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## **PHASE TWO, THE MISSION CONTINUES**

**-Can a rejuvenated EU-facilitated Kosovo-Serbia dialogue account for the past, foresee political positioning, and pave the path towards progress?**

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## Policy Note 06/2012

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Group for Legal and Political Studies is an independent, non-partisan and non-profit public policy organization based in Prishtina, Kosovo. Our mission is to conduct credible policy research in the fields of politics, law and economics and to push forward policy solutions that address the failures and/or tackle the problems in the said policy fields.

## **Phase Two, the Mission Continues: Can a rejuvenated EU-facilitated Kosovo-Serbia dialogue account for the past, foresee political positioning, and pave the path towards progress?**

### **Introductory Note**

In lieu of the recently rejuvenated EU-facilitated dialogue between the governments in Belgrade and Prishtina, this Policy Note aims to briefly illustrate the history of the dialogue and the complications that arose during the first phase of talks which lasted from March 2011 – February 2012, to analyze the rhetoric and substance of the first three rounds of the second phase of the now high-level dialogue which is taking place between Kosovo's and Serbia's prime ministers and is being facilitated by the EU High Representative, to examine the political positioning and underlying political aspirations of the EU and the governments of Kosovo and Serbia, and to offer recommendations and, in cases, historically-conditioned cautions regarding the future of the dialogue and the way forward.

### **History of Dialogue**

The first nine rounds of the EU-facilitated Dialogue between Prishtina and Belgrade were held between March 2011 and February 2012. During this time, seven agreements were made on the topics of insurance and license plates, mutual recognition of university diplomas, the return of the civil registry, customs and free trade, the return of cadastral documents, integrated border management, and Kosovo's regional representation.

The customs and free trade agreement, the agreement on the mutual recognition of diplomas, and the return of cadastres have been generally implemented; the insurance and license plates agreement was gradually implemented by EULEX and Kosovo's Ministry of Internal Affairs until both parties determined that after June 15 drivers' in Kosovo must either have RKS, KS, or Serbian license plates (plus international insurance) that are issued for Serbian provinces and not for municipalities within Kosovo; however, from the start of negotiations, electricity and telecommunications, missing persons and cultural heritage were on the table, but no agreement was reached during the first nine rounds of dialogue; the agreements on the civil registry, regional representation, and integrated border management (IBM) have not been implemented. Most pressing and causing a fair amount of contention between Belgrade, Prishtina, northern Kosovar Serbs, and the EU are the plans surrounding the implementation of IBM.

The Dialogue came to a speedy halt after the ninth round of talks held in late February 2012. The European Union granted candidacy status to Serbia on 1 March 2012. While this was somewhat unexpected given Germany's strict approach regarding Serbia, the EU's 'carrot' to Serbia was undoubtedly in part intended to fuel support for pro-European Tadic over the ultimate Presidential-winner Tomislav Nikolic who was largely unknown by the EU and has historically wavered from a pro-Russia, anti-European platform to a pro-Russia, pro-EU platform. Nikolic's presidential win threw a wrench in plans to resume the dialogue in a timely fashion and to build upon the structures and relations that were in place between Belgrade, the EU, and Prishtina during the Tadic era. After taking some months to establish the new Serbian government and receiving statements from both sides that a renewed Dialogue would yield high-level talks between Kosovo's and Serbia's prime ministers, Ivica Dacic was ultimately appointed as Serbian Prime Minister in July 2012 and talks were set to resume.

### **The start of something new...high-level dialogue**

On September 4, EU High Representative Catherine Ashton met with Serbian Prime Minister Dacic for the first time since he was appointed as Prime Minister. The goal of the meeting was to discuss the upcoming priorities on the EU-Serbia agenda and the need for Serbia to continue to move forward in the EU integration and reform

process.<sup>1</sup> As per usual, the majority of the discussion (as suggested by the contents of the press release) revolved around the normalization of relations with Kosovo and Serbia's responsibility to "continue and re-invigorate" the dialogue as "key for Serbia's EU perspective".<sup>2</sup> Ashton emphasized the need for all agreements reached thus far in the Dialogue to be fully implemented.<sup>3</sup>

Nearly eight months after the last and ninth round of talks held in late February 2012, Serbian and Kosovo officials came together to engage in official talks. While the issues of discussion for this phase of the dialogue include many leftover topics from the first rounds of dialogue including telecommunication and energy and IBM implementation, the environment and positions of Kosovo, Serbia, the EU and the north have changed and have been raised to meet the bar of high-level political talks. Opening the door for both states to move closer to the European Union is the 'carrot' that has prompted both states to reengage in the dialogue and seemingly cooperate on issues of security and trade.

The October 19<sup>th</sup> session of the EU-facilitated dialogue marked the first meeting of Kosovo's and Serbia's prime ministers. The Special Representative of the Secretary-General for Kosovo, Farid Zarif, called the meeting between Prime Ministers Ivica Dacic and Hashim Thaci on October 19 a "fundamental milestone" during a briefing to the Security Council.<sup>4</sup> After meeting with Prime Minister Dacic and Prime Minister Thaci separately on October 19, Ashton chaired a joint meeting with the two prime ministers where they agreed to continue the dialogue for the normalization of relations and committed to working together.<sup>5</sup> While Ashton emphasized that the continuation of the dialogue was of interest to both sides in improving the lives of people and solving problems, most notably she underlined that a constructive dialogue will bring both close to the European Union. Progress on the path to the EU – for Serbia, receiving a date for the start of accession talks, and for Kosovo, visa liberalization and the start of negotiations for an SAA – are the carrots prompting Kosovo and Serbia to "cooperate"; in other words, the decision to re-engage in the dialogue is hardly a *choice* for either state as turning away from the dialogue would mean turning away from the European Union.

Ashton met again with Prime Minister Thaci and Prime Minister Dacic in the framework of the dialogue on November 7, 2012. At this meeting, the parties discussed aspects of normalization of relations and the way to enhance the protection of Serbian cultural and religious heritage in Kosovo, agreed to have a joint technical working group to prepare a feasibility study for a Nis-Prishtina motorway, and agreed to continue the work for full implementation of all agreements.<sup>6</sup> However, two critical topics were discussed that have proven problematic and contentious. First, Ashton and the two prime ministers welcomed the results of the joint working group on IBM crossing points which took place on 5-6 November.<sup>7</sup> While the IBM agreement and technical framework for implementation was facilitated in autumn 2011, the implementation of the agreement has yet to take place. As negotiating a customs agreement (or failure to do such for a time) and the IBM agreement both caused inhibiting and violent flare-ups in the north along the northern border and above the Ibar river, the EU (including EULEX), Kosovo authorities, Serbian authorities, and KFOR authorities must do everything in their power to foresee challenges regarding the implementation of IBM, develop a comprehensive and thorough plan for

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<sup>1</sup> European Union. (4 September 2012). "Statement by the Spokesperson of High Representative Catherine Ashton following the meeting with Prime Minister of Serbia Ivica Dacic." Press Release A 392/12.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> UN News Centre. (27 November 2012). "UN envoy welcomes progress made by Kosovo and Serbia to normalize relations." Retrieved from <http://www.un.org/apps/news/story.asp?NewsID=43615&Cr=kosovo&Cr1=#.UL8Pvaz7LVZ>

<sup>5</sup> European Union. (19 October 2012). "Statement by High Representative Catherine Ashton on the continuation of the EU-facilitated dialogue." Press Release A 462/12. Retrieved from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/133036.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/133036.pdf)

<sup>6</sup> European Union. (7 November 2012). "Statement by High Representative Catherine Ashton after the meeting in the framework of the EU-facilitated dialogue." Press Release A 496/12. Retrieved from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/133370.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/133370.pdf)

<sup>7</sup> Ibid.

implementation, and ensure the readiness and capacity of authorities along the border to manage the smooth implementation of IBM.

Second, on November 7<sup>th</sup>, the parties discussed the “transparency of funds Serbia is providing to the Kosovo Serb Community in Kosovo”.<sup>8</sup> The issue of remaining Serbian parallel institutions in the north of Kosovo is implicit as the cornerstone of this discussion point. The rhetoric in the press release is careful to avoid highlighting the “north of Kosovo” as an issue in itself, as this would cause backlash from the Kosovo government and population who aim to keep Kosovo’s ‘internal affairs’ out of the dialogue. However, the issue of the northern Kosovo (meaning Serbian parallel institutions that maintain control in the north and over the northern citizens, the inability of Kosovo and international authorities to function effectively or gain authority in the north, the near absence of rule of law, economic growth, and freedom of movement in the north of Kosovo) has been and will likely remain the ‘elephant in the room’ throughout much of the dialogue. However, the current rhetoric used in Ashton’s press release progressively highlights the issue of the parallel institutions, which the EU has continuously called upon Serbia to remove and defund, without allowing the north of Kosovo to become the issue at hand.

The third meeting in the framework of the EU-facilitated dialogue took place on 4 December 2012. This round of dialogue was hosted by Catherine Ashton and intended to build upon the October and November talks with the aim of normalization of relations between the two states.<sup>9</sup> A number of agreements were made with the aim to implement past agreements. First, both prime ministers agreed to “intensify cooperation between the respective commissions for missing persons”.<sup>10</sup> Second, the parties reviewed the progress made on the implementation of IBM. The two prime ministers “confirmed the conclusions of the IBM working groups, according to which two gates (1 and 3) are now ready and will be operational on 10 December. Two more gates (5 and 31) will be ready on the 31 December”.<sup>11</sup> Gates 1 and 31, the Brnjak and Jarinje crossings, were the target of many protests and violence throughout the summer of 2011 and leading into early 2012. Already, in early December 2012 before the 4 December meeting of Dacic and Thaci, Serbs in the north of Kosovo have protested against the construction of border crossings between Serbia and Kosovo.<sup>12</sup> If the opening and management of these two border crossings runs smoothly on December 10, this would stand as a monumental victory for the EU and both sides in establishing freedom of movement and control over the shared border.

In addition, some progress was made regarding technical issues that were never agreed upon during the first phase of the dialogue, regarding the normalization of relations between the two states, and regarding a number of issues that were discussed in the first two rounds of high-level dialogue – namely the protection of cultural and religious heritage and the transparency of Serbia’s financial investment in Kosovo Serb communities. First, energy and telecommunications stand as the major technical issues that ideally would have been resolved during the first phase of the dialogue, but were unfortunately left off of the table for far too long. At the December 4 meeting, both sides agreed to “continue work on energy and telecommunications” at the expert level.<sup>13</sup> Unfortunately, of all the issues that were discussed, the issues of energy and telecommunications

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<sup>8</sup> Ibid.

<sup>9</sup> FinChannel. (4 December 2012). “Serbia, Kosovo PMs to hold fresh talks at EU.” Retrieved from [http://finchannel.com/news\\_flash/World/120522\\_Serbia\\_Kosovo\\_PM\\_s\\_to\\_hold\\_fresh\\_talks\\_at\\_EU/](http://finchannel.com/news_flash/World/120522_Serbia_Kosovo_PM_s_to_hold_fresh_talks_at_EU/)

<sup>10</sup> European Union. (4 December 2012). “Statement by the EU High Representative Catherine Ashton after the third meeting in the framework of the EU-facilitated dialogue.” Press Release A 559/12. Retrieved from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/134038.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/134038.pdf)

<sup>11</sup> Ibid.

<sup>12</sup> Bloomberg. (4 December 2012). “Serbs Protest Against Border with Kosovo Before Talks.” Retrieved from <http://www.bloomberg.com/news/2012-12-04/serbs-protest-against-border-with-kosovo-before-talks.html>

<sup>13</sup> Ibid.

were the only that were not accompanied by some sort of tangible plan; this suggests that, again, these issues have been pushed to the backburner.

Second, each prime minister agreed to appoint a liaison officer. As an extension of their dialogue facilitation, the EU will provide the EU Delegation in Belgrade and the EU Office in Pristina as the foundational liaison office for liaison officers of both respective states. While this is a major step in that a liaison office, though it may not recognize the territory within which it resides as a state, accepts the territory within which it resides as a functioning political unit. However, while the EU may be offering their facilities under the guise of providing transitional facilities, they may be offering their facilities in fear that the establishment of a permanent Kosovo liaison office in Serbia would incite backlash and even violence.

Third, Thaçi confirmed the establishment of a multiethnic special police unit within the Kosovo Police that will be tasked with the protection of religious and cultural heritage. Intensified efforts to protect cultural and religious heritage is in fact a benchmark for Kosovo on its path towards beginning SAA negotiations. However, the multiethnic special police unit may simultaneously serve another purpose. As it stands, Kosovo Albanian police have little to no authority in the north and have a limited ability to move freely and safely throughout the north of Kosovo; Kosovo Serbian police units in the north are reputedly financially supported by Belgrade and do not realistically carry out their duties under the command of Prishtina. The newly created multiethnic special police unit however, is perfectly tailored to respond to the ethnically-sensitive events and outbursts in the north of Kosovo, while allowing Kosovo police units to gain authority in the north, to exist under a central command originating in Prishtina, and to enforce rule of law in the north of Kosovo particularly in ethnically-sensitive areas and cases.

Fourth, both sides agreed to investigate ways to ensure the transparent flow of money in support of the Serb community in Kosovo. Clearly, although the rhetoric intends to keep commitments mutual, some reforms are more one sided than others, ie. Protection of cultural and religious heritage by for minority communities and Kosovo Serbs in particular, and ensuring a transparent flow of money for Serb communities with an eye, undoubtedly, for the fast flow of Belgrade's funding into the parallel institutions in the north. Indeed, Kosovo does fall under EU scrutiny for lack of financial transparency, money laundering, corruption, and this agreement could ensure greater financial transparency for Kosovo's investments to protect cultural and religious heritage; this agreement sensitively spotlights Belgrade's financial support for parallel institutions in the northern Kosovo which the European Member States, particularly Germany, have continuously called on Belgrade to forgo.

The first three rounds of renewed dialogue engender doubt on paper. However, Serbia's eagerness to receive an accession talks start date and Kosovo's eagerness to begin SAA negotiations and remain on the path towards visa liberalization strengthen the EU's leverage and will ideally prompt both states to actively implement the agreements that are made. While both states hope to move closer to the European Union, the European Union, the Government of Kosovo, and the Government of Serbia have contradictory/competitive aspirations (ie. gaining authority/control in the northern Kosovo, the rates of EU integration). Even with a depoliticized rhetoric, it is important to highlight the aspirations of each actor in order to ensure that pressure is placed and agreements are formed in such a way as to ensure the successful implementation of comprehensive agreements. This dialogue must aid to avoid the implementation failures that took place during the first phase of the dialogue (particularly over border control agreements). The implementation of IBM at the four border crossings that occurs this December (2012) will be a test of all parties' abilities to smoothly implement an agreement, one which has caused contention in the past. With the next dialogue scheduled for January 17<sup>th</sup>, both parties must use these months to implement IBM at the four border points in December, consider their appointments for liaison officers, begin a feasibility study for a Nis-Prishtina motorway, and consider how to demonstrate transparency of funding to Kosovo Serb communities. This could prove really challenging for both parties.

## EU Aspirations and Political Positioning

The EU's ability to achieve their aspirations for the dialogue largely depends on their use of stick-and-carrot and maintaining a position of leverage. First, the EU wants both countries to stay in the same seat, meaning on their respective paths towards the EU. This is critical for maintaining the commitment of the states and achieving results (while Serbian President Nikolic's win over Tadic caused questions regarding Serbia's European objectives and pro-European stance, Serbia under President Nikolic appears to have generally maintained its eagerness to begin an active candidacy). The EU has underlined many times that they are offering increased integration and a path towards the EU for both sides depending on their willingness to cooperate, particularly on issues of security, trade, and normalization of relations. However, this depends on both sides' will to cooperate on issues of security, trade, and normalization of relations.<sup>14</sup> High Representative Ashton has emphasized that a successful dialogue will bring both states close to the EU; as stated in the 2012 Enlargement Strategy issued by the European Commission, the EU calls for improved relations between Serbia and Kosovo so each can continue on their respective paths towards the European Union while avoiding that either can block the other in the process.

The European Union intends to apply pressure to solve the problems in the north of Kosovo (such as border control, plans for cross border highways, a multiethnic special police force, and the financing of parallel institutions). While the EU has used a gentle rhetoric in facilitating agreements that will affect the situation in the northern Kosovo, if implemented, the EU, has many times called for Serbia to remove and stop funding parallel institutions in the north of Kosovo; Germany has even threatened to still accession talks until Serbia's heeds this call. The Members of European Parliament in the EP draft resolution emphasized that "partition of Kosovo is not a solution" and commended the "support to the territorial integrity of Kosovo that was expressed by the European Commission."<sup>15</sup> It is clear that the EU's position generally affirms the formal territorial integrity of Kosovo's full territory and intends to support the withdrawal of parallel institutions and emergence of Kosovo's authority in the North. However, as the north of Kosovo is not explicitly on the table for discussion as part of the dialogue, the EU has used a careful rhetoric within the dialogue to safeguard the 'technical' nature of many agreements which tackle very substantive 'northern Kosovo issues'.

Third, it appears that the European Union and the United States have taken a more unified position regarding the dialogue and the objectives for Kosovo and Serbia. Three meetings between prime ministers have taken place, under the facilitation of the EU and with a full US support. EU High Representative Catherine Ashton and US Secretary of State Hillary Clinton conducted a joint visit of the Western Balkans on 30-31 October, presenting a unified front regarding the region. On October 31, HR Ashton and Secretary Clinton visited both Belgrade and Prishtina, meeting with the respective presidents and prime ministers, where they expressed support for the dialogue for the normalization of relations between the two states and underlined the mutual-benefit of the dialogue in improving the lives of people and bringing both states closer to the EU.<sup>16</sup>

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<sup>14</sup> FinChannel. (4 December 2012). "Serbia, Kosovo PMs to hold fresh talks at EU." Retrieved from [http://finchannel.com/news\\_flash/World/120522\\_Serbia\\_Kosovo\\_PM\\_s\\_to\\_hold\\_fresh\\_talks\\_at\\_EU/](http://finchannel.com/news_flash/World/120522_Serbia_Kosovo_PM_s_to_hold_fresh_talks_at_EU/)

<sup>15</sup> [http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=12&dd=02&nav\\_id=83446](http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=12&dd=02&nav_id=83446)

<sup>16</sup> European Union. (25 October 2012). "EU High Representative Catherine Ashton travels to Western Balkans." Retrieved from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/133199.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/133199.pdf)



## Serbia's and Kosovo's Political Aspirations

First, the dialogue will support Serbia in determining a date for the start of EU accession talks.<sup>17</sup> The EP in their draft resolution called on the Council to give Serbia a date for beginning EU talks.<sup>18</sup> However, there is skepticism surrounding whether Serbia will receive a conditional date for beginning EU accession talks in the short-term.<sup>19</sup> The Council will likely praise Serbia's progress in the dialogue, but will not approve a date for negotiations, maintaining that carrot. The EU will likely give Serbia a date after Serbia has fulfilled necessary conditions that relate to Kosovo and fully implements the previous agreement between Belgrade and Prishtina. Serbian Prime Minister Ivica Dacic believes that if Serbia plays an active role in the Kosovo-Serbia Dialogue, this will help Serbia get an EU talks date sooner.<sup>20</sup> However, if Serbia's future is decided in Chancellor Merkel's Office,<sup>21</sup> Serbia may be required to relinquish some authority in the northern Kosovo.

Serbia's overwhelming interest lies with maintaining and increasing their authority in the north of Kosovo, although this might not seem as such formally. Serbian parallel institutions maintain their authority via schools, post officers, healthcare services and police services in the north of Kosovo. Recently, Serbia has utilized their police forces in the north of Kosovo to make arrests in the northern Kosovo. This action, which has not been condemned by Kosovo or international authorities, intends to send a message and spotlight that Serbia maintains authority in the north of Kosovo.

On the other hand, the situation in the north of Kosovo remains fragile. As the north of Kosovo will not be included in the dialogue itself, Kosovo aims to use the dialogue to gain some authority in the north and challenge the parallel institutions, to resolve border issues, and to continue on the path towards SAA negotiations and visa liberalization. The European Parliament (EP) insisted that partitioning the north of Kosovo is not a feasible option and requested in a draft resolution on Kosovo that Serbian institutions in the north be abolished.<sup>22</sup> As such, Kosovo should place pressure on the EU and High Representative Ashton to ensure full compliance with implementing the agreement on financial transparency for funding to Serbian communities in Kosovo. But at the same time, Kosovo must demonstrate that they are taking "further steps to meet the Serb minority halfway, especially in the north" and to implement the constitutional regulation on decentralization of authorities.<sup>23</sup>

## Policy Recommendations

Briefly, we provide a number of broad recommendations that the Government of Kosovo should heed while moving forward in the dialogue and closer to the European Union.

- 1) The Government of Kosovo should safeguard Kosovo's national interest more properly within the agenda of the renewed dialogue, and offer more transparency and shape its strategic direction accordingly.
- 2) An agreement on electricity and telecommunications should be adopted as soon as possible; while this issue has been dwarfed by contention over the issues relations to the north of Kosovo and border control, this topic has been on the table since the beginning of the EU dialogue back in March 2011. If

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<sup>17</sup> B92. (9 November 2012). "PM: Dialogue will help Serbia get EU talks date." Retrieved from [http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=09&nav\\_id=83072](http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=09&nav_id=83072)

<sup>18</sup> B92. (2 December 2012). "EP calls for abolition of Serbian institutions in north." Retrieved from [http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=12&dd=02&nav\\_id=83446](http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=12&dd=02&nav_id=83446)

<sup>19</sup> B92. (21 November 2012). "No conditional EU talks date for Serbia." [http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=21&nav\\_id=83256](http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=21&nav_id=83256)

<sup>20</sup> B92. (9 November 2012). "PM: Dialogue will help Serbia get EU talks date." Retrieved from [http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=09&nav\\_id=83072](http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=09&nav_id=83072)

<sup>21</sup> B92. (21 November 2012). "No conditional EU talks date for Serbia." [http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=21&nav\\_id=83256](http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=11&dd=21&nav_id=83256)

<sup>22</sup> B92. (2 December 2012). "EP calls for abolition of Serbian institutions in north." Retrieved from [http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=12&dd=02&nav\\_id=83446](http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=12&dd=02&nav_id=83446)

<sup>23</sup> Ibid.



the EU and Kosovo want to show serious commitment to normalizing relations and improving living conditions for the lives of citizens, this issue should not be placed on the backburner. Prishtina should emphasize to the EU their interest in making progress regarding this issue in the short term and should pressure the EU to address this issue seriously at the January meeting.

- 3) Kosovo should begin immediately to implement the more technical agreement such as appointing a liaison officer to be based at the EU headquarters in Belgrade and preparing for the joint technical working group that will prepare a feasibility study for the Nis-Pristina motorway.
- 4) Kosovo should use the dialogue as an additional forum to prove their progress regarding the protection of cultural and religious territory. The Commission's Feasibility Study for Kosovo clearly requires Kosovo to make advances regarding the protection of cultural and religious heritage and to create a body that facilitates direct consultation with religious communities for the promotion and protection of cultural and religious heritage, especially with the Serbian Orthodox Church. As the protection of cultural and religious heritage has been an element of the dialogue, and Thaçi reported in the December meeting that a multi-ethnic special police force has been established, Kosovo should maintain focus on the protection of cultural and religious heritage in order to make strides in both the dialogue and towards SAA negotiations while using both forums as an opportunity to prove their development in this area.
- 5) Integrated Border Management: Kosovo should ready authorities to implement IBM at four crossing points this December 2012. While rumors that northern Kosovo Serbs will be able to travel freely across the border unchecked, which would prevent security and proper taxation along the northern border, Kosovo authorities should ensure that each traveler is checked regardless of ethnicity or nationality when crossing the northern border and should immediately alert the EU and call for support from EULEX if discriminatory or preferential administration is being practiced by authorities at the integrated border points. While Serbia wishes for EULEX to have executive authority at the crossings, Serbian and Kosovo customs officers will be checking trade.<sup>24</sup> It is important that Kosovo ensures the full capacity of Kosovo's customs officers, in order to maintain their authority (rather than EULEX) in case Serbian customs attempts to thwart successful implementation efforts and to demonstrate Kosovo's commitment to successful implementation. Meanwhile, international presences should ensure a united presence on the ground, particularly as the implementation of agreements may shift the situation on the ground and aspects of leadership and control in the northern Kosovo.
- 6) Kosovo should ensure full clearness for funding that supports the Serbian community in Kosovo. Once Kosovo has readied itself for full financial transparency in this regard, Kosovo will have the leverage to prompt the EU to require mutual adherence from Serbia. On one hand, it can be argued that this agreement on financial transparency of Belgrade's funds for Kosovo Serb communities extends only to the need for financial transparency (for funding that goes to parallel institutions) and will not engender a withdrawal of parallel institutions and funding for these parallel structures in the north. On the other hand, the dialogue is only one part of the picture regarding the parallel structures in the north of Kosovo and the EU aspirations and influence regarding such structures; wherein, transparency is not an end in itself but rather a means to expose the pervasiveness and position of Belgrade-funded parallel institutions which could serve the end-goal of minimizing the number and authority of parallel institutions in the north. Financial transparency of Belgrade funding for northern Kosovo institutions could both incite backlash amongst those living in Serbia and receiving much lower payments than those northern Kosovo Serbs working in parallel institutions and could allow the EU, particularly Germany, to monitor the withdrawal of parallel institutions in the north of Kosovo as a condition for determining a date for beginning accession talks.

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<sup>24</sup> Bloomberg. (4 December 2012). "Serbs Protest Against Border with Kosovo Before Talks." <http://www.bloomberg.com/news/2012-12-04/serbs-protest-against-border-with-kosovo-before-talks.html>

## POLICY NOTES

Policy Notes provide short, concise, timely, informative, and policy oriented analysis on specific issues. Policy Notes are short papers which outline the rationale for choosing a particular policy alternative of action in a current policy/issue debate. They are commonly published in response to a specific event and advocate for the professional stand of the Group for Legal and Political Studies. Indeed, the Policy Note is an action and advocacy-oriented document, which provides arguments for the adoption/amendment of a particular policy choice. Policy Notes aim to influence the target audience on the significance/implications/solutions of the current problem, and therefore brings recommendations to policy-makers, civil society and media, and the general public.