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Master's Thesis

The European Union as the Mediator in Belgrade-Pristina dialogue: What influenced mediation effectiveness?

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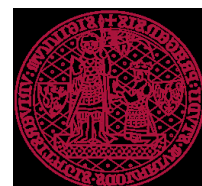
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Abstract

The thesis examines the European Union as a mediator in the case of Belgrade-Pristina dialogue. It tends to discover which factors led to lower mediation effectiveness after 2015, by EU's mediation strategy, leverage and coherence. The thesis is designed as a qualitative case study which compares three different stages of the case by implementing a combination of congruence method and process tracing. Drawing for the content and document analysis as well as four interviews conducted and two personal communications, the thesis analyses the factors which influenced effectiveness and compares them throughout three different phases of the mediation. In the end, the analysis shows that while strategy remained the same, levels coherence and leverages changed and concluded that it was the weaking of EU's leverage strength that influenced mediation effectiveness the most.

Key Words: Mediation – European Union (EU) – EU Foreign Policy – Serbia – Kosovo - Leverage

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List of abbreviations

ASM/CSM – Association/Community of Serb Municipalities

EEAS – European External Action Service

EU – European Union

GID - Geneva International Discussion

HR – High Representative

KFOR –

KLA – Kosovo Liberation Army

NATO – North Atlantic Treaty Organisation

OSCE – Organisation for Security and Co-operation in Europe

SAA – Stabilisation and Accession Agreement

SNS – Serbian Progressive Party

UK – United Kingdom

UN – United Nations

UNGA – United Nations General Assembly

UNMIK – United Nations Mission in Kosovo

UNOSEK - United Nations Office of the Special Envoy for Kosovo

UNSC – United Nations Security Council

US – United States

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Chapter 1: Introduction

Dispute over the status of the territory of Kosovo has been a frozen conflict since the Kosovo war ended in 1999. Although the armed conflict ended, tensions between Kosovo Serbs and Albanians and potential for their escalation constantly endure. Although Kosovo declared independence in 2008, it still lacks international confirmation of its statehood, while Serbia continues to perceive it as its autonomous province. The European Union (EU) mediated Belgrade-Pristina dialogue started in 2011 with the aim to resolve the conflict and lead to 'normalisation of relations' between the two sides. So far, it has changed three formats of negotiations and its end is at the moment of writing nowhere in sight. Following what might have looked as positive start, especially in its first three years of the mediation effort, the Dialogue has been lacking any concrete result since the end of 2015. The thesis tends to answer what led to a certain result in a specific phase of the case by answering the following research question:

What factors explains lower EU's mediation effectiveness in Belgrade-Pristina Dialogue after 2015?

The hypothesis is that **EU's leverage strength has weakened after 2015, which lead to decline in mediation effectiveness**.

The research will examine the period from the start of the Dialogue in March 2011 until December 2020. The time period will be separated into three phases which will be separately analysed: technical phase and high-level political phase under Ashton (March 2011-2014), high-level political phase under Mogherini (2015-2019) and Borrell-Lajčak phase (2020).

Belgrade-Pristina Dialogue is of key importance in for the reconciliation process in the Western Balkans, as well as regions' stability and security. On the other hand, the Dialogue represent a vital part in Belgrade's and Pristina's EU integration process. The conflict is particularly important for the EU due to the Western Balkan's proximity, especially knowing that the region is considered to be EU's inner courtyard. By being the main mediator, the EU tends strengthen its position in the region, draw the Western Balkan closer to itself, reduce the influence of external forces, notably Russia and China and establish itself as a relevant international mediator. Moreover, it is the first mediation effort mediated solely by the High Representative of the EU for Foreign Affairs and Security Policy (HR) and the European External Action

Service (EEAS) since it was formed. The Dialogue is also important as it challenges EU's ability to speak with a single voice, as five Members do not recognise Kosovo's independence, hence there is no common stance on the issue. Moreover, EU's ability to lead the Dialogue to one extend represents its strength and influence when dealing with a European issue with the sides which aspire towards the EU membership. In the end the result of the Dialogue will have a significant impact on international law, as it will create a precedent for other secession disputes in the future.

This thesis is divided into six chapters. Chapter one is the introduction, which gives the research question, hypothesis and provides short description of the relevance of the issue. Chapter two serves as literature review and methods chapter. It will address the relevant literature on the EU as a mediator in the Belgrade-Pristina dialogue and provide theoretical background for the thesis. Second part of the chapter will focus on research design and will also address practical limitations which occurred during the research. Chapter three will explain the events which preceded the Dialogue and will discuss the process itself from its start until the end of 2020. Due to the complexity of the case, the chapter will not go into details, but will tend to give and overview which would be sufficient to understand the origins and the flow of the Dialogue. Chapter four serves as an analytic chapter and will analyse different aspects of the dialogue throughout different three phases. Chapter five will directly compare the findings from the previous chapter. Lastly, Chapter six will serve as a conclusion, where I will summarise the research and give answer to the research question.

Chapter 2: Literature review and methodology

The EU as international mediator

The EU first emerged as an international mediator during the 1990s and since then has been involved in a number of mediation efforts in former Yugoslavia, Ohrid Framework in present North Macedonia (then Former Yugoslav Republic of Macedonia), conflict on Montenegro's independence, Israel and Palestine conflict, the Orange revolution in Ukraine, Geneva International Discussion (GID) on Georgia, DR Congo (2009-2013), Egypt, Euromaidan and Russo-Ukrainian conflict and Israel and Palestine (Bergmann et al, 2018; Bergmann, 2019).

Article 21 of the Treaty on the European Union states that preservation of peace and conflict prevention are one of the EU's foreign policy objectives (Treaty on the European Union, 2012). The EU firstly emerged as mediator in the 1990s during the Yugoslav wars, but it was not until 2001 that the mediation was recognised as a tool (Lucarelli, 2000). Commission's Communication on Conflict Prevention from 2001 mentions mediation as a distinctive foreign policy instrument and stressed its importance for conflict prevention and management (European Commission, 2001).

Concept for Strengthening EU Mediation and Dialogue Capacities, adopted by the EU in 2009, defines mediation as "an effective and cost-efficient instrument for conflict prevention, transformation and resolution. It is a relevant feature of crisis management at all stages of inter- and intra-state conflicts: before they escalate into armed conflict, after the outbreak of violence, and during the implementation of peace agreements" (Council of the European Union, 2009). It systemized Union's mediation capacities and shaped its profile as international mediator. Council's Conclusion on Conflict Prevention from 2011 builds upon the 2009 Concept. It identifies mediation as one form of early action and calls upon strengthening of mediation capacities by providing support and training to mediators and their staff (Council of the European Union, 2011).

Formation of the EEAS following the Lisbon Treaty increased Union's mediation capacities. Mediation capacities further expanded in 2011 when Mediation Support Team became operative within the EEAS. It provides operational support and offer coaching and training for the EEAS and EU delegations, but does not directly get involved in mediation efforts. Creation of a European Parliamentary Support Service within the European Parliament further underlines the significance that is assigned to mediation in the EU's foreign policy discourse

and practice (Bergmann et al., 2018). EU Global Strategy from 2016 recognised the importance of mediation as a conflict prevention and settlement tool (European Union, 2016). Furthermore, in 2018, The Council highlighted unique potential of mediation and underline the need to further build up EEAS's mediation capacities (Council of the European Union, 2018). Finally, 2020 Council Conclusion on EU Peace Mediation builds upon and replicates 2009 Concept. It reaffirmed EU's support to peace mediation and emphasised the need to make full use of EU leverage and conflict sensitive tools to support mediation (Council of the European Union, 2020b).

Literature review

Academic literature does not keep the pace with development of the EU as an international mediator (Bergman et al., 2018). Some work focuses on the principles, concepts and polices of the EU, while other on specific cases in which the EU was involved. Thus, Bergman et al. (2018) and Niemann et al. (2018) focus on principles concepts motives of EU mediation, saying the EU's engagement in mediation is motivated by normative concerns, as well as by EU's own interests. They give a brief and systematized introduction can serve as a good starting point in researching the EU as a mediator. Brandenburg (2017) uses the case study of Myanmar to illustrate his new approach on the EU mediation by "conceptualizing EU mediation as assemblage together with Foucault's notion of political rationality and techne". Still, the article is not written in a clear way and it is hard to follow and understand some of author's points.

When it comes to case studies Davis (2014; 2018) examines how the EU puts peace and justice into mediation by examining on EU's engagement in DR Congo. EU's involvement in Egypt is analysed by Pinfari (2018), who states that the EU had limited leverage, as well as structural shortcomings in Egypt as it could not use EU membership perspective as incentive. Furthemore, Natorski (2018) explores EU's engagements in Ukraine by focusing on EU's authority saying that EU's political engagement and position were problematic in EU's perception as impartial mediator. Elgström et al (2018) explain the effects of perception of the EU as biased mediator on effectiveness through cases study of Ukraine and Israel-Palestine mediation efforts, while Chaban et al (2019) studies Ukrainian and the EU perception on EU mediation effectiveness in Ukraine. Those analyses are not comprehensive and focus only on one or two aspects of mediation and do not show the full picture of the mediation efforts.

EU's role in peace-brokering in Georgia-Russia war was firstly analysed by Forsberg and Seppo (2010). Bergmann (2019) analyses it in the similar manner. Grono (2010) also explains EU's lack of success in Georgia by analysing factors within and outside the EU. In addition, one chapter of Bergmann's (2019) book is devoted to GID. Lastly, Panchulidze (2020) analyses EU's effectiveness in the GID on Georgia by using Bergman and Niemann's (2015) framework, concluding that it differs from low to medium. Moreover, she recognises that the EU has weak leverage towards Russia and identifies mediation strategy as a combination of formulation and manipulation. All those analyse it in a comprehensive way by taking into account multiple factors which in fluence mediation, thus providing a full picture without going into unnecessary details. Moreover, EU's mediation involvement in dispute over Montenegro's independence between the government and the opposition is analysed by Friis (2007) as well as Bergmann (2019), with the latter being more detailed approach.

Literature focusing solely on the Belgrade-Pristina dialogue

Literature which directly focuses on Belgrade-Pristina dialogue is in development. Different authors have taken different approaches and focus on different aspects of mediation such as implementation, content of the agreement, the mediation effort itself or the EU's role. Cupac and Ruzic's (2013; 2014) are one of the first to examine the EU as a mediator in Belgrade-Pristina Dialogue. By using practice theory and Bourdieu's notion of habitus, they tend to show what differs the EU mediation from others and additionally give five principles behind EU mediation approach. Both papers use, among other, the Belgrade-Pristina dialogue as a case study. They put the Dialogue into Berchovitch's mediation theory, the same theory which I will be using in this research. The authors claim that the combination of leverage in form of the parties EU aspirations and strategy which is directed towards procedural and power-based mediation. Still, they also make assumption that the EU limited itself to technical issues and just providing negotiation table in Brussels, which by the time the first article was written was already not true, as the Dialogue was lifted to high-level political dialogue in October 2012, making their assumption as incorrect as they do not acknowledge Ashton's approach towards the Dialogue.

Brezina (2014) in her Master's thesis tends to answer how has the EU used its mediation capacities and to examines the role of the EU in the conflict. The thesis serves more as an

overview of the entire process rather than explaining some of its essentials. It describes which capacities the EU has, but does not analyse the strategy which was implanted, how the leverage was used or which factors contributed to mediation outcome and does not even evaluate mediation effectiveness. Thesis does underline the disunity of the EU members on Kosovo's and states that the EU acts as unified body and applies leverage, but does not explain how is that leverage applied.

Bergmann and Niemann (2015) assess mediation effectiveness from EU's goal-attained and conflict-settlement dimension and evaluates the former as medium successful, while the latter is assessed as medium to high. Furthermore, the article examines conductive and constructive factors stating that mediation success is based on strong leverage in combination with formulative, and manipulative mediation strategy, while no common stance on status question of Kosovo and lack of internal cohesiveness of both parties are seen as constructive factors. Although the article is brief, it does give a good foundation on which additional research can built upon.

Bergmann (2018; 2019) states that the EU has high degree of leverage, coherence and active strategy suggest all favourable conditions for mediation success, but that parties' willingness to compromise does not go beyond medium degree, which according to him is a constraining effect on the EU leverage, strategy and coherence. Thus, he labels the mediation as medium effective overall as it led to some settlement. In his book (2019) he does not analyse each mediation phase separately, but only efficiency based on issue-based approach where he separately evaluates the settlement of each topic discussed, but not the entire process and whether the factors which influence mediation effectiveness change or not over time. One big flaw of his work is that he does not devote much space into analysing leverage. Moreover, in his paper (2018), Bergmann made the only comparison of the EU mediation effort and the United Nations (UN) Vienna talks and. He clearly evaluates why the why EU was more successful by identifying three main differences between EU and UN effort, of which one was that the EU was able to incentivise the parties using leverage, thus acknowledging the imporatnce of leverage.

Cukovic (2019b) in her master thesis examines how does non-united position within the EU influence the EU mediation effort in Belgrade-Pristina dialogue. In her work she shows that reduction in level of coherence after 2013 is what led to decline in mediation effort, while showing that the leverage has remained strong through the entire time frame of her analysis.

This is an assessment which I will challenge within this thesis. She also argues that the EU has clear interest in using mediation, but that it could not overcome different preferences of the member states. Moreover, in her short paper (2019a), which focuses on coordination between EU Member States and HR and EEAS she distinguishes two phases of the dialogue, increased mediation phase until the signing of the Brussels Agreement and decreased mediation, implementation, phase. This assumption is only partly true and does not take into account efforts to reach the final comprehensive agreement. She also recognises EU's use of stick and carrot approach, but says that it should be re-examined. Still this paper barely scratches the surface of the issue.

Economides and Ker-Lindsay (2015) view the Dialogue success thorough Europeanization of Serbia. For them Europeanisation is driven by necessity, as the EU relies on stick and carrot approach by conditioning progress in the Dialogue with EU accession process. They establish that although the Brussels dialogue led to a 'profound change' in Serbia's attitudes towards Kosovo, 'it is highly questionable', whether a link between the EU's approach and the attitudinal change can be established (Economides and Ker-Lindsay 2015; Gashi 2020).

Breha (2015) contributes the literature by analysing content and context of the 2013 Brussels Agreement, but does not analyse the mediation process and the EU's role. Planitz's (2018) work is also evaluate mediation effectiveness, but also misses to examine analyse the EU's role as a mediator. He claims that the Brussels agreement is Serbia's de facto recognition of Kosovo. However, using the carrot of EU membership for Kosovo without having a clear perspective may undermine EU's credibility at a later stage. Conflict settlement is evaluated as medium.

Visoka and Doyle (2015) see the EU as neo-functional mediator which "does not take the power away from local actors but it helps redefine it in a different and mutually acceptable manner" (pp 13). They argue that that the technical phase of the Dialogue had political connotation which led to a spill-over to political dimension and explore five features which shaped the Dialogue and linked them with neo-functionalism. Bergmann and Niemann (2017) challenged this on conceptual and empirical ground as they claim that authors did not fully exploit neo-functional potential.

Ambiguity of the agreements, and the entire process, is explained by Bieber (2015), who sees it as a reason for slow and lagging implementation, adding that it left the agreements open to the parties for different interpretations. Gashi et al (2017) analyse the Dialogue through

recontextualization explaining how the EU has used deletion, substitution and addition to keep the Dialogue going. They claim that every agreement reached involved some kind of substitution. The article explains two paradigms of ambiguity of the Brussels Agreement, legal status and content of the agreement. Troncota (2018) also deals with ambiguity and how it influences lack of implementation of the reached agreements. She recognised EU leverage in form of EU integrations let to agreements but that "constructive ambiguity" is the reason for the lack of implementation. Beysoylu (2018) Considering the rigid position of the five non-recognisers, approaching the dialogue with constructive ambiguity was the only viable option to find a mutually agreeable formula amongst EU member states in the EU's dealings with the Pristina government. Recognises that the EU conditions Belgrade and Pristina with the EU integration. According to her the EU actively drew on the leverage to spur agreements. Gashi's (2020) article shows that ambiguities surrounding the Dialogue are manifestation of EU's simulated power. He also notes that ambiguities are a way for the EU to manage internal divisions and own inability to project coherent power on the issue of Kosovo's final status and that the EU projects powerless image of itself as it does not admit its "awkward position towards the parties", but saying that in the lenses of Baudrillard that this denial is a strategy of power simulation. Still, the article does not take the importance of EU integration as a leverage into account, which are vital when assessing EU's role. This gives a good

The literature review showed that scholars have so far labelled the EU's leverage as high or strong and that assumption has so far not been challenged (Bergmann and Niemann, 2015; Bergmann 2019; Cukovic, 2019b). Also, the literature lacks comparison of different phases of the process and how did factors which influence mediation outcome change over time and rarely explores the reasons for the lack of efficiency after 2015. Thus, I will explain how the EU's inability to use the stick and carrot approach affected mediation effectiveness.

Theoretical background

Mediation is a conflict management instrument used in a wide range of violent and non-violent conflicts (Greig and Diehl, 2012). It is one of the most significant devices for conflict resolution (Bercovitch and Rubin, 1992). It is not based on the use of force, but on negotiations and is not helping one of the participants to win (Touval and Zartman, 1985). Since the 1990s there is a

trend of increased number of mediations as a conflict management tool (Greig and Diehl, 2012; Wellensteen and Svensson, 2014).

Young (1967) defines mediation in a broad way as any action by a third party to reduce or remove one or more of the problems of the bargaining relationship. The most accepted definition was given by Bercovitch et al. (1991) who define it as "process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law" (Bercovitch et al. 1991, 8). Mediation has four main characteristics: involvement of a third party, voluntary participation of the parties, use of non-violent means, and non-binding outcome (Beardsley 2011, 18-19; Greig and Diehl, 2012). The aim of the mediation is to find a 'zone of agreement', a situation where the preferences of the disputed sides overlap (Beardsley et al., 2006). Mediators can be individuals, states or organisations (Bercovitch and Rubin, 1992).

Mediators get involved to produce a settlement, reduce the conflict or to help the parties reach better agreement than they would on their own (Bercovitch, 2009). For Touval and Zartman's (1985) mediators' main motive is a desire to contribute to the peaceful settlement of a conflict and to influence a mediated agreement in a way that which serves mediator's interests are most referenced. Greig and Diehl (2012) highlight humanitarian concerns or mediator's self-interests such as security, trade or international reputation.

Power mediation

There are two basic types of mediation: pure and power (Svensson, 2007). Pure mediation tries to facilitate negotiations and settlement, get confidence of the parties, enhance common interests and built social ties among the parties 'by using reasoning, persuasion, the control of information, and the suggestion of alternatives' (Fischer and Keasley, 1991; Svensson, 2007). Power mediation on the other hand uses stick and carrot approach to push the parties towards an agreement by giving rewards or threat punishments (Fischer and Keasley, 1991; Svensson, 2007). This distinction is also important as advocates of each approach have different conceptualisation of mediation success. Pure mediators "success may be defined as facilitation of communication", while for power mediator "success is understood as the conclusion of a

tangible agreement (Heemsbergen and Siniver 2011, 1174). Belgrade-Pristina Dialogue is a combination of power and pure mediation. The EU is actively using leverage on one hand, while on the other it is trying to improve the life of people.

As power is an essential ingredient to mediation, and it is manifested through leverage it will the variant of focus for this thesis. (Bercovitch and Rubin, 1992). Rubin (1992) identifies six bases of any mediator's power: reward (ability to give rewards), coercive (ability to punish and give sanctions), expert (derives from mediators' knowledge and expertise), legitimate (based on legal authority), referent (streams from relationship between mediators and the parties) and informational (mediator as messenger carrier between disputants). This classification is the same as French and Raven's (1959) bases of social power theory, which was later supplemented by Raven (1965). Reward power is especially important in this case as the EU is using progress in Belgrade's and Pristina's EU accession process as an incentive and motivation and have connected the EU integrations with the Dialogue. As long as the EU can utilize EU integration as a form of leverage, it will be able to produce tangible results. Thus, the EU's power over Belgrade and Pristina stems from its ability to reward them.

Heemsbergen and Siniver (2011) give four concepts of power mediation: real, made, critical and structural power mediation. 'Real power' focuses on leverage, de-escalation and self-interest; 'made power', which changes perceptions and uses leverage for positive gains; 'critical power', which emancipates sectors of humanity for the unabashed 'public interest', and lastly and 'structural power', which manages empire and maintains the current order of the larger system.

Power theory - Constructivism

Other theoretical frameworks dealing with the concept of power can offer explanation of cases of mediation. Constructivism is one such theory.

Constructivists see international relations and power politics as socially constructed. They do not have any meaning unless given (Wendt, 1992). 'Socially constructed' means that they are given their form by ongoing processes of social practices and interaction (Wendt, 1992). Constructivism is based on assumptions that structures are primarily determined by shared ideas rather than material forces and that the identities and interest of actors are constructed by

shared ideas rather than given by nature (Wendt 1999, 1). Identities matter because they shape actors' interests. Those interests tell us how actors will behave. Material forces, which are advocated by realists, say nothing about identities, but that does not mean that they are malleable. Fundamental principle of constructivism is that actors act towards the objects on the basis of the meanings the object has for them (Wendt 1992, 396). Thus, they act differently towards friends and enemies. (Wendt 1992). Distribution of power may affect states' calculations, but how it does so depend no understandings and expectations, on the distribution of knowledge that constitute their conception of self and other (Wendt 1992, 397). Furthermore, identities are relational and are based on interest, which are defined in the process of defining situations (Wendt 1992, 397). Sometimes situations are unprecedented in our experience, and in these cases, we have to construct their meaning, and thus our interests, by analogy or invent them de novo (Wendt 1992, 398).

In the case of the Belgrade-Pristina Dialogue, if Serbia and Kosovo identify that they cannot have any gains from their engagement in the Dialogue they will not perceive the EU's leverage and power as strong. Thus, they will not be willing to reach any agreement.

Research design and methods

Research design provides a framework for collection and analysis of data (Bryman, 2012). The thesis is designed as a qualitative case study. The aim is to "provide an in-depth elucidation" of the case (Bryman, 2012). According to Marshall and Rossman (2016) case studies "favour intensity and depth, as well as exploring between case and context." Yin (2009) identifies five types of case studies, one of which is the critical case. As my case "is chosen on the ground that it will allow better understanding of the circumstances in which the hypothesis will, and will not hold" it falls under a critical case (Bryman, 2012). The case includes a comparative element since I will be comparing three different phases of the case. It is important to note, that at the time of submission Belgrade-Pristina Dialogue was still ongoing.

Table 1: Research design and objectives

Research goal	Explanation
Strategy of inquiry	Qualitative case study of a single case with a comparative element within one case

Methodology	Congruence method and process tracing
Data gathering	Semi-structured in-depth interviews, content and document analysis

Method of analysis

The research is designed as qualitative case study of a single case with a comparative element within that case. The aim of the research is to explain what led to the change in mediation effectiveness.

Combination of congruence method and process tracing will be the methods used to implement the research design. Congruence method is used to examine whether the relation between dependent and independent variables are in line with theoretical assumption and hypothesis (George and Bennett 2005). Process tracing is defined as "the analysis of evidence on processes, sequences, and conjunctures of events within a case for the purposes of either developing or testing hypotheses about causal mechanisms that might causally explain the case" (Bennett and Checkel 2015b, 7). Scholars have identified different types of process tracing (George and Bennett 2005; Bennett and Checkel 2015a). In this research, process tracing will be used to confirm if the processes within the case fit those predicted by the hypotheses. Process tracing has many advantages in theory testing and is useful method method for generating and analysing data on casual and identifying single or different paths to an outcome (George and Bennett, 2005).

Defining variables

Leverage is my independent variable, while mediation effectiveness serves as the dependant variable in this research. In addition, I will also analyse EU's coherence and mediation strategy as the elements which influence EU's effective mediation. They will be analysed in order to get the full picture of the mediation process and not make a false conclusion that it was just the change in leverage which influenced mediation effectiveness.

Mediation effectiveness

EU's effectiveness in international politics is one of the more important themes among academics (Bergmann, 2019; Niemann and Bretherton, 2013). In mediation literature, mediation success represents the main norm. Bercovitch (2005) equalises mediation success and mediation effectiveness. He adopts outcome-oriented approach, according to which, mediation is effective when it produces some effect on the conflict, such as signing an agreement, ceasefire or moving to non-violent means, among others. In addition to outcome-oriented approach, there is also a process-oriented approach which focuses on what transpires at the negotiation table (Wall et al., 2001).

Young (1994) gives two dimensions for evaluation mediation effectiveness: conflict settlement and goal-attained. The former focuses on results achieved and if the EU mediation led to settlements, while the latter focuses on mediator's goals or settlement. This is also adopted by some other scholars (Bergmann and Niemmann 2015; Bergmann, 2019).

Sheppard (1984) was the first to distinguish process and outcome notions of mediation success. The former focuses on what transpires on the negotiations table, while the latter on what has been achieved. Bercovitch (2005) also adapts this notion.

In mediation research, many quantitative studies have applied the standard of conflict settlement to evaluate mediation effectiveness. Based on Bercovitch (2005), Bergmann and Niemmann (2015) purpose five possible mediation outcomes: full settlement, partial settlement, cease-fire agreement, process agreement, and no agreement.

This thesis will implement outcome-oriented approach and will evaluate the concrete results of mediation and assesses whether EU mediation led to settlement of the conflict. I will adapt Bergmann and Niemann's (2015) effectiveness criteria and will evaluate effectiveness by the number of agreements reached. I will use three effectiveness values:

High: agreements were reached on most issues discussed

Medium: agreements were reached on a small number of issues discussed

Low: no agreements were reached

I will not be analysing implementation aspect of the agreements reached, as that is difficult to measure.

Leverage

Leverage refers to the mediator's ability to put pressure on both parties to accept the proposed settlement by using stick and carrot approach, material (economic aid) or immaterial aspects (moral pressure) (Kleiboer, 1996). Touval and Zartman (1985) define leverage as mediator's power to implement certain strategy and see as a precondition for mediation success. Mediators should use leverage to impose the outcome (Bercovitch and Houston, 2000; Wall et al., 2001)

In case of the EU mediated Belgrade-Pristina Dialogue, the EU's leverage is primarily pulled from the EU integrations process. As both Belgrade and Pristina aspire towards the EU membership, the EU uses European integrations as a way to incentive the parties towards being engaged in the Dialogue (Bergmann, 2019; Bergmann and Niemann, 2015). In addition, the EU can also use investments and grants as motivation, but those are used to lesser extent by the EU as both sides are already receiving generous funds and economic benefits from the EU no matter the engagement in the Dialogue. I will distinguish between strong, medium and weak leverage strength based on the extend the EU can apply leverage:

Strong: the EU has strong leverage resources to influence the sides to negotiate and reach an agreement.

Medium: the EU has some leverage resources to influence the sides to negotiate and reach an agreement.

Weak: the EU does not have or has very little leverage resources to influence the sides to negotiate and reach an agreement.

Strategy

Strategy needs to be examined in order to determine how the leverage is being used. Touval and Zartman's (1985) distinguish three types of strategies based on the level of mediator's

intervention. Those are facilitator-communicator, formulator, manipulator strategy. The same distinction is also adopted by other scholars (Bercovitch and Houston 2000; Bergmann 2019; Ruzic and Cupac, 2014). In addition, Ruzic and Cupac (2014) add the fourth type of mediation strategy based on Medieur papers, so called transformative or long-term mediation, where mediator has the aim to change relations between conflicted sides as well as their perception of each other. This thesis will only implement Touval and Zartman's classification.

Facilitator-communication strategy implies that mediator takes a passive actor focussing and enable cooperation. Mediator serves to provide communication channels between the parties, missing information, arranges interaction and provide negotiations environment (Beardsley et al., 2006; Bercovitch and Houston 2000; Bergmann 2019; Capelos and Smilovitz, 2008).

Mediator as formulator takes more active role and has more control over the structural and procedural aspects of the mediation (Bercovitch and Houston 2000, 175). Mediator as formulator structures agenda, makes proposals, suggestions and formulates alternatives and concessions how to settle the conflict (Bergmann, 2019; Capelos and Smilovitz, 2008).

Manipulator strategy goes beyond formulation, as mediator uses stick and carrot approach, exercise pressure and leverage to incentive or coercive the parties into reaching an agreement (Bergmann and Niemmann, 2015). This way, mediator directly influences the way issues are discussed and has ability to change the negotiation process by issuing ultimatums or by providing incentives to negotiate (Bercovitch and Houston 2000, 175) As this strategy directly involves the use of power it referred to as 'power mediation' or 'mediation with muscles' (Touval and Zartman, 1985; Svensson, 2007). Empirical studies suggest that manipulation is the most effective mediation strategy to move disputing parties toward agreement (Gartner and Bercovitch 2006: 833–34; Wallensteen and Svensson 2014: 319–320). Some authors also studies suggest that manipulation is the most effective mediation strategy (Gartner and Bercovitch 2006: 833–34; Wallensteen and Svensson 2014: 319–320). Different strategies will be applied depending on the context (Touval, 2003).

Coherence

The concept of 'coherence' has two main dimensions. One refers to coordination between Member States towards the conflict and the mediation effort, and the other between different

EU institutions involved in mediation. The Treaty on the European Union implies support of the EU mediation effort in terms of actions, rhetoric and position, as well as collective stance towards the conflict and disputed parties. In addition, it implies that Member States should not take any actions that could hamper the EU's ability to mediate between disputed parties (Treaty on the European Union, 2012; Bergmann, 2019). A prominent assumption on the EU's role as an international actor is that the EU has to 'speak with a single voice' in order to be effective in international politics (Niemann and Bretherton, 2013; da Conceição-Heldt and Meunier, 2014).

I will analyse coherence as coordination between individual member states and the EU, collective stance on the status of Kosovo. The thesis will adapt Bergmann's (2019) coherence criteria and values on low, medium and high.

> High: a high degree of coordination between individual member states' policies towards the conflict and the EU mediation efforts and unified position on Kosovo status.

> Medium: coordination has been established to a certain extent, but that there are also aspects of the mediation efforts on which coordination is limited or situations where EU member states or institutions have taken actions that have undermined EU mediation and a non-unified position on Kosovo

> Low degree of coherence implies that there is very limited, or no coordination at all and a non-unified position on Kosovo.

Data collection

"Qualitative researchers typically rely on four primary methods for gathering information: participating in the setting, observing directly, interviewing in depth, and analysing documents and material culture, with varying emphases" (Marshall and Rossman 2016, 276). Due to the fact that the Dialogue is characterized by secrecy and non-transparency, I was not able to participate in the events and I had to resort to other three methods. I observed the Dialogue through relevant media articles and news on development of the Dialogue. In addition, I analysed official documents and issued by the EU, Belgrade and Pristina, as well as the statements given by officials. Agreements reached were also analysed. Moreover, I analysed

interviews related to the Dialogue given by EU, Belgrade or Pristina officials to media or think-tanks. Secondary literature, such as previous academic work and think-tank reports were also used as a data source.

Interviews were designed as semi-structured in-depth interviews in order to make the interviews more flexible. Interviews primarily serves to acknowledge observations and findings, and to a less extend as a source of information. I planned to conduct 6 with officials from the EU, Serbia and Kosovo. In the end I have managed get four interviews. Interviews were conducted with one Serbian officials, two EU official and Dusan Reljic, Head of Brussels Office of German Institute of International and Security Affairs. In addition to sides directly in the Dialogue, I also managed to have a short personal communication with a US official consisting of only three questions via Facebook and one personal communication with a former Serbian official.

I was allowed to record two interviews, while in other cases I was not given permission to record so I had to rely on my note taking skills. Interviews were conducted between February and June 2021. One was done in person, while the rest were conducted online via Zoom. Each interview lasted between 35 and 45 minutes. I decided not to disclose the names of my interviewees, as I believed that this way, they will be more open in the discussion, express their opinion and provide me with information they would not if their name was disclosed. The interview questions were divided into four sections which are connected: the EU as the mediator, mediation strategy, coherence within the EU, EU leverage. The interviewees were not given the same questions, as some were specifically designed for the specific interviewee. Three questions which were asked to the US official were only asked to him.

Practical limitations

The main obstacle was related to low transparency and high secrecy surrounding the process. Thus, finding interviewees willing to talk was a challenge. Five EU officials did not respond to my emails. Another EU official initially accepted the interview, but later stopped replying to my emails to schedule the time and date. One former EU official rejected to conduct the interview with me upon seeing interview question. Another EU representative was not able to conduct an interview due to busy schedule, but I managed to conduct an interview with the

representative's deputy who is also involved in the Dialogue and follows it closely. No one from the Kosovo side responded to my emails. My contact, who come from a neutral side, tried to get in touch with representatives of Pristina, but also could not get any response. Nevertheless, I will try to project the findings in the thesis in the most objective and unbiased way. Some information, which I consider to be crucial in understanding the Dialogue, were said during interviews off the record without permission to use them, while one interview was conducted mostly off the record. Furthermore, the lack of knowledge of Albanian language prevented me from analysing publications issued in Albanian.

Chapter 3: The Belgrade-Pristina dialogue

Events preceding the Dialogue

Dispute over the territory of Kosovo between Serbs and Albanians is historically rooted, with both claiming historical entitlement to the region. Albanians claim that their presence in the region spans over millennials since the time of Illyrians (Ker-Lindsay, 2009). Serbs on the other hand, consider the territory as the cradle of their nation, founding place of the medieval Serbian state (Perritt, 2011). In addition, territory of Kosovo also has religious, cultural and symbolic importance for Serbs most notably via medieval monasteries located within the territory, including the Patriarchate Monastery of Pec which represents the seat of the Serbian Orthodox church. Kosovo is also the site the 1389 battle at Kosovo Polje between Serbs and the Ottomans which has strong symbolic importance for Serbian identity and tradition, and thus it is deemed to be the holy Serbian land by many Serbs (Ker-Lindsay 2009, Perritt, 2011). Since the beginning of the 20th century Albanians represented the dominant ethnic group in Kosovo, while since the beginning of 21st century they are the overwhelming majority, accounting for 90 per cent of the population (Perritt, 2011).

Kosovo became part of Serbia following the Balkan Wars in 1912-1913, at which time Serbian forces took over the territory from the Ottoman Empire. These Wars are seen by Ker-Lindsay (2009) as an origin of contemporary conflict between Serbs and Albanians. For Serbia this is seen as the liberalisation of Kosovo, while Albanians see it as annexation and new occupation. After the First World War, Serbia, now part of Kingdom of Serbs Croats and Slovenians, renamed to the Kingdom of Yugoslavia after 1928, cemented its rule over Kosovo and encouraged Serb settlement there while making efforts to assimilate Albanians. Despite these efforts, Albanians remained the territory's ethnic majority. During the Second World War, Kosovo was occupied by Italy and Albanians tended to exercise violence over Serbs (Ker-Lindsay, 2009).

Following the end of the Second World War, socialist Yugoslavia under the leadership of Tito were able to crack down Albanian nationalists (Perritt, 2011). When Federal People's Republic of Yugoslavia, renamed Socialist Federal Republic of Yugoslavia in 1963, was formed, Kosovo was incorporated into Serbia as administrative region named Kosovo and Metohija. Albanians were against the changes and wanted the status of a republic and to be treated as constitutive nation of Yugoslavia, a request to which Tito opposed as that was reserved only for Slavic

people (Ker-Lindsay, 2009). In 1974, following the creation of Yugoslavia's new constitution, Kosovo's status was upgraded to autonomous province, which gave it almost same right as a republic would have. Kosovo had its own assembly and was represented in the Yugoslav presidency and other federal institutions (Weller, 2009; Perritt, 2011). Still, Albanian's desire to be recognised as a republic remained and continued to grow.

Following Tito's death in 1980, tensions and nationalism stated to rise in entire Yugoslavia, including Kosovo. Series of violent protests in Kosovo broke out at the University of Pristina in 1981 in response to harsh economic conditions and unfair treatment. These sentiments were harnessed by Albanian politicians to demand more rights and for Kosovo to become a fully-fledged republic (Zupancic and Pejic, 2018). On the other side, ethnic tensions in Kosovo were politicised in Serbia. The Serbian Academy of Science and Art published a memorandum in 1986, in which one of the points raised was that Serbs in Kosovo were facing physical, political, cultural and legal genocide from Albanians (Srpska akademija nauka i umetnosti, 1986). Furthermore, Milosevic began to use Kosovo and Serb mistreatment in the territory, in addition to his nationalist rhetoric, in his rise to power. When in 1989 Milosevic assumed Serbian presidency, he brought Kosovo under Belgrade's direct rule by abolishing Kosovo's autonomy, and later disbanding Kosovo's assembly in 1990 (Weller, 2009). These developments led to increase in nationalist tendencies, anti-Serb sentiment and resistance among Albanians (Bebler, 2015).

The breakup of Yugoslavia amidst the Yugoslav Wars in the beginning of the 1990s led to further growth in ethnic tensions in Kosovo and Kosovo Albanians' desire for independence. Kosovo Albanians, led by Ibrahim Rugova, leader at the time of the Democratic League of Kosovo, went as far to organise an independence referendum in September 1991. The results, which were in favour of independence, were only being recognised by Albania (Zupancic and Pejic, 2018; Perritt, 2011). Kosovo was denied the possibility of independence in accordance with the Badinter Arbitration Committee's conclusion on the right of independence and recognition, as that right was only reserved for republics within Yugoslavia, of which Kosovo was not one. (Bieber 2015; van der Borgh et al., 2016).

The Kosovo Liberation Army (KLA), supported by Albanian guerrilla fighters, who were and are still considered terrorists by Serbian government, began attacking Serbian police and military forces in Kosovo in 1996. By February 1998, the KLA's attacks intensified and the conflict escalated into a full-scale war leading to cycles of violence (Baker, 2015; Van der

Boryh, Le Roy and Zwernik, 2016). The international community, including the UN and Organisation for European Security and Cooperation (OSCE), decided to address the situation yet were unsuccessful in their efforts. By September 1998, the scale of the violence was spiralling out of control as KLA's attacks intensified even more and Serbia's use of force in retaliation became more extensive (Ker-Lindsay, 2009; Zupancic and Pejic, 2018). Following Serbia's Račak massacre/operation (depending on the point of view) in January 1999 resulting in the death of 45 ethnic Albanians, the Contact Group, a joint body including the United States (US), Russia, the United Kingdom (UK), France, Germany and Italy, decided to initiate a formal conference aimed at resolving the conflict (Ker-Lindsay, 2009). In February 1999, Serbian and Kosovo sides met in Rambouillet for a peace negotiation. This was the first 'mediation' attempt taken to resolve the conflict (Bieber, 2015). On 23 February, the Contact Group presented its final proposal outlining self-governance for Kosovo and a follow up conference in three years time to "determine a mechanism the final settlement for Kosovo" in three years **(**Bellamy, 2001**).** Furthermore, the plan in Annex B of the proposal also mandated the deployment of NATO troops in Kosovo, which would in addition be allowed to move freely around FR Yugoslavia, enjoy full immunity and be able to use Serbian and Kosovo infrastructure at no cost (Bellamy, 2001). FR Yugoslavia rejected the Rambouillet accords, as Appendix B was inacceptable for it (Bellamy, 2001). As there was no agreement in Rambuouillet, the talks continued in Paris, but Yugoslavia rejected the proposal on the same grounds as before (Weller, 1999). According to Henry Kissinger, the conference was "designed to fail" (Bancroft, 2009), as "the Rambouillet text was a provocation, an excuse to start bombing" (Bancroft, 2009), in "a way that would legitimise the use of force against FR Yugoslavia" (Bellamy, 2001; Bancroft, 2009).

On 24 March 1999, a day following US Special Representative Richard Holbrook's final attempt to persuade Milosevic to accept the Rambouillet accords, NATO started its bombing campaign called Operation Allied Force without approval of the United Nations Security Council (UNSC). As there was no UNSC approval for the operation, NATO's bombing campaign is considered by Serbia as an act of aggression in line with the justification of military interview outlined in the United Nations Charter (UN Charter Article 2 par 4 & Article 42). The bombardment, which lasted for 78 days, ended on 9 June when Serbia signed the Military Technical Agreement between the International Security Force (KFOR) and the Government of the Federal Republic of Yugoslavia and the Republic of Serbia, known as the Kumanovo Accords. The next day the UNSC adopted Resolution 1244 which codified Kumanovo

Accords, according to which Serbia withdrew its army, police and civil administration from Kosovo, thus losing key elements of sovereignty there (UNSC, 1999a; UNSC, 1999b; Bebler, 2015). Kosovo was put under the United Nations Mission in Kosovo's (UNMIK) protectorate while peacekeeping was assigned to KFOR, a NATO-led peacekeeping operation (UNSC, 1999b). At this point a legal limbo became present. Serbian laws were no longer in valid in Kosovo, yet Serbia created parallel structures and did not recognize UMNIK's authority crated administrative vacuum in Serb-majority North Kosovo (Bebler, 2015; Van der Boryh, Le Roy and Zwernik, 2016). The war produced more than 619,000 refugees and 700,000 internally displaced people, making it one of the biggest refugee crises in Europe since World War Two (Zupancic and Pejic, 2018).

Following the od of the war, Kosovo was extremely unstable as KFOR did not manage to prevent violence. The period between June 1999 and June 2000 was marked by revenge killing and population movement, while the period between June 2000 and December 2001 was relatively little revenge killing, but constantly present (Boyle, 2010). Violence riots in March 2004 directed towards riots towards Serbian population, in which 19 civilians were killed, 750 houses and 27 Orthodox monasteries and churches burned down served as a wake-up call for international community, showing Kosovo's instability and that Kosovo's political status must be resolved (Weller 2009, 186; Zupancic and Pejic 2016, 56; Koeth 2010, 231).

In November 2005, the UN appointed Mati Ahtisaari, former president of Finland, as the Special Envoy of the Secretary-General of the United Nations for the Future Status Process of Kosovo in order to lead a mediation process which should result in proposal for settlement of Kosovo's status, which would be submitted to the UNSC (Bergmann, 2018). Following his appointed, Ahtisaari set United Nations Office of the Special Envoy for Kosovo (UNOSEK) which was based in Vienna, where negotiations took place.

The negotiations between representatives of Belgrade and Pristina started in February 2006. The discussions were held in a matter in which Ahtisaari would invite delegations to come to Vienna and discuss a specific issue for a couple of days (Weller, 2008). Ahtisaari would set agenda, format and procedure of the meetings and recommended particular solution, indicating that he used manipulation strategy during the mediation attempt (Bergman 2018; Ker-Lindsay, 2010). After a year of negotiations, in February 2007, Ahtisaari presented his Comprehensive Status Proposal, also known as Ahtisaari plan. The plan implied conditional independence of Kosovo supervised by the international community since reintegration into Serbia or

continuing the international administration were no longer sustainable (UNSC, 2007; Koeth, 2010; van der Borgh et al., 2016). In addition, the plan inferred autonomy and protection of Serbian cultural heritage and forbid Kosovo to unite with any other country. Serbia rejected Ahtisaari plan as Kosovo's independence was not acceptable for Belgrade. In the end, Ahtisaari's plan was not put on vote in the UNSC, as Russia, which was backing up Serbia, said that it will exercise its veto right. As Vienna status talks did not lead to any agreement, this mediation attempt can be labelled as unsuccessful (Bergmann, 2018). The main reason for Ahtisaari's process failure was the fact that the UN did not possess any leverage over the parties and there could not incentive or coercive either party to change its positions, particularly Serbia (Bergmann, 2018). Following the failure of Vienna Status talks, new round of mediation attempt known as Troika talks, a joint attempt by the US, Russia and the EU, were held between June and December 2007, but also led to any solution. The aim of Troika talks was to modify Ahtisaari's plan, but the attempt failed as Kosovo was not willing to accept anything less than what Ahtisaari offered (Perritt, 2011; Former Serbian official, personal communication, June 15, 2021).

Drawing upon to Ahtisaari's plan, Kosovo declared independence of 17 February 2008. Kosovo has been recognised as an independent state by 22 of 27 EU member states, with Spain, Greece, Cyprus, Romania and Slovakia not recognising Kosovo's independence and almost half of the UN members, including Russia and China. Exact number of the UN members which recognise Kosovo is hard to determine, as sources coming from Serbia and Kosovo do not match. Kosovo claims that it has been recognised by 117 states but, while some states have recognised its independence, they have so far never voted in Kosovo's favour regarding Kosovo's accession to international organisations (Ministry of Foreign Affairs and Diaspora of Kosovo, n.d.). On the other hand, the Serbian government claims that Kosovo has not been recognised by 96 UN members, of which 17 have withdrawn their earlier recognition (Office for Kosovo and Metohija, n.d.).

Following the declaration of independence Serbia tried to prevent Kosovo's recognition challenging the legality of unilateral declaration of independence and asked the ICJ for arbitrary opinion on whether the declaration of independence was a violation of any international law in general and UNSC resolution 1244 in particular (Ker-Lindsay, 2015). In June 2010 the ICJ ruled that Kosovo declaration of independence did not violate international law: *The Court has concluded above that the adoption of the declaration of independence of*

17 February 2008 did not violate general international law, Security Council Resolution 1244 (1999) or the Constitutional Framework. Consequently, the adoption of that declaration did not violate applicable rule of international law" (ICJ, 2010).

As Bieber (2015) notes, the ICJ only interpretated the declaration itself and not the substance, thus there are no guidelines whether the independence from Serbia is in line with international law, while Ker-Lindsay (2015) argues that the ICJ did not focus on legal aspects such as statehood. The arbitrary opinion was used by the EU to pressure Serbia to engage in the dialogue. As Serbia was in weak position and under strong pressure from the EU, together with the EU, Serbia proposed a joint resolution which would transfer mediation from the UNSC to the EU (Bieber 2015). The US wanted to stand along the EU as an equal mediator, which Serbia opposed as the EU's neutral approach due to the fact that five members do not recognise Kosovo was important for Belgrade who considered that the US would be a biased mediator (Former Serbian official, personal communication, June 15, 2021). In October 2010, the United Nations General Assembly (UNGA) passed Resolution 64/298 which welcomed the EU mediation between Serbia and Kosovo (UNGA, 2010). The resolution gave the EU patronage over the mediator between Serbia and Kosovo (Bieber 2015).

The course of the Brussels dialogue

The Belgrade-Pristina Dialogue officially started on 8 March 2011 when representatives of the governments of Serbia and Kosovo met in Brussels for the first round of EU mediated talks (Burazer, 2016). When it started, the EU saw the mediation as an instrument to prevent violence and enable the EU to address all violent incidents quickly and establish communication between sides. As the risk of escalation of violence is still present, especially in the North, one of mediation aims is to prevent the sides from returning to violent means (Bergmann, 2019). In 2012, the EU for the first time expressed that the mediation "should result in normalisation of relations", without saying what 'normalisation' implies (Council of the European Union, 2012b).

Serbia and Kosovo have opposing positions on what does normalisation of relations mean. For Serbia, autonomy for Kosovo Serbs and Serbian cultural and religious heritage (Former Serbian official, personal communication, June 15, 2021). Belgrade stresses the importance of Serbian constitution and UNSC resolution 1244 which see Kosovo as part of Serbia, while recognition is considered as a red line (UNSC, 1999; Constitution of Serbia 2006, Preamble & Article 182;

Stanicek, 2021) On the other hand, Kosovo considers itself to be an independent state and that normalisation means mutual recognition (European Western Balkans, 2020f). Pristina's expects that it will receive full international recognition, including from the five EU members which so far did not do so, as well as possible seat in the UN (Stanicek, 2021; Former Serbian official, personal communication, June 15, 2021).

The Dialogue process can be divided into three different phases: first phase which consists of technical phase which lasted from March 2011 until February 2012 and high-level political dialogue mediated by HR Catherine Ashton lasting form October 2012 until March 2014; high-level political dialogue mediated by HR Federica Mogherini from February 2015 until November 2019; and third and currently ongoing phase started in July 2020 and is mediated by the Special Representative of the European Union for Belgrade-Pristina Dialogue and other regional issues in the Western Balkans issues Miroslav Lajčak and HR Josep Borrell.

First phase of the Dialogue - technical phase

First phase, known as the technical phase, lasted from March 2011 until March 2012. Mediation was led by Sir Robert Cooper, a senior British diplomat working in the EEAS, who was helped by Fernando Gientilini and Anna-Maria Boura. Serbia was represented by Borislav Stefanovic, political director of the Ministry of Foreign Affairs of Serbia, while Kosovo was represented by Edita Tahiri, Deputy Prime Minster and later Minister for the Dialogue (Bergmann, 2019). At that time, it was impossible to imagine high level officials from Belgrade and Pristina directly talking to each other (Bojovic and Burazer, 2018). This phase consisted of nine negotiations rounds in which 11 different topics were on the agenda. Although no agreements were reached in the first four rounds held between March and May, the five rounds held between July 2011 and February 2012 were more productive (Burazer, 2016). Agreements were reached on civil registries, cadastre, customs stamps, freedom of movement, mutual recognition of diplomas, integrated border/boundary management (IBM) and representation of Kosovo in regional forums (Burazer, 2016).

Important development in this phase was violence in north Kosovo. During July, following the failed negotiation round on customs stamp, Pristina attempted to establish control over two crossings with Serbia in north Kosovo. Serbs responded by barricading the roads and preventing Kosovo authorities from reaching the border, leading to one Kosovo police officer

being killed during the clashes (Nincic 2011). Further, Serbs did not allow EULEX and KFOR to reach the crossings leading to escalation of violence between Serbs and KFOR. The violence ended in December 2011, when the sides reached agreements on customs stamps and IBM. (Nincic, 2011; Lehne, 2012).

Officially, the aim of this phase was to improve the life of people, achieve better cooperation in the Balkans and move the region closer to the EU, as well as reach short term agreements which would lead to a signing of the main agreements, rather than on long term mediation strategy (B92.net, 2011; Bieber, 2015; Emini and Stakic, 2018). Thus, for example, according to cadastre and civil records agreements, Serbia returned civil registry and cadastre books it took from Kosovo in 1999, while the agreement on freedom of movement allowed Kosovo citizens to travel freely through Serbia, led to mutual recognition of IDs and driver's licences (Bieber, 2015; Emini and Stakic, 2018). As Cooper (2015) noted, this phase was dealing with practical issues, and although the phase was labelled as technical, in reality all issues discussed had both political and technical aspect.

First phase of the Dialogue - high-level political phase led by Ashton

Following the period of eight months wherein the Dialogue was put on hold due to lack of implementation as well as Serbian parliamentary elections in May 2012, the talks were elevated to Prime Ministerial level and resumed in October. The meeting between Prime Ministers Ivica Dacic and Hasim Thaci marks the first mediation round of the high-level political phase mediated by HR/VP Catherine Ashton (Bergmann, 2019). This represents the beginning of high-level political phase mediated by HR Ashton. Although, the Dialogue was raised to prime ministerial level, technical level dialogue continued to play pertinent role in the entire process, as each meeting between the Prime Ministers was preceded by technical rounds (Interview Serbia 1, 2021).

The First Agreement of Principals Governing the Normalisation of Relations, also known simply as the Brussels Agreement, reached on 19 April 2013 is the most significant agreement reached in the Dialogue so far (Burazer, 2016). It has 15 points, of which most deal with status of Association/Community of Serb Majority Municipalities (ASM/CSM) and status of North Kosovo (Brussels agreement, 2013). Furthermore, the Brussels Agreement approached the issue of Serbian parallel institutions in the North Kosovo and implied integration of the North

Kosovo's police and judiciary system into Kosovo's system, hence abolishing parallel structures in the North. Moreover, the sides agreed not to block each other in their EU path (Brussels Agreement, 2013; Zupancic 2019). The Agreement is by far the biggest success of the entire process and is considered by the EU to be ground-breaking and historical, as it was the first 'political' agreement reached between Serbia and Kosovo (Van Rompuy 2013; Barroso, 2013).

High-level political phase led by Mogherini and blockade of the Dialogue

On 1 November 2015, Federica Mogherini replaced Ashton as the VP/HR, thus marking the end of Ashton's mediation effort. This phase was characterised by implementation of previously reached agreements and disagreement regarding creation of the ASM/CSM due to ambitious character of the Brussels agreement, as well as by series of internal crises and problems within the EU, such as the migrant crisis started in 2015, the start of Brexit in 2016. Additionally, democratic crisis in some member states which caused additional internal problems for the EU, while the election of Emanuel Macron as the new President of France led to slow down of enlargement process (Kmezic and Bieber, 2017).

The Dialogue officially resumed on 9 February 2015 when Mogherini initiated the meeting between newly elected prime ministers Aleksandar Vucic and Isa Mustafa, following a ten months halt due to snap elections in Serbia in March, European Parliament elections in May and Kosovo elections in June (Bergmann, 2019). The next day the Prime Ministers reached an agreement on ethnic composition of judges and prosecutors in Mitrovica Basic Court and the division of Appellate Court in Mitrovica (Agreed Conclusions, 2015a). The next month, an agreement was reached on integration of Serbian Civil Protection Corps into Kosovo Police force, thus abolishing parallel structures in the North Kosovo (Agreed Conclusions, 2015b).

On 25 August Belgrade and Pristina reached agreements on telecommunications, energy, ASM/CMP and reopening of Mitrovica bridge (Office for Kosovo and Metohija, October 2015b). Mitrovica bridge agreement, has important for reconciliation as the bridge represents a symbol of division between Serbian and Albanian communities, but so far the bridge has not been opened (Ficovic and Loxha 2018). ASM agreement, specifies legal framework, main competences, organisation structure and funding of the ASM institutions (Agreed Conclusions, 2015c). High-level meetings continued throughout 2016, 2017 and 2018, as well as the

meetings on technical level between Director of the Government of Serbia's Office for Kosovo and Metohija, Marko Djuric, and Kosovo Minister of Dialogue Edita Tahiri, but no further agreements have been reached and implementation of reached agreements have been slow (Office for Kosovo and Metohija, 2015a, Interview Serbia 1, 2021).

In July 2017 the Dialogue moved towards reaching a final comprehensive legally binding agreement (Weber and Bajrami; 2018). Although no progress was made in the Dialogue after 2015 and the agreements reached till then were not fully implemented by either Belgrade and Pristina, Mogherini stated in September 2018 that the final legally binding agreement is a matter of months (Tuhina, 2018a). Instead of the final agreement, what happened was the blockade of the Dialogue.

On 21 November 2019, Following Interpol's rejection of Kosovo's membership application, Kosovo decided to introduce 100% customs tariff on all goods imported from Serbia and Bosnia and Herzegovina as a retribution for Serbia's campaign against Kosovo' Interpol membership and campaign for withdrawal of Kosovo recognition until Serbia recognizes Kosovo as an independent state (Reuters, 2018; Tuhina, 2018b; Simic 2019). As a response, Serbia decided not to take part in the Dialogue until the tariff is lifted (Politika, 2018). Although the EU condemned Kosovo's action and called many times for the decision to be revoked in order for the Dialogue to continue, it could not persuade Pristina to lift the tariff, which left the Dialogue dead in the water. Furthermore, as one interviewee stated, Mogherini was at that stage not particularly interested in the Dialogue and let the sides negotiate on their own (Interview Serbia 1, 2021). As EU's attempts to restore the Dialogue were unsuccessful Germany and France decided to take action into their own hands. This led to Merkel and Macron becoming more directly involved. On 29 April they hosted a summit in Berlin with Wester Balkans leaders as a part of Berlin process, but nothing was improved regarding Belgrade-Pristina dialogue as Kosovo's and Serbia's stances remained unchanged. To make things worse, Thaci stated in his media address that the EU is incapable and emphasized decisive role of the US as it is the only one capable of solving the Kosovo problem (Miladinovic, 2019). Another Serbia-Kosovo summit scheduled for 1 July in Paris has been postponed (N1 Info, 2019b). The EU's inability to restore the dialogue led to the US decision to become more openly involved. Thus, in October 2019, the US appointed Richard Grenell, the US ambassador to Germany, as special envoy for Belgrade-Pristina Dialogue and stated applying additional pressure on Kosovo to lift

the import tariff (Mische, 2019). It is important to note that this is not the first time the US became involved in the Dialogue.

The ideas of partition in form of a land swap, in which Serbia would get North Kosovo in exchange for Presevo valley in south Serbia, which would be given to Kosovo, was also brought up. The idea was mentioned by presidents Vucic and Thaci during Alpbach 2018 Forum. Mogherini was open to the idea as long as it is in line with international and EU law, but was Germany was strong opposition as it believed that border changes could spill over and create powerful precedent in the Balkans (Barigazzi, 2018; Gray and Heath, 2018). Due to Germany's disapproval the issue was never officially considered, although John Bolton stated that Belgrade and Pristina did discuss the land swap at one moment (Foreign Press Association USA, 2020). The idea was also not supported by Kosovo's Prime Ministar Haradinaj, who some argue, introduced 100% tariff on Serbia to block Thaci's to reach some partition deal with Belgrade ((Former Serbian official, personal communication, June 15, 2021).

The idea for "border correction" was not new at the time. Thaci discussed partition as a with then incumbent Prime Minister of Serbin, Zoran Djindjic and later with President Boris Tadic. In 2012 Tadic presented his four-point plan which, among others, suggested partition of Kosovo or substantial autonomy for north Kosovo (Petrovic, 2012) (Former Serbian official, personal communication, June 15, 2021). The idea was also discussed by academics, such as Economides, Ker-Lindsay and Papadimitriou (2010), who gave four possible solutions for the final status of Kosovo: keeping status quo; partition as a land swap between Serbia and Kosovo, where Serbia would get North of Kosovo, while South of Serbia with Albanian majority would be recognized as part of Kosovo; partition where Serbia would get north Kosovo and the rest of Kosovo would be allowed to make union with Albania; and autonomy for North Kosovo and Serbian enclaves in the south without the change of borders. Furthermore, Rossi (2018) gives argument in favour of partition in which Serbia would get some sort of 'concession' if Kosovo gains de jure independence.

Lajčal's phase – third form of mediation

In December 2019, following the European Parliament elections, Borrell took the office of the HR of the EU. Although there was no advance in EU mediation effort and the Dialogue within the EU framework was still frozen, Grenell managed to broker two deals between Belgrade

and Pristina, one in January 2020 when the sides signed letters of intend to establish air-route between Belgrade and Pristina, and the second on highways and railways in February 2020 during Munich Security Conference (RFE/RL, 2020a; Bami, 2020).

In April 2020, the EU appointed Miroslav Lajčak, former Minister of Foreign Affairs of Slovakia, as the Special Representative of the European Union for Belgrade-Pristina Dialogue and other regional issues in the Western Balkans (European Western Balkans, 2020a). This was a way for the EU to respond to the US initiative and give the Dialogue more credibility (Interview Serbia 1, 2021). According to EU interviewee, Lajčak appointment was initiated by Borrell, who thought that he "would prefer some help in dealing with this complicated issue" (Interview EU 1, 2021). On the other hand, my other sources claim that Borrell was 'asked' to appoint someone to lead the Dialogue in order not to repeat Mogherini's mistakes and that Germany insisted that Lajčak should be that person due to his previous engagement in the Western Balkans region, notably as the High Representative for Bosnia and Herzegovina, and as he had success in convincing Serbia not to oppose Montenegro's independence in 2006 (Interview Reljic, 2021; Personal Communication, 2021). Thaci was not satisfied with Lajčak's appointment and said he will not participate in negotiations facilitated by Lajčak, as he comes from country that does not recognise Kosovo and stressed the importance of the US involvement (European Western Balkans, 2020c). However, the Dialogue was still frozen due to Kosovo's rejection to abolish import tariff.

Following Kosovo's decision to abolish the tariff in early June, the Dialogue resumed with a virtual meeting between Vucic and new Kosovo Prime Minister Hoti on 12 July, while the two leaders met face to face four days later (European Commission, 2020b). This marks the beginning of Lajčak led mediation phase. The dialogue continued on expert level with the Director of Office for Kosovo of the Government of Serbia Marko Djuric, replaced by Petar Petkovic in late October, and Skender Hyseni, Kosovo State Coordinator for the Dialogue negotiations, position established in July 2020 representing the sides (European Western Balkans, 2020d; EURACTIV, 2020). In total 7 expert meetings were held until the end of the year.

During the first few technical meetings during the summer missing persons was discussed. Vucic and Hoti, met once more on 7 September in Brussels, just two days after the signing of unilateral papers on normalisation of relations in the White House two days before, brokered by the US (RFE/RL, 2020b). Following the Vucic-Hoti meeting, the Dialogue returned again

to expert dialogue, with financial claims and private property on the agenda (N1 Info, 2021a; Interview EU 2, 2021). In addition to forking on the final agreement, which is Lajčak and his team's main task, around 50% of the effort is devoted towards working on implementation of previously reached agreements, as that still represents an open issue in the process (N1 Info, 2021a; Interview EU 2, 2021). At the moment of writing no progress was made in this regard.

One big change which happened in this period, and which had a strong effect on the Dialogue, is election of Biden as the US President. This led to the change in the US approach to the Dialogue, as the US abandoned its individual mediation effort (Interview EU 2, 2021). Hence, the US now "stands shoulder to shoulder with Lajčak", gives him their full support, which means that the US will not take its own mediation initiatives (US official, personal communication 2021, March 15).

Although both Borrell and Lajčak were claiming that reaching the final agreement is a matter of months, reality is that the final agreement is nowhere in sight. The zone of agreement is too narrow and there is no indication that any side will change its red lines. The fact that final agreement is not near was also acknowledged by Lajčak during his briefing to the EU ambassadors in February 2021 (Euronews Albania, 2020; Tuhina 2021). Moreover, Lajčak said that he was mis-interpretated and that he meant that final agreement is reachable, but not that it will be reached (European Western Balkans, 2021). Snap elections in Kosovo scheduled for 14 February, were Albin Kurti, who has rigid views on the Dialogue is the favourite to win, led to a new halt in the process, while the snap elections which will take place in Serbia in spring 2022 will additionally slow down the Dialogue (Ozturk, 2021).

Table 2: Agreements reached in the Dialogue

Agreements reached			
EU mediated agreements			US mediated agreements
Technical phase (March 2011 – February 2012)	Political phase under Ashton (October 2012-2014)	Political phase during Mogherini and Lajčak terms (2015-2020)	US Initiative reached letters of intent/agreements
Freedom of movement (2011) Civil registry (2011) Custom stamps (2011) Cadastre (2011) Recognition of University diplomas (2011) Integrated border/boundary management (IBM) (2011) Regional representation and cooperation (2012)	Liaison officers (2012) IBM on four border/boundary crossings (2012) The First Agreement of Principals Governing the Normalisation of Relations/ The Brussels Agreement (19. April 2013) Implementation plan for the Brussels Agreement (2013) Energy (2013) Telecommunications (2013) Visits of Serbian officials to Kosovo (2013)	Judiciary (2015) Integration of Civil Protection Corps (2015) Association/Community of Serb municipalities (2015) Telecommunications (2015) Energy (2015) Freedom of Movement on Mitrovica Bridge (2015)	Air-route re-establishment letters of intent (January 2020) Highway and railway agreements/letter of intent (February 2020) Washington/White House Agreement on normalisation of relations (September 2020)

Source: Own analysis

Chapter 4: Analytic chapter

Mediation during the technical phase and high-level political phase under Ashton

Mediation effectiveness during the technical phase and high-level political phase under Ashton

Other than the officially proclaimed mediation goals, which are given above, Ashton's goal was also to "prevent partition of Kosovo*, as for Belgrade considered Kosovo's 'unilateral declaration of independence' to be partition of Serbia". (Former Serbian official, personal communication, June 15, 2021) Thus, the goal was to work on finding normalisation without formal recognition according to 'the model of two Germanys' (Ratkovic and Savkovic, 2021). This in practice means that Serbia would establish normal relations and allow Kosovo to join the EU without formal recognition (Shkreli, 2013).

The issues discussed in the first part of this phase were labelled as 'technical', but in reality, they were all political (Cooper, 2015). Moreover, the topics on the table discussed during this phase did not bring the status issue into question. The high-level political phase was much more intensive than the technical, with more which lasted longer than in the previous phase. Furthermore, the negotiations shifted to more sensitive issue. In total, the Prime Ministers met for 23 negotiations rounds and spent more than 220 hours negotiating with the main goal to find a solution for the status of Serb-majority populated North Kosovo (Burazer, 2016).

In the end, a total of seven 'technical' agreements were reached during the 'technical phase'. The next, high-level political phase, led to seven agreements, of which five were 'technical', while the other two are The Brussels Agreement and implementation plan for the Brussels Agreement (Bieber, 2015). In addition, significant progress was made on judiciary, was supposed to complement the Article 10 of the Brussels Agreement (Burazer, 2016). As concrete results in this phase are easily seen, EU's efficiency was high.

EU's leverage during the technical phase and high-level political phase under Ashton

The EU had a strong leverage position since the Dialogue started, due to Serbia's and Kosovo's EU ambitions. The 2003 Thessaloniki European Council Conclusions following the EU-

Western Balkans Summit, affirmed that the Western Balkans countries are potential candidates for the EU membership and gave support for their EU perspective (European Council, 2003; Milivojevic et al., 2014). This way the EU opened its doors to the region. Although Kosovo was not mentioned during the Summit, its leaders were present there and the Summit is viewed as the starting point of Kosovo's European path (Milivojevic et al., 2014).

When the Dialogue started, Serbia was way in front of Kosovo in terms of EU integration. EU accession has been one of the most important Serbia's foreign policy goals since the downfall of Milosevic authoritarian regime in 2000. New democratic Serbian government started institutional changes for EU accession in 2002 and in 2005 adopted the National Strategy for EU Accession (Milivojevic et al., 2014). In 2008 Serbia signed the Stabilisation and Accession Agreement (SAA) with the EU, while in the following year it received visa liberalisation and officially applied for EU membership (Europa.rs, n.d.). Thus, the next step in Serbia's integration process would be to become a candidate country, which was used at first as incentive. Kosovo on the other hand was at a very early stage of its European integration when the Dialogue began. In order to enable the EU to get engaged in constructive relations with Kosovo, the EU established SAA Tracking Mechanism in 2002 with the purpose to "orient Kosovo's policy in line with the acquis" (Hamilton and Merja 2013, 5). Thus, Kosovo could be incentivised with the start of SAA negotiations and getting visa liberalisation.

Following the first few months of the dialogue which resulted in four agreements, the European Commission recommended that Serbia should be granted EU candidate status under condition on "the understanding" that Serbia would has re-engaged "in the dialogue with Kosovo" and moved "swiftly to the implementation in good faith of agreements reached to date" (European Commission 2011; Amadio Vicere 2018). This way, the EU showed that it is willing to reward Serbia, which positively influenced leverage perception. Thus, in December 2011, after the IBM agreement was reached and the European Commission recommendation on Serbia's candidacy to the Council (European Council, 2011). Unexpectedly, Germany opposed granting Serbia candidate status stressing that Belgrade should have done more to defuse the tensions the North Kosovo and on finding solution which would allow Kosovo to participate in regional institutions (European Council, 2011). Hence, the European Council did not vote on granting Serbia candidate status in December 2011 and postponed its decision for February 2012, but recognised Serbia's commitment and progress in the Dialogue (European Council, 2011). This might have give an impression that the EU did not have ability to fulfil its promises and that

leverage is not as strong as it was initially perceived. This is why, the EU tried to assure Belgrade that its efforts will be rewarded in order not to weaken its leverage. Hence, Ashton and the European Commissioner for Enlargement and Neighbourhood Policy, Stefan Fule, expressed their confidence that Serbia will soon become candidate and willingness to help Belgrade and stressed importance to reward Serbia (High Representative and Commissioner for Enlargement, 2011; Barlovac, 2011).

It should be noted Germany's veto on Serbia's candidacy influenced the government change in Serbia, as the Serbian Progressive Party (SNS), which was then in opposition, promised to the EU to be more cooperative towards the Kosovo issue than the incumbent Democratic Party government. (Former Serbian official, personal communication, June 15, 2021). When the SNS came to power it moved Serbia's red lines towards being willing to give more concessions, which led to the Brussels Agreement (Interview Serbia 1, 2021).

While Serbia was waiting still for candidate status to be approved, the EU decided to start talks with Kosovo on visa liberalisation in January 2012 (Aliu, 2012). France played an important role in pressuring Germany to approve Serbia EU candidacy, as it believed that Serbia should be rewarded not just for the progress in the Dialogue, but also for its cooperation with the International Criminal Court for the Former Yugoslavia (Former Serbian official, personal communication, June 15, 2021). French initiative resulted in strengthening of EU's leverage which ensured and thus, Serbia's commitment for the Dialogue was ensured. Following the agreement on regional representation, on 27 February 2012 the Ashton briefed the Foreign Affairs Council on the agreement on regional cooperation and the IBM technical protocol and proposed candidate status for Serbia, which was endorsed the following day (Council of the European Union, 2012a). As a result, the European Council granted Serbia candidate status on 1 March. (European Council, 2012). Furthermore, Foreign Affairs Council also supported European Commission's proposal to start endurance study of the SAA between the EU and Kosovo as, Ashton claimed that Kosovo has fulfilled all standards to start negotiations over the SAA (Council of the European Union, 2012a). In October 2012 the European Commission made it sure that legal obstacles for Kosovo to sign the SAA are eliminated under condition that there is a further progress in the rule of law, state administration, protection of minorities and trade. (European Commission, 2012). The next incentive for Serbia was to start accession negotiations, while for Kosovo that was the start of negotiations for the SAA.

After the Brussels Agreement was reached, Ashton and Fule sent a letter to the EU ministers asking for the start of accession negotiations with Serbia (Mission of the Republic of Serbia to the European Union, 2013; Amadio Vicere, 2018). The Council of the European Union welcomed the Brussels Agreement and gave its recommendation to the European Council, which during its meeting on 27-28 June rewarded Serbia and Kosovo for their progress and engagement in the Dialogue. Serbia was received with conditional decision to open and start membership talks in January 2014, while Kosovo received a green light to start the SAA talks (European Council, 2013; Amadio Vicere, 2018).

Overall, the leverage was strong during the technical and high-level political phase under Ashton. The EU was able to offer and provide the sides with respected rewards. By doing so the EU strengthened its leverage, as the sides perception that EU integration progress can be actually delivered. Hence, Belgrade and Pristina were willing to be constructively engaged in the Dialogue.

Mediation strategy during technical phase and high-level political dialogue under Ashton

The choice of strategy depends on the power the mediator as well as the characteristics and context of the conflict (Bercovitch and Houston; 2000 Bergmann, 2019). Strategy should be examined to see how the EU uses its power and resources in the mediation effort. Ashton decided to adopt a 'salami-slicing, or in the other words, bottom-up approach (Ratkovic and Savkovic, 2021). This means that the sides discussed individual issues and then be inserted one by one into one big agreement. This way, Ashton wanted to slowly build the final agreement, without saying how it will look at the end and keep the process constantly flowing (Former Serbian official, personal communication, June 15, 2021).

Also, there were no high-level political meetings during the technical phase, which made negotiations difficult, as negotiators could not make decisions without consulting high officials which slowed down the process (Former Serbian official, personal communication, June 15, 2021). Moreover, Ashton made the Dialogue transparent, which created tensions before each meeting. As a consequence, Belgrade and Pristina established back-channel talks between them. During the technical were organised in 'a friendly non-EU country' and were conducted

by special envoys of President Tadic and Prime Minister Thaci (Former Serbian official, personal communication, June 15, 2021).

Another aspect which characterises EU's strategy and the entire process is 'constructive ambiguity' (Bieber, 2015). For example, by referring to the sides as Belgrade and Pristina, the EU avoids implying what is the sides' status (Bieber, 2015). Furthermore, the goal of the mediation effort was normalisation of bilateral relations which does not mean the same thing for Berlin, Madrid. Creative ambiguity was also used as this was the only way to reach the reach formal agreements and find solution for North Kosovo due to the issue's sensitivity (Bieber 2015, 313–315; Reljic, 2015; Interview EU 2, 2021). According to Robert Cooper, this was a way for the Dialogue to start, but it could not end like this (Burazer, 2018).

Since the Belgrade-Pristina Dialogue started, the EU has been emphasising that its role is a 'facilitator' (European Union, 2011a; 2011b; 2013). Even the UNGA Resolution 64/298 welcomed EU "readiness to facilitate a process" (UNGA 2010, 2). Facilitator role is clear as the EU made contact with the parties and arranged meetings between them and even asked them to propose the issues for discussion (Bergmann, 2019). Still, elements which go beyond facilitation and characterise formulation and manipulation can be clearly identified.

HR Ashton and EU mediators had a strong organisational role during the technical and first high-level political phase and actively shaped the Dialogue by proposing and drafting agreements (Bergmann 2019). Thus, negotiation agenda and dynamics of negotiations were determined by mediators (Interview Serbia 1, 2021). Furthermore, all documents and issues discussed came from the EU (Interview Serbia 1, 2021). One EU officials I interviewed stated that the EU "did not come with already made solutions", but also said "the Dialogue is the process of working with the parties, listening to them and putting it into a written text", which is points towards that the EU drafted agreements (Interview EU 1, 2021). Constructive ambiguity which characterises agreements, which was mentioned above, is also a manifestation of formulation strategy. The advantage of this approach lies in "making possible agreements that would be politically deadly if spelled out in black and white" (Prelec, 2013, 2). For example, IBM means border management for Kosovo and recognisers, but for Serbia and non-recognisers it is considered as boundary management. Only when the EU realised that implementation of agreements would not come about on its own, but to their ambiguous character, did the EU increasingly begin to include progress on implementation into its

conditionality strategy, as the opening of accession negotiations with Serbia demonstrated (European Union, 2015).

Manipulation strategy was crucial in committing the parties to start negotiations and sign agreements in the first place. Benchmarks were set at the early stage of the Dialogue and the pressure was applied in accordance with them. For example, the start of Serbia's EU progress towards the EU membership was conditioned with progress in the Dialogue, while Kosovo needed progress to start negotiations for the SAA, visa liberalisation and some economic questions (Interview Serbia 1, 2021). Still, Kosovo's visa liberalisation was never formally connected with the dialogue, as it was the case with the SAA process, but the connection could be identified from some statements given by EU officials and leaders (Bojovic and Burazer, 2018). For instance, Austrian Chancellor Kurtz's statement in Pristina that he he's careful about visa liberalisation and that the EU expects progress in dialogue with Belgrade (European Western Balkans, 2018c). Manipulation elements can even be identified for EU's official document and officials' statements. For instance, in December 2012, the European Commission and the European Council told Belgrade and Pristina that if they want the next reward, they should provide a "visible and sustainable improvement of relations" (Deda and Qosaj-Mustafa, 2013). Similarly, in early April 2013 Ashton gave Prime Minsters Dacic and Thaci two weeks to reach a compromise in order for her to recommend the European Council "to open the door towards closer relations with the EU" (Blockmans, 2013). Moreover, Commission's Serbia and Kosovo progress reports stated that progress in the Dialogue should lead to legally binding agreement, adding that this should happen before the end of Serbia's accession negotiations (European Commission 2013a; 2013b; 2014a; 2014b).

Coherence during technical and high-level political phase during Ashton phase

There were two factors which undermine coherence. The first is the fact that Kosovo has not been recognised by five members. Following Kosovo's declaration of independence, the European Council declared that it is up to member states to determine their future relations with Kosovo, while the EU will take status neutral approach (Milivojevic et al., 2014; 138). Ker-Lindsay and Armakolas (2017) distinguish four groups of countries in terms of their relationship with Kosovo. First group are counties which recognise Kosovo and have full diplomatic relations with it, such as Germany, France and most EU states. The second are countries which recognise Kosovo, but have limited or little diplomatic interaction, like Poland.

Third group are states which countries which do not recognise Kosovo, but have some diplomatic interaction with it, like Greece or Slovakia. Last group are states which do not recognise Kosovo and refuse to change its position, like Spain. Because of that, the EU lacks unified position on the issue and Ashton had to resort to ambiguous mediation approach.

At the same time, the fact that disunity exist was crucial for the start of the Dialogue. If there was a unified approach, Serbia would have perceived the EU as biased and would have not accept the EU as a mediator (Former Serbian official, personal communication, June 15, 2021). On the other hand, Kosovo would say that it has nothing to talk about as it would already have full recognition and no status related obstacles on its EU path. This way Serbia had no negative consequences in terms of recognition of Kosovo's status when it accepted to get engaged in the Dialogue, while Kosovo had to be engaged in order to have its status confirmed (Former Serbian official, personal communication, June 15, 2021).

Second factor which negatively influences coherence is the fact that the European Parliament is the only EU institution which treats Kosovo as an independent state. Moreover, the European Parliament has been constantly adopting resolutions in which it invites five EU non-recognisers, as well as Serbia, to recognise Kosovo. This shows that there is a lack of coherence among EU institutions, which as a consequence can undermines EU's status neutral approach (European Parliament, 2010; 2014; 2016; 2018b; B92, 2020; Interview Reljic, 2021).

No matter the non-unified position on Kosovo's status, all Members have supported the process throughout both technical and Ashton's high-level phase as they were willing to change status quo (Bergmann and Niemann, 2015; Interview Reljic, 2021; Interview EU 2, 2021). For example, EU members manged to agree on EU's position on UN resolution although the discussion lasted for eight hours (Cooper, 2015). Moreover, delegating the mediation effort to the HR and the EEAS is also an example of Members' "general alignment of preferences regarding the normalisation of ties between Kosovo and Serbia" (Amadio Vicere 2018, 16). Ashton and her team enjoyed Members' constant support and closely cooperated with big Member States (Amadio Vicere, 2016; Bergmann, 2019; Interview Reljic, 2021). Non-recognisers and smaller states did want not get involved in order not to obstruct the process as they knew that the Dialogue is connected to Serbia's membership possibility (Cukovic, 2019b). Likewise, the support can also be identified from EU ministers' joint statement saying that they would "continue to monitor closely Serbia's continued engagement towards visible and

sustainable progress in the normalization of relations with Kosovo, including the implementation in good faith of all agreements reached so far" (Council of the European Union 2014, 20). Along the same lines, the Council called on Kosovo for an "active and constructive engagement in the normalization process with Serbia" as an "essential principle of the proposed Stabilization and Association Agreement" (Council of the European Union 2014, 20).

Germany in particular had an important role in supporting the Dialogue and connecting it with enlargement process. During the 2011 Kosovo crisis, Merkel decided to take the matter into her own hands and take took EU leadership over the dialogue (Weber and Bajrami, 2018). Merkel was determined to solve the status of North Kosovo, hence, when she visited Belgrade in August 2011, she conditioned granting Serbia EU candidate status with achieving progress in the Dialogue and dismantling all parallel structures in North Kosovo, without offering any guaranties to Serbs living there (BBC News, 2011). This was the first time that Serbia was openly conditioned this way and was decisive in shaping EU's leverage (Barlovac 2011; Weber and Bajrami, 2018). It should be noted that this Merkel's move was not solely done as a support for the Dialogue, although it is mostly interpreted like that, but also by her desire to satisfy her voters and political party. Merkel wanted to slow down EU integrations after Croatia's accession because that was one of her Christian-Democratic Union's program points, as well due to problems which 2004 and 2007 enlargement brought to the EU, when some admitted members had unresolved issues, most notably Cyprus with ongoing territorial dispute (Former Serbian official, personal communication, June 15, 2021). Thus, Merkel had both positive and negative impact on the Dialogue. By pressuring Serbia, Merkel provided a great level of support for the Dialogue and overcome Union's internal differences, but her opinion on enlargement had potential to weaken EU's leverage strength (Weber, 2015; Former Serbian official, personal communication, June 15, 2021).

Moreover, in September 2012, so-called Schockenhoff group, which consisted of CDU-CSU Bundestag MP's, published seven-point plan for Serbia which included conditions for Belgrade's EU integration process. The main pints were that Bundestag has to approve every EU integration step, requiring the dismantling of parallel structures in the north Kosovo and normalisation of relation with Kosovo in form of legally binding agreement (Weber and Bajrami, 2018; Interview Reljic, 2021). This was the first time that legally binding agreement was brought up by any side as a requirement for the Dialogue (Interview Reljic, 2021). This

wat, Merkel could blame slowing down of EU enlargement process on Bundestag (Interview Reljic, 2021).

The US also played prominent role in the Dialogue, and were engaged as a "shadow player" (Interview EU 1, 2021; Interview Serbia 1, 2021). Most of coordination between the EU and the US is done within the Quint framework - informal platform consisting of the US, the UK, Germany, France, Italy and the EU (Bergmann, 2019). Moreover, during negotiations rounds there was always a member of the US State Department in the EEAS building who was coordinating with mediators, while Gientilini was always in contact with Berlin and Washington D.C. (Interview Serbia 1, 2021). US role was significantly important as it could "could give certain messages, which the EU could not as it was status neutral" and apply pressure on Pristina (Interview EU 1, 2021). The US support for the Dialogue was also expressed during US Deputy Assistant Secretary of State Phillip Riker's visit to Belgrade and telephone call between then Serbian President Tadic and US Secretary of State Hilary Clinton (RTS, 2011; Petrovic, 2012).

In sum, analysis suggests medium level of coherence in this phase. Members' support towards the Dialogue and the HR positively impacts coherence but it does not fully compensate for the lack of unified position on Kosovo among Members and EU institutions, which is a huge constraining factor for coherence.

Mediation during Mogherini's phase of the Dialogue

Mediation effectiveness during Mogherini's phase of the Dialogue

Mogherini had a promising start as during the first round she mediated, Belgrade and Pristina reached an agreement on judiciary which closed a "critical chapter of the implementation of the Brussels Agreement" (European Western Balkans, 2015). Two additional agreements were reached in the following two months, and by the end of August 2015 a total of six agreements were reached. All of those agreement relate and build upon the agreements reached during Ashton's phase, notably the Brussels Agreement. They represent the finalisation of what Ashton started and were supposed to help and guide the implementation. After that no agreements or any further visible progress has been made. When in November the Dialogue got suspended, the EU was not able to return the parties to the negotiations table, which led

Mogherini's phase ending with the Dialogue still frozen and without prospect for its resumption. In addition, the US started its own mediation initiative. Duo to all which has been mentioned, no matter the initial successful start, EU's effectiveness is evaluated as low.

EU's leverage during Mogherini's phase of the Dialogue

EU's leverage was strong in the first year of Mogherini's phase. Thus, following productive first few months of Mogherini led Dialogue, the Council agreed to sign the SAA with Kosovo on 22 October 2015 (Council of the European Union, 2015b). The Agreement was signed on 27 October 2015 in Strasbourg and entered into force on 1 April 2016 (European Commission, 2016a). This represents the "first comprehensive contractual relationship between Kosovo and the EU" which serves as a roadmap for Kosovo and tends to secure closer relations between them (Milivojevic et al. 2014, 139). Moreover, it is an EU-only document as it has not been ratified by Member State, as it was the case with Serbia and other Western Balkan states. This way, the EU managed to deliver some rewards to Kosovo by circumventing non-recognisers (Bergmann, 2019, 130). Besides, the fact that the SAA with Kosovo does not provide a clear EU membership prospect—in contrast to the SAA with Serbia, which clearly recognises the country as a potential EU membership candidate— is indicates that Kosovo's path towards the EU is less certain (Bergmann, 2019, 130). Serbia on the other hand, was rewarded with opening of its first two accession negotiations chapters in December 2015 (Poznatov, 2015). Still, the pace of opening and closing of Chapters has been slow and the end of the process is nowhere in sight. Until the day of writing, Serbia managed to open a total of 18 chapters and temporary close two, all of which were opened by December 2019 (Georgievski, 2020).

Since 2016 the leverage started to weaken. This was to a great extend caused by 'enlargement fatigue', which relates to EU's 'absorption capacity' to receive new members (Economides, 2020). For that reason, some Members started expressing strong aversion towards EU enlargement. (Interview Reljic, 2021). Enlargement fatigue was also recognised by the Serbian government in its April 2015 Dialogue progress report which states there is a "lack of incentives towards the sides engaged in the Dialogue, primarily in the uncertainty of the European integration process dynamics" which indicates that Belgrade might have started to perceive that the leverage has started to weaken (Office for Kosovo and Metohija, 2015a).

France's position towards EU enlargement to a great extend weakened EU's leverage. When addressing European Parliament MPs in Strasbourg in April 2018, as well as during the EU-Western Balkans Summit in Sofia in May 2018, Macron stated that he is "not for a new enlargement until true and permanent reform of the EU is made" (RTS, 2018; European Western Balkans, 2018a; Gray, 2018). This way, Macron has become the strongest opponent to EU enlargement and the advocate for EU reforms. Although there was room for some different interpretation of Macron's stance at first, that came to an end when French Minister for European Affairs, re-affirmed France's position during her visit to Belgrade in February 2019 when she said that "the current state of the EU does not allow new accessions", thus leaving no space whatsoever for flexible interpretations of Macron's position, which might have otherwise given some hope to the EU perspective of the Balkans (Subotic, 2019; N1 Info, 2019a). Furthermore, France's and the Netherlands' veto on the start of accession talks with Albania and North Macedonia killed Western Balkan's EU enlargement dream (Subotic, 2019; Bechev, 2019). This as consequence led to diminishing of EU's leverage. Even Serbian Minister of European Integration Jadranka Joksimovic pointed towards that in 2019 by saying that the reason for Serbia's slow progress is that enlargement is currently not EU's priority (Jovanovic, 2019). Because of the enlargement fatigue, France suggested new enlargement methodology, which was proposed by the European Commission in February 2020 (Tcherneva, 2019; European Commission, 2020a). Unfortunately, the new methodology did not bring the Western Balkans closer to the EU and improve EU's leverage.

EU enlargement fatigue was also followed by democracy backslide in the Western Balkans. Thus, after years of deterioration of democracy in Serbia under the SNS government, in 2020 Freedom House lowered Serbia's rating from partly free to hybrid regime (Damjanovic, 2020). For many years the EU supported so called 'stabilocracy' – EU policy towards the Western Balkans in which autocracy were tolerated for the sake of stability, but the Union realised that this does not produce long term stability (Bieber, 2018). Departure from 'stabilocracy' policy is seen from the fact that since 2018, the EU has been more vocal in criticising Serbia for its democratic deficit (Bieber, 2018; European Commission, 2019a). As the lack of rule of low is now longer tolerated, Serbia now has another condition for its EU accession progress.

On the other side, a huge blow on Pristina's EU aspirations happened in January 2018 when Spain delivered a letter to the EU in form of a non-letter in which it opposed inclusion of Kosovo in any process which might give an impression that Kosovo is treated as an

independent state (Velebit, 2018). Sofia Summit represented another blow for Kosovo, as Spanish Prime Minister Rajoy did not want to take part in the Summit because leaders from Pristina were also present. Although Rajoy attended a dinner with only the EU leaders present the day before, his seat was left empty during the summit (European Western Balkans, 2018b). This way Spain sent more than clear sign what can Pristina expect from them regarding their EU hopes. For Kosovo this can be interpretated as a sign that as long as Spain has a saying, which it does in the European Council where it has a veto power, Kosovo's EU aspirations not a realistic option.

Moreover, using visa liberalisation for Kosovo as incentive was also brought into question. This is important because since the SAA was signed, visa liberalisation has been the only carrot that the EU can give to Kosovo (Burazer and Bojovic, 2018). As the European Commission confirm that Kosovo has reached all requirements and benchmarks needed for visa liberalisation and proposed visa liberalisation for Kosovo in July 2018. and European Parliament voted in favour of it in September 2019, it has been left for the Council to approve it (European Commission, 2018c; European Parliament, 2018a). However, that did not happen. As a matter of fact, the issue was never officially discussed in the Council due to the fact that it did not have support from some Member States, most notably France and the Netherlands, as well as other five non-recognisers, and it is questionable if it will happen any time soon (KoSSev, 2019).

France's and Spain's respective stances significantly weakened EU's leverage strength, as the EU had nothing to put on the table (Interview Serbia 1, 2021; Interview EU 1, 2021) As a result, Serbia and Kosovo could not be pushed to make concession by promising EU accession progress as they know that the EU cannot fulfil its promises and deliver rewards. Moreover, Serbia is in a vicious circle in which there can be no progress in Serbia's EU accession process without progress in the Dialogue, which is not possible without EU perspective. The fact that the EU lost its leverage is easily seen from the fact that the EU was not able to restart the Dialogue once it got frozen. As the EU lost its possibility to incentivise the sides, leverage strength in this phase is evaluated as weak.

Mediation strategy during Mogherini's phase of the Dialogue

When this phase started, the EU's main goal was to secure the implementation of the already reached agreements. The idea was "to be a credible process in which one agreement follows another agreement, moving credulity to full normalization between Serbia and Kosovo" (Cukovic, 2019b). In 2017 EU's approach changed. Mogherini wanted to first reach one comprehensive legally binding agreement and then deal with technical issues at the end. This represents a departure from Ashton's salami-slicing mediation approach.

Although the EU kept using the term 'EU-facilitated dialogue', analysis showed that EU's mediation strategy did not change once Mogherini took over as the main mediator (European External Action Service, 2015a). Formulation strategy manifests itself from the fact that EU continued acting as "an active mediator and initiator of concrete agreements reached within the dialogue process, seeking compromises, and proposed solutions" (Bergmann 2019, 133). Negotiation sessions were chaired by the HR when the Prime Ministers meet or other lower-level EU officials during working groups and technical level meetings. For example, European Commission officials were leading the working group on implementation of telecommunications agreement, while the working group on the Mitrovica Bridge had been chaired by the EU Special Representative and head of the EU's office in Kosovo Samuel Zbogar (European External Action Service 2015b; Amadio Vicere; 2018). Furthermore, Mogherini continue to have agenda setting power and, all agreements and documents came from by the mediator, as it was the case during Ashton's phase (Bergmann, 2019; Interview Serbia 1, 2021).

Manipulation elements can easily be identified from the EU's documents and EU officials' statements. For example, when Belgrade and Pristina reached four agreements on 25 August 2015, Mogherini expressed her "support to the two Prime Ministers for further progress in the respective EU paths", thus clearly pointing towards the connection of EU accession process in and the Dialogue (European Western Balkans, 2015). Moreover, European Commission's 2015 and 2016 Serbia and Kosovo progress reports openly state that progress in the Dialogue "remains essential for advancing the European future for both Serbia and Kosovo" (European Commission 2015a, 23; 2015b, 30; 2016b, 24; 2016c, 33). Furthermore, in its 2016 Communication to the European Parliament on enlargement, the European Commission called Belgrade and Pristina to accelerate the Dialogue and deepen their engagement (European Commission, 2016d). In its 2018 and 2019 progress report the EU changed its rhetoric towards

the Dialogue and stressed that "legally binding agreement is necessary", "urgent and crucial so that Serbia and Kosovo can advance on their EU path" (European Commission 2018a; 2018b; 2019a; 2019b). Move to the final legally binding agreement was made by the EU as an encouragement to accelerate the process and as a way to save the Dialogue. As Cukovic points out, "the main reason for emphasizing reaching agreements was to make positive pressure on parties to find a solution, since the process of negotiations could not last forever" (Cukovic 2019b, 54).

The strongest link between the Dialogue and EU accession process with Serbia was made when the EU adopted Common Position on Chapter 35: Other Issues, Item 1: Normalisation of relations between Serbia and Kosovo* in November 2015. In the Document, the EU stated that Chapter 35, "will be the link between this Dialogue and the accession negotiations" and that "if "*progress in the normalisation of relations with Kosovo, significantly lags behind progress in the negotiations overall, due to Serbia failing to act in good faith, in particular in the implementation of agreements reached between Serbia and Kosovo*", the Commission will on its own initiative or on the request of one third of the Member States, in accordance with point 25 of the negotiating framework, propose to withhold its recommendations to open and/or close other negotiating chapters, and adapt the associated preparatory work, as appropriate, until this imbalance is addressed" (European Union 2015, 2-3). In addition, the Chapter 35 also set benchmarks for implementation of already reached agreements. Thus, the EU formally, as a part of Serbia's accession process, conditioned Serbia's progress towards the EU with making progress in the Dialogue and implementation of the reached agreements. So, if there is a stagnation or a blockade in the Dialogue there will be a blockade in Serbia's accession negotiations (Interview Serbia 1, 2021). Chapter 35 was the first chapter Serbia opened in its accession negotiations and will probably be the last Serbia will close (Interview EU 1, 2021; Interview EU 2, 2021). This means that tempo of Serbia's EU integration will to a great extend depend on solving Kosovo issue. On the other hand, Article 13 of the SAA with Kosovo obliged Pristina to "commit to a visible and sustainable improvement with Serbia and that the Dialogue should lead to normalisation with Serbia" (Council of the European Union 2015a, Article 13).

Coherence during Mogherini's phase of the Dialogue

When the phase started coherence was at the same level as during Ashton's phase. For example, Member's support for the Dialogue is clearly stated in the Council's conclusions from December 2015 (Council of the European Union, 2015b). Moreover, when the Dialogue got frozen in late 2018, all Member States expressed their concern over the suspensions and gave their full support to the Dialogue in the Foreign Affairs Council (Danas, 2018).

However, at a later stage of this phase, dissatisfaction of certain Member States, most notably Germany, occurred towards the way Mogherini was leading the Dialogue. Some members were sceptical towards Mogherini's abilities and the way she briefs them about the Dialogue (Interview Serbia 1, 2021; Interview Reljic, 2021). Germany was in particular critical towards the way Mogherini led the Dialogue. Firstly, Germany was shocked with the fact that the Mogherini had no adequate apparatus dealing with the Dialogue and was willing to enhance EU's capacity and delegate its people and not for not giving information about what she was doing (Interview Serbia 1. 2021; Interview Reljic, 2021). Germany was in particular critical towards the fact that Mogherini was not particularly interested in leading the Dialogue and for letting the sides to discuss the possible solutions without taboos, which led to the land-swap idea (Interview Serbia 1, 2021; Interview Reljic, 2021).

Second disagreement which appeared was regarding the land-swap idea as a possible solution for the Dialogue. This idea occurred as consequence of Mogherini letting the sides to negotiate freely. Here, Merkel was particularly dissatisfied with Mogherini for supporting the idea and wanted to kill the idea while France was ambiguous towards it (Karnitschnig, 2019).

Distrust of Mogherini was clearly showed during the Berlin Summit which was organised because Germany and France became sceptical of Mogherini's abilities to lead the Dialogue. Although one interviewee said the reason for the Berlin Summit is that "the big Members thought that the Dialogue lost its steam" and wanted to support the Dialogue and not undermine it and thus Germany and France's bigger involvement in the Dialogue should not be seen as a counterinitiative, but rather as a way of showing support for the Dialogue and killing some ideas they did not like, the evidence shows different picture (Interview EU 1, 2021). The fact that during the Summit Mogherini was just a passive observer without any saying clearly shows that Germany and France did not support Mogherini and that they intended to take the lead of

the Dialogue, which is a sign of low coherence, but it is true that one of the purposes of the Summit was to kill the land-swap initiative (Karnitschnig, 2019).

It should be mentioned that the US remained an important factor in the process in the same format as during Ashton's phase during Obama's administration (Bergmann, 2019). When Trump became the President of the US situation changed and in October 2019, at the end of Mogherini's term, the US started its own mediation initiative because the EU was not able to resume the Dialogue. This way the conflict between the EU and Trump's administration, manifested itself through the Dialogue, which as a consequence let to no coordination between them. (Interview Serbia 1, 2021).

Examination of data showed that coherence in this phase was overall lower than during the Ashton's period. In addition to constraining factors on coherence which existed since the start of the Dialogue, another factor which influenced lower coherence was Germany's and France's attitude towards the way Mogherini led the Dialogue and distrust towards her which culminated during the Berlin Summit. For the reason explained above, overall level of coherence in this phase has been evaluated as low to medium.

Mediation during Lajčak's mediation phase

Mediation effectiveness during Lajčak's phase

Lajcak's approach has the aim to prevent border corrections, but he is aware that Serbia needs to receive some concession, above all ASM/CSM and some special status for the Serbian Orthodox Church, while Kosovo should get at least international recognition (Former Serbian official, personal communication, June 15, 2021). This is seen from recently published French-German non-paper which both Paris and Berlin deny, but indications towards that practically always existed in Paris and recently appeared in Berlin, because when border correction talks emerged, Germany became aware that Serbs in Kosovo need to receive some autonomy (Sovrlic et al., 2021).

Since the restart of the Dialogue on 12 July 2020, no agreements were officially reached and signed. Miroslav Lajčak and the EU claim that the text on missing and displaced persons, as well as economic cooperation, which will be part of the final agreement, have been concluded while the issue of private property was on the table when the Dialogue got halted (N1 Info, 2021a; Interview EU 2, 2021). However, as officials from Belgrade and Pristina have so far

not confirmed or denied Lajčak's claim on agreed texts, it cannot be determined for certain whether some concrete progress was made or not.

From the EU's and Lajčak's point of view the success was made from the fact that the Dialogue restarted after 20 months halt and that the text for 3 parts of the final agreement have been reached (N1 Info, 2021a; Interview EU 2, 2021). But, as this thesis is using outcome-oriented approach, and assesses concrete results, the EU's efficiency as the mediator in this phase of the Dialogue is evaluated as low due to the fact that no agreements were officially reached.

EU's leverage during Lajčak's phase

The EU's leverage strength remains weak, as it was the case when Mogherini's phase ended. Even though the EU perspective has been highlighted many times by Lajčak, possible EU accession for both Belgrade and Pristina remains distant. EU accession as incentive is credible as long as the end to that process in visible, but that is not the case at the moment (Interview Serbian 1, 2021). Due to that, and the fact that no country made significant progress towards the EU since 2013, EU integration can hardly be viewed as an incentive (Interview Reljic, 2021). In 2020 Serbia did not open any new negotiations chapter due to the lack of progress in the Dialogue, among other issues. In June and December seven Members were against opening of new negotiations chapters with Serbia (Georgievski, 2020; Interview EU 2, 2021).

But even if the progress was made, it is questionable whether Serbia would open any chapter due to the backslide in the rule of law (Interview EU 2, 2021). Furthermore, the analysis showed that is nothing which could indicate that French opinion on the EU enlargement has waned during the time period examined. The case of North Macedonia, who changed its name and got nothing in return from the EU, additionally undermines mediators leverage by showing that the EU does not always keep its promises. This sent a signal to Serbia that it should be careful with making difficult concessions. (Interview Serbia 1, 2021).

Kosovo's visa liberalisation has still not been approved by and the chances of it remain small. The issue was not even brought pushed forward during Croatian and Germany presidency of the Council as France and the Netherlands, among other, continue to be the main opponents of Kosovo's visa liberalisation. Furthermore, as visa liberalisation will not happen during Portuguese presidency, Kosovo will have to wait at least until the end of the French presidential

elections in spring 2022 to hope for some change (Schengen Visa Info.com, 2020; Emini and Nechev, 2020; 2021). Likewise, Spain's unchanged stance towards Kosovo's independence continues to extinguish Kosovo's EU hopes. No matter that Spain attended the Zagreb summit, it did under conditions negotiated with Croatia before the summit that no reference of which would give official status or recognition and no display of flags (Harszenhorn et al., 2020). This it is clear that as long as Spain has a saying Kosovo will not make any progress towards the EU. Kosovo is now in a situation where it sees that other states are not progressing towards the EU accession, which indicates them a lack possibility for progress (Interview EU 1, 2021). Thus, Kosovo is aware that it cannot advance in EU integration process, and that its productive involvement in the Dialogue will not give them those benefit. Even if the agreement is reached, Spain will not change its position due to the consequences it could have on its own regional secession movements, most notably Catalonia. Kosovo aware that as long as Spain has some saying their progress towards the EU.

Mediation strategy during Lajčak's phase

Lajčak's mediation is conducted in accordance to the principle that "nothing is agreed, until all is agreed" and that there will be no will be no ambiguity in the final agreement. These represents confirmation of abandoning of from Ashton's bottom-up approach. (N1 Info, 2021a; Interview EU 2, 2021).

The EU and Lajčak continue to describe their role as a 'facilitator' (N1 Info, 2021a; Interview EU 1, 2021; Interview EU 2, 2021). According to Lajčak, the EU's role is "to help the process and to reach agreements based on European principles" (N1 Info, 2021a). As the EU integrations are still actively used as an incentive, it is clear that the strategy goes beyond simple facilitation and indicates the implementation of 'manipulation' mediation strategy. EU integration as incentive was indicated by Lajčak when he said that "the EU brings EU perspective as motivation" (N1 Info, 2021a). He sees that as "an advantage that no one has" (European Western Balkans, 2020e). Moreover, Lajčak stated in his interview for European Western Balkans portal that "no will to make progress means no European future" which is a clear sign of stick and carrot approach as it conditions the sides to do something in order to get certain reward (European Western Balkans, 2021). Even more, Lajčak stated that Kosovo will get candidacy status when agreement with Serbia is reached (N1 Info, 2021b).

The fact that the Dialogue remains linked with Belgrade's and Pristina's EU integration process can be also identified from EU documents, which state that legally binding agreement is "urgent and crucial so that Kosovo and Serbia can advance in their European path" (European Commission 2020b, 67; 2020c, 64; 2020d, 26). Furthermore, European Summit in Zagreb "encouraged both Serbia and Kosovo to make progress in Belgrade-Pristina dialogue, which is an essential element in allowing both parties to move forward on their respective enlargement paths" (European Parliament, 2020).

It is not possible to determine for certain whether Lajčak implements formulation strategy due to the fact that the process is opaque and that reports are classified. If the texts on three issues were truly reached, it is impossible to know if they were suggested by the EU or were proposed by Belgrade or Pristina at the moment. Still, the fact that EU mediators will block any proposal which implies border corrections indicate towards the use of formulation.

Coherence during Lajčak's phase

Recognition of Kosovo within EU Members remained unchanged without indication of that changing. This non-unified position resulted in ambiguity when defining Lajčak's mandate, which states that his tasks is to "achieve normalisation of relations between Serbia and Kosovo*", without saying what normalisation means. (Council of the European Union, 2020a; Gojgic, 2021). Still, Lajčak, he has strong support of all Member States to lead the Dialogue (Gojgic, 2020; European Western Balkans, 2020e; Interview EU 2, 2021). Furthermore, Lajčak's appointment was welcomed by all EU Members and Western Balkans leaders at Zagreb Summit (Zagreb Declaration 2020, Article 9; European Parliament, 2020).

Most importantly, Lajčak has, full support of Berlin and Paris, who continued to play a prominent role in supporting the Dialogue (Interview EU 2, 2021). Just the fact that Lajčak's appointment was initiated by Germany points towards Berlin's support. This is the sign of improvement in the level of coherence in comparison to the previous phase. The support can be seen from, Ministers of Foreign Affairs of Germany and France's joint statement which supports Lajčak and the restart of the Dialogue (European Western Balkans, 2020b).Moreover, two days before the Dialogue restarted, Macron and Merkel hosted a video conference with the EU, Vucic and Hoti and upon the conference they issued a joint statement encouraging Serbian

and Kosovo leaders to make substantial progress in the Dialogue, thus showing their full support (Loxha and Tuhina, 2020).

The beginning of this phase was marked with no coordination with the US during Grenell's mediation effort (Radio Slobodna Evropa, 2020; Interview EU 2, 2021). Since the change of the presidential administration following the US presidential elections, the coordination between the EU and the US was renewed. The US gave up on its individual mediation initiative and stated showing support to Lajčak as it is "confident that he will be successful" (US official, personal communication 2021, March 15).

Overall level of Coherence has improved and is now back at the level which had during Ashton's phase. The most important factor for improvement of leverage is the fact that the EU again enjoys Germany's and France's support, but the lack of common position still remains a constraining factor. Thus, the coherence in the analysed part of Lajčak's phase is assessed as medium.

Chapter 5: Cross Dialogue Comparison

Mediation effectiveness throughout three different phases of the Dialogue

When comparing different phases of the Dialogue, it is clear the EU's effectiveness has significantly dropped after 2015. During Ashton's technical and high-level political phase, the effectiveness was high as the EU managed to broker 13 technical agreements, the Brussels Agreement and the implementation plan. On the other hand, Mogherini's phase was far less successful. The six agreements reached in 2015 represent finalisation of what has been started during Ashton's phase, but after that the EU did not manage to lead to a single agreement. Moreover, between November 2018 and July 2020, the EU was not even able to bring the sides to negotiations table. The EU managed to restart the Dialogue during Lajčak's phase, but has so far failed to produce any visible result, although there are unconfirmed claims that some progress has been made.

EU's leverage throughout three different phases of the Dialogue

EU's leverage was crucial for committing the sides to be engaged in the Dialogue, as Belgrade and Pristina had no other options but to be engaged in the Dialogue in order to advance in EU integration progress (Interview EU 2, 2021). The leverage was strong during the technical and high-level political phase, the EU was able to offer and provide the sides with expected rewards. Thus, both Belgrade and Pristina were awarded with what was for them the next step in their accession process. Due to that, the sides perceived EU's leverage as strong because as they knew that the EU can deliver rewards.

However, the leverage strength dropped during Mogherini's phase. Once Kosovo signed the SAA the EU could not provide them with visa liberalisation due to France' and the Netherlands', among others non-recognisers, opposition towards it. Moreover, Spain's determination to block any process which might give an impression of Kosovo a state made Kosovo further undermined the leverage. On the other hand, aversion of some Members, notably France, towards enlargement caused by enlargement fatigue, along with the lack of tolerance of democratic deficit, led to a drop of leverage towards Serbia, as the EU lost its main carrot. As France's and Spain's position did not change once Lajčak become the main mediator, neither did the EU leverage, which remained weak. Thus, from Belgrade's and Pristina's

positions, the EU cannot bring anything to the table which would serve as powerful for them in order to make compromise.

Mediation strategy throughout three different phases of the Dialogue

The mediators' approached differed throughout the Dialogue. Ashton used bottom-up approach, and tried to create a comprehensive agreement by piecing a number of smaller and technical agreements together and avoided to bringing up the status issue. Mogherini and Lajčak departed from this approach and aimed to first create a comprehensive agreement and then later sort out remaining technical issues. Moreover, Mogherini let the sides discuss all possible options on their own which resulted in the drop of coherence. Because of that, Lajčak adapted his method and tends to prevent border correction as that will upset Berlin and Paris.

Still, when analysing only the mediation strategy, the analysis showed that the EU mediators have been using manipulation and formulation strategy through the entire Dialogue. Using of formulation is identified through mediators' primarily in mediator's active roles which has been present in all stages of the Dialogue. On the other hand, manipulative approach is reflected in the fact that the EU has been relying on its leverage in form of EU integration process to incentivise the parties towards being productive and reaching agreements.

This strategy more was successful during Ashton's stage of the Dialogue due the to the fact that the EU had leverage to support the manipulation strategy and, to one extend, due to mediator's different approach. When the leverage was lost during Mogherini's phase the EU lost its ability to effectively manipulate the sides into being constructively engaged in the Dialogue.

Coherence throughout three different phases of the Dialogue

Non-unified position on Kosovo's status among Members has been present since the start of the Dialogue and has not changed since. Moreover, the same applies for disunity among EU institutions due to the European Parliaments position which recognises Kosovo's statehood. Nevertheless, no matter the non-united position, Members' support for the Dialogue and no individual actions were taken by any Member in order to obstruct the Dialogue. However,

support for the EU mediators was not the same throughout the entire Dialogue. Although Ashton enjoyed full support, Germany was not satisfied with Mogherini and at one point even took the matter into its own hands, leaving Mogherini at the side. Once Lajčak was appointed as the Special Representative, overall coherence has been restored to a medium level, as he enjoys Paris' and Berlin's support.

Germany, in particular, has been playing a vital role in shaping the Dialogue since it started, while France stared having a more visible role since 2019. It was Merkel who was the first to tie Serbia's EU accession process with progress in the Dialogue in 2011. On the other hand, it was also Germany who was opposing the land-swap idea as the final solution for the Dialogue and was working actively along France to restart the Dialogue. In addition, it was Berlin that initiated Lajčak's appointed.

Table 3: Cross-dialogue comparison

	Technical and high-level political phase under Aston (2011-2014)	Mogherini phase (2015-2019)	Borrell and Lajčak phase (2020)
Leverage	Strong	Weak	Weak
Strategy	Formulation-Manipulation	Formulation-Manipulation	Formulation-Manipulation
Coherence	Medium	Low- Medium	Medium
Effectiveness	High	Low	Low

Source: own analysis

Chapter 6: Conclusion

This thesis analyses the EU led mediator effort in the case of Belgrade-Pristina dialogue in order to answer what led to a decline in EU's effectiveness as a mediator after 2015. The Dialogue is the EU's first mediation effort since the EEAS has been formed and is the first mediated solely by the HR and EEAS. As the Union's external borders are surrounding the Western Balkans region, security and stability of the region have pertinent importance for the EU.

Following the wars in the 1990s the Kosovo was put under UN administration, but ethnic tensions and violence remained and it soon became clear that Kosovo's status needs to be resolved. When UN led Vienna status talks failed to lead to settlement, Kosovo declared its independence in 2008 which has not been recognised by Serbia, around half of UN members. The EU took over as the main mediator following ICJ's arbitrary opinion on Kosovo's declaration of independence. The Dialogue stated in March 2011 and has so far changed three HRs and three different negotiations formats with many ups and downs along the way.

The Belgrade-Pristina dialogue started in a good manner. The EU successfully led the parties into agreeing on a number of different 'technical' agreements, as well as the Brussels agreement which dealt with the status of north Kosovo and represents the greatest success of the Dialogue so far. Following 2015, the Dialogue has failed to produce any concrete result. Furthermore, at certain point the EU was not even able to bring the sides to negotiation table, which opened an opportunity for the US to start its own individual initiative which undermined EU's credibility as a mediator.

By examining three factors which influence mediator's effectiveness in three different stages of the Dialogue, the analysis showed that the EU has changed its approach from salami-slicing to looking towards an all-inclusive agreement, but been relying on the same formulation-manipulation mediation strategy and its leverage towards the parties. Furthermore, the evidence points towards that the level of coherence and leverage strength were not the same throughout the entire process. Thus, although the support for the Dialogue as a process has been constant, mediators did not always enjoy full support of the and confidence of the Members, which expressed itself when the land-swap idea was brought up, as some Members were strongly

border corrections. Leverage, on the other hand was strong during Ashton's phase as the EU was able to reward the sides with expected rewards. After 2015 the leverage significantly weakened and Belgrade and Pristina realised that they cannot get expected benefits from the EU no matter their engagement in the Dialogue

To answer the research question, the analysis showed that the main reason for the drop of EU's efficiency as a mediator is a weak leverage caused by delayed and slowed down enlargement process. This is not only caused by the EU and Members' positions, but also by the lack of the sides to make democratic reforms needed for membership. This even brought into question whether EU membership can still be considered as a carrot which the EU can use. The drop of coherence during Mogherini's period also had its influence on mediation effectiveness, but the fact that no significant progress has been made during Lajčak's phase, no matter that the coherence has been restored, points towards that weak leverage is the main factor for the lack of efficiency.

This paper feels the gap in existing literature by expanding the analysis to the period after Lajčak's appointment. The thesis also takes a different approach from existing literature and argues that the drop of EU's efficacy was caused by EU's weaker leverage strength and explores what led to reduced leverage. As this the Belgrade-Pristina dialogue is still an ongoing highly unpredictable and complicated process, it leaves space for further research on the topic. For example, it will be to analyse how Lajčak's phase has been developing and in what matter will it differ for the previous stages or how does the internal and the lack of democracy in Serbia and Kosovo resonate on the Dialogue.

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Appendix A – List of Interviews and Personal Communications

Interviews:

1. EU Official 1. (2021, May 4). Zoom Interview

2. EU Offical 2, (2021, June 4). Zoom interview

3. Reljic, Dusan (2021, May 18) Zoom interview

4. Serbia 1 (2021, February 11). In person interview. Belgrade

Personal communications:

1. Former Serbian Official (2021, Febraury). in person communication. Belgrade

2. US Official 1 (2021, March 15). personal communication, Facebook Messenger

Appendix B – Interview Questions and Guidelines

1. As different EU officials give inconsistent descriptions of how do negotiation rounds look like, to better understand mediation effort, **can you briefly explain EU's role in the mediation process? What tactics have the EU mediators adopted during the mediation process?**

2. The EU is the main mediator in Belgrade-Pristina dialogue, although there is no common position among the member states on the (final) status of Kosovo. **How does the EU manage to reflect the different positions of the Member States as a mediator in this dialogue?**

3. Borrell comes from Spain and Lajčak from Slovakia, states which did not recognize Kosovo. Spain has a hard stance towards the issue and Lajčak personally voted against Kosovo's membership in UNESCO. **How does that influence the legitimacy of the Dialogue and the perception of the EU as impartial mediator?**

4. Dialogue and agreements reached so far are characterized by „constructive ambiguity." Cooper said in one of his interviews that, in the beginning, ambiguity was a way to start the Dialogue, but that it cannot end like that. **How will the EU overcome this issue, especially knowing that the zone of agreement between Serbia and Kosovo is small?**

5. It can be said that the main reason for mediation's success is the leverage in form of EU integration. **Other than European integrations, does the EU have any other resources which can be applied to incentivize or coerce the sides work towards reaching an agreement?**

6. As a reward for progress Serbia was in 2012 awarded candidate status, and upon signing of the Brussels agreement got accession negotiation start date. Kosovo on the other hand started the talks over SAP in 2012 and signed the agreement in 2015. **How did the EU employ integration as a leverage during negotiation rounds?**

7. In January 2018, Spain submitted a letter in the form of a non-paper opposing inclusion of Kosovo in any process that might give an impression that Kosovo is treated as an independent state. Furthermore, France and the Netherlands have been opposing Kosovo's visa liberalisation for some time. On the other hand, some member states are against EU enlargement. In 2017, Macron stated that the EU should firstly reform before accepting new members, while in July 2019 he firmly stated that there will be no enlargement before reforms, thus closing the EU doors for Serbia. **To what extent do these actions hamper the mediation effort? How does this influence EU's efficiency as a mediator? Does this impact the sides motivation to engage in the dialogue?**

8. At the moment, neither Belgrade and Pristina will not lose anything if there is no progress in the Dialogue, while at the same time they will have some expected benefit if they reach the final agreement tomorrow. **What can the EU do to encourage greater engagement from the sides the Dialogue?**

9. **What is the role of the Member States in the context of the mediation effort?**

10. During the technical phase of the dialogue, the mediation strategy of the HR and EEAS team was decisive. The mediation effort in this period was more centralized and in the hands of HR and Ser Cooper. But during the second phase of political dialogue (after 2015), certain Member States also became more active, and mediation activities became more decentralized. **Why did this change?**

11. Lajčak's appointment happened in a specific moment. The Dialogue has been halted for a year and a half, the US started their own mediation initiative and were successful in brokering two agreements. **Is Lajčak's appointment a way for the EU to the counter the US initiative and/or to give the Dialogue more legitimacy by strengthening mediation capacities?**

12. **Is it realistic to talk about the final legally binding agreement in the moment knowing Brussels agreement has not been implemented by both parties?**