

EVERYDAY ANXIETIES IN A DIVIDED SOCIETY AT THE TIME OF COVID-19: CONSEQUENCES OF THE DUAL LEGAL AND ADMINISTRATIVE SYSTEM IN THE NORTH OF KOSOVO

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This paper analyses the measures introduced by the governments of Serbia and Kosovo in the north of Kosovo aimed at suppressing the spread of COVID-19. Northern Kosovo is an interesting case due to the existence of dual legal and administrative system – one run by the Serbian government in Belgrade, and the second one run by the Kosovo authorities in Pristina. Drawing from the theory of contested statehood, the authors argue that the institutions of both sides, who have been vying for power in this region for years, used almost all available means to demonstrate their respective „statehoods“ (ability to execute power) regardless of consequences this has had for the locals. The analysis has shown, first, that in such a conundrum, the majority of people attempted to adhere to the measures of both systems in order to avoid both formal (legal) and informal (social) sanctions; second, that the authorities do not shy away from fighting for supremacy even in the cases, where the cooperation of all stakeholders would be sine qua non for reducing the impact of pandemics.

Key words: Northern Kosovo; COVID-19; contested statehood; dual legal and administrative system.

1 INTRODUCTION²

Due to armed conflicts and unresolved political issues stemming from them, a few territories around the world are nowadays considered “contested”. As such

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can be labelled the areas, over which two or more political authorities (governments) claim the jurisdiction. In contested territories, fighting the pandemics, such as the one caused by COVID-19, is even more difficult, because people often receive contradicting instructions from each of the competing authorities. This leaves many people puzzled or even anxious, because they are not certain which measures they are supposed to respect.

Northern Kosovo is an example of a territory over which both the Government of Serbia and the Government of Kosovo claim to have jurisdiction. In order for the situation to be even more complex, it is in this part of Europe where global geopolitical struggles between the strongest geopolitical actors are being fought (Anđelić 2020). Using the case study of Northern Kosovo, in this article we examine how the two political authorities fight for supremacy over the territory (and the people living there) even in the cases where the cooperation of all stakeholders would be inevitable for the success in limiting the detrimental impact of pandemics. Nevertheless, it should be noted that the difficulties in combating pandemics stemming from geopolitical struggles are not limited to contested territories; they appear in politically less challenging environments, as well (Udovič 2020).

The paper analyses the key governmental decisions adopted in Serbia and Kosovo in order to prevent the spread of COVID-19 infection from March 11, 2020 to April 15, 2020. Drawing from the theory of contested statehood, we are answering two research questions. First, how do the governments of Serbia and Kosovo try to demonstrate their exclusive statehood over the north of Kosovo and the people living there even in the field of combating COVID-19? Second, how is daily life of people affected by such attempts of both governments and what are social and legal implications of vying for supremacy between the two authorities? The research was conducted by analysing primary and secondary sources, and by the method of observation in the north of Kosovo.

2 SPECIFICS OF THE LEGAL AND ADMINISTRATIVE SYSTEM IN NORTHERN KOSOVO

During and after the NATO attack on the Federal Republic of Yugoslavia (FRY) in 1999, many ethnic Serbs, for security reasons, left their homes in the central and southern part of Kosovo and sought protection in central Serbia. In addition, ethnic Serbs also settled in large numbers north of the Ibar River, in the four northernmost municipalities in Kosovo (Kosovska Mitrovica, Zvečan, Zubin Potok and Leposavić). "With the help of the natural border – the Ibar River –, they relied on Serbia and the French KFOR forces and so managed to save themselves and their homes." (Marković Savić 2018, 3). After 1999, Kosovo was unofficially divided into a part inhabited mainly by people of Serbian ethnicity (north of the Ibar River) and a part inhabited mainly by people of Albanian ethnicity (south of the Ibar River). As a result, the terms "northern part of Kosovo" and "southern part of Kosovo" were formed, which are in everyday use today, not only among people, but also among journalists, political officials, and scholars (Mutluer and Tsarouhas 2018; Zupančič 2019; Kočan 2019).

When armed conflict between NATO and uprising Kosovo Albanians on the one side, and the FRY troops on the other side was coming to an end, the United Nations Security Council adopted the Resolution 1244 (June 1999). According to it, FRY military and police forces were forced to withdraw from Kosovo, while the

provision of security was vested on multinational forces, NATO troops in particular. With the formal confirmation of the sovereignty and territorial integrity of the FRY, the Security Council established a United Nations Interim Administration Mission in Kosovo (UNMIK), tasked with forming a multi-ethnic and multi-confessional democratic society (Slović 2009). Kosovo unilaterally declared independence in 2008,³ which, contrary to the previous self-proclaimed independence by Kosovo Albanians in 1991, managed to attract recognition from some countries.⁴ UNMIK is still present in Kosovo – and so are several other international organisations (Beha and Hajrullahu 2020) –, while the representatives of Government of Kosovo are trying to establish absolute authority over the entire territory of Kosovo. However, the Government of Kosovo exercises absolute power only in the central and southern part of Kosovo, while this is not the case in the northern part, where its authority has been constantly challenged by the government of Serbia and the majoritarian Serbian population (Mahr 2018).

In 2021, residents of Northern Kosovo still use personal documents (identity card, passport, driver's license) issued by the institutions of the Republic of Serbia. Personal documents are in the Balkans, however, are not a question related to legal issues only, but to identity questions (Zupančič et al. 2021). On the other hand, many Serbs living in the central and southern part of Kosovo (mostly enclaves, such as Gračanica or Štrpce) also have personal documents issued by the institutions of the Republic of Serbia, but are not able to use them to the extent that people living in northern Kosovo do, precisely because the Government of Kosovo exercises absolute control over that part of the territory. A certain number of people living in Northern Kosovo also use personal documents issued by institutions of Kosovo; most often Kosovar documents are a precondition for employment opportunities and other benefits (e.g. right to social assistance). This is possible because the representatives of the Government of Kosovo are trying to establish absolute power in Northern Kosovo, and to position themselves firmly in that part of the territory, forming institutions in which people will find employment. By doing so, people's daily lives are increasingly connected to the work of institutions funded by the Government of Kosovo (Vulović 2020; Zupančič 2019).

Although the Republic of Serbia does not have *de facto* power in Kosovo, it is "present" in Kosovo through the existence of health and education institutions, as well as Provisional Municipal Bodies⁵ that exist in all municipalities in Kosovo where ethnic Serbs are the majority. The above-mentioned Provisional authorities adopt decisions that are in line with the decisions adopted by the Republic of Serbia.⁶ This authority is particularly important in Northern Kosovo, first, because of the Serbs' majority in all four northern Kosovo municipalities. Secondly, Kosovo does not exercise complete control over this part of territory which "allows" the Republic of Serbia more room to exert influence. Finally, the

³ More information available at: <https://www.slobodnaevropa.org/a/992097.html>.

⁴ See the list of countries currently recognizing Kosovo as an independent state and those that have withdrawn recognition: https://worldpopulationreview.com/country-rankings/countries-that-recognize-kosovo?fbclid=IwAR0FBZ_qsQpPHSp-HGW6l6vebdUJypyzNo3qvCnrX0Udq5C4sLIQko--Flo.

⁵ As an example, see the website of the Provisional authority of the Municipality of Kosovska Mitrovica at <http://kosmitrovica.rs/>.

⁶ It can be observed that the existence of the mentioned temporary bodies is increasingly proving to be a mere formality. In previous years, especially immediately after the end of the armed conflict in 1999, this was not the case, as was particularly evident in Northern Kosovo. However, in the circumstances resulting from the COVID-19 pandemic, the situation on the ground has shown that the Provisional authorities in Northern Kosovo have had some impact on people.

reliance on Serbia and the daily contacts (business and private) that Serbs of Northern Kosovo have with people living in central Serbia certainly affect the maintenance of a "pro-Serbian climate". Certainly, it should not be forgotten that members of the Ministry of Internal Affairs of the Republic of Serbia were present in Northern Kosovo until 2013, when they were, according to the Brussels Agreement,⁷ integrated into the Kosovo Police Service.⁸ Therefore, although the Republic of Serbia does not exercise power in Kosovo in the institutional sense, however, the above-mentioned factors enable it to exert a certain influence on the people in Northern Kosovo.

3 KOSOVO THROUGH THE LENS OF CONTESTED STATEHOOD THEORY: THEORETICAL FRAMEWORK

Although there is no single definition of what contested statehood is, many scholars have tried to explain this phenomenon. Kolsto emphasizes that "these political entities are referred to by various names: 'de facto states', 'unrecognized states', 'para-states', 'pseudo-states', and 'quasi-states'" (2006, 723). Accordingly, Kolosov and O'Loughlin (1999, 152) explain that "pseudo-states have achieved varying but low levels of recognition by the international community, are highly involved in local wars whilst their unsettled political status makes further conflict possible". Also, they add that "another set of 'quasi-states' with fungible territorial control is predicted on criminal or quasi-criminal organizations, frequently specializing in the production and sale of drugs, as well as the illegal traffic of weapons and in the laundering of 'dirty money'". Considering this, Kosovo has been identified as a contested territory, where organized transnational crime network with – like in many other countries in the region, see Prelec (2020) – severely influences everyday life.⁹ Mandić (2021, 54) even claims that Kosovo became "the world's first Mafia state", which is a singular phenomenon in post-1945 European history, because "separatist drug smugglers came to account for 70 percent of the total drug imports into Europe from the east". When it comes to quasi-states, Bouris and Papadimitriou (2020, 280–281) explain that this term "has mainly been used to describe states that have received international recognition, but have subsequently lost their ability to function effectively", while, on the other side, "the term 'unrecognized states' focuses predominantly on the issue of international recognition, overlooking the fact state contestation may persevere even in the face of widespread international recognition (i.e. Kosovo)". The authors argue that, for these reasons, they opt for the use of the broader (and less loaded) term "contested states", as initially coined by Geldenhuys (2009).

Geldenhuys (ibid.) notes that the defining feature of contested states is the internationally disputed nature of their purported statehood, manifested in their lack of *de jure* recognition. The author explains that, although serious, the deficit in recognition is not the same for all contested states.¹⁰ But whatever differences

⁷ Brussels Agreement, item no. 7. Available at <https://www.srbija.gov.rs/cinjenice/en/120394>.

⁸ More on the integration at <https://www.rts.rs/page/stories/sr/story/9/politika/1470483/integracija-bivsih-srpskih-polica-u-kps.html>.

⁹ To further examine about this theme, we recommend the Italian documentary movie "La Guerra infinita" (The infinity war) by Riccardo Iacona (Produced by: RAI TV ITALIA). A part of the movie is available at https://www.youtube.com/watch?v=W_a34hAeipU.

¹⁰ Accordingly, Bouris and Kyris (2017) suggest that there is high external sovereignty where there is recognition by more than two-thirds of United Nations (UN) member states, low external

among them, all contested states „experience collective non-recognition in the sense of being deliberately excluded from UN membership“ (Geldenhuis 2009, 7). Heller and Sofaer (2001, 27) recognize “eligibility to become a member of and fully participate in the United Nations and other international bodies, to seek loans and other financial assistance from international institutions, such as the International Monetary Fund and World Bank, and to join in litigation in the International Court of Justice (ICJ) as a party” as one of several main principles of statehood. While Kosovo is a member of the International Monetary Fund, World Bank, and other international organizations, such as FIFA, UEFA, and CEFTA, UN membership did not happen. In addition, Kosovo’s application for membership in Interpol in 2018 was rejected (Cvetković and Teodorović 2018).

If we consider that contemporary nation-states enjoy double sovereignty: internally, *vis-à-vis* their citizens, and externally, *vis-à-vis* other states, contested states do not fit this basic description of the nation-state in today’s world. Kolsto (2006) explains that “some would-be states lack internal sovereignty: in these cases, the state authorities, while internationally recognized as the sole representative of the state, nevertheless fail to fulfil the basic tasks required of them with regard to the provision of services to and protection of their citizens. In other cases, the state as such is not accepted by the international community as legitimate” (2006, 724). “For supporters of the declaratory theory of recognition, the key component of statehood is a government capable of maintaining control over its population and territory” (Geldenhuis 2009, 12), so, accordingly to this, Bouris and Kyris (2017) emphasize that territorial disputes and/or secession efforts come with lack of control of the contested state government over its self-proclaimed territories because the parent or reference state might be able to exercise control over those areas. Although Visoka claims that “Kosovo has demonstratively fulfilled the core criteria for modern statehood /.../ an effective government with effective authority throughout the territory” (2018, 4), we will show in the next chapter that Kosovo, though it has institutions of repressive state apparatus in the whole territory, actually does not have a complete authority in Northern Kosovo, and does not manifest a “full power” because of several reasons. In this sense, Vulović emphasizes that Serbia has sovereignty over Northern Kosovo “because Serbia’s sovereignty is not only performed through institutional presence and practice, but also symbolically constructed in everyday practices” (2020, 12). She singles out Serbian state flags displayed in Northern Mitrovica (which are also displayed throughout the whole territory of Northern Kosovo), the statue of Prince Lazar in the center of northern Mitrovica, and the street names that are written in the Serbian Cyrillic Alphabet as examples of the symbolic institutions of the Serbian state in the North (ibid.). Due to this, we can claim that Kosovo, like other contested states, has a lack of control over one part of the territory the Kosovo government proclaimed as “state territory”.¹¹

Finally, Coppieters (2018, 349) emphasizes that “non-recognition policies aimed at withholding the legal status of statehood do not necessarily mean that a non-recognized entity is treated as a legal nullity /.../ there are a number of terms – such as ‘*de facto* authorities’ or ‘*a de facto* administration’ – that acknowledge that the institutions are actually in control of breakaway territories”. In this sense, representatives of the authorities in Serbia negotiate about the Kosovo’s issue

sovereignty where less than one-third of UN members recognize, and the rest of contested states enjoying medium external sovereignty.

¹¹ More about the relationship between sovereignty, authority and contested states in Krasner (2001), Boli (2001), Bouris and Papadimitriou (2020) and Börzel and Risse (2010).

directly with the representatives of the authorities in Kosovo (through mediation of EU's representatives or representatives of the USA), what confirms that Kosovo, though non-recognized entity (excluded from UN membership), is not treated as a legal nullity.¹² Krasner also claims that "lack of recognition has not prevented states from engaging in negotiating and contracting" (2001, 10). Coppieters (2018, 350) adds that "de facto status does not imply any form of state recognition. The term simply indicates an acceptance, for practical purposes, of the authorities in control of a territory and, primary, the need for some minimum interaction, and for negotiation". Thus, Ker Lindsay (2015) notes that number of countries that did not recognize Kosovo as an independent state maintained a formal diplomatic presence in Pristina. He cites an example of Russia's liaison office, and a liaison officer in Pristina (as one of examples), which "merely serves as a mechanism for observing the situation on the ground", and "serves as an embassy in all but name" (2015, 13). Another example of this kind is the Liaison Office of Greece in Pristina.¹³

4 DUAL LEGAL AND ADMINISTRATIVE SYSTEM: DOUBLE MEASURES, CONFUSION, ANXIETY

Due to the spread of pandemic, a state of emergency was declared in Serbia on March 15, 2020, followed by several other measures (Official Gazette of the Republic of Serbia 2020).¹⁴ The decision by the Serbian government is that all of these measures are valid on the entire territory of the republic, which includes (according to the Constitution of the Republic of Serbia¹⁵) the territory of Kosovo. At the same time, the Government of Kosovo has also taken certain measures to prevent the uncontrolled spread of the COVID-19 infection.¹⁶ Given that Serbia *de facto* has no effective power in Kosovo, a dilemma arises as to how the people in the north of Kosovo – predominantly Serbs – would be forced to adhere to these decisions. And further, whose and which measures are to be respected?

The problem with implementing these preventive measures for people living in Northern Kosovo is that the education system of the Republic of Serbia still exists and functions in the territory of Kosovo, in areas where people of Serbian ethnicity represent the majority of the population. Therefore, it is concluded that the above-mentioned decision of the representatives of the Government of Kosovo does not apply to kindergartens, preschools, schools, and universities located in Kosovo, which operate within the system of the Republic of Serbia. However, the representatives of the Government of Kosovo pointed out that their decision applies to all people in the entire territory of Kosovo (Zejneli Loxha 2020). Serbian authorities and experts were stating that it was too early to implement such a rigorous measure (but that it would be considered if need be).

¹² After the signing of the so-called Washington Agreement, the journalist asked a special U.S. envoy to Kosovo Richard Grenell whether Serbia and Kosovo had signed an agreement between themselves, or with the USA? Grenell answered: "They signed the agreement to work together, they did not sign it with the USA". See <https://rs.n1info.com/vesti/a636565-grenel-kosovo-i-srbija-nisu-nista-potpisali-sa-sad>.

¹³ Greece, along with four other EU members (Spain, Cyprus, Slovakia and Romania), does not recognize the statehood of Kosovo.

¹⁴ OGRS (2020b; 2020c; 2020d; 2020e; 2020f).

¹⁵ Constitution of the Republic of Serbia, Article 182. Available at https://www.paragraf.rs/propisi/ustav_republike_srbije.html.

¹⁶ First, on 11 March 2020, the representatives of the Kosovo government decided to suspend classes in kindergartens, pre-schools, primary schools, secondary schools, and universities until 27 March 2020 (Kosovo Online 2020).

People in Northern Kosovo were at first confused and frightened, as they did not know whether their children would be able to go to school and whether they, as their parents, would therefore bear responsibility and suffer certain sanctions, because the representatives of the Government of Kosovo announced the closure of schools and the punishment of those who would not respect the adopted measures. The situation was resolved by the representatives of the authorities of the Republic of Serbia making the decision to suspend teaching from March 16, 2020 on in the institutions of the educational system on the territory of Kosovo, which operates in the framework of “the Serbian system” (KoSSev 2020a).

In addition, on March 13, 2020, Kosovo’s authorities decided to close border crossings to all people entering Kosovo, except for people who have Kosovo citizenship and who were arriving from abroad (KoSSev 2020b). Such a decision was a problem for those people living in Northern Kosovo who only have personal documents issued by the institutions of the Republic of Serbia, and who were outside Kosovo immediately before the decision was made. These people were afraid if they would be able to cross to Jarinje or Brnjak (only two crossings linking Kosovo with central Serbia) with an ID card issued by the institutions of the Republic of Serbia, as they usually do. However, despite the decision of the representatives of the Government of Kosovo, people who wanted to return to their homes in Northern Kosovo crossed the Jarinje crossing without any problems with an ID card issued by the institutions of the Republic of Serbia, with mandatory self-isolation for 14 days. Even more dramatically, the representatives of the Government of Kosovo announced a decision to take all persons, including those living in Northern Kosovo who entered the territory of Kosovo at one of the six crossings, after medical examination to a quarantine center selected by the representatives of the Government of Kosovo. In practice it meant they would be taken to the student center in Pristina – a city many Serbs prefer to avoid –, where at that time was the only preventive quarantine centre (KoSSev 2020c).¹⁷ However, after a few days, the mentioned decision was put out of effect, and the previous decision was reinstated (namely, that people entering the territory of Kosovo are obliged to be in self-isolation for 14 days). People welcomed the change of decision with a relief, considering that, for security reasons, self-isolation is a much more acceptable option for them than a quarantine in Pristina for 15 days.¹⁸

The measure, which was introduced by the representatives of the Government of Kosovo, and which refers to the obligation that everyone who enters the territory of Kosovo must be in self-isolation for 14 days, especially disturbed those who travel daily from Northern Kosovo to central Serbia, in particular to Raška or Novi Pazar¹⁹ for work (as well as those traveling in opposite direction). The mentioned measure meant that if a person, who leaves the territory of Kosovo for work and then re-enters the territory of Kosovo, would have to spend 14 days in self-isolation upon their return, which is why they would not be able to go to work for the next 14 days. For people living in Northern Kosovo, who are employed in the Serbian health institutions in Raška or Novi Pazar, this problem was solved by the authorities of the Republic of Serbia with the decision that these workers would go to the nearest health institution in Northern Kosovo to do their job instead of commuting to Raška or Novi Pazar.²⁰ However, that does

¹⁷ Read more about it at the following link <https://kossev.info/putnicima-na-jarinju-receno-da-ce-morati-u-karantin-u-pristinu/>.

¹⁸ These facts are based on author’s own observation in the north of Kosovo.

¹⁹ Raška and Novi Pazar are the cities in Serbia that are closest to the north of Kosovo.

²⁰ Author’s own observations, based on conversations with people in the north of Kosovo.

not change the fact that people spent a few days in doubt and anxiety, and also feared losing their job.

The consequences of such situation were dramatic in particular for all people who are ill and who consume medicines every day, because the Government of Kosovo decided not to allow the import of medicines produced in central Serbia, which are not registered in the Kosovar system (KoSSev 2015; Radio KIM 2015). As a result, people living in Northern Kosovo were forced to buy medicines in the nearest town in central Serbia (most often in the closest town of Raška, which means travelling through the crossing point between Kosovo and Serbia – an issue particularly difficult, when borders are busy). However, due to the adopted measures that required self-isolation for 14 days after returning to Kosovo, people could not be supplied with medicines without hindrance. Therefore, for all people in need of medicines (especially for people over 65), and who could not buy them themselves, medicines were bought and delivered to their homes by volunteers of various crisis headquarters that were formed within all four municipalities in Northern Kosovo.²¹

While the Republic of Serbia adopted a ban on movement for all persons between 5 PM and 5 AM the next day, the Government of Kosovo initially adopted a ban on movement for all persons in two intervals, between 10 AM and 4 PM and from 8 PM until 6 AM the next day (KoSSev 2020d). Given that the representatives of the authorities of the Republic of Serbia called on the people living in Kosovo to respect the decisions and measures to combat the spread of the COVID-19 infection adopted by them (Office for Kosovo and Metohija 2020), people in Northern Kosovo could in practice move only from 6 AM to 10 AM and from 4 PM (when the part of the curfew introduced by the Kosovo's authorities ends) to 5 PM (when the curfew introduced by the authorities of the Republic of Serbia begins). In essence people would have only five hours a day for unrestricted movement if they wanted to adhere to the measures adopted by both Serbian and Kosovar governments – which they had to adhere to because otherwise sanctions would have followed. A proof that legal sanctions have indeed affected people in Northern Kosovo is shown by the case of apprehension of a person of Serbian ethnicity in northern Kosovo (in Lešak) by the Kosovo Police Service (KPS), because he was away from home during the curfew imposed by the Kosovo's authorities (KoSSev 2020e).

After a few days, the Government of Kosovo changed their decision and instead of a double curfew, “only” one curfew, lasting from 5 PM to 6 AM the next day, was introduced. This made it easier for people living in Northern Kosovo to carry out daily activities, given that the duration of the curfew adopted by the Government of Serbia and the curfew adopted by the Government of Kosovo coincided. However, that does not change the fact that the people were confused and it was not clear to them what measures they must adhere to in order to avoid sanctions.

There are two administrative institutions in Northern Kosovo, namely: municipalities that exist within the system of Kosovo's institutions²² and Provisional authorities formed within all four municipalities in Northern Kosovo, which exist within the institutions of the Republic of Serbia.²³ This means that all

²¹ More on the activities of the volunteers of the crisis headquarters in Leposavić at <https://www.leposavic.net/volonteri-opstinskog-staba-stizu-do-svake-kuce/>.

²² As an example, see Municipality of North Mitrovica at <http://www.esevernamitrovica.com/>.

²³ As an example, see Municipality of Kosovska Mitrovica at <https://kosmitrovica.rs/>.

four municipalities in Northern Kosovo have a dual (parallel) administration. Crisis staffs have been formed within the municipalities that exist as part of the system of Kosovo's institutions and within the aforementioned Serbian provisional authorities. Representatives of municipalities that exist as part of the Kosovo's institutions make decisions in accordance with the decisions adopted by the representatives of the Government of Kosovo, while representatives of the Provisional authorities, who receive instructions from Belgrade, adopt decisions that are in line with the decisions of the government of Serbia.

All stores in Northern Kosovo were initially open until 3 PM on weekdays and until 1 PM on weekends, which is in line with the measure adopted by the government of Serbia (and also adopted for Northern Kosovo by representatives of the Serbian provisional authorities).²⁴ On the other hand, based on the decision of the Crisis staff consisting of representatives of municipalities that exist within the system of Kosovo's institutions, the municipalities of North Mitrovica²⁵ and Zvečan were quarantined on April 3, 2020 due to increased number of patients (KoSSev 2020f). This decision was made without an initial official statement by the representatives of the Government of Kosovo.²⁶ In addition, the curfew introduced by the Kosovo's authorities in the municipalities of North Mitrovica and Zvečan lasted from noon to 6 AM the following day, as opposed to the remaining two municipalities in Northern Kosovo, in which curfews introduced by the Government of Kosovo lasted from 5 PM to 6 AM the following day (KoSSev 2020g). Thus, it is clear from the above that in Northern Kosovo decisions of both authorities of the Republic of Serbia and Kosovo were enacted and applied in practice.

The degree of confusion and disorganization regarding the adoption of measures is also indicated by the fact that information adopted by the Government of the Republic of Serbia was published on the official website of the municipality of North Mitrovica (the municipality that exists and operates within Kosovo's institutions). For example, on the website of the municipality of North Mitrovica, the news was published that on April 10, 2020, at noon the curfew will come into force, which will last until 6 AM on April 13, 2020, which was the measure adopted by Serbia. The same publication cites the statement of the President of the Provisional authority of the Municipality of Kosovska Mitrovica (a Serbian institution) on the current situation regarding the COVID-19 virus pandemic in municipalities in Northern Kosovo (E-North Mitrovica 2020a). In addition, on the website of the municipality of Leposavić, which exists as a part of Kosovo's institutions, it was announced that the municipality had adopted measures "in accordance with the measures and actions of the Government of the Republic of Serbia to prevent the spread and control of COVID-19 (corona) virus ..." (E-portal Municipality of Leposavić 2020). The conclusion is that this creates additional

²⁴ For more information on the measures adopted by the municipal emergency headquarters of the Municipality of Kosovska Mitrovica, which were adopted in accordance with the measures of the Serbian government, see <https://kossev.info/po-nove-mere-za-kosovsku-mitrovicu-novo-radno-vreme-za-prodavnice-zatvaraju-se-saloni-kladionice/>.

²⁵ For the institutions of the Republic of Serbia, Kosovska Mitrovica has existed since 1999 as a single city, but divided by the Ibar river into two parts: the northern part, in which the majority population is Serb ethnicity, and the southern part, where the majority population is of Albanian ethnicity. On the other hand, for Kosovo's institutions, instead of one, two "Mitrovicas" exist (and two municipalities at the same time): North Mitrovica and South Mitrovica. The same division is applied by international organizations in their reports. See OSCE (2018).

²⁶ The representatives of the Kosovo's authorities did not comment on this decision until after criticism from the opposition. Available at <https://www.radiokontaktplus.org/vesti/sveclja-i-krueziu-severna-mitrovica-i-zvecan-stavljeni-u-karantin-uz-punu-koordinaciju-sa-vladom/25153>.

doubts and confusion among people, who simply do not understand which measures are currently in force and which measures must be adhered to, especially because these decisions often change.

The Serbian government decided to ban public gatherings, which has caused a ban on gatherings of believers in religious buildings. Also, the ban on gathering in public places was adopted by the representatives of the Government of Kosovo. However, in Northern Kosovo, believers gathered unhindered in religious buildings, while there was no reaction from the Provisional authority, which exists as part of the institutions of the Republic of Serbia, or by the Kosovo's authorities. That is, until the moment of writing this paper, none of the representatives of the mentioned two institutions reacted because of that. The question here is: what is the cause of the lack of reaction? First, Kosovo is a post-conflict territory where the "wounds of war" are still fresh, which is why little is needed to spark tensions. Therefore, directly prohibiting an ethnic group from exercising the right to religion, no matter how serious the justification for such an act, could lead to unwanted and unnecessary tensions and possible conflicts. This would further disrupt already bad interethnic relations, and thus greatly prevent an attempt to reach a certain political solution for this territory. Secondly, in Northern Kosovo, where most of the population is of Serbian ethnicity, the Kosovo government does not exercise absolute power, while the Republic of Serbia, through certain institutions is still "present" there to a certain extent. Therefore, the representatives of the Kosovo Government somewhat avoid making radical moves in Northern Kosovo, fearing the reaction of the people and possible conflicts.

On the other hand, the representatives of "Serbian" provisional authorities also avoided commenting on this complex situation. This comes as a no surprise, as there is no institution of the Republic of Serbia that can legally sanction the behaviour of people not being compliant with the decisions of the Serbian government. In addition, people could have been banned from gatherings in religious buildings. Currently, the topic of finding a long-term solution for Kosovo is more present than ever, and the representatives of the current government of the Republic of Serbia, unlike their predecessors, are showing readiness to take steps that are disapproved by a number of people in Serbia (Today 2019). Besides, 73.3 per cent of Serbs living in Kosovo do not support the idea of demarcation of Kosovo, a plan originally proposed as a possible solution by the President of the Republic of Serbia.²⁷ Also, the research shows that people of Serbian ethnicity that live in Kosovo continue to show dissatisfaction with the performance of the Government of the Republic of Serbia on the issue of Kosovo (Jović et al. 2016; Jović et al. 2017; Jović et al. 2018; Marinković et al. 2019). A survey conducted in 2019 showed that 88.7 per cent of the total number of surveyed people of Serbian ethnicity living in Kosovo point out that there is no political representative of the Serbian ethnic group in Kosovo that they trust (Marinković et al. 2019, 23). This data is certainly not warmly received by the authorities of the Republic of Serbia. However, they try to show their commitment to "the Kosovo cause" through several other acts, many of which are not welcome by Serbs of Kosovo.

The latest in a series of decisions adopted by representatives of the Government

²⁷ To be more specific, 80 per cent of surveyed people of Serbian ethnicity living in Southern Kosovo rejected the idea, whereas in the north of Kosovo 66.8 were not in favour of the idea of demarcation. 540 surveyed by random sample – 270 Serbs in north, and 270 Serbs in south of Kosovo - participated in the survey (NGO Aktiv 2019).

of Kosovo concerns the decision adopted on April 13, 2020, which allowed all citizens over the age of 16 to move freely for a maximum of 90 minutes during the day, starting at 7 AM until 10 PM. Persons under 16 were also allowed to leave the house for 90 minutes, but in the presence of a close family member. It was decided that the time when people leave their homes will be determined on the basis of the penultimate digit of the unique personal identification number of people on their ID cards. In addition, the statement states that for foreign nationals, the movement will be determined based on the last digit in the number of passports (E-North Mitrovica 2020b). Although the representatives of the institutions of Serbia previously called on the people living in Kosovo to respect the decisions adopted by them, after the adoption of this measure the representatives of the institutions of the Republic of Serbia called on the people to adhere to the banning measures adopted by the representatives of the Government of Kosovo (KoSSev 2020h); this way, Belgrade indirectly recognized the validity of the decision adopted by the Kosovo government, which shows that "the reach of Pristina" is gradually increasing in Northern Kosovo, as well.

Since the mentioned measure was adopted by the Government of Kosovo, people living in Northern Kosovo are forced to abide by it, because the Kosovo's authorities are able to legally sanction the behaviour of people also in this part of Kosovo. As previously stated in the paper, all stores and pharmacies in Northern Kosovo adhere to the working hours adopted by the Provisional authority, which exists as an institution of the Republic of Serbia, and which are adopted in accordance with the decisions of the Serbian government (from 7 AM to 3 PM). Therefore, what particularly confused the people living in Northern Kosovo after the publication of this news was the question how will people, in accordance with the previously described decision of the Government of Kosovo, be allowed to move after 3 PM in order to buy food and drugs? The answer arrived next day, on April 14, 2020, when it was announced that the working hours of the stores would be extended until 11 PM (E-North Mitrovica 2020c). This example shows that in Northern Kosovo there was no clear plan on the basis of which preventive measures would be adopted. Quite to the contrary, the measures were adopted practically "overnight", adapting to the current political atmosphere.

Bearing in mind that the previously mentioned decree on the freedom of movement affected people who have an ID card issued by relevant Kosovo's institutions, some people living in Northern Kosovo had a new set of problems. The point is that a certain (truth be told, not a large) number of people do not have an ID card issued by relevant Kosovo's institutions, but only an ID card issued by the institutions of the Republic of Serbia. In addition, the passport held by the citizens of the Republic of Serbia residing in Kosovo, issued by the Coordination administration²⁸ is not recognized by the representatives of the Government of Kosovo, because the representatives of the Kosovo's authorities characterized it as illegal and invalid. In accordance with the above, the question arose: in what way will people holding a Serbian ID card and a passport issued by the Coordination administration be able to move? The mentioned problem was solved by deciding, as stated on the website of the municipality of North Mitrovica, that the period of movement of people who have only an ID card issued by the institutions of the Republic of Serbia is determined based on the last digit of the registration number in the ID card (namely nine-digit number located on the front of the ID card) (E-North Mitrovica 2020c). The whole situation was further complicated by the news that the Kosovo police in the North did not

²⁸ For more about the Coordination Administration see <http://ngoaktiv.org/uploads/files/Kosovo%20Zona%20posebnih%20pasosa.pdf>.

receive any official confirmation on the implementation of the adopted measure. If we take into account that this news was transmitted by the most read internet portal in the north of the province (KoSSev 2020i) people were more confused and scared about the whole situation. Also, within the same news, information was transmitted that the people who do not comply with this measure will be sanctioned (with a hefty fine), while on the other hand, the spokesman of the Kosovo police for the North region stated that the police of this region did not receive official confirmation for the implementation of this decision.

An additional problem was the fact that the measures adopted by the government of Kosovo were not translated into Serbian. Therefore, Serbs of northern Kosovo do not understand Albanian well (or do not understand it at all) were not informed in a timely and reliable manner about the adopted decisions. This put them in a possibility to violate the measures, what could lead to punishment for breaching the law (NGO Aktiv 2020).²⁹

Although the problems highlighted have been gradually solved, it is important to point out that the existing dual legal and administrative system is very confusing for people and leads to everyday anxieties. This is not limited to contested territories exclusively; as noted by several authors (see, for example, Malešič 2021), the pandemics – in addition to public health challenges – also generates negative political and economic effects influencing the psychological condition of individuals and social groups in even more stable societies. However, the situation is further aggravated in politically unpredictable environments – and the EU neighbourhood is “a good example” of unpredictability in various regards (Čupać 2020; Kapitonenko 2016) – where relevant answers to the pertinent questions cannot be obtained by credible sources everyone could rely on. Thus, people in such societies are often forced to rely on gossip and practical experiences or do their errands when they know that a certain person is at work, so that they can solve their imminent problem easier (at the border crossing, for example).

5 CONCLUSION

This study was led by two questions. First, how do the governments of Serbia and Kosovo try to demonstrate their exclusive statehood over the north of Kosovo in the fight against pandemics? Second, how are people’s daily life affected by this and what are social and legal implications of vying for supremacy between the two authorities?

Regarding the first research question, we learned that both Serbia and Kosovo try to impose their influence in the north of Kosovo using all available means (different state institutions, media, national feelings, etc.) because both sides see the north of Kosovo as the main determinant of their statehood. Based on this example, we see that both Serbia and Kosovo fight for own political interest even when it is to the detriment of the citizens.

As for the second research question, we can say that locals are by far the greatest victims of this “fight”. On the one side, they naturally want to show loyalty to Serbia by adhering to Serbian measures, but also are afraid of possible

²⁹ For additional information about the “COVID-19 situation” in both Serbia and Kosovo (and other countries in Western Balkan) see Tzifakis (2020).

condemnation of the society (intra-ethnic pressure), which quickly labels such people as "traitors" if they do contrary.³⁰ On the other side, they are forced to adhere the Kosovo's measures, because otherwise they will be punished for non-compliance with the measures. Because of this, insecurity and anxiety are the daily routines of the locals, as they try to align their daily activities with the unresolved legal and administrative system.

This research contributes to the contested statehood theory by showing how "fighting" for supremacy over specific territory is a protracted process. This means, even in the case when one political actor (Serbia in this case) lost its *de facto* authority over a part of the territory in an institutional sense, there is a space for control and influence through various "unofficial" ways. On the other side, when there is the case that other political actor (Kosovo, in this case) expands its authority over (to date) uncontrolled territory by attempting to establishing an institutional order, it does not necessarily mean that this political actor has a real and complete authority on that part of the territory.

This research shows that locals are very important element in the process of "statehood-performance". Both, Serbia and Kosovo aim to win locals' hearts and minds in order to control them. Although people in Northern Kosovo are naturally more in favour of Serbia due to their ethnic origin, in this example we see that also Kosovo institutions are also trying to get them on "their side", which they are doing successfully to some extent. One of important reasons for their success in this regard happened in 2013, when the Kosovo Police Service in Northern Kosovo, also staffed with Serbs, was formed. This way, the Kosovo government established the institution of a repressive state apparatus even in Northern Kosovo, which now allows Kosovo to control people to some extent and to exert power also in other social spheres of daily lives.

Based on this example, it appears that the struggle for locals' "hearts and minds" and their loyalty seems like the most important struggle in the statehood-making process; at the end, it is them who will decide whose sovereignty will be respected (and whose challenged by open or subtle contestation). Given the fact that the number of contested territories has risen in the last few years (the Crimea; the Ukrainian regions of Donetsk and Kharkov; vast territories in Syria etc.), we believe that this phenomenon could receive further attention of scholars in the future.

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³⁰ This finding is also in line with findings of Vulović (2020) and Zupančič (2019). In addition, read about the „loyal Serbs (podobnim Srbima)“ in RTS (2019).

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VSAKODNEVNA TESNOBA V RAZKLANI DRUŽBI V ČASU COVID-19: POSLEDICE DUALNEGA PRAVNEGA IN UPRAVNEGA SISTEMA NA SEVERU KOSOVA

V prispevku so analizirani ukrepi, ki sta jih na severu Kosova uvedli vladi Srbije in Kosova za zatiranje širjenja COVID-19. Severno Kosovo je zanimiv primer zaradi obstoja dualnega pravnega in upravnega sistema – enega vodi srbska vlada v Beogradu, drugega pa kosovske oblasti v Prištini. Avtorja izhajata iz teorije oporekane državnosti in trdita, da so institucije obeh strani, ki se že leta borita za oblast na tem območju, uporabile skoraj vsa razpoložljiva sredstva, da bi uveljavile svojo »državnost« (sposobnost izvajanja oblasti) ne glede na posledice za prebivalstvo. Analiza je pokazala, prvič, da se je v takšni zagati večina ljudi skušala držati ukrepov obeh sistemov, da bi se izognili tako formalnim (pravnim) kot neformalnim (družbenim) sankcijam; drugič, da se oblasti ne izogibajo boju za prevlado tudi v primerih, ko bi bilo sodelovanje vseh deležnikov sine qua non za zmanjšanje vpliva pandemije.

Ključne besede: Severno Kosovo; COVID-19; oporekana državnost; dualni pravni in upravni sistem.