



Something Completely Different in Northern Kosovo

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On 3 November Kosovo will hold local elections.¹ For the Serb-held northern municipalities, the elections mark the end of Serbian and the beginning of Kosovo administration, the transition from one country to another.² Pristina believes November will cement its sovereignty and territorial integrity. Belgrade hopes the European Union will reward its cooperation with membership talks early in 2014. The local population of northern Kosovo does not want these elections, and wavers between appeals to boycott or to vote. Much depends on the outcome: peace and security in northern Kosovo, the evolution of Kosovo and Serbia's relations, the viability of Kosovo's model of decentralized government, and the region's European vocation.

This, the first of two reports, surveys the views of northern Kosovo leaders, Pristina and Belgrade and looks at what is needed for a successful outcome. A second report will survey the landscape after the elections and examine the steps all side should take to build and strengthen local institutions.

Background

The United Nations ended Serbian administration on Kosovo territory in 1999, but local Serbs quickly re-established it north of the Ibar river. Since then Kosovo's two halves largely went their separate ways, and the river became an informal and porous border. In 2007 Martti Ahtisaari, the UN Special Envoy charged with finding a solution for Kosovo's final status, recommended it become an independent, decentralized state with strong protections for minorities and a limited role for Serbia.

Belgrade rejected Ahtisaari and all his works. Pristina declared Kosovo an independent republic on 17 February 2008. In response Serbia defied the UN and held municipal elections in Serb areas of Kosovo in May 2008. South of the Ibar, this set up parallel Serbian institutions that administered monies coming from Belgrade for construction, health care, education and other tasks. In the North, Serbia's institutions were the only game in town. Over the years Serbia pumped considerable funds into Kosovo through construction projects and especially jobs; the archipelago of Serbian institutions is full of sinecures and overstaffing. Much of the population depends in one way or another on money from Belgrade: salaries, pensions, social security payments, health insurance and education.

Belgrade's control began to slip during talks mediated by the European Union. Under pressure from Brussels, Serbia accepted a series of agreements that amount to its acceptance of the non-status parts of the Ahtisaari Plan. This meant ceding authority over Kosovo territory to Pristina and removing Serbian institutions. On 19 April 2013, Kosovo and Serbia agreed to cooperate in implementing the substance of Ahtisaari throughout Kosovo's territory, starting with local elections to be held on 3 November.³ The officials elected from Serb-majority municipalities are expected to set up a "Community of Serb Municipalities" after taking office. To prepare for the elections and drive home the message that there was no alternative, the Serbian government dissolved the municipal assemblies and dismissed the mayors of the four northern municipalities, replacing them with interim councils.

¹ This report was written by Marko Prelec, based on work by Prelec, Naim Rashiti, a consultant, and a former Balkans Group staff member. This report was funded in part by a generous grant from the Embassy of the Kingdom of Norway.

² The municipalities of Leposavić, North Mitrovica, Zubin Potok and Zvečan have longstanding Serb majority populations; "northern Kosovo" and "the North" refers to these municipalities.

³ For background on northern Kosovo, see International Crisis Group reports "North Kosovo: Dual Sovereignty in Practice," 14 March 2011, and "Serbia and Kosovo: the Path to Normalisation," 19 February 2013. For more on the 19 April Brussels agreement see Marko Prelec, "The Kosovo-Serbia Agreement: Why Less is More", Across Eurasia blog (www.crisisgroupblogs.org) 7 May 2013.

Northern Kosovo's Serbs reject almost everything that Serbia agreed to in the Brussels dialogue, and Belgrade has done a poor job of explaining the various accords. People are loyal to the Serbian state but do not support or trust the current government. Residents of the North voted overwhelmingly to reject the institutions of "the so-called Republic of Kosovo" in a self-organized referendum in February 2012. The Kosovo and Serbia governments and international actors essentially ignored this vote.

Belgrade and Pristina both see Ahtisaari as a synonym for independence, downplaying the Plan's prescriptions for decentralization and cooperation between Serbia and local Serb self-government in Kosovo. Many of Ahtisaari's recommendations have been written into Kosovo's constitution and laws, but Serbia's rejection and Pristina's desire to maintain central control have kept restricted much of the Plan to words on a page.⁴ The April 2013 builds on Ahtisaari and includes a few new features.⁵ One of the most important consequences of the 3 November elections will be to allow full implementation of the Ahtisaari Plan throughout Kosovo.

To vote or not to vote

Very few if any northern Serbs support holding elections under Kosovo law. Once it became plain elections were inevitable, locals divided on the response, with some calling for a boycott and others seeking ways to turn the polls to their advantage. Even those running in them see the elections as an unwelcome imposition by outsiders – Belgrade, Pristina and Brussels – seeking to advance their own agendas at the expense of the local population's interests and wishes. Candidates, boycotters and residents agree broadly on their aim: to stay as close to the Serbian state system and as far from Pristina as possible. What they disagree on is whether voting or boycotting is more likely to reach that goal.

The situation is, in the words of a local official charged with implementation of the Brussels agreement, "terrible, sad and painful."⁶ Locals feel trapped: if they vote, they fear Belgrade will write them off, saying "you are no longer our concern, you are part of the Kosovo system, you chose this by voting in their elections." Yet if they boycott, Serbia can blame them: "we did everything for you and you would not listen; now you have to live with the consequences."⁷ A Serbian official argued that "in fact, no one here wants Kosovo institutions. We who boycott hope the Serbian institutions will survive, and the ones who vote hope they will keep Serbian institutions that way."⁸

Belgrade's pitch to the Kosovo Serbs turns on the "Srpska" citizens' initiative list it has organized, and on the Community of Serb Municipalities.⁹ Serbs should turn out en masse, the argument goes, to ensure their representatives (and not Albanians or others) control local government and enjoy sufficient popular legitimacy to establish a strong Community. Serbia will then transfer an important yet still undefined set of prerogatives to the newly created entity and through it remain an active presence in Kosovo and the lives of its Serbs. If there is boycott, none of this will happen. Albanians (or Serbs loyal to Pristina) will take the key leadership posts, there will be no Community, and Serbia together with the money, jobs and benefits it offers will leave Kosovo.

Serbian officials openly campaign for the Srpska list, implying votes for any other party or list are disloyal: these are not "ordinary elections but rather elections in which the vote is about whether we will guarantee that the Serbian state can continue to function on the territory of Kosovo and Metohija. Vote for 'Srpska' or against 'Srpska' - there is no third option."¹⁰ A senior Serbian government official reportedly told officials of the North

⁴ See International Crisis Group, "Setting Kosovo Free: Remaining Challenges," 10 September 2012.

⁵ The most important of these is the creation of a new police district covering the four northern, Serb-majority municipalities.

⁶ Interview, member of Management Team for establishment of Community of Serbian Municipalities, North Mitrovica, September 2013.

⁷ Interview, teacher, 9 October 2013.

⁸ Interview, Serbian government official, North Mitrovica, 9-11 October 2013.

⁹ Most Serbs participating in Kosovo elections do so through citizens' initiatives rather than formal parties, because Serbia-based parties generally refuse to register with Kosovo authorities. Serbia created one such citizens' initiative, first called "Serbia" and then changed under pressure from Pristina to "Srpska" [Serbian] in an allusion to Bosnia's Serb-majority entity Republika Srpska (RS). The implication is that the Srpska list will, in office, convert the Community of Serb Municipalities into a Kosovo version of RS.

¹⁰ Serbian Minister without portfolio Aleksandar Vulin, head of the Office for Kosovo and Metohija, cited in "Vulin: Za Srpsku ili protiv Srpske, treće nema" [Vulin: For Srpska or against Srpska, there is no third], *Kurir*, 30 September 2013 (online).

Mitrovica university that anyone who failed to vote for the Srpska list was “[Kosovo Prime Minister Hashim] Thaçi's Serb”.¹¹ Locals complain Belgrade is pressuring public employees and the media, which it funds, to support Srpska.¹² Yet no Serbian official has explained the link between the state and the Srpska list. Privately, Belgrade officials say they will refuse to support rivals to Srpska even if they win office.¹³

Local candidates agree with Serbia's argument that there is a silver lining to participation in elections under Kosovo law: the winners acquire legitimacy in the eyes of Pristina and more important, the international community. At a minimum this will open up wider avenues of funding, giving mayors the ability to cooperate with donors who had refused to interact with the previous Serbian structures.¹⁴ Others are more ambitious, and hope that once they are recognized as legitimate by the international community they will be able to defy Pristina without being dismissed as illegal or criminal.

The self-proclaimed "Temporary Assembly of Kosovo and Metohija", comprising most of the mayors and assemblymen of the northern municipalities, leads the boycott campaign.¹⁵ Their argument is an inverted version of Belgrade's. If Serbs vote and agree to form the Community under Kosovo law, then Serbia will have political cover to slash its funding, close its remaining institutions and fire its employees. Voting will lead to integration into independent Kosovo; the North will cease to be part of Serbia. The appeal is to patriotism and self-interest alike. If no one shows up to vote, then Belgrade and the international community will realize their mistake and start looking for alternatives. For boycott advocates, voting means being "killed with our own consent. The boycott may not protect [Serbian] institutions but it will force Serbia to kill them off without our help."¹⁶ In contrast, by voting Serbs would “confirm and complete Kosovo's statehood and consent to the loss of all [Serbian] institutions.”¹⁷

Some in the boycott camp hope to overturn some or all of the Brussels agreement in court, and have filed challenges in Serbia's constitutional court. Some of these appear to have merit, in that they allege the government has changed by decree matters that are the responsibility of the parliament. On 28 September the court suggested an agreement on transfer of civil registry books in its current form violated the constitution and gave the government six months to modify it.¹⁸ Yet the court has been reluctant to rule against the government and boycotters are disappointed. Some believe the court is under political control and will refuse to act: “an oligarchy controls the government and the same is true of the constitutional court.”¹⁹

Whether for or against the boycott, most people's first thoughts are on their livelihood: their jobs, income and personal security with issues ranging from health care, education, non-discrimination and access to rights in the Serbian system a close second. A leaked draft law that would transform Serbian financing in Kosovo caused a near panic by raising fears of massive job losses.²⁰ In the North, all these practical things people care about are associated with staying in the Serbian system and resisting integration into Kosovo. Municipal employees, for

¹¹ Interviews, professors at North Mitrovica university (formally, “University of Pristina temporarily located in Kosovo Mitrovica”), 17 October 2013.

¹² Interviews, state employees and local television journalist, North Mitrovica, 9-11 October 2013.

¹³ Interviews, member of Serbian parliament and government official, Belgrade, September 2013.

¹⁴ Interview, head of the Srpska list for North Mitrovica, 9-11 October 2013.

¹⁵ Despite its name the Temporary Assembly covers only the North; 97 (out of the 119) municipal officials formed it on 4 July 2013, as an ad hoc vehicle for responding to pressure from Belgrade. B. Radomirović, “Konstuisana privremena skupština AP Kosova i Metohije” [Temporary Assembly of the Autonomous Province of Kosovo and Metohija Established], *Politika* 4 July 2013 (online).

¹⁶ Interview, leading member of Demokratska stranka Srbije [Democratic Party of Serbia], northern Mitrovica, September 2013.

¹⁷ Interview, Serbian government official, North Mitrovica, 9-11 October. A former municipal official agreed, adding that successful elections mean “the completion of Kosovo's independence”. Interview, Zvečan, 13-14 October 2013.

¹⁸ Aleksandra Petrović, “Neustavna odluka o predaji matičnih knjiga Prištini?” [The decision on transfer of civil registry books to Pristina is unconstitutional?], *Politika*, 28 September 2013 (online).

¹⁹ Interview, resident of North Mitrovica, 11 October 2013.

²⁰ The oddly named “Law on financial support to members of the Serbian people and members of non-Albanian minority national communities on the territory of the Autonomous Province of Kosovo and Metohija” would restrict funding to projects handled by the Serbian government's Office for Kosovo and Metohija. This would have two effects: it would remove recipients from the Serbian employment system and convert them into short-term contractors, while centralizing power of the purse in one Belgrade office.

example, have rights under Serbian employment law they can defend in Serbian courts, along with access to health and pension plans that are more generous and reliable than those on offer in Kosovo. State employees accumulate rank and seniority that is transferrable elsewhere in Serbia. Petty crime and insecurity worry the man on the street in northern Kosovo, but the string of unsolved attacks on Serbs and their property in southern Kosovo loom larger and make integration a frightening prospect.

Candidates and Lists

The North is a small, homogenous society. But its four municipalities present very different election contests and turnout may vary dramatically. Only the Srpska citizens' initiative, sponsored by the Serbian government, fields candidates in all four municipalities. Two – Leposavić and North Mitrovica – offer real contests between two or more well organized opponents. Boycott advocates are stronger in the other two, Zubin Potok and Zvečan, and registration was anemic with Srpska struggling to field full slates and no serious opposition.

The Serbian government struggled to find enough people to stand for election in the North. Local branches of the governing Serbian Progressive Party (Srpska napredna stranka, SNS) and Socialist Party of Serbia (Socijalistička partija Srbije, SPS) all voted not to participate. The government had to turn to a minor party to secure a handful of candidates and registered hours before the deadline expired.²¹ Later, it managed to persuade a few SNS and SPS officials in Mitrovica and Leposavić to join, but in Zubin Potok and Zvečan none of the current municipal leaders agreed to stand.

Since the bulk of northern Kosovo's political class is boycotting the elections, many candidates are either unknown or tarred with damaging associations. Residents complain many candidates appear not to understand the Kosovo system or even the jobs they are running for.²² Some accuse them of being in it for the money, even the small grants given to registered parties by the Kosovo Election Commission.²³ Rumors that candidates were coerced into running by Serbian threats to their business interests, or even placed on the rolls without their knowledge or consent, contribute to an overall impression of corruption.²⁴ One potential voter complained "there is not a single person on the lists I would give my vote to."²⁵ There are exceptions; some candidates enjoy a solid local reputation even if they are new to politics and a few have held office before.

Three entities fielded substantial lists in North Mitrovica: Srpska, the "Serbia, Democracy, Justice" (Srbija, Demokratija, Pravda or SDP) group and the Independent Liberal Party (Samostalna liberalna stranka or SLS). The SDP is the creation of Oliver Ivanović, a well-known fixture in Mitrovica politics who is also running for mayor.²⁶ The SLS is the main Serb party south of the Ibar but has no roots in the North.²⁷ The mayoral race features three prominent figures: Ivanović; Krstimir Pantić, a former mayor and current deputy head of Serbia's Office for Kosovo and Metohija; and Adrijana Hodžić, head of Kosovo's administrative office in North Mitrovica. Pantić's candidacy illustrates the contradictions of Serbian politics in the North: a serving official of Serbia and a leading member of the Temporary Assembly that is calling for a boycott, he chose to run to stave off a win by Hodžić, a

²¹ Interview, senior Serbian official, Leposavić, 5 September 2013.

²² Interview, leader of local NGO, North Mitrovica, 9-11 October 2013.

²³ Interviews, international and Serbian officials, northern Kosovo, October 2013.

²⁴ Interviews, teacher, North Mitrovica, 9-11 October 2013; Leposavić officials (on placing a candidate on the list without his knowledge), Leposavić, September 2013; international official (on complaints of forged registrations in Zubin Potok), October 2013.

²⁵ Interview, teacher, 9-11 October 2013.

²⁶ Ivanović was head of the Serb National Council, an ad hoc group that represented Kosovo's Serbs in the early years of UNMIK administration; he later became a deputy in the (pre-independence) Kosovo Assembly and then Serbia's state secretary in its Ministry for Kosovo and Metohija. Ivanović speaks fluent Albanian and is a frequent interlocutor for international officials. See International Crisis Group, "Kosovo's Linchpin: Overcoming Division in Mitrovica", 31 May 2000, pp.3-4 and "UNMIK's Kosovo Albatross: Tackling Division in Mitrovica", 3 June 2002, pp.9-10.

²⁷ The SLS mayoral candidate, Dimitrije Janičijević, is a Mitrovica businessman who entered politics late; his property was subject to repeated attacks, some by explosives, all unsolved. "Eksplodizija u Kosovskoj Mitrovici," [Explosion in Kosovska Mitrovica] vesti.rs, 8 February 2013 (online).

Bosniak unpopular with local Serbs.²⁸ Yet his switch from boycotter to candidate may have alienated voters and energized a protest vote.²⁹

Mitrovica has a significant minority population and all the major Kosovo parties are fielding candidates there, joined by Bosniak and Turkish parties.³⁰ The presence of non-Serb minorities means a total boycott is impossible; if Serbs refuse to vote, Albanian and other parties will win. Barring a sweep by the Srpska list, Mitrovica's municipal assembly is likely to be fragmented with many small party caucuses representing sharply divergent agendas for the city.

The field in Leposavić is relatively crowded with five full slates sharing ballot space with several small tickets. The Srpska mayoral candidate, Dragan Jablanović, was mayor of Leposavić in the 1990s and has some name recognition; the head of the electoral list is Radoš Mihajlović, until recently deputy mayor and member of the municipal assembly. A leading member of the Srpska municipal list stressed that his candidacy did not mean his views were different from those who called for a boycott, in any respect other than his belief it was necessary to work closely with the Serbian government rather than go it alone.³¹ Goran Bogdanović, former Minister for Kosovo and Metohija and a sitting member of the Serbian Parliament, heads a Democratic Party list featuring several former municipal officials including former mayor Branko Ninić. Bogdanović views the elections as a bitter pill that must be swallowed: "we have no other choice" and "we have to accept what our government [has decided], we have no other government" than Belgrade.³² Another local businessman and former mayor, Nenad Radosavljević, heads a Leposavić-only list.³³

Elections in Zubin Potok and Zvečan look to be much more difficult and turnout may be near zero. Mayors Dragiša Milović of Zvečan and especially Slaviša Ristić of Zubin Potok are long serving and popular, with credentials boosted by confrontations with EULEX and KFOR forces during the 2011-12 barricades.³⁴ Their decision to support the boycott will keep many from the polls. Belgrade courted both men up to the filing deadline and the uncertainty deterred others from registering, because running against them would be pointless.³⁵ At the handover ceremony in Zubin Potok after the municipal government was dismissed, the incoming acting mayor (also the Srpska candidate) stressed his loyalty to Ristić and offered him any position in the new administration, "because Zubin Potok needs you".³⁶ Serbian officials could not find enough people for a full candidate list in either municipality. The abbreviated Srpska lists are only challenged by one other significant party in each municipality, a Montenegrin list in Zubin Potok and Ivanović's SDP in Zvečan.³⁷

Preparing for elections

The 3 November elections are premature in North Kosovo. Crucial steps have been rushed, with poor results. Organization of the election process has been "very poor, that is, practically non-existent."³⁸ Registration of

²⁸ Interview, senior Serbian official, Leposavić, 5 September 2013. Remarks made at CIG (Council for Inclusive Governance) roundtable, 14-15 September, 2013, Skopje

²⁹ Interviews with Mitrovica residents, September 2013.

³⁰ Six predominantly Albanian parties registered in North Mitrovica along with the Bosniak Party of Democratic Action (Bošnjačka stranka demokratske akcije Kosova, with 8 candidates on their slate) and the Kosovo Democratic Turkish Party (Kosova Demokratik Türk Partisi, with 3 candidates). The OSCE estimates North Mitrovica's population at 29,460 including 4,900 Albanians, 1,000 Bosniaks and smaller numbers of other minorities. OSCE, "Mitrovicë/Mitrovica municipal profile", January 2013.

³¹ Interview, Mitrovica, 13 September 2013.

³² "Dogovor" [Agreement], television program on RadioKIM (sic), 27 September 2013.

³³ Radosavljević, a man for all seasons, was an advisor to UN SRSG Michael Steiner on refugee returns and later (2001-04) a member of the Kosovo Assembly and Executive Director of TV Mir in Leposavić; he is well connected in the international community (see "Kosovo: Kosovo Serb Proposes All-Serb Assembly, PM Ceku Quietly Pursuing Similar Idea," U.S. State Department cable made public by Wikileaks, 3 November 2006).

³⁴ See International Crisis Group, "Kosovo and Serbia: A Little Goodwill Could Go a Long Way", 2 February 2012.

³⁵ Interview, prominent business owner, Mitrovica, September 2013.

³⁶ Observations at handover ceremony, Zubin Potok town hall, September 2013.

³⁷ Zubin Potok has a historic affinity with nearby Montenegro. The New Strength of Montenegro (Nova Snaga Crne Gore, NSCG) party is a multi-ethnic organization active in several Kosovo municipalities.

³⁸ Interview, member of Management Team for establishment of Community of Serbian Municipalities, North Mitrovica, 9-11 October 2013.

candidates took place in conditions of widespread confusion and fear, and produced options few voters understand, much less feel enthusiasm for. There is little honest discussion, but much overheated rhetoric, about voters main concerns: their region's relationship to Serbia and their livelihood. The most experienced and capable candidates are sitting out the elections and calling for boycott, hoping to revise the terms of the deal Belgrade and Pristina have worked out in Brussels.

Controversy erupted over tens of thousands of absentee ballot applications delivered days before the deadline.³⁹ The CEC initially rejected almost all of these; after intervention by international officials, the election commission accepted about 6,700.⁴⁰ Kosovo officials believed that Belgrade was trying to pack the rolls with fake voters, to boost the Srpska totals especially in southern Kosovo; Serb officials accused Pristina of disenfranchising refugees. The displaced have been outside Kosovo for up to fourteen years and many have lost, or had to turn in, the documents that the CEC required for voter registration.⁴¹ It proved to be impossible to find persons scattered throughout Serbia, explain the process to them and help them put together valid applications in the short time available.⁴² Tens of thousands of eligible voters have been disenfranchised as a result.

Several candidates have been attacked. An unidentified assailant broke into Oliver Ivanović's apartment, threatened his wife and damaged his property on 12 September. Between 14 and 19 October there were three explosive attacks on property owned by candidates.⁴³ None of these attacks have been solved. There is a history of similar attacks in North Mitrovica, usually but not always aimed at persons seen as too close to Pristina; in most cases no one is injured.

Under Kosovo's election law, each polling station must have a committee to supervise voting and then count the votes.⁴⁴ All members need to attend training sessions before election day or face disqualification. Under normal circumstances the four northern municipalities would need about 680 polling station committee members, plus about 70 in reserve.⁴⁵ Yet as of 20 September there were none.⁴⁶ The Serb parties, having struggled to find enough people to agree to stand for election, could not find any others willing to supervise the election.⁴⁷ In response, the CEC reduced the number of polling stations slightly and used a provision allowing it to name additional staff to polling station committees. The Committee also seems to have departed from the law by reducing the size of the committees in the North.⁴⁸ The CEC has also named Serbs to chair many of the polling station committee, in technical violation of the law.⁴⁹ These are reasonable compromises, and the elections could not go forward without them in the time allotted, yet their necessity illustrates their unpopularity.

By law, the local election campaign began on 3 October and ends on 1 November. There are few signs of any campaigning in the North, apart from SLS posters on rural roads that were quickly torn down.⁵⁰ It is hard to imagine anything like a normal campaign in these circumstances. Locals complain of a media "blackout" against the boycott campaign and that the Srpska list has favored access to Belgrade-funded television and radio. Some

³⁹ According to the CEC, about 40,000 applications arrived within several days of the deadline; interview, 20 September 2013.

⁴⁰ At first, the CEC only approved 530 applications; interview with CEC and international officials, October 2013, Pristina.

⁴¹ The CEC accepted many different forms of documentation. Yet many refugees had taken new biometric documents and turned in their old Yugoslav documents. Interviews, international officials, October 2013, Pristina.

⁴² Many of the applications were incomplete, and some appeared to have been filled out en masse. Interviews, international and CEC officials, October 2013, Pristina.

⁴³ Improvised explosives were used in attacks on the home of SLS candidate Nebojša Marić and a fast food restaurant owned by SLS candidate Đorđe Kostić, and a hand grenade was thrown at the apartment of Srpska candidate Ninoslav Đerić.

⁴⁴ The members of these bodies cannot be candidates for office and must be registered voters. The parties nominate members, as do civil society organizations, but no committee may have more than one person nominated by any single party or list. Law on General Elections in the Republic of Kosovo (2008), art. 75-77.

⁴⁵ Interview, CEC official, Pristina, September 2013.

⁴⁶ Interview, CEC official, Pristina, 20 September 2013.

⁴⁷ Interview, SLS official, Pristina, September 2013.

⁴⁸ There are seven members per committee throughout Kosovo, but only five in Leposavić, Zubin Potok and Zvečan. By law, polling station committees "reflect the structure of members" of the municipal election commissions, which in turn have at least seven members. Law on General Elections in the Republic of Kosovo (2008), art. 67 and 74.

⁴⁹ The chair is to be chosen from among parties that scored best in the most recent general elections. Since all Serb parties boycotted those, the chair would have to have come from an Albanian party, which would have greatly increased tension.

⁵⁰ Observations in northern Kosovo, early October 2013.

of the ostensibly independent reporting seems tailored to frighten voters into supporting the government-backed list: one broadcast showed a Srpska campaign rally featuring a reminder that "these are the people who sign our paychecks".⁵¹ Appeals to voters are likely to go by word of mouth, door to door.

Kosovo elections are often held in public school buildings and Belgrade has offered a list of its schools in northern Kosovo for that purpose. Serbian officials promise the Ministry of Education will order principals to open the schools.⁵² The principals, though opposed to the elections, will likely obey such an order; one admitted he would open the doors but that "if someone blocks access to the school, that's not my problem."⁵³ Given the recent surge in violent incidents in northern Kosovo, there is a need for security; yet a heavy-handed security presence can frighten potential voters and depress turnout.

Expectations and Implications

Few dispute that turnout in northern Kosovo will be low. The question is how low, and with what consequences. The Kosovo government's highest official in the North, Administrative Office chief Adrijana Hodžić, forecast no more than 30 percent of eligible voters would participate in her municipality.⁵⁴ Oliver Ivanović, her rival in the mayoral race, expects turnout of 15 to 20 percent.⁵⁵ Boycott advocates believe fewer than one in ten eligible voters will turn up on the day, and argue a showing this paltry will mean the elections, and those who win them, are not legitimate.⁵⁶ In a bid to discourage boycotting, a senior Serbian official reportedly told locals that Belgrade would stand behind the election results even if almost no one showed up to vote.⁵⁷

International representatives worry that if too few Serbs vote, Albanian candidates will win in these municipalities even though they are a small minority there. This could happen in Mitrovica, where at least some Serbs are likely to vote, since there is a significant Albanian minority that could secure the leading Albanian candidate a runoff spot.⁵⁸ For those who refuse to participate, Albanian victories will show "the absurdity of these elections and of the Brussels agreement" and prove the necessity of elections called by the Temporary Assembly later on.⁵⁹ A recent research paper argued that a "disastrous" turnout below five percent would mean that Kosovo municipal institutions "would not be established, creating a dangerous political (and legal) vacuum." Slightly higher participation, between five and fifteen percent, could lead to an ambiguous outcome with "two parallel structures, one whose legitimacy is challenged by the local population and the other whose legitimacy is challenged by everyone else."⁶⁰

Whatever the outcome, 3 November will not end the northern Kosovo saga. Runoff elections will probably need to be held. Some observers caution that implementing election results will not be smooth or easy, in part because while Belgrade has been assuring locals that nothing will change, "everyone [else] is already planning how to change everything".⁶¹ One of the candidates warns "an exceptionally turbulent period awaits us ... we all know, but no one can say it aloud, that what awaits us is integration into Kosovo society." This is "painful, because up to now only the laws of Serbia were valid in northern Kosovo, but now we have a completely different situation."⁶²

⁵¹ RadioKiM television news, 20 October 2013.

⁵² Interview, OSCE officials, Pristina, October 2013.

⁵³ Interview, school principal, northern Kosovo, October 2013.

⁵⁴ Adrijana Hodžić, "Dogovor" [Agreement] program, RadioKiM television, 27 September 2013.

⁵⁵ Interview, Oliver Ivanović, 9-11 October 2013.

⁵⁶ Interview, former Zvečan municipal official, Zvečan, 13-14 October 2013.

⁵⁷ Interview, North Mitrovica, September 2013.

⁵⁸ Interview, leader of local NGO, North Mitrovica, 9-11 October 2013. Several thousand Albanians displaced from North Mitrovica have reportedly also registered to vote there; interview, OSCE official, September 2013.

⁵⁹ Interview, former Zvečan municipal official, 13-14 October 2013.

⁶⁰ Filip Ejodus, Leon Malazogu and Milan Nič, "Municipal elections in northern Kosovo: Towards a new balance?" Central European Policy Institute report, 8 October 2013, p.10.

⁶¹ Interview, EULEX official, September 2013.

⁶² Goran Bogdanović, "Dogovor" [Agreement] program, RadioKiM television, 27 September 2013.

Conclusion

Northern Kosovo urgently needs elected political representation. The 3 November local elections are likely to produce a flawed and unstable leadership body with little popular support. That is due to decisions taken by stakeholders in Belgrade, Brussels and Pristina more than to any failings of the candidates and parties involved. The search for Northern leadership does not end on 3 November; it may not even pause.

Widely accepted standards define free and fair elections.⁶³ The electoral process in northern Kosovo and to a lesser extent throughout Kosovo Serb majority areas fails to meet several key standards:

- Voters outside Kosovo did not have access to an effective means of registration and too many were disenfranchised.
- Access to the media has been heavily biased in favor of the Srpska list.
- Candidates in North Mitrovica do not enjoy security of person or property, and no parties are effectively free to campaign in northern Kosovo; notably the territory is not open for campaigning by members of SLS
- Public sector employees do not have an effective right to express political opinions without interference and many are coerced into supporting the Srpska list.

Apart from these violations, the strong boycott campaign means that the views of a majority of northern Kosovo citizens will not be reflected in the election results at all, even if the process were otherwise flawless. While no one of these violations appears serious enough to render the whole process invalid, taken together and in context these issues point to an election process that is not free and fair.

The elections in northern Kosovo should be delayed. This is unlikely to happen. There is still time to improve the process. Above all, the Kosovo and Serbia governments need to explain what the elections mean for the citizens, honestly and in terms of local interests. Goran Bogdanović, former Serbian minister for Kosovo and Metohija and a candidate in Leposavić, argues that citizens “are not well informed about what has in fact been negotiated, what’s been signed in Brussels. Because the government of the Republic of Serbia has one position, officials here in Pristina have another position, the international community has a third position ... the essence of the Brussels agreement is not clear.” For that reason, we don’t know “what do citizens in Kosovo and Metohija gain from the Brussels agreement, and what do they lose.”⁶⁴

Specifically, the government of Serbia should state that:

- It will honor its obligation **to support the Serb people in Kosovo through whatever local representatives they elect**; support will not be conditional on election of the Srpska list.
- Whatever the results of the elections, Serbia will **not offer municipal or administrative services on the territory of Kosovo** after 3 November.
- Whatever the results of the elections, **citizens' rights to medical care, education, pensions and other social services in the Serbian system will continue**, and the government will work with local representatives to ensure the best outcome for those employed in the public sector.

Meanwhile northern Kosovo community leaders, whether taking part in the elections or calling for boycott, should work together **to curtail violence** against candidates and their property.

These commitments will still be relevant in the months following 3 November. Whatever the voter turnout, the process has been deeply flawed. There **will likely be a need to repeat the local elections**, having first explained what is at stake to the local population, created a level playing field and ensured what is needed for genuinely free and fair voting. There are several legal ways to repeat a local election.⁶⁵ With good will from

⁶³ See, for example, Guy S. Goodwin-Gill, *Free and Fair Elections* (Geneva: Inter-Parliamentary Union, 2006) especially the IPU's 1994 Declaration on Criteria for Free and Fair Elections (pp.vii-xi).

⁶⁴ Goran Bogdanović, “Dogovor” [Agreement] program, RadioKiM television, 27 September 2013.

⁶⁵ The government may dissolve a “non-functioning” municipal assembly and hold new elections (Law on Local Self Government in the Republic of Kosovo (2008), art. 50). The mayor can be recalled in a special election if requested by petition of 20 percent of registered voters, or removed by the government for violation of the constitution and laws, if this step is approved by the Constitutional Court (art. 64, 72). The Kosovo Assembly and government may need to put in place an alternative mechanism if neither of these avenues is available and there is an obvious need for new elections.

Belgrade and Pristina, that process need not take more than six to eight months. The citizens of northern Kosovo could then be offered the chance to vote anew for their local representatives, perhaps at the same time as the 2014 general elections in Kosovo.

The interim period between the November elections and the establishment of a broadly supported local government will place a burden on those who boycott. They enjoy the support of a large segment of the population, probably a majority. Without affirmation at the ballot box, their legitimacy will diminish. The former mayors, assemblymen and other key Serbian officials will have **to articulate a new role and vision for their region**, ideally in cooperation with the winners of the November polls. Part of that vision should be participation in the next local election.

Pristina should welcome dialogue with all leaders of the northern Kosovo Serb community, elected representatives and the boycott block alike. It should be patient, accept and support a much-needed community dialogue between future elected and boycott leaders. Strengthening the northern community and its leadership will help build confidence and trust. Respecting the specific nature of the North will go far in improving relations between Kosovo's communities, between Belgrade and Pristina, and cementing regional security.

Outsiders should resist the temptation to sort the people of northern Kosovo into good and bad groups. Belgrade's version is the split between patriots, who vote for Srpska, and "Hashim Thaçi's Serbs". Pristina and many international actors see those who accept Kosovo's authority as legitimate, and describe the rest as extremists or criminals. The reality is a homogenous community embarking on a period of great stress in which it will need a leadership it can trust, valued and supported by actors in Belgrade, Pristina and Brussels. The building of that leadership is the paramount task for the coming year.

Who is The Balkans Group

The Balkans Policy Research Group (Balkans Group) is a non-profit, non-governmental think tank researching and developing policy recommendations on peacebuilding and statebuilding issues in Southeastern Europe.

Balkans Group is built on the foundation laid down by the International Crisis Group's years of work in the region. Crisis Group's departure leaves a gap: no other domestic or international organization has the extensive network, track record, and ability to rise above local divisions to craft innovative, effective policies. **Balkans Group** will fill that gap and it aims to cover broader issues of peace and state building in Southeastern Europe.

Balkans Group is not a continuation of Crisis Group under another name; it is a wholly independent organization with a distinct goal, but carrying forward a valuable legacy. The founding staff are veterans of Crisis Group's Balkans and Kosovo projects. They have been the force behind Crisis Group's reporting and analysis with a strong record of picking the right topic at the right time, getting the key information, analyzing it objectively and devising the right solutions.

While the threat of renewed war has receded, states in the region are still weak and marked by deep internal and external disputes. Some are improving; others are stagnant or regressing. **Balkans Group** is dedicated to helping the region overcome the fragility that threatens its development and obstructs integration with Europe.

We will target the sources of state fragility in Southeastern Europe - unresolved legacies of war, patronage-based politics, intolerance, a lack of accountability and local ownership - and offer specific, tested policy recommendations to resolve them. We will present our work through innovative outreach and advocacy in cooperation with like-minded organizations.

All of our work is based on extensive, on the ground field research carried out by our own staff, coupled with interviews with national and international leaders. We provide reliable factual reporting on key developments. Building on this, we offer analysis that explains the long term implications of events and identifies the key points at which policy interventions can have greatest impact. We aim to help national decision makers and international actors craft the policies that lead to the resolution of outstanding internal and bilateral conflicts and to state consolidation. Our staff has developed an extensive network of contacts in the region of the Western Balkans.

The Balkans Policy Research Group will work to develop a reputation for integrity, professionalism and independence in its publications and (public) advocacy. Our work is focused on Kosovo, Bosnia, Macedonia, Serbia and Albania. Balkans Group is registered in Pristina, Kosovo. For more see www.balkansgroup.org.