



Overview

of the EU Facilitated Dialogue between

Belgrade and Pristina

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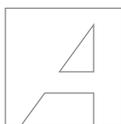
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Photos
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Belgrade
October 2015

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Konrad
Adenauer
Stiftung

*This publication is published as a
part of the project „Clear on Europe“
supported by the Konrad Adenauer
Stiftung.*

Introduction

The EU facilitated dialogue between Belgrade and Pristina, popularly known as the Brussels negotiations, undoubtedly represents one of the most important contemporary political processes in the Western Balkans. This is true for several reasons. First, it represents an attempt to normalize relations between Serbia and Kosovo* and find a solution to a long-standing dispute over the status of Kosovo, which in itself represents probably the most important territorial dispute in Europe today. Second, it aims to advance the European integration process of the Western Balkans by resolving disputes which have blocked this process for a significant amount of time and allowing Serbia and Kosovo to move forward with their European integration agendas. Third, agreements reached through the Brussels negotiation process are of great importance for economic and democratic development of the region, as well as its stability, but above all for the future of the people in Kosovo on both sides of the river Ibar. Finally, it rep-

resents an important test for European Union's role in conflict resolution and achieving the advancement of peace and reconciliation. With the European Union being awarded its Nobel Peace Prize 2012 for "six decades (of having) contributed to the advancement of peace and reconciliation, democracy and human rights in Europe**", and especially for its role in the reconciliation process in the Balkans, the Brussels negotiations process undoubtedly represents a test for EU's capacity to reach those ends.

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*Within the Overview, the term „Kosovo“ will be used without prejudice to its status

**http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/press.html

this process for a significant amount of time and allowing Serbia and Kosovo to move forward with their European integration agendas. Third, agreements reached through the Brussels negotiation process are of great importance for economic and democratic development of the region, as well as its stability, but above all for the future of the people in Kosovo on both sides of the river Ibar. Finally, it represents an important test for European Union's role in conflict resolution and achieving the advancement of peace and reconciliation. With the European Union being awarded its Nobel Peace Prize 2012 for "six decades (of having) contributed to the advancement of peace and reconciliation, democracy and human rights in Europe", and especially for its role in the reconciliation process in the Balkans, the Brussels negotiations process undoubtedly represents a test for EU's capacity to reach those ends.

In this Overview of the EU Facilitated Dialogue between Belgrade and Pristina, we will offer a clear, concise and informative brochure of the Brussels negotiations process from its beginnings until today. Together with the Infographic, which represents a visual presentation of the course of the dialogue, the Overview will serve to inform and clarify this complex political process to the wider public. Unlike

some previous studies on the matter, we will not deal with the implementation of the agreements, since the complexity surrounding it represents just the kind of confusion we want to avoid. The implementation undoubtedly represents a subject of great importance for the whole process and work in this area is both desired and necessary. However, we will attempt to put the issue of implementation aside and present the agreements themselves, arranging them in chronological order.

Avoiding complexity and confusion, however, is not an easy task in this particular research. First of all, there is an issue of different layers in the dialogue, one being on a high level, present in all the media as "rounds"; and the other being technical, in which deals are agreed on far from the newspaper headlines and sometimes even from the media altogether. Regarding this issue, we have decided to include only the high-level dialogue taking place in Brussels in both the Overview and the Infographic, with technical agreements being briefly mentioned in passing where necessary. Second, despite opting not to include technical dialogue in this Overview, we will nevertheless include the high-level meetings from the first, the so-called "technical" phase of the dialogue, since the two heads of negotiating teams were also main negotiators of their respective governments.

Basis of the EU Facilitated Dialogue between Belgrade and Pristina

The foundation of the EU Facilitated Dialogue between Belgrade and Pristina, popularly known as Brussels negotiations process, lies in the United Nations Security General Assembly A/RES/64/298 of 9 September 2010. After the UN General Assembly requested an advisory opinion on Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, which was provided by the International Court of Justice on 22 July 2010, the resolution A/RES/64/298 acknowledge the content of the advisory opinion and welcomed the role of the European Union in facilitation of dialogue between the parties. According to the resolution, “the process of dialogue in itself would be a factor for peace, security and stability in the region, and that dialogue would be to promote cooperation, achieve progress on the path to the European Union and improve the lives of the people*”

This resolution therefore called on the EU to facilitate further dialogue between Belgrade and Pristina, which

*A/RES/64/298 - <http://www.unmikonline.org/Documents/GA64298.pdf>

was previously held under the auspices of the UN. Together with the European Union Rule of Law Mission in Kosovo (EULEX), formally subordinated to the United Nations Mission in Kosovo (UNMIK), this new role of the EU made it the most important international actor in Kosovo.

The first phase in the dialogue took the form of a so-called technical dialogue that lasted from March 2011 to February 2012, while the later phase, held on a high political level, started in October 2012 and lasts until this day. Sir Robert Cooper, counsellor at the European External Action Service (EEAS), served as the EU facilitator in this first, technical phase of the dialogue. In his article for European Western Balkans, Sir Cooper claims that the dialogue was seen as a way to reach certain agreements and bring the reality on the negotiations, since all issues have both political and technical aspects. According to him, labelling a part of the dialogue as political merely

says that the “matters it deals with were domestically explosive.”**

Besides differentiating between the technical and political phase of the dialogue, we can differentiate between three phases based on the different main negotiators and the EU facilitator in their dialogue. In the first phase, the aforementioned technical dialogue, Borislav Stefanović and Edita Tahiri negotiated with the mediation of Robert Cooper. In the second phase, dialogue between the Prime Ministers Ivica Dačić and Hashim Thaçi was mediated by Catherine Ashton, while in the third phase Prime Ministers Aleksandar Vučić and Isa Mustafa negotiate with the involvement of Federica Mogherini as the EU facilitator in the dialogue.

**<http://europeanwesternbalkans.com/2015/07/16/sir-robert-cooper-the-philosophy-of-the-belgrade-pristina-dialogue/>



The Dialogue fell into two parts: the first, at official level, was about practical issues. Sometimes it was referred to as “the technical dialogue” by people who wanted to emphasise that the issues were not political. This is nonsense. All issues have both political and technical

aspects. Sometimes however, it is useful to focus on the technical and to pretend that it is nothing to do with politics. In fact even matters that in normal life would be considered technical, such as the wording on the Kosovo customs stamp, were settled (or blocked) at the highest political levels. The second part of the dialogue – conducted by Lady Ashton directly with the Prime Ministers of Serbia and Kosovo – was undoubtedly more political; but that is just a way of saying that the matters it dealt with were domestically explosive.

Robert Cooper:
The Philosophy of the Belgrade -
Pristina Dialogue
(European Western Balkans,
July 2015)

1. Technical Dialogue: March 2011 – February 2012



Borko Stefanović



Robert Cooper



Edita Tahiri

The first phase of the negotiations, frequently labelled as “technical dialogue”, lasted from March 2011 until February 2012. In this phase, the Head of the Negotiating Team of Belgrade was **Borislav Stefanović**, Political Director at the Ministry of Foreign Affairs of the Republic of Serbia, while the Head of the Negotiating Team of Pristina was **Edita Tahiri**, Deputy Prime Minister of Kosovo. The EU facilitator for the dialogue was **Sir Robert Cooper**, counsellor at EEAS.

There was a total of 9 rounds in this phase of the dialogue. The first four rounds, taking place on 8/9 March 2011, 28 March 2011, 15 April 2011 and 17/18 May 2011, yielded no definite agreements. Different issues were discussed during these meetings,

from freedom of movement, cadastral books, customs, and recognition of university diplomas to the issue of missing persons, but no agreements were reached.

In the 5th round, taking place on 2 July 2011, the agreement on **freedom of movement** and **civil registry** were reached.

In the 6th round, held on 2 September 2011, the parties reached agreements on **custom stamps** and **cadastre**.

The 7th round took place on 21/22 November 2011 when **the agreement on the recognition of university diplomas** was reached.

The 8th round was held on 30 Novem-

ber and 2 December 2011, and the parties managed to reach an agreement on the **integrated border/boundary management** (IBM).

Finally, in the 9th round, which took place from 21 to 24 February 2012, an agreement was reached on **regional representation and cooperation**, as well as on the Technical Protocol on the Implementation of the IBM.

This phase of the dialogue ended in early 2012 because of the scheduled parliamentary and presidential elections in Serbia in May 2012. After the government of Mirko Cvetković was replaced by the government of Ivica Dačić and Tomislav Nikolić replaced Boris Tadić as the President of Serbia, the dialogue entered a new phase.

<i>Dialogue Stefanović – Tahiri</i>		
<i>Nº</i>	<i>Date</i>	<i>Agreement</i>
1.	8/9 March 2011	
2.	28 March 2011	
3.	15 April 2011	
4.	17/18 May 2011	
5.	2 July 2011	<ul style="list-style-type: none"> • Freedom of movement • Civil registry
6.	2 September 2011	<ul style="list-style-type: none"> • Custom stamps • Cadastre
7.	21 / 22 November 2011	<ul style="list-style-type: none"> • Recognition of university diplomas
8.	30 November and 2 December 2011	<ul style="list-style-type: none"> • Integrated border/boundary management
9.	21-24 February 2012	<ul style="list-style-type: none"> • Regional representation and cooperation

2. Political Dialogue of Dačić and Thaçi: October 2012 – March 2014



Ivica Dačić

Catherine Ashton

Hashim Thaçi

The EU facilitated dialogue between Belgrade and Pristina resumed after an eight-month break, during which time the new Serbian government of Ivica Dačić was formed and the negotiating parties agreed to a new negotiating platform.

The dialogue was now elevated on the level of a political dialogue, with two Prime Ministers, **Ivica Dačić** and **Hashim Thaçi**, being main negotiators. High Representative of the Union for Foreign Affairs and Security policy, Lady **Catherine Ashton**, was appointed as an EU mediator in the dialogue.

This phase of the dialogue consisted of 23 rounds of negotiations between the two Prime Ministers. According to

Catherine Ashton, the two negotiators have spent more than 220 hours in direct talks with one another even before the last two rounds of negotiations*.

In the 1st round of the political dialogue, held on 19 October 2012, the negotiating parties have **confirmed on the political level** all which was agreed on earlier during the technical phase of the dialogue.

The 2nd round of the political dialogue took place on 7 November 2012, on which occasion the negotiators have agreed on the establishment of **liaison officers** in both Belgrade and Pristina,

*http://www.b92.net/eng/news/politics.php?yyyy=2014&mm=02&dd=03&nav_id=89195

which were to be stationed in EU offices in both cities.

The 3rd round was held on 3 December 2012 and it resulted in the agreement over **IBM on four border/boundary crossings**, thereby further implementing what was agreed on in the earlier phase of the dialogue.

The next 6 rounds, taking place on 17 January 2013, 20 February 2013, 4 March 2013, 20 March 2013, 2 April 2013 and 17 April 2013, did not result

We did not want to change the way that Serb people lived in Kosovo: we find it reasonable that police and court officials in the North should be mainly be ethnic Serbs. But they have to operate under the law of the land – in this case Kosovo (and that law has to meet European standards).

Robert Cooper:
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in any specific agreements. However, in this phase of the political dialogue, the main goal of the negotiators was reaching a fundamental political agreement which would enable the normalization of relations between Belgrade and Pristina and serve as a basis for any further negotiations. Therefore, the long talks during winter and spring of 2013 represented perhaps the most

important part of the whole dialogue.

The First Agreement of Principles Governing the Normalisation of Relations, popularly known as the Brussels Agreement, was signed by the two Prime Ministers on 19 April 2013 in the 10th round of the political dialogue. This 15 point agreement represented an agreement on various issues, the most important being the **formation of the Association/Community of Serb majority municipalities, merging Serbian police structures in Kosovo with the Kosovo police, integration of Kosovo and Kosovo Serb security structures, integration of the judiciary, organization of municipal elections in North Kosovo during the regular Kosovo municipal elections in 2013, formation of the implementation committee and the agreement of the parties not to block each other in their EU paths.**

After the Brussels Agreement was reached, 13 more rounds of negotiations between Prime Ministers Dačić and Thaçi were held. On 22 May 2013, in the 11th round, they have agreed on the **Implementation Plan of the Agreement on the Normalization of Relations between Belgrade and Pristina**, in which deadlines and implementation goals were set for the year of 2013. This implementation plan was later ratified by the parliament of Serbia on 26 May.

In the following rounds of the dialogue, negotiations were held on the issues of energy and tele-

communications, as well as the issues already agreed in principle within the Brussels Agreement such as the police, judiciary, and most importantly, on the Kosovo local elections in November 2013. The 12th round on 20 June, 13th round on 8 July, 14th round on 24 July and 15th round on 27 August did not result in any significant agreements.

However, in the 16th round on 8 September 2013, agreements were made on **telecommunications** and **energy**.

In the following, 17th round of the political dialogue, held on 7 October 2013, there was an agreement on the **visit of Serbian officials to Kosovo**.

In the next 6 rounds of the dialogue, which were organized on 5 November 2013, 6 December 2013, 13 December 2013, 17 January 2014, 12 February 2014 and 31 March 2014, talks were held on the implementation of the Brussels Agreement but with no definite agreements. Only the issue of the judiciary, despite not being finalized,

was mostly agreed upon in the last, 23rd round on 31 March 2014.

Besides the Brussels Agreement, an important landmark of this phase of the dialogue were **the local elections in Kosovo in 2013**. These elections not only represented the first time that North Kosovo municipalities held elections in line with the laws of Kosovo, but were also a prerequisite for the formation of the Association/Community of Serb majority municipalities, since North Kosovo Serbs first had to elect their municipal authorities.

This phase of the dialogue ended after the Serbian parliamentary elections on 16 March 2014, which was soon followed by the Kosovan parliamentary elections on 8 June 2014. Since the troubled negotiations for the formation of the government triggered a political crisis in Kosovo, this pause in the dialogue lasted longer than was expected, with the dialogue continuing only in February 2015.

Dialogue Dačić - Thaçi

Nº	Date	Agreement
1.	19 October 2012	<ul style="list-style-type: none"> Liaison officers
2.	7 November 2012	<ul style="list-style-type: none"> IBM on four border/boundary crossings
3.	3 December 2012	
4.	17 January 2013	
5.	20 February 2013	
6.	4 March 2013	
7.	20 March 2013	
8.	2 April 2013	
9.	17 April 2013	<ul style="list-style-type: none"> Judiciary
10.	19 April 2013 	<p>The First Agreement of Principles Governing the Normalisation of Relations (Brussels Agreement)</p> <ul style="list-style-type: none"> Association/Community of Serb majority municipalities Integration of the judiciary Integration of the police Integration of security structures Organization of municipal elections in North Kosovo Formation of the implementation committee No blocking of the other side's EU path
11.	21/22 May 2013	<ul style="list-style-type: none"> Implementation Plan for the Brussels Agreement
12.	20 June 2013	
13.	8 July 2013	
14.	24 July 2013	
15.	27 August 2013	
16.	8 September 2013	<ul style="list-style-type: none"> Telecommunications Energy
17.	7 October 2013	<ul style="list-style-type: none"> Visit of Serbian officials to Kosovo
18.	6 November 2013	
19.	5 December 2013	
20.	13 December 2013	
21.	17 January 2014	
22.	12 February 2014	
23.	31 March 2014	<ul style="list-style-type: none"> Significant progress on the judiciary

Brussels Agreement

The First Agreement of Principles Governing the Normalisation of Relations



- 1. There will be an Association/Community of Serb majority municipalities in Kosovo. Membership will be open to any other municipality provided the members are in agreement.*
- 2. The Community/Association will be created by statute. Its dissolution shall only take place by a decision of the participating municipalities. Legal guarantees will be provided by applicable law and constitutional law (including the 2/3 majority rule).*
- 3. The structures of the Association/Community will be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, vice President, Assembly, Council.*
- 4. In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the Community/ Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning.*
- 5. The Association/Community will exercise other additional competences as may be delegated by the central authorities.*
- 6. The Community/Association shall have representative role to the central authorities and will have a seat in the communities council for this purpose. In the pursuit of this role a monitoring function is envisaged.*
- 7. There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the KP.*
- 8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.*
- 9. There shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvecan, Zubin Potok and Leposavic). The Commander of this region shall be a Kosovo Serb nominated by the*

Ministry of Internal Affairs from a list provided by the four mayors on behalf of the Community/Association. The composition of the KP in the north will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the Municipalities of Mitrovica South, Skenderaj and Vushtrri). The regional commander of the four northern municipalities will cooperate with other regional commanders.

10. The judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities. A division of this Appellate Court, composed both by administrative staff and judges, will sit permanently in northern Mitrovica (Mitrovica District Court) Each panel of the above division will be composed by a majority of K/S judges. Appropriate judges will sit dependent on the nature of the case involved.
11. Municipal elections shall be organised in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards.
12. An implementation plan including time frame shall be produced by April 26. In implementing this agreement the principle of transparent funding will be addressed.
13. Discussion of Energy and Telecoms will be intensified by the two sides and completed by June 15.
14. It is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU paths.
15. An implementation committee will be established by the two sides, with the facilitation of the EU.



3. Political Dialogue of Vučić and Mustafa: February 2015 – Present



Isa Mustafa

Federica Mogherini

Aleksandar Vučić

The new phase of the dialogue started in March 2015, with the three main actors in the negotiations all replaced after the elections in 2014. **Aleksandar Vučić** replaced Ivica Dačić as the Prime Minister of Serbia and as the main negotiator of Belgrade, while **Isa Mustafa** replaced Hashim Thaçi as Prime Minister of Kosovo and main negotiator of Pristina. **Federica Mogherini**, the new High Representative of the European Union for Foreign Affairs and Security Policy, replaced Catherine Ashton as the EU mediator in the dialogue. Interestingly, both Dačić and Thaçi remained in their negotiating teams

as both now served as Ministers of Foreign Affairs of their respective sides.

In the 1st, opening round in this phase of the dialogue, held on 10 February 2015, the two sides made an agreement on the judiciary.

The next two rounds, held on 21 April and 29 June 2015 were less successful, however, with no political agreements being reached despite progress on certain issues such as Association/Community of Serb majority municipalities in Kosovo and telecommunications.

The 4th round of Vučić – Mustafa negotiations, held on 25 August 2015, was of major importance for the dialogue process. Namely, an agree-

ment was reached on all four major issues which blocked the negotiations for a significant amount of time - on the **Association/Community of Serb majority municipalities in Kosovo, telecommunications, energy, and freedom of movement (the issue of the Peace Park on the bridge) in Mitrovica.**

<i>Dialogue Vučić – Mustafa</i>		
<i>Nº</i>	<i>Date</i>	<i>Agreement</i>
1	10 February 2015	• Judiciary
2	21 April 2015	
3	29 June 2015	
4	25 August 2015	<ul style="list-style-type: none"> • Association/Community of Serb majority municipalities • Energy • Telecommunications • Freedom of Movement on the Mitrovica bridge

Further steps

The EU facilitated dialogue between Belgrade and Pristina has now lasted for more than four and a half years, during which time three different governments of Serbia and two different governments of Kosovo negotiated within 36 high-level rounds of the dialogue. Numerous discussions, both in Brussels and in various other cities, have been held on a technical level to specify deals arranged on a higher level. The dialogue has been a long, complicated process which cost both governments a very high amount of time and effort and represented at times a very unpopular political decision amidst significant popular protest.

The results, however, have not been delivered yet. According to different analyses of the implementation of the agreements signed during those four and a half years, there are very few arrangements which could be considered fully implemented. According to the report “BIG DEAL – Lost in Stagnation” from April 2015, only 4 of the 16 agreements have been fully implemented: customs stamps, population registers, local elections in Kosovo and the formation of the implementation board*.

* http://www.crta.rs/uploads/documents/2015-04-27%2012:17:50_a_77_l_en_doc.pdf

One of the most important problems in this regard are significant differences in interpretation of the arranged deals by the negotiating sides. As evidenced by the inability of the negotiators to strike deals on certain specific issues despite there being in-principle agreements about all major issues since 2013, and especially within the Brussels Agreement, technical deals might sometimes be harder to reach than general agreements. This might mean that we are still very far from the conclusion of the dialogue despite there being major steps forward such as the Brussels Agreement and the recent deal on four key issues from August 2015.

This follows the principle of “constructive ambiguity”, a term designating a deliberate attempt to resolve disputes by using unclear language and unclear terms in order for the sides in the negotiation to put fundamental disagreements aside and focus on other issues which could be resolved. This principle could explain why the Brussels Agreement, a relatively short document of only 15 points, requires so much negotiating and time in order to be implemented and why certain issues are discussed and agreements reached on them on several occasions. Some authors believe this is the key principle of the dialogue between Belgrade and Pristina. However, that still does not tell us much about where will the process

As it happened, in the Dialogue we had – and still have – a number of agreements that were not implemented. What good does that do? It only makes the party concerned look incompetent or unreliable: neither of these makes it attractive as a new member. If Serbia wants to join the EU quickly the best thing it can do is to negotiate seriously, and then implement immediately. This would surprise and amaze all the member states. Nothing else would do more good for the reputation of Serbia and its region.

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go and how it is actually going to be implemented. Role of the EU and the European integration process seems to be crucial in this regard.

Normalization of relations between Belgrade and Pristina is of paramount importance to Serbia for its accession to the EU, because of the presence of this issue within the negotiating chapter 35. Kosovo faces similar challenges in its striving for visa liberalization and the signing of the Stabilization and Association Agreement (SAA) with the

EU. Therefore, the implementation of the agreements might depend on highly complex relations between Belgrade, Pristina and Brussels.

Prime Ministers Vučić and Mustafa are set to continue their meetings with Mogherini in Brussels in the near future, which is also true for their respective negotiating teams. Their future of the European integration of Kosovo and Serbia is dependent on the ability of the two governments to implement all which has been agreed on within the dialogue process. Taking into account Prime Minister Vučić's recent negative reaction on the EU's draft of the common negotiating platform for Chapter 35, this promises to remain a slow, complicated and highly politically costly process for both Belgrade and Pristina.



Facilitated Dialogue between

Belgrade and Pristina

