities and a sharp ethnic divide.

### ***c. Inter-municipal cooperation and cooperation with institutions in Serbia***

Inter-municipal cooperation between Serb majority municipalities and their cooperation with institutions in Serbia represents another controversial issue. The main concern expressed by Kosovo Albanians on this issue is the belief that a strong link between the Kosovo Serb majority municipalities in Kosovo and their right to have direct links with Serbia will endanger the territorial integrity of Kosovo and permanently jeopardize their future loyalty to Kosovo. In addition, Kosovo Albanians fear that such cooperation might become a political tool for a wider autonomy of the Serb community within Kosovo.

**Kosovo Albanians fear that such cooperation might become a political tool for a wider autonomy of the Serb community within Kosovo**

While Belgrade aspires to divide Kosovo into a freestanding Albanian entity and a Serb entity linked to the Serbian government, Prishtina has insisted on a unitary state with maximum prerogatives for its central government (ICG 2006). With these diverging interests in mind UNOSEK circulated decentralization proposals that would allow voluntary inter-municipal partnership for health care, education, cultural and social matters to be institutionalized (ICG 2006). Kosovo Serbs justify the inter-municipal cooperation as a practical need. In this aspect they argue that "if municipalities (e.g. Ranilluka, Novobërda/Novo Brdo) want to do jointly garbage collection, than why shouldn't that be permitted" (Ivanović, 2006). Along the same reasoning, it is believed that these needs will decrease with time as municipalities as such become stronger and capable to carry out responsibilities on their own. More than capacities, the need to cooperate will evaporate with the private sector. Municipalities no longer need to join to deliver services, but both can purchase these services from the private sector, which is often cheaper and of higher quality. The main controversy does not occur at this level, but further at the higher level, of whether these municipalities may connect with each other to form anything looking like another layer of governance, which Albanians are adamantly against.

The proposed document on decentralization recognizes the right of the new Kosovo Serb-majority municipalities for inter-municipal cooperation as well as with outside links to Belgrade. The plan also emphasizes the criteria under which this cooperation can take place declaring that inter-municipal and cross-border cooperation shall be practiced in accordance with the legislation of Kosovo, international conventions (European Charter of Local Self Government, Madrid Convention), and a special agreement between the governments of

Kosovo and Serbia. UNOSEK draft document on decentralization of September 2006 envisages that the cooperation in question may take the form of financial, technical, expert and personnel help and assistance for the implementation of all own municipal competences. In addition, the municipalities shall be entitled to engage, within the areas of their own competencies, with counterparts outside Kosovo, including institutions in Serbia. In the spirit of practices from liberal countries, municipalities need not seek permission at all from center when engaging in cross-border cooperation. However, in order to avoid possible disputes between central institutions and Serb-majority municipalities, establishment of criteria guaranteeing transparency of such cooperation and ex post reporting would be valuable.

Once these provisions start translating into reality a number of dilemmas will materialize. How will Kosovo institutions treat bodies that will be created by Serb-majority municipalities in respect to fostering inter-municipal cooperation and maintaining links with Belgrade? Unless the existing reluctance of Kosovo institution to concede to anything resembling creation of a third layer of governing bodies changes, tensions are unavoidable. Serbs have already formed an association and during negotiations they have insisted on the right of associations to take up competences from Serb-majority municipalities. Obviously, the intention is to have the association of Serb-majority municipalities look nothing short of a region, something vehemently opposed by Kosovo institutions. While the idea is to decentralize responsibilities in order for local communities to have as much say as possible for their self-government, this may end up with power centralized on the council of Serb municipalities. This becomes worrisome bearing in mind that Serb municipalities have already formed an association that has no cooperation with central institutions. Moreover, the insistence of Serbs during negotiations on such an association that can take up competences from Serb-majority municipalities looks nothing short of a region.

At this stage it is difficult to predict if any of the parties will have sufficient motivation to act in good faith, or how one side will respond if it considers that the other party is exceeding its responsibilities pertaining to inter-municipal cooperation. With the third party involved in this equation, Belgrade, aside from Kosovo institutions and Serb-majority municipalities, likelihood for things to go wrong only increases. The decentralization plan itself has not envisaged any legal solution in case of violations of any of these provisions.

**Instead of decentralized municipalities the fear is that we will have one central layer of governance for Serbs where Kosovo's central institutions will be prevented to penetrate.**

The document describes also the nature and the various ways of functional cooperation of municipalities through partnership but it fails to address what measures are available to sanction any violation caused within this area.<sup>14</sup> Kosovo Albanians are concerned about this provision because they fear it will generate political problems instead of dealing with practical issues. Instead of decentralized municipalities accountable to citizens and central

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<sup>14</sup> According to the proposed document and in the spirit of the European Charter for Local Self-Government, the municipalities in Kosovo: Shall have the right to co-operate by creating, within the area of their competences, cooperative partnerships to carry out tasks of common interest (functional cooperation) as well as to form and participate in an association for the protection and promotion of common interests (political advocacy role). Inter-municipal cooperation is voluntary and shall be based on individual decisions of the municipalities concerned (UNOSEK, Sept. 2006).

institutions, the fear is that we will have one central layer of governance for Serbs, where Kosovo central institutions will be prevented to penetrate. In addition, this single central layer is seen as more prone to direct control from Belgrade. There is growing concern that the main idea behind the creation of the new Serb majority municipalities in Kosovo is to have them linked territorially. However, the Kosovo Government believes it has prevented this from happening. Whereas Haziri admits that in some cases the new municipalities are geographically linked with each other, he argues that their proposals on the creation of new Serb majority municipalities in central and southeast of Kosovo exclude the possibility for territorial links (Haziri, 2006). As a guarantee against infringements by central institutions, Kosovo Serbs want the right to form associations and to have institutional relations with Serbia enshrined in the new Constitution of Kosovo, implying the entitlement to dispute any laws that in the future might try to infringe against this constitutional guarantee.

The proposal for the creation of the Council of Serb Communities in Kosovo to be responsible for advancing the political and cultural interests of the Serbian community living in Kosovo represents another problem for Kosovo Albanians. The latter feel that this might create additional problems to Kosovo governing institutions in discharge of their responsibilities. Some would refer to that as an attempt to “create a mini government within Kosovo” (Kuçi 2006) and see that as a negative competition that must be eradicate. For this to succeed good dialogue needs to be established among the leaders of both communities to alleviate fears of both sides.

**When it comes to new municipalities the main threat with a potential for conflict is declaration of territorial autonomy of the Serb-majority municipalities.**

In general, the issue of the inter-municipal partnership ought to be considered as a normal activity that might take place between various municipalities and serve mainly for practical aims. Any such cooperation however should be issue-oriented and based upon the decision of each individual municipal assembly. It is very important to ensure that regardless of this kind of cooperation the competencies of the municipalities and their legal responsibilities remain strictly under the relevant municipalities. If the new Kosovo Serb-majority municipalities will consider the establishment of a Council and have their municipal competencies transferred to the same that would probably lead to centralization of responsibilities on an ethnical basis. Therefore, the more the package document will define the issue of inter-municipal cooperation the less space will be left for conflicting interpretations and actions that other party might see as threatening.

In practical terms this issue should be considered as normal because it is realistic to expect an intensive partnership among Serb municipalities. However, in political terms this issue might cause fearful reaction among Kosovo Albanians as long there is no clarity and certainty on the future political status of Kosovo and the subsequent attitude of Serbs vis-à-vis Kosovo institutions.

**“Kosovo police service must remain centralized in order to be functional”.**

The main source of tension would be if Serb-majority municipalities would turn into a political and territorial autonomy. In the course of negotiation and comments on Ahtisaari’s documents the Serb delegation has continuously referred to autonomy. Thus, a unilateral declaration of territorial autonomy of the Serb-majority municipalities remains the most serious threat in respect to new municipalities.

#### **d. Police and Justice**

Police and Justice are two essential pillars for the whole society and for communities in particular. Having in consideration the situation on the ground, the parties involved in the negotiations for the final status of Kosovo had to address this issue within the decentralization framework.

Officials from the Ministry of Internal Affairs (MIA) of Kosovo consider that “the Serbs’ demands to select local police commanders by the Municipal Assembly are meaningless because this should be a responsibility of the police in cooperation with MIA” (Kuçi, 2006). The Deputy Minister of MIA suggests that a commission should select three candidates, one of them being recommended by the Municipality President however the MIA does the nomination. If the Municipality President does not approve any of the three candidates, the new list with three other candidates has to be provided by MIA. In case of a second failure to appoint the local police commander, this matter goes to the central governmental level, which has the right to select one of the candidates from the lists. This filter enables the Municipal Assembly to be involved in the selection of the local police commander of the relevant municipality. According to the predominant view amongst Kosovo Albanians police service should remain centralized in order to be functional.

The selection clearly needs to ensure that no individual unacceptable to the other side is elected, so they need to go as long as it takes to find a mutually acceptable person to serve this post. Prishtina needs certainty that no local police will in fact become a paramilitary force or to refuse the chain of command, whereas the Serbs, and other local communities need assurances that the police force will not be used as a tool of repression.

Having this balance in mind, UNOSEK has drafted the document on decentralization, which stipulates the following provisions on the competences of the local police:

- *Kosovo Police Service operating in municipalities shall be responsible for the maintenance of law and order in the municipalities;*
- *The ethnic composition of the police within a municipality shall, to the extent possible, reflect the ethnic composition of the population within that municipality. In principle, the head of local police stations shall belong to the same community as the majority of the municipality;*
- *A unified chain of command for police services shall be preserved throughout Kosovo;*
- *Local Councils composed of municipal and police representatives including the heads of local police stations shall be made fully functional in order to facilitate the cooperation between the Police Service and municipal authorities/local community leaders. Municipal Presidents shall chair the Councils;*
- *Local police commanders shall be selected on the basis of a cooperative process between Municipal Assemblies and the Kosovo Ministry of Internal Affairs. The Municipal Assembly, after consultation with the Ministry of Internal Affairs, shall propose at least two names for the chief of local police station fulfilling all minimum professional requirements as set forth by Kosovo legislation. The Ministry of Internal Affairs may*

*then appoint one candidate from this list within 15 days upon receipt of the list. If the Ministry fails to accept one of the candidates within 15 days upon receipt of the list, the Municipal Assembly shall propose a second list containing all candidates from the first list and two new candidates stemming from the existing Kosovo Police Service staff, fulfilling all minimum professional requirements as set forth by Kosovo legislation. The Ministry is then obliged to appoint one of the candidates from the second list within 15 days upon receipt of this list;*

- *As a general rule, local police commanders shall be informed in advance of operations by central or special police forces within the perimeters of local police stations unless operational considerations require otherwise;*
- *To the extent possible, Boundaries of Police station districts shall coincide with municipal boundaries (UNOSEK, Sept. 2006).*

The main challenge expected to appear once the implementation starts seems to be the appointment of police commanders on the local level and to maintain a unified chain of command of KPS throughout Kosovo. Up to this stage there is not enough clarity regarding

**Decentralization will enable the local police to maintain law and order in the municipalities.**

the exact process for the selection of local heads of police. Furthermore, even the actors expected to implement these particular provisions are generally unfamiliar with the same. In order to avoid needless confrontations during the implementation of the final UNOSEK proposal/document, much more transparency and explanation is needed to clarify to the involved actors, MIA, MJ and all municipal governments the details of all relevant provisions. By not substantially involving the key actors responsible to implement the provisions in the field of police as well as justice, the Team of Unity has exacerbated confusion (and might created tension in the future) among the PISG and the municipal leadership which directly risk the success of the implementation. One also ought to keep in mind that while Kosovo Serbs approach the issues of local police and judiciary primarily from the point of view of their dissatisfaction with these services and the need for a strong involvement in decision-making. Kosovo institutions on the other hand seem reluctant for significant changes in these fields, aside from what is believed to help improvement of public services in question.

One of the most likely scenarios to happen in the future is the one in which the municipal assembly will strongly insist to appoint as chief of the local police the candidate who is loyal to the president of the local assembly, whereas the MIA will struggle to appoint another candidate, professional or loyal. This competition between the local municipal assemblies and the MIA regarding the selection of the local police commanders might become source of endless tension and conflicts. Therefore, this issue needs to be clearly defined in order to avoid unnecessary tensions and conflicts later on. Those that will regulate the issue of the selection of the local police commanders must bear in mind that whatever the rule they stipulate for the Kosovo Serb majority municipalities the same rule should be valid for all other municipalities Kosovo wide, too. Further, no legal mechanism can provide for all the political and practical problems that may arise, hence the need to establish standing channels of communication to hammer out problems when they arise.

In the area of police we are provided with an indication for what may turn out to be the main dispute-resolution mechanism regarding decentralization in general. According to the documents circulating between UNOSEK and the parties, “throughout the duration of the

international presence a continued deadlock shall be referred to the international presence for a final decision” (UNOSEK, Sept. 2006). The Kosovo delegation initially opposed this idea, but later on retracted from its opposition. With this solution in place, regarding disagreements on decentralization, Kosovo’s central institutions are reduced to one of the three parties, with future international presence having the final say.

Aside from very likely conflicts over appointments the main threats in respect to police have to do with non-recognition of the line of command. As an isolated source of tension this scenario has relatively low chances to surface. Yet, in a case of partition of the northern part or/and declaration of territorial autonomy it is almost automatically triggered. It is also a critical situation should the police defy the chain of command, even if the courts function as part of a uniform system and without serious ethnic tensions.

**An unclear division of “obligatory/discretionary”, exclusive/shared” responsibilities will come when these municipalities will be unable to exercise some of the things they want to.**

Similar problems as with the police exist in the justice sector as well. The UNOSEK working document does not specify the responsibilities of the local government in the area of justice. While officials from the Kosovo government consider justice to be independent from any interference or influence from other institutions, Kosovo Serbs would like to have their municipal institutions have a say on this area as well because of the lack of confidence. In the view of Kosovo Serb it takes time for confidence to be established and after a while multiethnic courts may be a very good solution (e.g. the Shtërpçë/Štrpce experience). The proposed document on decentralization recognizes that Kosovo Serbs should become more involved in the area of justice. According to the proposed document:

- (a) *Kosovo judicial institutions shall, to the extent possible, reflect the ethnic composition of their area of jurisdiction.*
- (b) *In order to ensure equal access to justice in criminal and civil cases, particular provisions shall be implemented for making judicial and prosecutorial positions available to all communities and providing wherever possible for judges/prosecutors from the same community as the majority of the community (Court Liaison Offices, court days, etc.)*
- (c) *Minority communities shall have a voice in the selection of judges/prosecutor for courts, covering Kosovo Serb majority municipalities, both at District Court and Municipal Court level. Modalities to achieve this shall be addressed in the context of community protection measures, possibly through special mechanisms involving the Kosovo Judicial and Prosecutorial Council and Assembly members holding seats representing communities (UNOSEK, Sept. 2006).*

There is a common understanding among Kosovo Albanians that the justice system and courts in particular should be independent in performing their tasks. Although the package and its elements are not clear yet, officials from the Ministry of Justice expect the issue of judiciary to be considered as an independent and separate branch. In their view, there will be serious problems if judges are going to be appointed by others (and if municipalities have a say in that). In principle, Serbs most likely subscribe to the same principle, but are fearful of Albanians appointing their judges. Short of a central institution joint with Albanians, there is no other mechanism to ensure that they appoint the judges, but to devolve this to the

Assembly. Hence, regardless of the solutions put in place, the fight between central institutions and local Serbs is going to revolve around who will design criteria for appointment of judges and who will have the say in their appointment.

“As far as judiciary is concerned there can be no decentralization whereas courts’ liaison offices in areas inhabited by Serbs have been proved as successful and they have reduced the role Serb parallel structures have” stated the Minister of Justice (Salihaj, 2006). Nevertheless, while recognizing the fact that judiciary must remain independent, Kosovo Albanians agree that it is very important in bringing Kosovo Serbs (Serb judges and prosecutors) into the justice system and give an end to the parallel structures (Haziri, 2006). Balancing the role of the Judicial Council (for appointment of judges) and Ministry of Justice (for appointment of prosecutors) with Serb-majority municipalities’ claim for as much involvement as possible will be challenging even with unambiguous laws in place.

The most serious threat may appear should the judge in Serb-majority municipalities disregard decisions of the Supreme Court and the Constitutional Court in cases that central judicial bodies reverse decisions of lower courts. As an isolated instance this scenario has low chances to appear, but in case of a partition of the northern part of Kosovo, declaration of territorial autonomy or defiance of the chain of command in the area of police, it is almost automatically triggered.

#### ***e. Funding/ donations from Belgrade***

When financing from Belgrade for Serb-majority municipalities was initially proposed by the Serb delegation, this issue was seen as problematic. With time, the Kosovo delegation came to concede under the condition of transparency over these donations. Officials from the Kosovo Government insist that any such donation coming from Belgrade must go through

**“Finance from Belgrade is not a big deal...the one who gives money also manages it”**

the Kosovo Treasury (within the Ministry of Finance and Economy, MFE) in order to avoid any possible misuse (Haziri, 2006). UNOSEK has framed it as follows: a) Belgrade may provide financial donations, on the condition that they are provided in a transparent manner, through the Kosovo Treasury, and limited to the specified areas of municipal competences, including with the option of accounts in commercial banks notified to the Central Treasury; b) These donations shall be reflected together with the corresponding expenditure in the budget of the respective municipalities, which shall be made public; c) financial donations from Belgrade shall not offset the allocation of grants provided to municipalities under Kosovo’s grant formula; d) recurrent expenditures, including payments for preparatory project phases, shall also be eligible for such donations; e) Kosovo Central Government shall ensure that funding from Belgrade receives preferential treatment, including exemption from taxes and fees (UNOSEK, Sept. 2006).

Kosovo Albanians continue to look with distrust at the issue of donations from Belgrade and their management by Serb-majority municipalities, although their stands have evolved in the course of Vienna negotiations. On their view, this issue needs to be regulated and maintained under strict control (Mujota, 2006). According to Ramush Tahiri<sup>15</sup>, the issue of funding/donations from Belgrade is the easiest part to be implemented in practical terms

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<sup>15</sup> Mr. Ramush Tahiri is a political advisor to the former President of Kosovo Assembly, Mr. Nexhat Daci

(Tahiri 2006). According to him, “finance from Belgrade is not a big deal” arguing that, “the one who gives money also manages it”. In his view, the Kosovo Government needs only to be informed about all funding coming in. Unlike at the beginning of Vienna process, today the issue of donations from Belgrade is generally seen as a legitimate one for Kosovo Serbs given transparency of its use.

There are practical short-term problems, likely to arise in this field. As currently the central government controls municipal funds, direct funding for Serb-majority municipalities will imply special treatment and new rules. Tensions and fights over responsibilities between MFE, Serb-majority municipalities are very realistic while mechanisms in place for resolving the disputes, short of intervention by international administration, are scarce.

From a long-term point of view, unhindered funding from Belgrade will hinder Kosovo Serbs to develop their loyalty towards Kosovo. In the worst case scenario that may lead towards non-recognition of Kosovo institutions’ authority. The challenge in this field appears in the form of permitting the right to donations from Belgrade, while at the same time limiting its orientation against building Kosovo Serbs loyalty towards Prishtina.

**From a long-term point of view, unhindered funding from Belgrade will hinder Kosovo Serbs to recognize the authority of Kosovo’s government.**

#### ***f. Education and health***

Education and health are two other areas in which municipalities Kosovo wide, and in particular the new Serb-majority municipalities will gain more competencies as result of the decentralization process. Arguably, it is two key areas that have received very little attention. Whereas in one hand, “the Kosovo Serbs believe that Kosovo institutions want to impose its own educational system and suppress ethnic identity” (Rikalo, 2006), on the other hand, Kosovo Albanians argue that “the integration of the Serb community in education institutions failed mainly due to Belgrade’s policy” (Berisha, 2006).

In the aftermath of the war, Kosovo Serbs lacked sufficient access to public institutions in two areas under discussion here. Living in isolated enclaves they continue to attend mono-

**The Kosovo Serbs believe that Kosovo institutions want to impose its own educational system and suppress ethnic identity’.**

ethnic schools as well as separate health institutions. In most cases, the quality of these services delivered by parallel structures was not considered satisfactory by Kosovo Serbs and it was not subject of control by relevant Kosovo institution. Mainly, the means and salaries for

those employed in these two sectors were provided by Serbia, in addition to the money received by the Kosovo Consolidated Budget (OSCE, Parallel Structures in Kosovo, 2003). Most of the efforts by Kosovo’s central institutions to integrate Kosovo Serbs in the education and health system of Kosovo have proved unsuccessful so far.

While Kosovo Albanians have supported the idea that “municipalities may cooperate in the provision of a range of secondary health care services”, they have conditioned that discharge of this activity would be done in “coordination with the Ministry of Health” (Principles document). The Serb delegation on the other hand has insisted that Serb-majority municipalities and their partnerships “in accordance with the full autonomy they have”

**Kosovo Albanians claim that “the integration of the Serbian community in educational institutions failed mainly due to the Belgrade’s destructive policy”**

shall be responsible for primary and secondary health care services. According to the Serbian delegation, primary health care would be carried out by municipalities, while secondary health care would be carried out by the partnership of municipalities (UNOSEK, Sept. 2006).

The issue of the health sector is perhaps even more sensitive due the lack of trust of the Kosovo Serb community on Albanian doctors (Rikalo, 2006). Due to this mistrust Kosovo Serbs see it as fundamental to rely on their own secondary health service. According to a number of members of Kosovo Albanian and Kosovo Serb communities, it is believed that only after a decade or so, confidence between communities will be (re)established and then it will be possible to apply a uniform educational system.

At least in the area of health care, unlike in most other matters, a specific coordinating mechanism is envisioned, which will likely serve as a forum for resolving disputes between different authorities. A coordination mechanism between the Ministry of Health and municipalities shall be put in place. This mechanism shall have responsibilities for secondary health care, though the range of those responsibilities remains questionable (UNOSEK, Sept. 2006, point 8(d)). However, the idea of the coordinating mechanism in a way is neutralized by the proposal of Serbs to establish a separate body among Serb-majority municipalities. They [Serbs] have insisted that “Serb-majority municipalities establish an appropriate body composed of all stakeholders (service providers, beneficiaries and representatives of local self government) that will be responsible for the leadership, planning and organization of health services, monitoring and controlling” (Ibid). This body would be in charge of licensing private health institutions in areas inhabited by Serbs. While these responsibilities are currently carried out in cooperation of central and local authorities, proposed solution implies elimination from the picture of central authorities, even when it comes to monitoring activities in question. There is another problem related with this “standards setting body”, to be established by Serb-majority municipalities. It remains unclear how this body will affect prerogatives of the Ministry of Health to set policies, strategies and prepare legislation, since the rationale behind this body, among others, seems to be the exercise of responsibilities currently in the hands of the Ministry.

In order to improve the current situation the international community has continuously stated that the increased municipal competences, to come from decentralization, will be of special benefit to the Kosovo Serbs. According to SRSG, Joachim Ruecker, there will be a definite increase in local self-governance for the Serb majority municipalities unlike those with Albanian majority. These competences include education, curricula and health care “in a deeper stage than those [municipalities] dominated by Albanians” (Zëri, 8.12.2006). According to Ruecker, “after the solution of Kosovo’s status, the municipalities in the north of Kosovo can have asymmetric competences” (Koha Ditore 8.12.2006). While these statements might have pacified a number of Serbs in hope that their grievances will be remedied, by the same token fears of Kosovo Albanians from decentralization as such are only solidified.

Primary health care, as a responsibility already exercised by municipalities will hardly provide major difficulties in its implementation. A more problematic area might be the provision of the secondary health care in Serb-majority municipalities, depending on the number of secondary health-care facilities that Serb-majority municipalities will tend to establish, level of the units of local self-government at which these facilities will be established and relations

**Regional competences, such as secondary health care, while remaining centralized for Albanian municipalities, will be devolved to northern Mitrovica and Graçanicë/Gračanica**

with the Ministry of Health. At least for Mitrovica, responsibilities for secondary health care are going to be carried out by non-central entities.

Considering the complexity of (re)organizing the education and health care system within one umbrella the Kosovo delegation agreed on several provisions within the package of the decentralization, which will address these two areas and aim at improving the situation for the Kosovo Serbs. According to the proposal, Kosovo municipalities will be responsible for education in elementary and secondary level with North Mitrovica being the only municipality responsible for a Serbian Language University (UNOSEK Sept. 2006, point 9(j)). Whereas all municipalities throughout Kosovo are responsible for primary health care, some Serb majority municipalities (North Mitrovica, Graçanicë/Gračanica and Shtërpcë/Štrpce) will see an increase on competences including responsibility for secondary health care (UNOSEK Sept. 2006 version, point 8(a)). The Ministry of Education, Science and Technology (MEST) as well as the Ministry of Health claim that they will be in charge to monitor the compliance with Kosovo framework legislation on their respective areas. However, it remains to be seen what specific responsibilities will rest with ministries in case, among others, of violations of the Kosovo legal framework by municipalities while performing their responsibilities.

The converging ideas that UNOSEK is likely to draw is that central competences remain at the center, though with significant international oversight. However, regional competences, such as secondary health care, while remaining centralized for Albanian municipalities, will be devolved to northern Mitrovica and Graçanicë/Gračanica to deliver on behalf of other satellite municipalities, the first for the three northern municipalities, and the second for the rest of the Serbs south of Ibër/Ibar River. Similarly with tertiary education, to be managed by North Mitrovica, though academically, the university needs to under an independent board.

No major problems are foreseen with these two solutions, apart of staffing numbers. The University in the north already serves far more students than the share of Serbs in Kosovo and MEST may not be willing to pay for all. Reforms may mean leaner administration and lower staffing numbers in health and education. Whereas Kosovo's institutions have more or less come under IMF directives, Serb institutions have seen a continuation since pre-war times and are much more heavily staffed. According to KIPRED calculations based on data from the field, there are 12 times more nurses in Novobërda/Novo Brdo per 1,000 inhabitants than in Prizren. The Kosovo Government will almost certainly not like to pay for that.

The main threat to Kosovo's institutions authority would be if control of Belgrade over the education in Serb-majority municipalities is not transferred into central institutions. Practical issues, such as appointment of the dean of the University in the north Mitrovica are likely to cause tensions between Kosovo's central institutions and Kosovo Serb community. This source of conflict may have serious weight on its own only if we don't see partition of Mitrovica and if Serb-majority municipalities do not declare political-territorial autonomy.

#### **g. Energy**

Energy is one of the secondary issues of no direct relevance to the decentralization process and the supply with energy was not given much attention by the Kosovo Negotiation Team.

The relevant authority, the Ministry of Energy and Mines (MEM) are not very attentive to enclaves. According to MEM, the laws and UNMIK regulations currently regulating its functions are acceptable and make the work functional (Dida, 2006). On the quest to improve the poor energy situation the Serbian

**The Ministry of Energy and Mines considers its work purely centralized thus does not require handling 'minor' problems with enclaves**

Government has offered energy supply for Serb enclaves in Kosovo who do not pay for their electricity. The Kosovo Government denied the offer for energy supply made by the Government of Serbia considering it a political stunt (Lajm 2.11.2006). However, UNMIK was more forthcoming. On the other hand, Agron

Dida, Deputy Minister of MEM, believes that UNMIK will not make preferential treatments for Serbs by accepting the offer (Dida 2006). UNMIK representatives have publicly stated that consultations between UNMIK and the Serbian CCKM are currently continuing with a final decision yet to be made (UNMIK Press Briefing, 6.12.2006; Lajm, 7.12.2006). According to Dida the Ministry is more concerned with increasing energy supply; it considers the "installment" of payments by enclaves a "smaller" issue to be dealt with later on (Dida 2006). KEK, on the other side, declared that they have been consulted by all relevant institutions in Kosovo only regarding the possible technical and commercial effects free energy supply to Kosovo Serb enclaves might have on KEK. According to UNMIK the issue of Serbia's offer should be left out of a political spectrum and be clearly understood as a technical and commercial matter (Express, 8.12.2006). Supply of Serbs with electricity from Serbia is a matter of fact, based on an agreement between UNMIK and Belgrade. With this fact on the ground Kosovo institutions face no option but to verbally object what they feel powerless to prevent. Alternatively they may try and soften their language and tacitly agree to something they intimately despise and are interested to fail.

However specific and technical the implementation of the solutions may be (i.e. energy supply to Kosovo Serb enclaves), having the competent ministry (in this case MEM) out of the negotiation table opens space for new and/or continuing disputes over competences.

**The main problem has to do with fights about controlling resources (coal mines, parts of the power-grid, power-plants and related). Control of any part of these resources could be used as a tool for blackmailing central institutions.**

A risk, and thus a source of tension, in this field is (a) if Serbs continue not to pay the electricity and this continues to be seen by Kosovo institutions as a direct challenge of authority, while by the majority community it will be perceived as an unjust privilege of Kosovo Serbs, (b) if Serbia will only insist on using the grid to deliver electricity to local Serbs, but refuse a greater role for MEM or KEK. Serbia needs to insist that Serbs pay their electricity that over time they can come under the Kosovo-wide provider of electricity. At the same time plans need to be developed on how to avoid long-term dependency on assistance by Serbia. The main problem though, is connected with fight over physical control over resources (coal mines, parts of the power-grid, power-plants and related). Control of any part of these resources could be used as a tool for blackmailing central institutions.

**h. Telecommunication**

Telecommunication is another issue over which the Serb community aspires to have as much control over as possible, although it was not directly tackled during Vienna talks.

Currently Kosovo has a number of illegal phone operators. The same are considered vital for Serbs, primarily from the point of view of enjoying unhindered and affordable contacts between themselves and with Serbia.

Only recently did the authority in charge, Telecommunications Regulatory Authority (TRA), started putting words into action, in an effort to bring an end to illegal operators. Since November 8<sup>th</sup>, the TRA has pulled down antennas of illegal Serb operators in Prishtina/Priština, Gjilan/Gnjilane, Peja/Peć and Prizren leaving untouched the enclaves where Serbia mobile companies continue to operate (Epoka e Re, 10.11.2006). This is due to UNMIK's request that TRA not dismantle illegal operator antennas in enclaves due to the fragile political situation in Kosovo (Koha Ditore 27.9.2006). Whereas the TRA argued that dismantling antennas is a duty for the local police, local authorities continued to ignore the citizens' requests to stop the illegal operators by accusing that "these issues are under the competences of the TRA" (ibid). According to the TRA, municipal inspectors could prove significant in the implementation of new rules coming from the decentralization plan since they have an important role in by allowing and licensing local citizens' building of any kind of construction (Berisha, 2006). TRA officials, like those of MEM, agree that competences of the central and local level have to be clearly defined by the status package in order for these institutions to be able to function correctly (Berisha, 2006). While Serbs see removal of illegal operators as an attack directed against them they will try to object these actions and to search for modalities that would guarantee the same services. Thus, Serbs would like to see in their hands as much responsibilities from the area of telecommunication, while the TRA on the other hand vehemently opposes any possibility for delegating its powers to municipal authorities (Berisha, 2006).

With Kosovo institutions in the near future applying for a new country code, Serbs may be reluctant to give away the opportunity enjoyed so far to have their phone calls to Serbia treated as local ones. Thus, while the Kosovo Albanian's position is against assigning any responsibility related to telecommunication to municipalities, Kosovo Serbs (a) want cheap and local calls to Serbia and (b) they, and especially Belgrade, want to the Yugoslav operator as a sign of Yugoslav sovereignty. Whereas the second is impossible in the next status, the first needs to be looked at and it will appear either in the Ahtisaari document, but if not, then certainly during the 3 years when the ICO will try to convince Serbs to come under Prishtina's governance.

## **5. CONCLUSIONS**

While the package on decentralization is soon expected to become public, general sentiments are mixed, whereas the commitment of institutions is conditional. The latter will be put to question should the future status lack the expected clarity.

There are considerable threats related to perception of decentralization as such. Both Kosovo Serbs and Kosovo Albanians see decentralization through different lens and have different expectations from this process. Decentralization continues to be heavily politicized and not enough is being done to properly communicate the substance of decentralization, the process, expected outcomes and time-frame of the same.

High clarity of the package on decentralization will reduce likelihood of tensions. However, no legal mechanism can provide solutions for all political and practical problems; hence

there is the need to establish standing channels of communication to hammer out problems when they arise.

There are a number of serious threats to Kosovo's security/ the general security that need to be kept in mind. A potential source of threat is related to boundaries of new municipalities that will emerge as a result of decentralization. In some instances leaders of municipalities that will "lose" parts of the territory to new municipalities bluntly revealed that they will not recognize new boundaries. In practical terms that will imply attempts by leaders of those municipalities to exercise authority in the territory that legally is no longer within their scope of power.

Another threat will be the division of the city of Mitrovica. If the existing situation of *de facto* partition is further cemented, that will serve as a constant source of instability for the entire Kosovo. Prolonging the current partition implies continuation of operation of Serbia's structures, a direct challenge for central authorities and a sharp ethnic divide.

Another serious source of tension would be the turn of Serb-majority municipalities into a political and territorial autonomy. In the course of negotiations, through a number of comments on Ahtisaari's documents, the Serbian delegation continuously referred to autonomy. In the context of the right of Serb-majority municipalities to enter into mutual cooperation and establish associations the most serious threat would be if those associations unilaterally evolve into territorial autonomy.

When it comes to new responsibilities that Serb-majority municipalities will be assigned likely tensions about appointments of heads of police are envisioned. The most dangerous scenario is the non-recognition of lines of command. As an isolated source of tension this scenario has relatively low chances to surface. Yet, in a case of partition of the northern part or/and declaration of territorial autonomy it is almost automatically triggered.

In respect to judiciary the most serious threat may appear should the judges in Serb-majority municipalities disregard decisions of the Supreme Court and the Constitutional Court in those cases when central judicial bodies reverse decisions of lower courts. As an isolated instance this scenario has low chances to appear, but in case of a partition of the northern part, declaration of territorial autonomy or defiance of the chain of command in the area of police is almost automatically triggered.

Funding from Belgrade is not seen as a serious short-term problem. However, from a long-term point of view, unhindered funding from Belgrade will pose a serious barrier for Kosovo Serbs to develop their loyalty towards Kosovo. The challenge in this field appears in the form of permitting the right to donations from Belgrade, while at the same time limiting its orientation against building Kosovo Serbs loyalty towards Prishtina.

A serious threat related to education would be if control of Belgrade over education in Serb-majority municipalities is not transferred into central institutions. Practical issues, i.e. the appointment of the dean of the University in north Mitrovica, are likely to cause tensions between Kosovo's central institutions and Kosovo Serb community. This source of conflict may have serious weight on its own only if we don't see partition of Mitrovica and if Serb-majority municipalities do not declare political-territorial autonomy.

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**Blerim Kuçi**, Deputy Minister, Ministry of Internal Affairs, 07.11.2006  
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