

## What Agenda for the Brussels Dialogue?

### Introduction

The Council for Inclusive Governance (CIG) organized a discussion on April 16, 2021, on the the agenda of the Serbia-Kosovo Brussels dialogue. EU's dialogue facilitator Miroslav Lajcak said the content of the agenda depends on Pristina and Belgrade. But is it realistic for Belgrade and Pristina to agree on a common agenda? Pristina's list includes war reparations and the pension fund, while Belgrade says issues such as the Association/Community of Serb Majority Municipalities must be on the agenda. Another question is whether the agenda should be built on the previous dialogue results. The participants discussed a range of issues that could be included on the dialogue's agenda and offered suggestions how to make the process more productive. The EU is committed to lead the dialogue. The US has reconfirmed its support.

The discussions was held under the Chatham House Rule. The participants took part in the discussions in their personal capacities. CIG has tried to be accurate and balanced in summarizing the discussions' results and asks for understanding of the participants whose remarks may not have been fully captured in this brief report. The report does not necessarily reflect the views of CIG and the Swiss Federal Department of Foreign Affairs, which supports the project.

### Conclusions and recommendations

The participants reached a number of conclusions and recommendations. However, they are not necessarily based on consensus.

- For the first time in Kosovo and Serbia, there are cohesive governing majorities that could, with the help of the international community, reach a final agreement. There is also a reinforced transatlantic partnership, which brings the possibility of more substantial support. Both Miroslav Lajcak and Mathew Palmer, the Western Balkans Envoy at the State Department, confirmed that there will be one single, final agreement and that the dialogue will not move into some uncharted territory.
- There are a number of indications for the delay of the dialogue, such as President Vjosa Osmani's statement that there will be no discussions about the dialogue until Kosovo addresses its COVID-19 vaccinations. This approach could postpone the dialogue until the end of 2021 or even further. Kosovo's government eventual application of reciprocity may also affect the dialogue. There are indications that Belgrade may becoming more conservative on Kosovo. Foreign Affairs Minister Nikola Selakovic said the Kosovo issue should be discussed more in the UN, possibly suggesting that Serbia plans to coordinate with Moscow more.
- In 2021 the international community should first make sure the dialogue is based on principles, transparency, and not detached from the citizens' needs. The principle "nothing is agreed until

everything is agreed” is not the best for this dialogue and should be reviewed. Both sides should also ‘tone down’ their rhetoric.

- Kosovo Prime Minister Albin Kurti is working on a common internal position on the dialogue. It will not likely be a consensual platform, but a platform with a constant dialogue about it. This could be a better approach than previous ones, as it could contribute to broader support to the agreements in the future. He has some time to explain to the citizens how he sees the dialogue and where he plans to go. This also means that the process will probably not continue at the same point where the previous phase has stopped.
- As for the topics for the immediate restart of the dialogue, Kurti has already outlined the points he is willing to discuss at the beginning – continuation of talks on missing persons and war reparations. The first topic has already been discussed and allegedly agreed upon. Some participants from Serbia said that it would be good to discuss implementing the Ahtisaari package and elements of the previous agreements that are not fully implemented.
- Some participants suggested that the dialogue could restart with an upgrade of previous measures (for example, freedom of movement). This would be relatively easy to achieve, while it could be beneficial for building trust among sides. Others also said that some elements will be tackled through the Berlin Process, such as the freedom of movement.
- One of the elements from the previous dialogue that is not implemented is the Association/Community, and the question is how the sides will approach it. Although there are the 2013 and 2015 agreements and Kosovo’s Constitutional Court’s decision (which Serbia does not recognize), this issue will be unpacked again. Kosovo is not satisfied with it, while for Serbia establishment of the Association/Community as an NGO is unacceptable.
- Participants also discussed the final agreement. A participant from Kosovo said that the compromise base should be forming of the Association/Community and a solution for the monasteries and other religious sites. However, the question is whether this would be acceptable for the majority of the people in Serbia. Some participants from Kosovo claimed that these questions are challenging and that Pristina will not address them even in exchange for a *de jure* recognition.
- Some suggested the dialogue be divided into two phases, the first focusing on the *de facto* recontoin and the second phase to address the *de jure* recognition. However, others asked how to measure the *de facto* recognition? It was suggested that a *de facto* recognition should entail everything the same as *de jure* recognition would, minus establishing normal diplomatic relations. A participant from Serbia said that it could be Serbia’s was to accept Kosovo in the UN and later in the EU.
- If Serbian President Aleksandar Vucic commits to the EU integration, he will have to deliver on Kosovo. However, Vucic is not in a position to deliver as he has before. And the EU is in no position to impose pressure on Serbia at the moment.
- Some of the incentives for Kosovo to continue the dialogue are visa liberalization and the start of the EU negotiations. Membership in NATO and the UN should also be included. Some said Kosovo should prioritize the NATO accession. As for incentives for Serbia, some suggested that incentives could also be negative, if positive ones are not working. However, others warned that the current stability should not be taken for granted and that negative incentives mostly work when the situation is normal and stable. The situation could quickly deteriorate., Nagorno-Karabakh, although distant, indicates that things could go in a wrong way.

## **Participants**

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