

The Kosovo - Serbia Dialogue



**CLOSE TO THE EU,
FAR FROM THE CITIZENS**

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Prishtina, May 2012

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The objective of this study is to analyse the current Kosovo-Serbia dialogue process. Through an evaluation and presentation of the main stakeholders' positions, this study strives to contribute to a more proactive and dynamic participation of the respective societies. In addition, it aims to achieve more comprehensive and qualitative consultations as well as increased transparency in order for the process to be more democratic and for the decisions and agreements made to be implementable, sustainable and in the public's interest. Moreover, this study will produce recommendations in order to qualitatively improve this process.

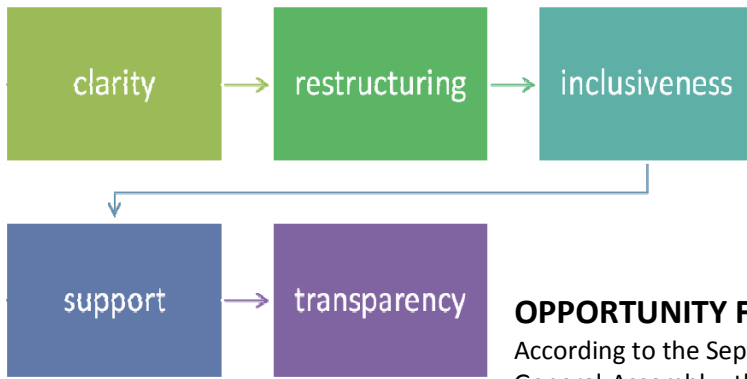
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OPPORTUNITY FOR QUALITATIVE IMPROVEMENT

According to the September 2010 resolution of the United Nations General Assembly, the goal of the dialogue between Kosovo and Serbia which is facilitated by the European Union (EU) and supported by the United States of America (USA) is to promote regional cooperation, to progress with regard to the European agenda and to improve the lives of citizens. As a reward for its participation in the dialogue, Serbia has already received EU candidate status, whereas Kosovo has only been promised a feasibility study so far.

Government representatives of the two countries have taken part in the dialogue without comprehensive and qualitative internal consultations and lacking transparency and consensus. This compromises the ability to implement the agreements reached and the sustainability of the process, especially with opposition leaders threatening that they will not implement the agreements if they get into office. The fact that the agreements have neither been signed by the parties nor have been ratified by the respective parliaments further complicates the situation. The EU plans to monitor the implementation of those agreements and will explicitly deal with them in the annual progress report.

Although seven agreements have already been reached during the first year of the dialogue, relations between the two countries appear worse than they used to be prior to the dialogue. There is a serious delay in the implementation of the agreements and barriers have been imposed on the free movement of citizens; officials, activists and citizens have been arbitrarily arrested as if the two countries were at war; Offensive formulations have been reached, as for example that regarding Kosovo's representation in regional fora. There has been however progress in trade with the acceptance of Kosovo's customs stamps.

Kosovo and Serbia strive for a shared European future and it is in both countries' interest to improve their relations. However, we can only hope for progress in the relations of the two countries—good and sustainable neighbourly relations—if the principles of equality and partnership are guaranteed, especially by the EU as the facilitator. Unfortunately, the waves of arrests and the non-implementation of the agreements have demonstrated that there have not yet been positive and notable changes and that a review of the process is necessary. It appears difficult for Prishtina to remain optimistic, given the fact that Serbia still refuses to apologize for the crimes it committed in Kosovo. Further, Serbia continues to support its illegal structures in the territory of the Republic of Kosovo and proactively undertakes state actions to sabotage Kosovo's internal development and external regional/international integration.

Nevertheless, the dialogue between Kosovo and Serbia has become a reality which will continue in the future. In order to ensure that the parties proceed with the dialogue and implement agreements, the EU will include the evaluation of the implementation of these agreements in its annual progress reports; this will gradually transform these agreements into membership requirements, similar to the Copenhagen Criteria or those of the Stabilization Association Process. It would not be surprising if, in the Feasibility Study for Kosovo, the EU required the country's authorities to continue negotiations with Belgrade in a positive and constructive manner. Similarly, the EU will most certainly demand the implementation of the agreements and the improvement of relations with Kosovo from Serbia, if it insists on receiving a date for the beginning of the accession talks. The EU will have dozens of other

opportunities to set new criteria for the two countries as they are gradually fulfilling the requirements for their accession processes to advance. This is a strong secret “weapon” and a threat that the EU could, on the hand, utilize in order to normalize the relations between Kosovo and Serbia, but that could also be useful to the countries themselves with regard to their intentions to join the EU. Thus, the dialogue has become an integral part of Kosovo’s and Serbia’s paths to EU membership.

Since, based on current trends, it can be concluded that the dialogue will continue for some time, therefore, the focus should be on improving the process and on how to benefiting from the dialogue. In several cases, it has become apparent that the dialogue is an “art of opportunity” in which the parties manoeuvre in order to gain advantages. This was the case with Serbia; dialogue was the tool through which it won the candidate status, even without succumbing to the constant pressure of improving neighbourly relations and without dismantling its illegal structures in Kosovo, which had initially been identified as pre-conditions for receiving this status. It is also rarely mentioned that this status has made Serbia eligible to receive hundreds of millions of Euros more annually from IPA funds.

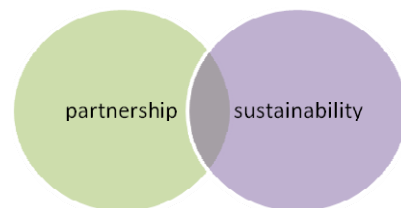
Undoubtedly, the key to success in the process is good preliminary preparedness, transparency and qualitative internal consultations, accountability as well as the full integration of parliament into the dialogue. Inclusion is exactly what this process requires. After all, besides this being a constitutional and democratic duty, it would also generally provide greater confidence by having more opinions and options available and, above all, it would strengthen Kosovo’s position towards Serbia and also towards the EU and international friends. Based on one year of experience with the dialogue and before continuing with further rounds of talks, now is the right time for positive changes aimed at reaching implementable agreements and at highlighting the interest of the public and citizens.

The EU, as the facilitator, has to avoid improvisation, especially when it comes to the agenda and schedule of the meetings. In order to improve the management and quality of the process, the parties have to identify and agree on all issues and then decide on the topics and the schedule of the talks. This would essentially not only allow for better preparedness, transparency, and consultations but, in particular, would lead to a better structured process and a more efficient/effective implementation of agreements. A dialogue based on these principles could be transparent, qualitative and most of all productive. Lowering uncertainty and clarifying topics and the schedule of talks would relax the entire situation, increase support as well as allow for more sustainability and a better implementation.

Trust in the dialogue has also been lost due to the very weak implementation of the seven agreements and lack of tangible results. For that reason, it is important for the EU to be more proactive and to increase its emphasis on the supervision of agreement implementation, and on faster and more frequent reporting and intervening.

An EU-independent technical assistance exclusively in charge of supporting the parties in agreement implementation would also improve the situation and speed up the implementation, even though non-implementation appears to be a political and not a financial decision. Consequently, the results for citizens would be more tangible and meaningful. It is the obligation of *all* parties to make this dialogue focus more on the benefits of the citizens and on the proper communication with them and their representatives.

Shenoll Muharremi
Executive Director
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I. POLITICAL COMPLEXITY OF THE DIALOGUE

Ironically, the clear and positive International Court of Justice (ICJ) opinion on the Declaration of Independence of Kosovo did more to help Serbia on its path towards European integration than it did to lead Kosovo to what Kosovars had been waiting for—final consolidation of Kosovo’s statehood. Revolted by the ICJ decision, Serbia wrote a vitriolic resolution which it planned to initiate at the UN General Assembly in order to – once again – challenge Kosovo's independence.

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- Goals and Positions
 - Agreements and Implementation
 - European Perspective
 - Transparency
 - Accountability

In the beginning of September 2010, European Union Foreign Affairs and Security Policy Chief, Catherine Ashton, and former President of Serbia Boris Tadic had a meeting in which they were able to create opportunities for Serbia to not completely lose from the ICJ process. Ashton convinced Tadic to change the text of the Serbian proposal for the UN from a request to challenge Kosovo’s independence to a draft resolution initiating a dialogue between Prishtina and Belgrade. It then became a joint draft resolution from the EU and Serbia. The modification of the resolution, as reported by the media at the time, also included a stipulation that the EU would intermeditate between the parties, while not specifying whether these parties were two different states.¹

Throughout these negotiations, the Kosovar side was only, at least publicly, an observer although Kosovo itself was the issue at hand. Consequently, on 9th September 2010, the two main Kosovar leaders at the time, Hashim Thaçi and Fatmir Sejdiu, could only observe UN member states passing a resolution that was supposed to initiate a new dialogue process with Serbia. Both Thaçi and Sejdiu were at the time the leaders of the two largest parties in the Assembly of Kosovo.

One part of the Kosovar public was of the opinion that Kosovo should never have accepted entering into a new dialogue/negotiation process with Serbia, at least not without insisting on a number of conditions. In certain circles, this strong opposition to these talks endures. Some of the conditions mentioned include reparations for the war damages inflicted by Serbia in 1999 (something which Serbia, according to the Serb representative in the dialogue, Borko Stefanovic, will never accept). Additionally, the issue was raised that certain topics should be excluded from the dialogue, as for example the free movement of goods and people. They pointed out that CEFTA was a regional agreement and that, accordingly, member states could not isolate other members. Further, they argued that the civil registry and cadastres undoubtedly were Kosovo’s and that their return therefore should not be discussed at all with a neighbouring state vying for European Union candidate status.

The tense dialogue climate

The dialogue is referred to as technical dialogue and is supposed to tackle technical issues such as cadastres, the civil registry, the freedom of movement, university diplomas, etc. Issues such as civil registry and cadastral documents are of great importance for Kosovo because they are necessary for its integration into the EU. Since the Declaration of Independence, Kosovo’s goods could neither enter Bosnia or Serbia nor could they transit through those countries, hindering Kosovo’s trade and its integration into the regional market.

¹ Klan Kosova. ‘Rezoluta Serbe per Kosoven Perfundimisht ndryshoi’ (‘The Serbian Resolution for Kosovo Ultimately Changed’). <<http://klankosova.tv/index.php/lajme-nga-vendi/5619-rezoluta-serbe-per-kosoves-perfundimisht-ndryshoi.html>>

The first meeting between Edita Tahiri, the Kosovo representative in the dialogue, and Borko Stefanovic, Serbia's representative, was held on March 8, 2011 in Brussels, and it was mediated by Robert Cooper, the special representative of the High Representative of the European Union for Foreign Policy, Catherine Ashton.

Head negotiator Edita Tahiri, upon return from her official 3-6 March visit to the US Administration in Washington D.C., was present at the debate held in the Kosovo Assembly on March 7, but she had gone to Brussels to meet the Serb delegation without waiting for the Assembly to pass the resolution on the Kosovo-Serbia dialogue. Tahiri argued that she in one way or another had the support of the Assembly citing a public declaration by the speaker of the Assembly, Jakup Krasniqi, in which he expressed support for the Prishtinë-Belgrade dialogue. However, her travelling to Brussels without waiting for the resolution to be passed, incited a debate in the Assembly and resulted in a stark polarization of government and opposition forces. However, she insisted that she had written to all opposition parties prior to the dialogue and that she had invited them to be part of the negotiations but that they had refused to participate. Nevertheless, there has neither been any preliminary consultation nor any serious attempt to explain the dialogue process, its goals, the dialogue platform etc. to the opposition or citizens. The Deputy-Prime Minister said that she had sent the government's platform for dialogue to all members of parliament and to the President of Kosovo in which the principles, the agenda and the objectives of what they still call a "technical dialogue between Prishtina and Belgrade" had been clarified in a detailed manner.

Opposition parties in Kosovo are not against the dialogue with Serbia, if it is a constructive dialogue and a European values based dialogue but they oppose the approach of the Kosovo government and claim that Serbia is using the dialogue for its own political intention

This lack of consultations and the managing of the dialogue "from above" have created tensions in the Kosovo political scene as well as harsh polarizations. A healthy debate based on facts, with arguments and counterarguments, without labeling, insults, denigration and also without prejudicing supposed aims (which are usually inflated and imagined) of the other party would be urgently needed, in order to provide more information to everyone, in particular to Kosovo's citizens. An informed and argumentative debate would minimize uncertainty, lower fear and anxiety and maybe generate greater advantages for Kosovo from the dialogue.

AAK '...the dialogue is a tool of Belgrade to challenge Kosovo's state subjectivity.'

The opposition is not entirely innocent in this process being sometimes more concerned with gaining politically than with demanding accountability and transparency from the government. On its part, the government cannot simply invite the opposition to join the dialogue, while at the same time not taking their position into account. A wide and qualitative consultation would exhaust the arguments for and against the process and would be very beneficial for both parties. The opposition would be in the position to demand more accountability from the government and the government's position in the dialogue would be stronger and more stable.

LDK '...due to the government's weak preparedness, this dialogue is damaging to Kosovo.'

One year following the start of the dialogue, Edita Tahiri insists that "the character of the technical dialogue itself does not give a reason for there to be conditions. It has also been in Kosovo's interest, that in attempting to solve practical issues, firstly it secures a greater interest which is European integration, fulfilling the requirement of good neighbourly relations and secondly, in essence, several of

these agreements have to do with withdrawing Serbia from the obstructions it has been making in Kosovo until now. This then (Serbia's withdrawal) may have been more of a result of the cooperation agreement, but in reality it removes parallel structures from the particular fields where there have been agreements".²

For the Alliance for the Future of Kosovo (AAK), the dialogue is just a tool used by Belgrade to challenge Kosovo's statehood.³ The Democratic League of Kosovo (LDK) believes that it was right in opposing "the way the dialogue began" because it was evolving from a technical to a political dialogue.⁴ This party believes that, due to the government's weak preparedness, this dialogue was detrimental to Kosovo. None of these opposition parties is against the dialogue with Serbia, as long as it is a "constructive" dialogue and a dialogue based on European values. Yet, they oppose the approach of the government, accusing it to be unprepared. Furthermore, these parties are convinced that Serbia is exploiting the dialogue for its own political goals.



For little over one year now, a number of different topics have been discussed between representatives of the two countries in Brussels and seven agreements have been reached, some being of political character. Agreements, inter alia, were reached on: civil registries (Kosovo will receive EULEX verified copies), mutual recognition of university diplomas, an agreement on the freedom of movement of goods and people, as well as the most contentious agreement between the two countries—the agreement on representation and regional cooperation.

The EU stated that the dialogue would continue after the elections in Serbia, when a new government was created there.

² Interview with Edita Tahiri. Prishtinë. 13 April 2012.

³ AAK's Stance on the Kosovo-Serbia Dialogue. Email correspondence. 9 April, 2012.

⁴ LDK's Stance on the Kosovo-Serbia Dialogue. Email correspondence. 9 April, 2012.

II. THE POSITIONS, ACHIEVING OBJECTIVES

As outlined by the Resolution of the General Assembly, the objectives of the dialogue are: Promoting cooperation between the two countries, achieving progress on the road to the European Union and improving the lives of the citizens.⁵ In an effort to garner support for the much contested dialogue in Kosovo and Serbia, international mediators from the EU and other countries that support the process have referred to it as a “technical dialogue”, emphasizing the improvement of the lives of the people as one of its main goals. The Kosovo Assembly Resolution on the Kosovo-Serbia dialogue, Article 1, also supports the dialogue on technical issues, on ameliorating the lives of citizens and advancing the European agenda of the two countries and the region.⁶ In Kosovo, a segment of the public has been sceptical, asking how the lives of the citizens could be improved by dialoguing with Serbia – one of the countries which still opposes and contests Kosovo's independence and obstructs its development. Therefore, every type of dialogue with Serbia would be political, detrimental to Kosovo and would follow a certain pattern that ultimately might not improve the lives of the citizens.

VV'...there should not have been any sort dialogue without Serbia recognizing Kosovo as an independent state.'

The first part of the dialogue started on March 8, 2011 and was characterized by the continuous efforts of the government in Kosovo to convince the public that the new talks with Serbia only were of technical character. However, one year later, it has become apparent that aspects of the agreements reached are indeed political in nature (i.e. regional representation). The European mediator of the dialogue, Robert Cooper, publicly accepted in an interview with Radio Free Europe that “*everything we have done has been political.*”⁷ Also the representative of the Serbian government has acknowledged that the entire process has a political character, and will be even more political once the new government in Belgrade has formed. “What we are now working on is a dialogue on concrete issues. Certainly, the dialogue has a strong political aspect. However, the dialogue that we will maybe start after our government is created will have even greater political implications. We certainly do not know where, how...who will be leading it...” Stefanovic stated in his Belgrade office.

Edita Tahiri: “If we would not have accepted the agreement with the asterisk, Kosovo would have remained isolated on its EU path due to the EU5 non-recognisers”

*Prime Minister
Thaçi: “...This entire process will result in recognition by the five EU countries that have yet to recognize Kosovo.”*

The current dialogue and its results are considered “baby steps” by Stefanovic. However, he strongly feels that these are small steps that will have a positive influence on the lives of citizens but also in opening the door to a better future. According to Stefanovic, the situation is such that we have “two systems that not only are antagonistic to one another, but that are in a semi-war situation since 1999”.⁸

Bosko Jaksic, a commentator from the “*Politika*”, a Belgrade daily newspaper, stated that, although the process began as a dialogue on technical details, it was realistically a political dialogue and part of a

⁵ United Nations General Assembly, Resolution adopted by the General Assembly A/RES/64/298 “Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law”. 120th plenary meeting. 9 September 2010.

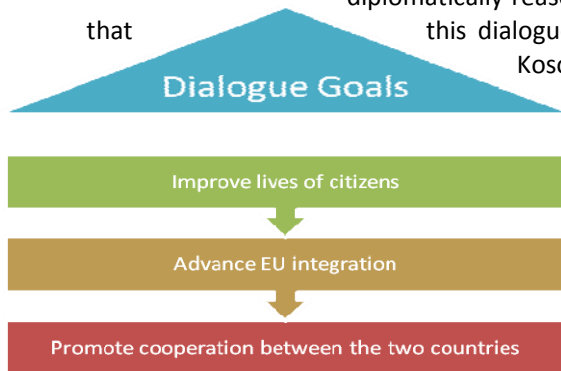
⁶ Republic of Kosovo, the Assembly, “RESOLUTION on the dialogue between the Republic of Kosovo and the Republic of Serbia,” No. 04-R-001, Prishtinë, 10 March 2011.

⁷ http://www.assemblykosova.org/common/docs/Rezoluta_per_dialogun_midis_R.Kosoves_dhe_R.Serbise_2.pdf

⁸ Radio Free Europe. “Kuper: Me veriun duhet të merremi shpejt”. (“Cooper: we have to deal with the dialogue quickly.”) <http://www.evropaelire.org/content/article/24510723.html>

⁹ Interview with Borko Stefanovic, Belgrade, 3 April 2012.

wider political process that aimed at normalizing Kosovo-Serbia relations.⁹ According to Jaksic, even issues such as vehicle license plates and the telephone code, were political, because they had to do with state integrity. If this process was called “political” by the internationals, the political elite in Serbia would have to face a difficult test and therefore, Jaksic is of the opinion that Westerners were “diplomatically reasonable” in calling the process a technical dialogue. He thinks that this dialogue is the best way to move towards Serbia’s recognition of Kosovo, without giving it the name: “the recognition of Kosovo.”



As the time passed, Kosovo's, Serbia's and the EU'S arguments in favour of the dialogue began to change. Head negotiator Tahiri continuously linked the constructiveness of the dialogue with EU “rewards” that she expected for Kosovo; “contractual relations” and the acceleration of the process leading to the Stabilization Association Agreement and visa liberalization. When the Assembly of Kosovo passed the resolution on the Kosovo-

Serbia dialogue, Prime Minister Thaçi declared that the entire process would result in the recognition by the five EU member states that have not yet recognized Kosovo. Recently, in an interview, Deputy Prime Minister Edita Tahiri stated that if Kosovo had not accepted the agreement on the footnote, Kosovo would have been isolated in terms of its integration into the EU; Further, as a result of the footnote, the five non-recognizers had softened their stance on Kosovo.¹⁰

Exclusively linking EU integration and Kosovo’s progress towards integration with the progress and compromises reached in the dialogue remains problematic. These two paths should either be separated or be connected to the extent that they are related to EU requirements for good neighbourly relations, but they should not be presented as the same path. The EU has created this impression with the way it has managed the dialogue thus far, using EU integration as a carrot and incentive for compromise. This is not, however, Tahiri's view. She stated that the dialogue with Serbia constituted only one part of EU integration as far as it concerned the fulfillment of the criteria for good neighbourly relations, whereas the rest of EU integration had to do with reforms and meeting integration criteria.¹¹ One year after the start of the dialogue to “improve the lives of the people”, official EU documents for Serbia clearly stated that the country’s EU perspective depended to a large extent on its continuation of the dialogue with Prishtina

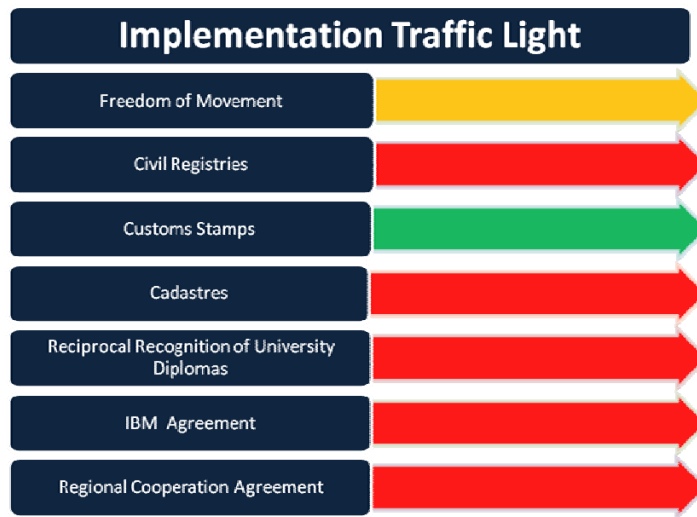
The Government of Kosovo: ‘... the decision to enter the dialogue was taken to fulfill an international obligation deriving from the relevant UN General Assembly Resolution’

For the European mediator, Cooper, this is of little importance since the dialogue continued to be necessary even if Serbia would not pursue EU membership. “There is still unfinished business in the Balkans and part of this includes Kosovo and Serbia. It is not at all appropriate that there are still semi-closed borders, that there are still incidents on both sides of the border and that the fear of violence persists. The way to avoid violence is through solving problems before they become acute. That Serbia has applied to join the European Union is welcomed and this has created an opportunity to concentrate on this issue. However, the dialogue was necessary and is still necessary,” Cooper stated during a discussion on this study.

Implementation of the agreements

9 Interview with Borko Jaksic, Belgrade, 4 April 2012.
 10 Zëri INFO “Marrëveshjen ose izolimin” (Agreement or Isolation), 7 April 2012. <<http://www.zeri.info/artikulli/1/1/47124/marreveshjen-ose-izolimin/>>
 11 Interview with Edita Tahiri. Prishtina, 13 April 2012.

One year after the start of the dialogue, it should have revealed at least a few concrete examples of how the lives of citizens have been improved—which in fact had been identified as one of the main reasons for the dialogue in the first place. The mediator Cooper and even negotiators Edita Tahiri and Borko Stefanovic are not that satisfied with the results of the dialogue; however, they *do* note that there has been some progress.



The Kosovar head negotiator regularly complains about the non-implementation of the agreements by Belgrade, although she admits that are examples of how the lives of citizens have improved. Tahiri is convinced that each technical agreement is bringing Serbia’s influence in Kosovo to a close.¹² With the civil registry agreement, according to her, parallel offices in Serbia that issue documents for Serb and other citizens of Kosovo would vanish. At the same time, this had been done to fulfil EU standards, to clear up civil registry books, which was one of the criteria for visa liberalization.¹³ In addition, Deputy Prime Minister Tahiri explained that old Serbian vehicle license plates would be allowed in Kosovo up until June 1, while new Serbian plates immediately would be confiscated. In terms of freedom of movement, there had been an asymmetry on this issue thus far, but the agreement reached had changed the situation. However, she admits that problems remain. Tahiri mentioned that Kosovars living abroad such as students were now able to travel home freely. She had been in contact with Kosovars abroad for whom the freedom of movement agreement meant that they could travel to Kosovo for 300 euro less than before, as they were now able to travel through Serbia. The agreement on free trade, according to her, also had an impact on Bosnia’s decision to remove its blockade on Kosovo goods.

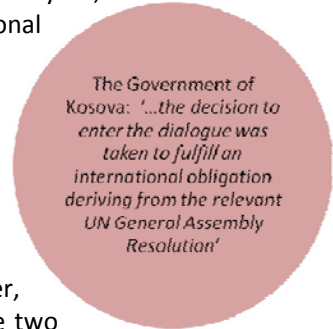
However, for those living in Kosovo and Serbia, travel – especially with private vehicles - has become a luxury and free movement has become restricted due to the freedom of movement agreement. Although Ms. Tahiri generally accepts that insurance tax rates are very high, she emphasized that it was necessary to reach an agreement. She also stated that the Kosovo government had insisted on lower tax rates but that the Serb government had refused. Edita Tahiri and Borko Stefanovic accepted that immediately after this agreement had been reached, insurance companies took advantage of the situation for their own benefit. The head of the Serbian delegation agreed that a concrete example of the improvement of the lives of people was still lacking. Yet, he categorically rejected the “speculations” in Prishtina – as he refers to them – according to which the entire process has only

¹² Interview with Edita Tahiri. Prishtinë, 13 April 2012.

¹³ Ibid.

served Serbia’s interests in progressing on its path towards EU membership. “It’s not true. Above all, if it was [for] that good of a price, we would have done this much earlier (reached an agreement on regional cooperation)—months ago – in order to get candidate status. Just to remind you, in December we did not receive this status because there were proposals that we could simply not accept. One of the proposals was to completely remove 1244,” Stefanovic recalls.

At the meeting of the heads of states and governments of the EU in March this year, Serbia’s EU Candidate Status was confirmed only after the agreement on “regional cooperation” was reached as part of the Prishtina-Belgrade dialogue.



The Government of Kosovo: ‘...the decision to enter the dialogue was taken to fulfill an international obligation deriving from the relevant UN General Assembly Resolution’

III. AMBIGUITY, LACK OF CLARITY

In fact, the whole process has been characterized by changing positions on all sides. In the beginning, the European member states praised the process as one that would change the lives of citizens for the better. At a later stage, however, they made the process the main requirement for the integration process of the two countries. It remains to be seen whether for example ‘maintaining a positive approach and spirit’ in the dialogue with Serbia will be an EU request in its annual progress report for Kosovo and whether it will be mentioned in the conclusions of the Feasibility Study for Kosovo which will be published by the European Commission (EC) in October 2012.

The two delegations included in the dialogue have had very different interpretations of what is actually happening throughout the dialogue. It even occurred that after the agreements had been reached, the Serb version and the Kosovar version were *that* different that one could even wonder whether the delegations of Prishtina and Belgrade were taking part in the same dialogue. This ambiguity was enabled by the design of the process which allowed for the governments in Kosovo and Serbia to exploit the situation to the maximum.

In all cases, Prishtina and Belgrade both stated that with the agreements the constitutional order of both countries was protected, even though the Constitution of Kosovo presents Kosovo as an independent state, while the Preamble of the Constitution of Serbia denies Kosovo's independence.

The following questions are asked:

Did this dialogue begin for the improvement of the lives of citizens or to move the European agenda forward?

Is this whole process helping the citizens or the rule of Boris Tadic and that of Hashim Thaçi, as two of the most preferred collaborators of Brussels?

Is the process truly technical, or is it political?

Does Brussels provide the necessary and independent interpretation of the agreements? Who is responsible for this?

The European Union – as the mediator – almost never attempted to explain these inconsistencies to the public. Robert Cooper, the European so-called “facilitator” of the dialogue, visited Belgrade and Prishtina several times, but never spoke to the media in order to clarify the course of the process. In fact, even today, there is still confusion regarding this process, regardless of the efforts of the three parties in the dialogue to eliminate any suspicion that the process has its negative aspects or a hidden agenda. Brussels has never clarified any of the above questions – not interfering into the antagonistic interpretations regarding the dialogue – or the particular agreements reached. Cooper and his boss, Baroness Catherine Ashton, have not commented on the changes that have occurred throughout the process.

Not only European officials in Brussels, but also representatives of some EU member states said one thing at a certain time and then something completely different at another time. Prior to the last meeting of the EU Council in 2011, Germany stated very clearly that Serbia, even if it took part in the dialogue with Kosovo, would not receive candidate status if it continued to obstruct Kosovo’s territorial integrity. The firm position of Germany included the removal of barricades in the North of Kosovo and the dismantling of the parallel structures financed by Belgrade in the territory of Kosovo. As he was entering the building of the Council of the EU, the German foreign minister, Guido Westerwelle, stated that Germany would not vote for candidate status for Serbia if the latter did not change its approach towards the territory of Kosovo. On November 30, Guido Westerwelle gave a statement on the German vote on Serbia’s candidate status: “I can freely and sincerely say: If Serbia does not accept Kosovo’s territorial integrity, then this will be one of the criteria in the German vote. The incidents we have seen in the North of Kosovo will surely influence our deliberation and they will make Serbia’s European perspective, which I support, not at all easy.”

The Government of Serbia presented this dialogue as political, claiming that the final status of Kosovo is still undecided

However, the German position changed almost entirely with the “regional cooperation” agreement, and Belgrade-financed structures continue to function unabated. On September 28, Westerwelle, commenting before the start of an EU Council of Ministers meeting, reassessed: “It is crucial for Europe to keep its word. We have told Serbia that if it carries out reforms and if it sits down at the negotiating table with Kosovo and reaches agreements, then it will receive candidate status.”

In a separate statement for this study, Borko Stefanovic said that the entire process of the dialogue proved that “the politics of the Serbian government, the EU and Kosovo too is functioning.”

Double Standards

Opposition in Serbia has accused the Government in Belgrade that the dialogue is their means to recognising Kosovo

Immediately after the agreement on “regional cooperation” was reached and shortly after Serbia had received EU candidate status, the opposition, media and civil society in Kosovo openly blamed the government that through making compromises they were exclusively helping Belgrade advance significantly towards Brussels.

The Speaker of the Kosovo Assembly, Mr. Jakup Krasniqi, himself believed that there were double standards applied in the EU relations with Kosovo and Serbia. In an interview for a daily newspaper, he stated that the international community “had irrational policies of toleration for Serbs, whereas it had distrustful policies towards the Albanian majority.”¹⁴ Serbia continued to arrest citizens of Kosovo

¹⁴ Shekulli ONLINE “Hymë pa konsensus në dialog me Serbinë” (We went into the dialogue with Serbia without a consensus). Interview with the Speaker of the Assembly of Kosovo, Jakup Krasniqi, for “Shekulli” newspaper. 16 April 2012. <<http://www.shekulli.com.al/shekulli/2012/04/16/hyme-pa-konsensus-ne-dialog-me-serbine/>>

regardless of the dialogue and the “normalization” of relations. Only in April, Serbia arrested five citizens of Kosovo based on indictments from the Milosevic period; this included the arrest of two Kosovar policemen patrolling the border with Serbia. On the government’s part, there had simply been accusations against Serbia being “anti-European”, or other moralizations, but no concrete actions. Robert Cooper referred to the “incidents” on both sides as regretful actions, refusing to comment on “specific issues”.¹⁵ Cooper sternly reacted to an attack in Prishtina on a Serbian government delegation

Stefanovic: ‘...our policy, both EU and Kosovo, is functioning.’

which was visiting Kosovo for issues concerning the agreement on cadastres. However, no one in Brussels agreed to comment on the arrest of two Kosovar border police and the humiliating photos published thereafter.

Neither did they comment on the arrest of Kosovo officials nor on the terrorist act killing an Albanian in the North or other incidents. Brussels justification was that Cooper in general only reacted on issues directly connected to the dialogue. “On other issues we have our representatives in Kosovo”.

However, the accusations that the dialogue is only beneficial for Belgrade are considered unjustified by the representatives of the Kosovo Government; according to them, Kosovo has also greatly benefited from what the head of the Kosovar delegation in the dialogue has called “European Union rewards for Kosovo.” The Government of Kosovo argues that the “European perspective for Kosovo has finally been defined” thus opening up a clear new perspective for processes that could move Kosovo forward in its path towards the EU. This includes the decision to initiate a feasibility study which, if it ends up being positive, will clear the path for achieving a Stabilization Association Agreement between Kosovo and the EU. While this still seems far off, signing this agreement would open the European perspective of Kosovo.

Tahiri claims that IBM Agreement is the most important one as Serbia has by this agreement practically recognised the territorial integrity of the Republic of Kosovo

IV. LEGALITY, SOVEREIGNTY, IMPLEMENTATION

The suspicions that stemmed from the dialogue may have originated from the fact that the talks began without the approval of the Assembly and without any debate in this most important decision-making body of the state. It can be said that the dialogue started with clear international support and pressure, but without securing internal support for the process in the Government of Kosovo.

Moreover, even the seven agreements that have already been reached by Prishtina and Belgrade in the 12 months of the dialogue process, do not have the approval of their respective parliaments. The Head of the Serbian delegation in this dialogue, Borko Stefanovic, clarified that none of the seven agreements were international given the lack of signatures and stamps on the documents. So far, these were only “verbal agreements” between Prishtina and Belgrade. “These agreements are among two parties that are in fact solving concrete problems and for this reason, there is no need for ratification. If Kosovo makes an “International Agreement” with the U.S., such as the recently signed agreement between President Atifete Jahjaga and U.S. Ambassador Dell (please compare this with the Stefanovic-Tahiri agreements), you will see that the important thing missing are the signatures. Edita Tahiri may even have been appointed to sign them. “Our position is clear, we do not make “International Agreements” with Kosovo because we do not recognise Kosovo as an independent state. If you make an “International Agreement,” then you have to ratify it in the Parliament. It is interesting that in

Implementation of the Regional Representation Agreement has failed this far whereas in six regional meetings	
Serbia has left meetings five times	Kosovo representatives left meeting at least twice

¹⁵Email correspondence with Robert Cooper. Prishtina-Brussels, 16 April 2012.

several cases our opposition is using the same arguments as the opposition in Prishtina. One of the arguments of the opposition is: 'Why don't you submit the agreements for ratification?'. They are not able to understand that if we were to do this, we would be recognizing Kosovo as an independent state—and this is also the basis of their policies for Kosovo. Therefore, they are undermining their own stance," Stefanovic explained.

Agreements reached are not signed, they are adopted by the EU in the form of joint conclusions

The Kosovar opposition does still not comprehend why the government has not submitted the agreements to the parliament; however, Stefanovic's clarification may be the reason.

Until now, the government has kept this process away from parliamentary decision-making and influence. By submitting the agreements to the Assembly, the opposition would have been able to exercise more influence in the dialogue process. The ratification of international agreements requires a two-third majority of all deputies (or 80 votes); therefore, the coalition government would also need the votes of opposition parties. This way, the government would be dependent on the opposition and it would have to take into consideration the remarks and requests of the opposition, or at least of one part of the opposition. At the same time, the opposition is aware of the fact that, through ratifying the conclusions or having them submitted to the Assembly, those agreements would gain an international character. This would put Kosovo into the same position as Serbia, at least from the Kosovar perspective, since then these agreements would be agreements between two states and not merely between "Prishtina and Belgrade".

The resolution of the Assembly of Kosovo for the Kosovo-Serbia dialogue is also supported by the opposition parties; point 9 of the resolution reconfirms the constitutional right of the Assembly of Kosovo to ratify international agreements signed by the Government of Kosovo.¹⁶

However, this article does not give the Assembly any authority over the government. These agreements are not referred to as "international agreements" and they are not signed but rather adopted by the EU as joint conclusions of the three parties. Even Tahiri, the fact that these agreements have not been signed means that they do not have to be ratified.¹⁷ However, she still calls the agreements reached in Brussels "international", while saying that they are conceptualized by the EU as conclusions. According to her, the fact that they have not been signed yet, can only be explained by the two countries' disagreement on Kosovo's political status.

Cooper '...Governments to decide themselves on how to approach their parliaments and what should be ratified.'

according to head negotiator

In fact, by not submitting the agreements to get the approval of their parliaments, both Prishtina and Belgrade, risk that the agreements may not be respected in the event that different political forces come to power. Theoretically speaking, these agreements could be rejected by whatever political force that gains power in Serbia or in Kosovo. This is acknowledged as a possibility by everyone, in particular by *Vetëvendosje!* (Self-Determination) in Kosovo. The party will not recognize these agreements. Party representatives stated that they could only be considered "private agreements of Hashim Thaçi and Edita Tahiri."

In Serbia, former Prime Minister Vojislav Kostunica's party has the sternest position on the dialogue. During the pre-election campaign, the Head of the Progressive Party and current President of Serbia,

¹⁶ Republic of Kosovo, the Assembly, "RESOLUTION on the dialogue between the Republic of Kosovo and the Republic of Serbia," No. 04-R-001, Prishtinë, 10 March 2011.

http://www.assemblykosova.org/common/docs/Rezoluta_per_dialogun_midis_R.Kosoves_dhe_R.Serbise_2.pdf

¹⁷ Interview with Edita Tahiri. Prishtina, 13 April, 2012.

Tomislav Nikolic, announced that he would not implement the agreements reached in the Prishtina-Belgrade dialogue if he came to power.

It seems that such a complication had been anticipated by the international mediators when they chose to use the term conclusions instead of agreements. The European Union explained that this issue was up to the dialoguing partners. “It is up to the governments themselves to decide on how to approach the parliament and to decide what should be ratified. There are several cases in which legislation is needed for the implementation of what the parties have agreed upon, such as with the cadastres issue. Therefore, the parliament will naturally be included in this respect. In other cases, such as with customs stamps, they can be implemented through administrative decisions. This does not exclude the parliament from debating if they decide to do so,” according to Robert Cooper.

The commentator of the Serb newspaper “*Politika*”, Bosko Jaksic, believes that the fact that these agreements were achieved under the auspices of the EU and Washington, suffices as a guarantee that the agreements will endure. The EU is developing a secret “weapon”, which is designed to ensure that the parties respect the agreements reached in Brussels. Accordingly, the evaluation of the implementation of those agreements will constitute one focus area in the EU's annual progress reports. This means that the continuation of the dialogue and the implementation of the agreements will evolve into a pre-condition for the EU membership of both Kosovo and Serbia. This “weapon” becomes even stronger when we consider that the Kosovo-Serbia dialogue is strongly backed by the member states of the EU and the United States.

Kosovo-Serbia Dialogue Chronology		
	Topics/ Issues	Dates
Round I	Cadastres, Civil Registry, Customs Stamps, CEFTA	7/8 March 2011
Round II	Energy, Telecommunication, Cadastres, Civil Registry	28 March 2011
Round III	Freedom of movement, University Diplomas, Energy, Telecommunication, Civil Registry, Cadastres and Customs Stamps	15 April 2011
Round IV	Missing persons, Cultural Heritage and University Diplomas	May 17 and 18 2011
Round V	Agreement reached on freedom of movement and civil registry	2 July 2011
Round VI	Round VI cancelled due to Serbia not showing up in the meeting due to its not readiness to recognise Kosovo Customs Stamps. The day after, on 20 th July Government of Kosova imposes reciprocity by applying embargo against Serbian products	19 July 2011
Round VI	Agreements reached on Customs Stamps and Cadastres	02 September 2011
Round VII	Round VII cancelled due to Serbia not showing up in the meeting	28 September 2011
Round VIIb	Regional Cooperation, Telecommunication, IBM	21/22 November 2011
Round VIII	IBM	30 November 2011
Round VIII	Agreement reached on the IBM; Regional Cooperation, Telecommunication and Energy discussed	02 December 2011
Round XI	Agreement reached on the Regional Cooperation and a protocol for the implementation of the IBM agreement	24 February 2012

The policies of the EU towards Kosovo and the region continue to be policies aimed at safeguarding peace and stability in its backyard. The European Union attempts to normalize relations between the countries and peoples of the region. However, many “details” within the framework of this policy have been ignored. It is clear that, for the EU, the situation in Serbia and the balance of forces there are more essential than the situation in Kosovo. Kosovo is “under control” and the position of Prime Minister Thaçi seems rather stable in continuing the dialogue without serious disturbances. On the other hand, Serbia has exploited this situation to threaten Europe. By playing with this dangerous balance of forces, Serbia managed to secure almost unconditional support from the EU and, we can add, often at the expense of Kosovo through imposing unpopular solutions such as the asterisk which

makes reference to UN Resolution 1244 as the form of Kosovo's representation in regional fora. As the weaker party in the dialogue, Kosovo is continuously subject to increasing pressure and requests to make compromises.

However, considering the fragility of Balkan politics, the sustainability of this process, and more so its results, leave a great deal to be desired. The agreements could easily be overturned from the legal perspective. Regardless of the statement of Tomislav Nikolic that he is not obliged to implement the agreements, Borislav Stefanovic believes that Nikolic and Kostunica, even with their rhetoric against the dialogue, in the end will not repeal the agreements and will not stop the entire process. According to Stefanovic, there is a minimal likelihood for that to happen. Bosko Jaksic thinks that while theoretically the option exists for a future government to stop the dialogue and to not implement the agreements, realistically no one in either Serbia or Kosovo will stop the dialogue and the agreement implementation.¹⁸ According to him, Nikolic will not risk confronting the EU and being isolated.

V. IMPROVISATION, LACK OF TRANSPARENCY AND ACCOUNTABILITY

The topics and the agenda of the process are also unsustainable. On these two points, all of the parties involved in the process agree. Statements by Brussels and the governments in Prishtina and Belgrade such as "we have to agree on the topics" reveal that the list of future topics has not been finalized yet. Also, there is no timeline envisaged for the process.

The topics currently known to be and telecommunication. This Cooper, Edita Tahiri and achievement of these due to the diverging positions The Kosovar side insists that of Kosovo should be provided telecommunication from KEK selected according to the laws of trade and competition.¹⁹ The Serbian



part of the dialogue are electricity has been confirmed by Robert Borislav Stefanovic. The agreements seems to be far off of the two parties on this matter. Serb-inhabited zones in the North with electricity and and PTK (or IPKO) which would be Kosovo and respecting principles of free side wants those services to be provided by Serbian companies, thus avoiding competition and free trade.

Other possible topics of the dialogue include air transport and the North. Following the elections in Serbia and the formation of a new government there, the most precarious topic for discussion will be the North. Recently, there has been an increase in international demands towards the Government of Kosovo to offer a comprehensive plan for integrating the North. For now, the public has no clue of what this solution could look like. Probably, the North will become part of the dialogue in Brussels because it seems as though this could be a suitable framework for the issue. Also, the European Commission, in its 2011 Progress Report, requested that the Government of Kosovo presented such a comprehensive plan. According to EU Enlargement Commissioner, Stefan Fule, the North has always been an integral part of all of the communications and speeches regarding Kosovo. Nevertheless, the Kosovar government had insisted that the dialogue was technical and would remain technical. Also, they promised that the North would never be part of the Prishtina – Belgrade dialogue.

¹⁸ Interview with Bosko Jaksic. Belgrade, 4 April 2012.

¹⁹ Interview with Edita Tahiri. Prishtinë, 13 April 2012.

These topics, however, will probably not be the last topics of the dialogue. The fact that there is no concrete timeline for the process, is one of the Kosovar opposition's main points of criticism. Also, they complain that there is no clear agenda. Meanwhile, the EU has no clear response. According to Mr. Cooper, there is still work to be done, hoping that this (the work) will be done very quickly.²⁰ Maja Kocijancic, Baroness Ashton's spokeswoman, confirmed in an interview with "Zëri" newspaper that the dialogue neither had a timeline, nor a previously determined list of topics. Rather, if there was a need to discuss an issue and the parties agreed on that during the process, new topics would simply be added to the agenda. According to Kocijancic, the topics are set "along the way". A topic that had, for example, been dictated by certain circumstances was the case with the issue of border crossings that was included in the dialogue after ROSU's intervention on 25 July 2011. Thus, Mr. Cooper believes that the topics for the dialogue "select themselves". Most of topics were selected with the approval of all parties, he added. Also, they were based on the "acquis" (EU legislation) such as was the case with the free movement of goods and people.²¹

The opposition has criticized the Kosovo Government for not being transparent in the process

According to him, one topic that became part of the dialogue as a result of the Kosovar side's request was the issue of recognizing university diplomas. Stefanovic, on his part, has noted that no topic proposed by had been included. According to him, Belgrade proposed all issues that were discussed and the agreements that were reached.²² This is also the position of the largest opposition party, LDK, whose representatives have stated that Serbia set the agenda and the results of the talks.²³ The Head negotiator Edita Tahiri denied all those claims. According to her, the Kosovo government had drafted a platform prior to the dialogue recommending issues that should be raised and enumerating those that were indeed discussed in the dialogue. Kosovo has a long list of topics that will have to be discussed with Serbia such as war reparations, the damages and plunder of Kosovar socially-owned enterprises during the 90s, the succession of Yugoslav property, missing persons, damage against private individuals, etc.

Transparency Unnecessary?

From the beginning, the dialogue was considered to suffer from a deep lack of transparency – a deficiency caused by all three parties. This lack resulted in a deep fear and insecurity in both countries. Surprisingly, the agreements were not published; not even by the EU, specifically not by Baroness Ashton's office or her representative in the dialogue Robert Cooper. This comes as a particular surprise, because transparency and accountability have always been promoted as European values. Cooper has stated that maybe there should have been more "systematic efforts" to ensure transparency in the process.²⁴ However, according to the EU mediator, it is never advisable to discuss issues in public when you are in the middle of a negotiation process. "It is true that at times, there has been confusion and misunderstanding but this is almost unavoidable and usually a solution is found."²⁵

The Government of Kosovo also has not published the agreements achieved in Brussels. Edita Tahiri explains the apparent lack of transparency (although she denies that it has been lacking) as a result of the sensitive nature of the process. She declared that the Government was transparent to the extent permissible by the nature of the negotiations.²⁶ However, Tahiri has thus far only reported twice before the Deputies of the Assembly of Kosovo even though the resolution on the dialogue with Serbia makes

²⁰ Email correspondence with Robert Cooper. Prishtina–Brussels, 16 April 2012.

²¹ Ibid.

²² Interview with Borko Stefanovic. Belgrade, 3 April 2012.

²³ LDK's Stance on the Kosovo-Serbia Dialogue. Email correspondence. 9 April, 2012.

²⁴ Email correspondence with Robert Cooper. Prishtina–Brussels, 16 April 2012.

²⁵ Ibid.

²⁶ Interview with Edita Tahiri. Prishtinë, 13 April, 2012.

reports on a “regular basis” mandatory.”²⁷ Yet, there is no clarification in the resolution as to what time period is meant by “on a regular basis.” In April of 2011, Tahiri reported to the Foreign Affairs Committee for the first time and, shortly thereafter, she reported a second time to the Assembly of Kosovo when the government of Kosovo was invited for interpellation by the opposition. Except for these two incidents, there has neither been another reporting nor any institutional debate on the dialogue, although this issue has often been brought up in the Assembly by opposition representatives outside of the Assembly’s order of the day. However, as already pointed out, a meaningful debate has been lacking so far.

In March, Albin Kurti, Head of the Foreign Affairs Committee in the Assembly of Kosovo, published two invitations that the Committee sent to Deputy Prime Minister Tahiri. The first invitation requested Ms. Tahiri to report to the Committee on the “Kosovo-Serbia dialogue process”, whereas the second requested her to submit the agreements on regional cooperation and on the integrated border management.²⁸ Based on a media report on this issue, Tahiri still has not replied to the first invitation. She had only sent the agreement on regional cooperation to the Presidency of the Assembly. The Assembly Resolution, Article 6, maintains that the appointee of the Prime Minister for the dialogue has to report on a regular basis to the Committee on Foreign Affairs and to other relevant committees of the Assembly, as well as to report during plenary sessions of the Assembly of Kosovo.

The three largest opposition parties criticized the Government of Kosovo for this lack of transparency in the process. They complained that they had not at all been well informed, that they had only been informed through the media or diplomatic channels but not through institutional channels. They accused the government of violating the Assembly's resolution on the dialogue.²⁹ As already stated, the opposition has also accused the government of not having prepared the process sufficiently; it lacked clear and defined goals, a defined agenda, a clear timeline and clear benefits for Kosovo. These requests could also be derived from the Assembly's resolution. Article 5 of this resolution obligates the government to “present the constitutive dialogue document to the Assembly of the Republic of Kosovo within the legal deadline,” even though here, too, the meaning of “legal deadline” lacks any specification.

Edita Tahiri justifies the lack of transparency as a result of the sensitive nature of the process, declaring that they were as transparent as permissible by the nature of the negotiations

The constitutive document has never been presented to the Assembly. So far, Tahiri has denied all these accusations and said that she and her team had sent all agreements to the Assembly in a timely manner. Moreover, she claimed that she had reported to the respective parliamentary committee on the issue of missing persons as well as responded to parliamentary questions on the issue of freedom of movement, car plates, regional cooperation and cultural heritage.

Tahiri said that the governmental platform on dialogue existed and she explained how it is supposed to function. According to her, the platform clearly states that line ministries are responsible for every issue that is discussed. For any certain issue, it is the respective ministry that is responsible. The ministry then provides its team to the head negotiator and offers her/him a negotiating platform for the issue at hand. This means that ministries are responsible for every issue. In the meantime, Ms.

²⁷ Republic of Kosovo, the Assembly, “RESOLUTION on the dialogue between the Republic of Kosovo and the Republic of Serbia,” No. 04-R-001, Prishtinë, 10 March 2011.

²⁸ Zëri INFO “Dy letra: arroganca si përgjigje” (Two letters: a reply of arrogance) written by Albin Kurti. 28 March 2012.

²⁹ Correspondence with AAK, LDK and LVV.

Tahiri is responsible for finding a solution within that platform. If the situation evolves in a way that requires stepping outside of this platform, she can only proceed to do so when the respective ministry approves that step. Accordingly, Ms. Tahiri only acted outside of that platform, when she had previously received a letter from the responsible minister allowing her to do so.

The opposition in Serbia also assumes that hidden agreements have been reached, thereby creating conspiracy theories of this type: “Who knows what they agreed to in Brussels?”³⁰ Stefanovic stated that they had published all agreements after achieving them and had sent them to the opposition and media. However, this was denied by Bosko Jaksic of the Politika newspaper.³¹ He recalled the confusion in Serbia over the agreement on “regional cooperation” which contains the formula of Kosovo’s representation in regional meetings “without prejudice to positions on status, in line with resolution 1244 and the ICJ advisory opinion on the Declaration of Independence of Kosovo.” Jaksic stated that neither average Serb citizens nor the media had known that this agreement only affected the European Commission and the EU Council but not the third institution of the EU, the European Parliament. This, according to Jaksic, was understood by Serbs when the European Parliament passed a resolution rejecting resolution 1244 and calling on the five non-recognizing countries of the EU—Spain, Cyprus, Greece, Slovakia and Rumania—to recognize Kosovo as a state.

However, the Politika commentator justified the delays in publishing the agreements and the lack of transparency by referring to the sensitive nature of the process. Jaksic believes that the political leaders have to be courageous, make political decisions for the good of their country and take responsibility for those decisions. If the parties want this dialogue to be successful, especially the EU as the mediator, then they had to ensure that citizens were correctly informed, that there was a productive debate within the respective societies and that, above all, the dialoguing parties were treated equally.

VI. CONCLUSIONS AND RECOMMENDATIONS

The EU-facilitated Kosovo-Serbia dialogue so far has been one of the most contradictory policies for both countries. The talks aimed at improving the lives of citizens and the relations between the two countries and at ensuring their progress towards the EU. Although there has been progress on the latter goal, especially for Serbia who won candidate status, the living conditions for the citizens have not improved—particularly for Albanians in the South of Serbia for whom the agreement on free movement has come with financial barriers. Relations between the two states are tenser now than they used to be prior to the dialogue. Kosovo's EU perspective has only improved slightly, even though Kosovo seems to have always met the conditions on regional cooperation and good neighbourly relations. The EU should offer Kosovo the European perspective without additional conditions.

After a year of dialogue, seven agreements have been reached, but the progress on implementing them remains poor. The process did not include consultations and qualitative inclusion of internal stakeholders. Furthermore, the accountability of the government in the Assembly has been limited. It seems as if this dialogue has focused more on the EU than on the people and their representatives. The European Union plans to include the evaluation of the agreement implementation in the annual Progress Reports on Kosovo and Serbia. Thus, the dialogue and its results will be incorporated into the membership criteria for both countries. Based on the findings of this study, the following recommendations should be taken into consideration:

- ✚ The agenda of the meetings has to be clear and the process has to be planned in order for the parties to be able to prepare well and to organize preliminary qualitative internal discussions.

³⁰ Interview with Borko Stefanovic. Belgrade, 3 April 2012.

³¹ Interview with Bosko Jaksic. Belgrade, 4 April 2012.

All open issues should be identified in order to determine the agenda and define the topics as well as future timelines;

- ✚ Transparency and accountability should improve and the parties should be more systematic on this issue in order to ensure sustainability. The authorities need to actively aim at achieving an internal consensus;
- ✚ The Assembly should be integrated into the process and the approach, debates and the development of the stakeholders' positions should be constructive and in the interest of the people and citizens;
- ✚ The EU as a facilitator and the U.S. as an active participant should ensure equality between the parties during the dialogue as well as during the definition of topics, and ensure implementation of the achieved agreements. Not treating the parties equally, will render the process unsustainable;
- ✚ The Serbian authorities should follow their obligations in the dialogue, take actions to improve relations with Kosovo and make a break from its policies of the past in order to not endanger the improvement of regional stability and EU advancement;
- ✚ The EU should be more proactive and systematic in monitoring the implementation of the agreements and it should interfere—without bias—in order to ensure that the agreements are being implemented;
- ✚ EU support through an independent and professional technical assistance and an incidental fund would help with the implementation of the agreements and would therefore visibly improve the process and the implementation. It would increase the trust of the public in the dialogue process;
- ✚ The EU should execute its declared political will to assist Kosovo in achieving its European perspective, especially through (a) recommending, in the Feasibility Study due in October, to start the Stabilization and Association Agreement negotiations; (b) strengthening efforts to place Kosovo on the white Schengen list – to end the terrible isolation of Kosovo citizens and businesses face today; and (c) motivating the five non-recognising EU member states to choose an cooperative approach towards Kosovo even if they are not willing to recognise its independence yet.

These measures will increase the trust of the citizens of Kosovo both in the European integration and in the dialogue, and it will render both processes more tangible and beneficial for the citizens. Ultimately, this will increase the citizens' confidence in the fact that the dialogue will not only benefit the European Union or Serbia but that it will benefit them by improving their lives.