EUROPEAN CENTRE FOR MINORITY ISSUES KOSOVO

POLICY BRIEF

27 JUNE 2014

BRIDGING THE DIVIDE: ESTABLISHING A JOINT BOARD FOR THE CITY OF MITROVICA

Authors: Adrian Zeqiri, Sanja Lazarević

Contributors: Trim Kabashi, Ann Madsen, Carlo Giovannone, Gazmen Salijević, Dijana Hasani

Editor: Pieter Troch

In response to the recent disturbances surrounding the removal of the barricade blocking the primary bridge over the Ibër/Ibar River and the establishment of a so-called "peace park" in its place in the city of Mitrovicë/Mitrovica, ECMI Kosovo firmly expresses its continued commitment to peaceful reconciliation. ECMI Kosovo has been engaged in human and minority rights in Kosovo for the past 15 years and remains dedicated to fostering an inclusive and stable multi-ethnic society in Kosovo. The organization's presence in northern Kosovo has grown significantly in recent years, particularly with the establishment of an ECMI Kosovo office in North Mitrovicë/Mitrovica in 2012. Thus, ECMI Kosovo is heavily invested in this issue and remains determined to strive for the peaceful integration of all communities in Kosovo. Notable progress has been made in the last year in terms of building a constructive relationship of trust with structures in the North of Kosovo. These important achievements should not be undone by reckless acts and statements from any of the actors involved. The following policy brief presents a concise description and analysis of the events and provides clear recommendations to all stakeholders involved on building a structured dialogue as foreseen in the "Ahtisaari Plan."

The establishment of the "peace park" and its aftermath

During the early morning hours of Wednesday, 18 June, the barricade blocking the primary bridge over the Ibër/Ibar River connecting North and South Mitrovicë/Mitrovica was removed. It was, however, immediately replaced with what is being referred to as a "peace park." Two separate protests against these events were held in South Mitrovicë/Mitrovica on Sunday, 22 June. The first protest, consisting of about 100 protestors, was organized by local civil society organizations and remained peaceful. The second protest gathered about 1,000 demonstrators

and culminated into clashes between protestors and police, resulting in 21 protestors, 13 police officers and 3 reporters being injured during the event. Although protestors did not attempt to breach the police blockade on the bridge, they did throw stones at police officers who entered the crowd of protestors. Police reacted by releasing tear gas and rubber bullets on the demonstrators. The Kosovo Police Director for the Mitrovicë/Mitrovica region, Nehat Thaçi, described the protest as "violent and well-organized", and stated that "according to preliminary police investigations, there were protesters from other parts of Kosovo, too."[1]

In a press release covering the events, the Kosovo government declared that the "peace garden" would be removed in the coming days in accordance to the laws of Kosovo and the Brussels Agreement for the normalization of relations between Prishtina and Belgrade. The President of Kosovo, Atifete Jahjaga, condemned all violence and urged citizens to assist law enforcement authorities in carrying out their work. The Interior Minister of Kosovo, Bajram Rexhepi, stated that he was coordinating with Brussels and Washington "to put pressure on Belgrade to remove the barricade. If this does not happen, we will remove it ourselves in the coming days."[2] The Mayor of South Mitrovicë/Mitrovica, Agim Bahtiri, similarly, expressed his worries about the situation and urged that the "peace park" should be removed at all costs.[3]

On the other side of the political spectrum, the Mayor of North Mitrovicë/Mitrovica, Goran Rakić, affirmed that the decision to build a "peace park" on the bridge was conducted in consultation with the Serbian government and that he was "aware that the removal of the roadblock from the bridge is a disturbing piece of news for most Serbs in the city."[4] He also called for dialogue with the Albanian community, declaring: "Only through talks can we arrive at a solution to the problem and that is why the Serbian people have extended the hand of friendship to all people of Kosovo and Metohija who find safe and secure life for their families to be their most important goal."[5] The Serbian government reacted promptly to the protests on the southern side of the bridge. The Director of the Office for Kosovo and Metohija in the Serbian government, Marko Đurić, condemned the demonstrations as destructive and stated that "they are directed against the peace, coexistence and normalization of relations between the Serbian and the Albanian people."[6]

These differing evaluations reflect the contradicting theories behind the establishment of the "peace park." While the previous barricade of gravel piles was considered a temporary measure, the installation of concrete structures and the plan to build a park in the middle of the bridge is seen by many as an attempt to establish a permanent barricade with the aim of stopping all means of physical transport across the bridge. Many members of the Albanian community view the barricade as provocative, even if the barricade wasn't directly intended to aggravate the situation of the community south of the bridge. In the North, members of the Serbian community are confident that the installation of the "peace park" has been directed from Belgrade to keep the Serbian community calm after the unannounced removal of the

[1] http://media.unmikonline.org/?p=41480
[2] ibid
[3] http://media.unmikonline.org/?p=41547
[4] http://media.unmikonline.org/?p=41480
[5] http://www.tanjug.rs/news/134736/rakic-urges-north-kosovska-mitrovica-citizens-to-stay-calm--.htm
[6] http://www.kossev.info/strana/arhiva/reakcije_na_jucerasnje_nasilne_demonstracije_u_juznoj_mitrovici/1831

gravel barricade. Moreover, many in the North believe that the park is another temporary solution that will eventually be removed.

The bridge as a symbol of "resistance" and" partition"

Over the past 15 years, the bridge over the Ibër/Ibar River has come to symbolize the divided communities and territories in Kosovo. Ever since the intervention of NATO troops in 1999, the bridge has been used by very few people, and even less by the civilian population in cars. In 2001, the French government funded the refurbishment of the bridge in its current form, removing the old socialist architecture. Despite the new look, however, the bridge has never been fully used for its original purpose, that is, the transport of people. In 2004, the new bridge uniting the predominantly Serbian northern part with the predominantly Albanian southern part of the city served as a flashpoint that triggered the worst escalation of ethnically motivated violence in Kosovo since the ending of the war. Civilians are afraid that crossing the bridge puts them under the bull's eyes of different groups watching the bridge. The remaining presence of the bridge watchers has fostered an environment in which very few people dare to cross the bridge out of fear they will be targeted. Instead, the population uses the alternate bridge in the Bosniak Mahalla neighborhood for transport and for communication.

The gravel piles serving as barricade were put 3 years ago to prevent actions undertaken by the Kosovo Government to establish Kosovo customs services at two border crossing in northern Kosovo. The closure of the bridge, either through the use of intimidation and threats by different groups or by putting pharisaical barriers, has subsequently become a symbol of the division between Albanian and Serbian communities living on opposite sides of the bridge. Two opposing narratives dominate the highly politicized image of the barricaded bridge at the community level. According to the Albanians, Serbs have created the barricade to stop all communication, to prevent former residents from returning to their homes in the North and to permanently partition Kosovo. For Serbs in the North, the barrier represents a self-defense mechanism where the bridge watchers protect the Serbian community against onslaught by Albanians from the South and thus prevent the final expulsion of Serbs from Kosovo. It is therefore easy to see that the establishment of new barricades on the bridge and the subsequent tensions fuel and reconfirm the fears of communities on both sides and generates misunderstandings and miscommunication. Indeed, while the Albanian community is aggravated by what it considers to be a serious provocation from the Serbian side in an attempt to make permanent the partition of Kosovo, and the city of Mitrovicë/Mitrovica in particular, the Serb community living in the North withdraws in isolation in response to what they see as Albanian aggression against a rightful act of self-defense.

The "peace park": a step backward

The concrete structures that have been erected on the bridge will continue to fuel mistrust and suspicion in communities on both sides of the river. These developments present a substantial obstacle to the recent progress that has been made within the framework of the Brussels dialogue. As a result of the Brussels Agreement, local municipal authorities in the North of Kosovo have been established and voter turnout in both local and central elections

has increased significantly. In this context, actions towards a permanent halt of communication on the bridge are an obvious step backwards, turning back the clock to the situation prior to the Brussels Agreement and the municipal elections and hampering the normalization of the situation and trust-building between communities.

As clarified above, the "peace park" immediately provoked an aggressive reaction from the Albanian side of the river, thus initiating a vicious circle of distrust and miscommunication between the communities on both sides of the bridge. Furthermore, it is imperative to stress that Serbs residing south of the Ibër/Ibar River, who compose the majority of Serbs living in Kosovo, are frequently the victims of the anger and resentment created from this hostile situation. Finally, the establishment of the park frustrates the will of the Kosovo authorities to engage meaningfully in the full exercise and implementation of community rights. Many community programs and efforts put in place by the Kosovo government risk losing the government's support should the situation continue to escalate.

Taking all these effects into consideration, ECMI Kosovo finds that the erection of barricades, even if they come in the form of a "peace park" in the middle of the bridge, does not represent a constructive path towards the re-integration of the divided communities in the city and the country at large. Reconciliation can only be reached through the opening of all roads and through intensifying communication between both sides of the bridge, local authorities north of the Ibër/Ibar River, and authorities in Prishtina.

Development of a structured dialogue between both sides of the city/ies and phased removal of all barricades, including the "peace park"

ECMI Kosovo calls upon authorities in Prishtina, local authorities in the municipalities of North and South Mitrovicë/Mitrovica, the Serbian government, the EU and the US to continue the mutual dialogue with the aim of removing the barricades and allowing for a phased opening of the bridge for communication and transport. The fears of all communities should be addressed through open dialogue at all levels, including municipal authorities and civil society. The concerns of the Serb community in the North should be focused on, as it sees itself as particularly vulnerable to the effects of the unrestricted opening of the bridge for transport of goods and persons.

Elections in the North and the election of a legitimate municipal assembly and mayor were watershed moments for integration and dialogue with the rest of Kosovo, including the Government of Kosovo. Mayor Rakić and the municipal assembly in North Mitrovicë/Mitrovica have a legitimate right to work for the promotion and the interests of the citizens they represent. They must do so, however, within the confines of Kosovo's Constitution and relevant laws guaranteeing freedom of movement and association. The erection of a "peace park" hinders the right of citizens in both parts of the city to travel freely across the river. Mayor Rakić and Mayor Bahtiri from South Mitrovicë/Mitrovica have both taken an oath of office, swearing that they will work for the betterment of the municipalities they run, all in the interests of the citizens they represent. This includes, *inter alia*, freedom of movement and economic development. The city—though divided into two administrations—is inherently

linked through history and physical realities. The bridge should be a uniting point, not a dividing line. The idea to build a peace park is welcomed, but a "peace park" that divides the city is not a solution and will not help citizens from either side of the bridge in their daily life. Gradual steps should be taken to enable the removal of this "peace park" with the ultimate goal being the economic and social development for the citizens of the southern and northern part of the city.

On a broader and more long-term level, the current tensions should encourage all stakeholders, and local municipalities and the Government of Kosovo in particular, to establish a mechanism for a structured dialogue between the two municipalities and communities in Mitrovicë/Mitrovica. Although it might bring some political support in the short term, the precipitous and uncoordinated removal of the "peace park" will not bring about lasting stability or trust between the communities on both sides of the Ibër/Ibar River and the central Kosovo institutions. Long forgotten by all sides, including the Kosovo Government, the "Ahtisaari Plan" and the relevant Kosovo legislation foresees that the city of Mitrovicë/Mitrovica shall have two administrations that will, nonetheless, cooperate in the areas of their own competences under the umbrella of a Joint Board. The law foresees the establishment of the Board "in a timely manner" after the constitution of the municipal assemblies in both Mitrovicë/Mitrovica municipalities.[7] The Brussels Agreement also foresees that the development and the gradual integration of the North in the Kosovo framework happen in accordance with Kosovo legislation.[8] With the elections and establishment of legitimate municipal assemblies and mayors in both Mitrovicë/Mitrovica municipalities, the time is ripe to take further steps towards trust-building between the divided Serbian and Albanian communities in Mitrovicë/Mitrovica and the re-integration of the Serb-majority municipalities in the North in the Kosovo framework. The Joint Board could play a crucial role in diffusing tensions and building mutual trust between the two mayors and the two municipal administrations. It would also allow for these issues to be dealt with at a local level, by the city councils, thus avoiding over-politicization of the issue.

In a report on the central elections of 8 June 2014, ECMI Kosovo already pointed to the engagements taken by the Government of Kosovo and the EU to support the development of the Serb-majority municipalities in the North.[9] The Government of Kosovo has announced the creation of a special "Fund for the North" to be financed through various sources, including the taxes and customs paid in the North. Since then, no concrete steps have been taken and no project has been financed from this fund. The European Commission has approved a new €38.5m package for development projects in the North and the rest of Kosovo.[10] These funds

[7] United Nations Security Council, 'Comprehensive Proposal for the Kosovo Status Settlement' (2007), annex III, article 13. Available online, http://www.unosek.org/docref/Comprehensive_proposal-english.pdf. Kosovo Assembly, 'Law on Administrative Municipal Boundaries' (Law nr 03/L-041), art. 7 and 8. Available online, http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L041_en.pdf.

[8] http://www.rts.rs/upload/storyBoxFileData/2013/04/20/3224318/Originalni%20tekst%20Predloga%20sporazuma.pdf.

[9] ECMI Kosovo, 'General Elections in Kosovo: A View of Issues, Challenges and the Political Scene Ahead of Voting on June, 8th'. Available online: http://www.ecmikosovo.org/wp-content/uploads/2014/06/Information-Bulletin-Minority-Party-Elections-ENG.pdf.

[10] http://www.neurope.eu/article/385-million-euros-support-normalization-between-serbia-and-kosovo.

POLICY BRIEF

can greatly enhance the implementation of a series of trust-building measures for the re-integration of the municipalities of Mitrovicë/Mitrovica North and Mitrovicë/Mitrovica South and can boost the work and functioning of the Joint Board. To that purpose, the funding should be interlinked to the establishment of a structured dialogue between the municipalities of Mitrovicë/Mitrovica North and Mitrovicë/Mitrovica South, in line with Kosovo legislation and the Brussels Agreement.

RECOMMENDATIONS

ECMI Kosovo makes the following recommendations to the Government of Kosovo, the Government of Serbia, and the municipal authorities of Mitrovicë/Mitrovica North and Mitrovicë/Mitrovica South:

(1) To arrange for **a series of trust-building measures among both communities, including the phased removal of the "peace park**." These measures should be taken in a spirit of open dialogue between central and local authorities and representatives of civil society. The measures should make guarantees that take into consideration the fears of the Serbian community in North Mitrovicë/Mitrovica, as they consider themselves particularly vulnerable to the effects of the unrestricted opening of the bridge for transport of goods and persons.

(2) To quickly come up with **a strategy and working plan on establishing the Joint Board for the municipalities of Mitrovicë/Mitrovica North and Mitrovicë/Mitrovica South**. The Board will serve as a trust-building mechanism for a structural dialogue between both Mitrovicë/Mitrovica administrations.

(3) To directly and indirectly **interlink Government and EU funding for the development of the North with the establishment of a structured dialogue** between the municipalities of Mitrovicë/Mitrovica North and Mitrovicë/Mitrovica South, in line with Kosovo legislation and the Brussels Agreement.

About ECMI Kosovo

ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.

Str. Nëna Terezë Nr. 41, Apt. 29, 10000 Prishtinë/Priština, Kosovo, Tel. +381 (0) 38 224 473
Str. Cika Jovina Nr. 3, 1st Fl, 38220 Mitrovica/Mitrovicë North, Kosovo, Tel. +381 (0) 64 00 55 488