

Platform for Analysis and Research



The voice of OGD of northern Kosovo:
The Shadow Report on the Progress Report,
funded by SlovakAid

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About Platform of Analysis and Research

Platform for Analysis and Research (PAR) is a coalition of 11 CSOs operating in North Kosovo. It was established in April 2015 and it represents an embryo of the first Serbian think-tank in Kosovo. This non-formal group was established as part of the project *Policy for Change – Strengthening capacity of CSO's in Northern Kosovo to become more effective contributors in decision making process* funded by the European Union Office in Kosovo and implemented by local organizations Aktiv from Mitrovica and Center for Peace and Tolerance from Gračanica.

In the course of 2015-2016, members of Platform for Analysis and Research have undergone a series of trainings in research methodology, policy analysis and advocacy. The results of these trainings are public opinion research titled *Views of the citizens in North Kosovo. Political, economic and security aspects*, policy briefs in the areas of EU integration, minority rights and security and reports on the work of the four local assemblies of North Kosovo (North Mitrovica, Zvečan, Zubin Potok and Leposavić) and Committee for EU integration, Committee for Rights, Interests of the Communities and Return, and Committee for Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force.

Platform for Analysis and Research was established with the goal to:

- a. Perform research of topics identified as areas of interest of constituents and target groups under this project
- b. Publish and present results of the researches and analysis of topics under the above mentioned project
- c. Analyse and research applicable policies and legal framework documents on both local and central level
- d. Develop and present policy briefs, recommendations or new legal documents for positive change of legislation on local and central level on behalf of constituents
- e. On behalf and with constituent groups undertake advocacy and /or lobbying initiatives for positive change of policies in the interest of target communities
- f. Express and articulate joint statements and positions on the issues important to Kosovo Serb community interest

The members of PAR are individuals who, at the moment of the establishment of PAR represented the following organizations:

- Local Initiative Link
- Center for trainings and development (CTD)
- The Update Society

- Forum for a Better Society
- Aktiv
- Humani Centar Mitrovica
- Wake up Club
- Innovate
- Putokaz
- Centar za razvoj ljudskih potencijala
- Evropska organizacija mladih Kosova.

Introduction

This report outlines the political, economic and security situation in Kosovo, perceived from the perspective of Serbian community in northern Kosovo. The report is based on 5 studies on various topics, 5 round tables with citizens in Northern Kosovo and 10 interviews with persons informed about overall situation in Kosovo, regarding political, security and economic situation, and respect for human and minority rights. The report covers period from August, 2016 to May, 2017. It should be emphasized that PAI researchers in their work involved and other non-majorities living on the territory of Kosovo and their representatives were interviewed and they participated in discussions at the round tables. This, primarily relates to the Bosnian, Gorani and Roma communities, which are the largest in the Northern Kosovo.

The mainstay of this report is what most affects Kosovo Serbs in the last few years, the Brussels Agreement. During the Brussels negotiations, in 2016. and 2017. several agreements were adopted, which affected the lives of Serbs in Kosovo. Some information about it is given in the following paragraph.

Brussels Agreement and the Political Situation in Kosovo

First Agreement of Principles Governing the Normalization of Relations between Belgrade and Pristina was made on 19th of April 2013, and it was named the Brussels Agreement. It stipulates the establishment of the Association/Community of Serb majority municipalities¹ in Kosovo, which should consist of 10 Serb majority municipalities in Kosovo. ASM is called by Albanians - Association of Serb-majority Municipalities. ASM was the starting point for Serbs during the process of signing of the Brussels Agreement. The other problems such as integration of judicial and police staff, resolving the issue of telecommunications, freedom of movement and issue of cadastre, should be resolved during new rounds of technical dialogue. This will be discussed below.

¹ Hereinafter ASM/CSM

1. Integration of the Justice System

Belgrade and Prishtina have signed the agreement on the integration of justice system on 9th February 2015. Details about the integration of judges, prosecutors and support staff have been agreed. According to the initial agreement, 23 March 2015, Kosovo party has committed to announce open vacancies for 48 judges and 15 prosecutors from non-majority communities.² In the first round of vacancy, 36 judges and 9 prosecutors were elected. Considering that in the first round of application, some of the places remain vacant, Kosovo Judicial Council on 29 of March, 2016. announced invitation for 12 positions of judges from non-majority communities, 115 positions for administrative staff, while Kosovo Prosecutorial Council announced vacancy for 6 prosecutors from non-majority communities and 34 positions for administrative staff of the judiciary. The vacancy was open until 29th of April 2016.³

During the selection of candidates for integration, all candidates who graduated at Faculty of Law before 1999. had passed directly and their degrees were accepted without verification. On the other hand, candidates who have graduated after 1999. Were required to take Bar Exam in Kosovo, in order to be eligible to apply for position in Kosovo system. Young lawyers were in more difficult position for application, than their older colleagues.⁴ However, by December 2016, six candidates passed the Bar exam successfully.⁵ Although the figure is not large, it indicates that at this point certain things finally were initiated.

On the website of the Office for Kosovo and Metohija there is a report⁶ of EU mediator on the judiciary which was published 30.11.2016. We point out the most essential items

- It states that both sides approved the list of judges and prosecutors who have passed the selection process for the integration and it was approved on 17/10/2016.
- Serbia shall inform the EEAS no later than 9th of December 2016, termination of employment of judges, prosecutors and administrative staff who are candidates for integration, and on termination payments , in accordance with the relevant regulations. This will be the final and come into force on 10 January 2017. Names of

² http://kossev.info/strana/arhiva/sudski_savet_kosova_raspisao_konkurs_za_48_sudija_quotnevecinskih_zajednica_quot/4295

³ <http://kossev.info/strana/arhiva/konkurs/8334>

⁴ From the report on the judiciary written by Igor Dašić

⁵ <http://www.politika.rs/sr/clanak/369098/Pravosude-od-10-januara-jedinstveno-na-Kosovu>

⁶ <http://www.kim.gov.rs/index.php>

judges, prosecutors and administrative staff will be provided with the correspondence.

- The both parties have agreed that judges, prosecutors and administrative staff be nominated are appointed on 10 January 2017, and thus integrated into the system of Kosovo judiciary.
- The presiding judge of the Basic Court in Mitrovica is to be a Serb, and he will be appointed on 13 January 2016. Head of Department of Court of Appeals shall be appointed on the same day after the meeting of the Collegiums of the Court of Appeals in Pristina.
- The parties agreed that the premises of the Basic Court in Mitrovica, as well as the Office of the Prosecution will be available to the integrated staff together with colleagues from the judiciary in the Mitrovica region, on 16 January 2017, after facilities become fully operational.

As indicated in the preceding section, full integration was supposed to be completed by 10 January 2017.⁷ Albanian side has predicted that integrated justice system in northern Kosovo become operational by the beginning of 2017.⁸ The agreement has not been reached on time, and Brussels and Pristina requested postponement of the implementation of the Justice Agreement for the 17th of January.⁹ This deadline was not met.

Based on the Justice Agreement, Basic Court in Mitrovica will operate in two buildings, one of them already exists in the north and the other is the building of former Jugobanka in the southern part of city. Departments of this court will be situated in Leposavic and Zubin Potok. In the court of North Mitrovica there will work 12 Serbs and 9 Albanians judges, while on the south side it will be 60-40% in favor of Albanians judges. In addition, 11 Serbian judges should be deployed in the departments of the Court in Gracanica, Ranilug and Strpce. Chief Prosecutor of the Basic Prosecution in Mitrovica shall be Albanian, and there will work nine prosecutors of Serbian nationality. At the head of the Court of Appeal shall be a Serb, and there will be employed five Serbian and two Albanians judges. Department of the Court of Appeal will take into account appeals of Serbs from Northern Kosovo, and from other Serbian areas in Kosovo.¹⁰

Nevertheless, none of these dates and the agreement was not implemented until the date of writing of this report. It also must be emphasized that the citizens themselves dissatisfied with justice agreement, and only 8% of respondents believe that it will improve their everyday life and every tenth citizen considers that this agreement can be applied in

⁷ <http://beta.rs/vesti/politika-kosovo/47963-pravosudje-na-severu-kosova--beograd-na-potezu>

⁸ http://kossev.info/strana/arhiva/sulja_do_nove_godine_integrisano_pravosudje_na_severu_kosova/10459

⁹ <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:643680-Integrisano-sudstvo-tek-posle-17-januara>

¹⁰ . Ibid

practice.¹¹ This research was conducted by ACDC on a sample of 400 respondents residing in northern Kosovo, and was carried out in December 2015. The same organization in May 2017 organized a conference at which it was concluded that the implementation of the agreement would not suit neither Belgrade nor Prishtina, primarily because Belgrade would have to make constitutional changes in order to implement the agreement, but it could bring the implications of Chapter 35 negotiations with the EU, which mainly refers to the negotiations between Belgrade and Prishtina.¹² Considering that the agreement itself has not been implemented, and no one knows when this will happen, there is a belief among citizens that the agreement will be implemented, but if this happens, 90% of people will be dissatisfied with an option that for some cases and disputes they had to go to South Mitrovica, while only 2% of them agreed with the integration.¹³

2. Ibar bridge in Mitrovica- barricade and revitalization

2.a) Description and the genesis of the problem

At the beginning of the Brussels negotiations process in 2011, former political director in the Serbian Ministry of Foreign Affairs Borko Stefanovic, and Edita Tahiri, former Deputy Prime Minister, have been negotiating on a package of agreements related to the freedom of movement of people and goods, which includes following agreements: Freedom of movement¹⁴, Integrated boundary management of the administrative crossing points¹⁵, Customs stamp¹⁶.

2.b) Intrusion of the Kosovo Police in the four northern Serb majority municipalities

Dissatisfied with the pace and direction of negotiations on integrated boundaries and customs stamps, the Government of Kosovo, under excuse of trade embargo, send Kosovo police special forces (ROSA) on two border crossings, Jarinje and Brnjak. Reportedly, action was directed against the illegal trade, developed to provide rule of law in this part of the territory and was not directed against the citizens in the north. However,

¹¹ <http://acdekosovo.org/documents/Gra%C4%91ani%20i%20gra%C4%91anke%20Severnog%20Kosova%20o%20%20Sporazumu%20o%20pravosu%C4%91u.pdf>

¹² <http://www.radiokontaktplus.org/vesti/nesprovođenje-sporazuma-o-pravosuđu-odgovara-i-begradu-i-pristini-2/10266>

¹³ <http://www.radiokontaktplus.org/vesti/preko-90-odsto-ispitanika-ne-oseca-pravnu-sigurnost-na-severu-kosova/10315>

¹⁴ <http://www.kim.gov.rs/p11.php>

¹⁵ <http://www.kim.gov.rs/p13.php>

¹⁶ <http://www.kim.gov.rs/p09.php>

ROSU forces come into conflict with citizens, and in armed conflict in Zubin Potok, 25th of July, 2011. a member of the Special forces, Enver Zumberi, was killed, and after this incident, these forces withdrew from four northern municipalities.

2.c) Reaction of Serb community to ROSU actions

The majority Serb population in the municipalities of North Mitrovica, Zvečan, Leposavić and Zubin Potok, from the very beginning of the negotiations were suspicious of Brussels dialogue. However, their first real contact with the consequences of the negotiations and with Kosovo institutions that they were supposed to be integrated in, was this action of ROSA. In response to the action of the Prishtina government, throughout northern Kosovo were placed barricades. They were directed not only against to ROSU intrusion, but also against the EULEX police and KFOR forces. On the barricades there were skirmishes between the citizens of the four northern municipalities and KFOR soldiers.

Barricades in the north have remained until February 2012¹⁷, when the Serbian Gendarme and KFOR removed most of the obstacles from the roads. Up to that point the representatives of EULEX police and Kosovo custom officers arrived by helicopter at the border crossings. Two barricades have remained of all barricades that have been placed in the period 2011-2016. Both barricades were located in North Mitrovica: barricade on Ibar bridge¹⁸ and barricade at the entrance to the Bosnian Mahala.

2.d) Peace park and barricades

The barricade on the main bridge over the Ibar River has been the subject of negotiations in Brussels in 2015, when it was agreed revitalization of the Ibar bridge, which separates South and North Mitrovica, and administrative separation of these two municipalities. According to the original agreement, "revitalization", and removal of barricade from the main bridge(which was briefly removed on 18.06.2014. and replaced with a new one called "peace park", which was still an obstacle to traffic) was supposed to start in October 2015. and the end of work and the opening of the bridge was expected in June 2016.

As it was the case with all agreements in Brussels, deadline which was specified by agreement of August 2015, turned out to be unrealistic. Therefore, removal of the Peace Park did not occur until 14 August 2016¹⁹. Rearrangement of the main street of Kralja Petra I in North Mitrovica into a pedestrian zone, was also delayed, and works began in November 2016.²⁰ In May, 2016. NGO AKTIV explored public opinion on the subject of

¹⁷ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:367587-Sever-Kosova-Uklonjenesve-barikade>

¹⁸. This barricade prevented the flow of traffic, not pedestrians. The main bridge over the Ibar River is one of three bridges over the Ibar. The remaining two bridges are functional for traffic and pedestrians.

¹⁹ <http://www.politika.rs/sr/clanak/361375/Uklonjen-Park-mira-pocela-obnova-mosta-u-KosovskojMitrovici>

²⁰ http://kossev.info/strana/arhiva/radovi_ulica/10326

Peace park. According to the research "Trend Analysis", citizens from the North were skeptical about the removal of the Peace Park, because 73% of them believed that opening the bridge to traffic will negatively affect the security situation.

After removal of barricade from the Mitrovica Bridge, the last barricade on the entrance to Bosniak Mahala was finally removed (heap of ground on the road). This barricade did not stop the drivers but just impeded them, so people were not against its removal and it was finally removed on 29.10.2016.²¹

Removal of the last barricade in North Mitrovica was met with a positive reaction from the Albanian communities from Bosnian Mahalla, and the next day they removed square of Adem Jasari, concrete pipe with Albanian flag and inscription "Sheshi Adem Jashari", which was placed at the intersection leading to East bridge²², on 11th of July 2014. Removal of Square Adem Jashari has passed without incident, and one of Albanians who objected the removal of the square, shot the young man who was working on the removal of the object.

After the removal of barricades and the continuation of revitalization of the Ibar Bridge in Kosovska Mitrovica, North Mitrovica municipality has started construction of pedestrian zone that will extend from the bridge to Prince Lazar square in the downtown of North Mitrovica. According to the Brussels agreement, this was agreed, and construction of wall 80 centimeters high, was arranged. The wall is necessary, primarily for Serbian side, which fears that there will be conflicts in this part of town. This assertion of Serbs is not groundless, considering the fact that on the bridge there were nearly 1000 interethnic incidents, since 1999²³. In addition, Serbs are in fear of extremism, even though Kosovo police is fighting against it with all of their strengths. This is corroborated by the fact that 845 weapons of all calibers were confiscated in the period from 1 October to 31 December 2016²⁴.

The problem occurred immediately after the construction of the wall, at the beginning of December 2016. The wall was higher than what was envisaged by the agreement, its height was about 2 meters, in contrast to 80 cm, as it was agreed in Brussels. The Serbian side explained that bridge The Serbian side explained that the wall would serve for leveling a pedestrian zone, and at its end there will be an outdoor amphitheater, as the mayor of North Mitrovica Goran Rakic²⁵ stated. At that time, the Kosovo Ministry of

²¹ http://kossev.info/strana/arhiva/barikada_tehnicka_skola/10173

²² http://kossev.info/strana/arhiva/trg_adem_jasari_/10177

²³ <http://ngoaktiv.org/uploads/files/Uklanjanje%20parka%20mira.pdf>

²⁴ Report by Veroljub Petronić, from Kosovo Police in the second half of 2016.

²⁵ <http://www.rts.rs/page/stories/sr/story/9/politika/2555470/rakic-zid-u-kosovskoj-mitrovici-bice-redizajniran.html>

Environment and Spatial Planning has banned work on the wall, while in the following days Mayor of South Mitrovica Agim Bahtiri and many other politicians have visited the bridge²⁶.

Since Serbs ignored prohibitions related to construction works, Kosovo Parliament proposed and adopted resolution on Mitrovica wall, calling for its demolition. "The wall is treated as a political move and should be removed," as it is stated in adopted resolution²⁷.

Construction works on the pedestrian zone and bridge were expected to be completed by new deadline, on 20th of January, when the opening of the bridge was planned. However, this was not achieved. Chairman of Assembly of the Republic of Kosovo Kadri Veselji announced the „fall” of the wall in February, and he stated that the wall represents and promotes division²⁸.

Whole situation, related to the wall as well as to the train that was supposed to travel on the route Belgrade – Kosovska Mitrovica, escalated. As for the train, it was decorated in Serbian flags and inscribed with message “Kosovo is Serbia”, in 21 world languages²⁹. Albania community considered this act as a provocation, and they turned back the train, while Serbian Prime Minister Aleksandar Vucic dramatically accused the Kosovo government of mining the railway line³⁰. President of the Republic of Kosovo Thaci sent Kosovo police special forces (ROSA) to border crossing Jarinje (which is contrary to the provisions of the Brussels Agreement). Situation almost escalated, especially because of inflammatory statements from politicians on both sides. At last, the train stopped in Raska, ordered by Prime Minister Vucic, but the situation remained tense. The political situation in Kosovo was in complete collapse, as previously stated in interviews and roundtable discussions, conducted by members of the Platform for Analysis and Research^{31,32}.

The wall supposed to be subject of Brussels negotiations talks, at the highest political level, considering that representatives of delegations were Prime Ministers and Presidents of Serbia and Kosovo. However, Kosovo Albanians have avoided this subject. Previously, Kosovo Prime Minister Hasim Tachi said that wall will be demolished, and it will be done by those who built it.³³

On 4th of February in Pristina, the agreement was made, that was not reached earlier in Brussels. Deputy Prime Minister of Kosovo Branimir Stojanovic, Prime Minister Isa Mustafa, EU Special Representative Nataliya Apostolova, Ambassador of the United States

²⁶ <http://www.rts.rs/page/stories/ci/story/1/politika/2555249/zabranjeni-radovi-na-zidu-u-kosovskoj-mitrovici.html>

²⁷ <http://www.tanjug.rs/full-view.aspx?izb=294492>

²⁸ <http://www.blic.rs/vesti/politika/veselji-zid-u-kosovskoj-mitrovici-ce-pasti-pre-ili-kasnije/g19857f>

²⁹ <http://www.blic.rs/vesti/politika/zaustavljen-ruski-voz-za-kosovsku-mitrovicu-iz-raske-vracen-u-beograd/5v6ynq7>

³⁰ <http://www.rts.rs/page/stories/ci/story/134/hronika/2593837/specijalci-proveravaju-prugu-na-severu-kosova.html>

³¹ Report interview on the political situation in Kosovo with Nusret Hoxha. Interviewer: Igor Dašić

³² The report of the round table on the political situation in Kosovo held in Gnjilane. Moderator: Darko Stanković

³³ http://www.b92.net/info/vesti/index.php?yyyy=2017&mm=02&dd=03&nav_category=640&nav_id=1226859

in Pristina Greg Delawie, Minister for Spatial Planning Ferat Shala, and North Mitrovica Mayor Goran Rakic have signed the document (agreement)³⁴. According to the agreement, the old wall will be tear down and new structure will be placed 2 meters further back from the site of the demolished wall, and will include rising bollards, at distance of nine meters, and remote for their descending will be handed over to emergency services - police, firefighting and ambulance³⁵.

Demolition of the wall took place the next day, on 5th of February.³⁶ Demolition process was over after one hour, without incidents. Agreement outlined the construction of new wall. Construction began on February 7. This new "structure" is 70 centimeters tall, 120 centimeters wide; 70 cm in height in one part and 40 cm in the other part, with length of over 50 meters.³⁷

Although, the deadline for these works was 20th of January, it have been breached long time ago. Pedestrian zone is almost completed, while the wall is not built, nor the roundabout on the north side of the bridge. On the bridge the works are still ongoing, and there is no indication of its opening any time soon.

Opening of the main bridge represents potential security risk. This is confirmed by the fact that nearby the bridge, several multiethnic incidents happened in April 2017³⁸. According to the director of NGO Humani Centar Veroljub Petronic said that there is a danger that these incidents will continue. He also stated that KFOR forces should be on the bridge for monitoring and controlling in order to prevent possible incidents³⁹. During the interview with the commander of the police station North Mitrovica Mr. Zeljko Bojic, Mr. Petronic pointed out that task of Kosovo police include continuously monitoring the bridge situation⁴⁰. Director of NGO Synergy said that the poor security situation is one of the five biggest fears of young people in north. According to their data, 80% of young people want to leave Kosovo, and this information is alarming⁴¹.

³⁴ http://www.danas.rs/politika.56.html?news_id=338036&title=Sutra+ru%C5%A1enje+zida+u+Kosovskoj+Mitrovici

³⁵ <http://rs.n1info.com/a225940/Vesti/Vesti/Djuric-Srbija-bila-predmet-cinicznog-plana.html>

³⁶ <http://www.kurir.rs/vesti/politika/situacija-u-kosovskoj-mitrovici-mirna-danas-rusenje-zida-blizu-mosta-na-ibru-clanak-2668979>

³⁷ <http://www.blic.rs/vesti/politika/poceli-radovi-umesto-zida-nice-nova-konstrukcija-u-kosovskoj-mitrovici/t89kxly>

³⁸ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:661045-UCESTALI-NASRTAJI-NA-GRADJANE-MITROVICE-Pet-napada-na-Srbe-za-15-dana>

³⁹ The report interview about the security situation in Kosovo with Veroljub Petronić. Interviewer: Miloš Timotijević

⁴⁰ The report interview about the security situation in Mitrovica with Zeljko Bojic. Interviewer: Veroljub Petronić

⁴¹ Report interview on young people with Stefan Veljkovic. Interviewer: Miloš Timotijević

3. Textbooks issues

Institutions of the Kosovo government have systematically blocked shipments containing learning material for schools in Kosovo. The consequences of this policy came to a head at the beginning of the 2016/2017 school year when new textbooks and other learning material should be available to students and teachers.

Beginning in 2016, Kosovo Customs held numerous shipments containing learning material and textbooks for schools working within the Serbian educational system. This policy began as a reciprocity measure when Belgrade stopped postal deliveries of Albanian-language textbooks for students in Preševo, Medveđa and Bujanovac. As a result of this measure Serbian schools in Kosovo are thus faced with difficulties in administering entrance exams, teachers do not receive funds for their work, and bookstores and parents are forced to bring textbooks into Kosovo using informal channels.

In every society education is a cornerstone of advancement and development. Since the Serbian community's educational system was a part of the Brussels' Dialogue and considering that the Kosovo educational system does not cover educational institutions that offer lessons in the Serbian language, these kinds of restrictive actions taken by the Kosovo government directly endanger free and full access to education for primary and high school students from the Serbian, Roma, Bosnian and other non-Albanian communities that attend schools that adhere to the Serbian educational plan and program. This discriminatory practice is unfortunately not only limited to textbooks and learning material as Kosovo Customs also regularly holds up private postage for residents containing fiction and scientific literature written in the Serbian language.

The following is a chronological examination of events that led to the endangering of educational rights:

- September 10th 2015 – Officials from Belgrade and Pristina agreed that both governments will supply members of their communities in Kosovo and south Serbia with textbooks for primary and secondary educational institutions⁴².
- September 25th 2015⁴³ - The Kosovo Education Minister, Kushtrim Shkodra, announced reciprocity measures as a reaction to the Serbian government restricting the entry of textbooks for ethnically Albanian students in Bujanovac, Preševo and Medveđa. On the 25th of September, the Ministry issued a request to Kosovo

⁴² <http://www.balkaninsight.com/en/article/kosovo-serbia-exchange-school-books-09-10-2015>

⁴³ <http://www.balkaninsight.com/en/article/kosovo-serbia-schoolbooks-deal-breaks-down-09-25-2015-1>

Customs that required customs agents to not allow “a single textbook from Serbia to enter Kosovo without prior approval of the Kosovo Ministry.”⁴⁴

- June 2016 – The Gračanica Book Fair⁴⁵ was not held despite official declarations from the Deputy Education Minister that there was no official ban on the importation of books and that this simply requires a request to the Ministry for permission to import.
- September 1st 2016 – An Advisor to the Ministry of Education, Science and Technological Development of the Serbia, Dušan Maksimović announced the existence of a problem with the delivery of textbooks due to the ban issued by the Kosovo government⁴⁶.
- September 8th 2016 - NGO AKTIV from North Mitrovica published a report⁴⁷ regarding the holding of textbooks used in the Serbian educational system for socially-deprived groups⁴⁸
- December 2nd 2016. President of the Albanian National Council (ANC), Jonuz Musli stated that students who attend classes in Albanian language in Bujanovac, Presevo and Medvedja will get textbooks in their native language until the next school year. Musliu said that it was agreed that for the Albanian students in southern Serbia textbooks from Albania will be provided, in the last meeting of Prime Minister of Albania and Serbia, Aleksandar Vucic and Edi Rama, and that textbooks will be provided with the consent of the Ministry of Education of Serbia and Albania.

Despite of some type of agreement, the books were still confiscated, at the administrative crossings. Therefore, the NGO Aktiv in March 2017 organized a conference that involved the participation of representatives of the Serbian and Albanian communities. Kosovo Deputy Minister of Education Usmen Baldži said that the command of Ministry was to deprive only textbooks, not fiction and scientific literature. Kosovo Customs should provide explanation for this situation. The conclusion of the conference was that since there is solution to problem of the Albanian textbooks in Serbia, reciprocity measures should no longer be valid, and that textbooks should not be subjected to political leveraging⁴⁹.

Considering the issue of textbooks and their delivery, additional problems did not occur. However, since their trade is reduced to minimum, there is a danger that this problem will be renewed from September.

⁴⁴ <http://www.slobodnaevropa.org/a/nesprovodjenje-reciprociteta-kod-skolskih-udzbenika/27604850.html>

⁴⁵ http://www.b92.net/info/vesti/index.php?yyyy=2016&mm=06&dd=21&nav_category=640&nav_id=1146294

⁴⁶ <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:623025-Srpski-udzbenici-ne-stizu-naKosmet>

⁴⁷ http://ngoaktiv.org/news/public_statement_regarding_the_issues_of_retention_of_textbooks_on_behalf_of_kosovo_customs/1086

⁴⁸ <http://www.rtklive.com/rtk2/?id=2&r=7169>

⁴⁹ http://www.rtvpuks.com/vesti/knjige_za_djake_politicki_problem/14087

4. Agreement on Cadastre

The Real Estate Cadastre is the basic and public register of real estates and property rights on them which, among other things, is a contribution to building a reliable system of registering the right to real estate and to the development of a real estate market, alongside total legal security for all participants in the legal flow.

However, when it comes to Kosovo's cadastre, it cannot be said that it contains all aforementioned characteristics, mostly so due to the events that took place in this area. Namely, after 1999, the Serbian authorities have moved all cadastral documentation from this area to Serbia proper. The current cadastre of Kosovo was established on the basis of the cadastral record of 1968, as well as in accordance with additional registrations on the basis of possession lists extracted by citizens in Serbia and then brought back to Kosovo on the basis of which they were registering into the cadastre.

Apparently, this sort of a cadastre possesses many deficiencies which disable citizens to achieve their property rights, thereby it cannot be said that it offers full legal security for all participants in the legal flow. Due to the importance this issue holds for both citizens living in Kosovo and for displaced persons, the question of cadastral records was a topic of the Brussels negotiations. On September 2nd 2011, representatives of Belgrade and Prishtina, under the auspices of the European Union, reached an agreement on the cadastral records.

As is mentioned in the first point of the Agreement, the sides obliged themselves to invest joint efforts in the sense of establishing a completely reliable cadastre in Kosovo in order to protect the rights of the people with legitimate property requests.

The second point of the Agreement encompasses the forming of an expert-led agency (selected by the EU after consultation with the two sides), the role of which will be to determine the discrepancies in the original cadastral records from the period prior to 1999. Besides this, the second point foresees the establishment of a tripartite implementation group that is going to supervise the expert-led agency's work. This group will consist out of cadastral experts of both sides, and chaired by the EU.

Scanned copies of original cadastral records from the period prior to 1999 will be delivered to the EU Special Representative.

The expert-led agency, foreseen by the Agreement's second point, will have a task of comparing all copies of the original cadastral records of private property (referring to the cadastral records of private property, private commercial property, and private church property) from the period before 1999 joined by a reconstructed cadastre of Kosovo.

The cases in which it is determined – on the basis of comparison – that the records are not identical, the tripartite implementation group shall transfer those cases to the mechanism for resolving property disputes in Kosovo. This mechanism shall make a final decision on which cadastral record is correct.

The first level of the mechanism for resolving disputes will be presented by a Commission consisting out of international and cadastral and property experts from Kosovo. Most experts shall be selected by the EU Special Representative, bearing in mind the interests of all interested communities.

The appeal, second-level body acting on complaints is going to be the Supreme Court of Kosovo. The Supreme Court of Kosovo decisions will be made by a judge panel consisting out of a majority of international judges. These decisions will be final, executive and will not be a subject of dispute.

The Cadastral Agency of Kosovo is going to implement final decisions of the mechanism for resolving disputes by introducing necessary changes to Kosovo's cadastre⁵⁰.

4.a) Events in 2011-2016

By signing the Agreement on Cadastre, Belgrade obliged itself to digitalize the cadastral documentation which was moved in 1999 from Kosovo, and to deliver it to the EU Special Representative.

After the Agreement was signed, the Government of the Republic of Serbia adopted a regulation enabling the implementation of the agreement and regulating the ways of processing cadastral data for Kosovo.

Two and a half years since this regulation was enforced, deciding on the request to review the constitutionality of the regulation, the Constitutional Court of Serbia determined on January 1st 2014 that the Regulation on a special method of processing data contained in the cadastre of land of the Autonomous Province of Kosovo and Metohija ("Official Gazette of the Republic of Serbia", number 94/11) – is not in accordance with the Constitution and law. The court rejected the request to suspend the execution of individual acts and actions undertaken on the basis of that Regulation, but also postponed the publication of this decision in the "Official Gazette of the Republic of Serbia" for six months from the day of its adoption.⁵¹

⁵⁰ Agreement on Cadastre, available at: <http://www.kim.gov.rs/p07.php>

⁵¹ Press release from the 3rd Constitutional Court session held on January 30th 2014, available at: <http://www.ustavni.sud.rs/page/view/sr-Latn-CS/80-101949/saopstenje-sa-3-sednice-ustavnog-sudaodrzane-30-january-2014-godine-kojom-je-predsedavao-dr-dragisa-b-slijepcevic-predsednik-ustavnogsuda>

Even though the Constitutional Court had assessed the regulation to be unconstitutional, the digitalization of the cadastral records continued. This process took almost 5 years to complete. One of the reasons is that Belgrade did not have technical possibilities to execute the digitalization. In accordance with the Agreement, the European Union allocated funds through its delegation in Belgrade in order to implement the “Exchange of cadastral data between Belgrade and Prishtina” project on behalf of the National Geodetic Authority (RGZ). A contract on the donation was signed between the EU delegation in Belgrade and RGZ in August 2013. The first package of digitalized copies was handed over to the EU High Representative in Prishtina on January 24th 2014⁵².

In March 2016, Belgrade fulfilled its obligations regarding the digitalization of cadastral records⁵³.

Prishtina took on the obligation to secure the legislative and legal framework necessary for conducting the procedure of comparing cadastral books of the National Geodetic Authority of Serbia and those established in Kosovo after the arrival of the United Nations Mission in Kosovo (UNMIK).

The non-implementation of the Agreement was, above all, ascribed to the inability to enact the Law on an agency for property comparison and verification⁵⁴.

Almost 5 years after the Agreement was signed, the Law on the Kosovo agency for property comparison and verification was adopted on June 9th 2016. The stance of Prishtina is that it had fulfilled its obligations from the Agreement, but Belgrade advocated for a different view.

After the adoption of the law, the Srpska lista parliamentary group pointed out that in the course of adopting the law, the procedure foreseen by article 81 of the Constitution of Kosovo was not complied with; the procedure refers to the rights of the Serbian community. The Srpska lista parliamentary group/caucus demanded that the Constitutional Court repeals the enforcement of the Law on the Kosovo agency for property comparison and verification adopted on June 9th, and to declare it unconstitutional. In addition, it was required to adopt an urgent measure that will halt the implementation of this law until final declaration from the Constitutional Court. Srpska lista said that this law

⁵² Office for Kosovo and Metohija, Progress report on the dialogue between Belgrade and Prishtina, April 2015, available at: <http://www.kim.gov.rs/doc/Finalni%20Izvestaj%20KKiM%20april%202015%20srp.pdf>

⁵³ Office for Kosovo and Metohija, Progress report on the dialogue between Belgrade and Prishtina, April/October 2016, available at: <http://www.kim.gov.rs/doc/1.1%20Izvestaj%20apriloktobar%202016%2018102016%20sr%20cir.pdf>

⁵⁴ Kosovo Government, Ministry for dialogue, Brussels Agreements Implementation State of Play, January/June 2016. http://www.kryeministriks.net/repository/docs/Kosovo_Report_on_State_of_Play_in_the_Brussels_Dialogue_15_June_2016-signed.pdf

is of vital interest for the Serbian community, that it must be adopted by the majority vote of the assembly's present members and the majority votes of those holding reserved seats for the minority communities' representatives.⁵⁵

On June 17th 2016, 11 deputies submitted a request to the Constitutional Court asking it to decide on the constitutionality of this law, stating the vital interest of the Serbian community in Kosovo, and that it should have been adopted by a double majority, which was not the case, thereby representing a violation of article 81 of the Constitution of Kosovo.

On October 25th 2016, the Constitutional Court made a decision that their request is unfounded, and that the Constitution of Kosovo was not violated in this instance; therefore, the law is still in effect. Interpreting article 81 of the Constitution of Kosovo, the Constitutional Court found that the Law on the Kosovo agency for property comparison and verification is not a law of vital interest for the Serbian community, and that a simple majority was sufficient to adopt it.

Belgrade believes that Prishtina has acted contrary to the Technical Agreement and refused to forward the remaining scanned cadastral documentation to the EU Special Representative until a mutually acceptable solution is found⁵⁶. On the other hand, Prishtina believes that it had fulfilled its obligations and that "the implementation process" would start soon⁵⁷.

Until Belgrade hands in the cadastral documentation, it is obvious that the agency will not be able to start working, and that the solution for this problem will again be a point of contention in Brussels.

⁵⁵ Radio KIM: "Srpska lista seeks the withdrawal of the Law on the Agency for property verification", June 17th 2016, available at: <http://www.radiokim.net/vesti/saopstenja/srpska-lista-trazi-povlacenje-zakona-o-agenciji-zaverifikaciju-imovine.html>

⁵⁶ Office for Kosovo and Metohija, Progress report on the dialogue between Belgrade and Prishtina, April – October 2016, available at:

<http://www.kim.gov.rs/doc/1.1%20Izvestaj%20apriloktobar%202016%2018102016%20sr%20cir.pdf>

⁵⁷ Kosovo Government, Ministry for dialogue, Brussels Agreements Implementation State of Play, June - November 2016

http://www.kryeministriks.net/repository/docs/Kosovo_Report_on_State_of_Play_in_implementation_of_the_Brussels_Agreements_25_November_2016.pdf

5. Agreement on license plates

An agreement signed on September 14 was the last package of Agreement on Freedom of Movement. Report of European commission related to this agreement states "In order to ease the free flow of people and goods, the parties agreed that so called trial plates will no longer be required as of 15 November 2016 for travelling from one side to the other. Both sides agreed to cover relevant parts of the respective license plates with stickers. License plates used by residents in Kosovo will not be affected by this sticker regime.

On license plates, parties agreed that the registration of all vehicles with license plates issued by Kosovo authorities will commence on 15 January 2017 and will last for 12 months at the end of which the issue will be reviewed within the Dialogue. Kosovo will extend the validity of KS license plates for 5 years at the end of which the issue will be reviewed within the Dialogue⁵⁸.

5.a) KS and RKS license plates

Kosovo side, Kosovo party is in obligation to prolong the expiration date of license plates, labeled with KS and harmonization of documents. The duration of this period will be 5 years, and then it will be discussed again with the mediation of Brussels. The same thing was done 5 years ago, but Serbian community does not consider this as a solution. There were numerous cases for citizens, whose vehicle was registered on KS plates, and they were unable to extend this registration, but they were ordered to re-register the vehicle RKS plates. This agreement will last for 5 years, and then it will be discussed again.

What makes the whole process even more complicated is the fact that Department for the Registration of Vehicles and Driving Licenses adopted regulation on stopping issuance and extension of registration for KS plates. According to the information of RTK 2, this decision was approved by director of the Department for the Registration of Vehicles and Driving Licenses, Sabahata Moremi. This regulation contradicts to the recent arrangements of Agreement on freedom of movement⁵⁹.

KS license plates have neutral status, and Kosovo Serbian residents agree to register their cars on the plates and to undergo the process prescribed by the laws of Kosovo. According to the agreement in 2011, it was necessary to prevent the use of temporary license plates for drivers entering the territory of central Serbia from Kosovo and removing

⁵⁸ Politika, 14.09.2016. Validity of the status-neutral KS prolonged <http://www.politika.rs/sr/clanak/363566/Brisel-Produzeno-vazenje-statusno-neutralnih-KS-tablica>

⁵⁹ <http://www.rtklive.com/rtk2/?id=2&r=8600>

of Serbian plates when entering the territory of Kosovo. Instead, on 15th November the agreement was applied, and stickers will be used to cover license plates of cars coming from Serbia to Kosovo and vice versa. License plates from north of Kosovo and status-neutral plates will not be affected by this sticker regime⁶⁰.

Since 2011, it is possible to travel with KS plates throughout central Serbia, only with certificate on entry and exit. Since 12th of August, vehicles with license plates of Serbian cities, can enter Kosovo with valid insurance policy. Vehicles from Kosovo, with KS plates, are required to have TPL plus insurance policy, in order to enter territory of central Serbia. Vehicles with RKS plates, in addition to TPL plus insurance policy, must have temporary license plates and daily insurance⁶¹. Price of TPL insurance policies plus is 40 euro on an annual basis. When entering the territory of Serbia, the owners of vehicles with RKS plates are paying daily insurance policy in amount of 547 dinars, with certain taxes in the amount of 1336 dinars which include "probe" plates(temporary plates)⁶².

One of the reasons why the Serbian community in Kosovo registered their vehicles in the KS plates is financial motive. Due to the frequent visits to Serbia, with RKS plates there will be additional costs on a daily basis, and the process of registration is 30e more expensive. In addition to costs of technical inspection, vehicle insurance, registration this is an additional burden on the drivers' budget.

According to the latest signed agreement, re-registration on KS and RKS plates should be free. However, this decision did not come into force. What remains unclear is the fate of plates of Serbian towns in Kosovo.

5.b) Stickers

The latest agreement signed in Brussels on freedom of movement and license plates, provides that relevant parts of the respective license plates will be covered with two white stickers. Application of these stickers should begin on November 15. However, implementation has been postponed until the fulfillment of the technical details. Ministry of Internal Affairs of Kosovo on November 15 issued a statement that the technical teams of Belgrade and Prishtina agreed that the implementation of the agreement on freedom of movement should be delayed. Minister without Portfolio, in charge of the dialogue with Belgrade Edita Tahiri said that the reason why the implementation of agreement of license plates did not started, is the short time to complete administrative procedures for making stickers⁶³.

⁶⁰ <http://www.politika.rs/sr/clanak/363566/Brisel-Produzeno-vazenje-statusno-neutralnih-KS-tablica>

⁶¹ <http://www.rts.rs/page/stories/sr/story/9/Politika/2030460/Pacoli%3A+U+pono%C4%87+zamrzavanje+sporazuma+o+osiguranju.html> 07.09. 2015

⁶² <http://www.rtklive.com/rtk2/?id=2&r=2773>

⁶³ <http://www.info-ks.net/vijesti/kosovo/71691/primjena-sporazuma-o-registarskim-tablicama-odlozena>

Although, from November until writing of this report 5 years have passed, the agreement did not come into force, but the real reason is unknown.

6. The Agreements on Telecommunications

After the declaration of independence in 2008, the Prishtina authorities considered that it was necessary to expel Serbia from territory of Kosovo; extinguishing signal of Serbian operators in Kosovo was one of the means. In order to extinguish signal of Serbian operators in Kosovo, Kosovo police Special Forces ROSA, and representatives of The Kosovo Telecommunication Regulatory Agency, in April 2010, began exclusion of transmitters of Serbian mobile operators. In period of two days, 40 base stations were destroyed, and 200,000 people who used mobile cards 063,064 and other landline phones with Serbian dialing codes, were without signal⁶⁴. However, the attempt to destroy transmitters in the north failed, due to conflicts between ROSA and citizens⁶⁵. On the other hand, Serbs living on the south of Ibar River were forced to use Kosovo IPKO and VALA cards, while in Serbia they had to activate MTS, TELENOR or VIP cards.

6.a) Agreements of 2013 and 2015

In the meantime, Belgrade and Prishtina have initiated negotiations on the electricity and telecommunications in 2013, and agreement was achieved by Prime ministers Ivica Dacic and Hasim Tachi. Both of them declined to talk about the agreement, but Ivica Dacic said that the telecommunications system in Kosovo and Metohija, will operate freely, and that the International Telecommunication Union on Kosovo will award three-digit dialing code, and that "many years will pass until this can be applied in practice"⁶⁶.

Two years later, in June 2015, negotiations on telecommunications were conducted, but no agreement was reached. The key questions were related to dialing number, who will assign dialing number and be owner of it, how the new company will operate, whether it will be licensed and how the tariffs will look; as it was said by Djuric to TANJUG, during the

⁶⁴ <http://www.politika.rs/sr/clanak/132444/Centralno-Kosovo-bez-srpske-mobilne-mreze>

⁶⁵ <http://www.rts.rs/page/stories/sr/story/9/politika/770824/srbi-na-kosovu-ponovo-bez-telefona.html>

⁶⁶ <http://www.dw.com/sr/postignut-dogovor-beograda-i-pri%C5%A1tine/a-17074823?maca=ser-rss-ser-pol-3302-rdf>

break of technical negotiations in Brussels⁶⁷. Extension of negotiations brought an improvement, and on 25th of August, agreement was reached, and it was emphasized that Serbia will have its own telecommunication company in Kosovo, and that tariffs remain the same, there will be no roaming calls⁶⁸.

6.b) The Agreement on Telecommunications 2016

Negotiations on telecommunications began in June 2016, but were stalled in July and August, when information appeared that Kosovo will get phone number +383, and Austria will make application on behalf of Kosovo about the telephone code. The difficult part of negotiation was Serbian Telecom operator in Kosovo. Eventually, agreement on this issue was reached, and Serbian operator will have part of Kosovo market, so there is no need to choose code 383 for calls from Kosovo to Serbia. Prishtina has accepted a compromise that Serbian telecom operator can operate in Kosovo. This compromise will be of most importance for Kosovo Serbs, so they will not pay international taxes for calls directed to Serbia; instead these will be local calls⁶⁹.

The negotiations were prolonged and final agreement was reached on 13 November 2016. According to this agreement, the property of Serbia's Telekom telecommunications company in Kosovo will be transferred to Telekom's daughter company MTS D.O.O. The agreement also provides for a three-digit dialing number for the Kosovo and Metohija geographical area, which Serbia will apply for, while telephone calls between Kosovo and Metohija and central Serbia will be treated as long-distance calls⁷⁰.

The agreement provides a three-digit phone code for geographical area of Kosovo. This code will be required by Serbia, and calls between central Serbia and Kosovo will be long-distance calls.

Marko Djuric said that the +383 dialing code is owned by Serbia and has been given to Kosovo as a geographical, in accordance with Resolution 1244. This agreement will be significant for citizens, because they can call Prishtina and Kosovska Mitrovica without additional charges. Also, that Prishtina will not be able to exercise legal violence over the property of Telekom Serbia, and that telecom operates in Prishtina as well, as legal system⁷¹. In contrast to these statements of the Director of the Office for Kosovo, Minister for Dialogue, Edita Tahiri, just commented that agreement was reached, and that this are

⁶⁷ <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:553205-Bez-dogovora-Beograda-i-Pristine-o-telekomunikacijama>

⁶⁸ <http://www.nezavisne.com/novosti/ex-yu/Beograd-i-Pristina-postigli-dogovor-o-telekomunikacijama/322252>

⁶⁹ <http://www.blic.rs/vesti/politika/pozivni-broj-za-kosovo-383/49bfnje>

⁷⁰ <http://rs.n1info.com/a207770/Vesti/Vesti/Postignut-sporazum-o-telekomunikacijama.html>

⁷¹ <http://www.rts.rs/page/stories/ci/story/1/politika/2524855/postignut-sporazum-sa-pristinom-o-telekomunikacijama.html>

good news for Kosovo citizens, and The International Telecommunication Union (ITU) will award Kosovo the 383 dial code⁷².

Telekom Srbija will provide signal on the territory of Kosovo again, and residents of Serbian communities will be able to use 3G and 4G technologies, despite objections of Prishtina. Djuric stated that MTS network will be finally operational throughout the entire territory of Serbia, after many years⁷³.

„Serbia requests the number and dispose with this number, and it is recorded as Kosovo. –Resolution 1244 SB UN”, Djuric declared⁷⁴. In addition it was pointed out that callings from Kosovo to Serbia will not require code +383, and it is enough to write just 063, 064; the most important thing is that the number has been given to Kosovo as a geographical, rather than an international region, as Marko Djuric said⁷⁵.

On the other side, Edita Tahiri, claims that with this agreement, Kosovo confirms its statehood. With obtaining of phone code, Kosovo has received its national identity related to field of telecommunications. Tahiri pointed out that Kosovo received international recognition in the field of telecommunications⁷⁶.

Regarding MTS network, it started with work in southern Kosovo on January 6 2017, and later in central Kosovo⁷⁷.

In February, dialing code for Kosovo +383⁷⁸ was operational, and Serbian Telenor and VIP operator were shut down on 1st of May, and users of their cards are able to switch to MTS without changing the phone number⁷⁹. In May, subsidiary company MTS D.O.O in North Mitrovica was opened. Users of MTS cards can replace their cards until June 15, and they will pay their phone bills in euro. It remains to be seen how this will be done, since in northern Kosovo there is only one of MTS branch and the number of cards to be replaced is over 30,000⁸⁰.

⁷² <http://rs.n1info.com/a207770/Vesti/Vesti/Postignut-sporazum-o-telekomunikacijama.html>

⁷³ <http://www.kim.gov.rs/lat/v1734.php>

⁷⁴ <http://www.kim.gov.rs/lat/v1730.php>

⁷⁵ <http://www.kim.gov.rs/lat/v1724.php>

⁷⁶ http://www.danas.rs/politika.56.html?news_id=334592&title=Kosovu+dodeljen+pozivni+broj+%2B383

⁷⁷ http://kossev.info/strana/arhiva/badnji_dan_posle_6_godina_signal_mts_sa_sar_planine/10843

⁷⁸ <http://www.alo.rs/proradio-pozivni-za-kosovo/93895>

⁷⁹ <http://rs.n1info.com/a244576/Vesti/Vesti/Od-1.-maja-MTS-jedini-operator-na-Kosovu.html>

⁸⁰ http://kossev.info/strana/arhiva/mts_migracija_segmentiranost_kim_a/11897

