

# The Prishtina-Belgrade Dialogue in the Context of the New EU Enlargement Strategy

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# THE BELGRADE - PRISHTINA DIALOGUE IN THE CONTEXT OF THE NEW EU ENLARGEMENT STRATEGY

## Introduction

The same month that Kosovo marked the 10<sup>th</sup> anniversary of its independence, so did the European Commission (EC) release the new European Union (EU) enlargement strategy with the Western Balkans. These happenings of February 2018 confirmed that, as Kosovo marked its entrance into a new decade, not everything was worthy of being celebrated.

Titled 'A credible enlargement perspective for an enhanced EU engagement with the Western Balkans', the EC document of 6 February 2018 distanced the young republic from accession in stating: "With sustained effort and engagement, Bosnia and Herzegovina could become a candidate for accession. Kosovo\* has an opportunity for sustainable progress through implementation of the Stabilisation and Association Agreement and to advance on its European path once objective circumstances allow"<sup>1</sup>. The asterisk itself, one policymakers have come to know so well when discussing Kosovo in international fora, is already an indication on how feeble prospects are. On the other side of the spectrum, Serbia and Montenegro rejoiced in being singled out with a timeframe for accession, as FYR Macedonia and Albania also secured renewed hope for open negotiations.

Behind both candidacies of Serbia and of Kosovo is the EU-monitored Dialogue. The lengthy Dialogue on the normalization of relations between Belgrade and Prishtina has been a determinant their standing in EU talks. Even so, should the Dialogue be fully accomplished, the integration prospects it offers Kosovo are vastly different from those it does to Serbia. This proves even more valuable by putting the aforementioned February 2018 events in the context of the present EU sociopolitical framework.

The European Union is at a moment of its history when the Western Balkans are the main point in the agenda after consecutive hits to the core of the EU had sidetracked enlargement as a priority. As the Brexit dust settles in favor of the EU27, the peak of the refugee crisis quells and various Member-States vote in EU-friendly heads of state, the once-EU skepticism has turned into a renewed sentiment of hope and trust in the integration project. All eyes are back on the Western Balkans, as the Strategy confirmed. With assertive decisions regarding the EU joint strategy, what is lacking is assertiveness regarding the Belgrade-Prishtina Dialogue.

This note seeks to provide a snapshot of the Belgrade-Prishtina Dialogue in view of this period in EU history and the new enlargement strategy it prompted. This will be done by mapping the three relevant vantage points on concluding and implementing a legally-binding agreement on normalized relations: the EU level, the Serbia level and the Kosovo level. In providing a compact insight into the developing background of the Dialogue, the door is opened for improved understanding of its geostrategic importance, as well as the way forward for policymakers on all sides.

## The Dialogue on normalization of relations

The Belgrade-Prishtina Dialogue launched in March 2011, also known as the Brussels Dialogue, may be between the two countries, yet is facilitated by the EU and therefore directly affected in its impetus by internal affairs of the Union. At a moment in time when years have been drawn out with

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<sup>1</sup> European Commission, *A credible enlargement perspective for and enhanced EU engagement with the Western Balkan*, 6 February 2018, pg.2 (hereafter EU Enlargement Strategy).

back-to-back talks and underlying tensions, the EC Strategy comes to remind both governments that stalling a real rapprochement will not just delay enlargement processes, but possibly hamper them altogether.

Above all, in looking to take in six new Member-States, the EU is clear that all regional disputes must be solved before accession. Indeed, the issue of the recognition of Kosovo shaped up to be a key drawback - not only for Serbia and Kosovo but for EU regional aspirations to be smoothly accomplished. The Dialogue thus serves the interests of Serbia and Kosovo, as well as benefits the EU and the Balkan Peninsula's quest for stability and progress.

As part of the Dialogue, the so-called Brussels agreement was concluded on 19 April 2013, in which both countries agreed to undertake mutual efforts to normalize relations under the auspices of the EU. The short 15-point agreement was nevertheless not signed by either party – an actual great representation of the process insofar, one that is a slippery slope of give-and-takes and where non-implementation repeatedly impacts the credibility and reliability of efforts.

For Kosovo, the Dialogue regards strengthening the country's nation-wide rule of law and institutional governance (i.e. judicial and policing matters) by means of legally integrating the Serb-majority municipalities in the North. This should be done in a way that respects local ownership and management of affairs in the form of an Association/Community of Serb majority municipalities, yet preserves national integrity. It thus primarily regards encouraging Kosovo's standing as a state actor. For Serbia, the stakes are just as high but on a different level: it not so much regards national integrity as is a mandatory step in the accession negotiation process. On 14 December 2015, the EC for the first time opened two chapters of the 35 negotiating chapters with the Republic of Serbia<sup>2</sup>: Chapter 32 on 'Financial control' and Chapter 35 on 'Other issues - Item 1: Normalization of relations between Serbia and Kosovo'. The Belgrade-Prishtina Dialogue is not about reconciliation with neighbors, rather single-handedly motivated by the EU membership that both governments chase. For this reason, it remains all too often curbed by inflamed political tensions. Such an instance occurred just recently, in January 2018, when the Serbian government suspended talks in reaction to the assassination of Kosovo-Serb politician, Oliver Ivanovic, in the disputed territory of Mitrovica.

Taking into account the aforementioned momentum of renewed focus on enlargement, both teams of Chief Negotiators from Belgrade and Pristina have since resumed the EU-facilitated talks in late February<sup>3</sup>. The main points of discussion lay in implementing the judiciary and the Association/Community of Serb majority municipalities agreements, and in managing freedom of movement, vehicle registration plates and border crossings (the Integrated Border Management Agreement – IBM). The volatility of the Dialogue was however once more showcased with the detention of senior Serbian politician Marko Đurić on the charge of illegal entry into North Mitrovica, Kosovo, as a breach of Kosovo constitutional law and the Brussels agreement on freedom of movement.

As the enlargement momentum is built up by official EU state visits to the region, supportive statements by MEPs and, most concretely, the Strategy of 6 February 2018, the Brussels Dialogue has become more urgent than ever. Accordingly, the EU is clear in labelling the success of the Dialogue as key in the Western Balkans enlargement and a prerequisite for Kosovo and Serbia as potential members. This was confirmed in the Strategy focusing a lot of on the topic of reconciliation, bilateral disputes and good neighborly relations.

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<sup>2</sup> The Delegation of the European Union to the Republic of Serbia, "Milestones in EU – Serbia relations", available at: <http://europa.rs/serbia-and-the-eu/milestones/?lang=en>.

<sup>3</sup> European Union External Action, "Statement by the Spokesperson following the working level meeting within the EU facilitated Dialogue", 27 February 2018, available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/40471/statement-spokesperson-following-working-level-meeting-within-eu-facilitated-dialogue\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/40471/statement-spokesperson-following-working-level-meeting-within-eu-facilitated-dialogue_en).

## EU level: the new Strategy's pledge to the Balkans

In reading between the lines of the new EU enlargement strategy, high signs are given that no matter how on track the normalized relations may become, the road ahead for the accession of Kosovo to the European Union is still long.

Kosovo lingers as the weakest link among all six hopeful candidates. The biggest indication of such is that it is the only one without visa liberalization to the Schengen Area. In parallel to the Brussels Dialogue, this is the most pressing issue. Its resolution depends on the border demarcation with Montenegro and the fight against corruption and organized crime. Real progress was achieved just this month, on 21 March 2018, when the Assembly of Kosovo at last ratified the demarcation agreement with Montenegro, leading the way for the focus to now turn onto the fight against illicit finance, money laundering and other forms of corruption.

High-level EU officials noted this step as *"a real achievement, a welcome and concrete progress, very much in the spirit of good neighbourly relations as well as the new Commission Strategy for the Western Balkans"*<sup>4</sup>. Indeed, the Strategy put a lot of emphasis on reconciliation and bilateral disputes, *on par with fundamental values of rule of law and market economy. Unlike in the previous strategy, from 10 November 2015, this document directly pushes Serbia to normalize relations with Kosovo "urgently"*<sup>5</sup>.

Looking particularly at Kosovo, this fact defines the country's accession prospects. Kosovo depends on strict compromises with Serbia to advance integration – the document itself acknowledges that *"Kosovo will also benefit considerably from a definitive normalization agreement with Serbia"*<sup>6</sup>. As follows, the way forward for Kosovo is quite different than that proposed to other sovereign states. With the new Strategy, the Dialogue gains a new dimension, one of timeframes, pressure and hope. For this reason, *"A comprehensive, legally binding normalization agreement is urgent and crucial so that Serbia and Kosovo can advance on their respective European paths"*<sup>7</sup>. The window of opportunity is here and it must be seized, both by the Kosovar authorities and the Serbian authorities.

## Serbia level: direct push for good neighborly relations

Among the six Western Balkan countries, Serbia presents the least favorable outlook on EU integration and regional cooperation<sup>8</sup>. This has long been a factor in EU foreign policy and enlargement timing, considering the looming shadow of Russian influence over the vulnerable region.

The Strategy calls out such interests at odds by signaling that *"Joining the EU is a choice, and one that requires sharing the principles, values and goals the Union seeks to promote in its neighborhood and beyond, including full alignment with the common foreign and security policy"*<sup>9</sup>. In other words, there is an open expression of interest by the EU, top-bottom, but it needs to be matched by countries themselves, bottom-up. They need to actively show interest in integration,

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<sup>4</sup> European Commission, "Joint statement on the ratification of the Border Demarcation Agreement between Kosovo and Montenegro", 21 March 2018, available at: [http://europa.eu/rapid/press-release\\_STATEMENT-18-2343\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-18-2343_en.htm).

<sup>5</sup> EU Enlargement Strategy, pg.8.

<sup>6</sup> *Ibid*, pg.8.

<sup>7</sup> *Ibid*, pg. 17.

<sup>8</sup> Regional Cooperation Council, "Balkan Barometer 2017 – Public Opinion Survey", Year 3, Number 3, pg. 53.

<sup>9</sup> EU Enlargement Strategy, pg.9.

such as resolving overdue disputes or unambiguously aligning themselves with European common values. This applies not only to Serbia-Kosovo relations, but also to the Macedonia-Greece naming dispute – these neighboring disputes have nothing to do with the EU and thus have no merit in being imported to the present group of 28 Member States.

Aleksandar Vučić, current incumbent of the Serbian presidency, stated during a recent February 2018 trip to the EC that “We must pay a certain historical price if our future is to be in Europe”<sup>10</sup>. However, following the 26 March 2018 arrest of Marko Djuric, head of the Serbian government's Kosovo office, Vučić forewarned that moving forward with the dialogue will now imply “different” positions<sup>11</sup> in light increased tensions.

The official commitment to the EU dialogue needs to be better promoted and mirrored in civil society at large, with an ultimate recognition of Kosovo, as Chapter 35 of the accession negotiations requires. Nevertheless, the Serbian side continues to play the carrot and stick game, for instance in accepting the Brussels agreement, but having yet to ratify it as an international agreement into binding law. Serbia's parliamentary reality and lack of consensus have thus not exhibited a collaborative spirit vis-à-vis the EU-facilitated dialogue.

## Kosovo level: need for domestic build up

In line with the Berlin Process and the Stabilisation and Association Agreement (SAA), the fulfillment of requirements has been moving along in Kosovo. Most recently with the ratification of the demarcation deal with Montenegro in the Assembly of Kosovo, on 21 March 2018. Yet this progress must be an ongoing matter to show real alignment and bet on their future and the EU. Presently, the demarcation vote signaled an important step for the granting of the visa liberalization to Kosovo. Nonetheless, Kosovo's EU prospects remain hostage to the advancement of the Dialogue and a consensus on the Serbian side. Hence, in this young democracy with multiple opponents and international obstructions *a priori*, it is vital that the domestic reality itself does not act as another hindrance to progress. The EU strategy reads that “most fundamentally, leaders in the region must leave no doubt as to their strategic orientation”<sup>12</sup>. Without political consensus or transparency in judicial proceedings, the elevation of the country and the sustainability of mandated reforms are directly put at risk. The current polarization in Parliament and institutional fragmentation hamstring clear mandates and suitable reporting or accountability. A need for closer cooperation at all levels of government with civil society groups and other stakeholders dealing with EU integration is therefore ever present.

The realization of EU benchmarks depends on Kosovo standing together as a country with a single voice and an undeniable will for integration and membership by means of implementing the SAA and the instruments associated with it, such as the European Reform Agenda (ERA) and the Economic Reform Programme (ERP). Ultimately, what the new enlargement strategy offers Kosovo is a stepping stone toward accession talks, while what it offers Serbia is a clear-cut path to membership. This disparate starting point needs to be considered and resolved through heightened talks between Serbia and Kosovo negotiators under the auspices of the European Union, be it agreements on freedom of movement, customs and trade.

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<sup>10</sup> New Europe, “Juncker in Western Balkans tour to discuss strategy for the region”, 25 February 2018, available at: <https://www.neweurope.eu/article/juncker-in-western-balkans-tour-to-discuss-strategy-for-the-region/>.

<sup>11</sup> Balkan Insight, “Vucic Defends Serb Official Expelled From Kosovo”, 26 March 2018, available at: <http://www.balkaninsight.com/en/article/serbian-president-denies-state-official-violated-agreement-03-26-2018>.

<sup>12</sup> EU Enlargement Strategy, pg.18.

## CONCLUSION

- The Belgrade-Prishtina Dialogue has been tampered by neighborly tensions since its implementation in 2011. Its volatility has most recently been visible in the assassination of Kosovo-Serb politician, Oliver Ivanović, and the arrest of senior Serbian politician Marko Đurić;
- The new EU enlargement strategy showcases clear interest in the Western Balkans, positioning the six prospective countries at different stages of accession. This momentum must be seized;
- Serbia needs to unequivocally align itself with European common values and fully comply with reconciliation requirements in order to address the open negotiation chapters;
- Kosovo needs to rally its domestic political reality in order to bolster wide-ranging rule of law progress and the implementation of the Stabilisation and Association Agreement (SAA).

To cite European Commission President Jean-Claude Juncker in his State of the Union 2017 address, “the right compromise makes winners out of everyone. A more united Union should see compromise not as something negative, but as the art of bridging differences. Democracy cannot function without compromise. Europe cannot function without compromise”<sup>13</sup>. Taking this into consideration, the main point is that there is a window of opportunity. It is not just a hopeful narrative, but a concrete action plan laid out by the EC for those countries whose reconciliation and reform efforts merit membership.

There is interest in all six, which includes Kosovo, even though its situation is tougher and Serbia, but with stronger emphasis on the need for normalization. Based on this stance, the Dialogue must renew its impetus and react to this momentum, create a momentum of its own and accept the challenge. At the end, the right compromise makes winners – and EU Member-States - out of everyone.

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<sup>13</sup> President Jean-Claude Juncker's State of the Union Address 2017, 13 September 2017.

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