

# Local self-governments in North Kosovo: a dodgeball game

Dragiša Mijacic  
Jovana Jakovljevic  
Vesela Vlasković, PhD<sup>1</sup>

July 2017

*This Policy Brief was written as a part of the project financed through a U.S. Embassy, Pristina grant. The opinions, findings, and conclusions or recommendations expressed herein are those of the Authors and do not necessarily reflect those of the Department of State.*

## 1. Introduction

The adoption of the United Nations Security Council Resolution 1244/99, which establishes Kosovo as an international protectorate, created numerous challenges, both positive and negative, and they later had an influence on democratisation, good governance and socio-economic development of the municipalities in Kosovo. Many of those challenges have not been resolved yet, and they are particularly strong in local self-governments in the Serb-majority municipalities in North Kosovo, where there are still different interpretations of the established solutions for legal, institutional and constitutional framework for local self-government units in Kosovo.

The situation was additionally complicated after Kosovo's declaration of independence, since Serb-majority municipalities in North Kosovo did not recognise the legitimacy of the central government in Pristina. After Kosovo declared independence, local elections in those four municipalities were organised within the legal system of the Republic of Serbia with the results not recognised by the Government of Kosovo and international community. With the signing of the Brussels Agreement in April 2013, the conditions were in place for elections for local self-governments in North Kosovo, which would make these municipalities a part of the constitutional and legal system of Kosovo. However, local elections have not solved crucial problems in the functioning of local self-governments faced by these municipalities since UNMIK Mission arrived to Kosovo.

This paper provides a historical overview of the development of legislative framework for operations of local self-governments in Kosovo since the signing of the Kumanovo Agreement and arrival of UNMIK Mission, with a special focus on the functioning of Serb-majority municipalities in North Kosovo.

## 2. Local self-governments in North Kosovo

With the signing of the Kumanovo Agreement and the adoption of the United Nations Security Council Resolution 1244/99, United Nations administrative mission was established in Kosovo, called UNMIK.<sup>2</sup> UNMIK was responsible for the establishment of interim local self-government bodies in Kosovo, as well control of their work. As a legal framework, UNMIK used the Constitution of the Socialist Federative Republic of Yugoslavia from 1974.

<sup>1</sup> Copyright ©InTER2017. Comments and suggestions can be sent to [office@regionalnirazvoj.org](mailto:office@regionalnirazvoj.org).

<sup>2</sup> UNMIK - United Nations Mission in Kosovo



Following the adoption of the Resolution 1244/99, the governing structures and public administration of the Federal Republic of Yugoslavia (FRY) and the Republic of Serbia were withdrawn at all levels, especially in the communities where the majority of the population was Albanian. However, this was not the case in Serbian communities in Kosovo, where the administration of the Federal Republic of Yugoslavia and the Republic of Serbia (or part of the administration) remained within the structure that was possible to keep under given circumstances. Hence the Serb-majority municipalities in North Kosovo retained the institutional structure, the number of employees and legal continuity with the pre-war period, when they functioned within the legal framework of the Republic of Serbia. In addition, the legitimacy of these institutions is also reflected in the fact that the Federal Republic of Yugoslavia or the Republic of Serbia have never adopted a legally binding document that dissolves state bodies (including municipalities, as well as other institutions and organisations, including public, state owned and social enterprises) in Kosovo, and places them under the authority of UNMIK.

In the meantime, international community and central authorities in Kosovo, dominated by Albanians, whose legitimacy was generally not recognized by Serbs, initiated the process of forming a legal and institutional framework in which local governments in Kosovo would operate later. The genesis of the process of developing the institutional and legal framework of local self-governments in Kosovo can be divided into two periods:

1. The period of constructing a legal and institutional framework during the UNMIK Mission, between 1999 and 2008;
2. The period of constructing a legal and institutional framework after Kosovo's declaration of independence, since 2008.

Local self-governments with Serb majority in North Kosovo mostly did not participate in this process, nor did they implement in practice the legal and institutional solutions imposed by the international community. Instead, they continued to function within the laws of Serbia where it was possible, creating an institutional "hybrid"<sup>3</sup> that is unique to the functioning of local governments in North Kosovo.

The situation with local self-governments in the municipalities with Serb majority in North Kosovo is further complicated by the declaration of Kosovo's independence, when these municipalities cease all forms of cooperation with central authorities in Kosovo. However, the situation is changing significantly after the signing of the Brussels Agreement in 2013, when, pressured by the international community, the Government of Serbia agrees to dissolve local Municipal Assemblies and introduce interim measures in local self-governments operating under the laws of Serbia. Then, for the first time, elections were held for the Municipal Assemblies under the laws of Kosovo throughout the territory, including the Serb-majority municipalities in North Kosovo (Leposavic, Mitrovica North, Zubin Potok and Zvecan).

The following chapters describe different periods in the development of local self-government institutions from 1999.

### *2.1. Local self-governments in North Kosovo during the UNMIK administration (1999 – 2008)*

The signing of the Kumanovo Military Technical Agreement on June 9, 1999 ended NATO's<sup>4</sup> air campaign against FRY. The Kumanovo Agreement established the conditions for the adoption of the United Nations Security Council resolution 1244, which was adopted the following day by the Security Council. With this resolution, UN Security Council authorizes "...the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo".<sup>5</sup>

<sup>3</sup> "Hybrid" in the sense that the institutional framework of these local self-governments was created by mixing the Serbian system before the democratic changes (before 2000) and the Kosovo system from the time of UNMIK, in the manner that this institutional form took some elements from each of these two systems, but, by functionality, it is different from other local self-governments operating within one or the other system.

<sup>4</sup> North Atlantic Treaty Organisation

<sup>5</sup> Security Council Resolution 1244 (1999) on situation relating Kosovo, article 10, available at <http://bit.ly/2sC10xg>

In fact, Resolution 1244/99 provided the basis for the establishment of the UN Administrative Mission in Kosovo, also known as UNMIK, with the Special Representative of the Secretary-General to monitor their work. UNMIK adopted regulations (decrees) that regulated the establishment of the legal and institutional framework of the administration in Kosovo. In accordance with UNMIK Regulation 1999/1 on the authority of the interim administration in Kosovo, all legislative and executive authority in Kosovo, including the administration of the judiciary, is vested in UNMIK, as well as the administration of its social and state property owned by the Federal Republic of Yugoslavia or the Republic of Serbia.

The arrival of the UNMIK mission brings a change in the functioning of municipal administration. UNMIK adopted the administration model that prevailed in Kosovo before the conflict, as well as the provisions prescribed by the Rambouillet Agreement on the division of the territory of Kosovo into municipalities. With the Regulation 1999/14, UNMIK appointed municipal administrators in municipalities in Kosovo to control and supervise the functions entrusted to public services and local government bodies, with the right to require that those services or bodies seek their prior approval for initiatives or decisions.

However, as noted earlier, with the arrival of UNMIK administration, the situation in the functioning of municipalities in the Albanian majority areas was significantly different from those in Serb-majority areas. Namely, while the administration of the Federal Republic of Yugoslavia and the Republic of Serbia withdrew from the areas dominated by the Albanian population, it continued to function in Serbian areas after 1999. This is especially the case in the municipalities in North Kosovo, Zubin Potok, Zvecan, Leposavic and in the northern part of Kosovska Mitrovica,<sup>6</sup> which continued their work under provisions of the Law on Local Self-Government of Serbia.

With the Regulation 2000/13, UNMIK established a legal framework for registration of voters in Kosovo. Since more than two-thirds of the population of the Serb ethnic population left Kosovo after NATO troops arrived, the remaining Serb population was afraid that by participating in the civil registration process, a permanent record of a small number of Serbs in Kosovo will be made. For this reason, Serbian community refused to participate in the census,<sup>7</sup> demanding that issues of return, security and freedom of movement be addressed before any census. However, UNMIK ignored the requests from Serbs and continued building Kosovo institutions through regulations that led to the elections and the formation of local self-governments. Thus, in July 2000, UNMIK adopted Regulation 2000/39 on municipal (local) elections in Kosovo and Regulation 2000/43 on the number, names and boundaries of municipalities. According to Article 1.1 of UNMIK Regulation 2000/43 in Kosovo, 30 municipalities were formed.

The same year, UNMIK Regulation 2000/45 on self-government was adopted, which defines municipalities as provisional institutions for democratic and autonomous self-government. The Preamble to this Regulation is in line with the European Charter of Local Self-Government of the Council of Europe (ECLSG),<sup>8</sup> where Article 3.1 clearly emphasized the right and ability of local governments for self-government. According to Article 10.1 of Regulation 2000/45, the highest representative body of the municipality is the Municipal Assembly whose members are elected directly in the elections.

In accordance with UNMIK Regulation 2000/45, all municipalities in Kosovo have two bodies (bodies) - legislative and executive. The legislative body is composed of representatives elected directly by citizens in each municipality. The Assembly is the highest representative body of the municipality and represents the basis of the legislative body. The Regulation stipulated that the number of members may be between 17 and 59, and Article 10.2 specified the number of the Assembly members for each municipality in Kosovo. This article stipulated that the Assemblies of Municipalities in Zubin Potok, Zvecan and Leposavic have 17 members. The first terms of office of members was two years, and thereafter each term of office should be four years.

In May 2001, UNMIK adopted Regulation 2001/9, known as the "Constitutional Framework for Provisional Self-Government in Kosovo". The Regulation played the role of a provisional constitutional and legislative

<sup>6</sup> At that moment, Mitrovica North was still not a separate municipality

<sup>7</sup> So far, the census has not been organized in the municipalities with Serbian majority in Kosovo, and the population is estimated according to the population figures from before 1999.

<sup>8</sup> European Charter of Local Self-Government, Council of Europe, available at <http://bit.ly/2tY7zOx>

framework for provisional self-government in Kosovo and described the institutions that would be handed for management to the elected leaders and public officials after the elections planned for November 2001. Article 1.3 of this Regulation defined municipalities as basic territorial units.

Functioning of local self-governments regulated through UNMIK Regulations 2000/45 and 2001/9 is not defined clearly enough because there were problems in overlapping of competencies between the central and local levels of government in Kosovo, as well as problems in relations between Municipal Assemblies, Mayors and Chief Executive Officers in municipalities. As a solution to these and other problems related to the organizational structure and strengthening the accountability of the public administration, UNMIK adopted the Regulation 2007/30, which was an amendment to the Regulation 2000/45. For example, unlike the Regulation 2000/45, which stipulated that the mayor is elected by the Assembly members, Regulation 2007/30 introduced direct elections for the mayors in Kosovo municipalities. This Regulation also brings changes to the competences of the mayors, especially in the areas of: local economic development, urban and rural planning, development and use of land, enforcement of building permits and control of building standards, environmental protection at the local level, supply and maintenance of public services, and response to emergency situations at the local level. These competences will later be transferred to the Law on Local Self-Government, which was adopted after the declaration of Kosovo's independence.

UNMIK Regulations that established and organized the work of the authorities in Kosovo, including the work of local self-governments, significantly influenced the definition of Ahtisaari's Comprehensive Proposal for the Kosovo Status Settlement (hereinafter: Ahtisaari Plan),<sup>9</sup> and they were later also integrated into legal solutions adopted after Kosovo's declaration of independence.

## 2.2 Local self-governments after Kosovo's declaration of independence

Kosovo declared independence on 17 February 2008. Subsequently, in accordance with the principles of the Kosovo Constitution, the ECLSG and the Ahtisaari Plan, the Assembly of Kosovo adopted the Law on Local Self-Government<sup>10</sup> (hereinafter LLSG) as the basic act for the organization and functioning of local self-governments in Kosovo. According to the LLSG, municipalities in Kosovo enjoy a high degree of self-government and encourage active participation of all citizens in the decision-making process of municipal bodies.<sup>11</sup> LLSG also takes into account the principles contained in ECLSG. In addition to LLSG, in line with Ahtisaari's plan, the Government of Kosovo adopted a set of accompanying laws that further regulate functioning of local governments, namely the Law on Administrative Boundaries of Municipalities,<sup>12</sup> the Law on Local Elections,<sup>13</sup> and the Law on Local Government Financing.<sup>14</sup>

Legislative solutions have defined three categories of competencies of municipalities: **original competencies**, **delegated powers** and **extended powers** for municipalities with majority Serbian population (which are not transferable to another entity). The original competencies of local governments are listed in LLSG and municipalities have the autonomy to decide on their implementation. Delegated powers belong to the group of competencies delegated by central government to local governments. These powers may be taken away from (certain) municipalities if the central government determines that they have no capacity for their good execution.<sup>15</sup> Extended jurisdiction for Serb-majority municipalities is part of the decision on the essential decentralization of Kosovo taken from the Ahtisaari Plan. This gives these municipalities a privileged status in deciding on issues important for the sustainability of Serbian communities in Kosovo. However, the law limits the possibility of transferring these extended competencies to

<sup>9</sup> In March 2007, UN Special Envoy for Kosovo Martti Ahtisaari proposed the Comprehensive Proposal for the Kosovo Status Settlement at the UN Security Council session, the so-called Ahtisaari plan. The proposal was not adopted thanks to the Russian veto. However, the authorities in Pristina called for this document when declaring Kosovo's independence, using it as a framework for the Kosovo Constitution.

<sup>10</sup> Law no. 03/L – 040 on Local Self-Government, available at <http://bit.ly/2tyqufg>

<sup>11</sup> The decentralization process in Kosovo and the creation of the new municipalities, Directorate-general for external policies of the union, European Parliament, 2010, available at <http://bit.ly/2hb0JMF>

<sup>12</sup> Law no. 03/L – 041 on Municipal Administrative Boundaries, available at <http://bit.ly/2sLLTov>

<sup>13</sup> Law no. 03/L – 072 on Local Elections in the Republic of Kosovo, available at <http://bit.ly/2sM08K5>

<sup>14</sup> Law no. 03/L – 049 on Finances of Local Self-Governments, available at <http://bit.ly/2rDSwti>

<sup>15</sup> Organisation and Functioning of Local Self-Government in Kosovo, Ministry of Local Government Administration, 2013, available at <http://bit.ly/2rJqHuB>

other bodies, which may be the subject of changes in the establishment of the Association/Community of Serb majority Municipalities in accordance with the provisions of the Brussels Agreement.

The legal framework also entitles municipalities to have inter-municipal and cross-border cooperation. The municipality is allowed to establish cooperation with other municipalities for the purpose of faster local economic development, greater efficiency and effectiveness in providing services to citizens and other users of municipal services.<sup>16</sup> An important aspect of LLSG is that each municipality can transfer its mandate to another municipality for the exercise of competencies for which it has no capacity to carry by itself.

International municipal cooperation is limited only to the administrative and technical aspect, with the exception of the Serb community, which has the right to cooperate with Serbia in the areas of particular importance for the survival of this community.<sup>17</sup> However, the law stipulates that partnerships with Serbian municipalities or institutions cannot be made, nor can they interfere and merge the competencies that jeopardize the “sovereignty of Kosovo”. During the negotiations in Vienna, the Government of Serbia argued that education, health care, social protection and cultural heritage in the municipalities with Serbian majority remain under the authority of the Serbian Government and not the Government of Kosovo. However, according to the provisions of the Ahtisaari Plan, which formed the basis of the Constitution of Kosovo, the Kosovo Ministry of Administration and Local Self-Government has the role of supervisory authority over all municipalities in Kosovo.<sup>18</sup>

According to LLSG, local self-governments in Kosovo have gained greater freedom of action in relation to the central level, thus achieving a certain level of decentralization. However, decentralization takes place in a complex political environment, which includes those that support it, as well as its opponents, and in practice not all the provisions prescribed by law have been implemented (yet). In addition, decentralization was significantly oriented towards the integration of minority communities, with a special emphasis on the integration of the Serbian community in North Kosovo, which boycotted every kind of cooperation with the Kosovo institutions for political reasons. The boycott by the Serb-majority municipalities in North Kosovo also referred to the implementation of LLSG, as well as other laws of Kosovo, and this is partly the reason why the legal solutions for decentralization have not been applied. The situation in these municipalities has changed significantly after the signing of the First Agreement of Principles Governing the Normalisation of Relations between Belgrade and Pristina, also known as the “Brussels Agreement”, signed in Brussels on 19 April 2013, when elections for local institutions were organized for the first time under the laws of Kosovo.

### *2.3 Brussels Agreement and the changes in functioning of local self-governments in North Kosovo*

The Brussels Agreement, signed by the representatives of the Government of Serbia and the Government of Kosovo, consists of 15 points.<sup>19</sup> Organisation of local elections in the municipalities with Serbian majority in North Kosovo is defined by point 11: *“Municipal elections shall be organized in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards”*.

One of the first results of the implementation of the Brussels Agreement was the organisation of local elections in the municipalities in North Kosovo in November 2013. Elections for the Mayor of the newly established municipality of Mitrovica North<sup>20</sup> were repeated in early 2014, and by June 2014, the process of constitution

*16 The right on inter-municipal cooperation of municipalities (both inside Kosovo and on the international level), and the right on formation and membership in inter-municipal associations are guaranteed in the European Charter of Local Self-Government.*

*17 Article 30.2 Law no. 03/L – 40 on Local Self-Government, available at <http://bit.ly/2tyqufg>*

*18 The decentralization process in Kosovo and the creation of the new municipalities, Directorate-general for external policies of the union, European Parliament, 2010, available at <http://bit.ly/2hb0JMF>*

*19 Brussels Agreement, available at <http://bit.ly/2sZmwLN>*

*20 The municipality of Mitrovica was formed in 2013 after the first local elections under Kosovo laws in North Kosovo. Prior to that, there was a UNMIK administration in Mitrovica North, which was operational by the end of 2012 when it was closed, due to the alleged lack of funding. Immediately before the closure of the UNMIK Administration, the Government of Kosovo decided to open an Administrative Office in the northern part of Kosovska Mitrovica, which will have the same authority as all other municipalities in Kosovo. Thus, the UNMIK administration in Kosovska Mitrovica grew into the Administrative Office of Mitrovica North, which was the first step towards the formation of a separate municipality of Mitrovica North.*

of Municipal Assemblies in all four municipalities in North Kosovo was finished (Leposavic, Mitrovica North, Zubin Potok and Zvecan).<sup>21</sup>

The basis of the Brussels Agreement is the intention to integrate four municipalities from North Kosovo in the constitutional and legal framework of Kosovo, and the elections for local authorities in these municipalities was seen as a necessary condition and a significant step in that process. However, the development of the situation and the circumstances in the field have shown that the process continues to bear many challenges, most of which have not been resolved to date.

The biggest challenge in the municipalities with Serbian majority in North Kosovo remained to be a duality of local self-government system. As mentioned earlier, after the signing of the Kumanovo Agreement and the arrival of the UNMIK mission, local self-governments in Serbian communities in Kosovo, and in particular in the four observed municipalities in North Kosovo, maintained legal and institutional continuity with the pre-war period. In support of such activities, all these years, the Government of Serbia has been regularly paying salaries to employees in these local self-governments and affiliated municipal companies.

In the period after 1999, the Government of Serbia has changed its position on participation of local self-governments with the majority Serb population in the work of Kosovo institutions several times, as well as the position on the participation of the Serb population in local (and parliamentary) elections.<sup>22</sup> After the signing of the Brussels Agreement, in September 2013, the Serbian Government passed a decision to dissolve local Assemblies in four municipalities in North Kosovo. This decision introduced provisional measures and the appointed presidents and members of the Provisional Authorities were appointed to manage affairs in the area of competence of local self-governments in these municipalities. Under the laws of Serbia, the President of the National Assembly is obliged to call elections within the municipalities in which the Municipal Assembly is dissolved within two months, but this did not happen in these four municipalities.<sup>23</sup> Instead of organizing local elections under its own laws, the Government of Serbia actively advocated the participation of citizens of the four municipalities in North Kosovo in the local elections organised by the Government of Kosovo, in accordance with the principles agreed within the Brussels Agreement.

Except in the case of the municipality of Zubin Potok, the elected mayors in the other three municipalities are not the same persons as the presidents of the Provisional Authorities previously appointed by the Government of Serbia.<sup>24</sup> The division of power between elected mayors and the Provisional Authorities is particularly strong

*21 Other municipalities with the majority Serb population in other parts of Kosovo were already operating in the Kosovo system.*

*22 For example, according to the recommendation of the Government of Serbia, the local population boycotted local elections in Kosovo organized by UNMIK and OSCE in 2000. Having in mind that by doing this, local self-governments in the areas with Serb majority were left without representatives of local authorities, the agreement between UNMIK and the Government of Serbia found a solution in appointing representatives of local assemblies to manage local self-governments for a period of two years, but without influence on local budgets because the management of local finances in these municipalities remained in the hands of UNMIK. At the same time, with the appointment of representatives of the Serb community who will participate in the work of the Municipal Assemblies by UNMIK, the Government of Serbia dissolves the Assemblies in these municipalities and introduces interim measures headed by the Provisional Bodies that were most often the same persons as the nominated representatives by UNMIK. After two years (in 2002), UNMIK and OSCE organised a new cycle of local elections where the Government of Serbia invited the local population to take part, and later recognizes the legitimacy of the elected bodies that manage the municipalities either under the UNMIK system or by the system of the Republic of Serbia. However, in the following local elections organised in 2007, the Serbian government did not support the participation of the Serbian population, and the boycott of elections was particularly successful in four municipalities in North Kosovo. The authorities in these municipalities are the mayors elected in the 2002 elections. Kosovo declared independence in 2008, which was not recognised by Serbia, so local government representatives from North Kosovo boycotted every contact with government representatives in Pristina. On the other hand, in 2008, Serbia organised local elections throughout its territory, including Kosovo. This was the first (and last) time since 1999 that Serbia organised (local) elections in Kosovo. The representatives of the self-government in charge of the municipalities in North Kosovo were elected then, but their legitimacy was not recognised by the international community or the Government in Pristina. In the following election cycle, in 2012, Serbia also called the regular local elections that were supposed to be organised in North Kosovo, but this did not happen due to the pressure of the international community on the Government in Belgrade.*

*23 Situation is the same in other municipalities with Serb majority in Kosovo, which operate within the system of the Republic of Serbia, and also with provisional measures in place for years.*

*24 Only in the municipality of Zubin Potok, the appointed President of the Provisional Authority is also the selected Mayor,*

in the municipality of Leposavic, where there was a political conflict after the elections between the persons and structures that govern the municipal authorities in the system of Kosovo and the Serbian system.

Municipalities in North Kosovo face the problem of establishing functional and efficient local government bodies. Namely, these local self-governments did not participate in capacity building programs and reforms of municipal administrations in Kosovo organised with the support of international organizations during the UNMIK mission, but also later. These municipalities were also not included in the reform processes that took place (or are still taking place) in Serbia, nor are they included as members of the Standing Conference of Towns and Municipalities (SKGO) - the Association of Municipalities in Serbia, which is actively working to improve the capacity of municipal administrations.<sup>25</sup> At the same time, municipalities from North Kosovo are also not included in systemic solutions for the implementation of some important laws in Serbia,<sup>26</sup> which sends a clear message that legal solutions from Serbia are selectively applied in case of these municipalities. From all this, it can be concluded that local governments in North Kosovo (operating under the laws of Serbia) represent institutional hybrids, where solutions are implemented as the only possible option in the given circumstances, and that they are significantly different from other municipalities in Serbia by their functionality and capacity.

Elections in North Kosovo have not led to the (full) implementation of Kosovo laws, but the elected leaders have discretion to choose which legal solutions will be applied and which will not. For example, municipalities in North Kosovo have adopted the Statutes of municipalities that are in line with the law and verified by the Ministry of Administration and Local Self-Government. However, even after almost four years, the municipalities have not established departments, as defined in their Statutes.

The specificity in the functioning of the municipalities in North Kosovo (according to the Kosovo system) is also reflected by the process of drafting the budgets of local self-governments for 2015. All municipalities in North Kosovo have dropped out the items for education and health from the budget proposal, although these areas must be in the budget of local self-governments under Kosovo legislation. Municipalities have justified such a decision with the intention that financing of health care and education will be the responsibility of the future Association/Community of Serb majority Municipalities, whose formation is also provided for in the points of the Brussels Agreement.

It should also be noted that the municipality of Mitrovica North, formed through the process of Brussels negotiations, faces the challenge of the lack of physical space for the adequate work of the Municipal Assembly and municipal services. However, the construction of a new administrative building of the municipality of Mitrovica North is underway with the financial support of the European Union, and the completion is expected in 2018.

### 3. Conclusion

Since 1999, the system of local self-governments in the Serbian communities in North Kosovo has been followed by numerous challenges, primarily political, because immediately after the war, the atmosphere was created making these municipalities the last bastion of defence of the institutions of Serbia in Kosovo. The burden that these municipalities carry goes far beyond the frameworks in which other local governments operate in Kosovo, or anywhere in the world. Hence the legal and institutional solutions created in Kosovo after 1999, both by UNMIK, during the mediation of Martti Ahtisaari for the settlement of the status of Kosovo, and by the Kosovo Government after the declaration of Kosovo's independence, have not been sufficiently acceptable to the Government of Serbia, and therefore to the local authorities in these municipalities.

---

*which is why this municipality is politically most stable of all four municipalities in North Kosovo*

*25 For example, by adopting the new Constitution of the Republic of Serbia (2006) and changing the legislation regulating the work of local self-government units, with the help of the line ministry and SKGO, the majority of municipal administrations in Serbia significantly changed their structure and method of operation in relation to the period prior to democratic changes in Serbia, by forming new departments and professional services to perform activities in accordance with the Law. Municipalities in North Kosovo did not participate in these processes, so their administrations remained in the same form as before 1999.*

*26 For example, municipalities from North Kosovo are not included in the Serbian Government's electronic system for issuing building permits, which prevents the issuance of building permits by these municipalities on the basis of the Law on Planning and Construction of the Republic of Serbia.*

As a consequence, there is a resistance of local officials in the implementation of legal solutions from Kosovo, as well as the problem of the functionality and efficiency of these local self-governments due to the lack of reforms and the lack of operational capacities of their administrations.

Signing and implementation of the Brussels Agreement resulted in the introduction of provisional measures in these municipalities by the Government of Serbia, and later in the organisation of elections under the laws of Kosovo. However, this did not solve problems at the local level. They only got a different form, and by their complexity, they are not at all behind the situation that existed before the signing of the Brussels Agreement. In all likelihood, this situation will last until the establishment of the Association/Community of Serb majority Municipalities, which is included in the Brussels Agreement, and which has not yet been initiated, but it is the subject of political turmoil between politicians and representatives of the authorities in Belgrade and Pristina.

*InTER – Institute for Territorial Economic Development – is an independent non-governmental think tank with the mission to promote and improve sustainable socio-economic development in the Western Balkans.*

*The North City, Čika Jovina bb, Mitrovica North  
office@regionalnirazvoj.org • www.regionalnirazvoj.org*

*Policy Brief was written as a part of the project “Support to local self-government administration reform in Northern Kosovo” funded by the U.S. Embassy in Pristina, and implemented by the Institute for Territorial Economic Development (InTER). The Project is implemented between March 2016 and July 2017.*

