



**Republika e Kosovës**

**Republika Kosova - Republic of Kosovo**

***Qeveria – Vlada - Government***

**PLATFORM OF THE GOVERNMENT OF THE REPUBLIC OF  
KOSOVO ON AN INTER-STATE TECHNICAL DIALOGUE  
BETWEEN  
THE REPUBLIC OF KOSOVO AND REPUBLIC OF SERBIA**

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Prishtina, March 2011

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# 1. INTRODUCTION

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The Government of the Republic of Kosovo has accepted an international obligation to engage in an interstate technical dialogue between the Republic of Kosovo and the Republic of Serbia in conformity with Resolution A/RES/64/298, of September 9, 2010, of the General Assembly of the United Nations, and in conformity with the constitutional competencies of the Government to exercise state sovereignty in the country's foreign policy pursuant to Article 93.1 of the Constitution of the Republic of Kosovo.

The Government of the Republic of Kosovo engages in this technical dialogue with a clear platform of principles on the protection and defense of national interests, the defense of the country's Constitution and the promotion of state interests in the foreign policy of the Republic of Kosovo.

The Government of the Republic of Kosovo regards this interstate technical dialogue as an opportunity for Kosovo to move closer to Europe, to foster greater cooperation in the region, and to strengthen our state by making it more functional. With this dialogue we aim to resolve technical issues that have limited the relationship between Kosovo and Serbia since the war period. Solutions to technical issues contribute to the improvement of the lives of citizens in both countries, and we will strive to ensure that all solutions are forward looking and firmly grounded in Euro-Atlantic principles. Furthermore, as we reach solutions, Kosovo will accelerate its European and Euro-Atlantic ambitions through the establishment of good neighborly relations. The Government of Kosovo recognizes that regional cooperation is a critical precondition for stability, economic development, and European integration. With the support of the European Union and the United States, Kosovo's most important international partners, the Government of Kosovo is convinced that the Pristina-Belgrade Dialogue will consolidate Kosovo's independence and sovereignty.

This Platform on an interstate technical dialogue between Kosovo and Serbia contains a framework of principles, the dialogue's agenda, its objectives, possible benefits in the empowerment of the state of Kosovo, the acceleration of European and Euro-Atlantic integrations as well as the structure and the organization of the dialogue team as carrier of this process.

## 2. FRAMEWORK OF PRINCIPLES

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he Government of the Republic of Kosovo will have as a base in the technical dialogue this framework of principles. These principles are based on the country's Constitution and international obligations related to the dialogue.

### A. General principles

**The Government of the Republic of Kosovo has accepted the technical dialogue,**

1. *Having in mind* the goals and principles of the Constitution of the Republic of Kosovo in foreign policy:
  - That the independent and sovereign state of Kosovo pledges to contribute to the stability of the region and the entire European continent by creating relations of good neighborliness and cooperation with all neighboring countries.
  - Convinced that the state of Kosovo will be a dignified member of the family of peace-loving nations in the world.
  - With the intention of having the state of Kosovo fully participating in the integrations Euro-Atlantic processes.
2. *Implementing* its constitutional competencies in foreign policy pursuant to Article 93.1 which says that, "the Government proposes and implements the internal and foreign policies of the country."
3. *Respecting* Resolution A/RES/64/298, of September 9, 2010, of the General Assembly of the United Nations which recognizes the advisory opinion of the International Court of Justice on the accordance with internal law of Kosovo's Unilateral Declaration of the Independence; and at the same time welcomes the readiness of the EU to facilitate a dialogue between the two sides, considering the dialogue a factor of peace, security and stability in the region and a promoter of cooperation and progress towards the EU and (of) improvement of the lives of citizens' in both countries.

4. *Recognizing* that the Dialogue offers an opportunity to implement institutional and legal reforms in accordance with the EU *acquis communautaire* that will bring the Republic of Kosovo and Republic of Serbia into closer harmony with European norms and standards.
5. *Having received* the support of the United States of America for the technical dialogue and guarantees of its participation in mediating and facilitating this dialogue.
6. *Having received* the support of the International Steering Group for Kosovo for a technical dialogue between two independent states, Kosovo and Serbia, expressed in Point 6 of the statement of February 8, 2011.
7. *Being aware* that regional cooperation, good neighborly relations and dialogue are key issues for stability, economic development and preconditions for integration in the EU.
8. *Fully respecting* the Resolution of the Kosovo Assembly of March 10, 2011.

#### **B. Principles of technical dialogue**

1. The technical dialogue between the Republic of Kosovo and the Republic of Serbia is a dialogue between two independent and sovereign states which will include only technical issues of common interest without encroaching at any moment upon Kosovo's sovereignty, independence, territorial integrity and its internal and constitutional order.
2. The dialogue is mediated and facilitated by the EU, which is in the best position to guide the process towards solutions that further the European perspectives of the participants.
3. The dialogue's agenda will follow from the agreement of the participating parties and the dialogue's facilitators.
4. The Government of the Republic of Kosovo leads the dialogue through a representative appointed by the Prime Minister.
5. The Prime Minister's appointee, as head of the delegation of the Republic of Kosovo for the dialogue with the Republic of Serbia, will provide reports to the President of the Republic of Kosovo, will brief the Committee of Foreign Policy and other respective committees of the Assembly of Kosovo on a regular basis, and will report also in a plenary session of the Assembly of Kosovo.

6. The Assembly of the Republic of Kosovo will ratify any agreement reached in the technical dialogue that incurs treaty obligations based on the constitutional competencies for the ratification of international agreements signed by the Government of the Republic of Kosovo.

### **C. Non-negotiable principles**

The technical dialogue will not trample at any moment upon the non-negotiable and clearly-defined principles by the Government of the Republic of Kosovo. These non-negotiable principles are:

1. Kosovo's status is resolved. Kosovo is an independent and sovereign state with inviolable territorial integrity and a modern and internationally-recognized Constitution. The International Court of Justice confirmed the legality of Kosovo's Declaration of Independence on July 22, 2010. The state of Kosovo is recognized by the most powerful part of the international community, by 75 states, including the U.S., most of the EU member states, the states in the region and wider. Kosovo is a member of the World Bank and the International Monetary Fund, and the process of recognitions is gaining in momentum.
2. The sovereignty and territorial integrity of the Republic of Kosovo is inviolable, inalienable and indivisible and is defended by the means sanctioned by the Constitution and law.
3. The internal order of the country is a sovereign competence of state institutions regulated by the Constitution of the Republic of Kosovo.
4. The Ahtisaari Plan is the platform for the regulation of rights and guarantees for communities and the same is enshrined in the Constitution of the Republic of Kosovo. The Ahtisaari Plan offers special competencies for the Serb community and as such it even goes beyond what is offered to minorities under international law.

### 3. DIALOGUE AGENDA

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The dialogue's agenda includes, *inter alia*, technical issues and problems created in the war and postwar periods as well as issues of regional cooperation. Examples include, but are not limited to, the following:

**1. Issues and problems created in the war and postwar periods include:**

- The issue of finding missing persons
- Return of displaced persons to their homes and property
- Return of the documentation taken by Serbia (cadastral documentation, civil status documentation etc)
- Return of cultural heritage artifacts taken/borrowed by Serbia
- The protection of religious and cultural heritage sites in Kosovo
- The issue of returning the pension fund for the citizens of Kosovo
- Trade relations between Kosovo and Serbia (recognition of customs' stamps, normalization of the exports and imports of goods between the two countries).
- Issues of Serbia's illegal interference in the areas of justice, energy, telecommunications, etc
- Reparation for the war damages caused by Serbia
- Issues related to the succession to the former Yugoslavia
- Demarcation of the borderline between Kosovo and Serbia in close cooperation with NATO and COMKFOR

**2. Issues of regional cooperation include:**

- Full and equal participation of both countries in regional mechanisms and initiatives
- Elimination of obstacles to the free movement of the citizens of Kosovo and Serbia through both countries and the region. Issues include recognition of passports, documents, vehicle license plates etc.
- Regional engagements, including CEFTA, the Athens Energy Treaty, and cross-border transportation such as railway and air transportation.
- Elimination of obstacles which prevent Kosovo and Serbia from joining regional engagements

## 4. DIALOGUE OBJECTIVES

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- Improvement of the lives of citizens in both countries in the economic-social aspect
- Advancement of the European agenda for Kosovo
- Advancement of the Euro-Atlantic agenda for Kosovo
- Harmonization of regional practices, norms, and laws with the principles of the EU *acquis communautaire*
- Improvement of regional cooperation
- Empowerment of the state of Kosovo
- The assurance to the world community of Kosovo's independence and sovereignty, which will lead to an increase in the number of recognitions and Kosovo's eventual accession to the United Nations and other international organizations
- Normalization of relations between Kosovo with Serbia, including the ultimate recognition of Kosovo's independence by Serbia.

## 5. TECHNICAL DIALOGUE – INSTRUMENT FOR KOSOVO’S INTERNATIONAL EMPOWERMENT

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Kosovo’s readiness to engage in a technical dialogue with Serbia and its constructive approach have created a new value for the new state of Kosovo in the aspect of foreign policy which will be used for Kosovo’s international empowerment.

The European Union has assured the Government of Kosovo that the technical dialogue will bring Kosovo closer to the EU. The United States supports this process, and the international community, through the Resolution of the General Assembly of the United Nations of September 9, 2010, has affirmed the same position.

The Government of the Republic of Kosovo will use all the diplomatic possibilities to clearly define which are the concrete benefits for Kosovo in our journey towards the EU. This engagement will be focused and requires the engagement of all the diplomatic mechanisms, including parliamentary diplomacy, in the realization of this objective.

At the same time, this dialogue is an additional argument in lobbying for new recognitions and especially with the five EU states which have not recognized Kosovo yet.

## 6. DIALOGUE TEAM

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Having in mind the predetermined format of the dialogue by the EU facilitator, whereby the dialogue will be led by representatives of both sides (and) supported by technical and advisory components, the structure and the content of the dialogue team has been designed.

DPM Edita Tahiri was named leader of the dialogue by Prime Minister Hashim Thaci.

**The dialogue leader** coordinates the process and decision-making with the Prime Minister and other members of the government. The dialogue leader answers directly to the Prime Minister and reports to the President and to the Kosovo Assembly in conformity with the Resolution of the Kosovo Assembly of March 10, 2011. Primeminister coordinates the process of dialogue with the President.

The dialogue is tied to practical issues that touch on the responsibilities of numerous ministries and agencies. The Government and the dialogue team will engage technical experts from line ministries, independent agencies, civil society, and elsewhere to provide analysis, proposals and offer solutions and supporting materials for use during dialogue sessions.

**The team of the dialogue leader** will create a support structure comprising of several levels or components in order to engage all elements of our country in this process of resolving national questions:

- a. The inner team of the dialogue leader
- b. Technical groups of the dialogue (inter-institutional teams)
- c. The advisory group (representatives of the political spectrum, civil society, international advisors etc)
- d. The secretariat of the dialogue team

a) **The inner team of the dialogue leader** comprises a team that will support the leader throughout the dialogue process regardless of the subjects under discussion. This team comprises three components:

**The Prime Minister's Cabinet:** It gives contribution to the dialogue and at the same time serves as a direct liaison between the dialogue team and the Prime Minister. The participation of the PM's Cabinet is also necessary to impart importance to the dialogue and help the process of managing of technical groups.

**The President's Cabinet:** It gives contribution to the dialogue and at the same time serves as a direct liaison between the dialogue team and the President.

**Advisors to the DPM/Dialogue Leader:** Advisors serve to provide immediate or also long-term advice to the DPM, advice on the approach and in reaching well-informed decisions. The group of advisors serves also to coordinate and monitor technical groups.

**Office of Strategic Planning (OSP):** The OSP offers support in the process of planning, analysis and tying various planning aspects of the Government and conducting analysis. The Office helps the dialogue leader with regard to the methodological and technical aspects throughout the dialogue process. The OPS analyzes documents, materials and proposals of the Government's technical groups. The Office harmonizes all the analysis of technical groups in readable and clear documents for the delegation and helps in the presentation of the positions for the dialogue and in the selection of options coming from technical groups. The participation of the OPS at this level and the involvement in all the dialogue processes is important for various reasons with special emphasis on becoming familiar and informed about the dialogue process and it will serve as the institutional memory of the dialogue.

- b) **Technical Groups:** Technical groups, are appointed and led by members of government (ministers) and, serve to support this and ensure appropriate representation. They are led by a coordinator for each of the areas under discussion who also serves as advisor to the leader for the respective area. These technical groups are the element where the delegations will be based for support of the delegation in the areas under discussion.

The coordination of technical groups will be entrusted to an official who represents the institution at a high level and has the mandate and expertise for the area under discussion. A technical group will be led as required by the level of minister, deputy minister, ministerial advisor or CEO of the respective institution. A technical group will comprise persons who are competent in the area under discussion, including representatives of respective institutions or other external experts. In essence, the principle of counterpart will be the practice when it comes to leadership or representation in meeting with Serbia's team. A ministerial level can lead a technical group in preparing analytical and positioning

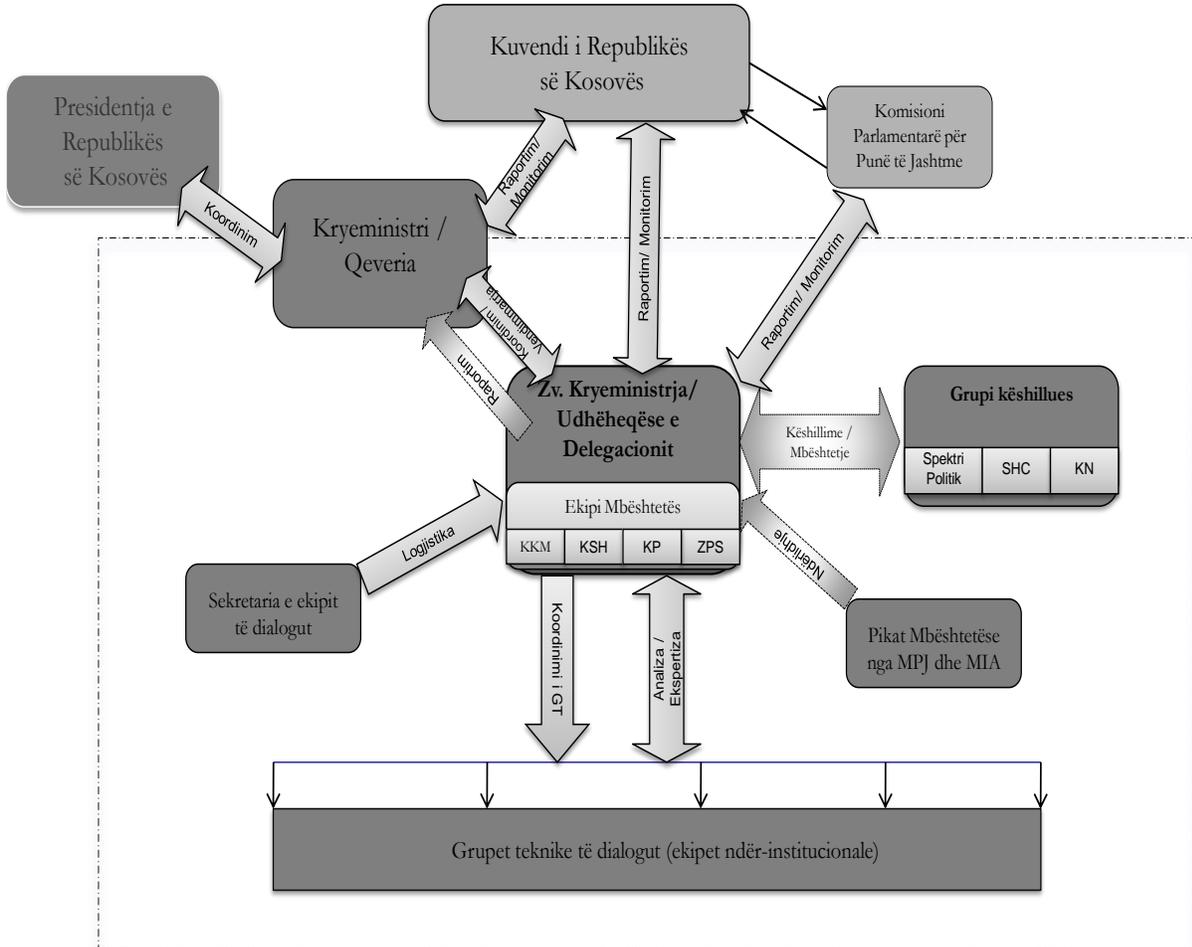
documents, but in the case of dialoguing, the level will be the same with our counterparts in the dialogue – Serbia’s representatives.

- c) **The advisory group (representatives of all political parties, civil society, international advisors etc)** – In order to ensure a form of wide consultation of the political and social spectrum in the dialogue process with Serbia, the delegation in one form or another will include representatives of the entire spectrum, civil society, international advisors etc. The wide representation will be a contributor to the legitimacy of the process of talks.
  
- d) **The secretariat of the dialogue** – performs duties of logistical nature for the dialogue team.

**Reporting and monitoring:** The entire dialogue process will be reported to the President, the Prime Minister, the Government and the Assembly. The entire dialogue process will be monitored by the President, the Prime Minister and the Government in the first place, and by the Assembly as the highest state and constitutional institution.

The Government will allocate a budget to support the work of the dialogue team.

## STRUCTURE OF THE DIALOGUE TEAM



KKM= Këshilltari i Kryeministrit  
 KSH= Këshilltari i Zv. Kryeministres  
 KP = Këshilltari i Presidentes  
 ZPS=Zyra për Planifikim Strategjik  
 SHC= Shoqëria Civile  
 KN = Këshilltarët Ndërkombëtarë