EU Mediation in the Belgrade-Pristina Dialogue
Framing Mediation Success[1]

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Abstract

The European Union gained increasing importance in international mediation over the last decade. Driven by a new powerful role assigned to High Representative and European External Action Service in the Lisbon treaty, the EU facilitates high level talks between Belgrade and Kosovo over their status since 2011. Although, the signing of an agreement in 2013 ("Brussels Agreement") has been praised as historic breakthrough, recent developments North Kosovo suggest that the process might had significant shortcomings. This paper attempts to introduce an analytical framework on mediation success before examining EU's success in the Belgrade-Pristina Dialogue.

1 Introduction

Mediation and Dialogue in peace processes and as preventive measure have become increasingly popular tools of EU conflict resolution. European engagement in peace processes on the Balkans dates back to the early days of the conflict linked with the disintegration of Yugoslavia.

Increasingly side-lined in the course of the Yugoslavia conflict, the European Union re-appeared at the diplomatic scene with the beginning of the 21st century and the end of Kosovo war (Peen Rodt & Wolff 2012; Bieber 2011, Juncos 2005). Returned to the table in 2001 with its role as co-mediator in the conflict between the National Liberation Army (UCK) and the Republic of Macedonia, the European Union got increasingly engaged in mediation in Balkans region culminating in the Belgrade-Pristina Dialogue. Started in March 2011 under the auspices of the European Union status talks have so far led to signing of the Brussels Agreement in 2013. Equipped with a new role in the post-Lisbon architecture, the European External Action Service and the High Representative of the European Union took a lead position in the high-level talks with Serbian and Kosovo prime ministers.

Originally considered as a milestone towards normalization between Kosovo and Serbia, recent domestic tensions within Kosovo tarnish the records of the peace process. Violent clashes in Northern municipalities in Kosovo related to the implementation of the Brussels Agreement suggest the existence of a gap between EU facilitated high-level talks and its legitimacy on the ground. This paper aims at investigating EU's success in mediation in the Belgrade-Pristina Dialogue. In order to assess the performance, previously established analytical frameworks by Peen Rodt (2012) and Bergmann and Niemann (2015) will be enhanced and merged to framework on mediation success. This framework will be applied on the Belgrade-Pristina Dialogue examining EU mediation success and potential shortcomings of the introduced framework.

This paper is structured as follows. Section two will briefly introduce state-of-the-art literature on mediation before section three immerses into developing the analytical framework on mediation success. Chapter four is dedicated to a desk study on the Belgrade-Pristina Dialogue applying the framework introduced in section three.

2 State of the Art

The increasing relevance of mediation in peace processes is reflected upon in the vastly growing body of literature since the 1960ies that has been subject to a number of literature reviews (Wall 1981; Wall and Lynn 1993; Wall et al. 2001; Greig and Diehl 2012). Bercovitch et al. (1991) suggests that mediation describes "a process of conflict management where the 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 violence or invoking the authority of the law" (Bercovitch, Anagnoson & Wille 1991:7). The voluntariness of mediation has been underlined by Bercovitch at al. (2004) arguing that actors may choose this means of conflict management because it "embodies some international norms they wish to uphold, or because they expect greater payoffs from mediation than from other conflict management methods" (Bercovitch & DeRouen 2004:154).

Considering timing of mediation interventions the scholarly basis has been laid by Zartman (1989) who introduced the theory of mutual hurting stalemate (MHS) and his concept of "ripeness". The idea behind these is rooted in diplomatic circles that describe "ripeness" as the point in time when a stalemate has been reached, suggesting that the conflict is then ripe for mediation. More elaborated the concept of mutual hurting stalemate (MHS) "is based on the notion that when the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degree or for the same reasons), they seek an alternative policy or Way Out" (Zartman 2001:8). This concept has been backed and proved relevant by a number of studies on peace mediation (e.g. Kleiboer 1996; Wall et al. 2001). Considering the right timing for mediation, Kriesberg and Thorson (1991) found that the conflict has to have gone through "some phases, moves, and countermoves before a serious attempt to mediate it should be made" (Diehl & Goertz 2000:206). By reaching a point where conflict parties have had high costs and are realizing that continued conflict will worsen their situation, mediation may be successful (Bercovitch & Diehl 1997). On the contrary, Edmead (1971) suggests that mediation efforts shall take place as early as possible to eradicate disputes before the positions become fixed. Others emphasize the role of a specific mediator that allegedly help to achieve a convenient result for one of the conflict parties or the chance to excuse compromises that have to be made in the process (Maundi et al. 2006; Greig and Regan 2008; Beardsley 2011). Beardsley (2011) argues that a state is more interested in getting engaged as mediator in cases with high intensity of armed conflict and proximity to its own borders. In other words, the closer the conflict is the more likely is an intervention as mediator.

The choice of appropriate mediation strategies is crucial for the outcome of the conflict-solving engagement. As Bercovitch et al. (2004) puts it, a "mediation strategy is an overall plan of mediators to resolve and manage

conflicts" (Bercovitch & DeRouen 2004:156)[2]. Bercovitch et al. (2004) identified three strategies of mediation. Accordingly, (I) Communication-facilitation strategies describe a passive role of the mediator mainly" channelling information to the parties, facilitating cooperation but exhibiting little control over the more formal process or substance of mediation" (ibid:156). As second approach the authors named (II) Procedural-formulative strategies that positions the mediator in control of the formal setting that may include media publicity, distribution of information or determination of structural aspects of meetings. The most powerful (III) Directive Strategy enables the mediator to "affect the content and substance of the bargaining process by providing incentives for the parties and changing their motivational calculus" (ibid:157). Taking the latter role requires some extent of power to lead a carrot-and-stick tactic and draws on manipulative capacities of the mediator (Zenelaj et al. 2015). Beardsley at al. (2011) conclude peace agreements based on a directive strategy have a rather short life expectancy of 5 to 10 years. The same line is taken by Gartner (2014) who states that this strategy "has a negative direct effect on durability but a positive indirect effect on reaching full settlement" (Zenelaj et al. 2015:417). However, when looking at desired outcomes a directive strategy can indeed lead to a desired result. Wilkenfeld et al. (2003) argued that a manipulative approach is more likely to be successful in terms of crisis management. Acute crisis termination is best achieved with directive strategies, whereas facilitative mediation contributes to reduction of post-crisis tensions (Beardsley et al. 2006 and Bercovitch and Gartner 2006).

Taken together, these studies support the notion that research in the past has investigated various contextual factors and characteristics, including conditions for successful mediation. There is a considerable amount of literature and scholars having addressed mediation from the perspective of *how to make mediation successful*, but rather little have been done on the issue of *how to assess successful mediation*. Determinants of successful or failed mediation have been studied by – among others – Kleiboer (1996), Beardsley (2011), Böhmelt (2015) or Vuković (2014), Bercovitch and Fretter (2003), Bercovitch and Jackson (2009), Frazier and Dixon 2006 added the debate on mediation significance to the literature. However, despite categorizing mediation outcome into *successful* and *failed,* little attempt was made to unpack the assessment of *mediation success*. Research on mediation outcome has either taken a conflict-oriented approach, stating that success is achieving cease fire, partial settlement or full settlement(see Bercovitch Anagnoson & Wille 1991; Regan & Aydin 2006; Beardsley et al. 2006) or

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[2] For an in-depth discussion on mediation strategies see for example Bercovitch et al. (2004)

takes a mediator-based perspective by studying the level of goal achievement (Touval and Zartman 1985).

The main limitations arising from these distinctions between conflict and mediator based perspective is the missing link between both. We argue that mediation success is dependent on both external (conflict perspective) and internal (mediator perspective) effectiveness.

3 Introducing Mediation Success

In order to assess effectiveness of EU mediation, examine shortcomings and lessons identified we draw on the framework of success in military conflict management introduced by Peen Rodt (2012) and merge it with a set of indicators provided by Bergmann and Niemann (2015) to a comprehensive framework on mediation success. Peen Rodt (2012) divides the operationalisation of success into two sub-categories, namely the internal EU perspective that evaluates an operation from the EU's standpoint and the external conflict perspective taking a conflict specific position. Both perspectives are further clustered into a criterion on how the mission performed and achieved its targets (goal attainment) and secondly, the way of achieving it (appropriateness).

On the internal variable of EU 'goal attainment' (Young 1994), Bergmann and Niemann (2015) suggest to categorize into high degree of achievement meaning utmost EU effectiveness by fulfilling most or all of its goals, medium degree describing a balanced record – achieving some, but not all goals and thirdly, low degree with only some minor goals or even no goals achieved (Bergmann and Niemann 2015:961). Referring to the scholarship of Young (1994), Bergmann and Niemann (2015) propose to measure the impact of mediation on the conflict and its settlement on a scale ranging from full settlement to no agreement.

As Peen Rodt's approach primarily targets success of EU's military operations and Bergmann and Niemann's focus is more on mediation effectiveness than on success, we combine both approaches to a comprehensive framework on mediation criteria and indicators of success. Based on the work of Peen Rodt, the indicator of external effectiveness is being replaced with Bergmann and Niemann's concept of mediation effectiveness.

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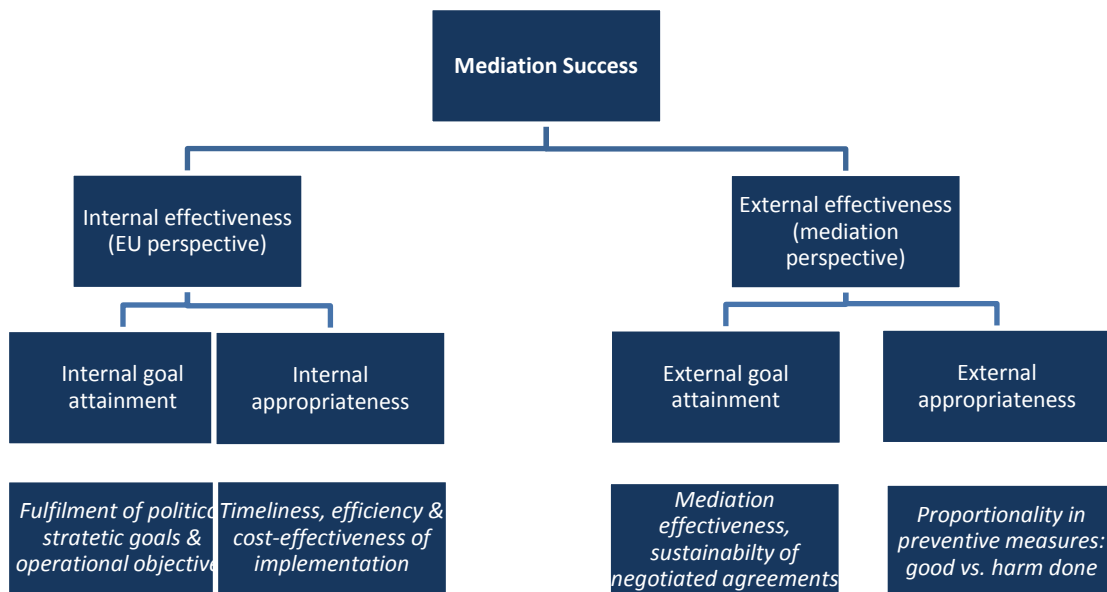
Figure 1: Analytical Framework based on Peen Rodt (2012) and Bergmann and Niemann (2015)

3.2 Operationalisation

Based on the previously introduced analytical framework we suggest applying the three-scale index ranging from High, Medium to Low for assessing Internal Effectiveness. On goal attainment we apply the system offered by Bergmann and Niemann (2015). According to the authors "a high degree of effectiveness is reached if the EU is able to achieve most or all of the goals set before the start of negotiations. A medium degree of goal-attainment describes a situation where the EU is able to achieve some major goals, but not all of its goals. If the EU attains only some minor goals or fails to achieve any of its goals, the value of goal-attainment will be evaluated as low" (Bergmann and Niemann 2015: 916).

A large body of literature[3] has dealt with the timing of mediation efforts. This is reflected in the scale on timeliness ranging from high to low. High represents the school of scholars arguing for early interventions, medium is standing for a conflict that had been through some phases before mediation takes place and lastly, low translates into total deadlock, literally referred to as Mutual Hurting Stalemate (MHS) between conflict parties.

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[3] For a discussion on timing of mediation see section on state of the art

The grade system of timeliness does not reflect a judgement but rather helps to rate the time of intervention and link it to other variables for analysing purposes. The subsequent variables efficiency and cost-effectiveness are rated accordingly from highly efficient/cost-effective to hardly efficient and cost-effective. Cost-effectiveness includes both, financial and political costs. Whereas financial costs mainly cover questions of funding by member states, political costs address personal costs, such as casualties, or the risk of mission failure that poses an unacceptable risk for the European Union (Peen Rodt 2015). The higher the costs, the higher the rank in the abovementioned scale.

On mediation effectiveness Bergmann and Niemann (2015) provide a 0 to 5 scale to assess the variable. The authors introduce their variables as follows:

"5) Full settlement: agreement that solves all issues of incompatibility between the conflicting parties;

4) Settlement of major conflict issues: agreement that solves some issues of incompatibility that are of major importance to the parties;

3) Settlement of minor conflict issues: agreement that solves some issues of incompatibility that are of minor importance to the parties;

2) Process agreement: agreement to hold further rounds of negotiations, establishment of procedural aspects for talks or strategies for implementation of concessions (but no agreement on the substance of the dispute);

1) Ceasefire: agreement that obliges parties to stop all military action against the respective enemy and to seek a peaceful solution to the conflict;

0) No agreement: mediation does not lead to any agreement, neither on substance nor on procedures" (ibid:916)

The matrix below provides an overview over variables, indicators and the assessment scale.

	Variables	Indicators	Scale
Internal effectiveness	Internal goal attainment	Fulfilment of goals and objectives	*High* (all/most goals achieved), *medium* (some major goals achieved) and *low* (only minor goals)
	Internal appropriateness	Timeliness	*High* (early phase of conflict), *medium* (conflict through some phases) and *low* (deadlock)
		Efficiency and Cost-effectiveness	*High, medium* and *low*
External effectiveness	External goal attainment	Mediation effectiveness	*0 to 5 scale* ranging from Full settlement, Settlement of major conflict issues, Settlement of minor conflict issues, Process agreement to Ceasefire,
	External appropriateness	proportional prevention i.e. more good (positive and sustainable contribution to preventing new hostilities) than harm (force, coercion and other negative effects)	*High* (positive contribution to conflict prevention), *medium* (unclear) and *low* (negative influence on conflict dynamics)

Table 1: Operationalisation, own compilation based on Peen Rodt 2012; Bergmann and Niemann 2015

4 Belgrade-Pristina Dialogue

4.1 European Perspective – Exploring EU's Internal Effectiveness

The EU-Serbia relations went through ups and downs since the collapse of Yugoslavia in the early 1990s and particularly after NATO campaign in 1999 that was backed by a number of European Union member states. Since then the European Union has had an uneasy relation with the state in the Western Balkans. The detention and subsequent extradition of former president Milosevic by the pro-European regime of Zoran Djindjic marked a brief episode of rapprochement that abruptly ended with the assassination of the prime minister in 2003. Despite Serbia's non-cooperation with the ICTY, its reluctant position on the status of the Kosovo and its constant international lobbying against Kosovo's independence, the EU signed a *Stabilisation and Association Agreement* (SSA) in 2008 (European Union 2008). The signature was pushed by the European Union to support the pro-Western government in the upcoming elections to not jeopardize Serbia's path to integration

(Economides & Ker-Lindsay 2015). However, Kosovo's declaration of announced independence in 2008 and Belgrade's resolute opposition remained an obstacle to further progress on the path to EU accession. A new low-point in the EU-Serbia relations was reached with Belgrade's decision to call the International Court of Justice in 2008 trying to annul Kosovo's unilateral declaration of independence (b92 2008:92). While waiting for the final decision of the ICJ, Serbia submitted its application for EU membership in 2009 (European Commission 2011a). In 2010, the ICJ provided its opinion on the declaration stating that it "did not violate any applicable rule of international law" (ICJ 2010:1). As immediate reaction Serbia asked for a new General Assembly resolution for new status talks and blocked Kosovo's participation in regional conferences (Economides & Ker-Lindsay 2015). Faced with an EU position that clearly opposed those claims, Serbia finally accepted the European Union's proposal on UN General Assemblies resolution A/RES/64/298 that was adopted in 2010. Accordingly, Belgrade respected the ICJ ruling and accepted an EU facilitated dialogue on the normalization of relations between Serbia and Kosovo (Bergmann and Niemann 2015).

Following those positive signals, the Council forwarded Serbia's application for EU membership to the Commission in October 2010 (European Commission 2011a). On March 8th 2011, the EU facilitated dialogue between Kosovo and Serbia launched on the technical level discussing issues as freedom of movement or recognition of university diplomas[4]. Although, agreements have been reached in several rounds of negotiations, the dialogue came to halt due to violent clashes over Kosovo officials' placement at the border to Serbia in July 2011 (BBC 2011). The return to the negotiation table was accompanied by the arrest of Mladic and Hadzic[5]. In response to the Serbian efforts, the EU Commission recommended to grant candidate status to Serbia. In its decision the EU commission took into account the fulfilling of the Copenhagen criteria of 1993 and the prospects in the ongoing Belgrade-Pristina Dialogue (European Commission 2011a). In February 2012, Serbia received the status as official candidate for EU membership (Council of the European Union 2012a). Due to domestic elections and government re-shuffles the talks interrupted in early 2012 and resumed at the end of the year as dialogue on the political level including Ivica Dacic and Hashim Thaci. On behalf of the European Union the High Representative Catherine Ashton succeeded Robert Cooper in facilitating the dialogue. Based on several rounds of negotiations, Serbia and Kosovo signed the Brussels Agreement in April 2013 that has been widely acknowledged as

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[4] For a detailed timeline of Belgrade-Pristina Dialogue see Annex I
[5] Ratko Mladic and Goran Hadžić were accused of crimes against humanity and war crime by the International Criminal Tribunal for the former Yugoslavia

breakthrough in the mediation process. By signing the Brussels Agreement, Serbia de-facto accepted the existence of Kosovo, legitimized its government and agreed on Kosovo's EU aspirations (EEAS 2013). Based on the Brussels Agreement, talks on high level between Belgrade, Pristina and Brussels continues until today. In May 2013, Serbia was recommended for membership talks by the Commission. Shortly thereafter, the Council endorsed membership talks that commenced in January 2014 (Council of the European Union 2014a).

The Belgrade-Pristina Dialogue and more particularly the changes in Serbia's policies towards the status of Kosovo suggest a considerable pull factor of EU membership prospects. In their research Bergmann and Niemann (2015) found that "enlargement is the big pull factor, the main carrot the EU has to offer" (Niemann & Bergmann 2015:18) in the context of Serbia. Speaking on Kosovo, the second big carrot was visa free travel between Kosovo and the EU. However, Tamminen (2016) doubts the feasibility of the EU-membership carrot for Kosovo as existing member states are deeply divided over the question of Kosovo's independence. A common EU position on its status – that is not realistic in the near future - is a prerequisite for serious membership negotiations, making the carrot more utopian than realistic. The author goes on the with ambivalent position of the HR by offering carrots like the EU accession or the future of the Rule of Law mission (EULEX) that she is not authorised to decide on. It is the Council that the final say in those issues. Economides and Ker-Lindsay (2015) conclude that Serbia's decision to agree on a dialogue with Kosovo and "the transformation of Serbia's policy is not because of a desire to become European in an idealised fashion, but because of the need for EU membership for realistic, practical reasons" (Economides & Ker-Lindsay 2015:1039). Interestingly, support for the EU membership in Serbian public opinion significantly dropped between 2000 and 2010 and has been under 50% suggesting that the carrot lost its pull factor for the general public (European Integration Office 2017).

4.2 EU's Goal Attainment

The overall goal of the dialogue has been mentioned in the "*Enlargement Strategy and Main Challenges 2011-2012*" document endorsed by the Commission stating that the EU desires negotiations "between Belgrade and Pristina to promote cooperation, achieve progress on the path to the EU and improve the lives of people" (European Commission 2011b:27). Most interestingly, official documents of the European Union do not refer to the status of Kosovo. Hence, achieving Kosovo's independence is not on the political agenda.

In December 2012, the General Affairs Council called for a normalisation between both states with the ultimate goal of exercising their power in all parts of the country, including North Kosovo. The security and justice needs of the population in that region has to be met under a functional administration within Kosovo (Council of the European Union 2012b).

Whereas, the goal of EU accession is being supervised by Commission General Directorate for Neighbourhood and Enlargement Negotiations (DG NEAR), the Directorate for Home Affairs has a particular interest in implementing EU legislation and border control. This issue of EU border protection is shared by the EU foreign ministers. In contrast, visa liberalization, organized crime and migration is on the agenda of the EU Ministers of Interior (Tamminen 2016).

Although, EU member states were divided over the question of Kosovo's recognition as independent state[6], Vicere (2016) found that the European Union generated a "relatively consistent policy" in the area. As described by Bickerton et al. (2014) the European Council in cooperation with the FAC pushed a common position that was made possible by an "ideational convergence" between member states. The fact that EU member states put aside their concerns on Kosovo's independence and instead seeking a common European position for stabilizing the region revealed a certain degree of cohesion (Vicere 2016). This 'unity' among EU member states, despite their divergent position on Kosovo's independence, might be a reason for leaving out a clauses on the 'status' in the official EU goals. Formulating soft goals - such as 'improving lives of citizens' and 'improving relations' - facilitated the support of EU members that refused Kosovo's independence.

The consensus-building is closely linked to the work invested by the then President of the European Council Herman van Rompuy and his efforts in agenda setting and bilateral discussions, that in turn did not intervene in the responsibilities of FAC and the HR. As demonstrated in the negotiations on the 2010 UN Resolution, the High Representative operated as independent policy actor and has shown that she preserved the decision-making role of the Commission (Ibid). In fact, these smooth procedures have to a high degree benefited from the overlapping interests and objectives between the Council of Europe, the EU Member States and the Commission. The connection of EU enlargement policies and the CFSP agenda pushed the role of the HR in the Belgrade-Pristina dialogue. However, as Vicere (2016) notes that in cases of policy stalemate, as experienced in the aftermath of the Brussels Agreement, it is the President of European Council that takes the lead position and sidelines the High Representative as well as the FAC. As the author puts it "in this policy field, the European Council has a clear control over the HR, the

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[6] Spain, Greece, Slovakia, Romania and Cyprus refused to recognize Kosovo as independent state (as of 11/2016)

FAC and the same Commission since it is the only institution able to reduce the risk of shirking" (Ibid 2016:567).

4.3 Remarks on timing and cost effectiveness

The relations between Belgrade and Pristina have already had a history of violent and diplomatic conflict when the EU facilitated dialogue launched in 2011. Coming from war that ended in 1999, Kosovo had been put under UN administration in accordance with UN Security Council Resolution 1244 (UN Security Council 1999). As foreseen in UN Resolution 1244 and recommended by Kai Eide's report in 2005 (Secretary General 2005), the United Nations facilitated status talks began in 2006. Led by UN Special Envoy Martti Ahtisaari both conflict parties failed to reach an agreement on the future status of Kosovo. Although the term 'independence' has been avoided in the document, the Ahtisaari-plan conceded the right to adopt a constitution, build an army and seek for membership in international organisations. In 2007, 225 out 244 members of the Belgrade parliament voted against the Ahtisaari document (DW 2007). Realizing that the roadmap will not receive backing from Russia - after having presented four drafts in the UN Security Council - the process has been put on hold in July 2007 (Phillips 2012:169). Following consultations of a 'Troika' (EU, USA and Russia) failed to reach an agreement on the status of Kosovo in December 2007 (Spörl 2007).

On February 17th 2008, Kosovo finally declared its independence from Serbia. Belgrade strongly opposed this decision but reassured that it will not react with violence (CNN 2008). In October 2008, Serbia called the ICJ for legal advice on the declaration of independence. However, the decision of Kosovo sparked a series of unrest in its Northern territories mainly inhabited by Kosovo-Serbs provoking a response of UN police and NATO.

After briefly recalled the history of relations between both entities, we will take a closer look at the motivations and domestic policies at the time of the launch of the dialogue in 2011.

With the ruling of the ICJ in 2010 concluding that Kosovo's declaration of independence did not infringe international law, Belgrade had exhausted most possible juridical avenues to annul Kosovo's decision. Having excluded a violent path to roll back Pristina's declaration, a political dialogue was the only option left for the Serbian government. Moreover, Serbia applied for EU membership on 22 December 2009 and although, the then President of the European Commission Barroso not explicitly stated that Belgrade's recognition of Kosovo's independence is a prerequisite for membership he noted that normalisation of the relationship between both capitals is needed. Accordingly, Barroso argued that Belgrade's position on Kosovo would be taken into account when processing Serbia's application (b92 2011).

The then EU Commissioner for Enlargement Stefan Füle reiterated that argumentation stating that 'normalization' is required, not 'recognition' (Balkan Insight 2012)

Kosovo can be described as less enthusiastic, although the dispute with Serbia had noticeable impacts on the economic situation, supply of telecommunication and freedom of travel (Balkan Investigative Reporting Network et al. 2014) However, Pristina was more sceptical on EU's neutrality as not all member states have acknowledged its independence. Moreover, a political dialogue on the status of Kosovo-Serbs has been seen as 'domestic issue' that should not be part of the negotiations (Hamilton 2012). In addition, the EU has not had the pull factor of a prospective membership as this was considered out of reach at that time (Bieber 2015).

The Pristina Government was more interested in a 'seat at the table' on the international floor. Kosovo Prime Minister Hacim Thaci argued that "reciprocal recognition between Kosovo and Serbia [...] will facilitate quick and necessary integrations toward Euro-Atlantic structures" (Radio Free Europe 2011). This position has been backed by 'Resolution for dialogue between Kosovo and Serbia' by the Assembly of Republic of Kosovo stating that the dialogue shall contribute to "regional cooperation, good neighbouring relations and the dialogue shall contribute the peace, stability and economic development of our countries and the region in general as well as the acceleration to European and Euro-Atlantic integration" (Assembly of the Republic of Kosovo 2011).

The study on the context of the dialogue in terms of both the chronology of the relations between Serbia and Kosovo and motivations to accept mediation suggest that a Mutually Hurting Stalemate was reached. Coming from war that ended in 1999, going through an UN facilitated Dialogue without reaching an agreement and finally the legal advice of the ICJ demonstrate that most opportunities of conflict settlement had already been tried. Speaking with Zartman (2001) Serbia and Kosovo found "themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degree or for the same reasons), they seek an alternative policy or Way Out" (Zartman 2001:8). For Serbia it was clear that without solving the Kosovo 'issue' the much desired way into the European Union would not be realistic. Although, the dialogue was not as urgent for Kosovo as it was for Serbia, Pristina had an interest in international integration that might be facilitated by the mediation.

When exploring the political costs of the Dialogue for the European Union the then recent establishment of post-Lisbon institutions must be taken into account. The newly founded EEAS and the new role of EU 'Foreign Minister' were mandated and equipped to approach situation as they appeared in 2011 between Serbia and Kosovo. Facilitating Dialogue is a core competency of the institution and the Belgrade-Pristina talks were a litmus test. Political failure would have questioned the effectiveness and assertiveness of the EEAS and the High Representative. Still engaged in own institution-building and bearing the burden of mixed results of previous mediation efforts in the region (Bieber 2015), the political risk can be rated as considerable. Taking into account this high risk, the low financial footprint of Dialogue facilitation (compared to other means of conflict resolution) and high level of goal attainment, the variable internal effectiveness can be rated as high.

On internal transparency of the mediation recent empiric material suggest that there is a significant gap between high-level EU institutions and EU representatives on the ground. A lack of information on precise outcomes of negotiations taking place on the political level hampers implementation on the ground[7].

4.4 Taking the external perspective - Good vs. Harm?

While having achieved the overall goal of Serbia's de-facto recognition of Kosovo's independence, the Brussels Agreement and the Dialogue has by far

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[7] Information based on preliminary empiric findings. Section on lack of internal transparency will be more elaborated in the final version of the research paper expected in Autumn 2017

not settled all discrepancies on the local level. The attacks on German and Austrian KFOR troops by ethnic Serbs in North Kosovo in relation to an attempt of Kosovo authorities to man a border post in 2011 has unveiled remaining hostilities in the region (Reuters 2011). The clashes shed a light on the situation in North Kosovo that is composed of four Serb-majority municipalities. Since its formal independence Kosovo authorities failed to extend their range of influence into the region that reluctantly rejects the existence of an independent Kosovo state. Prior to the 2013 Brussels Agreement in an informal referendum, organized in the North on the acceptance of Kosovo's authorities, 99% of the respondents said "no, we would not accept it" (Capussela 2016:183). Officially, the Brussels Agreement foresees Belgrade's acceptance that the North is part of Kosovo and Pristina's commitment to safeguard the interests of the local Serbs in the region. In 2015, a second agreement translated the Brussels records into practical implementation. The most controversial part of the negotiated agreement is the installation of a coordination body in the North that represents Serb-municipalities. Due to the double-wording in the final document ("association/community") Kosovo interprets the body as NGO with limited responsibilities and Serbia insists on it being an institutional body. In fact, the agreement sparked considerable opposition in Kosovo and led to political deadlock. According to Capussela (2016) the situation could easily escalate and turn into social unrest. In general, research pointed to the fact that the agreement has been reached "not with the region, but about the region" (Economides & Ker-Lindsay 2015:1035). North Kosovo was not involved in the negotiations on its future status risking that it the agreement is perceived as illegitimate on the ground (Capussela 2016; Economides & Ker-Lindsay 2015; Ernst 2014). The negotiations might have opened Pandora's Box as it is infringing the status quo of North Kosovo. Before the agreement, Kosovo's authorities made no attempt to extend their reach up to the North and Phillips (2014) argues that part of the administration even welcomed a separation. Moreover, criminal circles that are allegedly connected to the political elite benefitted from North Kosovo's unclear status. On the other hand, Serbia's interest in annexing the North seemed to be limited due to fact that Belgrade has nothing to provide in exchange (Capussela 2016).

Looking at the development of conflicts in the region that are related to the Kosovo-Serbian relations from 1999 to 2015 substantiate the aforementioned allegations. According to the data of the Heidelberg Conflict Barometer[8] the level of intensity in the issue of status of the Kosovo decreased from 3 ('Violent Crisis') to 1 ('Dispute') during the Dialogue between Belgrade and Pristina. On the other hand, two new conflicts appeared in 2013 and

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[8] Datasets and reports from the Heidelberg Conflict Barometer obtained at
https://www.hiik.de/en/konfliktbarometer/index.php

respectively in 2015. In 2013 violent clashes between Kosovo-Serbs and security forces in the northern municipalities occurred. In 2015, the database records a category 3 ('Violent Crisis') conflict between the Kosovo Government and the *Vetevendosje* opposition group. Cause for violence was the agreement delegating greater administrative powers to Kosovar areas with an ethnic Serbian majority that has been reached during the Belgrade-Pristina Dialogue.
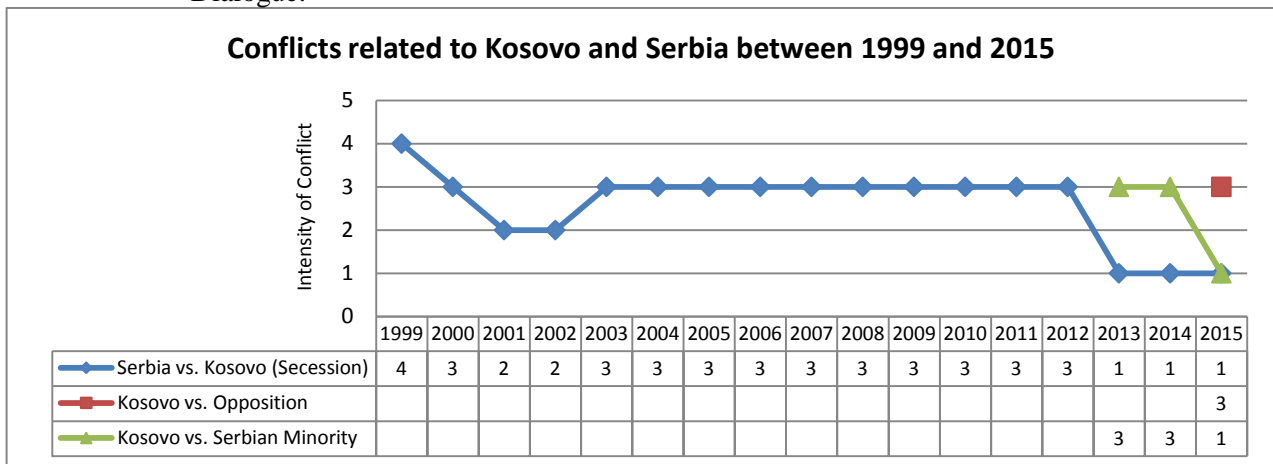
Conflicts related to Kosovo and Serbia between 1999 and 2015

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Serbia vs. Kosovo (Secession)	4	3	2	2	3	3	3	3	3	3	3	3	3	3	1	1	1
Kosovo vs. Opposition																	3
Kosovo vs. Serbian Minority															3	3	1

Figure 2: Development of Conflicts related to Kosovo and Serbia between 1999 and 2015, based on the Heidelberg Conflict Barometer[9]

Ernst (2014) argues that the "vaguely defined agreement" in terms of the status of North Kosovo have been reached under the impression to demonstrate success. Both, Belgrade and Pristina had to accept to not further jeopardize their EU aspirations. In addition, due to the weak economic situation in their countries both governments seized the agreement to generate legitimacy by achieving success on the diplomatic floor. Catherine Ashton, the then High Representative, was keen to showcase the Brussels Agreement - to brighten her record as EU foreign minister (Ernst 2014). A hint that the EU institutions start to acknowledge the deficits of the Brussels Agreement is given in the Joint Communication labelling the Belgrade-Pristina Dialogue "pragmatic" (European Commission 2016:11) and avoiding the enthusiastic wording used in 2013 and 2014 – referring to it as "landmark agreement" (Council of the European Union 2014b:8) and "historic breakthrough" (Ibid:8).

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[9]Due to a change in rating criteria and conflict scale in 2003, comparability to data prior to 2003 is only limited

5 Conclusion

The Belgrade-Pristina Dialogue has been mainly orchestrated by the High Representative and backed by the EEAS. The leading role of the HR in the process is facilitated by the unified EU goal of ensuring peace in the European front yard. Although, there is considerable dissent on the status of Kosovo among EU member states, the dialogue received support by the Council and EU foreign ministers that visited the region regularly soliciting both conflict parties to stay committed. Therefore, coherence and internal appropriateness can be rated as high. However, using the carrot of EU membership for Kosovo without having a clear perspective may undermine EU's credibility at a later stage. Assessing the EU facilitated dialogue through the lens of internal goal attainment reveals a rather bright picture. An agreement has been signed in Brussels that include EU membership perspectives, is clear on administrational and institutional arrangements in North Kosovo and achieved a normalization of relations between both states. Without any doubt the formal Serbian recognition of status of Kosovo can be regarded as success. Looking at this variable is an isolated way it can be rated as high as most or even all of the goals have been achieved in the dialogue. However, when broadening the view to external effectiveness and the outcome of the mediation efforts, the result looks quite different. When scratching the surface of the Brussels Agreement considering the situation on the ground and the implementation of the records it is obvious that there is still a long way to go and the question of North Kosovo remains unsolved.

Feeling excluded from the negotiations combined with widespread poverty and missing economic perspectives is a feeding ground for further social unrest that potentially threatens progress made in the dialogue. According to the scale of Bergmann and Niemann (2015), mediation effectiveness can be rated between 3 and 4, as some conflict issues have been settled but there is substantial work left. Following the argumentations of Capussela (2016), Phillips (2014) and Ernst (2014) the Brussels Agreement challenged the status quo of North Kosovo. Regarding the micro-level the agreement tends to have a medium to low influence on the conflict dynamics in the short-run.

Studying the domestic situation within Kosovo revealed that in the course of the Dialogue between Belgrade and Pristina the security situation worsened. Data from the Heidelberg Conflict Barometer suggest that from 2012 on local, intra-Kosovo conflicts appeared that are directly related to the outcome of the Dialogue. The balance-sheet of the Belgrade-Pristina Dialogue appears to be ambivalent. While being an international recognized success for the HR and EEAS, the Brussels Agreement failed to significantly contribute to sustainable peace in North Kosovo.

A complete settlement of the conflict is dependent on the ongoing negotiations and the implementation of the agreements reached so far. Whereas the conflict intensity between both stakeholders lowered since 2011, domestic conflicts in Kosovo increased.

Linking the case study to relevant literature it proves the argumentation of Gartner (2014) and Beardsley (2011). Choosing a directive mediation strategy by offering strong incentives (EU perspective) led to a quick agreement with limited durability.

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Annex I

Timeline – Belgrade-Pristina Dialogue

	EU Policies towards…		Dialogue on Normalisation of relations between Belgrade and Pristina (Major Agreements)	
	Serbia	Kosovo		
2009	22-12-2009 *Serbia applies for EU membership*	14-10-2009 *Commission issues communication 'Kosovo-Fulfilling its European Perspective'*		Technical Dialogue (Stefanovic, Cooper and Tahiri)
2010	14-06-2010 *EU members decide to start SAA ratification process*	22-07-2010 *The International Court of Justice issues advisory opinion on Kosovo's declaration of independence*		
2011	14-10-2011 *EU Commission delivers its Opinion on Serbia's EU membership application, granting candidate status based on one key priority.* 31-01-2011 *Serbia replies to Commission questionnaire*	08-03-2011 *Following a UN General Assembly Resolution the Kosovo-Serbia technical dialogue begins*	March to November 2011 *1st to 7th round of negotiations ended without agreements reached* 30-11-2011 *8th round agreed on Integrated border management (IBM)*	
2012	01-03-2012 *European Council confirms Serbia as a candidate country*	19-10-2012 *High-level dialogue between Kosovo and Serbia as facilitated by HRVP Ashton begins.* 10-10-2012 *Commission issues its feasibility study for a Stabilisation and Association Agreement between the EU and Kosovo* 10-09-2012 *Kosovo declares the end of supervised independence* 14-06-2012 *Commission issues Kosovo's visa liberalisation roadmap* 30-05-2012 *Commission launches the Structured Dialogue on the Rule of Law* 19-01-2012 *Launch of visa liberalisation dialogue with Kosovo*	21-02-2012 *9th round achieved consensus on Regional Representation and cooperation* 19-10-2012 *1st round of high-level dialogue and political confirmation of previous agreements reached during technical negotiations* 07-11-2012 *2nd round ended with deployment of liaison officers to both capitals* 03-12-2012 *3rd round agreement on IBM on four border crossings*	Political Dialogue (Dacic, Ashton and Thaci)

2013	17-12-2013 *Council adopted the negotiating framework with Serbia and agreed to hold the 1st Intergovernmental Conference with Serbia in January 2014* 01-09-2013 *Entry into force of the EU-Serbia Stabilisation and Association Agreement* 28-06-2013 *European Council endorsed the Commission's recommendation to open negotiations with Serbia*		January to April 2013 *4th to 9th round yielded no major agreements* 19-04-2013 *Signing of First Agreement of Principles Governing the Normalization of Relations (Brussels Agreement)* *- association of Serb majority municipalities* *- integration of the judiciary* *- integration of the Police* *- Integration of Security Structures* *- Organization of municipal election in North Kosovo* *- Formation of the implementation committee* *- No blocking of the other side's EU path* 22-05-2013 *11th round and adoption of Implementation Plan for Brussels Agreement* June to October 2013 *12th to 16th round yielded no major agreements* 07-10-2013 *17th round ended with agreement on visit of Serbian officials to Kosovo*	
2014	21-01-2014 *1st EU-Serbia Intergovernmental Conference held*	25-07-2014 *The EU and Kosovo chief negotiators initialled the Stabilization and Association Agreement between the EU and Kosovo in Brussels.*	November 2013 to March 2014 *18th to 23rd round yielded no major agreements*	
2015	14-12-2015 *Opening of Chapters 32 "financial control" and 35 "other issues - Item 1: Normalization of relations between Serbia and Kosovo"*		10-02-2015 *1st round of negotiations with changed actors and achieved agreement on judiciary* April to June 2015 *2nd and 3rd round yielded no major agreements* 25-08-2015 *4th round resulted in progress on association of Serb majority*	Political Dialogue (Mustafa, Mogherini and Vucic)

			municipalities, Energy, Telecommunications Freedom of Movement on the Mitrovica Bridge	
2016	18-07-2016 *Opening of Chapters 23 "Judiciary and fundamental rights" and 24 "Justice, freedom and security"*	01-04-2016 *The Stabilization and Association Agreement between the EU and Kosovo enters into force.*	October 2015 to November 2016 *5th to 7th round yielded no major agreements*	

Table 1: Milestones in EU-Serbia/Kosovo relations and chronology of Belgrade-Pristina Dialogue (Directorate-General for Neighbourhood and Enlargement 2016a; Directorate-General for Neighbourhood and Enlargement 2016b, Burazer 2015)