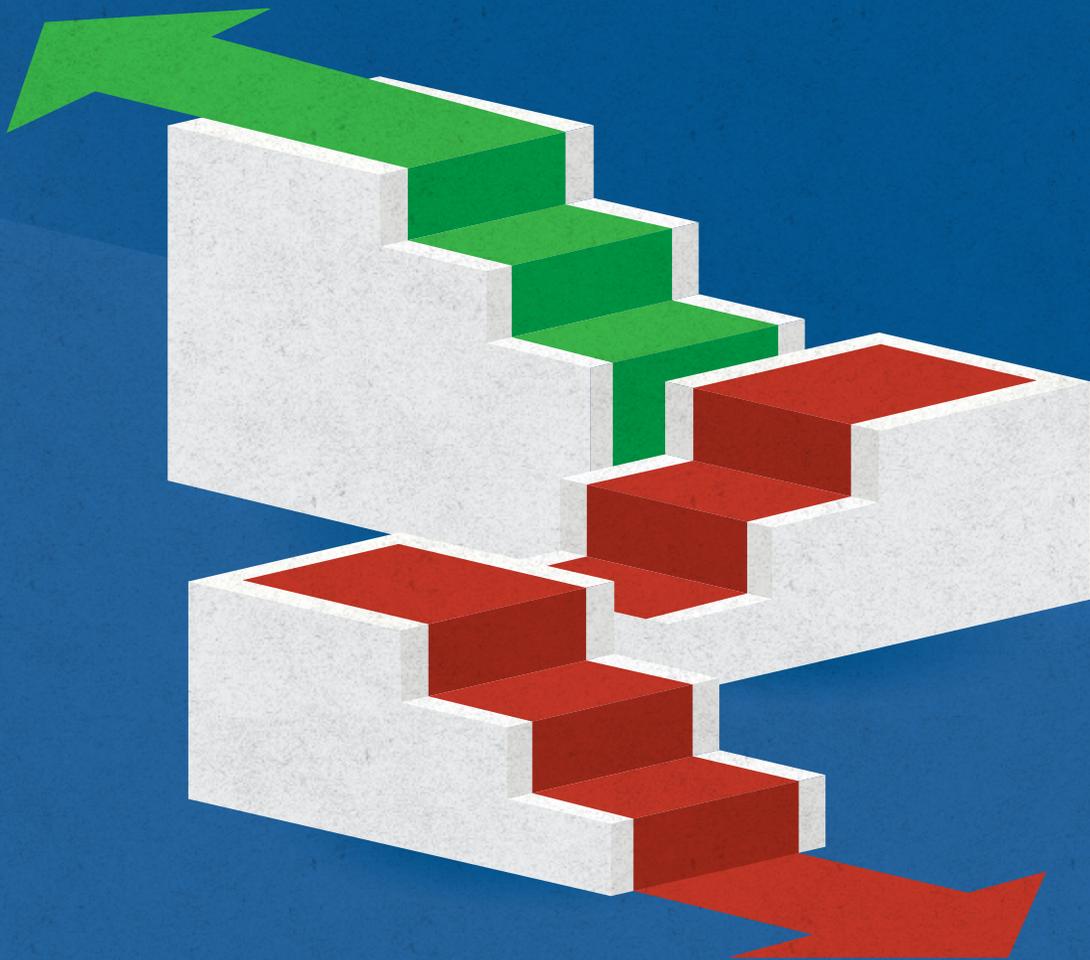


BRIEF ANALYSIS

# KOSOVO-SERBIA DIALOGUE: ONE STEP FORWARD, THREE STEPS BACK!





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AUGUST, 2022

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Should you have any assessment, comment, criticism or suggestion, you are kindly requested to contact us through any of the following means:

Adress: St. Bajram Kelmendi, No. 45  
10 000, Prishtina, Kosovo  
Tel.: +383 (0) 38 248 038  
E-mail: [info@kdi-kosova.org](mailto:info@kdi-kosova.org)  
Web: [www.kdi-kosova.org](http://www.kdi-kosova.org)

**Author: Violeta Haxholli and Arbër Thaçi**

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The content of this analysis is the sole responsibility of the Kosova Democratic Institute (KDI), and under no circumstances will it be considered to reflect the positions of the Italian Ministry of Foreign Affairs and International Cooperation.



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# 1. Introduction

The dialogue between Kosovo and Serbia, facilitated by the European Union, has already turned more than a decade. Both these countries, although they have been negotiating under the EU platform for more than ten years, the idea of discussions and final epilogue still remains unclear. Despite the numerous agreements during the first half of the process, the dialogue has produced ambiguity, while the two countries have not yet reached a final agreement. Discussions within the dialogue were conducted mainly on technical topics, which have been discussed again and again depending on the developments on the ground. The initial goal of the dialogue was to overcome the obstacles between the two countries, so by engaging in more

technical issues, to create a synergy for the final central agreement. In terms of transparency, the dialogue did not change - it remained largely non-transparent under the management of any government.

Through this analysis, KDI focuses on three aspects of the dialogue process between Kosovo and Serbia, the need for progress towards the final agreement, the need for the development of internal dialogue with the Serb community in Kosovo, as well as the need for increased transparency and accountability of the Government to the Assembly and the general public relating this process.



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## 2. DIALOGUE MEETINGS: MOVING FORWARD, STATUS QUO OR RETURNING TO THE OLD TOPICS?

Since the dialogue meetings resumed in Brussels, after the election of the new Government in Kosovo, topics that have been discussed so far were: freedom of movement, specifically the issue of vehicle license plates, energy and the issue of missing persons. After many efforts, the parties have agreed about the roadmap for the implementation of agreement on energy<sup>1</sup>, while there is still no agreement on freedom of movement and missing persons. On the other hand, The Government of Kosovo has provided some new proposals in the dialogue, however they have been rejected by the Serbian party. Meanwhile, there are many topics that still need to be agreed upon between the parties, while it is also necessary to discuss agreements that have been reached many times, but have not been implemented in practice, such as e.g. agreement on diplomas, IBM, etc. The new agreement on energy roadmap seems to be followed by the same practice of non-implementation. This is because Serbia has not implemented the points of the roadmap according to the established deadlines.<sup>2</sup> This situation will force the parties to discuss this issue again.

In the meantime, after the tensions created in the northern part of Kosovo, as a reaction to the Government's decisions to implement agreements on freedom of movement, the Prime Minister of Kosovo and the President of Serbia were invited for a meeting in Brussels on August 18. This meeting also did not produce any significant progress in the dialogue process between the two countries. Representatives of the EU described it as a meeting for crisis management, while the request that still remains is for the parties to reach full normalization of relations through a final agreement.<sup>3</sup> Reaching of a legally binding final agreement, with mutual recognition at the center, is also a request of the United States of America<sup>4</sup> While the dialogue was dominated by discussions on technical issues, the parties have not yet resumed detailed discussions regarding the elements of the final agreement, discussions which were interrupted in 2020. (See table 1.1) Serbia seems to have a greater reluctance to discuss the elements of the final agreement, especially due to the fact that the American administrations, and recently the European Union, have

1 OPM, "Agreement on Energy has been reached", 21 June 2022, at: <https://kryeministri.rks-gov.net/blog/arrihet-marreveshja-mbi-energiine/>

2 Kallxo, "Deadlines of the Roadmap for the implementation of the Agreement on Energy are violated", 6 August 2022, at: <https://kallxo.com/krypometer/shkelja-e-afateve-te-udherrefyedit-per-zbatimin-e-marreveshjes-per-energiine/>

3 See the statement of the EU High Representative, Josep Borell, at: [https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-press-re-marks-high-representativevice-president-josep-borrell-after\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-press-re-marks-high-representativevice-president-josep-borrell-after_en)

4 Euro News, 15 February 2022, "Biden: Kosovo-Serbia dialogue must conclude in mutual recognition", at: <https://euronews.al/en/kosovo/2022/02/15/biden-kosovo-serbia-dialogue-must-conclude-in-mutual-recognition/>





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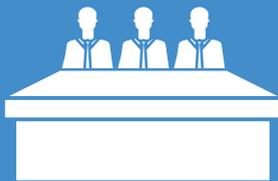
specifically the issue of vehicle license plates,



energy



the issue of missing persons.



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requested that the final agreement be based on mutual recognition.<sup>5</sup> In this regard, parties to the dialogue have diametrically opposite goals. Kosovo aims for recognition through dialogue, while Serbia has not yet expressed its readiness for such a thing. This has been confirmed many times by public statements of high political representatives in Serbia, who continue to claim that Serbia is not in the dialogue to recognize Kosovo. Naturally, reaching a final agreement, especially if this agreement would have mutual recognition at the center, could also resolve other technical issues that remain problematic between the two countries. For example the issuance of temporary travel documents during

the border crossing would no longer be necessary if Kosovo and Serbia would reach an agreement on mutual recognition. But in the current situation, such a thing seems difficult to achieve. Citizens of Kosovo and Serbia also expressed this opinion in the survey that KDI conducted in June of this year. Only 2.5% of respondents in Kosovo and 2.1% in Serbia expect a final agreement to be reached between the two countries in 2022.<sup>6</sup> The lack of political will to move forward towards a final agreement will continue to reflect on the situation on the ground, maintaining an unstable status quo that occasionally produces tensions.

<sup>5</sup> Euro News, 15 February 2022, "Biden: Kosovo-Serbia dialogue must conclude in mutual recognition", at: <https://euronews.al/en/kosovo/2022/02/15/biden-kosovo-serbia-dialogue-must-conclude-in-mutual-recognition/>

<sup>6</sup> See the KDI's survey at: <https://kdi-kosova.org/aktivitetet/sondazhi-i-kdi-se-shperfaq-pakenaqesite-e-qytetareve-te-kosoves-dhe-te-serbise-me-procesin-e-dialogut/>





**Table 1.1:** Dialogue meetings between Kosovo and Serbia

Dialogue meetings between the Prime Minister of Kosovo Albin Kurti and the President of Serbia Aleksandar Vucic		Meetings of chief negotiators Besnik Bislimi, Petar Petkovic and technical groups in Brussels	
15 June 2021	Brussels	6 July 2021	
19 July 2021	Brussels	7 September 2021	
4 May 2022	Berlin	29, 30 September 2021	
5 May 2022	Berlin	16 November 2021	
18 August 2022	Brussels	28 January 2022	
		22 February 2022	
		11 March 2022	
		21 April 2022	
		13 May 2022	
		21 June 2022	

*Source: OPM and Lajcak's official Twitter profile*



# 3. THE NEED FOR AN INTERNAL DIALOGUE, PARALLEL TO THE DIALOGUE WITH SERBIA

Although one of the main goals of the dialogue between Kosovo and Serbia was integration of the Serb community in the system of the Republic of Kosovo, after more than a decade of dialogue, this integration does not seem to be sustainable yet.

Through dialogue agreements has been achieved, to some extent, integration of this community within the public administration, security and justice sectors. However, this process seems to be highly dependent on the developments in the Kosovo-Serbia dialogue and the relations between the two countries. In this aspect, official Belgrade has a great influence, by controlling individuals and groups operating in Kosovo, who then put pressure to Serb citizens who have been integrated into Kosovo institutions, to suspend their attendance in workplaces. There have been dozens of cases, including the current ones, where political representatives of the Serb community in Kosovo have suspended their participation in the Assembly of Kosovo and in the Government, an

action that has also been followed by the Serb civilian staff in the public administration.<sup>7</sup> The distance created after independence between the Serb community in Kosovo and the state of Kosovo has only increased over the years. The vacuum created between the state of Kosovo and Serb community has been quickly and continuously filled by Serbia, concreting it and using it for its destructive purposes. On the other hand, Kosovo institutions have not approached this situation with the right strategy. Governments have neglected these developments, pushing the local Serbs even more towards the influence of Serbia and its structures, especially in the northern part of the country. Despite the commitments of the current government, for the development of an internal dialogue with the local Serbs, communication between institutions and citizens from this community is absent. And in the absence of this communication, our institutions are not aware of the real demands and problems faced by Serb citizens, as well as how those problems can be addressed

<sup>7</sup> Kallxo, "Serbian List and judicial staff suspend their work in Kosovo", 25 March 2022, at: <https://kallxo.com/lajm/lista-serbe-dhe-stafi-gjyqesor-pezullone-punen-ne-kosove/>



The distance created after independence between the Serb community in Kosovo and the state of Kosovo has only increased over the years. The vacuum created between the state of Kosovo and Serb community has been quickly and continuously filled by Serbia, concreting it and using it for its destructive purposes.



The current Government should push forward the long-awaited idea of developing an internal dialogue with the Serb community; this is in order to understand directly what are the demands of representatives and citizens of this community and to address them as much as possible through institutional mechanisms.

through Kosovo's institutional mechanisms.

Whereas, in relation to the dialogue and agreements reached within it, the governments have been passive in informing Serb citizens about the content of the agreements and their implications in their daily life, leaving them with Serbia as the only source of interpretation, which has often misinformed and misinterpreted agreements for its own purposes.

The institutions of Kosovo have surrendered to the fact that the official Belgrade, through parallel structures, has extended its influence on the Serb community, neglecting a part of this community that is under pressure from these structures and, like the state of Kosovo, has an interest in being free of them and live a normal life in Kosovo. In this perspective, the current Government should push forward the long-awaited idea of developing an internal dialogue with the Serb community; this is in order to understand directly what are the demands of representatives and citizens of this community and to address them as much as possible through institutional mechanisms. The government should also inform this community about the dialogue agreements, most of which directly affect the life of this community. The surveys conducted by KDI during this year prove that Serb citizens living in Kosovo do not have enough knowledge about the content of dialogue agreements, including the agreement on association. In the question that the KDI posed to all citizens in Kosovo on how they see the Agreement on Association, 50% of the respondents from Serb community citizens stated that they do not know or did not respond at all regarding the impact of this agreement in the functioning of the state of Kosovo or in their rights.<sup>8</sup> Awareness-raising and informational activities by the Government have also been lacking in terms of Government's decisions on the

implementation of the dialogue agreements, including the last decision on the implementation of the points of the agreement on freedom of movement, specifically on vehicle license plates and issuance of temporary documents during Kosovo-Serbia border crossing. Such an argument was also expressed by the American Embassy in Kosovo in its request to the Government to postpone the decision for one month.<sup>9</sup> The Government of Kosovo has not done enough to clarify to the Serb community citizens that this Government's decision is in full compliance with the Brussels Agreement on freedom of movement, and is completely similar to the same practice that Serbia has applied to the citizens of Kosovo. Thus, established reciprocity is actually reciprocity that Serbia already accepted in 2011 with the Brussels Agreement on freedom of movement. Serbia has twisted the correct information that the Government of Kosovo should have provided to Serb community citizens with incorrect information and for political purposes, trumpeting to the public that the decisions of the Government of Kosovo are attacks on the Serb community, using criminal groups to attack the Kosovo Police during the performance of their duties and tasks.

Even in cases where information campaigns have been carried out by the Government, they have been limited to written posts and occasional video messages on social networks, which have hardly reached the right audience. Until now, there have been no systematic campaigns, which could include placement of informative pamphlets in Serb majority municipalities and cooperation with the Serb majority municipalities themselves for the distribution of information in the field.

<sup>8</sup> See the KDI's survey.

<sup>9</sup> Ambassador Jeffrey Hovenier's statement to Kosovo media, Entry/exit documents and license plates decisions, 31 July 2022, at: <https://xk.usembassy.gov/st731amb/?fbclid=IwAR0X0kSJu6sk2dscjm86eUMeb4zs-bC2kCSWv2G0mIjKpviAT5n7Wb68QU0>



## 4. TRANSPARENCY AND ACCOUNTABILITY AS CRUCIAL ELEMENTS OF THE DIALOGUE PROCESS

The lack of transparency has almost always characterized the Kosovo-Serbia dialogue process. The political representatives of Kosovo in this process have mostly been reluctant to inform the Assembly, as the highest supervisory institution of foreign policy, civil society and general public, regarding the developments in the framework of dialogue. Although after almost every meeting with Serbia, the former Prime Ministers of Kosovo reported to the Assembly, such reports were mostly superficial, while much information was not shared in the name of confidentiality of the process. The dialogue agreements were presented to the Assembly and the public only after they were reached, while often their text was not published on time on the official website of the Government, as happened, for example, with the Agreement on Justice. Currently, the agreements and reports on the dialogue are difficult to be accessed on the official website of the Government, because they are spread over several different sections. Some information has not been added, such as the last Government report regarding the state of implementation of the agreements, a special space or section on the Government's website, where all the agreements and documents about the dialogue would be published, would facilitate public access to information on this matter.

The new government has chosen a different approach, in terms of informing the Assembly and the public about the dialogue with Serbia. Initially, the Government officials have stated that they will not publish the dialogue platform or strategy as previous governments did, because their publishing could damage Kosovo's position in this process.<sup>10</sup> Although the confidentiality of the process is a crucial element, the Government can be more transparent regarding the dialogue to the point where the position of Kosovo in this process is not damaged.

By respecting the mandate of the Assembly, as the highest supervisory institution, there should be reports of the Government on its own initiative after each meeting held in the framework of the dialogue. This demand also originates from the constitutional provisions confirmed in the judgment of the Constitutional Court, which has clarified the competences and responsibilities of institutions relating foreign policy.<sup>11</sup> In addition to the highest act, the Assembly, through the resolutions approved in the past, asked from Prime Ministers to report regularly about the meetings with Serbia.<sup>12</sup> The political party that now leads the Government, as opposition was very vocal against other governments, asking them to guarantee transparency and accountability of the dialogue process.

<sup>10</sup> Kallxo, "The opposition requests the dialogue 'strategy', Bislimi: I will not lose the probability in the process by speaking outloud on the process, 18 July 2022, at: <https://kallxo.com/lajm/opozita-ia-kerkon-strategjine-per-dialogun-bislimi-sia-humbi-vetes-propabilitetin-ne-proces-duke-dale-me-tupan-me-fole/>

<sup>11</sup> See the Judgment of the Constitutional Court at: [https://gjk-ks.org/wp-content/uploads/2019/06/ko\\_43\\_19\\_agj\\_shq.pdf](https://gjk-ks.org/wp-content/uploads/2019/06/ko_43_19_agj_shq.pdf)

<sup>12</sup> See Resolutions on the Kosovo-Serbia dialogue in the KDI platform 'Vota Ime (My Vote)', at: <http://www.votaime.org/Public/DraftLaws#resolutions>



So far, Prime Minister Kurti, on his own initiative, has reported only once about the dialogue in the Assembly session of 11 June 2021, whereby an updated report on the implementation of the dialogue agreements was published. More than a year has passed since then, and similar updated report has not yet been published, and it is not known what the current status of the implementation of the dialogue agreements is. The updating of such a report would also serve the Government to address in

the dialogue meetings agreements that are not being implemented by the Serbian side.

While other statements of the Prime Minister in the Assembly regarding the dialogue were in the framework of parliamentary questions or debates on other topics developed in the Assembly, during which, the topic of the dialogue with Serbia has also been raised. (See Table 1.2)

**Table 1.1: Government reporting in Assembly sessions on the dialogue**

Date	Point of the agenda	Details
11 June 2021	Discussion on the so far progress of the dialogue with Serbia	The Government presented the Report on the situation with the implementation of dialogue agreements
25 February 2022	 Parliamentary debate regarding the developments in the Kosovo-Serbia dialogue	It is discussed about the dialogue in general
16 March 2022	 Voting of the draft Resolution from the parliamentary debate regarding the developments in the Kosovo-Serbia dialogue	Resolution initiated by AAK has not been approved
12 April 2022	 Parliamentary debate on foreign policy	It is discussed about the dialogue in general

*Source: www.votaimo.org*

On the other hand, Deputy Prime Minister Besnik Bislimi reported several times to parliamentary committees, some of which were closed to the public due to information he has described as confidential regarding the dialogue. Since the time when the Kurti Government was elected, Deputy Prime Minister Bislimi has reported four times on the dialogue to the respective parliamentary committees dealing with the topic of dialogue with Serbia. While, in addition to the reporting specifically on this topic, in 9 cases he has informed the parliamentary committees regarding the developments in the dialogue also in the framework of discussions on other issues. (See Table 1.3) Whereas, like Prime Minister Kurti, Deputy Prime

Minister Bislimi has declared regarding the dialogue in the framework of parliamentary questions from the MPs.

**Table 1.3: Government reporting at the parliamentary committees regarding the dialogue**

Date	Point of the agenda	Committee
<b>Reporting specifically regarding the dialogue</b>		
5 May 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on Foreign Affairs and Diaspora
21 September 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on Human Rights, Gender Equality, Victims of Sexual Violence During of War, Missing Persons and Petitions
7 October 2021	 Reporting by the Chairperson of the Government Commission on Missing Persons, Andin Hoti	Committee on Human Rights, Gender Equality, Victims of Sexual Violence During of War, Missing Persons and Petitions
21 April 2022	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on Foreign Affairs and Diaspora
23 May 2022	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on Foreign Affairs and Diaspora
<b>Reporting on other matters, where the issue of dialogue was raised</b>		
2 June 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration
2 July 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration
14 July 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration
24 September 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration
15 October 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration



Date	Point of the agenda	Committee
12 November 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration
30 November 2021	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration
22 March 2022	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration
18 July 2022	 Reporting by the Deputy Prime Minister Besnik Bislimi	Committee on European Integration

Source: [www.votaimo.org](http://www.votaimo.org)



# CONCLUSION

The new decision of the Government of Kosovo to implement the agreement on freedom of movement reached first in 2011 and then in 2016, brought the parties back to the dialogue table on August 18 of this year for the umpteenth time in a row. This is due to Serbia's positions on this issue and the need to find a lasting solution. But freedom of movement is only one of many issues on which the parties must reach agreement. There are still many topics that need to be discussed, including the elements of the final agreement, while many agreements reached in the past have not been implemented in practice, mainly due to the lack of a final agreement. A final agreement could have a domino effect in resolving the contentious issues between Kosovo and Serbia.

In the meantime, the Government of Kosovo should, as soon as possible, develop an internal dialogue with the Serb community in Kosovo, aiming to increase communication and cooperation, in order to guarantee sustainable integration of this community in the state of Kosovo. Regarding the decisions that affect the citizens of the Serb community in Kosovo, the Government of Kosovo should organize systematic information campaigns in the field. Hence, there should be cooperation with Serb majority municipalities for the distribution of information to this community.

In addition, the Government should increase the transparency and accountability of the dialogue process towards the Assembly and the public, by increasing the number of self-initiated reporting to the Assembly and facilitating access to information on the dialogue for the public on the official website. In this regard, there should be systematic reporting of the Government senior representatives regarding the meetings held in the framework of the dialogue. Meanwhile, updated reports on the situation with the implementation of the dialogue agreements should be drawn up and shared with the Assembly and the public.

