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**MUNICIPAL ELECTIONS
IN NORTHERN KOSOVO:
TOWARDS A NEW BALANCE?**

FILIP EJDUS, LEON MALAZOGU AND MILAN NIČ

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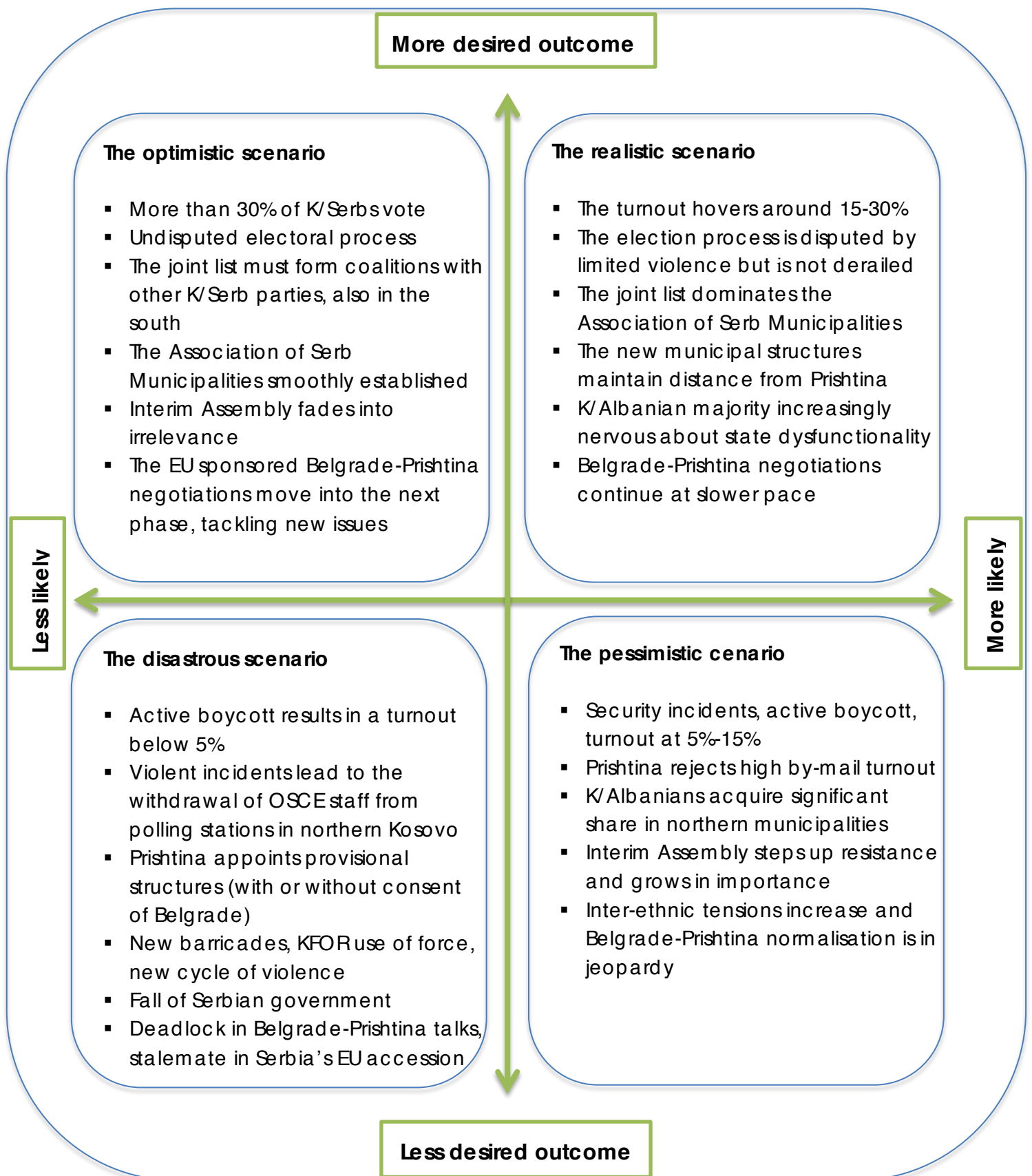
EXECUTIVE SUMMARY

The municipal elections in Kosovo on 3 November will be a litmus test for the Brussels Agreement and for the normalisation of relations between Serbia and Kosovo, but also an omen for the EU's ability to impose stability in its backyard. This paper aims to assist all stakeholders to the Brussels Agreement to work effectively toward a positive outcome in northern Kosovo (as differently as this outcome may be assessed by each of them), but also to prepare for contingencies.

The voter turnout in the four Serb-majority northern municipalities is as important as their relations with Prishtina afterwards.

While the northern politicians have embraced a passive boycott, several violent incidents herald a climate of active intimidation that could seriously reduce turnout or potentially halt the electoral process altogether. The EU seems willing to accept a fairly low turnout as a sufficient legal basis for the new municipal institutions. However, it is hard to see any serious contingency preparations – a Plan B – to put things back on track in case of derailment. The paper looks at the challenges ahead and analyses the latest developments among the north Kosovo Serb political elite and the roles played by Belgrade and Prishtina. It ends with a consideration of four scenarios for the elections and their aftermath (summarised on the next page).

¹ Filip Ejduš is Assistant Professor at the Faculty of Political Sciences/University of Belgrade and member of the Management Board of the Belgrade Centre of Security Policy. Leon Malazogu is Director of the Democracy for Development Institute in Prishtina. Milan Nič is Senior Fellow at the Central European Policy Institute, a regional think tank based in Bratislava. This paper is the first in a series of research papers published within the project “*Visegrad Support for Dialogue between Serbia and Kosovo*”, and is supported by the International Visegrad Fund.



INTRODUCTION

On 19 April 2013, Serbia and Kosovo signed an agreement which has the potential to be historic, if fully implemented.² Mediated by the EU, it was designed to defuse the last conflict in the Western Balkans, and remove one of the main logjams on the paths of Serbia and Kosovo towards EU membership. The Brussels Agreement, the moniker it quickly acquired, could thus be a harbinger of a new era in the relationship between Belgrade and Prishtina, as well as for their European transformation.

The agreement provided for the inclusion of the four northernmost Serb-majority municipalities into Kosovo's legal system. The establishment of an Association/Community of Serb-majority municipalities is to further grant them significant self-governance (some say autonomy). The process is to be set in motion after municipal elections which are scheduled to take place on 3 November. As only legal and legitimate municipal authorities may establish the Association (through the delegation of councillors upwards), the participation of Serbs in the upcoming elections is crucial. The elections will be a litmus test for the Brussels Agreement, but also a portent for the EU's ability to impose stability in its backyard.

This paper aims to analyse the challenges ahead and to assist all stakeholders to the Brussels Agreement to work effectively toward a positive

outcome (as differently as this outcome may be assessed by each of the stakeholders), but also to prepare for contingencies. The paper starts with a reflection on the preparations for the municipal elections, analyses the roles and preferences of Belgrade and Prishtina, and then zooms in on the latest developments in northern Kosovo. Lastly, the paper considers four scenarios for the elections themselves and their aftermath. Delineating an optimistic, realistic, pessimistic as well as a disastrous scenario, the paper also explores the forces that could push developments in one way or another.

1. PREPARATIONS FOR THE ELECTIONS

As with the Agreement itself, preparations for the elections have been fraught with tensions and ambiguities. Belgrade and Prishtina have maintained their declaratory commitment, but have not done all they could to smooth transition on the ground. The mayors and most political representatives of the northern Kosovo Serbs have mounted a boycott against elections, while recent violence in the north raises serious security concerns that could potentially undermine the entire process.

The Brussels Agreement foresees that "municipal elections shall be organised in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards".³ The OSCE will practically organise the elections in

² The First Agreement of Principles Governing the Normalisation of Relations, full text available here: <http://www.rts.rs/upload/storyBoxFileData/2013/04/20/3224154/Originalni%20tekst%20sporazuma.pdf>

³ Point 12 of the Brussels Agreement.

northern Kosovo, on behalf of Kosovo's Central Election Commission (CEC). The OSCE is to place two observers in each polling station and potentially in sites in Serbia.

The uncertainty stems not only from the complexities on the ground, but also from the 15 vaguely defined points of the agreement itself, which leave ample wiggle room for different interpretations. For Prishtina, the Agreement is an important step towards full normalisation between two sovereign countries and will eventually lead to Serbia's recognition of Kosovo as an independent state. Belgrade insists that the Agreement is status-neutral and that elections are intended to bring more of Serbia into Kosovo. During the negotiations, the ambiguity of the text served constructively to reach agreement and mask the remaining disagreements. However, if such nebulous wording was the maximum compromise that could be reached, differences were ultimately bound to clash on the ground.

One of the points of disagreement was the appearance of "Republic of Kosovo" on the ballot paper. From Serbia's point of view, no symbols of Kosovo's statehood were acceptable on the ballot given that the Brussels Agreement is status-neutral. At the same time, Kosovo refers to the wording that elections are organised "in accordance with Kosovo law" (point 11), hence its insistence to maintain the same appearance as in previous elections. The issue was finally resolved in early September when Kosovo's CEC decided to remove the reference to the republic

and leave the name and logo of the CEC, under clear pressure from the political top brass.

The most important election-related deadline was 4 September for the registration of political entities and the certification of candidate lists. While negotiations continued until days before the deadline, Kosovo Serbs submitted 18 lists, competing in 24 (out of 38) municipalities including the four northern ones. Two lists (one of them openly supported by Serbia's Government) were instructed by the CEC to remove the word "Serbia" from the name.⁴ The deadline for the registration of voters living outside of Kosovo was first scheduled for 11 September but was then extended to 17 September. Belgrade hastily submitted to the OSCE around 40,000 applications of displaced Kosovo Serbs who wanted to register to vote in Kosovo's municipal elections. Some 6,600 applications were accepted while all others were rejected as incomplete – mainly due to the absence of a present or former address in Kosovo or other proof of residence. An additional number of around 12,000 Serbs were added to the Voters List during negotiations in Brussels.⁵ Prishtina has, in the meantime, prepared for elections, and it has gone out of its way

⁴ The Government of Serbia which proposed the list Civil Initiative Serbia changed the name into Serbian Civic Initiative (Ser. Građanska inicijativa srpska). The other problematic list was initially entitled Serbia, Democracy, Justice Oliver Ivanović. It changed its name into SDJ-Oliver Ivanović (Ser. Građanska inicijativa SDP-Oliver Ivanović).

⁵ Tanjug. 1 October 2013. "Jos 12.000 ce upisati za izbore."

http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=10&dd=01&nav_id=760235&utm_source=twitterfeed&utm_medium=twitter

to accommodate Serb requests. Considering the strategic importance of northern participation, senior political leadership has weighed in to get the CEC to violate its rules and extend the deadline for voter registration in Serbia, drop mention of the Republic, and accept the recruitment in its senior echelons of a Serb from the north.

2. SERBIA'S STORYLINES AND STRATEGIES

Belgrade has maintained a three-pronged discourse regarding the Agreement in general and elections in particular. The first storyline is aimed at Brussels and can be summarised as "Serbia is giving up effective control over the north of Kosovo, but will not, at least for the time being, recognise Kosovo". Tailored for the domestic audience, the second storyline interprets the Brussels Agreement as a "victory over Prishtina" and "the maximum Belgrade could get at this point". According to this narrative, Kosovo Serbs will obtain legitimate institutions, while Serbia has not swerved from its pledge "never to recognise Kosovo's unilateral independence". The third storyline aims to mobilise north Kosovo Serbs, to whom the Agreement was presented as a vehicle to retain Serbia's presence and disrupt independent Kosovo from within. Prishtina is especially concerned with this narrative, fearing that the Association of Serb Municipalities could become Belgrade's Trojan Horse within a gradually Daytonised and dysfunctional Kosovo.

The Government of Serbia invited the Serbs from Kosovo as well as those eligible to vote from Serbia to participate in the elections, as did the Serbian Orthodox Church. It also sponsored a joint list in the shape of a civic initiative in the north as well as in the south. The argument put forward by Belgrade is that the joint list reduces wasted votes, increases the representation of Serbs, and as such is the best way for the north Kosovo Serbs to speak with one voice, stand jointly for their interests and enjoy Serbia's official support. While the joint list makes sense in the municipalities where Serbs are a numerical minority, it makes little sense in the four northernmost municipalities where Serbs have an overwhelming majority. In effect, the single list could easily take virtually all the councillors, leaving no opposition. Prishtina fears that the real aim behind the single list is to ensure that the Association remains firmly in Belgrade's hands, an interpretation strengthened by provocative statements from the Serbian Minister for Kosovo Aleksandar Vulin.

Looming early elections in Serbia may also be adding to a tendency not to implement the dialogue as agreed upon. Most recently, after being denied entry into Kosovo by Prishtina during the electoral campaign, Serbia's Prime Minister Ivica Dacic threatened to leave all future negotiations if the decision were not revoked. Although Dacic was officially supposed to travel to Kosovo to start the campaign in favour of the Belgrade-sponsored joint list (in the southern municipality, not in the north!), his pompous reaction may also mark the beginning of the electoral campaign for

the next parliamentary elections in Serbia.

One of the reasons why the Government of Serbia chose to set up a joint list (registered as a civic initiative) was to avoid the registration of Belgrade-based parties with authorities in Prishtina. If the governing parties from Belgrade (SNS and SPS) had registered their Kosovo branches with the CEC as fully fledged new parties (and new acronyms), they would have been more vulnerable to criticism by the extreme right for treason. Indeed, up until recently, Belgrade had tried to keep the municipal elections low on the domestic agenda, in order to shield itself from Kosovo-related criticism at home.

A significant by-product of the joint civic list option (or possibly one of the main objectives) has been the marginalisation of Serb parties which already participate in Kosovo's institutional life. At the same time, the Government of Serbia has failed to gain the support for elections of the most influential mayors and political leaders in the four northern-most municipalities, who remain adamantly opposed to the Agreement. It is no surprise that they could not persuade the officials of the Democratic Party of Serbia (DSS), in opposition in Serbia, to participate. However, Belgrade was also unable to gain the support of most of the northern leaders who belong to branches of Serbia's ruling parties, with the notable exception of Krstimir Pantic, former Municipal President of northern (in Serbia referred to as Kosovska) Mitrovica. Crowding out other groupings paves the way for Belgrade to ensure the Association reflects the government in

Belgrade and, as such, is easier to control. This is the main concern for Prishtina, and may be a reason for Kosovo Albanian parties to forge a broad coalition along ethnic lines in return.

3. NORTHERN KOSOVO SERBS: ANXIETY AND FRAGMENTATION

In spite of the policy shift in Belgrade, many Serbs in northern Kosovo have refused to accept the Brussels Agreement, although resistance is gradually wearing away. Over the past 14 years, northern Serbs were mobilised primarily by the desire to remain part of Serbia and have often consciously withdrawn themselves from decision-making, leaving responsibility squarely in the hands of the Belgrade authorities.

Since they were not present at EU-sponsored negotiations, northern Serbs were taken aback by the swiftness of the Agreement. Accusing Belgrade of a sell-out, the political establishment in the north established an Interim Assembly as a vehicle to undermine the efforts to elect new municipalities.⁶ The most vocal opponents of the Agreement believe that, without electoral legitimacy, Serbia would be unable to close its institutions and transfer its financial support to Kosovo Serbs through the newly formed Association, as planned. The new institutions would then eventually

⁶ At the meeting held on 16 August the Assembly declared that the municipal elections were unacceptable because they violate both the constitution of Serbia and the UNSC resolution 1244.

collapse. In the meantime, they hope global power shifts could bring a more auspicious resolution of the situation in Kosovo's north. In their view, a cold peace must lead to a new dialogue between them and Prishtina for either partition or at least full-fledged autonomy for the north.

It is difficult for the Serbs from northern Kosovo to accept the transition, for they lived relatively well during the 14 years of political limbo, with state salaries coming from both capitals. People in northern Kosovo are concerned that essential services could be cut as they abandon one system for the other. A rough estimate indicates that around 85% of all income in the north depends on the public sector, about three-quarters of which is from Serbia and a quarter from Kosovo. The planned closure of the Serbia-financed institutions and their reintegration into Kosovo's legal framework will result in significantly lower salaries and jobs (for example in local administration and hospitals).

Left with few allies, northern Serbs have developed a siege mentality which has actively nurtured the fear of a "silent exodus", further worsened by the looming shut-down of Belgrade's institutions. Without state-run institutions, the fear is that local elites (teachers, doctors, judges) will leave and the rest of the population may follow. The discourse of the "silent exodus" may be an instrument of political pressure or a sign of desperation. But in reality, any exodus is more likely to happen as a result of lack of salaries than the emotional pain of being part of Kosovo.

The real challenge is that northern Serbs face not only the fear of abandonment by Serbia, but also a sudden transition to a free-market economy, which has been delayed for political reasons. Apart from smugglers and the political class, those dependent on state salaries may feel the main impact. While the well-connected smugglers may find ways to tap into the fresh funding that will flow to the north, targeted social assistance programmes should be among the priorities to assist ordinary citizens struggling with the sudden transition.

Very few Serbs from the north express readiness to participate in the elections. The main lingering question is consequently how active the boycott is likely to be. While northern politicians have embraced a passive boycott, several incidents, one of them deadly, herald a climate of more active intimidation that may reduce turnout to a trickle or could stop polling altogether.⁷

In spite of those widely shared concerns, opinion polls suggest that opposition to the Brussels Agreement may not be as unanimous as it seems. According to polls conducted in June and July 2013, the expected turnout is 17% in Northern Mitrovica, 21% in Zubin Potok, 24% in Zvečan/Zveçan and 38% in Leposavić/Leposaviq.⁸ Given that Belgrade has certified its joint list in the meantime, the turnout is likely to be higher, as long as the security and political environment does not

⁷ The killing of a EULEX customs officer from Lithuania was among a number of violent incidents that occurred in September.

⁸ <http://m.mondo.rs/cs/a/599581/Info/Srbija/Na-izbore-na-Kosovu-bi-iza-slo-do-38-od-sto-gradjana.html>

deteriorate. Many Serbs in the north may also be driven to vote by the narrative that the Association of the Serb Municipalities is the vehicle for Serbia's continued presence in Kosovo. Nevertheless, even if a larger-than-expected percentage of the population cast their ballot, most northern Serbs will boycott the elections. Given the circumstances, the EU and the rest of the international community is probably willing to accept a fairly low turnout as a sufficient legal basis to establish municipal government.

The campaign in northern Kosovo is likely to be a low-key affair without enthusiasm. Northern mayoral candidates are unlikely to focus on concrete projects, and may use sombre messages such as "we had to do this", "we will try to change terms as we go along" and "we have to live with this legal framework, but we will resist and will never accept independence". Such a tepid campaign environment is unlikely to boost spirits and lead to a high turnout, since voters expect visionary leaders who can project optimism into the future.

The situation becomes further complicated when southern Serbs are factored into the equation. While all Serb parties should be in principle enthusiastic about the Association, they may be less so given Serbia's insistence of its full control. In their view, Serbia is now advocating the same policy for which it had criticised the SLS in 2009 when it had the courage to participate in elections, then against Serbia's will. If the SLS wins several municipalities in the South, as expected, it is unclear if it will join the

Association. This is not only a political dilemma – joining requires the blessing of mayors who will lose real competences to this supra-municipal body. Other Serb-majority municipalities may not be able to muster the two-thirds of the vote in the Assembly required to join the Association. But given that all assistance from Serbia is likely to come through the Association, staying away may be a difficult choice. In addition, southern Serbs fear that the constant political focus on the north sidelines their more serious problems, which the Association may exacerbate.

Prior to the Brussels Agreement, the Serb political scene in Kosovo was effectively divided into two camps: the *Belgrade Serbs* following Serbia's official position and *Thaci's Serbs*, as the SLS and its supporters, who have been willing to work with Kosovo institutions, were often labelled by their critics. Although Belgrade proposed the joint list with the aim of unifying the Serb electorate in Kosovo around its platform, in practice it has only led to its further fragmentation. Now two more camps are emerging. The third camp is *nobody's Serbs*, coalescing around DSS and SRS, as continual spoilers of the peace process who enjoy limited backing. The fourth camp emerging is composed of a number of *local groupings*, for virtually every municipality has at least one Serb local civic initiative which supports integration, but sees an interest in distancing themselves from mainstream groupings.

4. FOUR SCENARIOS

Given the complexity and volatility of the situation in northern Kosovo, it is clear that there is a wide range of possible

outcomes both on 3 November and in its aftermath. Voter turnout aside, which scenario unfolds in the north will also be determined by the dismantling and reintegration of parallel institutions, especially the police and courts. Talks on both counts have stalled with serious disagreements, and if there is no success by early November, it could have serious implications. Security on election day can hardly be guaranteed if the careers of hundreds of security officials are in question. Similarly, if judges are not in place, it is unclear who will address the complaints and appeals that emerge as a result of the electoral process.

On the basis of our analysis, we have developed four distinct scenarios: *optimistic*, *realistic*, *pessimistic* and *disastrous*. The scenario planning is intended to serve as a basis for all the stakeholders to work more effectively toward their most desired outcomes, but also to cooperate to avoid the more calamitous scenarios. The scenarios should not be seen as a forecast, but rather as an analytical exercise. In reality, elements of different scenarios will probably be combined in a fashion that is impossible to predict at the present time. Moreover, the scenarios aim to help decision-makers to imagine the full horizon of the possible electoral outcomes and to help them better prepare for the aftermath. The following section is, therefore, not an exercise in futurology but an intervention into the present.

1. The optimistic scenario (highly unlikely)

More than 30% of Serbs in the north cast their ballot to elect municipal assemblies,

with representation from several groupings. The electoral process is seen as largely free, fair and transparent. The opponents undertake a passive boycott of the elections, but due to the intensive campaign by Belgrade, their campaign rings hollow. In this scenario, the few violations of the code of conduct and polling procedures are insufficient to risk the integrity of the process. The local assemblies of the four municipalities convene and elect mayors who accept Prishtina as the source of their legal framework. Given the relatively high turnout of other groupings too, the Belgrade-sponsored joint list is unable to form a mirror-image executive authority composed of Serbian Progressive Party (SNS) and Socialist Party of Serbia (SPS) cadre only. A pluralistic majority has to negotiate across several political groupings, enabling the necessary starting point for democratic deliberation and pluralism that, over time, relegates ethno-politics to a matter of secondary priority. The Association of Serbian Municipalities is established, composed of other groupings as well and cooperates closely with Prishtina. Left without financial resources and legitimacy, the Interim Assembly fades into irrelevance together with other spoilers. Ordinary Serbs seek to secure their prosperity in the new environment and successful elections encourage all the stakeholders to move the agenda forward. The EU gains enough credibility to conclude an overarching agreement between Belgrade and Prishtina to mediate in post-conflict situations further afield.

2. The disastrous scenario (unlikely but possible)

Polling stations close due to violent incidents which prompt the OSCE to withdraw its staff. A variation of the same scenario can also unfold if turnout is below 5%. An active boycott and intimidation create a climate of fear sufficiently effective to deter most Serbs from voting. In short, elections are largely contested or seen as a sheer failure.

This is the scenario that is in dire need of the seemingly missing Plan B. If it unfolds, the new municipal institutions in northern Kosovo will not be established, creating a dangerous political (and legal) vacuum. Prishtina would find it difficult to appoint provisional structures, and if it were to do so, they would need to be supported by Belgrade (it would be Belgrade de facto appointing them anyway, which returns northern Kosovo back to the pre-election status quo). Whether the solution is negotiated or simply imposed, it would not be implementable without the use of coercive force, which KFOR is reluctant to deploy. This, in turn would mobilise northern Serbs back to the barricades, maintain low-tension conflict and potentially lead to a new cycle of violence. The barricade on the main bridge in Mitrovica is unlikely to be removed, foregoing the chance to reintroduce some normality. The explosive situation in northern Kosovo might lead to the fall of the Government in Belgrade followed by new elections, stalemate in Serbia's EU accession process and interim deadlock in Belgrade-Prishtina negotiations.

3. The pessimistic scenario (quite likely)

Turnout is less than 15%, but higher than 5% due to intimidation and security incidents. Despite low turnout, local structures are established, although probably of a temporary nature. The Albanian minority in the north commands a disproportionately large share in the local assemblies. Turnout among displaced Serbs is suspiciously high: Prishtina rejects a significant number of by-mail ballots, and Belgrade calls for another round of technical discussions in Brussels. The representatives of the Interim Assembly feel encouraged to step up their active opposition to the Brussels Agreement, creating an environment where security incidents receive indirect political cover. Northern Kosovo ends up having two parallel structures, one whose legitimacy is challenged by the local population and the other whose legitimacy is challenged by everybody else – not too dissimilar from the current situation. This would cement current uncertainties, maintaining and potentially even increasing inter-ethnic tension in the north. The rejectionist attitude and the lack of legitimate and legal leaders in northern Kosovo would reduce the space for further dialogue between Belgrade and Prishtina.

4. The realistic scenario (most likely)

Turnout is low at between 15 and 30%, but enough to meet the low expectations of minimum legitimacy. The joint list wins the majority of votes, which reduces the presence of an opposition that could promote good governance and necessary checks and balances.

The legislative and executive structures of the four municipalities in the north reflect the party structure of the Serbian government continuing the rhetoric that they will defend Serbia's presence in Kosovo. Their dominance chokes democratic deliberation and stifles the development of pluralist democracy in the municipalities and in the Association. On a strategic level, the newly established local assemblies dominated by the joint-list representatives in northern Kosovo might feel the need to compete for patriotic credentials and adopt an even more combative stance towards Prishtina than Belgrade. While Serbia continues to talk to Prishtina, the northern mayors hesitate, which upholds fears of a two-pronged strategy, especially if serious haggling continues to follow the implementation of the Brussels Agreement. The Association accepts its role within Prishtina's legal framework, but also enjoys legal status in Serbia's system, effectively treated as a Serbian state institution too.

The major risk in this scenario is that the Kosovo-Albanian majority sees the developments as a major threat to the new state's functionality. The semi-rejectionist attitude of the northern Serbs demonstrates Belgrade's powerlessness and could increase calls for up to three parallel dialogue processes: (a) northern municipalities with Kosovo institutions, (b) a tri-partite dialogue for the Association, and (c) on further normalisation between Prishtina and Belgrade.

CONCLUSIONS

Neither the EU nor the broader international community seem to be prepared for the possibility of failed elections in northern Kosovo, or for unintended outcomes in their aftermath. The existence of an overarching international consensus may deter rejectionist spoilers, but the impotence of the international stakeholders vis-à-vis deadly attacks may test whether they are capable of disciplining wrongdoers. Indeed, the *seeming absence of a back-up plan* may further encourage spoilers. Given the challenges, it is vital that there be some serious contingency planning by the EU in advance of 3 November on how to put things back on track in case of derailment. As we describe above, some derailment is to be anticipated and cannot be perceived as an unexpected outcome.

One of the indicators of successful elections is *the development of the Association of Serbian Municipalities*. In variations of our realistic scenario, a powerful Association under Belgrade's heavy control may spur ethnic mobilisation among Kosovo Albanians, leading to broad coalitions that leave ethnic Serbs and nationalist Vetëvendosje in the opposition (in mixed southern municipalities and potentially in the next national parliament). This could have harmful effects not only on inter-ethnic relations across Kosovo, but also on the few checks and balances on the Prishtina government already in place.

Another indicator of successful elections is *the improvement/deterioration of the inter-ethnic climate in Kosovo*. A serious

deterioration could drive southern Serbs to move to the north, which some conspiracy theories argue is Belgrade's real plan. Effectively abandoning the south could provide the basis for a renewed push to partition the north, or at least cement territorial autonomy for the four northern municipalities.

The momentous change taking place in the north, a *de facto* transfer of sovereignty after 14 years, is no easy feat and should be gradual. The future of the Kosovo Serb community in the north is primarily at stake and it is important to recognise and manage the anxiety this brings. Elections will bring the northern Serbs within Kosovo's fold in terms of legal sovereignty, but it will also insulate them with the kind of protection that few communities of this size enjoy elsewhere. For Prishtina, it will be essential not to make tactical mistakes that could instill fear and lead to needless northern Serb migration. The EU should ensure that both Prishtina and Belgrade behave responsibly in the pre- and post-election period.

The municipal elections are an important step in the integration of northern Serbs into Kosovo's legal system – but they are the beginning of the process, not the end. Overseeing the elections, will not be the last balancing act that the EU will need to undertake to see the process through to the end.



Belgrade Centre for
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