Caught in the middle

European Union's role and intentions in the post-conflict negotiation process between Kosovo and Serbia

Master Thesis

Master thesis Human Geography: Conflicts, Territories and Identities
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PREFACE

The thesis is the conclusion of my Human Geography master programme at Radboud University Nijmegen. Although the research and writing process took longer than expected, I am satisfied to conclude the studies and present the resulting thesis.

My sincere gratitude goes to the academic staff of the Human Geography programme, especially to dr. Bert Bomert, who gave me constructive and good advice while supervising the writing of the thesis. I would like to thank my internship organization, the Centre for European Policy Studies and my internship supervisor Steven Blockmans for having me as their intern and providing valuable information for my thesis project.

Yet, my deepest gratitude goes to my loving family and friends, who were an inspiration throughout the whole study and the thesis writing time. I can't express enough love and affection to my Mom, Anita, who has been truly amazing in ways of supporting me. I am particularly grateful to my Grandparents, Hugo and Velta, who have always been there for me, especially my Grandfather for his support and everlasting trust in me.

Overall, the studies and the months of writing thesis have been a time fulfilled with valuable knowledge and wonderful people. I'm glad to say that I enjoyed the study experience in the Netherlands and am thankful to everyone who accompanied me during the studies in the Radboud University and was an inspiration or a supportive shoulder.

LIST OF ABBREVIATIONS

CEPS	Centre for European Policy Studies
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
EC	European Council
EEAS	European External Action Service
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
HR	High Representative
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the former Yugoslavia
IfS	Instrument for Stability
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
PbP	Peace-building Partnership
PM	Prime Minister
SAA	Stabilization and Association Agreement
UN	United Nations
UNMIK	United Nations interim administration Mission in Kosovo
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USA	United States of America

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1. Introduction

Settling an argument between two sides is a complicated, if not even an impossible task. Those who have accepted the role of the ones being in the middle of a conflict and are trying to make amends have chosen a difficult mission.

According to the Concept developed in 2009 by the General Secretariat of the European Council, "the European Union, as a global actor committed to the promotion of peace, democracy, human rights and sustainable development, is generally seen as a credible and ethical actor in situations of instability and conflict and is thus well placed to mediate, facilitate or support mediation and dialogue processes." (The General Secreteriat of the Council, 2009) Peaceful dispute settlement is, however, a team effort which requires substantial expertise, knowledge, technical capacity, engagement at different levels over time as well as cooperation with other actors in order to be effective and to improve its chances of success.

The European Union (EU) states that it aims to develop a more systematic approach to its peaceful dispute settlement efforts and to strengthen its mediation support capacity in order to allow it to contribute in a more efficient and effective way to preventing and resolving conflicts. It is the Union's ambition to strive to establish and promote the use of mediation as a tool of first response to emerging or on-going crisis situations. As such, mediation could also be mainstreamed into other EU conflict prevention and crisis management activities, wherever relevant. (The General Secreteriat of the Council, 2009) Therefore, mediation support of the European Union is becoming stronger and mediation has been promoted as a tool itself to be used when dealing with possible or on-going crisis situations.

Strengthening the Union's mediation support capacity involves the provision of operational support to on-going mediation and dialogue initiatives, assessment of lessons learned, identification of best practices and, as appropriate, the development of guidelines for the EU practice in the area of mediation, developing training and capacity building regarding mediation as well as networking and coordination with other actors in crisis management.

However, only recently has the EU developed such a role in a broader context. Until the Treaty of Lisbon entered into force on 1 December 2009, the Union's diplomatic structures to engage in the realm of foreign and security policy did not amount to much more than the position of the High Representative (HR) for the Common Foreign and Security Policy (CFSP), supported by his/her staff at the Council General Secretariat. The scope of the Commission's delegations around the globe was restricted to those competences specifically attributed to the European Community – trade and, to a lesser extent, development. The Treaty of Lisbon has changed all that – it merged the Union's external action objectives and re-designed the institutional framework to render the organisation's external action more coherent, visible and effective. (Working Group VII – "External Action", 2002, p.6-7)

Furthermore, one year after the Treaty of Lisbon entered into force, the European External Action Service (EEAS) was formally launched. An initial transfer of about 1,500 staff took place on 1 January 2011, when the EEAS effectively began its operations. (EEAS, "European External Action Service", 2013) One of the guidelines for the EEAS has also been stated as the role of 'a responsible neighbour', indicating the EU's desire to get involved into and affect the affairs also outside the borders of the EU, presumably the affairs of neighbouring countries.

Accepting the role of mediator, the European Union has stated its mission and encourages to reach an agreement and settle the differences among opposing sides, not only within the borders of the EU, but also elsewhere in the world. One of such cases is the dispute between Serbia and Kosovo, in which the EU has accepted the role of mediator, in order to reach a settlement and create compromises on different aspects which can't be solved otherwise.

1.1. Overview of the case

Armed conflict over the territory of Kosovo emerged during the last decade of the 20th century; however, the province of Kosovo has been a reason for disagreement between ethnic Albanians and Serbs for generations, even centuries. Although another decade has passed, the conflict between the two nations still remains. Uncertainties regarding the legal status of Kosovo, and struggles regarding the resolution of the issue, keep the conflict ongoing. In addition, many discussions have emerged considering the human rights situation and the nature of the conflict itself. The case of Kosovo has been a reason for fierce debates between international institutions and states, which have been involved in the process of conflict settlement, trying to reach some agreement on the issue.

The initial effort to resolve the question of Kosovo's legal status, led by former Finnish president Martti Ahtisaari in 2005, ended with Kosovo's unilateral declaration of independence on February 17, 2008. This result wasn't the hoped-for comprehensive solution. Since Kosovo's declaration of independence, Serbia has showed its continued resistance to the integration of an independent Kosovo into regional and international institutions. Furthermore, Belgrade continues to support, and keep out of Pristina's control, the so-called 'parallel structures' in Northern Kosovo – the district where Serbs are a majority. (Lehne, 2012, p.1)

The past and current situation of Kosovo has been an object for wide discussions and disagreements in the international community for years. Opinions about the situation are very different and the conflict results in clashing views, trying to find the best possible solution, which could satisfy both sides. The international community had to face the fact that Kosovo has separated from Serbia and after that the other issue came up: should the independence of Kosovo be recognized or not? Currently Kosovo has been formally recognized by 109 UN Member states, amongst them 23 which are member states of the European Union. (Kosovo Thanks You, 2013) This shows that not only the international community has divergent opinions on Kosovo's legal status, but that there are differences within the EU as well. The five EU states that do not recognize Kosovo's independence are Spain, Slovakia, Cyprus, Romania, and Greece. However, this difference in opinion hasn't prevented the EU from taking on the role of mediator in the conflict between Kosovo and Serbia.

In order to reach an agreement between the two sides, a negotiation process has started in 2011 between officials from Belgrade and Pristina, in which the European Union has taken the role of mediator. The negotiations of the first phase consisted of nine rounds and lasted for one year, making an initial effort to reach some kind of agreement. This phase, starting on March 8, 2011, was mediated by the EU representative Robert Cooper. The Serbian delegation was led by Borislav Stefanovic, the Political Director of the Ministry of Foreign Affairs, while the Kosovo delegation was led by Edita Tahiri, Deputy Prime Minister (PM). As Cooper stated, the aims of the dialogue were "to remove obstacles that have a negative impact on people's daily lives, to improve cooperation, and to achieve progress on the path to Europe." (The EU, press statement, March 9, 2011) The talks were concluded with an agreement on regional cooperation and cooperative management, which still had to be implemented in practice. Nevertheless, it was considered a major step towards a normalization of the relations between both countries.

"Since March 2011, the EU has been facilitating a technical dialogue between Kosovo and Serbia, aimed at normalizing the relationship between the parties." (Aliu, Balkan Insight, 2011) After violent clashes in Northern Kosovo in the Summer of 2011, the technical talks were interrupted as Serbia refused to continue the dialogue. However, both sides met again in November to discuss technical aspects, "focusing on energy, telecommunications, and participation in regional forums" (Aliu, Balkan Insight, 2011).

Despite the fact that Serbia still refused to recognize the independence of Kosovo, the European Union on March 1, 2012, stated that Serbia had become an official candidate for EU membership. The EU announced that Serbia had shown full compliance with the international criminal tribunal by co-operating in arresting one of the most wanted war crime suspects [General Ratko Mladic], which was considered an important step towards becoming an official candidate country.

However, the European Union also declared that "improvement in relations between Serbia and Kosovo is needed so that both can continue on their respective paths towards the EU, while avoiding that either can block the other in these efforts" (European Commission, 2012), therefore reminding Serbia that it is essential to settle the disagreement between the two states, which most likely would be a recognition of Kosovo as an independent state.

In October 2012 both sides met in Brussels to renew the negotiations, starting the second phase. The mediation of talks between both countries was taken over by HR Catherine Ashton, who was eager to continue the dialogue inviting also high officials of both countries. After an agreement reached in February 2012, she clearly expressed the EU's wish to see Kosovo moving even closer, admitting that "this will require hard work on both sides and they will require the continuation of cooperation" (Ashton, press statement, March 1, 2012), therefore implying an eagerness to develop the dialogue. The second phase talks focused on normalizing relations between Pristina and Belgrade by including the Prime Minister of Serbia, Ivica Dačić, and the Prime Minister of Kosovo, Hashim Thaçi, in the dialogue. This was a significant achievement, considering the history of the conflict and the many struggles in coming to a resolution. The second phase negotiations lasted for six months, consisting of ten negotiation rounds, which ended with an EU proposed agreement in April 2013.

This so-called 15-point agreement between Belgrade and Pristina, reached on April 19, 2013, is a high-profile success of the European Union's diplomacy, which was backed by the EC, by giving Serbia a start date for EU accession talks and Kosovo a chance to start negotiations on a pre-accession agreement. The 15-point agreement is the first agreement between the representatives of both countries in order to normalize the relationship between Serbia and Kosovo.

Although the road towards it hasn't been an easy one, the process of finding solutions for issues between Kosovo and Serbia has turned out to be a successful example of an EU-led mediation process, even if initially it was seen as an impossible task. This unique case provides a chance to review lessons-learned during the rounds of talks, by analysing how the process has been conducted, structured and brought up in a level of high expertise, involving field experts for particular issues.

"The agreement between Belgrade and Pristina presents a clear-cut and resounding diplomatic success for the EEAS, which will enable it to dispel some of the criticism and questions about the value added by the new European diplomatic service." (Blockmans, 2013) Such success brings to question how the EU has built up its mediation capacities and what strategy and available leverages the negotiation team of the EU has used to settle a dispute and provide an agreement acceptable for all the sides involved.

1.2.   Research objectives

The EU has continued its important role in stepping up as a mediator in the dialogue between Pristina and Belgrade, in order to reach an agreement between the two Balkan countries and find a solution for tensions and unresolved issues. However, the process of negotiations hasn't been predictable. "Despite its name, the dialogue was not technical but highly political in character, as each of the issues discussed had its status-sensitive aspects. And EU 'facilitation' was not facilitation at all but rather heavy-duty mediation, including setting the agenda, elaborating solutions, and using massive carrots and sticks to bring the parties on board." (Lehne, 2012, p. 8) Nevertheless, neither Serbia nor Kosovo could afford to delay addressing the sensitive political issues, and the EU as a strong and proactive mediator with considerable leverage over both sides was an obvious choice which could keep moving the process further. Brussels used the possibility to exert considerable influence over both sides and position it as a strong mediation role. (Lehne, 2012, p.13) The EU challenged itself to reach a settlement between sides, which have been in opposition for centuries. Being caught in the middle, the EU was searching for a way to satisfy both sides in order to reach some resolution between two irreconcilable foes.

Consequently, this brings me towards the research objectives of the thesis. In my research I have analysed the mediation capacities of the EU in the process of negotiation between Pristina and Belgrade as well as reviewed the process of the dialogue itself. I have also reviewed the previous rounds of negotiations which took place in 2011. By also focusing on previous rounds, which were managed by a different negotiation team of the EU, it is possible to see how the mediation capacities of the EU have changed over time. The EU, using different leverages and successful strategies, has delivered a successful outcome, thus assuring that it has the necessary skills to settle arguments, while being involved as a third party and act as a strong mediator. Being a relatively recent development, the EEAS has managed to prove that its operative work brings successful outcomes and has proven its value and necessity in order to promote the EU as a peaceful dispute settler.

1.3.   Research questions

In my research, I have focused on the following question:

- *To what extent has the EU used its mediation capacities and tools to reach a successful agreement between the high officials of Belgrade and Pristina?*

This means that I have focused on the EU's role as a mediator in the dialogue by addressing how its strategy and accumulated mediation capacities have been used in order to deliver a successful outcome that satisfies the requests of Belgrade and Pristina alike.

In order to get a detailed answer to the main question, some sub-questions have to be answered as well:

- *What is mediation in a theoretical/scientific sense?*
  The understanding of the term 'mediation' in a theoretical/scientific sense will provide knowledge on the mediation process and its purpose in general.
- *How does the theoretical framework explain the mediation capacities of the third party?*
  This question addresses the theoretical framework and the role of a third party in conflicts as well as the question how the mediation can be used to solve disagreements and conflicts.
- *What is mediation in the EU context, both in terms of capacities and tools?*
  Insight in the mediation context of the EU will provide understanding regarding the question what sticks and carrots the EU has been able to use in the process of dialogue. It will also show how it relates to the more theoretical and scientific notions.

- *What is the historical background of the conflict between Kosovo and Serbia?*

The historic review of the conflict will help to understand why the current issues regarding relations between Kosovo and Serbia have been so complicated that third party mediation has been necessary in order to reach an agreement, which would help to normalize the relations.

- *How has the EU conducted the process of mediation in practice between officials from Belgrade and Pristina?*

Insight in the process of the dialogue will help to understand how the EU has managed the negotiations and reveal the specific aspects of the case. It also shows the importance of technical aspects (the intensity of the meetings, timeframe of the dialogue, clear deadline for reaching an agreement etc.) for successful results.

1.4.   Research relevance

The case of the EU-led dialogue between officials from Belgrade and Pristina is an interesting case for research on mediation. The EU has extended its mediation capacities by establishing its diplomatic corps (EEAS) – a specific administrative body in order to deal with external issues and to represent the EU. As the EU has taken up the role of mediator between third countries, this case particularly reflects the current abilities in terms of mediation of the EU and shows how the diplomatic service in form of the EEAS has changed the abilities of the EU to settle disagreements between third parties. One of the EU's roles has been set as a peace builder in order to promote peace and reconciliation. As one of the EEAS functions is to support such a role, the case of the dialogue between officials from Belgrade and Pristina might prove the abilities and usefulness of the service.

Mediation capacities of the EU currently are represented by capacities of the EEAS, as it is the diplomatic service of the EU and represents the Union with their diplomatic delegations all over the world. The particular case of the dialogue between officials from Pristina and Belgrade, which has been closed with a successful agreement, shows the progress of the services of the EEAS and thus the progress of the mediation capacities of the EU.

The knowledge gained from this research might also be used in other cases, by extracting the most successful methods and examples, how to manage a mediation process in order to reach the predetermined goals. However, being a single case study, the goal has its limitations, although the insight in this specific case might lead to useful tips and hints to use in the future. By answering the research questions, also an insight will be gained on the mediation process from the EU perspective as well as on the academic debate on the matter.

Also, this research will give a better understanding of the complicated relations between Serbia and Kosovo. As both states have set the goal to join the EU, the relevance of the relations between these states is undeniable. Studying and researching this topic will provide needed knowledge and will contribute to a better understanding on the matter.

1.5.   Thesis organisation - short outline of research

This thesis has six chapters. This first chapter is an introduction to the topic of the thesis and offers a short overview on what is the problem the thesis is about and why it is worth researching. Chapter 2 will discuss theoretical aspects of the thesis, dealing with academic literature on international mediation and the role of mediators in conflicts. It will also review the EU's mediation concept. Chapter 3, the research methodology, will explain the research methods used in writing the thesis, how the information was gathered and limitations during the process.

Chapter 4 reflects the historic background for Kosovo-Serbia relations, in order to understand the complicated situation nowadays. It focuses on the development of relations between Albanians and Serbs over the recent decades. Chapter 5 gives an overview of the EU-mediated dialogue between Pristina and Belgrade during different phases, starting in 2011 and ending in 2013, focusing on the EU's role and strategy to reach an agreement between both sides. The chapter also reflects on the EU involvement and agenda in the Balkan region, explaining its role of mediator within the dialogue. It also gives an analysis of the EU's capacities as a mediator in the dialogue between Pristina and Belgrade, explaining the strategy used and ability to use leverages in order to reach an agreement, which would satisfy both sides and the EU itself.

Finally, Chapter 6 is a conclusion to the research, which will summarize the thesis and answer the main question. In this chapter also the limitations of the research will be discussed and suggestions for further research will be given.

2. Theoretical framework

The theoretical part of the thesis focuses on third party's capacities in mediation processes. In this chapter the concept of international mediation will be discussed, by reviewing different approaches and opinions on third party's involvement as a mediator in conflict situations, thereby setting the stage for explaining the EU's involvement in the dispute between Kosovo and Serbia. The credibility of a mediator will also be discussed, as well as the reasons why conflicting sides do approve of a particular choice, thereby explaining why Kosovo and Serbia have accepted the EU as a mediator and have agreed to operate on its terms in order to normalize their mutual relations.

In order to discuss the process of mediation and involved actors, it is important to define what mediation is and to what extent it is different from similar processes as, for example, dialogue and facilitation. A theoretical framework helps in understanding the process, both from the perspective of a mediator as well as from the conflicting sides – the reasons why they have accepted a particular mediator and the reasons why this particular mediator is credible to settle the dispute. Also, it is significant to see what the EU's perspective on mediation is, in order to see how it might differ from the one derived from theory.

The concept of mediation will be framed in a wider context, based on academic literature, and the definition of mediation will be explained within the terms of the EU. This chapter will also provide an insight into the EU's mediation capacities, reviewing the development of the Union's concept of mediation and see how it has strengthened its capacities as a mediator in recent years.

This chapter is mainly based on the academic insights by Bercovitch and Gartner (2006), Touval and Zartman (2008), and Maoz and Terris (2006), all authorities on the process of mediation, in order to first explain the mediator's role in conflicts and subsequently determine how the case of the EU-mediated dialogue between Belgrade and Pristina fits in with their findings.

2.1. International mediation

As the practice of settling conflicts with the help of third parties has a long history in many cultures, mediation might be referred to as old as conflict itself. Mediation still plays an important role in the current international environment. (Bercovitch & Gartner, 2006, p.322) Regarding international conflicts, mediation "is particularly useful when a conflict has gone on for some time, when the efforts of the parties involved have reached an impasse, when neither party is prepared to countenance further costs or escalation of the dispute; when both parties are ready to engage in direct or indirect dialogue, and are prepared to accept some form of external help and surrender some control over the process of conflict management" (Bercovitch & Gartner, 2006, p. 322).

Touval and Zartman also note that third-party mediation has been a frequent occurrence for at least two hundred years, and has remained so in the post-Cold War era. "Although the end of the Cold War has brought about many changes in international politics, it has reduced neither the incidence of international conflicts nor the tendency of third parties to mediate those conflicts that they find especially troublesome." (Touval & Zartman, 2008, p. 427)

Bercovitch and Gartner, in discussing the concept, indicate that mediation "is by far the most common form of third-party intervention in international conflicts" (Bercovitch & Gartner, 2006, p. 321). They also point out that mediation "is particularly well suited to an environment where political actors guard their interests and autonomy jealously, and accept any outside interference in their affairs only if it is strictly necessary and explicitly circumscribed" (Bercovitch & Gartner, 2006, p. 321).

This means that mediation can be seen as an approach that supplements the problem resolution process, but one that does, however, not replace the parties' own conflict resolution efforts. Thus, mediation is offered when there is an actual need to have assistance in the problem resolution process, but this offer can not and should not completely replace the own efforts of both parties to solve the conflict themselves.

Therefore, such an approach of mediation is well suited for an environment where the help will be accepted when the actors can't reach an agreement on their own, but are still actively participating in the problem resolution process and are coming up with different ways to solve the problem, while guarding their own interests. This is also appicable to the case chosen as the main topic for this thesis – although the conflict between the two nations of Serbs and Albanians has historically been active for centuries, it was aggravated recently by the disagreement on the political status of Kosovo. After Kosovo unilaterally declared its independence in 2008, and the following clashes and disputes among the two nations, the possibility of reaching any kind of agreement by their own efforts seemed minimal. Nevertheless, both sides aimed for an agreement, which would satisfy not only their own regional interests, but would also indicate a willingness to live up to the requests made by the EU – i.e. to resolve the regional challenges in the Western Balkans and achieve a political consensus – and by doing so acquiring a perspective for future integration into the EU.

Furthermore, "international mediation is voluntary; it cannot happen without the consent of the disputants, nor can it take place without the third party's consent" (Maoz & Terris, 2006, p.415). In discussing third-party intervention as mediation, Touval and Zartman define it as a "different form from other forms of third-party intervention in conflicts in that it is not based on the direct use of force and it is not aimed at helping one participant to win" (Touval & Zartman, 2006, p. 427). They point out that the mediation's goal is not only to reach an acceptable settlement, but also to make this solution consistent with the third party's interests. However, in this process no advance commitments are made and parties are not obliged to accept the mediator's ideas. (Touval & Zartman, 2006, p. 427)

Again, it fits the role of the EU as a mediator in the case of negotiations between officials from Belgrade and Pristina, as the agreement between both sides also serves the interests of the EU. Not only would EU mediation preferably end disagreements in the region regarding the status of Kosovo, it would also diminish the conflict situations in the direct neighbourhood region of the EU, which is also closely monitored by the Union; one of the guidelines for the diplomatic service of the EU (the EEAS) states the role of "a responsible neighbour", indicating the EU's desire to get involved in and affect the affairs outside the borders of the EU, particularly the affairs of neighbouring countries.

According to the General Secretariat of the Council, the European Union sees "mediation as a way of assisting negotiations between conflict parties and transforming conflicts with the support of an acceptable third party" (The General Secreteriat of the Council, 2009, p.2). While the EU's defined general goal of mediation is to offer a possibility for parties in conflict to reach agreements they find satisfactory and are actually willing to implement, the more specific goals are most likely to depend on the nature of the conflict and particular expectations of the parties and the mediator. According to the EU, the cessations of hostilities or cease fire agreements are the primary goal: "to end or prevent violence and ensure peace and stability in the long-term". (The General Secreteriat of the Council, 2009, p. 3)

However, the General Secretariat of the Council has defined the purpose and concept of mediation, also in order to make a distinction between other similar terms like *dialogue* and *facilitation*. While mediation is "usually based on a formal mandate from the parties to a conflict, and the mediator gets involved both in the process and substance of the negotiations by making suggestions and

proposals", it is stated that "facilitation is similar to mediation, but less directive, and less involved in shaping the substance of the negotiations" (The General Secreteriat of the Council, 2009, p. 3). Furthermore, referring to the concept of dialogue[1], it is seen as "an open-ended process which aims primarily at creating a culture of communication and search of common ground, leading to confidence-building and improved interpersonal understanding among representatives of opposing parties which in turn, can help to prevent conflict and be a means in reconciliation and peace-building processes" (The General Secreteriat of the Council, 2009, p. 3).

In terms of dialogue between officials from Kosovo and Serbia, it is clear that the EU has defined itself as a mediator according to its own definitions, therefore indicating that by definition it should be involved in both the process and the substance of the negotiations by making suggestions for successful output perspectives. The role of a mediator in such a perspective is illustrated by the active presence of the EU's mediation team, headed by Catherine Ashton, which will be discussed further in the thesis.

2.2.   Credibility of the mediator

Touval and Zartman propose that mediation is a way to negotiate for the conflicting parties to find a solution that cannot be found by themselves. They point at the importance of cooperation in this process, as mediation must be made acceptable to parties involved. In return, the conflicting parties should express a willingness to cooperate diplomatically with the mediator. However, that is not always the case and mediators might meet initial rejection. Therefore, the first task for the mediator is to convince the conflicting sides of the value of its services even before the mediation process starts. (Touval & Zartman, 2008, p.248)

Maoz and Terris underline the mediator's credibility as a significant element of the whole process. The "mediator's credibility concerns the extent to which disputants think that (1) the mediator's offer is believable (i.e., the mediator is not bluffing and/or is not being deceived by the opponent), and (2) the mediator can deliver the offer (i.e., can make the offer stick)". (Maoz & Terris, 2006, p. 410)

The EU has demonstrated its credibility in the Council Conclusions on Enlargement and Stabilisation and Association process in December 2012, once more reminding that enlargement remains a key policy of the European Union and "the enlargement process continues to reinforce peace, democracy and stability in Europe and allows the EU to be better positioned to address global challenges and pursue its strategic interests" (Council of the EU, 11 December 2012, p. 2). Indicating that European countries should share common values and that the prospect of accession serves as a base for many successful reforms in the candidate countries, it is stated that the granting of candidate status to Serbia is a strong testimony that, "when conditions are met, the EU delivers on its commitments, and strengthen the process of reconciliation in the Western Balkans region, demonstrating the transformative and stabilising effect of the enlargement process to the benefit of both the EU and the region as a whole". (Council of the EU, 11 December 2012, p. 2) Therefore, it is clearly shown that Serbia's efforts to meet the required conditions, among which a key priority would be the constructive engaging in regional cooperation and the strengthening of relationships with neighbouring countries, particularly Kosovo, will give the considerable benefit of future integration within the EU, which is in line with Serbia's own interests.

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[1] Dialogue in this context differs from the institutionalized Political Dialogue which the EU conducts with partner countries. Political Dialogue can, however, provide entry points for dialogue and mediation processes aiming at conflict prevention and resolution. (The General Secreteriat of the Council, 2009, p. 3)

Furthermore, "a visible and sustainable improvement in relations between Serbia and Kosovo is needed so that both [Serbia and Kosovo] can continue on their respective European paths, while avoiding that either can block the other in these efforts" (Council of the EU, 11 December 2012, p. 11). This conclusion indicates the possible future path for Kosovo as well, which might be considered as an excellent perspective, considering that the current political status of Kosovo as an independent state is still being questioned by many countries, including also some of the EU member states.

In evaluating the credibility of the mediator, it is logical that also the interests of the mediator should be taken into account. If the mediator has a strong interest in ending the conflict, it will be perceived as a committed and reliable third party. Furthermore, such mediators might show additional motivation and be more prepared and ready to use all means available in order to obtain the desired results. However, Maoz and Terris also note that "highly committed mediators may also have very specific solutions in mind that do not coincide with the interests of the disputants" (Maoz & Terris, 2006, p. 411).

Touval and Zartman state that "since mediators are motivated by self-interest, they will not intervene automatically, but only when they believe a conflict threatens their interests or when they perceive an opportunity to advance their interests" (Touval & Zartman, 2008, p. 434). Therefore, a third party might most likely intervene in cases that have shown a wider escalation of the conflict. In such a situation, conflicting parties already have been in strong opposition, creating a ground for mediation to proceed. (Touval & Zartman, 2008, p. 434)

The potential power of the mediator to create the most agreeable outcome to both sides is what makes it acceptable to the conflicting sides. "Contrary to a common misperception, mediators are rarely "hired" by the parties; instead they have to sell their services, based on the prospect of their usefulness and success." (Touval & Zartman, 2008, p. 436) Although the mediator might have some leverage over the conflicting sides, it is still at their mercy. No party will be satisfied if the mediator only has leverage over its side; therefore mediation is welcomed only to a certain extent – until it produces favourable outcomes. (Touval & Zartman, 2008, p. 436-437)

2.3. The European Union's concept of its mediation capacities

According to the European Union Programme for the Prevention of Violent Conflicts adopted in 2001, the EU is responsible for the early identification of the violent conflicts as well as the range of options for EU action. In 2007 the EU launched the Instrument for Stability (IfS), through which the Union has intensified its efforts in the area of conflict prevention, crisis management and peace building. Following the establishment of the IfS, the European Commission has also established the Peace-building Partnership (PbP) in order to develop necessary capacities for responding to crisis situations worldwide. (Berisha, 2014)

Furthermore, the Concept of Strengthening the EU Mediation and Dialogue capacities adopted in 2009 emphasizes that the EU has established its own mediation capacities. "The EU is engaged in the entire spectrum of mediation, facilitation and dialogue processes. While, in practice, mediation is thus already an integral part of EU external action, the EU has so far used this tool in a rather *ad-hoc* fashion. The EU aims to develop a more systematic approach to mediation and to strengthen its mediation support capacity which will allow it to contribute in a more efficient and effective way to preventing and resolving conflicts". (The General Secreteriat of the Council, 2009, p. 4)

The EU Special Representatives, EU Delegations, and the Common Security and Defence Policy (CSDP) missions are engaged in facilitation and mediation efforts in conflict zones worldwide. The EU sees itself as an important actor in international affairs, playing a significant role through various means – diplomacy, trade, international aid and cooperation with global organizations. Its role in the

area of external action became even more important after the Lisbon Treaty entering into force in 2009, when the post of High Representative of the Union for Foreign Affairs and Security Policy was created and "the EU's diplomatic arm", the European External Action Service (EEAS) was established. By establishing the institution for the area of external action, the EU has created a global structure, taking up the role of observer also in third countries. Among its many functions, the EEAS assists the High Representative "in ensuring the consistency and coordination of the Union's external action as well as by preparing policy proposals and implementing them after their approval by the Council. It also assists the President of the EC and the President as well as the Members of the Commission in their respective functions in the area of external relations and ensures close cooperation with the Member States. The network of EU delegations around the world is part of the EEAS structure." (EEAS, "What We Do", 2013)

Furthermore, according to its mandate, the High Representative, currently Catherine Ashton, who exercises authority over the EEAS and over EU delegations in third countries and at international organizations, also "represents the Union for matters relating to the common foreign and security policy and conducts political dialogue with third parties on the Union's behalf, expressing the Union's position in international fora." (EEAS, "What We Do", 2013)

According to the Council of the EU, the Union has a lot to offer as a mediator as "it is in an excellent position to provide incentives to the conflict parties, which can rely on the Union's wide field presence". (The General Secreteriat of the Council, 2009, p. 4) The EU shows full readiness to support processes of mediation and the implementation of agreements reached through all the means and tools available to the EU, based on its accumulated experience and full range of crisis management instruments. (The General Secreteriat of the Council, 2009)

By offering a realistic chance to pursue the future interests of Serbia and Kosovo, the EU successfully implemented a process of dialogue, engaging both sides by creating terms which are impossible to avoid if Serbia and Kosovo desire to preserve their future chances within the EU. In the Council conclusions of December 2012, it is clearly stated that it is essential that Kosovo and Serbia continue "implementing in good faith all agreements reached between Belgrade and Pristina to date" and that they both engage "constructively on the full range of issues with the facilitation of the EU" (Council of the EU, 11 December 2012, p. 11, p. 15). Referring to the assessment of the first phase of the dialogue between Belgrade and Pristina, from January 2011 to February 2012, the Council also calls on Kosovo and Serbia "to continue implementing in good faith all agreements reached to date in the Dialogue and to engage constructively on the full range of issues" (Council of the EU, 11 December 2012, p. 11, p. 15), stating that the normalisation of relations between Pristina and Belgrade will also be addressed in the context of the next steps towards European integration, indicating that future engagement in a common dialogue is requested.

2.4.   Successful mediation in theoretical framework

In order to be able to distinguish factors that determine whether mediation is successful or not, mediation must be seen as a process, which is being affected by many variables. Bercovitch and Gartner seek an explanation in order to identify which factors and variables lead to the different outcomes of the mediation process. Thus, it would be possible to generate an insight into these factors that affect the process and that might be changed in order to maximize the chances of success. (Bercovitch & Gartner, 2006, p. 319)

"Mediation is best seen as an extension of bilateral conflict management". (Bercovitch & Gartner, 2006, p. 322) As a conflict management process it might sometimes be risky, however, most likely it is a rational political process with anticipated costs and benefits. Bercovitch and Gartner, in their

attempt to define variables and factors which affect the mediation process, come to the conclusion that mediation operates "within a system of exchange and social influence whose parameters are the actors, their communication, expectations, experience, resources, interests, and the situation within which they all find themselves". (Bercovitch & Gartner, 2006, p. 322) They indicate that mediation is "a reciprocal process; it influences, and is in turn influenced by and responsive to, the context, parties, issues, history, and environment of a conflict". (Bercovitch & Gartner, 2006, p. 322)

Maoz and Terris indicate that "quantitative studies have examined the effects of a host of variables believed to affect the occurrence and success of mediation in international disputes" (Maoz & Terris, 2006, p.411). By gathering research of various authors, they classify three groups of variables – factors that describe the disputants (e.g., power disparity, regime types), factors that describe the mediator and mediation process (e.g., mediator's capability, mediation timing), and factors that describe the dispute (e.g., duration, issue type, level of violence). Furthermore, they agree with other authors' ideas that the more leverage the mediator possesses, valued as such by the disputants, the greater the ability to influence conflicting parties. Therefore, mediators should hold relevant power in order to be (more) capable of reaching a settlement. (Maoz & Terris, 2006, p.411, 412)

Touval and Zartman approach the process of successful mediation from another perspective. They set out three modes that mediators use to marshal the interests of all the parties involved towards a mutually acceptable solution to the conflict. "The mediator uses communication, formulation and manipulation, in that order." (Touval & Zartman, 2006, p. 435) Each of these three modes is referring to a different level of obstacles to the conducting of direct negotiations in order to help the parties accomplish goals which can't be reached on their own. (Touval & Zartman, 2006, p. 435)

In the first mode the mediator can serve as a communicator in a situation where conflict has made "direct contact between parties impossible, thereby preventing the parties form talking to each other and from making concessions without appearing weak or losing face" (Touval & Zartman, 2006, p. 435). Acting as a conduit, mediators might be required to help the parties understand the meaning of messages from the other side or to gather the parties' concessions. This is the simplest and most passive mode of the mediator. However, in order to be able to act as a communicator, character traits as "tact, wording, and sympathy, mixed in equal doses with accuracy and confidentiality" are necessary. (Touval & Zartman, 2006, p. 435)

The second mode of mediation requires the mediator "to enter into the substance of the negotiation". (Touval & Zartman, 2006, p. 435) Since a conflict may be a reason to stop any communication between parties, the parties might need a mediator as formulator. "Formulas are the key to a negotiated solution to a conflict; they provide a common understanding of the problem and its solution or a shared notion of justice to govern an outcome". (Touval & Zartman, 2006, p. 435) The second mode requires mediators to be capable of thinking of "ways to unblock the thinking of conflicting parties and ways to skirt those commitments that constrain the parties". (Touval & Zartman, 2006, p. 436)

The third mode is a manipulator mode, which requires that a mediator "uses its power to bring the parties to an agreement, pushing and pulling them away from conflict into resolution". In other words, the mediator should manipulate with all the leverages available over conflicting parties, assuming the maximum degree of involvement and persuading the parties to accept its vision of a solution. The mediator must make the solution attractive, "enhancing its value by adding benefits to its outcome and presenting it in such a way as to overcome imbalances that may have prevented one of the parties from subscribing to it". (Touval & Zartman, 2006, p. 436)

However, Touval and Zartman come to the conclusion that "more interest and less leverage is involved in third-party mediation than is commonly assumed" (Touval & Zartman, 2006, p. 442). The

initial calculations made by the conflicting parties and the mediator do not only involve a successful settlement of a dispute. These calculations involve also relations between the parties and the third party, as well as costs and benefits for all of them in both conflict and conciliation.

Mediation becomes neccesary when the conflict between parties provides the elements of dispute and prevents parties from finding a way out of disagreement. However, Touval and Zartman note that even successful processes of mediation "can cut through only some of those layers, providing a means for the parties to live together despite their dispute – it does not provide deep reconciliation or cancel the causes of the conflict" (Touval & Zartman, 2006, p. 442). Therefore, a mediator should not only assist in reaching an agreement between conflicting parties, but, in order to produce a successful settlement, should stay involved after the mediation process, and should remain involved in the post-settlement situation and review the implementation of the settlement terms.

While Bercovitch and Gartner draw on three main types of conflict management literature – normative, prescriptive and descriptive (empirical) – in order to seek an insight into the factors and variables that affect the mediation process, they also particularly emphasize empirical studies, which "can provide much useful information about the place, role, performance, and effectiveness of mediation in international relations". (Bercovitch & Gartner, 2006, p. 320)
Furthermore, their findings indicate that "powerful international mediators (e.g., large states, the U.N.) who utilize active, intrusive resolution strategies and can marshal significant resources and leverage in support of their efforts, are more effective at managing intense conflicts, while lower profile mediators using a more passive strategy and utilizing fewer resources, do better at managing less challenging and intractable conflicts". (Bercovitch & Gartner, 2006, p. 323)

Based on an analysis of the relevant academic literature, it becomes clear that there is no well-defined formula or set of rules which would determine whether or not a mediation process will turn out to be successful. However, there are some characteristics which might be considered as necessary for mediators to have a possibility for a successful outcome of the mediation process.
A successful mediator should have considerable leverage over the conflicting parties, so that they will be interested and willing to engage in the offered settlement and to compromise. However, the mediator should have the capacity to implement its offer after reaching a settlement in order to keep both parties interested, while at the same time being able to monitor and control the implementation. A successful mediator should be able to perform in different modes, starting off with simple communication and finalizing the mediation process with substantial involvement and also be able to put the settlement in a perspective which is favourable for the mediator itself.

3. Research methodology

In choosing the most appropriate methodology for the intended research, it is important to base the choice on different aspects. Before choosing the research design, which will construct the entire thesis, it is necessary to sort out the objectives of the research, the topic and information necessary in order to conduct successful research.

To show that my data was gathered and analysed in a scientific valid way, this chapter will discuss the used methods for my research, describing the way in which it has been conducted and analysed, including practical limitations and ethical considerations.

3.1. Research strategy and used methods

In order to be able to answer my main question and sub-questions of the thesis, the methods of qualitative research have been used.

As Creswell (2003) has stated, qualitative procedures stand in stark contrast to the methods of quantitative research. Qualitative inquiry employs different knowledge claims, strategies of inquiry, and methods of data collection and analysis. Although the processes are similar, qualitative procedures rely on text and image data, have unique steps in data analysis, and draw on diverse strategies of inquiry. (Creswell, 2003, p.141) Qualitative research uses multiple methods that are interactive and humanistic. The methods of data collection are growing, and they increasingly involve active participation by participants and sensitivity to the participants in the study. (Creswell, 2003, p.144)

Adding to my preliminary theoretical framework, more literature research has been conducted that had enabled analysing the mediation process and understanding what mediation is in a theoretical and scientific sense. This consists of academic literature and texts from research institutes. While focusing on explaining mediation processes in a theoretical sense (one of the contextual sub-questions), also academic writings and reports issued by the EU have been analysed, so as to explain how the mediation capacities of the third party have been employed. As I focus on the mediation capacities of the EU, it is important to understand this process in the context of the Union.

I have also analysed academic texts, documents and materials from governments, media and research institutes as well as the official statements by representatives of the EU, in order to get an insight into the process of the dialogue between Pristina and Belgrade and in its dynamics throughout the different periods of time since 2011.

Overall, my desired research design consisted of qualitative research methods, including the case study method and data collecting: expert interviews and document analysis. Luckily my internship has been very helpful for carrying out these methods by providing significant knowledge on the case as well as acquiring highly valuable contacts. As my research questions are in line with my conducted research during the internship, I was able to use most of data also in my research project.

3.2. Case study

To be able to review the origins of the conflict between ethnic Serbs and ethnic Albanians regarding the territory and status of Kosovo, which has been the issue of the mediated talks, the case study method has been used, analysing the historic development of the conflict and factors which have been a cause or drive for the continuation of the conflict. As the negotiations between Serbia and Kosovo are a result of previous conflict, this part helps to understand the current situation and importance of possibilities for reaching an agreement. It also explains the need for a mediator in the

negotiations, showing the struggle between both sides for years and their inability to reach any agreement on their own.

Furthermore, the case study has also been used in reviewing the process of diplomatic dialogue between Serbia and Kosovo since 2011, particularly focusing on the role of the EU, which also gives an insight in the technicalities of the dialogue and helps in understanding how the EU has conducted the negotiations in practice. As the dialogue has proceeded in different periods of times, I have chosen to divide it in three phases, beginning with the start of the first rounds of negotiations in 2011 and ending with the decision of the Council of the European Union at the end of June 2013.

Case studies are performed for various purposes and a case study method "is expected to capture the complexity of a single case" (Johansson, 2003, p.2). In the most limited sense of the concept, cases themselves might be of interest. When applied as a research method, case studies are usually carried out to generate findings of relevance beyond the individual cases. "As a research method, case studies seem to be appropriate for investigating phenomena when (1) large variety of factors and relationships are included, (2) no basic laws exist to determine which factors and relationships are important, and (3) when the factors and relationships can be directly observed." (Fidel, 1984, p.273)

In defining the case, the opinion of various authors indicate that "the case study should have a "case" which is the object of study and it should be a complex functioning unit, it should be investigated in its natural context with a multitude of methods and it should be contemporary" (Johansson, 2003, p.2). However, it is also pointed out that "crucial to case study research are not the methods of investigation, but that the object of a study is a case". (Johansson, 2003, p.2)

The first generation of case studies culminated in the Chicago school of Sociology. (Johansson, 2003, p.6) The prerequisite during the development of the case study methodology within the Social Sciences was the focus on contemporary events characteristic of the Social Sciences. (Johansson, 2003, p.5) The specificity of a case study lies in its particular approach as it is a field research method. "Field studies are investigations of phenomena as they occur without any significant intervention of the investigators" (Fidel, 1984, p.274) It can be assumed that the case study refers to a detailed analysis of a single case, if knowledge can be properly acquired from intensive exploration of it. This method gives comprehensive understanding of the event under study and also develops more general theoretical statements on aspects of the observed phenomena. (Fidel, 1984, p.274) Also a major feature of the case study methodology is the combination of different methods in order to illuminate a case from different perspectives. (Johansson, 2003, p.3)

According to Fidel (1984), in order to start research using the case study method, the researcher must be familiar with the case to be investigated. However, case studies are not strictly planned before the research. Planning a field study without a pre-defined structure for the observations and analyses introduces flexibility, which is an important aspect. The flexibility "prepares the investigator to deal with unexpected findings and, indeed, requires him to reorient his study in the light of such development" (Fidel, 1984, p.274). The author states that it also avoids making assumptions which might turn out incorrect about relevant matters in the research.

The case study method has provided an insight into the subject matter of the relations between Kosovo, Serbia and the EU. Developing an understanding of the case, allows analysing it afterwards from the desired perspective. Therefore, investigating the historic background and dialogue process nowadays has provided necessary knowledge and understanding of relations among two parties –

Serbia and Kosovo – and the EU, allowing analysing the role of a third party in the dialogue and the absolute necessity of it.

The main activity in the case study method is data gathering in the field. However, the techniques of data gathering on a case are determined by the nature of the subject matter. Usually investigators seek for a large variety of sources in order to supply the collected data. After the data gathering, the analysis of it is performed. The process of data analysis is the part of the research when an investigator identifies the problems that appear to be of major importance. (Fidel, 1984, p.274)

In order to establish scientific credibility of the case study method, two criteria are considered to be important for assessing the quality of gained results during the research: reliability and validity. To assess the research methods which were used, it is necessary to focus on these two criteria of this research. "Reliability refers to the extent to which repeated employment of the same research instrument produces the same result" (Fidel, 1984, p.276), however not in the commonly accepted sense as the conditions under which case studies recur are never the same.

"Validity refers to degree to which the researcher has investigated what he set out to investigate" (Fidel, 1984, p.276) However, this criterion is an issue of concern as the case study research mainly relies on subjective opinions and understandings. Nevertheless, qualitative research methods offer a deep insight in the subject matter. Although the conduct and analysis of research depends on the case, there is still guidance provided by general literature in order to conduct qualitative investigation and information research. (Fidel, 1984, p.288)

3.3.   Data collection

The necessary data to answer my research question and sub-questions was gathered through various qualitative data collection methods. "The idea behind qualitative research is to purposefully select participants or sites (or documents or visual material) that will best help the researcher understand the problem and the research question." (Creswell, 2003, p.149) In order to gather valid information, I was determined to choose methods of data collection which would provide credible facts according to the characteristics of the researched process.

The data collection steps include setting the boundaries for the study, collecting information through unstructured (or semi-structured) observations and interviews, documents, and visual materials, as well as establishing the protocol for recording information. (Creswell, 2003, p.148) "Qualitative researchers typically rely on four methods for gathering information: (a) participating in the setting, (b) observing directly, (c) interviewing in depth, and (d) analysing documents and material culture." (Marshall & Rossmann, 2006, p.97) As it is obvious that I couldn't participate directly in the setting of the case, I used the interview method as well as an analysis of documents and written material on the case. However, contemporary observation, which is "a fundamental and highly important method in all qualitative inquiry" (Marshall & Rossmann, 2006, p.99) also took place, when analysing everyday material publicly available on the development of mediated talks between officials from Pristina and Belgrade. In order to develop the historic background of the relations between Serbia and Kosovo, I analysed documents, academic writings and official statements made by organizations or officials.

The data collection on the process of dialogue has taken place during a four-month period of internship at the Centre for European Policy Studies (CEPS), in Brussels, Belgium. Finding a place as an intern at this particular organization, which currently has taken on research regarding the European Union's role as a mediator in processes of negotiations between countries outside the Union, has proven to be relevant for my research topic, by using the acquired data in writing my

thesis. This period of time has also been useful in reviewing the history of the case and previous rounds of dialogues, in order to see their relevance to the current processes. During the internship and assisting Steven Blockmans (senior research fellow and head of the 'EU foreign policy' and 'politics and institutions' units of CEPS), I was able to carry out planned interviews and analyse materials in order to build a chronological development of the case. My research took place in Brussels, which is also the place where officials of Kosovo and Serbia met to conduct a dialogue with help of the EU's officials. My main task during the internship was to gather information on the EU involvement in the dialogue and develop a timeline on the mediated talks between officials from Belgrade and Pristina, which was in line with the main topic of my thesis.

3.3.1. Interviews

To get an expert opinion on the matters regarding my research topic, the expert interview method was used, applying a semi-structured interview model. As this type of interviewing is less structured, it gives the interviewee more freedom to direct the course of conversation. To get more insight in the practical side of the case, I looked for an opportunity to interview members of the team who are representing the European Union in the process of negotiations and associated persons (even remotely) to dialogue from the Belgrade and Pristina teams. As the CEPS had already started research on this particular topic, the teams representing sides in the negotiations had already been acknowledged and were addressed to acquire expert opinions on the case.

"Interviewing varies in terms of a priori structure and in the latitude the interviewee has in responding to questions." (Marshall & Rossmann, 2006, p.101) Qualitative interviews usually are conducted as conversations without predetermined response categories. The researcher provides few general topics to help uncover the interviewee's opinion, but otherwise complies with the participant's way of structuring the responses. However, some pre-structuration of the interview was necessary, in order to keep track of the necessary information during the interview.

During the time of my internship I was able to interview the Ambassador of Kosovo in Brussels, Ilir Dugolli; the Mediation Advisor in the EEAS, Tomas Hennings; a member of the Serbian mission to the EU; and some members of the EU mediation support unit in the EEAS. The interviews were semi-structured, as I expected that they would have different opinions on some questions and so to give them a chance to direct the flow of conversation. By approaching people who were associated to the negotiations or could provide insight into the actions of the EEAS as the support mechanism for the mediation capacities of the EU, I managed to get a closer look at the dialogue and its conduct in practice.

The interviews were conducted by my internship mentor Steven Blockmans and myself. The interviews took place in Brussels at the interviewees' work places and all of them took about two hours. Representatives of the EEAS invited us to their headquarters, where also the talks between both Prime Ministers of Serbia and Kosovo and their negotiation teams took place. A member of the Serbian mission to the EU welcomed us to their permanent office in Brussels and the Ambassador of Kosovo in Brussels, Illir Dugolli, invited us to the Embassy of the Republic of Kosovo in Brussels. The interviews were conducted in the time frame from April to May, 2013; therefore they could focus on similar events, although the process of dialogue was characterized by its fast pace and intensive rounds of talks.

During the interviews I took notes, although we also managed to get permission to record most of them. However, due to security reasons it was impossible to record one interview; therefore the notes were the only acceptable way of putting down the answers.

To analyse the data acquired from the interviews, I used the methodology which has been used during the course of "Qualitative Methods". As one of our first assignments was analysing the interview, we learned to use the program *Atlas.ti*; therefore, the process of analysing the data has become easier and based on the experience gained in the assignment I could also analyse the interviews for my research project.

As my research methodology considers various approaches of qualitative methods, through interviews I acquired an amount of data, which was being ordered in a way to extract the most relevant information. Analysing data of interviews on my case also took quite a lot of time; therefore I attempted to conduct the interviews in the period of internship while I was staying in Brussels and had access to the necessary persons.

3.3.2. Document and literature analysis

For every qualitative study, data on the background and historical context has to be gathered. "Knowledge of the history and context surrounding a specific setting comes, in part, from reviewing documents." (Marshall & Rossmann, 2006, p.107) The analysis of documents is a useful method in developing an understanding of the setting studied; such an analysis is rich in portraying the values and beliefs of participants reviewing any announcements, formal statements, letters etc.

In developing a historical background of the relations between Serbia and Kosovo, I used the document analysis method, focusing on written documents, texts, government documents and academic writings as a subject of analysis. "Many research studies have a historical base or context, so systematic historical analysis enhances the trustworthiness and credibility of a study." (Marshall & Rossmann, 2006, p.119) The document and literature analysis was a significant part of developing a case study of the EU-mediated dialogue between officials from Belgrade and Pristina. As the dialogue had a previous phase in 2011, it was necessary to acquire knowledge on the conducted talks as well as obtained results. Analysis of every-day reports on the dialogue in any form also enabled contemporary observation of the case, thus providing new aspects on the case.

The documents varied from academic writings to official statements by such organizations as the EU, North Atlantic Treaty Organization (NATO) and the UN, as well as public announcements and statements by officials in the media or articles in scientific journals. Also official statements by representatives of the EU member countries were analysed in order to get an insight into subjective opinions on the case.

Literature was used to expand the information obtained in interviews as well as to check the validity of it. Before interviews were held, the documents were analysed in order to explore any subjective opinions on the case or any previous statements made by the interviewee on the case, which might be helpful in developing additional questions during the interview.

3.4. Practical limitations and ethical considerations

While there weren't any particular limitations with data collecting, I found it unpredictable to foresee if the process of conducting expert interviews would be successful. As interviews involve personal interaction it is essential to cooperate on the same level, which might become a limitation or a weakness of the process. Unwillingness of participants or being uncomfortable with sharing all that we hoped to explore was a setback I was prepared for as the interviews focused on sensitive, complex and confidential information. Also, I considered the fact that the shared information might not be completely truthful.

The main limitation regarding the interviews was the closed circle of persons involved in the negotiation process. Although the opinions of persons involved in the dialogue were presented in the media after rounds of negotiations, it was quite limited information on the case. Therefore, during my internship I tried to use the possibility to participate in the interviews with people associated to the dialogue in order to get an insight in the inside technicalities and context of the dialogue. However, many people were reluctant to express their opinion on the case in any aspect and refused to be interviewed. Furthermore, I had to take in account their desire to be anonymous as the topic of the interview at the time was extremely sensitive and might have caused unnecessary damage if the information would be published with the name of its author. Therefore, not all of the participants in the interviews will be mentioned by name, as they indicated they would only respond anonymously. Because of the sensitive topic, the interviewees chose to stay off record, yet partly allowed references to their expressed ideas and opinions.

Another limitation was the high level of security around information related to the dialogue. Although several expert interviews were conducted, not all of the acquired data could be used at all since the mediation process is sensitive in itself and any additional leak of confidential information (even anonymously) might cause unwanted consequences. However, the interviews helped to draw a common context of the situation and to get a better understanding on the process of negotiations.

4. Setting the stage: the historic background of Kosovo-Serbia relations

Insight into history definitely helps to understand the current situation regarding the relations between Kosovo and Serbia. This chapter will give an overview of the historic development of the relations between Kosovo and Serbia and ethnic Albanians and Serbs, in order to understand the complicated situation nowadays and to understand the context within which the analysis of this research has been conducted.

As the negotiations between Serbia and Kosovo are a result of the previous conflict in the Kosovo region between ethnic Serbs and Albanians, this part develops an understanding on the current situation and the importance of a possibility for reaching an agreement. In her methodological approach of case study Raya Fidel states that the researcher must be familiar with the case to be investigated, in order to carry out the necessary analysis of the results. A background and history of the case is therefore important to understand the current issues.

The history of the Kosovo region is a sensitive and complex subject, as both nations of Serbs and Albanians hold different and, in some aspects, completely opposing views of their past. Therefore, the historical development can be interpreted from different perspectives, which depend on the subjective opinion on the case, as well as on the sources of information. Nevertheless, my goal is to give an overview of the historic development of the relations between Serbia and Kosovo and ethnic Serbs and Albanians in the most objective manner, basing the research on credible, neutral and academic sources.

4.1. Early history of the Kosovo province: The rule of the Ottomans

Disputes among ethnic Serbs and Albanians regarding the province of Kosovo have been going on for centuries. "This territory has been disputed between Serbs and Albanians for generations and their respective fortunes have ebbed and flowed." (Beach, 2000) Although the present conflict did escalate at the end of the 20th century, the longer history of the region has been a source of hostile hatred among two ethnic nations. Until today ethnic Serbs and Albanians haven't been able to agree on the question who has the 'priority rights' on the territory of Kosovo, as both Serbs and Albanians state that they have inhabited its territory as the first ones. This topic could be the most sensitive subject in all the disagreement, as it serves as the basis for the 'rights to own' the territory of Kosovo.

An ethnically mixed population of Albanians, Serbs, Roma, Turks, and Gypsies has inhabited the area for centuries. It is estimated that nowadays 90 percent of the population of about two million people are Albanians. (Wentz, 2002, p.15)

Differences in religion, language and origins distinguish both nations of Albanians and Serbs. The basic division is an ethnic one. Serbs and Albanians are also linguistically quite separate. Furthermore, a range of other cultural differences goes together with the differentiation in language as well, most of them linked to religion – the division between ethnic Serbs and Albanians roughly coincides with the division between Eastern Orthodox and Muslim. (Malcolm, 1998, p.xxviii) The majority of the Albanians are Muslims, while the Serbs are Serbian Orthodox Christians. *Kosova* is the Albanian name for the province, while Serbs refer to it as *Kosovo-Metohija* or *Kosmet*. While the Serbs are Slavic, the Albanians are believed to be descendants of the Illyrians, the original inhabitants of the western Balkan Peninsula, who were compressed into their present-day mountain homeland and compact communities by the Slavs. (Wentz, 2002, p.15) According to Bideleux (1998) Albanians

state that these ancient Illyrians (Dardanians) inhabited the western Balkans long before Slavs arrived in the region, between the years 600 and 800.

The Serbs, however, have their own argumentation in referring to Kosovo as the 'cradle of the Serb nation'. Serbian nationalism is deeply enrooted in Kosovo. Kosovo has gained a significant place in Serbian military, religious and economic history and the region has become a central part of the Serbian people's perception. In their understanding the Medieval Kingdom of Serbia, founded at the end of the 12th century, reached its zenith in 1297 – after the Medieval Serbian Orthodox Church had established a new see at Pec, Kosovo. (Bideleux, 1998) After the rise of an independent Serbian church in the 1300s, three of the most important monasteries in the church's history were founded in Kosovo: in Decani, Pec, and Gracinica. (Wentz, 2002, p.26) Serbian nationalists argue that these numerous Orthodox monasteries on Kosovo soil, and the victims that sacrificed themselves in defending these holy sites, have 'eternally sanctified' the true Serbian rights to the land of Kosovo. Three of the greatest battles in Serbian history have taken place in Kosovo Polje near Pristina, when Serbs were fighting against the Islamic power of the time. Serbs considered themselves as warriors and the defenders of Christianity, thus for Serbs Kosovo became a 'birth right', not just another province that could be lost to the Islamic invaders. (Wentz, 2002, p.26)

Serbs oppose the Albanian claims of direct descent from the ancient Dardanians, arguing that the modern Albanian nation emerged in Albania and Kosovo only between the 16th and 19th centuries. They deny that Albanian people were a majority in Kosovo any time prior to the Ottoman conquest of the 14th century. It is assumed that between the 8th and 13th century there was inhabitants that in some respects could be recognised as Albanians. However, Bideleux (1998) notes that the mix of ethnicities in the region indicates that this widely dispersed population must have mingled and interbred with other ethnic groups, thus couldn't be identical in their ethnicity to those who 'returned' to Kosovo between the 16th and 19th centuries. However, the same goes for Slavs, who also must have interbred with other ethnic groups. Nevertheless, the ethnic Albanians and Serbs continue the dispute of 'who was here first', ignoring the fact that a concept of a single nation in this case might be groundless.

The 14th century showed the Ottoman conquest of the Serbian empire. The battle of Kosovo (June 28, 1389) was the decisive clash at which the Ottomans destroyed the remains of the Serbian empire. The significance of this date is still recognised today, by celebrating the anniversary of the particular battle as the most important date in the Serbian national celebration calendar. However, Serbian nationalists today seem to ignore the fact that they fought against the Ottoman Empire together with Albanians and other neighbouring Balkan ethnic groups, only pointing out their own loss of their inhabited region and people. Malcolm (1998) particularly emphasises that members of both the Serbian and Albanian populations fought together as allies in the significant battle of 1389.

The Ottomans ruled in Kosovo for more than five centuries until in 1912 Serbia annexed the province. The long rule of the Ottomans is also used to develop tensions between ethnic Albanians and Serbs. Under Ottoman rule Kosovo's Christian population contracted and its Muslim population expanded. Referring to this fact, the Serbs have been taught that their forebears were displaced northwards by Albanian and Turkish colonisation and by Ottoman-inspired Islamisation and oppression; such explanations are deficient, however. The Ottomans respected the value of the Orthodox Church, understanding that it was a powerful instrument of social control and actually refrained from active colonisation and/or Islamisation. (Bideleux, 1998) Although there was a certain increase in the Albanian Muslim population, it couldn't be solely attributed to a displacement of Christian Slavs by Muslim Albanians and Turks.

During the Ottoman rule, at the end of the 17th century, the Habsburgs carried out an unsuccessful invasion, which was also supported by Serbs. Afterwards, fearing the retaliation of Ottomans, many of the Serbs fled the region, seeking safety in Austria. Serbian nationalists refer to this so-called 'Great Migration' claiming that "the Serbian patriarch, Arsenije III Carnojevic, immigrated in 1690 to Austrian-ruled southern Hungary with as many as 36,000 [Serbian] families". (History of the Serbs, n.d.) Such an explanation emphasises the vision that the Serbs were so oppressed that rebellions and cooperation with Austria seemed to be their only escape from Turkish and Islamic rule. However, Bideleux (1998) assumes that this depiction is over-exaggerated as the Patriach Arsenije might not even have been present at the time. Furthermore, Malcolm (1998) indicates that during the 17th century both Albanians (including even Muslim ones) and Serbs rebelled against Ottoman rule in sympathy of Austria, and later, during the 18th century, Albanians and Serbs actually joined forces to support the Austrian attempts of invasion. Moreover, Slav and Albanian mountain clans had a long tradition of cooperation and intermarriage, in some cases even common ancestry. (Malcolm, 1998, p. xxix)

"With both language and religion setting people apart, all the conditions seem to be present for a primary conflict of peoples." (Malcolm, 1998, p.xxviii) This brief review of the early history of the Kosovo region and its inhabitants shows the desire of both nations to interpret the history in their own way, mainly to oppose each other in every possible aspect. By ignoring the obvious and logical arguments, they refuse to change their claims and historic perspective. People tend to assume only those facts which are favourable for their own ethnic group and reject the ones which don't comply with their beliefs and assumptions regarding their history. It also shows that history can be and is manipulated, especially when emphasising the ethnic patriotism, national pride and shared traditions and values of a particular ethnic group.

4.2. The annexation of Kosovo by Serbia at the beginning of the 20th century

At the beginning of the 19th century, during the rule of the Ottomans, the internal crisis in the Ottoman Empire was increasing, giving the Serbs a chance to rebel and acquire independence under the leadership of Miloš Obrenović, the prince of Serbia, who ruled autocratically and refused to share his power. (Bideleux, 1998) Furthermore, during the 19th century the Serbian ideology established the idea of a Serbian Kosovo, based on the fact that the battle of Kosovo in 1389 was the one which took the province away from them. The issue was politicized, which made the division between the Orthodox Serbs and the Muslim Albanians into a more general and systematic conflict. (Malcolm, 1998, p. xxix) Serbia regenerated, which made the Albanians cautious and they became alarmed, especially when the newly re-established Serbia expanded into its territory, following the idea that Kosovo is a place for Serbs, and Serbia expelled the Muslims from their newly conquered regions. The mass expulsions of Albanians and other Muslims from the conquered areas in 1877-1878 made the Albanians realize that Serbia represented a realistic threat to their existence. (Malcolm, 1988, p.xxx)

In response, local Albanians launched *The League of Prizren* on June 18, 1878, forming a resistance movement against further interference in Albanian-inhabited territories. "*The League of Prizren* is considered the beginning of the long struggle against the Ottoman Empire and Albania's neighbours for the country's self-determination and independence". (Elsie, 2010, p.175) The years between 1879 and 1912 showed numerous rebellions which "caused economic stagnation in the region and an exodus of around 60,000 Serbs from Kosovo over the same period". (Bideleux, 1998)

During the First Balkan War in 1912, Serbia and Montenegro occupied parts of Kosovo and, eventually, Serbia annexed the province in 1913. This act of annexation was recognised by the Treaty of Versailles in 1918, but during the next quarter of a century Serbian rule created a great

antagonism among the Albanian population of Kosovo. (Beach, 2000) From the first moment of conquest of Kosovo, the Serbian and Montenegrin governments imposed policies that created systematic hostility and hatred on such a scale the region had never experienced before. (Malcolm, 1998, p.xxx)

The balance of power changed after the First Balkan War in 1912. Serbian nationalists attempted to reinvigorate the dream of a Serbian Kosovo and turned the issue into a political perspective, starting to implement strategic counter-actions against the ethnic Albanians in the Kosovo province. The ethno-politics of Belgrade prepared a fruitful soil for hatred among both ethnic groups, which continued throughout the 20th century. Actions in the past, by both Albanians and Serbs, had resulted in open hostilities against each other. Violence created violence; in response to one side's actions the other reacted with even more hostile actions.

Feelings of hate towards ethnic Albanians continued after the establishment of the Kingdom of Serbs, Croats and Slovenes, which later became Yugoslavia, which also included the province of Kosovo. Despite signing the Treaty of the Protection of Minorities in 1919, which required Yugoslavia (then still under the name of the Kingdom of Serbs, Croats and Slovenes) "to protect inhabitants differencing from the majority in race, language or religion" (Barth, 2008, p.60), the Kosovar Albanians were deprived of the use of their own language, even though they were one of the largest minorities in the state. Between 1918 and 1925 thousands of Kosovars were killed or driven out of the province as a severe response to any attempts to fight Serbian rule. (Bideleux, 1998)

While Serbs see the period of time between 1912 and World War II as a period of liberation, Albanians consider it to be a time of forced colonization and conquest. Albanians perceived the Serbian-Montenegrin imposed rule as an experience similar to the conquest and colonisation by European Christian powers. During the inter-bellum, a programme of introducing Serb 'colonists' to Kosovo was initiated. (Malcolm, 1998, p.xxx) Albanians engaged in armed fights with Serbs. In response, the government of Yugoslavia provided arms to the Kosovo Serbs. The distinction between the two ethnic groups grew even wider. The endless circling around each other, responding to each other's violence, resulted in a dreadful environment in the region and numerous fights, eventually also engaging civilians.

The Serbs, however, perceive this period of time as the release of a captive population – the Serbs of Kosovo – from an alien imperial power – the Turks. (Malcolm, 1988, p.xxx) The government of Yugoslavia continued its 'colonization policy' by relocating Serbs into the region and providing favourable conditions to establish their lives in the Kosovo province. However, these 'colonists' were received with open hatred from both Albanians and local Serbs; the latter were opposed to the 'colonists' privileges in acquiring land and the support from the central government. The immigrant Serbs were as much strangers to the local Albanians as to the local Serbs. And the other way around: the long-established local Serbs were as much foreign to the immigrants in some of their practices as the 'alien' Albanians. (Malcolm, 1998, p.xxix)

Malcolm argues that in some way both Albanian and Serbian perceptions were simultaneously true. Both conceptual models, although conflicting each other, made sense to each of the ethnic populations. (Malcolm, 1998, p.xxxi) Such presumptions show once more the complexity of relations between the Serbs and Albanians and the very sensitive and fragile concept of history based on which it is impossible to develop a common ground as most of the aspects of it are viewed in a completely opposite manner.

Interpreting history for their own benefit has made that both Albanians and Serbs seek for a historic justification of their actions. As previously mentioned, there are continuous debates on the religious,

ethnic and cultural values that, as believed by each of the populations, make Kosovo 'theirs'. Malcolm (1998) disapproves with the basic arguments of the Serbs referring to Kosovo as a holy place for Serbs and 'the cradle of the Serb nation', and rightly points out that "it makes no sense to base claims of modern political ownership on the geography of long-gone kingdoms or empires". (Malcolm, 1998, p.xxxi) In any case, whether it is more 'Albanian history' or more 'Serbian history', the past should not have such a strong impact on the present. However, that is not the case of Serbs and Albanians nowadays, since it presently shows that the historic bitterness still has a deep impact on the relations between Serbia and Kosovo.

4.3.   World War II; Rule of Tito

The balance of power in the Kosovo province changed once more when, during World War II, parts of Kosovo were absorbed into Italian-occupied Albania in 1941. Only Mitrovica, the northern part of Kosovo, was under German rule. The incorporation of Kosovo into Greater Albania (under Italian control) resulted in the killing of thousands of Serbs. (Beach, 2000) The Albanians had awaited their chances of revenge on Serbia and Montenegro when they, collaborating with the fascist states, drove out of the region or killing many thousands of Kosovo Serbs and Montenegrins. (Bideleux, 1998) The Italian rule implemented an Albanian friendly policy and all the citizens of the Kosovo province became citizens of Albania, including the Serbs. (Malcolm, 1998, p.292)

Driving out the 'colonists' in a violent way was a chance for Albanians to retaliate against the Serbian attacks on their nation and the neglect by the Yugoslav government. The Italian occupation allowed Albanians to take back the land given to the 'colonising' Serbs, which they considered their rightful property. Thus, the bloody fights continued causing victims on both sides; however, it was clear that the Serbs and Montenegrins suffered most casualties: it has been estimated that during the first three months of Italian occupation approximately 20,000 Montenegrins and Serbs fled from the province of Kosovo. (Malcolm, 1998, p.294)

The Italian rule didn't last for long. After the Italian capitulation to the Allies on September 8, 1943, Nazi Germany assumed control over Kosovo; yet, it lost it quite soon. In late 1944, at the end of World War II, Josip Broz Tito's Yugoslav partisans entered and 'liberated' Kosovo, which resulted in the killings and/or expulsion of many thousands of Kosovars. (Bideleux, 1998) After the war, a socialist federation of Yugoslavia, including Serbia, Montenegro and the other former Yugoslav territories, was formed. Tito became the leader and ruled Kosovo as a Yugoslav Republic in all but name until the late 1960s. (Beach, 2000) Tito reversed or halted most of the objectionable policies of the previous Yugoslav regime: the colonization programme and the suppression of the Albanian culture (Malcolm, 1998, p.314), yet Malcolm (1998) also notes that today Tito's policy measures are seen as questionable, given that his decisions were partly made under the pressure of circumstances or for pragmatic reasons.

In July 1945 the status of Kosovo was defined, when a Communist-dominated assembly of Yugoslavia obediently voted for the 'voluntary' union of Kosovo with the Republic of Serbia within a Yugoslav Federation. (Bideleux, 1998) The new Yugoslav regime established hundreds of new Albanian schools and cultural institutions, allowed the use of their own language and formally gave equal status in official and legal matters. Yet, Bideleux (1998) points out that at the same time Albanians were still subjected to extensive surveillance and harassment by the state security police and in the period between 1945 and 1966 over 200,000 Albanians immigrated to Turkey. Thus, in theory Albanians were treated equal to the Serbo-Croats, but in practice most of the key officials in the political and judicial system still where Slavs.

The new Yugoslav Constitution of 1963 reduced the status of Kosovo's autonomy and, although referred to as an 'autonomous province', Kosovo's fate was still constitutionally determined by Serbia's parliament. Over the next ten year period things changed and the Yugoslav Constitution of 1974 gave Kosovo (along with the other autonomous province of Vojvodina) the status of a Socialist Autonomous Province within Serbia. As such, it possessed nearly equal rights as the six constituent Socialist Republics of the Socialist Federal Republic of Yugoslavia. (U.S. Department of State, n.d.)

During the same period of time, the late 1960s and early 1970s, Kosovo Albanians experienced an increase of their rights. Chance to obtain higher education gave an option to qualify for higher and more important job positions, which were dominated by the Serbs. Proportion of Albanians in the League of Communists in Kosovo had risen to roughly two-thirds and by 1981 the police and other security forces were three-quarters Albanian. (Malcolm, 1998, p.326) Such changes naturally worried the Serbs, who now complained about being discriminated by the Albanian dominance of the local organisations.

Yet, the emigration continued and high numbers of Albanians and even higher number of Serbs continued to flee from the province during the 1970s. Although Bideleux (1998) argues that the main reasons for moving were mostly economic, the Serbs quickly interpreted high emigration as threats from Albanians to leave Kosovo. A steady rise in the proportion of Albanians occurred throughout the 1970s and 1980s, reaching 81% of Albanians and only 11% of Serbs in 1991. (Malcolm, 1998, p.331) During the 1970s and 1980s it was particularly visible that any occurrence or event which might have offended anyone's ethnicity even in the slightest, became an 'objective' or 'a political act' with the sole purpose of driving out the Serbs from Kosovo. People started to perceive every action from an ethno-policy perspective, most likely interpreting it as an insult or abuse.

Tito's death in 1980 was a turning point: factors as an increase of the Albanian role, the expansion of their higher education and the changes in demography came together when in 1981 riots erupted. The riots were violently suppressed after Kosovo Albanians started to demand the status of full Republic for Kosovo. (U.S. Department of State, n.d.) At least ten people were killed, many more were injured and thousands were imprisoned and/or expelled from Kosovo's League of Communists. (Bideleux, 1998) Although there was clear evidence that the source for the protests and rebellion had economic characteristics, as at the time Kosovo was at least five times as poor as rich Slovenia and had the highest unemployment rates within Yugoslavia, the authorities of both Kosovo and Serbia blamed counter-revolutionaries. (Malcolm, 1998, p.337) The political reaction in 1981 unleashed a new wave of counter accusations of Albanian and Serb nationalism.

The media also played a significant role, reflecting the on-going events as Albanian aggression against Serbs, exaggerating the dynamics and denying the Serbs' wrongdoings against Albanians. A group of Serbian nationalist intellectuals publicly claimed that Serbs were suffering genocide which resulted in an important document, the Memorandum, gathering all the old themes of Serbian nationalist resentment against Tito and the constitution of 1974. The text of the Memorandum was published in 1986 and completed in 1989, stating that since 1981 the Albanians in Kosovo had committed a physical, political, juridical and cultural genocide against the Serbs. (Malcolm, 1998, p.340) This document contained all the bitterness and hatred against the Albanians.

The end of the 1980s started the beginning of a new rule when Slobodan Milosevic rose to power in Serbia on the back of Serbian grievances against the Albanians in Kosovo. (Beach, 2000) Milosevic (then deputy president of the Serbian Party), took advantage of the Serbian and Montenegrin nationalist opposition to President Ivan Stambolic' criticism of the emerging Serbian nationalism and skilfully acquired the affection of the crowd. (Malcolm, 1998, p.341) He turned himself into a

nationalist leader, receiving support from Belgrade media and the activists in Kosovo. Backed by this, Milosevic was able to overtake the Communist Party and, eventually, at the end of 1987, replace president Stambolić to become president of the Serbian League of Communists. (Malcolm, 1998, p.342)

4.4. Rule of Milosevic: An escalation of the conflict

Milosevic became president of Serbia in December 1987 and helped his allies to power in Vojvodina, Montenegro and Kosovo in late 1988. (Bideleux, 1998) Until 1989 the Kosovo region enjoyed a high degree of autonomy within Yugoslavia, even though the Albanians pressed for an elevation of the status of Kosovo to a republic within the federation. The conflict reached a new stage of intensity in 1989, when Milosevic forcibly altered the status of the region, removing its autonomy and bringing it under the direct control of Belgrade, the Serbian capital. The entire structure of the regional administration was dismantled and practically overnight Albanians were dismissed from their jobs, denied education in their own language, and exposed to massive abuse of their human rights and civil liberties. (Wentz, 2002, p.16)

The first step after Milosevic became president in 1987 was to remove the two Kosovo's leading Albanians that represented the provincial Party, in order to install his own supporters in their place. Despite the mass rallies protesting in defence of a local Party leadership, the local leaders were replaced by Milosevic's supporter Rrahman Morina in order to dismantle the autonomy of Kosovo. (Malcolm, 1998, p.343) People in Kosovo engaged in mass protests once more, when they realized that the extinction of Kosovo's autonomy was approaching fast. They put up barricades and went on hunger strikes all over Kosovo, demanding "no retreat from the fundamental principles of the 1974 constitution". (Malcolm, 1998, p.343) Milosevic tricked them, by announcing the resignation of Morina, but quickly reversed the resignation when people ended their protests. While the protests took place, troops were sent into Kosovo, which arrested hundreds of rioters. (Malcolm, 1998, p. 343)

On March 23, 1989, a formal vote took place, declaring the abolishment of Kosovo's autonomy and reasserting Serbian control over Kosovo. This decision was approved by Kosovo's intimidated assembly, while the province was under a 'state of emergency'. Milosevic had taken over the sympathies of Serbs and established full control of Serbia, Kosovo, Vojvodina and Montenegro. Serbian nationalism was fuelled even more when a few months later, in June 1989, Serb celebrations of the 600th anniversary of the Battle of Kosovo Plain took place. (Bideleux, 1998)

Meanwhile, the Albanians of Kosovo engaged in massive riots in Pristina and other towns of Kosovo resulting in large scale casualties and arrests. By the end of April 1989, the number of casualties might have been as high as 100, while more than a 1,000 people were put on trial. More than 200 members of the Albanian elite were arrested and held in solitary confinement without any access to legal representation. More and more violent clashes took place, where demonstrators demanded the resignation of Morina and the ending of the state of emergency, resulting in more casualties by January 1990. (Malcolm, 1998, p.344-345)

In 1989 Milosevic had revoked the Albanian autonomy and banned their language in schools and offices. Kosovo became a *de facto* Serbian 'colony', where 90 percent of the population was Albanian and only 10 percent Serbs. (Wentz, 2002, p.16) Furthermore, the Serbian assembly initiated a 'Programme for the Realization of Peace and Prosperity in Kosovo' with plans for creating new municipalities for Serbs, building new houses for Serbs who returned to Kosovo, investing in the areas with a Serb majority, and, eventually, encouraging Albanians to leave for other parts of

Yugoslavia. (Malcolm, 1998, p.346) Malcolm (1998) also points at the special law on labour relations, which was passed soon after and allowed the expulsion of more than 80,000 Albanians from their jobs. Such programmes were reminiscent of Belgrade's ethno-policy after the First Balkan War, when the government 'assisted' in creating the most inconvenient environment for ethnic Albanians and emphasised the role of Serbs in Kosovo.

The Kosovar Albanians strenuously opposed the move – in response they founded a peaceful resistance movement under the leadership of the Democratic League of Kosovo (LDK), led by Dr Ibrahim Rugova. By adopting a strategy of passive resistance, a parallel shadow state was set up, proclaiming a new constitution and even held elections. (Beach, 2000) They managed to organize a referendum and opted for independence, conducting a non-violent campaign to win their right to self-determination. There was hope that the international community would show support and deliver a just solution, which encouraged the Kosovars to build a parallel society with certain instruments and institutions of local and sovereign authority. However, such a policy of non-violence was not rewarded, neither by the Serbian authorities nor by the international community. Despite many warnings that the on-going conflict might escalate into an open and armed conflict, no steps were taken to prevent it. (Wentz, 2002, p.17)

The Serbs continued to oppress the Albanians by taking control of Kosovo's radio and television stations and major industrial enterprises in the mid-1990s. They closed or purged the main Kosovar newspapers, theatres, libraries, museums and film units. School curricula were 'Serbianised' and approximately 6,000 Kosovar teachers were sacked (Malcolm, 1998, p.349). The University of Pristina was 'Serbianised' as well, starting in September 1991. However, Kosovars managed to organise an Albanian-language 'parallel' university, staffing the school system by dismissed Kosovar teachers. A 'parallel health service' was also established and run by sacked Kosovar doctors and nurses, although the level of poverty and disease increased. Ironically, Kosovo's Serbs had also become much poorer (Bideleux, 1998), reflecting the economic struggle of the entire province.

The mid-1990s was a turning point for the Albanian passive resistance strategy. In 1995 the Dayton (Ohio, USA) agreement recognised Serbia and Montenegro as the new Yugoslavia, within its existing boundaries, with no special recognition for the status of Kosovo. (Beach, 2000) Many Kosovars became bitterly disillusioned with Rugova's passivity after the decisions in Dayton, when international sanctions against Serbia and Montenegro were lifted without any resolution of the Kosovo problem. As it was more important at the time to secure Belgrade's support for the peace agreement in Bosnia, the importance of the Kosovo crisis moved into the background. Only some minor sanctions were to be kept in place until Serbia improved its human rights record in Kosovo. (Bideleux, 1998) Malcolm (1998) argues that the Dayton agreement actually strengthened Milosevic' rule, as the West saw him as a "constructive force in the region, whose removal might lead to instability". (Malcolm, 1998, p.353) A great opportunity was lost to settle the issue of the status of Kosovo. The international community failed to prevent the future crisis in the region, when it chose to focus on Belgrade's perspective as it seemingly complied with the peace agreement in Bosnia.

When the peaceful movement failed to yield results, an armed resistance emerged in the form of the Kosovo Liberation Army (KLA). (U.S. Department of State, n.d.) Many Albanians, disappointed with the decision in Dayton and the results of Rugova's passive strategy, switched allegiance to the KLA, a radical group seeking secession by violent means. The KLA's main goal was to secure the independence of Kosovo. (Beach, 2000) As was predictable, a guerrilla movement emerged. They publicly assumed responsibility for the first time in June 1996, when a series of attacks against Serbian police stations in Kosovo took place. Although the KLA was not a unified military organization subordinated to any political power, its strength swelled from some 500 active members to a force of

around 15,000. The KLA used mainly small arms to start with, but by 1998 its forces were armed with rocket propelled grenades, recoilless rifles, anti-aircraft machineguns, and mortars. (Wentz, 2002, p.17) The increasing power and amount of arms clearly predicted a wide range of violence within the province. During 1998 the region finally erupted into armed conflict, when open conflict between Serbian military and police forces and Kosovar Albanian forces resulted in the deaths of over 1,500 Kosovar Albanians and forced 400,000 people from their homes. The international community became gravely concerned about the escalating conflict and its humanitarian consequences, fearing the risk of spreading to other countries in the region. The region was destabilized by militant Kosovar Albanian forces and concerns only increased when Milosevic clearly declined any effort to resolve the crisis peacefully. (Wentz, 2002, p.17) The UN Security Council imposed an arms embargo on the area in March 1998 by adopting Resolution 1160 (NATO, June 22, 1999), yet during the Summer the scale of violence continued to increase.

In late 1998, Milosevic confirmed his intentions when a brutal police and military campaign against the KLA was unleashed, including widespread atrocities against civilians. In September the Security Council formally called for a cease-fire adopting UNSCR 1199 (UN, 1998) and followed this up by, in the next month, insisting on international supervision of the territory. However, the violent clashes continued, resulting in the death of 45 Albanians, killed by Yugoslav security forces in January 1999. (Beach, 2000) This caused another international outrage. An international peace conference was convened in Rambouillet, France, under the joint chairmanship of Great Britain and France. (Weller, 1999) The aim was to forge a compromise: the Albanians would gain enough freedom to persuade them to stop fighting, while the Serbs would be reassured that the province of Kosovo would remain part of Yugoslavia. While the Albanian representatives reluctantly accepted the Rambouillet proposals (UN Peacemaker 1999), the Serbs rejected them as they feared a possible independence of Kosovo. (Beach, 2000) The negotiations were conducted in quite a specific manner, as the delegations representing the Albanians and the Serbs never met each other in person. Each of the two parties was given a separate conference room (on different floors), where deliberations within the delegations and with the negotiators could take place. Also two different dining rooms were used, while representatives of the negotiators alternated between both rooms at mealtimes. (Weller, 1999)

4.5.   Intervention of international forces: Declaration of independence

Milosevic' failure to agree to the Rambouillet Accords triggered a NATO military campaign to halt the violence in Kosovo. This campaign consisted primarily of aerial bombings by NATO fighter planes of the Federal Republic of Yugoslavia, including Belgrade, and continued from March through June 1999. After 78 days of bombing, Milosevic gave in. Shortly thereafter, the UN Security Council adopted Resolution 1244 on June 10, 1999. The principles of this resolution included, among others, an immediate and verifiable end to the violence and repression in Kosovo; the withdrawal of the military, police and paramilitary forces of the Federal Republic; the deployment of effective international and security presences, with substantial NATO participation in the security presence under unified command and control; the establishment of an interim administration; the safe and free return of all refugees; a political process providing for substantial self-government, as well as the demilitarisation of the Kosovo Liberation Army (KLA); and a comprehensive approach to the economic development of the crisis region. (NATO, July 15, 1999) Following the adoption of UNSCR 1244, the Serb withdrawal was complete on June 20, 1999, and the UN interim administration in Kosovo (UNMIK) established its presence with a NATO-led Kosovo Force (KFOR) as the peacekeeping

force. The international forces took over control of the province, aiming for stability and an end to the violent clashes in the region.

Thousands of ethnic Serbs, Roma, and other minorities fled their homes during the latter half of 1999, and many remain displaced. As ethnic Albanians returned to their homes, elements of the KLA conducted reprisal killings and abductions of ethnic Serbs and Roma in Kosovo (U.S. Department of State, n.d.), who became the victims of Albanian revenge. According to NATO accounts (NATO, July 15, 1999), overall more than 1.5 million Albanians had been forced from their homes, of which nearly one third left the country. It is estimated that by the end of May, 1.5 million people, i.e. 90% of the population of Kosovo, had been expelled from their homes, some 225,000 Kosovar men were believed to be missing and at least 5,000 Kosovars had been executed.

UN and NATO forces established Kosovo's constitutional status in a time period from 1999 till 2008. UNMIK was unprecedented in complexity and scope as "the Security Council vested UNMIK with authority over the territory and people of Kosovo, including all legislative and executive powers and administration of the judiciary." (UNMIK, 2009) The Mission had to take control over all of the basic state functions of Kosovo in order to promote its determination of self-government and future status. They also supported the reconstruction of the state and promoted human rights, controlling the return of displaced persons. In the following nine years, UNMIK, with the support of its key operational partners, including the EU, Organization for Security and Co-operation in Europe (OSCE) and UN agencies, funds and programmes, helped Kosovo to establish and consolidate democratic and accountable Provisional Institutions of Self-Government. (UNMIK, 2009)

Still, the full reconciliation and integration of Kosovo communities remained a challenge as the presence of the international peace keeping forces did not prevent further clashes among ethnic groups in the province. When the Secretary-General's special envoy, former Finnish President Martti Ahtisaari, conducted negotiations between the parties on the future status of Kosovo in 2006, both Kosovo's ethnic Albanian majority government and Serbia still held on to their opposite opinions. Ahtisaari proposed a solution to the UN Security Council, offering an internationally supervised independence for Kosovo; this was, however, rejected by Serbia, which demanded further talks on the issue. Later, in August 2007, a Troika (composed of the European Union, the Russian Federation and the United States) would lead further negotiations on Kosovo's future status. (UNMIK, 2009) Despite the effort and joined forces, the negotiations ended in December 2007 without any agreement or substantial results.

The decisive step followed on February 17, 2008, when the Assembly of Kosovo unilaterally adopted a declaration of independence, despite strong objections from Serbia, which considered the province of Kosovo as part of its territory. While many countries rushed to show their support in the following days, including the major European powers and the USA (Kosovo Thanks You, 2013), Serbia has always refused to accept an independent Kosovo, claiming that the rightful rule of theirs has been illegally taken away. A new constitution of Kosovo was adopted on June 15, 2008 (UNMIK, 2009), which continued to anger Serbia and provided grounds for ethnic clashes and violent outbursts among ethnic Albanians and Serbs.

Immediately after declaring independence, the Western support for Kosovo resulted in the recognition of Kosovo's status from most of the NATO and EU countries. However, Serbia's refusal to admit Kosovo's independence, backed by Russia, immediately created international tensions. Most importantly, five Member States of the EU (Cyprus, Greece, Romania, Slovakia, and Spain) also had strong opinions on the illegitimacy of Kosovo's declaration of independence, refusing to recognise it

as an independent state. Nevertheless, since the declaration Kosovo has become a member of several international organizations as the World Bank and International Monetary Fund, although the lack of consent between the Member States of the EU on its status has denied Kosovo an opportunity to become a member of such international organisations as the UN, OSCE or Council of Europe.

Overall, it can be clearly seen that Serbs and Albanians have developed very different perspectives of their own and each other's historic perspective throughout the years. The historic events have worked contributed to some past occurrences or, on the contrary, have been used as a factor to emphasize one's own role of victim. This centuries-long conflict has been characterized by many examples of mutual abuse, ranging from casual insults to mass genocide. A definite understanding in the context of relations between ethnic Albanians and Serbs might be developed only by themselves, as their ethnicity is enough reason to take a certain stand in the argument.

The involvement of international forces has been beneficial for both sides of the conflict. Not only has the massive violence ended, at least violence on a large scale, but also the stability of the whole region was determined, as international organizations engaged in the missions and operations to promote peace and human rights. Although Serbia is dissatisfied with independent Kosovo, the future perspective, brought by the involvement of the EU, has certainly given them significant options to develop and integrate into the EU. Considering the historic background, both ethnic groups should make amends regarding the issue of the Kosovo status and focus on the future perspective instead of on the past. As Serbia is the one who has the final say on the matter, in general, it is its decision whether or not both the conflict and grievances are continued, or whether they change their views and turn to a new page in the relations between ethnic Serbs and Albanians.

5. The role of the EU as mediator in the relations between Kosovo and Serbia

The European Union has taken on a significant role in the process of conflict resolution in the Balkan region. As the actor that has taken over the administrative governance of Kosovo, the EU has played an important role in the region's post-conflict state building processes and settlements. Being determined to bring the whole of the Balkan region towards stability, the EU also took on the role of mediator in the negotiations between Belgrade and Pristina, in order to normalize the mutual relations between Kosovo and Serbia.

This chapter gives an insight in the activities and intentions of the EU in the Kosovo region and an overview of the diplomatic dialogue between Belgrade and Pristina during the different phases, starting in 2011 and ending in 2013, focusing on the role and strategy of the EU in order to reach an agreement. The chapter reflects on the EU's engagement in the dialogue during different periods of time as well as its ability to have an impact on the progress of the negotiations. Furthermore, an analysis of the EU's capacities as a mediator in the dialogue between Pristina and Belgrade is included, explaining the strategy used and ability to use leverages in order to reach an agreement which would satisfy both sides as well as the EU itself. It also reviews the lessons learned within the process of the dialogue, which have been a base for the successful output and might be used in further experiences enlarging the mediation capacities of the EU.

In order to get an insight into the process and dynamics of the EU-mediated dialogue, documents and materials from EU institutions and the media have been used, as well as official statements by representatives of the EU and its member countries, EU institutions and the governments, and representatives of both Kosovo and Serbia.

5.1.   The role and intentions of the EU in Kosovo region

The promotion of peace and the prevention of conflict is at the heart of the European Union and underpins Europe's engagement with the rest of the world. (European Policy Centre, 2012) Despite some internal and institutional challenges, the EU has increased its involvement in global conflict management. Conflict resolution has been the very priority of the Union since its establishing, as the EU is an outcome of an idea of a secure Europe in post-war period. Since establishing the EU's Common Foreign and Security Policy (CFSP) in 1992 to coordinate Member States' foreign policies and to deal with international issues of a political or diplomatic nature, including issues with a security or military dimension, the capacity of European peace mediation has been progressively strengthened.

Furthermore, innovations, introduced by the Lisbon Treaty and the foundation of the EEAS in 2009 with its mediation support team and global EU delegations, have also contributed to the EU's mediation capacity. The Treaty of Lisbon strengthened the role of the EU at an international level by introducing reforms that aimed to make the CFSP of the EU more coherent and tried to increase its visibility. To this end, the Treaty of Lisbon introduced two major innovations: by creating the position of the High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service as well as the development of the Common Security and Defence Policy (CSDP), which forms an integral part of the CFSP. The CSDP was established in the aftermath of the Kosovo war of 1999, and since 2004 the EU has operated a number of civilian and crisis management missions in a number of hotspots or post-conflict areas. (Tamminen, 2012) The CSDP enables the Union to take a leading role in peace-keeping operations, conflict prevention and in the

strengthening of international security, allowing the EU Member States to pool their resources and to build stronger defence capabilities to act rapidly and effectively. (EEAS, "About CSDP", 2013)

Thus, the CFSP framework has been provided with a number of instruments to manage crisis and conflict situations in the world. Mediation as a tool in this framework has been recognized only recently, however; the EU develops its capacities in terms of strengthening mediation as well as support for it. The Council's adopted Concept for Strengthening EU Mediation and Dialogue Capacities in 2009 marks the guidelines for the EU's involvement in international peace mediation and draws more definite lines of the EU's approach and methods in terms of mediation and long-term engagement in conflict prevention and management.

The EU has extended its mediation capacities by establishing a diplomatic corps, the European External Action Service (EEAS) – a specific administrative body in order to deal with external issues and representing the EU. As the EU has taken on the role of mediator between third countries, the case of the Kosovo-Serbia dialogue particularly reflects the current abilities in terms of mediation of the EU and also shows how the diplomatic service in the form of the EEAS has changed the abilities of the EU to settle disagreements between third parties. One of the EU's roles has been set as a 'builder of peace' in order to promote peace and reconciliation. (EEAS, "EU in the world", 2013)

As one of the EEAS' functions is to support such a role, the case of the dialogue between officials from Belgrade and Pristina might prove the usefulness of this service. Therefore, the mediation capacities in the context of the EU are currently also represented by the EEAS, as it is the diplomatic service of the EU and represents the Union with its diplomatic delegations all over the world.

In order to develop and implement a CFSP, the EU has created institutional structures and instruments. The Member States of the Union have integrated their foreign policies to the extent that they can be strongly unified on many issues. Thus, since establishing the CFSP, the EU has evolved and its role has emerged from a mainly economic actor to one of great importance in international politics and security issues. (Mix, 2013) Nevertheless, given the number of Member States, it is still a challenge to form a consensus position on specific matters since the national countries might have different perspectives, preferences and priorities or simply disagreements. The case of the international status of Kosovo might serve as an example, as five member countries of the EU still have not officially recognized the status of Kosovo, even though the EU has coordinated its actions and aims as a unified body regarding the region and its mission in Kosovo.

The nature and character of the international presence in Kosovo changed after its declaration of independence in 2008. The role and engagement of the EU significantly increased, as the tasks of UNMIK were modified and the European Union Rule of Law Mission in Kosovo (EULEX), the largest CSDP mission the EU has undertaken so far both in terms of budget and personnel, took over control in the province and became fully operational in April 2009, working within the framework of UN Security Council Resolution 1244 and supporting Kosovo on its path to European integration in the rule of law area. (EULEX, n.d.) UNMIK terminated its rule of law operations and concluded its reconfiguration by June 2009, continuing to promote security, stability and respect for human rights in Kosovo through engagement with regional and international actors, including the OSCE, EULEX and KFOR. (UNMIK, 2009)

In addition to EULEX, the EU is also present in Kosovo through the European Union Office in Kosovo/European Union Special Representative (EUSR) and the EU Member State representations (Embassies and Liaison Offices). (EULEX, n.d.) Although some Member States of the EU – Cyprus, Greece, Romania, Slovakia, and Spain – still do not recognize Kosovo's independence, the EU has since 1999 been an integral part of the international effort to build a new future for Kosovo. While donating financial support and providing assistance in reconstruction and development, the EU has

also reiterated that Kosovo has a clear European perspective in line with the Union's policy towards the Western Balkans region. The EU continues to have an important role in Kosovo as the European Union Office ensures that a permanent political and technical dialogue is maintained with the Brussels institutions. In the case of Kosovo, the EU's peace building efforts should be seen as an instrument which prevents any kind of resumption of violent conflicts between ethnic communities. These efforts are part of the EU's preventive diplomacy and comprehensive toolbox in peace building. (Berisha, 2014)

The Union states that the region of the Western Balkans, including Albania and all of the successor states to former Yugoslavia, is of particular importance for the EU because of its geographical proximity. The EU has supported economic and political reforms within each of these countries, thus bringing them closer in line with the EU. After the dissolution of Yugoslavia, the EU established the Stability Pact for South Eastern Europe (launched in 1999) in order to stimulate economic and political reforms in South Eastern Europe countries. The EU aimed for countries which had no contractual relations with the EU, developing a possibility to seal Stabilization and Association agreements (SAA) also with Balkan countries, including Albania and former Yugoslavia countries – Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo (under UN Security Resolution 1244), Slovenia, Montenegro and Serbia. Furthermore, a monitoring mission was established to follow up the issues and, since the Thessaloniki European Council of June 2003, countries located in the Western Balkans were considered to be potential future members of the EU. (EEAS, "EU relations with the Western Balkans", 2013) In the wake of the violent conflicts that marked the recent history of the Western Balkans region, the EU considered it a priority to promote the development of peace, stability, prosperity and freedom in former Yugoslavia as well as Albania. The Thessaloniki EU Council of June 19-20, 2003, reconfirmed the EU membership perspective of the Western Balkans and determined the decision to strengthen political cooperation, enhance institution-building and implement further trade measures to promote economic growth. (Euractiv, 2009) The Stability Pact for South Eastern Europe has been complementary to the Stabilization and Association process, providing a bridge between potential candidates and candidate countries. The European perspective has been the key motivator for countries to engage in reforms and in regional co-operation exercises and has been a crucial tool of leverage for the Stability Pact for South Eastern Europe. (Regional Cooperation Council, 2007)

The most important instruments in the EU's external policy approach are trade and development assistance, the enlargement process and the neighbourhood policy, allowing the EU to exert influence and promote its values beyond the borders of its Member States. The EU deepens the economic ties, seeks for favourable economic conditions and good governance, thus encouraging the adoption of EU norms and practices with regard to democratic power. The major role of the EU in the international economic arena and the development of a common policy for areas outside its borders allow the EU to strengthen its position and importance in the area and demonstrate a capable power to drive reforms in countries that aim for the membership of the Union. Therefore, the EU has various tools to influence the region; according to Maoz and Terris (2006) one should have those tools in order to be able to influence the parties involved in the process of mediation.

However, the path towards the EU has been different for each of the Balkan states. While progress is at different phases for each of the countries involved, Kosovo under United Nations Security Council (UNSC) resolution 1244 has a separate special status, since it is so far the only one left without having signed a Stabilisation and Association Agreement. Furthermore, disagreement with Kosovo was a major reason to delay the start of Accession talks with Serbia, as the EU hesitated to integrate a state within the Union with unresolved disputes within its neighbourhood.

Almost two decades have passed since the end of the wars of Yugoslavia's dissolution and the "'Balkan question' remains more than ever a 'European question'". (Rupnik, 2011) The EU's Balkan policy has transformed to an agenda focusing on the perspective of accession to the Union as the Member States made a commitment to such an aim in the Thessaloniki Summit in 2003. Theoretically, at that point the framework was set, the parties in the region confirmed their commitment to the EU and the steps in the enlargement policy were well-known and familiar given the previous process of enlargement towards Eastern Europe. According to Rupnik (2011), although the environment was created for integration within the EU, the Balkan wars of the 1990s had seriously affected the region in its development, thereby also creating a major difference compared to the countries of Central Europe. In addition, the specific nature of the region, given the unresolved issues between states, created conditions for a particular regional approach. "A democratic polity requires first of all a consensus on its territorial framework." (Rupnik, 2011) There were only slight chances of democratic consolidation as long as issues remained regarding the borders between the states of Kosovo and Serbia, as well as regarding the national Serbian minority within Kosovo.

Although the map was seemingly drawn and completed since Kosovo's declaration of independence, the issues remained. Therefore the EU had to engage in the formation of states that aspired to become members of the EU, implementing a transformative power over contested states. Rupnik (2011) defines it as a cautious prerequisite to make sure that issues related to statehood were settled during the accession process, when the EU's leverage was the strongest.

Engagement of the EU as a mediator in the Kosovo-Serbia conflict was a convenient opportunity for the Union to apply the range of mediation and stabilization tools at its disposal and demonstrate skills of mediation after the Lisbon Treaty had emphasized the importance of the EU's role in external affairs. Furthermore, the desire of the involved parties to integrate within the EU and the economic dependence provided a situation where the EU had a considerable leverage and, thus, relative control over the situation.

Despite the wide engagement of international forces in the form of missions, monitoring the region and promoting security and stabilization, the controversial issues between Kosovo and Serbia remained, especially in the northern parts of Kosovo, which are mostly populated by Serbs. Violence amongst ethnic groups continued, even three years after the declaration of independence. The EU, however, in 2011 attempted to bring both sides together and enforce the process of negotiations (Topalova, 2011), in order to sort out the pressing issues in the region and start the process of the EU-facilitated dialogue between officials from both states. In addition to the tensions regarding the status of Serbs in the north region of Kosovo, the basic disagreement between Serbia and Kosovo lies in territorial disagreement, as Serbia strongly holds on to its claims that the separation of Kosovo has been illegal and it therefore does not consider Kosovo an independent state. Yet, the dialogue has excluded the talks on the status of Kosovo, by focusing on the previously mentioned tensions within Kosovo and technical issues regarding the telecommunications and energy, border agreements, free movement of people and vehicles, as well as customs regulations.

Until present, the High Representative, Catherine Ashton, has been the representative and global provider of good offices within the CFSP and ESDP framework, who mediated the Pristina-Belgrade dialogue and was supported in her work by the EEAS mediation support unit. The dialogue progressed from initial 'technical talks' of working groups to 'political level talks' as Ashton succeeded in including the Prime Ministers of the respective governments in the process of the negotiations.

5.2.   The 'technical dialogue'

The EU brought both delegations of Serbia and Kosovo to the negotiation table nearly three and a half years after Kosovo unilaterally declared its independence from Serbia in 2008. In order to reach an agreement between the two sides, a negotiation process in which the EU took the role of mediator started in 2011 between officials from Belgrade and Pristina, indicating the willingness of both countries to reach an agreement. The dialogue on 'technical issues' was initiated after the UNSC passed a resolution calling on the EU to facilitate a dialogue between Serbia and Kosovo over the province's unilateral declaration of independence, implying that these talks would contribute to peace, security and stability in the Balkan region as neither party was able or willing to reconcile with the actions of the other. (General Assembly, September 9, 2010)

Although the agenda of the talks had yet to be defined, the two sides confirmed that they would engage in a constructive dialogue and would seek a way to resolve problems of the people in the region. (Topalova, 2011) According to Bercovitch and Gartner (2006) this is the moment mediation efforts of a third party are the most useful, since both sides expressed a readiness to engage in the dialogue and were prepared to accept external help, in order to overcome an impasse. Furthermore, the role of mediator between Belgrade and Pristina was in line with the interests of the EU itself, as it served the goal of stabilizing the situation in the region and normalizing the relations between Serbia and Kosovo. Touval and Zartman (2008), in their theoretical observations, particularly point out that the mediation's goal is not only to reach an acceptable settlement for the parties involved, but also to make this solution consistent with the mediator's own interests. However, pursuing one's own interests does not exclude the possibility for parties to decide whether the offered solution or ideas by mediator would be acceptable for them.

Within the technical dialogue nine meetings took place, starting in March 2011 and ending in February 2012. (The EU, February 24, 2012) The meetings were chaired by Robert Cooper, the facilitator of the EU, and brought together the leaders of Kosovo's and Serbia's delegations – Edita Tahiri and Borislav Stefanovic – and various technical work groups, engaging in a discussion on several technical issues. Eventually, agreements were reached in the areas of civil registry, freedom of movement and acceptance of university and school diplomas (The EU, July 2, 2011), as well as on customs stamps and cadastral records (The EU, September 2, 2011). One of the most significant agreements reached during this phase of the dialogue was the one on integrated border management (IBM), of December 2011 (The Council of the EU, December 2, 2011).

The IBM deal allowed Kosovo citizens to cross into Serbia with their ID cards, driving vehicles into Serbia with Kosovo license plates and using Kosovo drivers' licenses. However, the deal carried along further disagreements regarding Kosovo's status as an independent country, as the two chief negotiators interpreted the agreement differently. (Aliu & Andric, 2011) Technically, the border agreement meant that the parties would gradually set up joint, integrated, single and secure posts at all their common crossing points, and that EULEX would be present in line with its mandate. (The Council of the EU, December 2, 2011)

At the end of February 2012, the ninth and last meeting within the 'technical talks' turned out to be crucial as the technical implementation protocol of the IBM was concluded and the Agreement on Regional Representation and Cooperation was reached as well. Both parties confirmed their commitment to fundamental EU values of effective, inclusive and representative regional cooperation. (The EU, February 24, 2012) The latter agreement allowed Kosovo to participate and sign new agreements on its own account and to speak for itself at all regional meetings. Until then, agreements were signed by UNMIK on behalf of Kosovo. According to the EU, the parties had agreed that 'Kosovo*' would be the only denomination to be used; the footnote to be applied to the asterisk

would read: "This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence".

The 26-word footnote was a remarkable achievement of the EU mediation team as nobody had reached such a compromise before. This was particularly fortunate for Serbia, as the EU considered it sufficient enough to renew the talks on Serbia's possible candidate status for accession to the EU. These talks had previously stalled in December 2011 when the Member States agreed that Serbia had to show a more constructive attitude toward Kosovo. (The EC, December 9, 2011) Although the EC welcomed Serbia's engagement in the Belgrade-Pristina dialogue, the Council announced that it would examine whether Serbia had showed enough credible commitment and had moved forward with the implementation of the agreements reached in the technical dialogue. After confirming that Serbia cooperated with EULEX and KFOR, the Council was determined to make a decision on granting Serbia the candidate status.

At the end of February, after the conclusion of the negotiation rounds, the President of the European Council, Herman Van Rompuy, confirmed that the General Affairs Council had recommended granting the candidate status to Serbia at the beginning of March 2012. (Van Rompuy, February 28, 2012) Catherine Ashton declared that both agreements reached on regional cooperation and cooperative management were a major step towards bringing both sides closer to the EU. Reminding that hard work was expected of both sides maintaining the continuation of cooperation, she also expressed the EU's wish to see Kosovo moving closer to the Union. (Ashton, March 1, 2012) Eventually, the EC granted Serbia the status of candidate for EU membership on March 1, 2012. Regarding the status of Kosovo, which still was defined with the denomination 'Kosovo*', implying Serbia's supremacy over the province, the EU representatives encouraged the idea that the issue of the status of Kosovo would be dealt with; for instance, the Swedish Prime Minster, Fredrik Reinfeldt, when asked whether Serbia would have to recognize Kosovo in order to get into the EU, confirmed the continuous focus on the Kosovo issue. (Rettman, 2012) In addition, the EU noted that the deal had turned Kosovo into a full participant in regional meetings and events in its own right, indicating that further progress to contractual relations with the EU could be expected. (Ashton & Fule, February 24, 2012)

This outcome was not only a success for Serbia, but also for the EU as a credible mediator. By showing commitment to its promise, the EU proved its credibility, fulfilling the previous pledge on granting the candidate status to Serbia if it showed commitment to the agreements reached. Maoz and Terris (2006) underline a mediator's credibility as a significant aspect, as credibility concerns the perception of a mediator by the parties involved and a mediator's ability to deliver the offer. Furthermore, the stronger the interest of a mediator in ending the conflict, the more it is perceived as a committed and reliable third party.

Throughout the Spring and Summer of 2012, representatives of the EU made it clear that the EU was carefully monitoring the ongoing processes in the Balkan region after the rounds of technical dialogue, encouraging democratic and political stabilization. That showed a desire for continued talks between Pristina and Belgrade; in the words of Ashton, "talks need to resume as swiftly as possible" (Ashton, July 25, 2012). The presence of the EU's missions in the region was also pointed at, reminding that the EULEX mission on the ground was to monitor the security situation and that it was fully prepared to act according to its responsibilities, in close cooperation with KFOR. (Ashton, May 5, 2012) EULEX maintained its role in the area and in June 2012 the Council decided to prolong the mission for two additional years, adapting some internal reconfigurations according to the current situation in the province. (The Council of the EU, June 5, 2012)

As the position of the EU was clear regarding the continuation of the EU-facilitated dialogue, during the Summer representatives of the EU continued to organize meetings with officials from Kosovo and Serbia. These meetings strengthened the relations between both states and the EU, as well as provided chances to realize the most important issues which should be discussed in the future, if the dialogue between Serbia and Kosovo was to be renewed. During the visits of the Presidents of Kosovo and Serbia, Van Rompuy hinted at the future perspectives for both states within the EU and encouraged the continuation of the dialogue in order to achieve the ultimate goal of the EU: progress and further stability in the region. (Van Rompuy, July 18, 2012)

At the end of the September 2012, Ashton again noticed the need for a continuation and intensification of the dialogue between Pristina and Belgrade when she held separate meetings in New York with Serbia's President Nikolić (The EU, September 28, 2012) and the Prime Minister of Kosovo, Thaçi, who confirmed the readiness of Kosovo to engage in a dialogue (The EU, September 25, 2012). Ashton prepared the ground for the next round of talks, eager to continue the dialogue on a more political level, involving the highest officials of Serbia and Kosovo.

5.3. The 'political dialogue'

The second phase of the dialogue, the so-called 'high-level political talks', was significant as the high officials from Belgrade and Pristina became engaged in the negotiations. The talks focused on normalizing the relations between Pristina and Belgrade by including the Prime Minister of Serbia, Ivica Dačić, and the Prime Minister of Kosovo, Hashim Thaçi, in the dialogue. The talks dealt with more sensitive issues, addressing not only technical issues as telecommunications, border agreement, and energy issues, but also arguments on a more political level.

If initially the pause between these two phases of the negotiations could have been seen as an interruption or even a step back, it actually might have worked in favor of a successful result as both sides had a chance to reflect on the agreements reached during the 'technical dialogue' and sort out their goals in further talks according to the requests of the EU. It was also a chance for the EU to review its mediation capacities, regroup and plan the future strategy. Although during the second phase decisions were made on a political level, the contents of the talks were also discussed by field experts, who were brought in by the EEAS as part of the dialogue. In that way, the EU mediation team and the officials from Belgrade and Pristina could focus on political issues, while the technical aspects were left to the field experts.

Furthermore, it was crucial that the High Representative, Catherine Ashton, was successful in bringing high officials from both sides to the negotiation table in the second phase of the dialogue and performing her skills in terms of mediation between the two sides. Ashton showed an ability to manage bilateral and trilateral meetings with the PMs of Kosovo and Serbia, also devoting time to discuss issues separately with them. The ability to engage with the delegations on such a level showed her eagerness and deep commitment as well as that of the EU mediation team, resulting in similar responses from both delegations, which operated on a high level in terms of technical aspects and logistics in order to ensure a smooth process of the negotiations.

As previously stated, after the technical level talks Ashton continued to publicly express the readiness of the EU to continue its engagement in the talks between Belgrade and Pristina, in line with its aim to promote stability in the region and normalize relations between Serbia and Kosovo, two states that both aspire to integrate within the EU. From a theoretical point of view, the potential power of the EU was to create the most agreeable outcome to both sides in order to make it acceptable as a mediator. The EU had to demonstrate its usefulness in delivering the desired outcomes for both states, although it had some leverage over the parties involved. Touval and Zartman (2008) indicate that mediation is welcomed as long as it produces favorable outcomes.

Ashton invited both Prime Ministers to a first joint high-level meeting within the dialogue on October 19, 2012. The meeting was considered extremely successful, as it resulted in a historic agreement to continue the dialogue for the normalization of relations and a commitment of both sides to cooperate. (Ashton, October 19, 2012) Engaging in the next phase of the dialogue as a mediator, the EU expressed its readiness to mediate negotiations, respecting the individual opinions of both parties even if they were in opposition, for instance, regarding the status of Kosovo. However, both sides had agreed to include political issues and to comply with the aim of the EU to normalize the relations between Kosovo and Serbia.

The political level talks were significant in their dynamics and intensity. Starting in October 2012, and concluded in April 2013, the timeframe was quite intense as in total ten rounds of negotiations took place within a six month period. As the technical level talks consisted of nine negotiation rounds during a one year period, the second phase was significantly more dynamic and intense. Such intensity, however, has proven to be successful as it kept all the parties involved in a steady rhythm and development of the dialogue. According to the representative of the Serbian mission to the EU, the timeframe of rounds was conducted from meeting to meeting, keeping in mind Ashton's request to conclude the negotiations before April 16, 2013; a date which during the last rounds of the dialogue moved up to April 22. Eventually, the final deadline was determined to be June 25, the date for a meeting of the General Affairs Council. (The representative of the Serbian mission to the EU, personal communication, April 30, 2013) The Ambassador of Kosovo in Brussels, Illir Dugolli, also confirmed that at the beginning the idea of the timeframe was very vague and there certainly wasn't any clear number or frequency of the planned meetings in the framework of the dialogue. Furthermore, he stated that probably nobody had any idea that it would require such an investment of time and effort (Dugolli, personal communication, June 4, 2013), indicating that an extra effort was required from the delegation teams because of the high commitment of the EU mediation team. The undefined timeframe on the one hand, but nevertheless a high intensity of meetings on the other, shows a flexibility of the EU mediation team, which in the end created favorable conditions for the desired outcomes.

Eventually, the tenth round within the dialogue, April 2013, turned out to be a historic one, as the negotiating teams from Kosovo and Serbia reached an agreement after many compromises offered by the EU. The 'Brussels agreement' consisted of 15 points and was signed on April 19, 2013. It was considered a diplomatic success for the EU implemented mediation strategy and a major step in ending the violence in the Balkans. While Serbs emphasized that the particular agreement did not determine the status of Kosovo and did not imply Serbia's recognition of an independent Kosovo, the PM of Kosovo, Thaçi, expressed his belief that this agreement would represent the beginning of reconciliation and inter-state cooperation, expressing his hope that it also would help to heal the wounds (EU Business, April 20, 2013), surely hoping for Serbia's recognition of an independent Kosovo.

The proposal was adjusted many times by the team of the EU during the last rounds of talks, taking into consideration requests of Serbia, as it declared that the proposed solutions could not guarantee the safety of Serbs in Kosovo. The meeting before the tenth round, however, brought new hopes as the EU had drafted a new proposal. Although it was still unacceptable to Serbia, only two points had to be changed in order for Serbia to agree. However, while Article 9, related to the police and the appointment of a regional commander, was still part of the agreement, Article 14 was amended and the statement that Serbia must not block Kosovo in international organizations had been removed. Yet, it was acceptable for Serbia and the agreement was bound to be sealed.

Overall, the agreement did not completely end the struggles between Kosovo and Serbia on a political level. While both parties were willing to compromise on the important issue of the Serbs in Northern Kosovo, it was also clear that the recognition of the independence of Kosovo was not part of Serbia's agenda as it avoided any possibility to give Kosovo self-determination in international organizations. While Kosovo had to accept Serbia's requests, trusting that the EU would evaluate its commitment and would normalize the relations, Serbia had complied with all the required conditions and was confident in waiting for the decision on the opening accession negotiations. The EU as a mediator had delivered the expected agreement and the successful outcome for the EU, by initiating the proposal and moving further within the progress of integrating Serbia and Kosovo in the Union. More importantly, the agreement was sealed before the 'deadline', the end of June, when the results of the dialogue should be reported in the meeting of the General Affairs Council, thus demonstrating the EU's credibility and efficiency.

The issues, as brought up in the rounds of negotiations during the dialogue, showed that the officials from Belgrade and Pristina were willing to comply with the aims of the EU and that they relied on the EU's abilities to negotiate a compromise for the outstanding issues; however, avoiding the question of the status of Kosovo, as this might anger the Serbian side. Yet, the strong commitment of Ashton, supported by the EEAS mediation team, resulted in finding a way for Kosovo and Serbia to cooperate on various matters, with the most sensitive one being the status of Serbs in Northern Kosovo. The particular matter was initiated in the dialogue from the very beginning, as the EU brought it up to discuss financial, security and cultural issues in the northern regions of Kosovo. (Barlovac, November 8, 2012) Continuing the intensive rhythm, the mediation team of the EU addressed the issue in a serious manner, seeking for a way to reconcile both sides in matters of the distribution of finances for Northern Kosovo municipalities and the representation of Serbs in parallel institutions. (Ashton, January 17, 2013) Concluding the political talks, the 15-point Brussels Agreement determined the establishment of the Association of Serb majority municipalities in Kosovo which would operate under the jurisdiction of Kosovo law. Additionally, a regional police commander had to be appointed for four municipalities in the northern part of Kosovo, acting under the authority of the Kosovo Police.

The EU not only looked for perspectives of resolution in the future, but also monitored the implementation of the agreements previously made during the technical talks. Both sides were requested to report the progress made on the implementation of the agreement on the IBM (Ashton, December 5, 2012), thus implying that the EU was closely monitoring the ongoing progress and development regarding the commitment of both sides to made decisions. Furthermore, in light of the previous phase of the dialogue, the Prime Ministers agreed to appoint liaison officers to the EU Delegation in Belgrade and the EU Office in Pristina, and also reached an agreement to continue the work on energy and telecommunications at the level of experts in order to intensify cooperation between the respective commissions. (Ashton, December 5, 2012) Although the dialogue had leveled up to more political aspects, Ashton managed to monitor the agreements reached in previous phase of talks as they still remained a significant and substantial part of the process of the normalization of relations between Kosovo and Serbia. In the process of monitoring the implementation of technical agreements, the officials of the EU and EULEX visited six proposed border crossing points with Serbia alongside the deputy Prime Minister of Kosovo, Edita Tahiri, and officials from Serbia. The joint visits were designed to identify the locations where the permanent crossing points between Kosovo and Serbia would be established in the framework of the implemented IBM agreement. (Peci, 2013) The visit confirmed the commitment of both states regarding stabilizing the situation around the border,

or 'an administrative line', between Kosovo and Serbia as well as continued engagement of the EU after concluding the talks on the IBM agreement.

The importance of the necessity to reach an agreement between Belgrade and Pristina was additionally emphasized by involving other actors, ranging from a superpower as the United States of America to single individual representatives of the EU member countries and institutions. The joint effort of Ashton and the American Secretary of State, Hillary Clinton, at the very beginning of the second phase, indicated the support of the USA to the dialogue; this was confirmed by Clinton as she claimed that Serbia's and Kosovo's future were within the EU. The joint commitment of the EU and USA was presented at the very beginning of the political level dialogue, when Ashton and Clinton visited Belgrade and Pristina in order to show their support towards the Balkan region. Clinton confirmed that the dialogue with the EU was absolutely essential (Clinton, October 31, 2012), calling for cooperation of Belgrade and Pristina.

Furthermore, high officials of the EU also stated support to Serbia's and Kosovo's future within the EU, but only if disagreements had been settled first. The President of the European Council, Herman van Rompuy, stated his support many times during the dialogue; this proved to be a successful strategy when problems surfaced in the negotiating process. As a credible actor within the EU, he was able to confirm that the EU would also uphold its commitment to both states and hint at positive decisions in the future. In addition, the EU Enlargement Commissioner, Stefan Fule, confirmed that giving a date for Serbia's accession talks depended on the progress in the EU-mediated dialogue. (B92, March 18, 2013) Meanwhile, Kosovo received confirmation from the EU's Commission President, Jose Manuel Barroso, that the start of the negotiations with the EU Commission on the Stabilization and Association Agreement might be approved**.** (UNPO, March 13, 2013) Barroso had already confirmed his support to Kosovo, pointing out the impact of the dialogue and its results on the relations between the EU and both states**.** Regarding the possibility for the Stabilization and Association Agreement, he claimed that support for Kosovo would be given only if the required progress would be made (Barroso, February 19, 2013), therefore once more indirectly reminding that the integration within the EU would be possible (only) if both sides would act according to the requests of the EU.

The EU Member States also played a role in showing support for the parties in dialogue. For instance, German officials remained strict in their opinion towards Serbia, since Germany was initially skeptic about Serbia becoming a member of the EU. Germany expected the states to resolve their issues, especially the one regarding Kosovo's representation in the UN, before Serbia could complete EU accession negotiations; Germany was not willing to take in the unresolved status issues within the EU along with Serbia's accession. (B92, March 20, 2013) Such cautiousness could also be found in a report of the UK House of Lords in March 2013, where the point was made that the criteria applying to potential member countries should be taken very seriously in order to avoid any possible troubles after the state had become a EU member (as in the case of Romania and Bulgaria). (House of Lords, 2013, p.13) This report also clearly stated that no more substantial disputes would be taken into the EU, describing disagreements between Serbia and Kosovo as one of them. Calling the situation with Cyprus, which became a Member State before resolving the issues over Northern Cyprus, a grave mistake, the EU expressed its desire to avoid such cases in the future. (House of Lords, 2013, p.24)

Yet, other member countries of the EU showed their support for Serbia regarding the accession talks. At the beginning of 2012, Austria, France and Italy, issued a joint statement in favor of granting Serbia the candidate status (Nielsen, February 24, 2013). Cyprus stated in 2012 that it would stick to its position on Kosovo and would not recognize its status as an independent country, while strongly supporting Serbia's accession talks. (EU Business, July 11, 2012)

Asked about the position of the five member countries of the EU that are still reluctant to recognize the status of Kosovo, the Ambassador of Kosovo, Illir Dugolli, believed that there is a chance for healthy and constructive engagement. While he stated that he was in no position to predict the actions of any of the particular five member countries, he also added that Kosovo wouldn't like to see that any decision of theirs was affected from any side. He implied that, if the five member countries would indicate a possible positive perspective regarding the status of Kosovo, the decision should be made because of their own reasons. The Serbian side agreed that most of the EU countries were supportive of Serbia and the dialogue, although Germany seemed to be very strict in its opinion. However, it was fair and transparent without any hidden surprises. The UK also seemed skeptical, although not as outspoken as Germany. (The representative of the Serbian mission to the EU, personal communication, April 30, 2013) However, the strictness might have worked in favor of the result, as Serbia, when it was critiqued on its lack of commitment, actually stepped up and constructively engaged in further agreements, showing the willingness to continue the negotiations and to have a chance for integration within the EU.

Considering the strategy of a mediator as the third party in a conflict, the EU has lived up to the theoretical aspects, when performing as a mediator between the conflicting parties in the dialogue between Belgrade and Pristina. The EU has implemented actions corresponding with the theoretical frame of successful mediation processes as it is holding virtues of a successful mediator, carrying considerable leverage over both sides and being able to interest both parties to the extent that they accept the terms of settlement and are also engaged in further reconciliation activities. Not only was the EU able to offer a settlement that was agreed to by both parties, but it also had and has the capability of carrying out the settlement and can offer future opportunities, which are attractive for both Kosovo and Serbia.

The conclusion of the political level talks was marked with the beginning of talks on the implementation of the 15-point agreement between Serbia and Kosovo. Although the agreement had been initialed, the dialogue was still continuing till the end of May in order to find ways for its actual realization.

Both teams from Belgrade and Pristina met on April 25, soon after signing the agreement, in order to discuss the implementation and deadlines for such a process. Although accepting the agreement was a large step in itself, it was quite clear that the implementation would be the hardest part as previous experience showed that more time than expected was necessary for implementing the negotiated agreements. The implementation of the Brussels agreement, however, was also a case for fierce discussions as problems regarding the Serbs in Northern Kosovo emerged. Nevertheless, it remained a main task on the EU's agenda in order to conclude the dialogue between Belgrade and Pristina.

After a month, a third meeting at the end of May regarding the implementation talks turned out to be a success as the EU managed to mediate a compromise between both sides. Both sides were deeply satisfied, as the implementation of the agreement meant that Serbia would obtain a starting date for the opening of accession talks with the EU, while Kosovo would have the prospect of obtaining a Stabilization and Association Agreement. Also, Ashton had reasons to be satisfied as the agreement was reached just in time for the EU Summit in the end of the June and was supposed to show the progress made in implementing the deal reached in April, presenting the mediation capacities of the EU and the considerable effort in stabilizing the situation in the region of Kosovo. Ashton stated that steps towards a visible and sustainable improvement of relations between the two sides were taken, improving the possibility for a positive decision during the EU Summit for both Serbia and Kosovo. (Ashton, June 21, 2013)

5.4.   Mediation capacities of the EU in the dialogue between Belgrade and Pristina

Reaching an agreement on the implementation of the 15-point deal has turned out to be a successful turning point for Kosovo and Serbia in their continuing way towards the Europe Union. On June 28, 2013, the EC decided to open the accession negotiations with Serbia. The first intergovernmental conference was set to be held in January 2014 at the very latest, marking the date when Serbia would start its accession talks. (EC, June 28, 2013) The same conclusions by the EC adopted the authorization of opening negotiations regarding a Stabilization and Association Agreement between the European Union and Kosovo. However, in the concluding remarks of the European Council's summit, Kosovo still was marked with an asterisk, including the 26-word footnote on Kosovo's status, therefore referring to the uncertainty of that status.

While the involvement of high-level politicians might be seen as a possibility for reconciliation between the parties, certain integration conditions had to be considered, which were put in place by the EU for both Kosovo and Serbia to fulfil before they qualified to start negotiations with the EU. (Berisha, 2014) In addition to the Copenhagen criteria, which apply to all EU accession candidates, including democracy, rule of law and economic competition, each EU candidate must meet a number of requirements specific to its particular situation. For Serbia, one of the requirements was its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. By arresting and extraditing Ratko Mladic and Radovan Karadzic, both suspected of war crimes, Belgrade satisfied that requirement. Furthermore, Serbia's own laws had to be in line with EU law and the implementation of EU standards so that Serbian citizens could enjoy the benefits of closer relations with the EU. Such benefits were already acquired during the process of qualification for accession negotiations as, since 2009, Serbians can enter states within the Schengen zone without a visa. Regarding the economy of country, an important request was to seriously fight the widespread corruption within Serbia. (Maksimovic, 2014) However, the key condition was its relations with Kosovo, which was the crucial aspect as the EU Council denied any possibility for opening accession negations if there wasn't an agreement between both states on normalization of their relations. Yet, Serbia was not requested to recognize the independence of Kosovo, considering that five countries within the EU itself are still in opposition to its independent status. The 15-point agreement confirmed Serbia's commitment, which resulted in the first intergovernmental conference between the EU and Serbia on January 21, 2014, marking the beginning of the accession negotiations for Serbia.

Kosovo also continues to move further in the process of integrating into the EU. Despite the fact that the EU itself remains split on Kosovo, in June 2013 the Council decided to authorise the opening of negotiations on the SAA with Kosovo, in which the EU would operate as a legal entity for the first time since the Lisbon Treaty, which means that an agreement with Kosovo would not need the ratification of all member countries. During the negotiations Kosovo is expected to continue its work on the priority areas identified in the so-called feasibility study by the EU. While the EU and Kosovo would gradually establish a bilateral free trade area where the free movement of goods, services and capital are mutually guaranteed, Kosovo shall align its legislation with EU rules regarding competition, public procurement, intellectual and industrial property rights, consumer protection and employment conditions, and also would cooperate in a number of areas such as social affairs, education, culture, environment and others. (European Commission, October 28, 2013)

There is clear evidence of the EU's success in Kosovo. While the EU mission has averted the political pressure and has eased the tensions in Northern Kosovo, it has also been successful in bringing the officials of Belgrade and Pristina to the negotiation table and pushing them to an agreement in the first place. (Berisha, 2014) Furthermore, the EU has defended its role as a peace promoter and

proven its potential of mediation capacities, which have been presented during the different phases of the dialogue by a strong commitment, both in economic and political aspects of the region. Although the actual implementation of the agreements on the ground are still in question, the dialogue and the 15-point agreement are considered major successes, which have helped to strengthen the position of the EU as a global actor in peace building. Besides, by its commitment throughout the different phases of the dialogue, it is visible that the EU's capacities of applying the necessary tools for successful results are growing and the EU has the potential to act as global peace promoter. By applying a successful strategy and tools, the EU has proven its efficiency and impact also outside the borders of the EU.

However, based on this particular case alone it is as such not possible to evaluate the success of mediation; for instance, there might also be cases in which parties are involved that are not considering a future within the EU, and therefore the considerable long-term leverage in the case of Kosovo and Serbia is lacking. Furthermore, regarding the case of Kosovo and Serbia, the mediation capacities are surely limited as the Member States do not share a common opinion on Kosovo's independence status. A united position and combined power of institutions and Member States would bring success more efficiently. Although the EU has mediated the dialogue and operates in the process of negotiations on the Stabilisation and Association Agreement with Kosovo without the agreement of all Member States, the lack of a shared opinion might affect the process as the Member States' foreign policy interests and positions influence the role of the EU in mediation activities; just as is the case in any other instrument governed under the CFSP.

As mentioned before, the establishment of the EEAS with its mediation support team and global EU delegations have also contributed to the EU's mediation capacity. A Mediation Support Group was formed within the Division for Conflict Prevention, Peace Building and Mediation Instruments to support and promote mediation as a tool for the EU in global peace building activities. The particular aim of the group is to improve mediation capacities of the EU, which in practice result in the deployment of mediation experts, training and coaching, as well as the provision of guidance materials, research papers and consulting expertise. (EPLO, 2013) The Council Conclusions (Council of the EU, 2011, June 20) set the prevention of conflicts as a primary goal of the EU's external action, thus the role of Mediation Support Group was also reinforced.

The representatives of the mediation support team of the EEAS, when asked about the institution's role in the dialogue between Belgrade and Pristina, implied that the EEAS "might be the best place to do the mediation" as "it has flexibility, different roles, different levels of engagement and access to the political dialogue to support civil society, which can swing things one way or another in any country of the world". (The EEAS mediation support team, personal communication, May 23, 2013) They assumed that one of the unique things about the EEAS is the long-term engagement for this long peace process and support for the actors involved. As the team has a supportive role, it is not the one that leads the process – it provides support for delegations. According to the representatives of the mediation support team (2013), the unit within the EEAS offers support, expertise and experience of lessons learned, while the political decisions are made elsewhere. However, they note that whatever views they might have on the process, it is not their end decision and they can't move forward if there is no political decision made. Through evaluations the previous experiences and lessons learned are gathered and used in ongoing work process. (The EEAS mediation support team, personal communication, May 23, 2013)

Tomas Henning, the advisor of the mediation support team, also noted that the team provides operational support, training and capacity building and the experience from lessons learned. He admitted, though, that the organization still is searching how 'liberal' they can be, as they have been

established quite recently and lack solid experience. As for the first years, the main focus has been mainly on training, capacity building, and couching of delegations, therefore the mediation support team acted together with professional mediation support experts. However, he noted that the team is not the same as the mediator itself. While a mediation support team can be trained and is focused on technicalities of the process, Henning shares the opinion that the mediators can't be trained to a large extent – the training is for the people who work in support teams for mediators. Therefore, he admitted that an approach to the training of mediators is seen as a classic problem. As it is not necessarily taken into account that they should have previous mediation skills, the work with mediators is usually conducted on two levels – on a very technical level as well as a policy level. (Henning, personal communication, April 30, 2013)

The representatives of the EEAS confirm the provisional actions of the EEAS, giving insight in some setbacks the institution is experiencing. As their contribution is the providing of operational support, it is clear that the skills of mediation support team, and therefore the mediation capacities of the EU, are evolving with the accumulated experiences. The output of the dialogue between Pristina and Belgrade, in which the mediation support team has assisted HR Ashton and the parties involved, has shown the increase in skills and competences of the EEAS, considering their supportive role in the process.

According to Henning (2013), the case of the dialogue between Kosovo and Serbia was a case of classic mediation. However, it was heavily restructured when Ashton took over the process, creating her own team, which provided commissioning, external consultants to support technical aspects of the negotiations and experts in various fields, who generally weren't in the closest circle of the team. (Henning, personal communication, April 30, 2013) The restructuring before the second phase of the dialogue shows that an attempt to change strategy and technical aspects of the dialogue has succeeded and has given a valuable experience for the whole institution.

Yet, being the external representative of the EU and its member countries does not always imply that the EEAS represents a unified opinion of the European Union countries as the Member States have different ideas of the EU management and seem to rarely have an agreement when something is done on behalf of the EU. (The EEAS mediation support team, personal communication, May 23, 2013) As the issues are more often highly sensitive, it is never an easy task to reach a common stance in a particular issue. The case of Kosovo's status clearly reflects this, as five member countries of the EU are still reluctant to recognize the status of Kosovo because of the sensitivity of the topic and possibility to bring unwanted consequences within their countries. Therefore, a sole representative in the form of the EEAS might enlarge the capacity of the Union in terms of mediation, while there probably wouldn't be any decisions made if it would be up to joint decisions by member countries of the EU.

However, many actors within the EU are involved in the process of implementing or supporting a mediation process on behalf of the EU. According to European Peacebuilding Liaison Office (2013), many elements of the EU may be involved in peace mediation in different capacities. For instance, in addition to the bodies within the EEAS, the Council of the EU, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, mediators or envoys appointed by the EU, EU delegations, EU Special Representatives, CSDP missions and various funding instruments of the European Commission are also involved in mediation activities. EU actors might be involved in mediation processes on different levels, yet in the same context. This might be seen as an advantage, allowing the EU to choose the most suitable body according to a particular case. The involvement of many actors might however also create inconsistency and diversity in finding issues, where a unified position is required. Furthermore, their field of actions and functions

overlap, creating uncertainty of their particular role and contribution. Thus, the effectiveness of the EU's mediator capacity is decreased by the diversity of EU actors, who each have a variety of effective instruments at their disposal in dealing with conflict management.

The role of the mediator is definitely a considerable and evolving potential for the EU, which has been able to engage in many complex processes outside its borders, ensuring the implementation of peace building processes and conflict settlement. However, the approach to the mediation efforts is still vague and sometimes inconsistent in terms of positioning a united opinion among the actors within the EU. Regarding the dialogue between Kosovo and Serbia, the EU has shown internal disagreements, which have an impact on the mediation process. Since the status of Kosovo is a topic of disagreement between Member States, the EU can't develop a common definition of policy over Kosovo. However, as previously mentioned, the EU has found a provisional solution in dealing with Kosovo, although it can be questioned whether the solution will be efficient in the long term, as in general the opinion of five non-recognizing EU countries affects the nature of the relationship between the EU and Kosovo.

Currently Kosovo and Serbia have engaged in negotiations with the EU regarding their integration within the EU; the mediation process between both countries is still ongoing as well. HR Ashton continues to invite PMs of both states in order to continue their work on the implementation of the April Agreement and to discuss future steps related to a normalization of relations. (The EEAS, March 25, 2014) Furthermore, while both states have moved forward in the process of integration by opening the accession negotiations, the EU continues to have a considerable leverage in the framework of the mediation process. In addition, the EU remains the largest financial contributor to Kosovo institutions and through its operational missions maintains a supervisor role and influence on the state. The carrot of membership of the EU might lose its appeal, as for now only Serbia has achieved most benefits from the process of dialogue. While Serbia has got the expected output of the 15-point agreement regarding the arrangements in Northern Kosovo and technical issues, and moves along the path of integration into the EU by opening accession talks, Kosovo's possibilities in the foreseeable future are still limited as its status issues denies the possibility to achieve any considerable progress.

The ongoing mediation talks with Serbia suggest that the EU will efficiently use the situation in order to settle its disagreements with Kosovo regarding its independence. However, the aspiration that the EU will imply Kosovo's recognition as a condition for Serbia's further integration is unlikely to be implemented as the Union still remains divided within itself over Kosovo's status.

6. Conclusions

This Master Thesis has been set out to address the role of the European Union in its mediated dialogue between the high officials from Belgrade and Pristina. The conflict over Kosovo has a long and complex history. The EU-mediated dialogue has marked a significant milestone in the relations between Serbia and Kosovo, but at the same time triggered the author's interest in the EU mediation capacities used in order to bring together two conflicting sides and conclude the negotiations with a mutual agreement.

The concluding chapter presents and summarizes the results of the thesis in order to answer the main research question: *to what extent has the EU used its mediation capacities and tools to reach a successful agreement between the high officials of Belgrade and Pristina?* and to draw conclusions regarding different issues that have affected and still are affecting this mediation process.

6.1. Abstract of the thesis

This thesis has started with an overview of the EU's own understanding of its role as a mediator and peace promoter. The EU aims to strengthen its mediator capacities and support for mediation, positioning itself as a mediator in conflict settlements, not only in Europe but on a global scale. The case of the Serbia-Kosovo dialogue has allowed the EU to prove this aim in practice, by mediating negotiations and settling a mutual agreement between the two conflicting sides.

Also, the introductory part has given a (historic and current) overview on the problems of relations between Kosovo and Serbia, giving an insight into the significance of the dialogue process between the two sides. The introductory part illustrates the complexity of the case, concluding with the research questions and sub-questions of this thesis.

Chapter 2 dealing with the theoretical framework, introduced the concept of international mediation, describing a mediator's credibility and prerequisites for successful mediation as defined by various authors. This chapter also presented a deepened concept of the EU's own mediation capacities. Chapter 3 offered an insight into the methodological approach.

The complex history of the Balkan region still has a significant impact upon and relevance for the current relations between Serbia and Kosovo. Therefore a detailed overview of the historic development of the Kosovo province was given in Chapter 4, as it explains the struggles and difficulties that impact upon the process of dialogue. Chapter 5 focuses on the role of the EU in the relations between Kosovo and Serbia, by analysing the involvement of the EU in conflict situations and reviewing the development of the EU-mediated dialogue. This chapter also offers insights into the mediation capacities the EU has used to reach a successful result of the negotiations.

The historical legacies have been of great importance in the relations between Kosovo and Serbia, and have always been a solid base for conflicting and still unsettled issues regarding territorial, religious, and social disagreements among the various ethnic groups living in Kosovo, Albanians and Serbs. Both sides, however, have developed one-sided views regarding most of the historic events in the province of Kosovo and have interpreted the past in the light of their own understanding of history. Although these various narratives might not be completely false, the true meaning or development of some events is revealed only partly, yet being defined as whole and complete.

Such disagreements at the very core have led to irreconcilable issues, not only affecting the past and present situation but the future perspective of the states of Kosovo and Serbia as well. Even more, the violent emergence of this dispute was a threat to peace and stability in Europe and initiated a

global reaction, as actions of hatred towards each other resulted in numerous deaths and harassment of civilians in the Kosovo region throughout different periods of time.

The aftermath of the outbreak of violent conflict in 1998 was significant, since global attention was drawn to the region. The decade after the end of the Kosovo War in 1999 proved to be decisive, finally resulting in the unilateral declaration of independence by Kosovo in 2008.

The EU set its position and policy towards the Balkan region by launching the Stability Pact for South Eastern Europe in 1999, which focused on the possibility to seal SAA with Albania and the former Yugoslavia countries. The question of the Balkans integration within the EU seemed to be defined, as the EU was in a position to offer a perspective of peace, stability, prosperity and freedom; however, with no definitive timeframe. The Thessaloniki European Council of June 2003 reconfirmed and determined the EU's decision to strengthen political cooperation, enhance institution-building and implement further trade measures to promote economic growth in the Balkans.

The integration of Balkan states within the EU was the most appealing future perspective, as there were no apparent alternatives for the region, which would offer better or even the same benefits the EU was promising. EULEX, the largest common security and defence policy the EU has undertaken so far, both in terms of budget and personnel, took over control in the province of Kosovo and became fully operational in April 2009, working within the framework of UN Security Council Resolution 1244 and supporting Kosovo on its path to European integration in the rule of law area. Large resources were used to take over control of the fragile situation in order to protect civilians against ongoing clashes and violent abuse.

However, the struggle between Kosovo Albanians and Serbs, a low-level conflict, continued, eventually involving the EU, not only as a monitoring mission but also as the mediator between Kosovo and Serbia. The conflict had reached a political stalemate, encountering practical problems and economic struggles that might only be solved within the context of EU integration perspectives. Such a situation, in which both states saw no chances for alternative solutions, except integrating into the EU, provided an excellent chance for the EU to engage as mediator in the conflict, based on a considerable leverage potential in the form of economic support and an appealing future perspective of development and integration within the EU.

The EU has established and still enhances its own capacity in terms of mediation tools. Already in 2001 it adopted a responsibility for the early identification of violent conflicts as well as a range of options for EU action by developing the European Union Programme for the Prevention of Violent Conflicts. By launching the IfS in 2007 and establishing the PbP, the EU has intensified its efforts in the area of conflict prevention, crisis management and peace building, developing the necessary capacities for responding to crisis situations worldwide. The EU Special Representatives, EU Delegations, and CSDP missions are engaged in the facilitation and mediation efforts in conflict zones, thus representing the global capacities of the EU.

The EU formulated important elements for strengthening its capacity as a mediator, yet the model had to be proven in practice. While the EU showed its full readiness to support processes of mediation and the implementation of agreements reached through all the means and tools available to the EU, basing these on its accumulated experience and full range of crisis management instruments, its capacities had to be proven in the practice of mediation, justifying its role as a credible and capable mediator.

Furthermore, the predictable success in the Kosovo-Serbia dialogue was also needed in order to restore the credibility of the EU and its capacities as an international mediator. In other words, all

parties involved – both the conflicting parties as well as the mediating party – only had to gain by successful mediation.

According to the theoretical notions and findings by Bercovitch and Gartner (2006), Touval and Zartman (2008), and Maoz and Terris (2006), mediation plays an important role in the current international environment and is the most common form of third-party intervention in international conflicts. The chapter dealing with the theoretical framework has addressed the importance of a mediator's qualities, capacities and realistic options to pursue its offered solution, in order to have a successful result of the mediated dialogue between conflicting states. It shows the importance of understanding both the dynamics and technicalities of mediation, which is necessary to develop a better understanding regarding a particular case.

The case of the EU mediated Kosovo-Serbia dialogue illustrates the significance of theoretical notions in explaining this particular case study. According to Bercovitch and Gartner (2006) mediation is well suited for an environment where the help will be accepted when the actors can't reach an agreement on their own, but are still actively participating in the problem resolution process and are coming up with different ways to solve the problem, while at the same time guarding their own interests. Not only had the mutual relations between the two states reached a point where it was impossible to find a solution on their own, the EU was in a position to be able to promise a desirable result for all parties involved, the conflicting parties as well as the EU itself. Furthermore, Touval and Zartman point out that the mediation's goal is not only to reach an acceptable settlement, but also to make this solution consistent with the third party's – the mediator's – interests. So far, the case of the EU-mediated dialogue proves to fit these theoretical aspects, as mutual benefits were in view for both Serbia and Kosovo and the self-interest for active involvement in finding a solution was significant for all those involved, including the EU itself.

The EU embodies all the necessary qualities to carry out this mediation process, and with success. According to the findings as addressed in the chapter on the theoretical framework, a considerable leverage over the conflicting parties is a basic prerequisite for successful mediation. The EU's case shows that leverage was provided by an ability to offer both states the perspective of integration within the EU, which would allow both states to benefit in terms of economic improvement as well as future aspirations and overall development of both states. However, the mediator should also have the capacity to implement its offer after reaching a settlement, in order to keep both parties interested, while at the same time being able to monitor and control the implementation. The EU in its role as mediator also ensured a credible perspective to carry out the aspirations of Kosovo and Serbia and keep their interest ongoing during the mediated dialogue.

Furthermore, the EU complied with the theoretical assumption of successful mediator qualities as formulated by Touval and Zartman (2006). One should be able to perform in different modes, starting off with simple communication and finalizing the mediation process with substantial involvement and also be able to put the settlement in a perspective which is favourable for the mediator itself. The EU not only managed to launch communication between the two sworn enemies, but also took the dialogue to a different level by engaging in the substantial content of the talks and the agreement reached. The mediation team of the EU proved its ability to operate on different levels, providing support in many dimensions, yet performing in a supportive and consulting manner during the dialogue.

The EU has emphasised its own mediation capacities and tools by adopting the Concept of Strengthening the EU Mediation and Dialogue capacities in 2009. Based on this concept a more systematic approach to mediation has been developed and it also strengthened the EU's mediation support capacity, thus contributing in a more efficient and effective way to preventing and resolving

conflicts. After the Lisbon Treaty (2007) the role of the EU in the area of international affairs and external action has become even more important, as it used different means to strengthen its approach – diplomacy, trade, international aid, and cooperation with global organizations. Such an approach was also strengthened by creating the post of High Representative of the Union for Foreign Affairs and Security Policy and by establishing the diplomatic body of the EU - the European External Action Service.

The EU not only created a global structure for the area of external action, but it also adopted the observer role in third countries by stating that part of the EEAS structure is a network of the EU delegations around the world. The EEAS serves as a support for the High Representative ensuring the consistency and coordination of the EU's external action, while the HR exercises authority over the EEAS and its delegations in third countries, thus representing the Union and having all means to conduct a political dialogue with third parties on the EU's behalf. However, the EEAS along with HR Ashton does not have the power to execute any decisions regarding foreign affairs of the EU on behalf of the Union.

6.2.   Concluding remarks and reflections

After summarizing this research thesis and analysing the actions of the EU during the mediating process, there are several insights and findings to make.

The dispute between Kosovo and Serbia served as a promising ground for the EU to benefit – if the process of mediation would in the end be successful. The conflict that followed the collapse of Yugoslavia can be regarded as a failure of the EU, in that the EU was not able to preserve peace in Europe and the neighbourhood regions of the Union. Mediating a dialogue between Kosovo and Serbia was a chance to 'correct the past', by associating the success at the very same place where the role of the EU was diminished. However, one of the reasons for unsuccessful scenarios in dealing with conflicts has been the diversity of opinions within the EU itself, as member states interpreted particular situations according to their own political or economic interests. The case of the Serbia-Kosovo dialogue shows to be such a case, as five member states of the EU disapproved of the unilateral declaration of independence of Kosovo, refusing to be united in their opinion with other member states, therefore undermining the role of the EU as well. They differ in their opinions on Kosovo's legal recognition and further European integration, as some of them might be affected by the precedent created by Kosovo's unilateral declaration of independence, causing internal political instability and disagreement among ethnic groups within the EU.

Nevertheless, despite the fact that Cyprus, Greece, Romania, Slovakia and Spain had clearly stated their position and denied recognition of Kosovo, the EU as an international body has been an integral part of the international effort to build a future for Kosovo. Financial support, assistance in reconstruction and development, and above all a clear statement that Kosovo has a clear European perspective, are in line with the Union's policy towards the Western Balkans region.

While five member states have held on to their positions, the EU as a mediator has acted as a unified body, applying leverages at its disposal directed at both parties in the dialogue. Engagement of the EU in the conflict between Kosovo and Serbia has been a convenient opportunity to apply the range of mediation and stabilization tools and to demonstrate the mediation skills in line with the Lisbon Treaty (2007), which stresses the importance of the EU's role in external affairs.

However, a problem remains as the EU lacks a unified position on its foreign policy, which is affected by each member state's own decisions. Since each of the member states is in a position to protect its own interests and has rights to stall common policies or decisions which won't benefit them, the EU is not able to act in united way when it comes to foreign policy. The Union is weakened and unable to

promote common interests as the member states have the option to put their own foreign interests above the EU's policy. Thus, the EU's institutional structure and policy implementation create some internal barriers causing an inability to react in the most effective way to external issues.

Yet, the EEAS as a representative body of the EU has made significant progress in building up its mediation and mediation support capacities and engagement. It transpired that the EEAS has started to perform consistently better and has been able to show its added value. The first year of its activities didn't bring a wide experience, particularly in peace mediation, although definitely offered valuable lessons to be learned for future perspectives. However, the earlier cases, which were from a geographical point of view more distant, proved that the EU influence can only be relative as it had much less to offer in those than in the ones in the neighbourhood area of the Union. As the theoretical notions imply, successful mediation embodies more or less strong leverage(s) over the conflicting sides, which are most effective if the area of conflict is situated near the EU itself. In that way the EU has an ability to apply not only mediation tools in an economic or foreign policy dimension, but also offers a realistic chance to include the states in its zone of influence, allowing the conflicting sides to benefit economically and politically. Nevertheless, the EEAS along with HR Ashton acts only as a representative body of the EU, while the decisions regarding foreign policy of the Union are executed by common consent of all member states.

Despite some internal and institutional challenges, the EU has increased its involvement in global conflict management. Since establishing the CFSP and having integrated the foreign policies of the member states to the extent that they can be unified on many issues, the EU's role has broadened from a more economic dimension to one of great importance in international politics and security issues. Yet, the EU has to be willing to continuously adapt its policies and tools to each situation. The case of the Kosovo-Serbia mediated dialogue is an example that there still is a challenge to form a consensus position on some matters, since the interpretations might differ between member states and result in internal disagreement.

The political and financial power to affect conflict resolution with sticks and carrots puts the EU in a position to affect the conflict resolution process to the extent that the conflicting sides are willing to accept the offered solution, yet gaining benefits as well.
The case of the Kosovo-Serbia mediated dialogue proves to be such a case, since both sides have stated that their main goal is the successful integration within the EU; it is most likely to bring a satisfying result for the mediator as well, allowing it to prove its capacities and credibility. For this reason the EU should also consider the case of the Kosovo-Serbia dialogue as a valuable case study to further develop its methods of mediation for future cases. The case has also illustrated that the desires of the conflicting parties worked in favour of the mediator, as integration aspirations and economic dependence provided the necessary circumstances for the EU to maintain relative control over the situation.
A successful result of the dialogue in the form of an agreement between Belgrade and Pristina was possible, because of the wisely and timely applied mediation tools, including the abilities and full range services of the EEAS mediation support unit led by the HR, and mostly the leverages. It has to be understood, however, that these leverages were applied on different levels for each of the parties. While Serbia received continuous confirmation of integrating within the EU as a member country, Kosovo had to put up with a future perspective of opening negotiations for a Stabilisation and Association Agreement, which is still an unsure prospect given the absence of a clear single, unified policy of the EU member states towards the status of Kosovo. The carrots therefore proved to deliver an output favourable to both Serbia and the EU, however, but only partly to Kosovo, which

clearly has to wait for a unified opinion and single policy within the EU to proceed along a credible path of integration into the EU.

To conclude, the EU still has space for improvement regarding its use of mediation capacities as its diplomatic institution and external representative – the EEAS – does not always imply a unified opinion of the European Union member states. In order to be able to perform as a credible mediator and to deliver the results to the full extent, the EU should avoid situations in which single member state policies might delay moving forward with decisions. As the member states have the power to stall the common policy (in this case towards the whole Balkans region), it has an undermining effect on the image and reputation of the EU as an international actor.

While the parties involved can't fully benefit from the agreement reached, the success might be considered as partial; yet, it can still be seen as remarkable, taking into account the relations between both parties in the past and their radically opposite opinions. The agreement reached is definitely a considerable base for stabilizing the relations between Kosovo and Serbia, in line with the aspirations of the EU.

Nevertheless, if only partial, the success serves as a proof of credibility and increases the mediation capacities of the EU, allowing the EU to enhance its importance as an international actor in other global conflicts. As Maoz and Terris (2006) underline, the mediator's credibility is a significant aspect defining the extent to which the disputants perceive it as a believable and capable actor.

It is of importance to preserve the goal to integrate Kosovo within the EU, thus showing that the attitude and support for Kosovo remains unchanged, also after the sealed agreement between Belgrade and Pristina. Once the EU continues to emphasize the importance of stabilization in relations between Serbia and Kosovo as well as the necessity for Kosovo to integrate within the EU, it might bring a positive improvement of relations between the two states, also after reaching an agreement within the dialogue. While Serbia has received the desired results and is already holding accession negotiations, it is of significant importance to remind its responsibility to maintain and improve stable relations with Kosovo, which was one of the basic requests for Serbia to launch negotiations of accession in the first place.

The EU has shown to deliver a successful result by applying the range of tools and leverages at its disposal. While the case of the mediated dialogue between Kosovo and Serbia has overall ended with a remarkable agreement and a fulfilment of the promise and the involved states' aspirations, it has to be noted that the successes are still only relative, as one of the parties involved, Kosovo, lacks a unified attitude from the member states, This has resulted in delaying its moving forward along the path of integration within the EU. Although the process is still ongoing, the EU needs an internal agreement of all member states to be able to close the negotiations for a Stabilisation and Association Agreement. Therefore, the mediation capacities of the EU are also undermined, as is illustrated by this case of the mediated dialogue between Kosovo and Serbia.

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Appendix A

Interview guide

In the beginning of every interview an explanation would be given in order to explain the aim of the interview and reasons for inviting a particular person to be interviewed. Before the interview an agreement would be made regarding the quoting. If the interviewee chose to stay anonymous or declined usage of recorder, arrangements would be made according to his/hers wishes.

The semi-structured interviews would be conducted according to the questions and guidelines below and would last approximately 60 minutes.

Interview questions and guidelines

1. Are there any particular mandates adopted by the European Council or European Commission, which determine the objectives and guidelines for the EU facilitated negotiations and desired outcomes?

2. Are there any mandates adopted that define actions of High Representative or the EEAS?

3. What are the settings of a timeframe in the rounds of negotiations; is there any previous agenda or a schedule?

4. Are there any particular deadlines for reporting the progress, which has been made in negotiations?

5. To which institutional bodies of the EU reports are sent?

6. Who are the members of HR Catherine Ashton's team, participating in the rounds of negotiations?

7. Are there any members participating in negotiations outside the EEAS?

8. To what extent has the EEAS organized the negotiations regarding technical matters?

9. What are the arrangements that had to be done in order to organize meetings in Brussels?

10. Which work groups are focusing on the technical dialogue between the parties (regarding telecoms, electricity, and implementation of border agreement)? How often do they meet?

11. What is the capacity of the EEAS in regard of mediation context?

12. How the mechanism for negotiations is developed, what improvements can be done to enlarge the capacity of mediation?

13. What is considered the base of successful mediation process?

14. What is the cause of failure? (i.e., lack of experience, lack of technique and mechanism)

15. Is possibility to start EU accession talks considered as an effective tool to develop successful negotiations and improve the mediation process? To what extent this 'carrot' could hinder the outcome of negotiations?

16. To what extent was the EU-facilitated dialogue conducted by capacities and methods of the EEAS?

17. How has the political ideology of ruling parties affected the opinion on Serbia's position in negotiations?

18. What are the differences before and after elections of Serbia's parliament?

19. Is Serbia's Mission in Brussels also involved in the process of negotiations? If so, what is their role and how is the participation carried out?

20. To what extent the agreement between Kosovo and Serbia was inspired by Ohrid agreement, how has it affected the '15-point agreement'?

List of interviewees:

Tomas Henning, Mediation Adviser in the EEAS. (April 29, 2013, the EEAS Headquarters in Brussels)

Representative of the Serbian Mission in Brussels (April 29, 2013, the Embassy of the Republic of Serbia in Brussels)

Ilir Dugolli, Kosovo's Ambassador in Brussels. (June 3, 2013, the Embassy of the Republic of Kosovo in Brussels)

Representatives of the EEAS Mediation Support Unit (June 3, 2013, the EEAS Headquarters in Brussels)