

**UNMIK'S KOSOVO ALBATROSS:
TACKLING DIVISION IN MITROVICA**

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Three years after its establishment, the United Nations Mission in Kosovo (UNMIK) has not established a safe and secure environment, the rule of law or a meaningful civil administration in north Mitrovica. The city's continuing *de facto* partition, with parallel structures run by Belgrade operating north of the river Ibar, is a black mark on the international community's record in Kosovo. It calls into question Serbia and the FRY's commitment to regional stability and undermines UNMIK's credibility with ethnic Albanians in Kosovo.

UNMIK and the NATO-led KFOR troops must act vigorously to establish their jurisdiction in Mitrovica. Otherwise local actors will draw the lessons that the international community will bow to force or the threat of force; that UN Security Council Resolution 1244 can be altered by local defiance; and that the final status of Kosovo, or at least parts of it, can be settled through violent means.

The Serbs of Mitrovica have become pawns in the nationalist game played by Belgrade and hostages to organised crime. Meanwhile the continuing lack of clarity about the international community's objectives allows hard-liners among ethnic Albanians to play on fears that the secret aim is partition, both of Mitrovica and of the entire province.

The international community must demonstrate that it has a clear strategy for overcoming Mitrovica's division, and above all that it has the will to solve the problem.

This report proposes that it adopt a multi-track approach that combines pressure on Belgrade to honour its obligations in Kosovo with vigorous action to ensure the rule of law in Mitrovica and an innovative offer to the city's Serbs of integration into local government structures.

RECOMMENDATIONS:

TO THE INTERNATIONAL COMMUNITY:

1. Take seriously the problem of Mitrovica, and Belgrade's contribution to destabilising the city, and ensure that Belgrade implements its commitments in good faith by applying pressure equivalent to that used to secure cooperation with the Hague Tribunal (ICTY).
2. Deny the FRY (or its successor) membership in the Council of Europe and NATO's Partnership for Peace and an EU Stabilization and Association Agreement until it cuts support for parallel structures and cooperates with UNMIK's efforts to establish civil administration in the province.
3. Condition direct international donor support for Serbia's budget on Belgrade cutting off its financial support for parallel structures in north Mitrovica and Kosovo.

TO BELGRADE:

4. Commit to the integrity of the municipality of Mitrovica, and UNMIK's administrative and policing authority including a multiethnic Kosovo Police Service (KPS) contingent and eliminate all support for parallel structures.

TO UNMIK:

5. Apply the benchmarks for the rest of Kosovo equally in Mitrovica and seek to ensure that the rule of law, security for minority communities, and transparent and effective public institutions extend to north Mitrovica.
6. Negotiate before the October 2002 municipal elections an agreement between north Mitrovica and the Municipality that outlines the terms of services to be provided to the former, clearly identifies its responsibilities to facilitate delivery, and establishes for a one-year interim period a specially administered area in north Mitrovica to oversee the implementation of this service agreement.
7. Set up a coordinating committee, composed of Serb representatives from north Mitrovica, Albanian representatives from the municipality and UNMIK representatives, to oversee the process.
8. Ensure buy-in from the Kosovo Albanian leadership by publicly stating plans for north Mitrovica and working with the province's Provisional Institutions of Self Government.

TO UNMIK POLICE:

9. Arrest, with KFOR support, members of the Serb "Bridgewatchers" where sufficient evidence of criminal activity exists, and conduct a parallel crackdown on general criminal activity in north Mitrovica.
10. Introduce the Kosovo Police Service (KPS) into north Mitrovica, rejecting Serb demands for a separate uniform but allowing some training in the North provided that any classes there are multiethnic and that most training remains at the Police School.

TO KFOR:

11. Rotate the French KFOR unit out of Mitrovica as part of the command rationalisation process.
12. Support UNMIK by overseeing dissolution of parallel structures, monitoring the boundary between Serbia and Kosovo, and ensuring security for UNMIK activities in the north of Kosovo and Mitrovica.

TO THE KOSOVO SERBS:

13. Commit publicly to a service agreement with the Mitrovica municipality, recognise the integrity of the municipality and the right of return of all communities.

TO THE KOSOVO ALBANIANS:

14. Acknowledge publicly through the service agreement the equality of Serbs living in the North, their special circumstances, and the right of all communities to return, and ensure that Serbs are treated equally.

Pristina/Belgrade/Brussels, 3 June 2002



UNMIK'S KOSOVO ALBATROSS: TACKLING DIVISION IN MITROVICA

I. INTRODUCTION

On 8 April 2002, UNMIK police officers came under grenade and sniper attack in north Mitrovica. Many international officials see this as merely the latest episode in a cycle of violence that has gripped the city since the UN assumed responsibility for Kosovo in June 1999, but “not an extraordinary incident”.¹ Indeed some UNMIK representatives argue that the situation in Mitrovica is slowly improving. The number and intensity of violent incidents have declined, and UNMIK opened a community office in the north of the city in 2002.

While there has been an incremental improvement, the attack against the police – the worst violence against UNMIK personnel since the inception of the mission – clearly indicates that only five months before the municipal elections,² UNMIK and KFOR have not fulfilled their mandate in the city. They have not established a safe and secure environment, the rule of law or a meaningful civil administration. While provisional institutions of self-government are being built elsewhere in Kosovo, including in the neighbouring Serb-dominated municipalities of Zubin Potok, Zvecan and Leposavic, north Mitrovica defies UNMIK's efforts. Belgrade's writ extends to this part of the city – parallel institutions still function, and their staff report to and are funded by Belgrade.

Many maintain that Kosovo's final constitutional status has to be decided before the Mitrovica problem can be resolved. However, the events in the North signal that the fight to determine the final status of Kosovo is underway, and its battleground is Mitrovica. The goal of the Albanians is to unify Kosovo, while Belgrade uses every available means to maintain its grip on the North with the intention of partitioning the province.

Such a partition, brought about through violence and the threat of violence, would have an extremely destabilising impact on Kosovo and the wider region. While ICG has argued that the time is ripe to initiate final status discussions, UNMIK's failure to establish its authority in the North firmly could foreclose options for final status by staking out a *de facto* partition.³

The status quo in Mitrovica is clearly not tenable: it seriously undermines UNMIK's legitimacy and shows its inability to govern in the face of resistance. Moreover, it impacts on stability in the rest of Kosovo. Events in the city are radicalising both the Albanian and Serbian communities throughout the province. Albanian political

¹ ICG interviews with KFOR officials.

² Kosovo will hold municipal elections on 26 October 2002, for the second time since the conflict.

³ See ICG Balkans Reports No. 108, *After Milosevic: A Practical Agenda for Lasting Balkans Peace*, 26 April 2001, and No. 124, *A Kosovo Road Map (I): Addressing Final Status*, 1 March 2002. ICG argues that while agreed border changes can in principle be acceptable, this is really only the case in the context of a negotiated agreement between two stable, democratic, sovereign governments, capable of making a genuinely free choice. As Kosovo and Serbia are not yet in that position, UNMIK has a duty to prevent the outcome of any such negotiations being pre-empted by violence.

leaders of all parties fear partition, and are pressuring UNMIK to act – with threats to “take the matter into their own hands” unless UNMIK controls the North.

The current situation also unites and strengthens Serb extremists, and entrenches Belgrade's control in the North. Even the most moderate members of the Serbian community are being radicalised, such as Father Sava, who says: “We have always emphasised that the Serbs of Mitrovica and north Kosovo have the full right not to allow the same thing to happen to them that happened to Serbs in other areas of the Province”.⁴

The problem of the divided city has defeated the efforts of two Special Representatives of the Secretary-General (SRSG) and a succession of regional administrators, and continues to manifest itself in periodic bouts of violence. However, this report argues that if the political will exists, concrete steps to move beyond the status quo in Mitrovica are possible.

UNMIK and KFOR cannot continue to muddle through, hoping that the situation will stabilise when and if democratic changes in Serbia trickle down. The international community must undertake identifiable action to extend UNMIK's authority to north Mitrovica now. The approach should be on multiple tracks, and have three guiding objectives: to increase the level of security in the city, to entrench the rule of law, and to secure Serb participation in local self-government – without, however, creating a separate municipality for north Mitrovica.

The multi-track approach that ICG suggests has four elements.

- First, UNMIK will not succeed in extending its writ without Belgrade's cooperation. The international community must take the problem of Mitrovica seriously, and place meaningful pressure on Belgrade to dissolve

parallel structures, to cease financing armed groups, and more generally to stop its obstructionism in Kosovo.

- Secondly, the issues of security and rule of law need to be addressed. The UNMIK police and KFOR need to crack down on criminal elements, and to institutionalise cooperative mechanisms between themselves. KFOR should take advantage of its upcoming planned command rationalisation to regain local confidence by rotating responsibility in the North to a new national or multinational contingent, and multiethnic Kosovo Police Service (KPS) personnel should also be introduced there.
- Thirdly, UNMIK must extend its administration into the North of the city. This report suggests that a service agreement be signed between the municipality and elected Serb members of the Kosovo Assembly from north Mitrovica. This agreement would establish an interim “special administrative area” for north Mitrovica, thus extending UNMIK authority to the North while providing maximum assurance to the Serb community that its legitimate concerns will be met.
- Fourthly, UNMIK must act more transparently on Mitrovica. It must move beyond closed-door strategy sessions and publicly outline its vision and goals.

These measures presuppose existence of the will to tackle the issue of Mitrovica. Without such will, the international community will put at risk all its efforts to build stability in Kosovo.

⁴ Father Sava was the spokesperson of the Serbian National Council in Kosovo until late 2000, and is based at the Decani/Decani Monastery. During the 1999 NATO campaign, he saved numerous Albanians from Serb paramilitaries by sheltering them in the monastery. See “The Herald of Kosovo and Metohija”, 15 March 2002, available at http://www.decani.yunet.com/glaskim_int.html.

II. ROOTS OF THE CRISIS

According to OSCE figures, Mitrovica municipality has currently a population of over 100,000 people.⁵ North of the Ibar River, there are 12,000 Serbs, 3,000 Albanians, 2,000 Bosniaks, 600 Turks and 500 Roma, including approximately 5,000 internally displaced Serbs (IDPs). Ironically, this part of the city is one of the most multiethnic regions in Kosovo. South of the Ibar, fewer than twenty Serbs remain – almost all the 300 Serb families who lived there before 1999 have moved north.⁶ Before the conflict, half the population in the North was Albanian but around 9,000 of these former residents are now displaced in south Mitrovica or elsewhere in Kosovo.⁷ Unemployment is desperately high, as the main employer, the Trepca industrial complex, no longer operates.⁸

Almost immediately after UNMIK and KFOR entered Kosovo in June 1999, Mitrovica became a flashpoint for confrontation,⁹ and they were never able to establish effective control of the northern part of the city. Serbs fled their homes in the South of the city, and together with Serb IDPs from the rest of Kosovo sought refuge across the river. Albanians who had fled the North remain largely unable to return to their homes. The Serbs in northern Mitrovica felt threatened and besieged. They saw that in the rest of Kosovo violent attacks against Serbs took place despite the presence of the international community. They distrusted UNMIK, and continued to look to Belgrade as their civil authority.

A group of young men formed the “Bridgewatchers,”¹⁰ ostensibly to protect northern Mitrovica from the violence Albanian extremists inflicted on other Serb communities in Kosovo. While membership is fluid, it is estimated at 150 to

250.¹¹ They are paid by the Serbian Ministry of the Interior (MUP) as members of State Security (DB), a direct violation of UNSCR 1244.¹² They force shops to pay “protection” fees, distribute occupied apartments for rent, and intimidate members of the local population who cooperate with UNMIK.¹³ The Bridgewatchers supplement their funds through organised crime including smuggling and prostitution. They also prevent many Albanians and other minorities from returning to their homes and frustrate the efforts of the international community to establish a presence in the North. KFOR and UNMIK have not made any serious effort to crack down on them.

Vladimir Rakic, the head of the water utility in the North of the city, is one of the chief organisers. While he asserts that the Bridgewatchers are funded by “private donations”,¹⁴ there are allegations that funds he receives from the international community for public services have been diverted to finance them. Funding is also secured through extortion, as local Serb leader Marko Jaksic explains: “Do you see how many cafés there are on the main street? Daily, they earn DM 500. What is it for them to give one day’s income?” Through the Bridgewatchers, criminality has been entrenched in the North of the city.

UNMIK had failed by early 2000 to maintain a multiethnic hospital, court structure, and other public services in the North, and it has never been able to establish a full presence. Belgrade’s institutions, however, operate with full impunity. A parallel municipal administration exists (although it provides insufficient services); Serbian Interior Ministry forces (MUP) operate in the North, and suspects arrested by them are brought for trial at the court in Kraljevo in Serbia proper, where they are tried under Serbian law.¹⁵ Education and health services report to their respective ministries in Belgrade. The telephone system has recently been disconnected from Kosovo Telecom and reconnected to Serbian

⁵ OSCE population estimate.

⁶ OSCE, “Mitrovica Municipal Profile”, August 2001.

⁷ Office of the Prime Minister, Memo to SRS/SG Steiner, 19 April 2002. There is a map of Mitrovica at Appendix A.

⁸ See ICG Balkans Report No. 82, *Trepca: Making Sense of the Labyrinth*, 26 November 1999.

⁹ See ICG Balkans Report No. 96, *Kosovo’s Linchpin: Overcoming Division in Mitrovica*, 31 May 2000.

¹⁰ Bridgewatchers are often referred to as “Guardians of the Bridge” in the Serbian media.

¹¹ ICG interviews with KFOR officials.

¹² ICG interview with UNMIK official.

¹³ ICG interviews with KFOR and UNMIK officials.

¹⁴ Svetlana Djurdjevic-Lucic, “Cekajuci srpsku vojsku i policiju”, *Nin*, 18 April 2002.

¹⁵ ICG interview with UNMIK official.

Telecom. Salaries are received from Belgrade, while taxes and pension payments go to Serbia.

The tense environment that characterises Mitrovica has led to frequent violence. In early February 2000, a rocket-propelled grenade attack on a UNHCR bus carrying Serbs from Mitrovica killed three and wounded several others. This set off revenge attacks that killed ten Albanians and persisted throughout the spring.¹⁶ In February 2001, similar violence was launched by the murder of an Albanian youth in the North. Albanian demonstrators took out their anger on French KFOR troops, burning armoured vehicles and assaulting soldiers. Nor was the recent attack on UNMIK police the first time that organised vigilantes put UN personnel in danger. In March 2001, after the arrests of Serbs suspected of assaulting UNMIK police, organised attacks included house-to-house terrorizing of officers living in the North.¹⁷

One ominous aspect of the conflict in Mitrovica is its impact on other areas of Kosovo, where Serbs are more vulnerable to extremist attacks. In the two weeks after the February 2001 protests, ethnic violence increased,¹⁸ culminating in the brutal attack by Albanian extremists on a convoy of five buses near Podujevo in northeast Kosovo.¹⁹ Twelve Serbs were killed and many more wounded. It was the worst single atrocity since NATO and the UN entered Kosovo in 1999.

III. THE LATEST INCIDENT

On 8 April 2002 at 2 p.m., UNMIK police set up a routine traffic checkpoint in north Mitrovica, just beside the bridge that divides North and South and adjacent to the café Dolce Vita, the favourite meeting place of the Bridgewatchers.²⁰ Ironically, the checkpoint was in response to public complaints about traffic violations, and designed to discover stolen vehicles, confirm that cars were registered, and ensure drivers were licensed. At approximately 2:15 p.m., a car without a license plate was stopped. The driver assured UNMIK police that he had registration documents but needed to retrieve these from his home. He returned with a crowd, which quickly grew hostile. Stones began to be thrown, and special police reinforcements were sent in.

In this crowd, the police spotted a notorious Bridgewarder, Slavoljub Jovic, nicknamed "Pagi". Jovic had been charged with inciting the February 2000 Mitrovica riots, and was a suspect in other cases, including the murder of his girlfriend, who "fell" out of a tenth floor window in 2001, and the assault of an Albanian couple getting off a bus in the North. A special police unit attempted to arrest him, and when it encountered resistance,²¹ took him by force, which infuriated the crowd.

When police tried to break up the crowd, fragmentation grenades were thrown into their lines. Two exploded, injuring officers. As police retreated behind their vehicles, they came under fire. According to the UNMIK commander, video footage identified nine separate firing locations. Police responded with live ammunition when they could clearly identify snipers, and with teargas and rubber bullets to disperse the crowd.

In a breakdown of coordination, KFOR command in the region was not informed of the action. KFOR personnel, although present in the vicinity, did not intervene, but did safeguard their existing checkpoints and call for reinforcements.

¹⁶ See ICG Balkans Report, *Kosovo's Linchpin*, op. cit.

¹⁷ See "Attacks on UNMIK Police Continue in North Mitrovica", *KosovaLive*, 16 March 2001. Available at http://www.kosovalive.com/sec/archive/2001/mar/16_03_2001_1-am.htm.

¹⁸ In the week preceding the Nis bombing, 25 separate incidents of violence against minorities occurred, including murders, assaults, and property crime.

¹⁹ These buses were transporting Serbs from Nis to Kosovo, and the incident is therefore known as the "Nis Bombing".

²⁰ UNMIK police have blacklisted Dolce Vita as a restaurant that is connected to organised crime.

²¹ The UNMIK police regional commander informed ICG that Jovic pulled a knife on the officers.

A total of 26 UNMIK police officers were wounded, four quite seriously, as well as some Serb civilians.²² It was the worst act of violence against UNMIK personnel since the inception of the mission in June 1999.

Since this incident, the Bridgewatchers have organised protests to demand the release of Jovic. International staff were withdrawn from all the northern municipalities, and the Serb community suspended cooperation with UNMIK. Serbs who worked for UNMIK and the Mitrovica municipality were threatened, and in some cases their cars were burned and other personal property attacked. The police maintained a presence in the north Mitrovica station but were not able to resume patrols until 1 May 2002. International staff only returned to the community office in the northern part of the city on 23 May.

The response to this incident was strangely muted. While SRSG Michael Steiner condemned the violence during a press conference,²³ UNMIK did not issue an official statement. This was in stark contrast to the reaction of the international community when five UNMIK police officers, including two Americans, were injured in a scuffle with Albanian demonstrators on the streets of Pristina in February 2002. On that occasion, the head of the U.S. Office strongly condemned the attack in a press release, declaring roundly “that the U.S. Government will not tolerate attacks on Americans”.²⁴ Notwithstanding that five U.S. citizens were injured on 8 April 2002, no similar public statements have been released by any of the Liaison Offices.

Why the difference in response from the international community? NATO officials have described the latest round of violence in Mitrovica as “nothing new . . . It is in Mitrovica’s nature for

such things to happen there”.²⁵ While investigations are ongoing, UNMIK administration and KFOR officials privately claim that the attack was due partly to a poorly led police action and a breakdown of coordination between the police and KFOR. UNMIK police meanwhile assert that the checkpoint was routine and – counterfactually – that the operation was successful,²⁶ part of their effort to entrench the rule of law. However, if they cannot stop cars without fear of attack, north Mitrovica is not a policing environment.

²² The nationalities of the officers were: seventeen Polish, five American, two British, one German, and one Norwegian.

²³ “I condemn in the strongest terms, these unlawful acts. These acts hurt physically police in uniform, who are doing their duty. Politically, they hurt the legitimate interests of the Serbs in Kosovo.”, SRSG Michael Steiner, UNMIK press briefing, 9 April 2002. See www.unmikonline.org/press/2002/trans/tra090402.htm.

²⁴ Press Release by the U.S. Office, Pristina. “The Rule of Law is at Stake”, 10 February 2001, available at: <http://www.usofficepristina.usia.co.at/>.

²⁵ “For Nato, what is happening in Mitrovica is nothing new”, *Zeri* 18 April 2001.

²⁶ ICG interview with Derek Chappell, UNMIK Police Spokesperson.

IV. THE CURRENT SITUATION

While the latest incident does indeed conform to a long-standing pattern of violence in the North, UNMIK and the international community should not be tempted to ignore the serious threat to their efforts in Kosovo. The continuing tension radicalises Albanian and Serb leaders, and may place a peaceful solution to the problem of Mitrovica out of reach. Concrete and coherent action must be taken to ensure that security, the rule of law, and UNMIK's writ also extend to this part of the province. This section outlines the positions of the Serb and Albanian political leaderships, and then considers UNMIK's role in the North.

A. THE SERBS

There can be little doubt that the primary reason for the difficulties in Mitrovica lies with hard-line elements among the Serbs, both in Mitrovica and in Belgrade, who are unwilling to submit to UNMIK rule, or to accept integration of the northern part of the city into Kosovo society and political institutions. Their reasons are partly political, partly ethnic, and partly criminal. To deal successfully with Mitrovica, UNMIK and KFOR must understand these interlocked motivations.

1. Belgrade's Role

Belgrade's policy towards Kosovo often appears to be based on nothing more than "*inat*," a term that translates roughly as "spite". Within the DOS (Democratic Opposition of Serbia) coalition government, the Kosovo question frequently falls victim to the power struggle between Serbian Premier Zoran Djindjic and Yugoslav President Vojislav Kostunica.²⁷ Many Serbian actions and policies inside of Kosovo proper, and Mitrovica in particular, as well as the split within the Povratak coalition,²⁸ mirror or are a result of the

disagreements and political squabbles within Belgrade itself. Belgrade's influence is thus a crucial factor in determining the political behaviour of Kosovo's remaining Serbs.

There are two separate and diametrically opposed sets of Serbian interests in Kosovo. The first is to retain Kosovo as part of the Serbian state, shared most notably by Yugoslav President Vojislav Kostunica. The second is the needs of the Serbian population who still live in the province.

Those whose priority is *Kosovo as part of the Serbian State* desire its return to Belgrade's rule and the return of the Yugoslav Army (VJ) and the MUP to the province. Nebojsa Covic, Deputy Prime Minister of Serbia and head of the Belgrade government's "Coordination Centre for Kosovo and Metohija", articulated these goals publicly in a widely reported speech on 18 May 2001.²⁹ The principal aims include first and foremost the formal geographic segregation of Serbs and Albanians through a cantonal/entity system of "self-rule," wherein the Serbs would control 30 per cent of Kosovo's territory, divided into five cantons. Additionally, there would be joint Serb-Albanian control over the province's largest cities and towns, including Prizren, Pristina, Gnjilane, Urosevac, Decane, Lipljan/Lipjan, Pec/Peje, Strpce, and Orahovac, as well as exclusive Serbian control over northern Mitrovica.³⁰ Partition of Pristina and other towns and cities into Albanian and Serbian halves is also sometimes envisaged.

Covic based his policy statements on the writings of Dr. Branislav Krstic, the deputy director of the Coordination Centre, who has published several books and pamphlets on Kosovo in which he has attempted to address the competing concepts of Serbian and Albanian rights from a Serbian national perspective.³¹ In spite of subsequent more conciliatory public remarks by Covic in the presence of the international community, the

the Kosovo Assembly. See ICG Balkans Report No. 120, *Kosovo: Landmark Election*, 21 November 2001.

²⁹ "Pomirenje prava Srba i Albanaca," *Vreme*, 24 May 2001.

³⁰ Branislav Krstic's ideological roadmap for Serbian plans in Kosovo is the 358 page work *Kosovo pred sudom istorije*, (Belgrade, 2000), p. 292.

³¹ English speakers may find a summation of Dr. Krstic's ideas and proposals in the shorter pamphlet *Kosovo: Causes of the Conflict, Reconciliation of Rights* (Belgrade: Liber Press, 2001).

²⁷ "Covic: problemi u Beogradu oko kosovskog pitanja", *Radio B92*, 9 May 2002. See also the interviews with Marko Jaksic and Momcilo Trajkovic in "Sledi juris Siptara za etnicko ciscenje i severnog Kosovoa," *Nedeljni telegraf*, 28 November 2001.

²⁸ "Koalicija Povratak", which translates as Coalition Return, is a multi-party group of Serb representatives in

agenda of the Coordination Centre itself appears unchanged, and Covic has never distanced himself publicly from the 18 May 2001 concepts. The frequent demands from Belgrade and Mitrovica Serbs for an entity or cantonal system are in keeping with this overall agenda, within which much of the Mitrovica conflict should be viewed.

The primary strategy for realising this agenda is to appear publicly to cooperate with UNMIK and KFOR, while working actively behind the scenes to create as much discord and unrest as possible. If the Serb hardliners can demonstrate that KFOR and UNMIK are incapable of creating a secure environment for non-Albanians and functioning institutions in strife-ridden areas, then Belgrade can push its case more forcefully.³² Oliver Ivanovic – one of the early leaders of the Bridgewatchers – recently acknowledged that the Serbs must prevent the establishment of functional UNMIK-sponsored administrative structures in Serbian majority areas if they are to achieve their goal of “self-rule”.³³ The same holds true for the security situation and the UN police. If the former remains unstable, Belgrade could claim plausibly that only the VJ and MUP can restore order and that they should be allowed to return to the province. Therefore, it is in the interest of the Mitrovica Serb hard-liners to keep UNMIK and KFOR out of northern Mitrovica, lest the international community establish effective administrative organs and create a stable security environment. In many ways this mirrors Serb behaviour in Bosnia and Herzegovina.

It is thus vital to consolidate Serb control over the northern parts of Kosovo, with Mitrovica as the cornerstone. The purpose of this consolidation is to prepare Kosovo for eventual partition.³⁴ To further its aims, Belgrade has pumped significant resources into the province, at least 50 million

Euro during the first eight months of 2001 alone, at the same time as it was receiving significant international donor aid. According to Covic, as many as 29,800 people inside Kosovo were “on the payroll of the Republic of Serbia” in 2001. This included the director of the Mitrovica Health Centre, Democratic Party of Serbia (DSS) loyalist Milan Ivanovic, who received a salary of approximately 1500 Euro per month.³⁵ The Bridgewatchers are employees of the Serbian Interior Ministry. Serbia's budget supports the continued maintenance of parallel security and administrative structures in Mitrovica, in direct violation of UNSCR 1244, ensuring that the international community will be unable to consolidate UNMIK's administrative control over the city.³⁶ Serbia's budget is in turn supported by the World Bank, which gives fully 80 per cent of its aid to the government in the form of direct budgetary support.³⁷ The lack of budgetary transparency inside Serbia means that this international aid unintentionally facilitates the diversion of scarce resources to support the maintenance of parallel structures in opposition to international community policy.

Belgrade has proposed various options for north Mitrovica. In return for ensuring unhindered UNMIK access to the North, securing KPS patrols in north Mitrovica, and the participation of Serbs in the judiciary, Covic suggested that UNMIK agree to a North Mitrovica municipality, Serb representation in the civil service proportional to their population, and the release on bail of the recently arrested prisoners.³⁸ In an address before the UN Security Council on 24 April 2002, Covic stated that Belgrade is prepared to accept the creation of “entities” in Kosovo, following the Bosnia and Herzegovina model, but rejected a division of the province.³⁹ Other proposals have

³² An example of these claims of incompetence may be seen in may be seen in statements by Oliver Ivanovic: “Ivanovic: KFOR i UNMIK nesposobni,” Radio B92, 24 March 2002.

³³ See the interview with Ivanovic. “Male sanse da sacuvamo Kosovo, moramo raditi na jakanju pozicije,” *Nacional*, 4-6 May 2002.

³⁴ In a number of separate ICG meetings throughout 2001 and 2002, members of both the Federal Yugoslav and Serbian Republic governments expressed the view that partition would be the eventual desirable solution for Kosovo.

³⁵ “Covic: Ne zelim vise da budem ‘lopta’ izmedju Kostunice i Djindjica”, *Nedeljni telegraf*, 21 November 2001.

³⁶ See the ICG Balkans Report No. 126, *Belgrade's Lagging Reform: Cause For International Concern*, 7 March 2002.

³⁷ See <http://www.seerecon.org/> for a comprehensive overview of international aid for the region.

³⁸ “Covic Requests from Steiner the Legalization of Kosovo's Partition”, *Zeri*, 24 April 2002.

³⁹ “Covic: Creating Kosovo Entities Acceptable as an Interim Solution”, *V.I.P. Daily News Report*, 25 April 2002.

included a "canton" system similar to Bosnia's. He has also proposed dividing Mitrovica into several municipalities, governed by a central city assembly, like Belgrade.⁴⁰ Covic has further hinted that if the Serbs are not able to live among the Albanians, they will have to live alongside them, code for segregation.⁴¹ All these proposals are based on Krstic's writings, and amount to the same thing: pre-emptive partition as an attempt to shape a final settlement by force. The international community and Kosovo Prime Minister Bajram Rexhepi have rejected these proposals.⁴²

Meanwhile Serbs continue to leave even those areas of Kosovo where they constitute a majority, for much the same reason that they were leaving prior to 1999: lack of economic opportunity. Given the catastrophic state of its economy, Serbia has insufficient resources to invest capital in northern Mitrovica, or to support refugee return, either by non-Serbs to Serbian majority areas, or by Serbs to Albanian majority areas. The international community lacks political will and resources, and facing a draw down in funding, will probably not be able to invest substantially either in refugee returns or economic growth. As a result, the outflow of the Serbian population from northern Mitrovica and other Serb majority areas will probably continue.

Belgrade's second interest in Kosovo involves *the needs of the Serbian population who still live in the province* and who are faced with the prospect of either finding a peaceful and successful model of coexisting with the surrounding Albanian majority, or leaving the province altogether.

Individuals such as Rada Trajkovic, Bishop Artemije,⁴³ and Father Sava believe that the Kosovo Serbs should protect their own interests as defined by themselves, not by Belgrade. They feel that the nationalist policies advocated by Belgrade have damaged the interests of Kosovo's Serbs, and

that the DOS administration has shown little improvement over the Milosevic regime in its Kosovo policies.⁴⁴ They consider Belgrade's role to have been harmful on Serb participation in elections and the obstruction of Kosovo's central government, and on numerous other issues, ranging from the refusal to recognise Kosovo license plates to the non-functioning rail network.

In the context of these conflicting interests, one of the biggest sources of disagreement in both Kosovo and Belgrade is the role played by the Kosovo Serb Povratak coalition. President Kostunica's DSS political party, Deputy Prime Minister Nebojsa Covic, and many within Covic's Coordination Centre believe that the Kosovo Serbs should be an instrument of official Belgrade policy, and that Povratak should act within the province at the behest and instructions of Belgrade regardless of whether or not these actions conflict with their own constituents' best interests. Covic outlined this quite clearly when he stated that Povratak "has the assignment to represent the interests of Serbia in Kosovo".⁴⁵ It appears that a significant portion of the Povratak coalition – especially those from the enclaves – opposes this approach. They feel Povratak members should vote and act on the basis of what is best for the Serbs who remain in Kosovo, in particular the enclaves. They appear to have found sympathy in the circles of DOS closest to Djindjic, and as a result Rada Trajkovic, the Parliamentary leader of Povratak who comes from the enclave of Gracanica, in particular has earned the scorn of key members of the Coordination Centre.⁴⁶

Apart from Covic's 18 May 2001 speech, Belgrade politicians have yet to publicly articulate their views or agenda for Kosovo. There is still substantial disagreement among them as to exactly how much can be achieved within the context of UN Security Council Resolution 1244. Some hope

⁴⁰ "Covic: Belgrade Opposed to Division of Kosovo and Mitrovica", *V.I.P.* 14 May 2002.

⁴¹ "Završimo zapoceto," *Politika*, 3 January 2002.

⁴² "Redzepi: Covicev predlog o kantonizaciji neprihvatljiv", *Radio B92*, 28 April 2002.

⁴³ Rada Trajkovic is the head of Coalition Povratak, and lives in Gracanica; Bishop Artemije is the head of the Raska and Prizren Diocese of the Serbian Orthodox Church, and heads the Gracanica monastery.

⁴⁴ See the interview with Bishop Artemije "Promene su na Kosovo krenule peske", *Reporter*, 7 May 2002.

⁴⁵ "Koalicija "povratak" mora da zastupa i interese Srbije", *Radio B92*, 19 March 2002.

⁴⁶ This was clear at a November 2001 meeting of the DOS presidency, when it became obvious that Covic and the DSS were the prime movers on Kosovo policy, and that the remainder of the DOS presidency members were not as engaged on Kosovo issues as DSS or Covic. "Koalicija "povratak" mora da zastupa i interese Srbije," *Radio B92*, 19 March 2002. ICG interviews with Belgrade officials.

to delay Kosovo independence indefinitely while eventually accepting for the Albanian areas of the province some sort of limited autonomy within the FRY, annexing the northern regions to Serbia proper, enlarging the Serbian enclaves, and reintroducing the VJ and MUP. Others feel that Kosovo is lost, a drain on political and economic resources, and are willing to give up the Albanian majority regions of Kosovo in exchange for partition of the North. Given the political sensitivities of the Kosovo question, however, no one is willing to raise the question of final status in public.

2. Kosovo's Serbs

The relationship between Belgrade and the Mitrovica Serbs is not clear-cut. Although they appear to share a common interest in maintaining Belgrade's control over the northern portion of Kosovo and possibly extending it to expanded enclaves in an entity/canton concept, the Mitrovica Serbs are by no means subservient to Belgrade's instructions. This was seen clearly in the opposition of leading Mitrovica Serbs to Belgrade's instructions to participate in the November 2001 Kosovo elections,⁴⁷ as well as in connection with earlier manipulations surrounding the health centre.⁴⁸ When the two sides have divergent interests, the Mitrovica Serbs may try to go their own way.

North Mitrovica's political leadership includes three main figures: Marko Jaksic, Milan Ivanovic and Oliver Ivanovic. All have been appointed by the President of the Yugoslav Coordination Centre for Kosovo and Metohija, Serbian Deputy Prime Minister Nebojsa Covic, to act as the "Northern Advisory Group" for UNMIK.⁴⁹ Marko Jaksic, a vice-president of President Kostunica's DSS and a member of the Serbian parliament, and Milan Ivanovic, head of the Serb National Council of

Northern Kosovo⁵⁰ and director of the Mitrovica Health Centre, are the main political 'supervisors' of the Bridgewatchers.

There have been allegations in the press that both Jaksic and Milan Ivanovic have links to organised crime and that Jaksic plays a role in financing the DSS. These have included claims that the DSS party organisation in northern Mitrovica might be involved in smuggling cigarettes into Serbia, with Jaksic himself on record as an opponent of anti-smuggling measures implemented by Serbian Finance Minister Djelic in 2001.⁵¹ Of particular importance, the radical elements among Mitrovica Serbs have their own independent sources of income, most based on cigarette smuggling and protection rackets, and could likely survive a political showdown with Belgrade, provided the cigarette smuggling channels remain open. This, however, applies only to a small portion of the population. The rest are economically disenfranchised or unemployed, and will continue to leave Kosovo unless new opportunities appear.

Jaksic and Milan Ivanovic have shunned cooperation with UNMIK. Their expressed aim is partition of the North, while their statements imply the cantonisation of the rest of Kosovo. "We are not for a border at the Ibar, because we don't even think about satisfying ourselves with so little land in the North of 'eighth class' quality. We are asking for all enclaves to be strengthened, and this should be 50 per cent of Kosovo. Our motto is that however much autonomy Albanians get in relation to Belgrade, Serbs should get in relation to them".⁵²

Oliver Ivanovic is an influential Povratak member of the Kosovo Assembly. Although one of the

⁴⁷ See the interviews with Serb leaders Momcilo Trajkovic and Marko Jaksic in "Sledi juris Siptara za etnickog ciscenje i severnog Kosovo", *Nedeljni telegraf*, 28 November 2001.

⁴⁸ "Covic: Ne zelim vise da budem 'lopta' izmedju Kostunice i Djindjica", *Nedeljni telegraf*, 21 November 2001.

⁴⁹ ICG interview with UNMIK regional administrator. The Northern Advisory Group also includes Gojko Savic, a Povratak member of the Assembly.

⁵⁰ The Serb National Council of Northern Kosovo was established in late 1999 when representatives from northern Kosovo split from the Serb National Council (SNC) based in Gracanica.

⁵¹ "Nema kompromisa sa DSS", *Danas*, 22 August 2001. "Sverc cigareta prepolovljen", *Politika*, 5 September 2001. "Od duvana 805 miliona", *Blic*, 5 September 2001. ICG interviews with UNMIK sources. Jaksic's importance in formulating DSS policy on Kosovo was demonstrated on 19 September 2002, when he represented DSS at the DOS presidency meeting to discuss Deputy Premier Covic's new plan for Kosovo. See also ICG Balkans Report No. 117, *Serbia's Transition: Reforms Under Siege*, 21 September 2001.

⁵² Marko Jaksic, as quoted in *Nin*, op. cit.

founders of the Bridgewatchers, he has of late been publicly more conciliatory towards UNMIK, expressing willingness to work with the international community to bring the KPS into the North of the city. Nonetheless, his ties to Serbian State Security (DB) should not be overlooked, nor should his recent statements attacking the enclave Serbs in the Povratak coalition, in which he hinted that their activities were being organised by foreigners.⁵³ His political instincts are still oriented towards Belgrade, and he will – subtly and with more sophistication than Jaksic – continue to push for Kosovo to remain part of Serbia as outlined above.⁵⁴

Mitrovica's Serbs have little interest in participating in or cooperating with UNMIK institutions, and few incentives to start doing so. They fear expulsion, and have no confidence in the willingness of the Albanian-controlled municipality to treat them equitably or provide them with services. Despite the existence of parallel structures, services for Serbs remain problematic. Eighteen buildings in the north of the city have sewage in their cellars.⁵⁵ Refuse collection remains sporadic, and the hospital needs repairs and equipment. Their generally desperate economic situation – which is unlikely to improve until the political position is resolved – further adds to the mood of despair.

The latest violence in Mitrovica has exacerbated splits within Povratak and undermined the position of the Serbs in the enclaves.⁵⁶ Since late 1999, there have been tensions between the Serbs of north Mitrovica and the Serbs in the enclaves. These tensions are not helped by the continued presence of Milosevic appointees in key positions among the Serbs, such as Gojko Savic, Rector of the Pristina University in exile in Mitrovica, and Oliver Ivanovic.⁵⁷ Rada Trajkovic has strongly condemned the violence, calling Jaksic and Milan Ivanovic “criminals”, and denouncing Kostunica's

involvement in the North. “Kostunica's strategy is for the separation of northern Kosovo and divisions and rifts within the Povratak coalition itself”.⁵⁸ She has also faulted Covic for supporting “criminal elements” among the Serbs.⁵⁹ While she is undoubtedly the Povratak member who is most cooperative with the international community, she speaks for the enclaves; her influence does not extend north of the Ibar, and she is despised by key elements inside the Coordination Centre.⁶⁰

B. THE ALBANIANS

The Kosovo Albanian political leadership is highly attuned to the situation in Mitrovica. There is growing resentment at the failure of UNMIK to establish a presence in the northern portion of the city. Nexhat Daci, the President of the Kosovo Assembly, stated that “the tolerance of parallel bodies installed in northern Kosovo is not acceptable at all ... we have the moral right as Albanians to demand a lot more from UNMIK and NATO”.⁶¹ Faruk Spahija, the President of the Mitrovica municipality, expressed growing frustration with UNMIK efforts: “The main problem is that by now, UNMIK, KFOR, and UNMIK police have adapted to the situation that is imposed by the Bridgewatchers. This must be changed fundamentally”.⁶² In addition, there is bitterness over perceived inequities: “In the southern part, we have weapons searches every day, while in the northern part of Mitrovica it is clear that the Serbs have arms, which they use against the international community. UNMIK, the police and we are not able to stop it”.⁶³

The Kosovo Albanian controlled Municipal Assembly of Mitrovica released a statement on 23 April 2002 outlining demands for a resolution of

⁵³ “Da UNMIK pusti pritvorene da se brane sa slobode”, Radio B92, 21 April 2002.

⁵⁴ See the interview with Ivanovic. “Male sanse da sacuvamo Kosovo, moramo raditi na jakanju pozicije”, *Nacional*, 4-6 May 2002.

⁵⁵ ICG interview with UNMIK municipal administrator.

⁵⁶ “Rada Trajkovic i Marko Jaksic o protestima”, *Radio B92*, 14 April 2002.

⁵⁷ “Trajkovic: Milosevicevi kadrovi opet na bitnim funkcijama”, *Radio B92*, 24 April 2002.

⁵⁸ As quoted in *V.I.P. Daily News Report*, 22 April 2002.

⁵⁹ “Covic: treba prestatu sa tracarenjem”, *Radio B92*, 16 March 2002.

⁶⁰ ICG interview with high-ranking official of the Coordination Centre.

⁶¹ Nexhat Daci, “KTV Interview with Assembly Speaker Nexhat Daci”, *The Monitor*, 18 April 2002.

⁶² “RTK Programme Monitoring: Interview with Faruk Spahija”, *The Monitor: Daily Broadcast Media Monitor*, 9 April 2002.

⁶³ LDK member Ismet Sylja, as quoted from RTK in “UNMIK withdraws personnel from northern Kosovo”, *Weekend Broadcast Monitor*, 14 April 2002. (Published by the OSCE.)

the situation. These include secure and free movement throughout the city, the return of IDPs to five neighbourhoods in the North, a corridor for free movement from an Albanian area (Miner's Hill) to the main bridge, an open hospital under international management, and urgent action to disband the Bridgewatchers. In addition, the municipality set a seven-day deadline for UNMIK to ensure that Serbian Telecom be replaced by Kosovo Telecom. The Assembly concluded by stating that: "Further cooperation of the Municipality with UNMIK and KFOR will depend on the realisation of these demands, and the Assembly will decide on this cooperation on 5 May 2002". The deadline has passed but the Municipal Assembly has not had a further session.

While statements like the above place public pressure on UNMIK to take stronger action, in private many Kosovo Albanian leaders tell ICG that they will 'take matters into their own hands' if nothing is done about Mitrovica. As their fear of partition grows, these leaders express more extreme positions. Rumours are circulating of a new "common document" signed between Covic and UNMIK. Albanian politicians fear that UNMIK has agreed to a new municipality in north Mitrovica and made concessions on the release of prisoners.⁶⁴ No such agreement has been signed but the rumours indicate both the need for greater transparency in UNMIK's work and the heightened suspicion with which Albanian politicians view its dealings with Belgrade. The situation is of course exacerbated by the lack of minority returns throughout Kosovo, for which Albanian leaders must take their share of the blame.⁶⁵

C. UNMIK NORTH OF THE IBAR

UNMIK's presence in Mitrovica has been characterised by a high turnover of regional administrators and many plans, but few results in the northern portion of the city. Successive strategies have included the same basic elements: confidence building exercises, increased security measures for both sides, and economic initiatives

to bring in jobs. However, few initiatives have actually been implemented.

The SRSG's current watchwords for the North, as for the rest of Kosovo, are "multiethnicity" and "integration":

[T]he two pillars on which our work is based upon [are] multiethnicity ... and integration... Multiethnicity [means that] the majority community has to accept and has to work to have the smaller communities stay in Kosovo, to make return possible... [As for] integration ... the other communities have to participate in all the institutions we have set up under [UNSCR] 1244. They have to accept that we cannot have parallel structures in Kosovo; they have to accept, for example, to be concrete, that there cannot be telephone systems which are not licensed by us, and they have to accept that we need to respect the rule of law everywhere in Kosovo.⁶⁶

Unfortunately, implementation of this policy in north Mitrovica is not realistic in the near future since it does not address the fears of domination and expulsion that underlie the Serbian community's support for extremists. If UNMIK wishes to gain community support, the legitimate and reasonable Serb concerns must be addressed, not brushed aside.

1. Administration

While municipal structures are coming into being in the rest of Mitrovica, UNMIK competes with the parallel structures, discussed above, that exist in the North. In an attempt to force dissolution of these structures, UNMIK established a Community Office in the northern part of the city in February 2002. It is intended to ensure that Serbs receive services from the municipality and to give the community a stake in these services. Seventy positions for Serb employees have been created. However, local leaders have not cooperated, and the Community Office remains a shell. The majority of positions are unfilled, and both local and international workers face continual threats

⁶⁴ "Covic Requests from Steiner the Legalization of Kosovo's Partition", *Zeri*, 24 April 2002. Covic requested that Jovic and another prisoner, sentenced to preventive detention in Pristina, should be released on bail.

⁶⁵ See ICG Balkans Report No. 124, *A Kosovo Road Map (II): Internal Benchmarks*, 1 March 2002.

⁶⁶ SRSG Press Briefing, 17 April 2002. Available at www.unmikonline.org/press/2002/trans/tr170402.htm.

and intimidation.⁶⁷ This office has not operated since the 8 April 2002 incident.

The next municipal elections are scheduled for 26 October 2002. In Leposavic, Zvecan, and Zubin Potok (the three northern municipalities of Kosovo), Serbs do participate in municipal structures, and there is high expectation that they will vote. However, Serbs in north Mitrovica are demanding their own assembly as a precondition. Covic has promised to fight for a separate municipality, and in doing so, plays upon Serb fears: "We have to protect the state and national interests with a mature policy of overcoming differences and intolerance. We have to mobilise all forces to reach the aim of creating a municipality in the northern part of Mitrovica. If we do not remain here, we will not remain in the whole of Kosovo".⁶⁸

A separate municipality is not acceptable to Albanians or UNMIK. International officials assert that a separate municipality would violate UNMIK Regulation 2000/45, which established the boundaries of municipalities, set a dangerous precedent for other minority areas, and contradict the principle of integration.⁶⁹ Blerim Shala, editor of *Zeri*, spoke for Kosovo Albanian opinion when he warned that: "The legalisation of the separation of Mitrovica would create very favourable circumstances for the separation of northern Kosovo".⁷⁰ If the international community were to 'ratify' this separation by permitting a separate municipality north of the river, a violent Albanian response could be expected.

2. Safe and Secure Environment

According to UNSCR 1244, KFOR is mandated to:

- establish a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional

administration can be established, and humanitarian aid can be delivered; and

- ensure the protection and freedom of movement of KFOR itself, the international civil presence, and other international organisations.⁷¹

Serbs largely see KFOR as an unwelcome, occupying force, whereas Albanians tend to regard it as their liberator. When KFOR's French contingent was assigned to the northern sector including Mitrovica in 1999, therefore, it inherited the most challenging operational environment in Kosovo.

Since its arrival, French KFOR has been repeatedly criticized for failure to take robust measures to fulfill its mandate and entrench UNMIK control in the North.⁷² There definitely has been unwillingness to take serious measures against the Bridgewatchers – only a few individuals have been arrested, and there has even been a suggestion to legalise the organisation into a Community Watch.⁷³ Mitrovica is the one area in Kosovo where the confidence of the Albanian population in KFOR is in doubt. In moments of crisis, contingents from other multinational brigade areas, including British and American troops, have been brought in to provide a more diversified, and some have argued, more robust and effective KFOR presence.

However, French KFOR asserts that there is no military solution to north Mitrovica. It argues that its mandate is to maintain calm, and robust measures would create serious instability. It cites the declining number and reduced intensity of violent incidents as evidence of success.

Yet, however difficult the implementation environment, KFOR has a responsibility to fulfil the above mandate. The attack on UNMIK police demonstrates that weapons are readily available and that a willingness to use violence against the international community exists. A more robust

⁶⁷ ICG interview with UNMIK Regional Administrator.

⁶⁸ Nebosja Covic as quoted in "The Monitor: Morning News Digest", 18 April 2002.

⁶⁹ ICG interview with UNMIK officials. See Regulation 2000/45, "On Self-Government of Municipalities in Kosovo," 11 August 2000, available at www.unmikonline.org.

⁷⁰ Blerim Shala, "Masks and Mitrovica", *Zeri* 18 April 2002. [As translated by: *The Monitor*.]

⁷¹ UNSCR 1244, section 9 c, and h, 10 June 1999.

⁷² Senior NATO officials in Brussels have made accusations to ICG that French KFOR do not follow orders issued from Brussels.

⁷³ See "Bridgewatchers Protect Serb Population from Albanians", in *Morning News Digest*, 29 April 2002.

security presence is clearly needed if UNMIK police and civil administration are to have any serious opportunity to operate freely in the northern portion of the city.

3. Rule of Law

UNMIK Police have operated in the North since the early days of the mission. However, the 8 April 2002 attack demonstrated that north Mitrovica still lacks the elementary conditions for policing. The ability of UNMIK to do this job is impaired by several factors: the existence of the Bridgewatchers and the MUP; the parallel judicial system; the failure to secure the presence of the KPS within the city; and continuing poor coordination with KFOR, including the failure to plan for common engagement in emergency situations.

While a general climate of lawlessness exists in the North, parallel and illegitimate institutions function relatively freely. The MUP operates in all three northern municipalities, and arrests and detains convicted criminals.⁷⁴ The Bridgewatchers operate parallel patrols, and frequently intimidate those who cooperate with and work for UNMIK. The Serbian court system holds trials, and those convicted serve their sentences in Serbia. Potential recruits into the UNMIK justice system are threatened with the loss of salaries and pensions.

One of the critical elements for enforcement of the rule of law in the North is establishment of the KPS. That force operates in other northern municipalities, but the effort to place it in north Mitrovica encountered fierce resistance over the past year. Potential recruits were intimidated and threatened by the Bridgewatchers.⁷⁵ Political leaders in the North demanded that the officers wear a separate uniform with Serbian insignia and have a separate command structure from the rest of the KPS. These demands have softened, and before the recent violence it appeared that a solution was close.⁷⁶

While coordination mechanisms between UNMIK and KFOR have been established, the incident on 8

April demonstrates that much remains to be done. Shortly after that incident, the principal deputy of the SRSG, Charles Brayshaw, and the deputy commander of KFOR went to Mitrovica to re-establish clear lines of communication and responsibility. While some of the breakdown in coordination was due to frequent and disruptive changes of international personnel, part of the difficulty lies in the cultures of the two organisations. Police officers are trained to enforce the law and react immediately to infractions. KFOR has a strict chain of command, and soldiers will generally not intervene unless they receive orders. Despite these differences, they must work together if law and order is to be introduced in north Mitrovica.

D. KOSOVO GOVERNMENT STRATEGY FOR THE NORTH

Some UNMIK officials expressed hope that the provincial government formed early in 2002 as a result of the November 2001 elections would stay out of the Mitrovica problem.⁷⁷ However, Kosovo's Prime Minister, Dr. Bajram Rexhepi, lives in an Albanian area in north Mitrovica and was the provisional mayor of the municipality until another Albanian party (the LDK) won the municipal elections in October 2000. (Rexhepi is a member of the PDK, led by Hashim Thaci.) Rexhepi has called upon UNMIK to work with the Assembly to find a solution for the city.

The Prime Minister's Office has developed a detailed strategy for Mitrovica, which includes three phases. The immediate phase focuses on security issues – extensive joint patrols by UNMIK police and a multinational KFOR, law enforcement, including the arrest of Bridgewatchers, and increased surveillance of the administrative border with Serbia. The second phase would concentrate on dissolving parallel institutions; participation of Serb councillors in the municipal assembly; a unified health and education system and fire brigade, all presided over by internationals for an interim period; and unified management of all public services. Phase three would address the resolution of property disputes; the creation of conditions for return on both sides of the Ibar; and the encouragement of investment

⁷⁴ ICG interview with UNMIK police, April 2002.

⁷⁵ ICG interview with UNMIK Regional Police Commander, December 2001.

⁷⁶ ICG interview with UNMIK police, April 2002.

⁷⁷ ICG interview with UNMIK officials.

within an industrial zone that enjoys guaranteed freedom of movement.⁷⁸

While this proposal is not currently acceptable to the Serbs, who were not consulted in its development, and does not include safeguards for their equitable treatment by the municipality, it presents UNMIK with an important opportunity to work with the new government to help find a local solution to the problem. Members of Povratak, through their roles in the Assembly and Provisional Institutions for Self-Government (PISG), should also be involved in the preparation of such a strategy. Engaging the government would secure buy-in from the Kosovo Albanian leadership, reduce the risk of its further radicalisation on Mitrovica, and further the international community's goal of establishing a responsive and accountable government.

V. SHEDDING THE ALBATROSS: A MULTI-TRACK APPROACH

The status quo in Mitrovica is not tenable. The current situation is undermining UNMIK, radicalising both the Albanian and Serb leaderships and placing a peaceful solution to the problem out of reach. But options are limited. The demand of the Serbs for a separate municipality is destabilising since to the majority of Albanians it foreshadows the partition of the North. While KFOR and the police must, unavoidably, be ready to take more robust measures to establish a safe and secure environment and entrench the rule of law, Mitrovica needs a political solution.

This report argues that the international community has not taken sufficient measures to tackle the problem of Mitrovica. UNMIK is currently engaged in an exercise to define benchmarks of institutional development throughout Kosovo. Achievement of these benchmarks will determine, to a greater or lesser degree, the start of final status discussions. To ensure that UNMIK exercises its mandate north of the Ibar and to demonstrate that the international community takes the issue of Mitrovica seriously, the benchmarks that apply in the rest of Kosovo must also be achieved in the city. The rule of law, security for Kosovo's minority communities, and transparent public institutions must also exist in all of Mitrovica.

A multi-track approach is needed that would implement a combination of measures in the areas of administration, security and rule of law. Based on the analysis in this report, it should be framed and guided by the following objectives:

- the implementation of UNSCR 1244 throughout the whole of Kosovo;
- no division of the Mitrovica municipality;
- a safe and secure environment in north Mitrovica with the rule of law entrenched; and
- legitimate Serb concerns taken seriously and addressed before the municipal elections in autumn 2002.

It should be based upon the following convictions:

⁷⁸ ICG interview with Prime Minister Barjam Rexhepi; Office of the Prime Minister, Memo to SRSB Steiner, 19 April 2002.

- in north Mitrovica, UNSCR 1244 will only succeed when parties cooperate and implement their commitments in good faith;⁷⁹
- no effort will be successful without Belgrade's cooperation, which will not be forthcoming without serious international pressure;⁸⁰
- UNMIK, which is mandated to develop democratic institutions, must take an exemplary approach to Mitrovica, informing the public of the key elements of its policy and taking Albanian leaders into partnership in the search for a solution; and
- no significant progress can be achieved in Mitrovica unless the international community is ready to use force against criminal elements.

Consistent with these objectives and convictions, ICG proposes the strategy laid out below.

A. GAINING BELGRADE'S COOPERATION

With the recent transfers of indicted war criminals to the International Criminal Tribunal for the former Yugoslavia (ICTY), Belgrade has shown that it is susceptible to international pressure when conditionality is applied.⁸¹ The international community needs to exercise equivalent leverage on Belgrade to ensure that UNMIK's writ extends throughout Kosovo.

⁷⁹ It is generally recognised that the success of UNTAES, the UN Transitional Authority in Eastern Slavonia, depended on support from Croatia and the FRY. See "Comprehensive Report on Lessons Learned from United Nations Transitional Authority in Eastern Slavonia", <http://www.un.org/Depts/dpko/lessons/untaes.htm>.

⁸⁰ ICG has repeatedly made the case that international aid to Serbia should be conditioned upon – inter alia – Belgrade's active support for international community policy in Kosovo. See, most recently, ICG Balkans Report No. 126, *Belgrade's Lagging Reform: Cause for International Concern*, 7 March 2002.

⁸¹ On the most dramatic transfer of an indictee to The Hague, see ICG Balkans Briefing, *Milosevic in The Hague: What it Means for Yugoslavia and the Region*, 6 July 2001.

Covic's recent statements – attempting to condition Belgrade's cooperation with UNMIK upon the creation of a separate municipality – should be regarded as confirmation that Belgrade will not improve its stance towards UNMIK or Kosovo without clear international pressure. The international community should send a message that it will not accept a separate municipality, that Belgrade must dissolve parallel structures, accept UNMIK's authority (including the KPS), and cease interference in Mitrovica and the rest of Kosovo; and that partition is not a final status option. Clear parameters for cooperation with UNMIK must be set and followed.

Belgrade's cooperation with UNMIK on issues such as dissolving parallel structures in the North, enabling Serbs to serve on the Kosovo judiciary without fear of penalty, and facilitating a multiethnic KPS in north Mitrovica, should be a precondition for the FRY (or its successor) to be granted membership in the Council of Europe or the Partnership for Peace, and for a Stabilization and Association Agreement with the European Union. Donor assistance for the Republic of Serbia budget should not be diverted into supporting parallel structures.⁸²

A. SECURITY AND THE RULE OF LAW

French KFOR has been accused of not taking sufficiently robust measures towards Serb criminals, and has lost the confidence of the Albanian population. As KFOR is currently undergoing a command rationalisation, it should be possible to rotate the contingent in Mitrovica, the most difficult operational area in the province.

Coordination mechanisms between UNMIK police and KFOR must be strong enough to ensure that the former can perform their duties with confidence. In response to the recent violence,

⁸² In previous ICG reports, we have called upon the international community to condition Yugoslavia's access to Euro-Atlantic structures upon its cooperation on issues such as ICTY and the release of Albanian prisoners. See ICG Balkans Report No. 126, *Belgrade's Lagging Reform: Cause for International Concern*, 7 March 2002; ICG Balkans Report No. 124, *A Kosovo Roadmap: Addressing Final Status*, 28 February 2002, and ICG Balkans Report No 129, *Still Buying Time: Montenegro, Serbia and the European Union*, 7 May 2002.

UNMIK and KFOR placed liaison officers in their respective headquarters to assist in the coordination effort. Such measures must be institutionalised to ensure they are not disrupted by frequent rotation of personnel.

KFOR and UNMIK police must crack down on the Bridgewatchers. Where evidence exists for charges to be brought, individuals must be arrested. Those responsible for grenade attacks on the police must be brought to justice. True, a KFOR spokesman has promised that "UNMIK police have decided to arrest all those who have caused trouble. KFOR is ready to help the UNMIK police in carrying out this action".⁸³ But similar promises have been made in the past; UNMIK and KFOR must now demonstrate the resolve to take real action.

While the international community must pressure Belgrade to cut support to parallel structures, the police and KFOR will play an important role in overseeing this process. For example, Serbian Telecom must be dismantled in the North whether the local Serbs accept it or not.

The rule of law cannot be extended throughout Mitrovica unless a multiethnic KPS force patrols in the North. Negotiations have brought no progress. A missing component has been international pressure on Belgrade to accept the KPS. While Serb demands for a separate uniform should be rejected, other requests could be considered. For example, there could be KPS training in the North, provided that the majority of training remained at the KPS Police School in Vushtrri/Vucitrn, and any classes in the North were multiethnic.

C. A SERVICE AGREEMENT BETWEEN NORTH AND SOUTH

While the demand of north Mitrovica Serbs for a separate municipality must be refused, the fears that underlie it should be taken seriously. There is no trust in the ability, or willingness, of the Albanian-dominated municipality to provide equitable services, or to protect Serb rights and

interests more generally. In view of Serb experience throughout Kosovo since 1999, this distrust is reasonable.

Acknowledging that special efforts must be made to address these concerns, UNMIK established the Community Office. While this was a positive step, it is insufficient to overcome local resistance.

The international community also attempted to establish a multi-ethnic market in Mitrovica. While the concept of the shared market has been announced in repeated UNMIK strategies, little has been done to turn this from an excellent idea into a vibrant reality. In any case it would be only a small element in the economic development that the entire northern region of Kosovo so desperately needs.

Serbs must be guaranteed two things: First, that they will receive equitable services from the municipality; and secondly, that they will have a say in how these services are provided through elected municipal representatives.

An agreement for the provision of integrated services should be reached between the municipality and Povratak Assembly members from Mitrovica (until municipal Serb officials are elected). This service agreement would recognize:

- (a) the equality of Serbs, as well as other communities, in the municipality;
- (b) the integrity of the municipality of Mitrovica; and
- (c) the special circumstances of Serbs living in the North, i.e. security concerns and the need to protect their language and culture.

By expanding the responsibilities of the Community Office, this agreement would establish a *Specially Administered Area* in north Mitrovica. The community office would oversee the implementation of this service agreement. This area would exist for an interim period of one year only, leading to its integration into the municipality.

As conditions for taking this step,

- (a) Covic and local Serb leaders should first publicly commit themselves to accept UNMIK's administrative and policing authority, including a multiethnic KPS

⁸³ "UNMIK police to arrest troublemakers in Mitrovica", RTK interview with Eric Zanolini, French KFOR, as quoted in *The Monitor: Weekend Broadcast Media Monitor*, 14 April 2002.

- contingent, and to demonstrate that support for parallel structures had been cut;
- (b) both sides would have to commit themselves publicly to support the right of return;
 - (c) the Albanian authorities south of the river would commit themselves to ensure that Serbs were treated as equal citizens, and that services would be provided in an equitable manner to the northern area of the city. For their part, the Serbs would commit themselves to accept the provision of these services; and
 - (d) the international community, meanwhile, would pressure Belgrade to dissolve the parallel structures and cooperate with UNMIK. Donors could provide financial incentives, with specific projects being contingent upon clear evidence that communities were cooperating with UNMIK and each other.

The service agreement would specify the services that should be provided from the municipality to the North, the terms of that provision, and the North's responsibilities to facilitate delivery. It would set out clear, identifiable deliverables that the municipality and the Serb community have to meet.⁸⁴

Following the municipal election, north Mitrovica's elected representatives would work with UNMIK to oversee the activity of the Community Office, and participate with Albanian members of the Mitrovica Assembly in an overarching coordination committee to implement the service agreement. UNMIK representatives would be members of this committee. This would provide Serbs in the North with a degree of local autonomy and a say in how their services are delivered. It would also entrench the principle of a single municipality and one municipal president.⁸⁵

This Coordinating Committee would also be a forum to oversee cooperation in areas outside immediate municipal responsibilities. For example, it could provide a mechanism to discuss

how to bring the KPS into the specially administered area, to monitor the dissolution of the Bridgewatchers and the closing down of parallel institutions, to ensure cooperation with the Housing and Property Directorate, and to tackle the issue of access to the hospital and the provision of higher educational services in the North. If necessary, a second service agreement between the PISG and the Coordinating Committee could be made to facilitate progress on issues outside of the municipal responsibilities.

UNMIK and the Coordinating Committee could also examine and propose power-sharing arrangements within the municipal structure to encourage Serb participation in the Assembly and to add safeguards to protect the rights of Serbs in the municipality.

The timeframe for implementation of this service agreement would be one year. Therefore, the specially administered area should be announced at the outset as lasting for this limited time period.

The one-year timetable for the provision of integrated services would give the Albanian community an obvious incentive to support this interim arrangement. If it failed to uphold its commitments, the SRSG, using his power under Regulation 2000/45, could impose sanctions up to dissolving the Municipal Assembly.⁸⁶

Given their distrust of UNMIK and the support they currently receive from Belgrade, the Serbs lack an equivalent incentive to cooperate in this arrangement. However, the international community's overriding priority is to extend UNMIK's writ and the rule of law throughout Kosovo. Accordingly, the motivation for the Serbs to support this agreement in good faith would have to come from their realisation that there is no other alternative. For this to be credible, the international community must ensure that the

⁸⁴ These benchmarks would be based on municipal responsibilities for the provision of services outlined in Regulation 2000/45.

⁸⁵ The establishment of an interim separately administered area would be permissible under Regulation 2000/45, Section Five. Regulation available at: www.unmikonline.org/regulations/index.htm.

⁸⁶ UNMIK Regulation 2000/45 states that: "If the Special Representative of the Secretary General considers that a Municipal Assembly is persistently taking action that would fail to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo, contrary to United Nations Security Council Resolution 1244, he may dissolve the Assembly and direct that new elections shall take place". See UNMIK Regulation 2000/45, 11 August 2000.

authorities in Belgrade cut support for parallel structures.

If the Service Agreement fails, an alternative would be to turn Mitrovica into a unified "special district" under direct international administration. The relative success of the Brcko Special District in Bosnia and Herzegovina⁸⁷ makes the option attractive, but this measure would require an unprecedented level of international commitment to Mitrovica.

D. TRANSPARENCY

Following the latest violence in Mitrovica, SRSG Steiner assured the public that he had a plan to resolve the problem of northern Kosovo but that it was premature to put it in the public domain.⁸⁸ "All I have to say on this issue is that we are now working very intensively on the solution, which is in conformity with the principles we have to defend on the basis of [Security Council Resolution] 1244."⁸⁹

As discussed above, rumours are circulating that UNMIK has signed an agreement with Belgrade conceding a separate municipality. Ethnic Albanians are intensely and legitimately concerned, and need to be assured of the broad outlines of UNMIK's vision. UNMIK must make clear public statements on its intentions and involve the elected government in any of its initiatives.

By working with the government, including Serb members of the Kosovo Assembly, UNMIK would ensure a sustainable strategy and obtain support for its implementation. In addition, UNMIK could use this cooperation to galvanise government support for measures to address the underlying fears and

concerns of the Serb community. A clear statement by the government could be made on the equality of Serbs, their right to equal services and freedom of movement, and on the right of all communities to return to their homes.

The progress made in implementing UNMIK's strategy for north Mitrovica warrants a separate section in the quarterly "Reports of the Secretary General on the UN Interim Administrative Mission in Kosovo."

⁸⁷ Brcko is a district that is shared between the Republika Srpska and the Bosnian Croat Federation. Ethnic Albanians would not support a Brcko-type solution for Mitrovica, as it would entail dissolving the self-governing municipal structures established following the 2000 municipal elections. If those municipal structures discharge their obligations to Serb residents, a Brcko-style solution will not be necessary.

⁸⁸ "Solana and Steiner promise quick results in northern Kosovo", *Zeri* 18 April 2002.

⁸⁹ SRSG Press Briefing, 17 April 2002. Available at: www.unmikonline.org/press/2002/trans/tr170402.htm.

VI. CONCLUSION

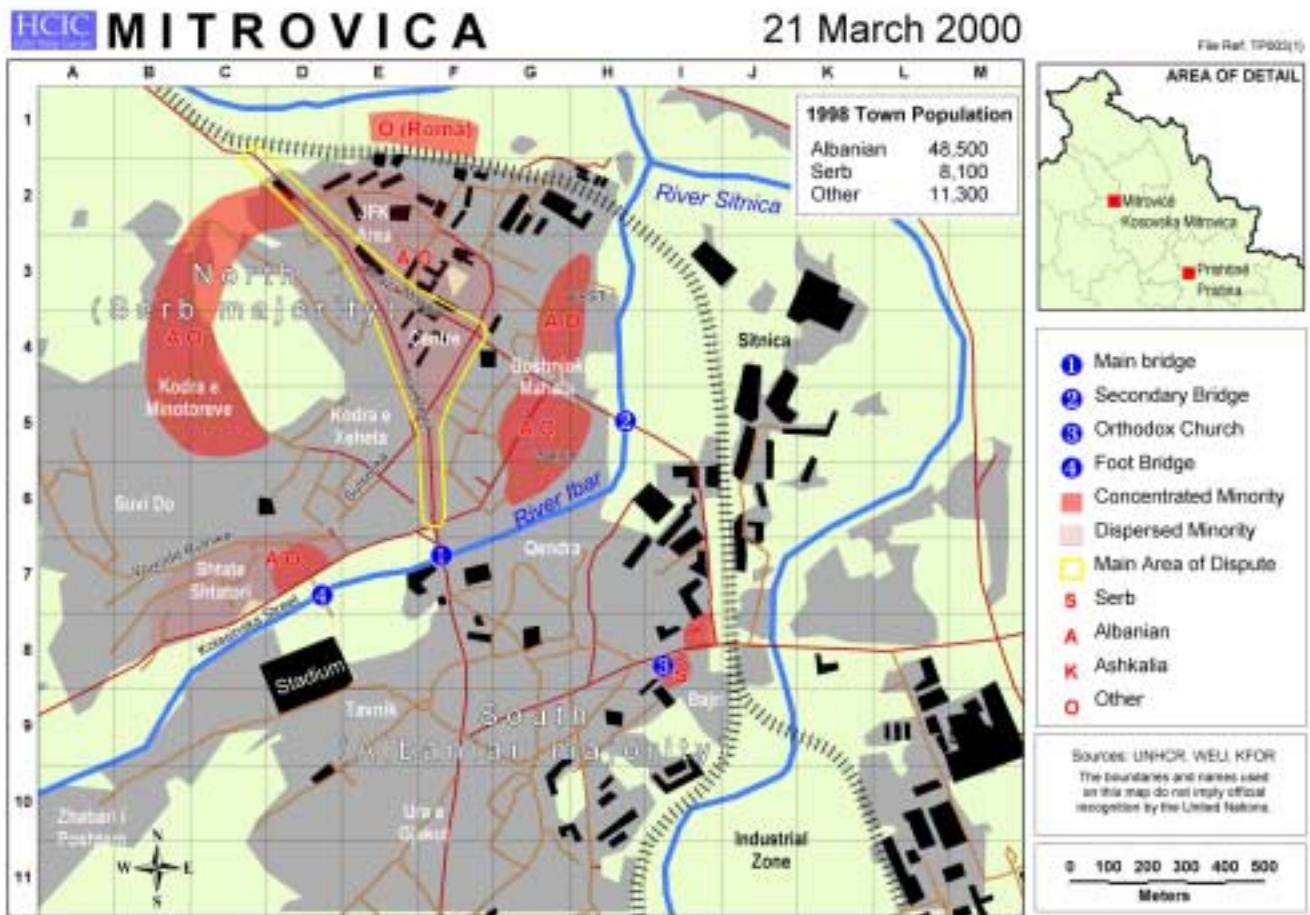
In any initiative on Mitrovica, the key concerns of the parties – the Serb fear of expulsion and the Albanian fear of partition – as well as the principle of Kosovo's territorial integrity must be addressed. This report argues for a multi-track approach, focusing on administration of the North, security, and the rule of law, coupled with strong pressure on Belgrade to cooperate, and transparency of UNMIK. However, none of the initiatives suggested will be successful in the absence of the others.

Mitrovica is a problem that will continue to destabilise Kosovo unless concrete steps are taken. KFOR and UNMIK must place a high priority on dealing firmly with those Serbian elements that oppose imposition of UNSCR 1244 and the civilian structures created under its authority. However, such steps require political will. The key question is how much of that exists in the international community to tackle division in Mitrovica.

Pristina/Belgrade/Brussels, 3 June 2002

APPENDIX A

MAP OF MITROVICA



APPENDIX B

MAP OF KOSOVO



APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

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ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices with analysts working in nearly 30 crisis-affected countries and territories and across four continents.

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June 2002

APPENDIX D

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