EU-CIVCAP

Preventing and Responding to Conflict: Developing EU CIVilian CAPabilities for a sustainable peace

Report on impact of EU engagement on mediation and local level dialogue initiatives in Western Balkans

Deliverable 5.2

(Version 1.6; 30 November 2017)

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This project has received funding from the European Union’s Horizon 2020 research and innovation programme under grant agreement No 653227.
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<td><strong>Last modification</strong></td>
<td>30/11/2017</td>
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<td><strong>State</strong></td>
<td>Final</td>
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<td><strong>Version</strong></td>
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<td><strong>Leading Partner</strong></td>
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<td><strong>Other Participant Partners</strong></td>
<td>Belgrade Centre for Security Policy</td>
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<td>Erik Plänitz; Sonja Stojanovic Gajic</td>
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<td><strong>Abstract</strong></td>
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• First- and second-track dialogue  
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<td>BPRG</td>
<td>Balkan Policy Research Group</td>
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<td>CIG</td>
<td>Center for Inclusive Governance</td>
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<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<td>DG NEAR</td>
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<td>ECDPM</td>
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<td>ECHO</td>
<td>Directorate-General for European Civil Protection and Humanitarian Aid Operation (formerly European Commission Humanitarian Office)</td>
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<td>ECU</td>
<td>European Currency Unit</td>
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<td>EEAS</td>
<td>European External Action Service</td>
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<td>EPLO</td>
<td>European Peacebuilding Liaison Office</td>
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<td>ESDP</td>
<td>European Security and Defence Policy</td>
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<td>EULEX</td>
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<td>EUPM</td>
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<td>EUSR</td>
<td>European Union Special Representative</td>
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<td>FAC</td>
<td>Foreign Affairs Council</td>
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<td>Foreign Policy Instruments</td>
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<td>HR</td>
<td>High Representative of the Union for Foreign Affairs and Security Policy</td>
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<td>ICFY</td>
<td>International Conference on the Former Yugoslavia</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>IcSP</td>
<td>Instrument contributing to Stability and Peace</td>
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<td>ICTY</td>
<td>International Criminal Tribunal for the former Yugoslavia</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>INGO</td>
<td>International Non-governmental Organisation</td>
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<td>IO</td>
<td>International Organisation</td>
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<td>KDI</td>
<td>Kosova Democratic Institute</td>
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<td>LDK</td>
<td>Democratic League of Kosovo (Albanian: Lidhja Demokratike e Kosovës)</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
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<td>N-NGO</td>
<td>National Non-governmental Organisation</td>
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<td>OSCE</td>
<td>Organisation for Security and Cooperation in Europe</td>
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<td>PER</td>
<td>Project on Ethnic Relations</td>
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<td>PDK</td>
<td>Democratic Party of Kosovo (Albanian: Partia Demokratike e Kosovës)</td>
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<td>RCC</td>
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<td>SG</td>
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<td>SSA</td>
<td>Stabilisation and Association Agreement</td>
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<td>UCK</td>
<td>Ushtria Çlirimtare e Kosovës</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>VV</td>
<td>Self-determination (Vetëvendosje)</td>
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EXECUTIVE SUMMARY

After being sidelined by the United States and United Nations in Europe’s own ‘front yard’, the European Union returned to the diplomatic arena with the Balkan war at the end of the 1990s. By offering a wide range of instruments, from accession perspectives and neighbourhood policies, to tools of peace and conflict management, the EU has strengthened its imprint on the region in recent decades. The European Union has been involved in mediation and dialogue across the Balkans and, following Kosovo’s declaration of independence and Serbia’s opposition to that decision, it launched and facilitated high-level dialogue between Pristina and Belgrade on the normalisation of relation between both states. The process culminated in the signing of the Brussels Agreement in 2013. Since then, the dialogue on the implementation of the protocols continues.

This report examines the effectiveness of the EU’s performance in mediation and dialogue by studying the Belgrade-Pristina Dialogue from external and internal perspectives. Based on the academic literature on mediation and local-level dialogue, we suggest an analytical framework for assessing mediation success. Separating the concepts of success into internal and external perspectives allows for a more nuanced and elaborate analysis of the mediation process and its implications at the local level. This analytical framework is applied to both the high-level dialogue between Pristina and Belgrade representing Track I mediation and local-level dialogue in line with Track II mediation.

The report starts with a discussion of the state of the art in research on mediation and local-level dialogue. This serves as the academic foundation of this report and briefly introduces the growing body of literature in the field. It offers a brief summary of scholarly debates on timing and strategies in mediation as well as definitions from practitioners and scholars alike. The chapter concludes that although contextual factors of mediation are high on the research agenda, little has been done to assess mediation effectiveness.

The gap identified above is addressed in section three, which proposes an analytical framework to merge two existing concepts of mediation success into one comprehensive model. Originating from recent literature on success in military operations and mediation effectiveness, it outlines the indicators and variables that are applied to the case studies. Before delving into the case studies, section four aims to provide the necessary context regarding the EU’s perspective, definitions and key papers on mediation, while section five assesses its mediation track record in the Balkans and summarises the EU’s engagement in the region since the dissolution of Yugoslavia.

Section six starts with the case study of the high-level dialogue between Pristina and Belgrade. Following the analytical framework established in section three, it unveils the ambivalent records of the Brussels Agreement. Despite the signing and the EU’s coherent efforts in the process, the dialogue failed to sustainably address the root causes of the
conflict in North Kosovo. The lack of local legitimacy is also addressed in the second case study, which focuses on local-level dialogue in the context of the Belgrade-Pristina talks. An analysis of Track II initiatives demonstrates a lack of EU interest in supporting local-level dialogue – dialogue that is crucial to the successful implementation and durability of peace in the region. The other main finding is that there is a lack of coordination of Track I and Track II dialogue efforts by the EEAS.
POLICY RECOMMENDATIONS

Based on our assessment of both case studies on EU mediation and local-level dialogue, we propose the following lessons and recommendations for future policy:

1) **Increase local ownership towards inclusive peace processes**
   
   In line with recent research, the case study on the Belgrade-Pristina Dialogue suggests that mediation facilitated without the proper involvement of local actors shifts the causes of conflict from the macro to the micro level. Empirical evidence shows an increase in intra-state violence within the majority Kosovo Albanian population that seems to be related to the outcome of the EU-facilitated agreement reached between Belgrade and Pristina. The EU should support the inclusion of local civil society, civil servants and political actors – those who will implement and observe mediation and dialogue efforts, either through Track II or Track III dialogues as a key factor to promote sustainable and durable peace.

2) **Provide political support for Track II and Track III initiatives**
   
   The EU should provide systematic political support for Track II and Track III dialogues, both within and between Kosovo and Serbia, to ensure an inclusive process and sustainable agreements in mediation dialogue between Belgrade and Pristina. The EU’s political support should encourage national ownership of dialogue processes by recognising the importance of credible internal dialogues in both communities run by local actors such as national NGOs, enhancing its reach into Track I dialogue. Track II dialogues could also be supported financially by EEAS or the EC.

3) **What next? The need for a post-mediation strategy**
   
   The signing of the Brussels Agreement can be considered a success in the peace process and on the road towards the normalisation of relations between Belgrade and Pristina. However, this has also contributed to new areas of tension in North Kosovo. Deep disagreement about the implementation of the Brussels Accords led to violence among Kosovo Albanians and political standstill in Kosovo. So far, the European Union’s institutions have not shown much interest in the unintended sideshows accompanying the implementation of the dialogue. Designing a post-mediation strategy that solves these open questions is crucial for the sustainable implementation of the Brussels agreement.

4) **Limit mediators’ bias – merging mediation with enlargement undermines legitimacy**
   
   Belgrade’s acceptance of the dialogue was accompanied by Serbia’s goal of EU membership and the EU’s insistence on normalisation between Belgrade and Pristina. However, the EU’s strong commitment to assist Serbia on its path to membership may be interpreted as biased by Kosovo. In fact, the EU’s legitimacy was tarnished by the lack of unity among EU Member States regarding Kosovo’s
independence. Although in the Belgrade-Pristina negotiations this was overshadowed by Kosovo’s aspiration for a seat at the international table, offering too many incentives to one stakeholder may discredit the EU as a mediator.

5) **Improve coherence between Track I and II dialogue**

The EU should either run the multi-track dialogue on normalisation between Kosovo and Serbia or ensure better coordination between the Track I dialogue that it runs and the Track II dialogues supported by other international actors. It should ensure that inputs from Track II internal dialogues within majority populations in both entities (Kosovo Albanians in Kosovo and Serbs in Serbia) on a vision for the comprehensive agreement, and outcomes of the Track II inter-ethnic dialogue among Kosovo Albanians and Kosovo Serbs, feed into the Track I dialogue between political leaderships.

6) **Strengthen human resources for mediation**

The EEAS team in charge of coordinating the mediation of the Belgrade-Pristina dialogue should be strengthened to have more people tasked exclusively with the coordination of this process. It should also ensure a better exchange of information among key EEAS staff and the European Commission and between actors in the field.
1. INTRODUCTION

This deliverable addresses the EU’s engagement in mediation and local-level dialogue initiatives in Serbia and Kosovo. It examines the EU’s efforts so far, identifies lessons to be learnt, assesses the EU’s capabilities to meet its own expectations and points to shortcomings. These objectives are considered in the two case studies: (A) Track I Belgrade-Pristina dialogue and (B) Track II dialogue facilitated by international and national civil society organisations. The following research questions guide the report’s data collection and analysis:

(I) How has the EU been involved in the Track I mediation processes in the Belgrade-Pristina dialogue and what are the interactions between the Track I dialogue and the Track II dialogues mediated by international and national NGOs? Which institutions, mechanisms and strategies have been applied?

(II) How effective have those mediation initiatives been?

(III) What lessons, shortcomings and best practices can be identified in the mediation process(es) and local-level dialogue?

In order to address the objectives of Work Package 5, this deliverable will introduce a framework on mediation success. There is a considerable amount of literature that addresses mediation from the perspective of how to make mediation successful, but relatively little has been done on the issue of how to assess successful mediation. To examine the European Union’s performance in the area of mediation and local-level dialogue, a comprehensive framework on mediation success not only enhances literature in the field, but is required to answer the research questions. The variables of success derived from relevant literature on mediation and local-level dialogue are reviewed in section two. The next section appraises the development of EU mediation in conflict prevention as part of the Common Foreign and Security Policy (CFSP). Instruments and mechanisms of EU engagement are presented and refer to the official policy documents and guidelines of the European Union. Based on the ‘Concept on Strengthening EU Mediation and Dialogue Capacities’ adopted in November 2009, the chapter will consider the EU actors involved in the strategic and practical implementation of mediation efforts. This is followed by a brief discussion of EU mediation initiatives in the region since the early 1990s.

The questions of EU-CIVCAP Work Package 5 are addressed by two qualitative case studies of EU engagement in mediation conducted in Serbia and Kosovo. Data collection is guided by the three WPS objectives of (I) examining the status of EU mediation, (II) pointing to lessons and best practices, and (III) assessing EU capabilities to meet its own expectations and pointing to shortcomings.
The case studies are approached through desk research and the main sources of information are primary evidence, including official reports and documents, evaluation reports, media coverage and secondary literature. The cases covered are the high-level Belgrade-Pristina negotiations on the formal status of Kosovo and related initiatives of local-level dialogue. In contrast to the methodology of data collection for the high-level talks case study, interviews were conducted to gather information on the local-level dialogue.

Section three, which discusses methodology, will draw on recent research in the field of mediation to develop an analytical framework on mediation success. The assessment of the relevant literature and the identification of research gaps informs the development of a comprehensive framework and a set of variables that will be applied to the Track I Belgrade-Pristina dialogue mediated by the EU and the intra- and inter-ethnic Track II dialogues mediated by civil society organisations. Based on the case studies, the recommendations and lessons identified are discussed in the last section.

2. STATE OF THE ART

Before approaching the development of a framework on mediation success, this literature review provides a common academic definition of mediation and a brief excursion into the significance of mediation as a means of conflict resolution. In addition, recent research on the context of mediation will be introduced. This will form the theoretical foundation of the mediation success framework.

2.1. DEFINING MEDIATION

The increasing relevance of mediation in peace processes is reflected upon in a vastly growing body of literature since the 1960s (for an overview see Greig and Diehl 2012; Wall 1981; Wall and Lynn 1993; Wall et al. 2001). Before delving into detailed discussions of contemporary research on strategies and mechanisms, a broadly accepted definition of mediation is required. Bercovitch and colleagues (1991) suggest a scientific definition of mediation that is also reflected in practitioners’ guidelines and approaches (see for example the EU’s definition in section three). Bercovitch and colleagues state 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 organisation to settle their conflict or resolve their differences without resorting to physical violence or invoking the authority of the law.

(1991: 7)
The voluntariness of mediation has been underlined by Bercovitch and DeRouen, who argue 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” (2004: 154). In 70 percent of all international conflicts\(^1\) from 1945 until 2003, conflict parties accepted that mediation and the probability of a peace agreement being concluded was six times more likely when third-party intermediaries were present (Bercovitch and Fretter 2004; Bercovitch and Jackson 2009; Frazier and Dixon 2006). This research suggests a significant impact of mediation in general, but it neglects factors such as mediation strategies or timing. Those aspects may have effects on the sustainability and likelihood of peace. The following section explores the literature on those factors.

### 2.2. CONCEPTUALISING LOCAL-LEVEL DIALOGUE

A growing body of literature critiquing classical liberal peacebuilding argues for more inclusive and participatory approaches (see Mac Ginty and Richmond 2007; Mac Ginty 2008; Richmond 2006). The paradigm of external intervention and the top-down approach is increasingly questioned. Drawing on debates on local ownership, more recent attention has focused on bottom-up approaches complementing classic peacebuilding interventions. The underlying notion is the critique of the contemporary ‘elitist’ perspective risking the ignorance of “the people” (Donais and McCandless 2017). Following this argumentation, a vertical integration of peacebuilding “points to the importance of long-term consensus-building among all key constituencies involved in post-conflict transitions around both the means and ends of peace-building processes” (Donais and McCandless 2017: 3).

Empirical research suggests that conflict is less likely in inclusive societies (Collier and Hoeffler 1998; Langer et al. 2012; Østby 2008). It also points to the importance of including additional actors or groups next to the main conflict parties (such as civil society or political parties) in negotiation processes for achieving more sustainable peace (Nilsson 2012; Paffenholz 2014a; Paffenholz and Ross 2015). However, research on methods of inclusive or participatory peacebuilding appears to be fragmented, particularly when it comes to local-level dialogue. Whereas Paffenholz and Ross (2015) focus more on the effects of broadening negotiations and including more actors in building the quality and durability of peace, other case studies consider local dialogue from a more isolated point of view.\(^2\)

Lacking comprehensive academic literature on this topic, we will approach the concept of local-level dialogue from a practitioner’s perspective. Dialogue facilitation actors such as the

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1 Based on the Bercovitch International Conflict Management Database (Bercovitch Data Centre for Conflict, Mediation and Peace-Building 2004).

2 See for example Hilhorst and Leeuwen (2005) on local peace organisations in South Sudan or Interpeace (2015) on local peace infrastructures in Guinea-Bissau.
Organization for Security and Cooperation in Europe (OSCE) and the United Nations Development Programme (UNDP) have sought to provide definitions and guidelines on the concept. Before analysing these in more depth, we will break down the term ‘local-level dialogue’ into its elements of ‘the local’ and the principle of ‘inclusion’ that is the notion behind the concept and meaning of ‘dialogue’. Ban Ki-moon, the then-UN Secretary-General, provided a comprehensive definition of inclusivity that will be adopted in this report. He states that inclusivity is “the extent and manner in which the views and needs of parties to conflict and other stakeholders are represented, heard and integrated into a peace process” (Secretary-General 2012: 11). On the term ‘the local’, Lederach suggests its use to refer to actors that are both close to and directly involved in the conflict in question, or contribute to the solution to it. By contrast, national, regional and international agents are characterised by an “often temporary involvement” (2015: 5).

Dialogue has been described by the OSCE as:

a more open-ended communication process between conflict parties in order to foster mutual understanding, recognition, empathy and trust. These can be one-off conversations, or go on over a longer period of time. Although dialogues can lead to very concrete decisions and actions, the primary aim is not to reach a specific settlement, but to gain a better understanding of the different perspectives involved in a conflict.

(Organization for Security and Cooperation in Europe 2014: 10)

In its ‘Concept on Strengthening EU Mediation and Dialogue Capacities’ of 2009, the European Union added that dialogue is about creating a culture of communication. It is regarded as a tool that may help to prevent conflicts and support reconciliation (Council of the European Union 2009: 3).

Based on these understandings, we propose the following definition of local-level dialogue in a peace facilitation context:

Local-level dialogue is an interactive process between stakeholders that are directly involved in either the conflict or its solution. It does not imply a direct termination of hostilities, but rather contributes to integration, understanding and trust of stakeholders improving chances for better quality and duration of peace.

Dialogue facilitation has been carried-out mainly by international organisations striving for increased local ownership in line with the aforementioned general debates adopting more local-level perspectives on peacebuilding. As two of the key actors in the Balkans, the guidelines of the OSCE and UNDP will be introduced below.

In its reference guide on ‘Mediation and Dialogue Facilitation’, the OSCE states from the beginning that dialogue is characterised by the same features as mediation, but is more focused on a communication process between stakeholders to reach empathy, trust and recognition. Reflecting on the local level, the OSCE refers to its “long-term goal of
transforming relationships between stakeholders, facilitating reconciliation and preventing new conflict” (Organization for Security and Cooperation in Europe 2014: 16).

Through case studies of recently facilitated dialogues in southern Serbia and in Bosnia and Herzegovina, this report concludes that dialogue facilitated by an international actor is particularly important in situations where peace agreements are either implemented slowly or coming to a complete halt. In those cases, the OSCE relies on its leverage as an external actor. Furthermore, this report highlights the importance of stamina to overcome temporary setbacks in the dialogue process. It also underlines the relevance of a common and unified position amongst the dialogue process.

UNDP (2009) stresses the inclusive character of dialogue in fostering ownership and enabling stakeholders to identify with the process. It describes dialogue as a process of learning that requires self-reflection, personal change, empathy and the demonstration of a capacity for change. In line with the OSCE, the UNDP considers that dialogue may take time and requires patience. On practical implementation, the UNDP argues that there are preconditions that have to be met before commencing a dialogue. Accordingly, “when violence, hate, and mistrust remain stronger than the will to forge a consensus, or if there is a significant imbalance of power or a lack of political will among the participants, then the situation might not be ripe for dialogue” (UNDP 2009: 3). Additionally, the situation must allow free speech to all participants. In its recommendations for policymakers, the UNDP reinstates the importance of ownership to avoid the feeling of an externally-imposed dialogue.

The European Union regards local-level dialogue as a “tool or a means of Mediation that can either complement or render more formal mediation unnecessary” (Council of the European Union 2009: 3). In its conceptualisation, the EU states that although mediation, dialogue and facilitation are distinct, they have third-party support for communication between stakeholders in common.

Two important themes emerge from the case studies discussed so far: although international organisations have already operationalised the concept of local dialogue, there is little research on the contextual and success factors of local-level dialogue as part of mediation. By introducing a mediation success framework and applying it to the case of local-level dialogue, this deliverable enhances the literature on factors determining the success or failure of local-level dialogue as part of mediation efforts. The following subsection highlights the gaps identified in the debate on local-level dialogue, condenses recent research on mediation from a broader perspective, and points to further research required.
2.3. THE SIGNIFICANCE OF TIMING AND STRATEGIES IN MEDIATION

Regarding the timing of mediation interventions, the scholarly basis has been laid by Zartman (1989) who introduced the idea of a ‘mutually hurting stalemate’ and the concept of ‘ripeness’. The idea behind these concepts 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. To elaborate further, the concept of a mutually hurting stalemate “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 empirically grounded and demonstrated to be relevant by studies on peace mediation (see, for example, 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” (Kriesberg and Thorson 1991).³ By reaching a point where conflict parties have had high costs and are realising that continued conflict will worsen their situation, mediation may be successful (Bercovitch and Diehl 1997). On the contrary, Edmead (1971) suggests that mediation efforts should take place as early as possible to eradicate disputes before the positions become fixed. Recent studies argue that conflict parties may accept mediation by a specific mediator to achieve a preferred outcome or, in case of negative outcome, provide an excuse (Beardsley 2011; Greig and Regan 2008; Maundi 2006). Beardsley (2011) argues that a state will be more interested in engaging as a mediator in cases an armed conflict is highly intense and is proximate to its own borders. In other words, the closer the conflict, the more likely an intervention by a mediator.

The choice of appropriate mediation strategies is crucial for the outcome of a conflict-resolving engagement. As Bercovitch and DeRouen put it, a “mediation strategy is an overall plan of mediators to resolve and manage conflicts” (2004: 156). Grounded on the research of Sheppard (1984) as well as Touval and Zartman (1985), Bercovitch and colleagues (2004) identified three strategies of mediation. Accordingly the first type, ‘Communication-facilitation strategies’, describes a passive mediator role mainly “channelling information to the parties, facilitating cooperation but exhibiting little control over the more formal process or substance of mediation” (Bercovitch and DeRouen 2004: 156). A second approach, known as ‘Procedural-formulative strategies’, positions the mediator in control of the formal setting, which may include the management of media publicity, the distribution of information and/or the determination of the structural aspects of meetings. The most powerful approach, the ‘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” (Bercovitch and DeRouen 2004: 157). Taking the latter role requires some extent of power on the part of the mediator to enable a carrot-and-stick tactic; this also draws on the manipulative capacities of the mediator (Zenelaj et al. 2015: 417). Beardsley and colleagues (2011) conclude that peace agreements based on a directive strategy have a relatively short life expectancy of five to ten years. This opinion is shared by Gartner (2014) who states that this strategy “has a negative direct effect on durability but a positive indirect effect on reaching full settlement”. However, a directive strategy can lead to a desired result. Wilkenfield and colleagues (2003) argue 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 a reduction of post-crisis tensions (Beardsley 2006; Bercovitch and Gartner 2006). Savun (2009) stresses the importance of information in mediation processes. By putting the mediator in a position where it can pass relevant information to the conflict parties, mediation is more likely to be successful. In his review, Duursma (2014) notices that there is a tendency in research to draw on bargain theory when addressing a specific mediation. He goes on to note that so far, the research on this topic has focused on short-term rather than on long-term effects, reflected in the work of Greig and Diehl (2005), Savun (2009), Sisk (2009) and Svensson (2007). Those effects have been studied in two different dimensions: the durability of peace agreements and the quality of peace. Beardsely (2008) demonstrates that artificial incentives contribute to strong short-term effects, but often hinder a long-term peace process. At a later point, he adds that mediation based on leverage appears to be the most unsustainable (Beardsley 2011). His findings are supported by Werner and Yuen (2005), who have demonstrated that third-party pressure will more likely lead to the failure of agreements reached as a result of such mediation. According to Carment and colleagues (2009), the best way to achieve a durable peace is through an admixture of facilitative and manipulative mediation methods.

Emerging from the literature that studied international mediation in the tradition of classic labour-management disputes by applying a relatively simplistic approach of a mediator as a neutral and outside actor, Vuković argues that previous research has begun to unveil the complex dynamics behind mediation activities, highlighting the interplay of factors that might influence the outcome (2014: 62). Vuković further claims that “early studies oversimplified the analysis of the mediation process [by] assuming that the factors affecting the outcome of domestic or legal disputes are the same as for those related to international crises” (2014: 75). Subsequently, the focus has shifted from domestic to international mediation, with multiparty mediation and the dynamics and mechanisms behind it gaining significant attention (Böhmel 2016; Hampson and Zartman 2012; Vuković 2012). In his

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contribution, Vuković seeks to identify distinct features of international mediation that might have an impact on the result. According to his findings, a mediation’s outcome is determined by the role of the third party mediator, as well as the overall contextual factors, such as the nature of the dispute and the characteristics of the parties, and behavioural factors such as mediation strategies (Vuković 2014). Lundgren and Svensson (2014) have addressed the question of mediator bias and leverage of international organisations. Surveying all cases of civil war mediation by international organisations between 1975 and 2004 revealed that international organisations “where member states provide support to both sides in a conflict outperform IOs [International Organisations] whose member states remain disinterested. IOs with significant trade leverage also increase the likelihood of mediation success” (Svensson and Lundgren 2014: 316). Böh melt moves beyond ‘unit/crisis-specific’ determinants and researches mechanisms of conflict-interdependence in terms of influencing mediation outcome. His quantitative analyses demonstrated “that mediation travels across crises that are similar in their level of violence” (2016: 2) but failed to sufficiently evidence a link to other aspects such as ethnic conflicts.

Generally speaking, on the state of research in mediation studies Wallensteen and Svensson have argued that although the field has developed recently, it has done so in an imbalanced manner, leaving blind spots. The authors claim that there is no academic “consensus on the optimal conditions for successful mediation” (2014: 323). As one of the as yet understudied areas, the question of the mandate beyond the matter of ‘delivering a peace agreement’, including institutional support and resources needed for mediation, has been identified. Furthermore, the activities of other actors around the mediation operation such as spoilers, entrenched actors or additional mediators, requires further attention. Vuković (2014) suggests that future research may “link international mediation to other conflict management activities, especially military interventions” (Vuković 2014: 76) to fully understand the surroundings of complex mediation processes.

Taken together, the abovementioned studies support the notion that research in the past has investigated various contextual factors and characteristics, including conditions for successful mediation. Numerous scholars have addressed mediation from the perspective of how to make mediation successful, but little has been done on the issue of how to assess successful mediation. Determinants of successful or failed mediation have been studied by, amongst others, Beardsley (2011), Böh melt (2015), and Kleiboer (1996). Meanwhile, Bercovitch and Fretter (2003), Bercovitch and Jackson (2009), Frazier and Dixon (2006), and Vuković (2014) have added to the literature the debate on the significance of mediation. However, despite categorising mediation outcomes as 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—which states that success is achieving ceasefire, partial settlement or full settlement (Bercovitch et al. 1991)—or has adopted a mediator-based perspective by studying the level of goal achievement (Touval and Zartman
1985). The main limitation arising from this distinction between the conflict- and mediator-based perspectives is that the link existing between the two is therefore missed. In contrast, we argue that mediation success is dependent on both external (conflict perspective) and internal (mediator perspective) effectiveness. Such an analytical framework to assess mediation success is presented in the following section.

3. ANALYTICAL AND METHODOLOGICAL CONSIDERATIONS

3.1. ANALYTICAL FRAMEWORK – INTRODUCING MEDIATION SUCCESS

In order to assess the effectiveness of the EU’s mediation, examine shortcomings and identify lessons and recommendations for improvement, 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 develop a comprehensive framework on mediation success. As the Peen Rodt model focuses on military operations and Bergmann and Niemann’s approach only distinguishes between goal attainment and conflict settlement, a merger of the two provides us with a more detailed and elaborated analytical tool. Peen Rodt (2012) divides the operationalisation of success into two sub-categories, namely the internal perspective, which evaluates an initiative from the intervener’s standpoint, and the external perspective, which adopts a conflict-specific position. While the former focuses on the fulfilment of political goals and internal procedures, the latter emphasises the outcome and results of mediation. Following the conflict prevention model of Peen Rodt (2015), both perspectives are clustered into criteria on how a conflict prevention initiative performed and achieved its targets (Internal & External Goal Attainment) and the means of achieving it (Internal & External Appropriateness) (see Figure 1). The indicators established by Bergmann and Niemann (2015) help to assess mediation effectiveness and the sustainability of negotiated agreements. Behind those criteria, a set of indicators help to assess mediation efforts.
3.2. OPERATIONALISATION

*Internal effectiveness*

This report’s literature review has demonstrated that recent scholarship has dealt extensively with the motivations of conflict parties to accept mediation. However, little has been done on mediators’ motives and the question of why states or multilateral actors offer their capacities as mediators. This indicator assumes that mediators do have their own agenda and political goals. Mediation is considered to be a tool of foreign policy (Touval 2003). Hence, this indicator studies the mediator’s agenda as well as political goals to assess the extent to which they match with the actual mediation outcome. To measure goal attainment, we apply the system offered by Bergmann and Niemann, according to whom:

> 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 mediator is able to achieve some major goals, but not all of its goals. If the actor attains only some minor goals or fails to achieve any of its goals, the value of goal-attainment will be evaluated as low.

(2015: 6)

A large body of literature has dealt with the timing of mediation efforts (e.g. Edmead 1971; Kleiboe 1996; Kriesberg and Thorson 1991; Wall et al. 2001). This is reflected in the
timeliness scale, ranging from high to low: ‘high’ represents the school of scholars advocating early interventions, ‘medium’ stands for a conflict that has gone through some phases before mediation took place and finally, while ‘low’ translates into total deadlock, literally referred to as a ‘mutually hurting stalemate’ between conflict parties (Zartman 2001). 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 analytical purposes. Efficiency of mediation mainly covers the questions of how linked the initiative has been to other operations in the area. Following the argumentation of Touval (2003), mediation is a foreign policy tool, implying that it can be complemented by other means of trade or security policy. This indicator studies whether there were synergies, overlaps or contradicting activities with other initiatives by the mediator. Transparency and internal consistency seem to be of particular interest to multilateral mediators, such as the European Union, which examines mediators’ internal procedures from those of the headquarters level to those of representatives on the ground. Lacking internal transparency and sluggish vertical communication may hinder the effective implementation of mediation and its outcomes. Another indicator of special interest for multilateral actors is internal legitimacy of mediation. Contradictory goals of actors that are part of the multilateral agent may undermine effective mediation. The stronger the commitment of all parties, the higher the chance of mediation success.

External effectiveness

External goal attainment is conceptualised according to Peen Rodt (2015) and assessed by the indicators for mediation effectiveness introduced by Bergmann and Niemann, who propose to measure the impact of mediation on the conflict and its settlement on a scale ranging from full settlement to no agreement. Accordingly, mediation effectiveness will be rated 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.

(Bergmann and Niemann 2015: 6, emphasis added)
External appropriateness focuses on the mediation outcome, more precisely on good versus harm done and on the local legitimacy of mediation results. The latter refers to local acceptance of the agreement reached, assuming that the implementation of a mediation contract will be challenging without the acceptance of affected populations. In fact, this indicator does not evaluate the legitimacy of the mediator – a factor that has received considerable attention in the existing literature (see, for example, Bercovitch and Schneider 2000). However, recent research suggests that inclusive mediation approaches that include local agents are more durable than exclusive negotiations (see, for example, Jarstad and Sisk 2008; Nilsson 2012). This indicator assesses both the inclusiveness of the negotiations and the perception of the agreement among the affected population. The framework presented above will be applied through qualitative desk research. Data will be gathered through the analysis of primary and secondary sources such as policy papers, official documents and scientific articles. Table 1 provides an overview of the variables, indicators and assessment scale applied.

Table 1: Operationalisation

<table>
<thead>
<tr>
<th>Variables</th>
<th>Indicators</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal effectiveness</td>
<td>Internal goal attainment</td>
<td>Fulfilment of goals and objectives</td>
</tr>
<tr>
<td></td>
<td>Internal appropriateness</td>
<td>Timeliness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Efficiency, Transparency and internal consistency</td>
</tr>
<tr>
<td></td>
<td>External goal attainment</td>
<td>Mediation effectiveness</td>
</tr>
<tr>
<td></td>
<td>External appropriateness</td>
<td>Mediation outcome: good versus harm done, and local legitimacy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High (all/most goals achieved), medium (some major goals achieved)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>low (only minor goals)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High (early phase of conflict), medium (conflict through some phases)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>low (deadlock)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High, medium and low</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 to 5 scale ranging from Full settlement, Settlement of major conflict issues, Settlement of minor conflict issues, Process agreement to Ceasefire</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High (positive contribution to conflict prevention), medium (unclear)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>low (negative influence on conflict dynamics) &amp; high (perceived as legitimate)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>medium (mixed balance) and low (perceived as illegitimate)</td>
</tr>
</tbody>
</table>
Mediation and dialogue have become increasingly popular tools in EU conflict resolution—in peace processes and as preventive measures. Contemporary EU mediation and dialogue policies are anchored in the 2009 ‘Concept on Strengthening EU Mediation and Dialogue Capacities’. By providing a comprehensive definition, this document attempted to clarify the uncertainties that previously existed within the framework of the European Union’s institutions. Accordingly, mediation has been defined as:

A way of assisting negotiations between conflict parties and transforming conflicts with the support of an acceptable third party. The general goal of mediation is to enable parties in conflict to reach agreements they find satisfactory and are willing to implement. The specific goals depend on the nature of the conflict and the expectations of the parties and the mediator. A primary goal is often to prevent or end violence through cessation of hostilities or cease fire agreements. In order to ensure peace and stability in the long-term, mediation should be cognisant of and, as appropriate, address the root causes of conflict. (Council of the European Union 2009: 3)

In its definition, the Council of the European Union reflects on academic debates in mediation research. It combines the basic approach of Bercovitch’s definition (outlined earlier in this report in section 2.1) and takes into account discussions on contextual factors, such as the nature of the conflict and expectations of stakeholders, with its goals drawing on the conflict perspective (Beardsley 2006; Bercovitch et al. 1991; Regan and Aydin 2006).

As described in section 2.3, the EU has defined dialogue as a more informal open-ended process to render a formal process of mediation obsolete by finding common ground through communication, confidence-building and inter-personal understanding (Council of the European Union 2009). Within the concept, apart from direct involvement as a mediator, the various roles of the EU within mediation efforts are clustered as follows:

- **Promoting mediation**: Active role as promoter of mediation and dialogue.
- **Leveraging mediation**: Use of political and economic influence as a means to push for mediation through its diplomatic leverage and to support post-mediation processes.
- **Supporting mediation**: Facilitating “mediation processes led by other actors through capacity building, training, logistical support and the provision of expertise to mediators and conflict parties” (Council of the European Union 2009: 6).
- **Funding mediation**: Funding of “formal, informal and grassroots mediation processes” (Council of the European Union 2009: 6).
Responsibilities for mediation are spread among the “SG/HR, EUSRs, ESDP missions, Commission Delegations, the Presidency and Member States’ diplomatic representations” (Council of the European Union 2009: 5). Placed under the umbrella of the European External Action Service (EEAS), the In-House Mediation Support Team is “tasked with supporting EU institutions and partners with advice, technical expertise and real-time support before, during and in the aftermath of armed conflicts” (EEAS 2016a: 1).

In line with the concept’s goal of establishing and promoting “the use of mediation as a tool of first response to emerging or on-going crisis situations” (EEAS 2016a: 4), mediation has made its way into policy and regional concepts since its approval in 2009. Since then, dialogue to foster human rights is a crucial part of the ‘EU Strategic Framework and Action Plan on Human Rights and Democracy’ adopted in 2012 (Council of the European Union 2012a). In another example, the ‘EU Strategy on the Horn of Africa’, the European Union promised to assist in mediation efforts in the region (Council of the European Union 2015).

Since the adoption of the ‘EU Concept on Strengthening EU Mediation and Dialogue Capacities’ in 2009, the European Council has reaffirmed the importance of dialogue and mediation in peace processes in its Council conclusions on conflict prevention (Council of the European Union 2011). As an attempt to further streamline and coordinate EU activities, the High Representative and the European Commission introduced the EU’s Comprehensive Approach to external conflict and crises in December 2013 (High Representative of the Union for Foreign Affairs and Security Policy 2013). This explicitly calls for a better combination and coordination of existing tools and mentions political dialogue specifically. The 2015 action plan on the Comprehensive Approach reinforced the strong position of EU delegations in mediation and dialogue processes. Thus, it opened the opportunity to deploy short-term expertise that is to be mobilised by the EEAS and the Commission (High Representative of the Union for Foreign Affairs and Security Policy 2015: 12). The EU Global Strategy also argues for early action through “preventive diplomacy and mediation by mobilising EU Delegations and Special Representatives, and deepening partnerships with civil society” (High Representative of the Union for Foreign Affairs and Security Policy 2016: 30).

In terms of funding, the Instrument contributing to Stability and Peace (IcSP) is the main source providing financial means for EU mediation and dialogue. However, under the Foreign Policy Instrument (FPI), resources can be mobilised to facilitate third-party mediation, and the EEAS’s own budget (for EU Special Representatives, EU Delegations or geographical divisions) can also be directed towards mediation efforts (EEAS 2016b).
5. EU MEDIATION IN THE WESTERN BALKANS SINCE THE BREAK-UP OF YUGOSLAVIA

5.1. EU MEDIATION IN THE WESTERN BALKANS – AN OVERVIEW

Given the proximity to the Union’s borders, the EU has been active in the Western Balkans since the early 1990s as sole or co-mediator, a role embedded in the previously introduced policy framework. The then European Community entered the conflict zone in the Balkans in summer 1991 by intervening in the disintegrating Yugoslav Federation. Taking immediate action in the early phase of hostilities, the European Community sent a troika (consisting of foreign ministers from the Netherlands, Italy and Luxembourg) to Zagreb and Belgrade. Although the negotiated three-point plan and the intended ceasefire were welcomed by the European Commission, the agreement became null and void soon thereafter as warring parties repeatedly violated the agreement (Hill and Smith 2000). In January 1992, the European Commission took the decision to resume peace talks on the conflict in Bosnia. When an initial agreement between the three major ethnic groups in Bosnia and Herzegovina failed, the European Community Envoy, Lord Carrington, became engaged in the International Conference on the Former Yugoslavia (ICFY). In that process the European Community found itself increasingly sidelined by the United Nations and later by the United States (Peen Rodt and Wolff 2012). Its diplomatic power and influence in the region decreased steadily until the late 1990s. The European Union returned to the table in 2001 in its role as co-mediator in the conflict between the National Liberation Army (the Macedonian UÇK) and the Republic of Macedonia. Witnessed by EU mediator Francois Léotard and former EU High Representative Javier Solana, the Ohrid Agreement helped to cease hostilities in the country (Council of the European Union 2001). In 2002, Javier Solana facilitated talks between Montenegrin President Djukanovic, Serbian Prime Minister Djindjic and Yugoslav President Kostunica on the future of the remaining Yugoslavia, which resulted in the formation of a state union between Serbia and Montenegro that later dissolved (Council of the European Union 2002). In the course of 2007, which saw the Kosovo status negotiations between Belgrade and Pristina, Wolfgang Ischinger represented the European Union as co-mediator in a troika consisting of the EU, Russia and the USA (Spörl 2007). In 2009, then Swedish Foreign Minister Carl Bildt contributed to closed-door negotiations at a military base in Butmir on institutional reforms in Bosnia and Herzegovina. This process was largely considered as a failure, however, and as being “dominated by a total deadlock and intransigence since the beginning” (Zdeb 2016: 2). Finally, since March 2011, a series of EU-facilitated talks between Belgrade and Pristina on Kosovo’s independence has been taking place under European auspices, and is the subject of a case study in this paper. Table 2, drawn from Bergmann and Niemann (2015), provides an overview of EU mediation efforts in the region.
Table 2: EU mediation on the Balkans

<table>
<thead>
<tr>
<th>Case</th>
<th>Duration</th>
<th>Nature of EC/EU Involvement</th>
<th>Who represents the EC/EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yugoslavia I</td>
<td>Jun 1991–July 1991</td>
<td>Mediator in peace talks between the six Yugoslav republics</td>
<td>EC Troika (foreign ministers of Italy, Luxembourg and Belgium), later replaced by EC special envoy Lord Carrington</td>
</tr>
<tr>
<td>Former Yugoslav Republic of Macedonia (FYROM)</td>
<td>Jul–Aug 2001</td>
<td>Co-Mediator in the international effort that led to the Ohrid Framework Agreement</td>
<td>Representative in FYROM, Francois Léotard; High Representative for the CFSP, Javier Solana</td>
</tr>
<tr>
<td>Serbia and Montenegro</td>
<td>Nov 2001–March 2002</td>
<td>Mediator in the talks between Serbia and Montenegro on the formation of a state union</td>
<td>High Representative for the CFSP, Javier Solana</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Oct 2009</td>
<td>Co-mediator in the Butmir Process</td>
<td>Carl Bildt (Swedish Foreign Minister)</td>
</tr>
</tbody>
</table>

Source: Niemann and Bergmann 2015:972
Figure 2 schematically lists the main EU actions in the Balkans, illustrating the loss of EU influence until the mid-1990s. Although being the largest actor in Humanitarian Assistance until 1994–95, with aid worth approximately ECU 1.6 billion between 1991 and 1995 (Hill and Smith 2000: 360), the EC/EU was side-lined in the peace process by other international actors taking over negotiations and peacebuilding initiatives. Whereas Blockmans (2014) explains this decline with the EC’s recognition of Croatia and Slovenia, which provoked the Serbian government, another set of scholars argue that the EC had to cope with internal challenges at that time, hindering effective intervention in its neighbourhood (see Dover 2005; Hill and Smith 2000). This did not change until the launch of the Stability Pact and the consequent bilateral negotiations on association and accession at the beginning of the 21st century, appraised in further detail in EU-CIVCAP Deliverable 5.1 (Peen Rodt et al. 2017). This rapprochement brought the European Union back to the diplomatic table, and its decision to take the lead as mediator in the ongoing Belgrade-Pristina Dialogue reconfirmed the success behind the European Union’s strategy and its leverage.

Source: Authors’ own compilation
5.2. TRACK RECORD AND LESSONS IDENTIFIED IN EU MEDIATION

The track record of the European Union’s engagement in mediation in the Balkans has been the subject of various studies. At this point, we will refer to two recent publications by the European Peacebuilding Liaison Office (EPLO) and the European Centre for Development Policy Management (ECDPM). However, those reviews were conducted before the Brussels Agreement was signed between Kosovo and Belgrade. As a civil society platform of European NGOs that are active in peacebuilding, EPLO’s publication gathers the perspectives of practitioners in the field on the EU’s mediation and dialogue efforts, whereas ECDPM has produced a comprehensive survey directly commissioned by the EEAS. The discussion of these studies will be followed by a discussion of a summary by Blockmans (2014), who critically examined the EU’s engagement in the region.

In its 2013 report ‘Glass Half Full: Study on EU Lessons Learnt in Mediation and Dialogue’, ECDPM offered four main lessons identified from previous EU mediation efforts. Accordingly, it highlights the importance of adaptation to the country and to regional specific contexts as a crucial determinant of successful mediation. Secondly, it stresses that there is a need for more alignment and coordination among EU institutions and Member States. The study finds that:

when the EU manages its own engagement effectively (between EU institutions and Member States..., the field and headquarters, the political and operational spheres) it achieves better outcomes for mediation and dialogue and there is scope here for further improvement.

(Sherriff et al. 2013: 2)

Thirdly, ECDPM calls for increased value of EU partnerships at all levels, including cooperation with local civil society, the UN, international and regional organisations. Accordingly, the failure or success of mediation is “heavily reliant on how well the EU can work together with its partners in order to add value” (Sherriff et al. 2013: v).

In 2013, EPLO published a review on EU mediation engagement and offered lessons both on the strategic and operational level of the EEAS (EPLO 2013). At the strategic level, the EEAS was advised to better incorporate lessons from previous engagements into future operations and develop a concept of how the European Union can manage complex mediation processes. EPLO advised the EU to take the UN Guidance for Effective Mediation5

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5 Developed by the Secretary General, the ‘UN Guidance for Effective Mediation’ (2012) acts as reference document gathering knowledge of member states, United Nations organisations and other relevant actors. It identifies fundamentals to be considered in mediation. For more information refer to: http://peacemaker.un.org/guidance-effective-mediation.
into consideration when further enhancing EU strategies. Those policies should target the development of accountability and evaluation systems for EU mediation engagements. Furthermore, it stated that there is a need for reflection on how to improve EU support for other parties to increase their effectiveness. At the operational level, the EEAS should work towards a definition of clear strategies in specific settings and support the mission with staffing and other tools accordingly. EPLO recommended clearer structures and more precise information on the allocation of responsibilities. Increased efforts towards inclusion of local civil society actors would pave the way for additional, less formal mediation channels.

Meanwhile, Blockmans (2014) identified shortcomings that provide food for thought; among them are “a lack of preparedness and institutional capacity on the part of the EU institutions, differences in member state positions, wrong sequencing and timing of accountability, and ultimately the lack of consent of the parties to be mediated by the EU” (Blockmans 2014: 17). All of the abovementioned surveys and evaluations address the macro-level rather than the local or micro-level perspective. Conclusions and recommendations target policymakers in the EU administration, to push mediation on the agenda. ECDPM states it aims to provide an overview of the EU’s experiences for EU officials and to raise awareness for the issue of mediation and dialogue. By taking the conclusions of these studies and developing them further, this report adopts a slightly different approach. By drawing on the analytical framework for success in mediation, we not only examine the implementation of EU mediation and local level dialogue, but also examine lessons identified and draw conclusions regarding future EU activities in the field.

6. CASE STUDIES

6.1. BELGRADE-PRISTINA DIALOGUE

The EU’s internal effectiveness
EU-Serbia relations have been through ups and downs since the collapse of Yugoslavia in the early 1990s and moreover since the NATO campaign in 1999 which was backed by a number of EU Member States. Since then the European Union has had uneasy relations with Serbia. The detention and subsequent extradition of former Serbian President Milosevic by the pro-European regime of Prime Minister Zoran Djindjic marked a brief episode of rapprochement. This ended abruptly with the assassination of Djindjic in 2003. Despite Serbia’s non-cooperation with the ICTY, its reluctance to recognise Kosovo’s independence and the sustained international lobbying against this independence, the EU signed a Stabilisation and Association Agreement (SSA) in 2008 (European Union 2008). This was touted by the
European Union as part of its support for the pro-Western government in the elections, in order not to jeopardise Serbia’s path to EU integration (Economides and Ker-Lindsay 2015). However, Kosovo’s declaration of independence in 2008, and Belgrade’s resolute opposition to this, remained an obstacle to further progress on the path to Serbia’s EU accession. A new low-point in EU-Serbia relations was reached with Belgrade’s decision to refer the case to the International Court of Justice in 2008 in an attempt 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” (International Court of Justice 2010: 1). Serbia’s immediate reaction was to ask for a new General Assembly resolution for new status talks and to block Kosovo’s participation in regional conferences (Economides and Ker-Lindsay 2015). Faced with an EU position that clearly opposed those claims, Serbia finally accepted the European Union’s proposal on the UN General Assembly Resolution A/RES/64/298, which was adopted in 2010. Accordingly, Belgrade respected the ICJ ruling and accepted an EU-facilitated dialogue aiming to normalise 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 8 March 2011, the EU-facilitated dialogue between Kosovo and Serbia launched discussions at the technical level on issues such as freedom of movement or the recognition of university diplomas. Although agreements were reached in several rounds of negotiations, the dialogue came to a halt due to violent clashes over the placement of Kosovo officials at the Kosovo-Serbia border in July 2011 (BBC 2011). The return to the negotiation table was accompanied by the arrest of Ratko Mladic and Goran Hadžic. In response to Serbia’s efforts, the European Commission recommended granting candidate status to Serbia. In its decision, the Commission took into account the extent to which the Copenhagen criteria of 1993 would be fulfilled and the prospects of the ongoing Belgrade-Pristina dialogue (European Commission 2011a).

In February 2012, Serbia received official candidate status for EU membership (Council of the European Union 2012a). Due to domestic elections and government reshuffles, the talks were interrupted in early 2012 and resumed at the end of the year as a dialogue at the political level, including Prime Ministers Ivica Dačić and Hashim Thaçi. On behalf of the European Union, High Representative Catherine Ashton succeeded Robert Cooper in facilitating the dialogue. Based on several rounds of negotiations, Serbia and Kosovo signed

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6 For a detailed timeline of the Belgrade-Pristina Dialogue, see Annex I.
7 Ratko Mladic and Goran Hadžić were wanted by the International Criminal Tribunal for the former Yugoslavia for crimes against humanity and war crimes.
the Brussels Agreement in April 2013, which has been widely acknowledged as a breakthrough in the mediation process. By signing the Brussels Agreement, Serbia de facto accepted the existence of Kosovo, legitimised its government and agreed to Kosovo’s EU aspirations (EEAS 2013). Based on the Brussels Agreement, high-level talks between Belgrade, Pristina and Brussels continue to this day. 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 change in Serbia’s policy towards the status of Kosovo, suggests a considerable pull factor of EU membership. In their research, Bergmann and Niemann found that “enlargement is the big pull factor, the main carrot the EU has to offer” (2015: 18) in the context of Serbia. For Kosovo, the second biggest carrot was visa-free travel between Kosovo and the EU. However, Tamminen (2016) doubts the feasibility of the EU membership carrot for Kosovo, given that existing Member States are still divided over the question of Kosovo’s independence.

A common EU position on Kosovo’s status – and one which is unlikely to materialise in the near future – is a prerequisite for serious membership negotiations, making the carrot more of an ideal than a reality. Tamminen (2016) explains the position of the High Representative offering carrots related to EU accession or the future of the EU Rule of Law Mission (EULEX) in Kosovo: these are issues that the HR is not authorised to decide upon as the Council has the final say. Economides and Ker-Lindsay also 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” (2015: 1039). Interestingly, support for EU membership among the Serbian public significantly dropped between 2000 and 2017, falling below 50%, which suggests that the carrot has lost its pull factor for the general public (Ministry of European Integration 2017). For further discussions on this topic, see EU-CIVCAP Deliverable 5.1 (Peen Rodt et al. 2017).

**EU goal attainment**

The overall goal of the Belgrade-Pristina dialogue was mentioned in the “Enlargement Strategy and Main Challenges 2011-2012” document endorsed by the Commission stating that the EU desired negotiations “between Belgrade and Pristina to promote cooperation, [to] achieve progress on the path to the EU and improve the lives of people” (European Commission 2011b: 27). Most interestingly, EU official documents do not refer to the status of Kosovo. This is mainly attributed to the European division over official recognition of Kosovo’s independence amongst Member States: as of November 2011, Cyprus, Greece, Romania, Slovakia and Spain refused to accept it. Despite this dispute among EU Member States over the question of Kosovo’s recognition as an independent state, Vicere (2016) found that the European Union has generated a “relatively consistent policy” in the area. The fact that EU Member States put aside their concerns about Kosovo’s independence and
instead sought a common European position on stabilising the region revealed a certain
degree of cohesion (Viceré 2016). This ‘unity’ among EU Member States, despite their
divergent position on Kosovo’s independence, might be a reason to leave out a clause on
‘status’ in the EU’s official goals. Formulating soft goals – such as ‘improving lives of citizens’
and ‘improving relations’ – facilitated the support of those EU Member States that refused
to recognise Kosovo’s independence.

In December 2012, the EU’s General Affairs Council called for a normalisation between
Kosovo and Serbia, with the ultimate goal of exercising Kosovo’s power in all parts of the
country, including North Kosovo. According to the Council of the European Union, the
security and justice needs of the population in that region have 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 the Commission Directorate-General for Neighbourhood
and Enlargement Negotiations (DG NEAR), the Directorate-General for Migration and Home
Affairs (DG HOME) has a particular interest in implementing EU legislation and border
control. This issue of EU border protection is shared by EU foreign ministers. In contrast, visa
liberalisation, organised crime and migration is on the agenda of EU interior ministers
(Tamminen 2016).

The consensus-building is closely linked to the work of the President of the European
Council, Herman Van Rompuy, and his efforts in agenda-setting and bilateral discussions.
Vicere (2016) notes that in cases of policy stalemate, as experienced in the aftermath of the
Brussels Agreement, it is the President of the European Council that takes the lead position
and sidelines the High Representative and the Foreign Affairs Council (FAC). Furthermore, as
Vicere puts it “in this policy field, the European Council has a clear control over the HR, the
FAC and the same Commission since it is the only institution able to reduce the risk of
shirking” (2016: 567). However, as demonstrated in the negotiations on the 2010 UN
Resolution, the High Representative operated as an independent policy actor and
demonstrated that she preserved the decision-making role of the Commission (Vicere
2016). In fact, these smooth procedures have to a high degree benefited from the
overlapping interests and objectives between the Council of European Union, 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.

**Timing, efficiency and internal consistency**

There was already a history of violence and diplomatic conflict in relations between
Belgrade and Pristina when the EU-facilitated dialogue was launched in 2011. Following the
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 UN-facilitated status talks began in 2006. Led by UN Special Envoy Martti Ahtisaari, the
conflict parties failed to reach agreement on the future status of Kosovo. Although the term
'independence' had been avoided in the document, the Ahtisaari Plan conceded the right to adopt a constitution, build an army and seek membership in international organisations. In 2007, 225 out of 244 Belgrade parliament members voted against the Ahtisaari Plan (DW 2007). Realising that the roadmap would not receive Russia’s backing – after four drafts had been presented in the UN Security Council – the process was put on hold in July 2007 (Phillips 2012: 169). The subsequent ‘troika’ consultations (between the EU, the USA and Russia) failed to reach agreement on the status of Kosovo in December 2007 (Spörl 2007).

On 17 February 2008, Kosovo unilaterally declared its independence from Serbia. Belgrade strongly opposed this decision but reassured the international community that it would not react with violence (CNN 2008). However, Kosovo’s decision sparked unrest in its northern territories, mainly inhabited by Kosovo Serbs, provoking a response by the UN police and NATO. In October 2008, the General Assembly of the United Nations called on the ICJ for legal advice on the declaration of independence.

Having 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 dialogue in 2011. With the ruling of the ICJ in 2010 concluding that Kosovo’s declaration of independence did not infringe upon international law, Belgrade had exhausted most possible judicial 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 had applied for EU membership on 22 December 2009 and although the then President of the European Commission Barroso did not explicitly state that Belgrade’s recognition of Kosovo’s independence was a prerequisite for membership, he noted that the normalisation of relations between both capitals was 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 line of argument, stating that “normalisation”, not “recognition”, was required (BalkanInsight 2012).

Kosovo was arguably less enthusiastic about the dialogue, although the dispute with Serbia had noticeable impacts on the economic situation, on telecommunications and on freedom of travel (Balkan Investigative Reporting Network, Internews Kosova, and Centre for Research Transparency and Accountability 2014). However, Pristina was more sceptical about the EU’s neutrality as not all Member States had acknowledged its independence. Moreover, a political dialogue on the status of Serbs in Kosovo was seen as a ‘domestic issue’ that should not have been part of the negotiations (Hamilton 2012). In addition, the EU did not have the pull factor of prospective membership as this was considered beyond the reach of Kosovo at that time (Bieber 2015).

The Pristina government was more interested in a ‘seat at the table’ in the international arena. Kosovo’s 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 was backed by a ‘Resolution for dialogue between Kosovo and Serbia’ by the Assembly of the Republic of Kosovo, stating that the dialogue should 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 of the context of the dialogue in terms of both the chronology of relations between Serbia and Kosovo and motivations to accept mediation suggest that a mutually hurting stalemate was reached. Coming from a war that ended in 1999, going through a UN-facilitated dialogue without reaching an agreement and, finally, the receiving legal advice from the ICJ together demonstrate that most opportunities for conflict settlement had already been tried. According to 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 accession to the European Union would not be realistic. Although dialogue was not as urgent for Kosovo as it was for Serbia, Pristina had an interest in international integration that could be facilitated by 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 address situations such as the dispute between Serbia and Kosovo. The Facilitating Dialogue is a core competency of the institution and the Belgrade-Pristina talks were considered a litmus test, since political failure would have questioned the effectiveness and assertiveness of the EEAS and the High Representative. Still engaged in its own institution-building and bearing the burden of mixed results of previous mediation efforts in the region (Bieber 2015), the political risk is considerable. Taking into account this high risk, the low financial footprint of dialogue facilitation (compared to other means of conflict resolution), and the high level of goal attainment, the variable internal effectiveness is high.

Regarding the internal transparency of this mediation, recent empirical material suggests that there is a significant gap between high-level EU institutions and EU representatives on the ground. A lack of information on the precise outcomes of negotiations taking place at the political level hampers implementation on the ground.

**External effectiveness**
While having achieved the overall goal of Serbia’s *de facto* acceptance of Kosovo’s independence, the Brussels Agreement and the Dialogue have not settled all discrepancies on the local level, by a long way. Attacks on German and Austrian KFOR troops by ethnic
Serbs in North Kosovo in relation to an attempt by Kosovo authorities to man a border post in 2011 served to demonstrate the level of hostility present in the region (Reuters 2011). The clashes shed light on the situation in North Kosovo, composed of four Serb-majority municipalities. Since its declaration of independence, Kosovo’s authorities have failed to extend their influence in the region, which largely rejects the existence of an independent Kosovo state. This did not change until recently, when Kosovo institutions (such as the Court) slowly began to move north.

Prior to the 2013 Brussels Agreement, in an informal referendum on the acceptance of Kosovo’s authorities organised in the north, 99% of the respondents said “no, we would not accept it” (Capussela 2016: 183). Officially, the Brussels Agreement envisages Belgrade’s acceptance that the north is part of Kosovo and Pristina’s commitment to safeguarding the interests of the local Serbs in the region. In 2015, a second agreement translated the Brussels Agreement 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 this body as an NGO with limited responsibilities, while 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. This appraisal has been backed by an opinion poll conducted by the Kosovar Centre of Security Studies (KCSS). Asked about the constitution of Serb majority municipalities, 78% of respondents considered this to be very harmful or harmful (Kosovar Centre for Security Studies 2017: 32).

In general, research pointed to the position that the agreement has been reached “not with the region, but about the region” (Economides and Ker-Lindsay 2015: 1035). North Kosovo was not involved in the negotiations on its future status, which risked the agreement being perceived as illegitimate on the ground (Capussela 2016; Economides and Ker-Lindsay 2015; Ernst 2014). The negotiations might have begun a process that will lead to further complications, as they infringed the status quo of North Kosovo. Before the agreement, Kosovo’s authorities made no attempt to extend their reach up to the north. Phillips (2014) argues that part of the administration even welcomed a separation. Moreover, criminal circles allegedly connected to the political elite benefited from North Kosovo’s unclear status. On the other hand, Serbia’s interest in annexing the North seemed to be limited because Belgrade had nothing to provide in exchange (Capussela 2016). However, this rather negative picture changes when seen from the viewpoint of the Kosovo-Serb population.

According to Ejdus (2014), for the first time, the Brussels Agreement provided “a more realistic, sustainable and orderly perspective” (Ejdus 2014: 6) for citizens living in the Serb municipalities. Furthermore, the Agreement came with the integration of Serbian police
forces and security/justice institutions into Kosovar structures and municipal elections in November 2013. Apart from minor incidents – for example in Mitrovica – the ballot took place peacefully. In addition, agreements on telecommunications, energy, customs stamps, university diplomas, freedom of movement and Integrated Border Management (IBM) have been implemented successfully or are on track, with minor discrepancies between the conflict parties (Ej dus 2014).

Despite this significant progress in some areas, the wording in recent status reports of both Serbian and Kosovo ministries paints a picture of mutual mistrust. In its 2017 report, Serbia accuses Pristina of “blackmailing” and alleged a “lack of political will” (Office for the Kosovo and Metohja and Office for the Coordination of Affairs in the Process of Negotiation with the Provisional Institutions of Self-Government in Pristine 2017: 27) – an accusation that has been countered by Kosovo (Ministry for Dialogue 2016). In turn, Pristina blames Belgrade for “dualism in implementation”, arguing that agreements are implemented by Serbia, although it does not refrain from supporting parallel structures in North Kosovo (Ministry for Dialogue 2016: 3). Those allegations are just a sample for illustration, but show the long way still to go before normalisation and mutual trust can be reached between Kosovo and Serbia.

As aforementioned, the Belgrade-Pristina dialogue has been conducted at a high level, involving the prime ministers of both Serbia and Kosovo. This has not come without implications for local perceptions of the mediation efforts. After having interviewed members of Kosovo NGOs, Randazzo concluded that the Dialogue “has so far not served the purpose of reaching everyday lives of people in Kosovo” (2017: 135). Although a survey among Kosovo citizens conducted by KCSS revealed that there was a tight majority of Kosovo citizens in favour of those negotiations, 38% did not support the dialogue. Some 28% of respondents even stated that it should be stopped immediately (Kosovar Centre for Security Studies 2015). However, public support for the dialogue among Serbs seems to be higher: the Belgrade Centre for Security Policy (BCSP) found that in general Serb citizens “support the agreements with Pristina as long as it does not lead to the recognition of Kosovo” (Popović 2017). Accordingly, only 9% are against these talks (Popović 2017).

The overall development of conflicts in the region related to Kosovo-Serbian relations from 1999 to 2015 substantiates the abovementioned conclusion. According to the Heidelberg Conflict Barometer, 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 broke out in 2013 and 2015, respectively. In 2013, violent clashes occurred between Kosovo Serbs and security forces in the northern

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9 Due to a change in rating criteria and conflict scale in 2003, comparability to data prior to 2003 is limited.
municipalities. In 2015, the database recorded a category 3 (‘Violent Crisis’) conflict between the Kosovo government and the Vetevendosje opposition group. Protests, which were against an agreement that was reached during the Belgrade-Pristina dialogue delegating greater administrative powers to Kosovar areas with an ethnic Serbian majority, turned violent in early 2015: recurring clashes between protesters and security forces left dozens injured.

Figure 3: Development of Conflicts related to Kosovo and Serbia between 1999 and 2015

The Kosovo Police Force recorded 99 attacks on cultural heritage sites in 2015 – including Islamic, Orthodox and Catholic religious sites. This figure increased from 88 incidents in 2014 (Kosovo Police 2015). Demjaha concluded that tensions between Kosovo and Serbia increased to “alarming levels” (2017: 182). Apart from the abovementioned protests, the researcher refers to the wall built by Serb authorities in Mitrovica and the train that was sent from Belgrade to northern Mitrovica, covered in nationalist slogans. Those incidents undermine any attempt to ease inter-ethnic tensions between Kosovo-Albanians and Kosovo-Serbs.

Ernst (2014) argues that a “vaguely defined agreement” on the status of North Kosovo was reached to demonstrate success. Both Belgrade and Pristina had to accept this in order not to jeopardise their EU aspirations further. In addition, due to the weak economic situation in their countries, both governments seized the agreement to generate legitimacy by achieving success in the diplomatic arena. Catherine Ashton, the then EU High Representative, was keen to showcase the Brussels Agreement, which would contribute to her record as EU Foreign Minister (Ernst 2014). A hint that EU institutions began to acknowledge the deficits of the Brussels Agreement was given in the Joint Communication labelling the Belgrade-Prismina Dialogue as “pragmatic” (European Commission 2016: 11), avoiding the enthusiastic wording used in 2013 and 2014 which referred to it as a “landmark agreement” and an “historic breakthrough” (Council of the European Union 2014b: 8).
Concluding remarks
The Belgrade-Pristina dialogue has mainly been 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 Europe’s front yard. Although there is considerable disagreement on the status of Kosovo among EU Member States, the dialogue received support from the Council and from EU foreign ministers that visited the region, regularly asking both conflict parties to stay committed. Coherence and internal appropriateness are therefore high. Without a clear perspective, however, using the carrot of EU membership for Kosovo may undermine the EU’s credibility at a later stage. Assessing the EU-facilitated dialogue through the lens of internal goal attainment reveals a brighter picture of an agreement, as facilitated by and signed in Brussels and including EU membership perspectives, which is clear on administrative and institutional arrangements for North Kosovo and that achieved a normalisation of relations between the two states. Without doubt, the formal Serbian acceptance of Kosovo’s status can be regarded as a success. Looking at this variable in isolation, it can be rated as highly as most, or even all, of the goals achieved in the dialogue. However, when broadening the view to external effectiveness and the outcome of the mediation efforts, the result looks quite different. While the status of implementation of some agreements looks promising – being either already implemented or on track – the impression changes when scratching the surface of the Brussels Agreement and when considering the situation on the ground. It is obvious that there is still a long way to go before a total normalisation of relations is achieved.

Table 3: Results Matrix

<table>
<thead>
<tr>
<th>Variables</th>
<th>Indicators</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal effectiveness</td>
<td>Internal goal attainment</td>
<td>Fulfilment of goals and objectives</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The dialogue has led to official normalisation of relations between Kosovo and Serbia</td>
</tr>
<tr>
<td>Internal appropriateness</td>
<td>Timeliness</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The conflict between Serbia and Kosovo reached a deadlock as all military and diplomatic means were applied before mediation</td>
</tr>
<tr>
<td></td>
<td>Efficiency, transparency and internal consistency</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Despite disputes among EU member states on the status of Kosovo, EU institutions worked together towards the goal of the dialogue</td>
</tr>
<tr>
<td>External effectiveness</td>
<td>External goal attainment</td>
<td>Mediation effectiveness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Although the dialogue ended hostilities between Serbia and Kosovo, the conflict continues at the local level in North Kosovo</td>
</tr>
<tr>
<td>External appropriateness</td>
<td>Mediation outcome: good vs. harm &amp; local legitimacy</td>
<td>Medium to low</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The dialogue helped to solve the overall conflict, but failed to address problems at the local level. Conflict intensity in North Kosovo increased recently.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Illegitimate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Local civil society was not involved in the dialogue</td>
</tr>
</tbody>
</table>
The feeling of being excluded from the negotiations, combined with widespread poverty and a lack of economic perspectives in North Kosovo, constitutes fertile ground for further social unrest that could threaten the progress made in the dialogue. According to the Bergmann and Niemann (2015) scale, mediation effectiveness can be rated between 3 and 4, as some conflict issues have been settled but there is still substantial work left. Regarding the micro-level, the agreement tends to have a medium to low influence on the conflict dynamics in the short run (Capussela 2016; Ernst 2014; Phillips 2014).

Studying the domestic situation in Kosovo revealed that during the dialogue between Belgrade and Pristina the security situation worsened. Data from the Heidelberg Conflict Barometer suggest that from 2012, local, intra-Kosovo conflicts emerged that are directly related to the outcome of the dialogue. The balance-sheet of the Belgrade-Pristina dialogue is thus mixed. Whereas the conflict intensity between the main stakeholders lessened since 2011, data from the Heidelberg Conflict Barometer and the Kosovo Police Force suggest that domestic conflicts in Kosovo have increased. Linking the case study to relevant literature, the argumentation of Gartner (2014) and Beardsley (2011), the choice of a directive mediation strategy offering strong incentives (an EU perspective) led to a quick agreement with limited durability. In sum, while being an internationally recognised success for the HR and EEAS, the Brussels Agreement failed to significantly contribute to sustainable peace in North Kosovo. Table 3 summarises the findings of this first case study, while the next section provides a second case study of local-level dialogue in Kosovo.

### 6.2. LOCAL-LEVEL DIALOGUE IN KOSOVO

This case study evaluates the success of mediation in the Track II dialogue between Kosovo Albanians and Serbs (both Kosovo Serbs and Serbs from Serbia), which has been facilitated by international and local civil society organisations since the signing of the Brussels Agreement in 2013. For this purpose, we have analysed three sub-cases. The first is multi-track dialogue that supports the normalisation of Serbian-Albanian relations. This is facilitated by an international non-governmental organisation—the Center for Inclusive Governance (CIG)—as well as two initiatives that specifically aid internal national dialogue among Kosovo stakeholders, which are enabled by two Kosovo national non-governmental organisations: the Balkan Policy Research Group (BPRG) and Kosova Democratic Institute (KDI). Although each of the three selected sub-cases has a different target group, they share the goal of increasing inclusiveness and local ownership of the dialogue on the normalisation of relations between Kosovo and Serbia. This goal is also shared by their common external sponsor – the Swiss Federal Ministry of Foreign Affairs. The three initiatives have different levels and qualities of interaction with EU officials in charge of running the Track I dialogue between officials of Pristina and Belgrade.
The main focus of this analysis is on the role that civil society organisations play in the mediation of intra- and inter-ethnic dialogue, the advantages and disadvantages of conflict resolution by international and national civil society organisations. It critically explores their interactions with the Track I dialogue, donors and international actors. This section will also examine some unintended and adverse consequences of civil society engagement in parallel to Track I dialogue. As with the previous section, for the purpose of evaluation of mediation success, we use the same analytical framework introduced in section three.

Empirical data were collected through interviews with employees of the three organisations from January to October 2017, as well as the analysis of the documents that they produced in the course of their mediation. The main limitation of this case study was its reliance on the views of those leading and implementing the initiatives, with limited consultations with the participants and recipients of dialogue themselves due to difficulties in gaining access in a period of parliamentary and local elections in Kosovo. Before applying our analytical framework, the next section provides an overview of these three initiatives.

**Brief description of analysed cases**

The longest-running initiative is that of the Center for Inclusive Governance (CIG)—a US-registered international NGO. This organisation is run by former staff from the Project on Ethnic Relations (PER), which previously mediated dialogue among Kosovo Albanians and Serbs from prior to the armed conflict in 1998 until 2010 (Burg 2007). Thus, CIG is arguably the only civil society organisation in this case that has continuity in the mediation of inter-ethnic dialogue. In 2014, CIG started the programme on *Normalisation of Relations between Kosovo and Serbia and Integration of Kosovo’s North* (CIG 2015: 2–3), which involved officials from the Kosovar and Serbian governments and parliaments, as well as facilitating dialogue among officials and representatives from civil society and academia in Kosovo and Serbia on the Brussels Dialogue. This initiative is one of the few initiatives that have secured involvement of Kosovo Serbs, who are excluded from the first-track dialogue, where Belgrade-based authorities negotiate on their behalf.

The CIG-led mediation process has several tracks. First, it has ‘track one and a half’, which has involved the main negotiators of Kosovo and Serbia in an informal dialogue outside of Brussels. The ‘track one and a half’ dialogue refers to “informal dialogue and problem

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10 Spring–summer 2017.
11 21 October 2017.
13 For an overview of CIG’s mediation in Kosovo see: [http://www.cigonline.net/publications](http://www.cigonline.net/publications).
14 The main negotiators at that time were the Director of Serbian Government’s Office for Kosovo and Metohija, Marko Djuric, and the Kosovo Minister for Dialogue in the Kosovo Government, Edita Tahiri.
solving formats with high-ranking politicians and decision makers, involving Track 1 participants but employ Track II approaches in an attempt to bridge the gap between official government efforts and civil society” (EPLO 2013: 14). CIG also facilitates a parliamentary track among MPs from both sides gathered in the joint parliamentary Group for Cooperation, and a practical track enabling dialogue and exchange between the officials of Kosovo’s Ministry of European Integration and the Serbian Government’s Office of EU Integration. Last but not least, CIG runs the Track II dialogue with a mixed group of participants, the composition of which depends on the topic discussed. Interactions take place through numerous roundtables, workshops, panels, briefings, small group and individual discussions. The major issues discussed in the period of analysis were: 1) activities in support of the EU-sponsored Brussels Dialogue and the implementations of its agreements; 2) activities related to the establishment of the Community of Serb-Majority Municipalities in Kosovo; 3) the integration of Kosovo’s North and advancement of overall Serb participation in Kosovo’s political life; 4) the establishment of cooperation between MPs from Kosovo and Serbia; and 5) initiating cooperation on EU integration between Belgrade and Pristina (CIG 2015: 3). The main sponsor of this initiative has been the Swiss Federal Ministry of Foreign Affairs, with occasional support from the UK Foreign and Commonwealth Office, the Open Society Foundation and the Balkan Trust for Democracy.

In this section, this report also analyses two processes run by national NGOs that aim to facilitate internal dialogue within Kosovo. The first is a dialogue among Kosovo Albanian political parties facilitated by the Balkans Policy Research Group (BPRG), and the second is a dialogue among Kosovo MPs run by Kosova Democratic Institute (KDI). Both initiatives were launched in 2016, after a blockade in Kosovo’s parliament due to a conflict between the government and opposition.

The Balkan Policy Research Group (BPRG) initiated an internal political dialogue among Kosovo Albanian political parties in 2016 “that aims to facilitate, support, and mediate reform-driven agenda dialogue in overcoming challenges and differences among the parliamentary political parties and leaders in advancing state consolidation” (BPRG 2017a). The BPRG mediated a few rounds of dialogue among the vice-presidents of the Kosovo Albanian political parties, before facilitating the first meeting among leaders of the ruling and opposition parties since the start of parliamentary crisis. This initiative resulted in the production of a Roadmap for Internal Dialogue specifying the controversial issues to be addressed by Kosovo Albanian political parties, and of the Election Code of Conduct ahead of parliamentary elections in June 2017. Discussions in this format provide a mechanism for reaching a common vision for a comprehensive agreement with Serbia and on how to proceed with the implementation of the most divisive agreements stemming from the mid-2017, after the presidential elections in Serbia and the parliamentary elections in Kosovo, the format of dialogue has changed, so that the main negotiators are now the presidents of Kosovo and Serbia.
Brussels Agreement (for example, the Association/Community of Serbian Municipalities). The initiative has been supported by the Swiss and Norwegian ministries of foreign affairs.

In 2016, the Kosova Democratic Institute (KDI) started an initiative that aims to strengthen “the oversight of the Assembly towards the Government and increasing the participation of the citizens in the framework of the Kosovo-Serbia dialogue” (KDI 2016a). The initiative is developed within their programme on Democratisation and Parliamentary Practices and primarily engages MPs from Kosovo’s Parliament in the scrutiny of agreements made within the Brussels Dialogue, as well as in roundtables with civil society and citizens on the same topics. Key activities include the organisation of periodic surveys to gauge public opinion on the Brussels Dialogue, the participation of MPs in public roundtables on the Dialogue with local civil society organisations and citizens in various municipalities, as well as the provision of support for the parliamentary committees’ discussions on the implementation of agreements made within the Brussels Dialogue (Interview 1). KDI’s role was to convene and facilitate discussions, and much of this work took place at public roundtables, some behind closed doors during the sessions of the parliamentary committees on foreign affairs, European integration, economy and development and education (Interview 1). The initiative is sponsored as a part of the project “Strengthening parliamentary oversight of the executive and increasing citizen participation in the dialogue Kosovo - Serbia”, funded by the Swiss Federal Department of Foreign Affairs.

All three initiatives are still ongoing, but in this section, we focus mostly on their track record until mid-2017 as this is when the third phase of Brussels-mediated dialogue between Belgrade and Pristina was launched. Negotiations among prime ministers therefore shifted to dialogue between the two presidents, and both sides are working to reach a new agreement on comprehensive normalisation, including possibly the status issue (Bailey 2017). All three initiatives are currently re-adjusting to the new design of the Track I process, as well as the announcements by the two presidents that they will launch national dialogues (KDI 2017a).

Table 4 below gives an overview of the previously introduced initiatives for normalisation of relations between Serbia and Kosovo.
Table 4: Overview of NGO-mediated dialogue initiatives for normalization of relations

<table>
<thead>
<tr>
<th>Name of the initiative</th>
<th>Convener</th>
<th>Start Date</th>
<th>Donor</th>
<th>Format</th>
</tr>
</thead>
</table>
| **Normalisation Dialogue** | Center for Inclusive Governance (CIG) – | Since 2014, but building on track two dialogue that they run since 2010 and previous engagement in the Project for Interethnic Relations | Swiss Federal Ministry of Foreign Affairs with support for individual parts by other donors such as: the U.K. Foreign Commonwealth Office, Balkan Trust for Democracy and Open Society Foundation | Track one-and-half with chief negotiators from Pristina and Belgrade Track two dialogues:  
- Parliamentary track – joint parliamentary Group for Cooperation  
- Practical track between authorities for EU integration  
- Mixed track – politicians, civil society, academia involving Kosovo Albanians, Kosovo Serbs and Serbian elite from inner Serbia |
| **National Dialogue among Kosovo Albanian political Parties** | Balkan Policy Research Group (BPRG) | 2016 | Swiss Federal Ministry of Foreign Affairs and Norwegian Ministry of Foreign Affairs | Internal dialogue among Kosovo Albanian political parties facilitated by internal mediator Side consultations with Kosovo Albanian civil society, academia and opinion-makers and Groups of Friends of internal dialogue made of EU and QUINTA representatives in Kosovo |
| **Strengthening parliamentary oversight of the executive and increasing citizen participation in the dialogue Kosovo - Serbia** | Kosova Democratic Institute | 2016 | Swiss Federal Ministry of Foreign Affairs | Internal dialogue among Kosovo MPs and civil society facilitated by internal mediator |
Internal effectiveness

*Internal goal attainment*

Switzerland is one of the most active supporters of the Track II dialogue within and between Kosovo and Serbia. Its *Cooperation Strategy with Kosovo 2017–20* stresses that Kosovo’s dialogue with Serbia currently “lacks inclusivity, the Parliament does currently not exercise its oversight function over the executive” (FDFA *et al.* 2016: 25). Therefore, the strategy puts forward a goal of “increasing public support for dialogue and establishment of the functioning accountability mechanisms between Assembly and the government on the issues related to the Brussels Dialogue” (FDFA *et al.* 2016: 25). Besides the establishment of parliamentary oversight mechanisms, the strategy also envisages the continuation of a dialogue platform for the normalisation of relations and the integration of Kosovo Serbs (FDFA *et al.* 2016). The overall objective these actions seek to contribute to attaining is that:

three state powers (executive, legislative and judiciary) together with independent oversight bodies and CSOs take credible steps to foster inclusiveness of political process, specifically dealing with the legacy of the past and the political dialogue with minority communities and Serbia.

(FDFA *et al.* 2016: 13)

By supporting these three initiatives, Swiss foreign policy seems to be achieving the short-term objective of increasing the inclusiveness of the political process of dialogue with Serbia. By supporting KDI’s work, they enabled greater involvement of the Kosovo parliament in the discussion and scrutiny of the Brussels Dialogue. CIG’s facilitation of the Track II dialogue has also enabled discussion among the MPs, who have so far been excluded from the Brussels-mediated dialogue. Under this facilitation, MPs have engaged with their counterparts from the neighbouring parliament, as have both Kosovo Albanian and Serbian politicians. Additionally, representatives from civil society and academia have interacted with Kosovo Serbian representatives whose future was the topic of discussions in the Brussels-mediated framework, although they were not directly included. While the BPRG initiative is not explicitly described in the Swiss Cooperation Strategy, it fulfils the aim of increasing inclusivity by enabling constructive dialogue among the ruling parties and the opposition on a common vision of Kosovo Albanians for future agreements in the dialogue with Serbia.

With support for the abovementioned initiatives, Switzerland re-affirms its “autonomous niche capacity” of conflict mediation (Möckli 2008) within one of four pillars of its foreign policy – support for peace and security (FDFA, 2016: 21–22). Switzerland’s objective is to be recognised within international organisations such as the UN, OSCE and among its partners as a credible mediator and supporter of dialogue processes that lead to conflict resolution (FDFA 2016: 21–22). This is especially true in the regions of specific geographic interest to the Swiss Federation such as south-eastern Europe and the Mediterranean (Möckli 2008:2).
With the support of second and third track dialogue initiatives, Switzerland has succeeded in being recognised among the international community and civil society organisations in the region as the key sponsor of inter-ethnic and inter-state dialogue (Interviews 1–8). From the civil society perspective, Switzerland and Norway are the preferred sponsors of Track II mediation as they are perceived “as more impartial donors, not imposing their agenda directly as some other major countries, for example, USAID, the UK, Germany, and so on.” (Interview 5). The advantage donors like Switzerland and Norway is also that “they accepted our demand not to have any donor logo on internal dialogue material so as to communicate that the process is locally designed” (Interview 5).

For its part, the EU has not recognised any lack of inclusiveness in the Brussels Dialogue as a problem on the road to normalising relations between Kosovo and Serbia and it has been primarily engaged in the mediation of dialogue between the ruling elites of both entities (Track I). Besides support for Track I dialogue, the European Commission has supported people-to-people contacts by funding civil society cooperation at the local level through the Civil Society Facility, however, with the impact on the normalisation agenda unclear (Interviews 1 and 9). The requirement to provide support for the inclusion of other political and social actors in the Brussels Dialogue through Track II dialogues rests with the Member States and other donors (Interviews 10 and 11). This has left the EU open to criticism from local constituencies for supporting a process captured by the elites (Interview 6), while relying on resources of other international actors for the involvement of other parts of society such as opposition parties, civil society and academia. In the words of one of the interviewees from a civil society organisation, “the EU is discussing with the main spoilers of dialogue, while letting civil society mediate the inter-ethnic relations” (Interview 5). In conclusion, most of the interviewees perceived the EU to be unsuccessful in achieving normalisation as a key goal of mediation because it did not support and leverage the inclusion of both communities in the dialogue and because it failed to engage in multi-track diplomacy.

**Timeliness**

The timeliness of Track II initiatives in Kosovo has been pre-decided in this context, as a majority of Track II initiatives designed to achieve the normalisation of relations between Kosovo and Serbia were initiated after the conflict had gone through a few phases. It is, however, interesting to note a significant difference between the timings of the involvement of international NGOs and national NGOs as ‘internal mediators’ in the local dialogue.

The Center for Inclusive Governance as an informal successor of the Project on Ethnic Relations is the only organisation that has been active in the mediation of Serbian-Albanian relations since the 1990s and the early phases of conflict. It has intensified its multi-track
mediation work with two groups since the mid-2000s: facilitating dialogue between Kosovo Serbs and Kosovo Albanians after Serb-dominated municipalities in southern Kosovo took part in Kosovo’s local elections in 2009, as well as intra-ethnic dialogue between Kosovo Serbs and Serbian elites. This work built CIG’s social capital with “all sides of the particular issue” (Burg 2007: 10) and made them an acceptable mediator for all constituencies in the conflict during the phase of deepening the normalisation agenda after the Brussels Agreement was reached in April 2013. It is also in line with PER/CIG mediation approach, which uses “creative opportunism” (Burg 2008: 12) – that is, not waiting for the conflict to be “ripe for settlement” (Burg 2008: 13) but working towards smaller agreements and gradually expanding the number of individuals involved in community dialogue. Their extensive network of contacts at different levels of governance and among non-state actors also made them an attractive partner for the international community as they could draw information on the context and possible scenarios from a diverse range of actors. Taken together, this led to CIG’s role in mediating the track one-and-a-half dialogue’s “diplomatic activity carried out by private persons dealing with decision makers” (Kassof, quoted in Burg 2007: 10).

The exploration of the context of internal dialogue within Kosovo demonstrates that it started when a mutually hurting stalemate (see Zartman 2001) was reached between the Kosovo Albanian ruling and opposition parties. Both the national dialogue among political parties facilitated by BPRG and the dialogue within parliamentary committees supported by KDI were initiated in 2016, after an almost two-year long parliamentary blockade caused by the opposition-led riots, the use of tear gas and the firing of a rocket-propelled grenade at the parliament building. Such violent exchanges were triggered after the Kosovo government signed the agreement on the establishment of the Association/Community of Serbian Municipalities as a part of the Brussels Dialogue and the agreement on border demarcation with Montenegro (Mustafa 2016). Another major dispute relates to the future of Kosovo’s Security Force. Although all major Kosovo Albanian political parties support the transformation of the Kosovo Security Force into the Kosovo Armed Forces, they disagree on how to introduce this change:

President Thaci’s PDK pushes the initiative for unilateral change of mandate with the changes of legislation without securing constitutionally required mandate by Kosovo Serbian minority MPs; LDK would support it only if there is approval of international community, Vetëvendosje [Self-Determination] would vote for the army only if PDK’s intentions are true, not allowing it to collect political points using patriotic rhetoric without implementing it. (Interview 3).

The international community lost its credibility to mediate relations among Kosovo Albanian parties, as it was perceived to support the ruling party at any cost, as long as it was willing to engage in dialogue with Belgrade authorities. Additionally, for the first time the
international community was met with resistance by local actors – in particular, the major opposition party Vetëvendosje (Visoka 2011), who criticised the international community’s governance in Kosovo “as simply neo-colonial” (Mustafa 2016). Western embassies also broke contact with Vetëvendosje as it was perceived as a “peace spoiler” (Hoffmann 2006) due to its calls for a cessation of talks with Serbia and the unification of Kosovo with Albania (Interview 5). It seems that the failure of international actors and the mutually hurting stalemate among Kosovo Albanians created a space for insider mediation by national NGOs, who are directly affected by the conflict and have an in-depth knowledge of the context. In the words of a civil society interviewee:

For fifteen years the international community has been in charge of reaching internationally brokered agreements which all failed due to zero ownership of agreements by Kosovo elites. This is why the international community accepted that no other dialogue process would work, if there was no dialogue on common vision at home. Kosovo Albanian politicians accepted internal political dialogue as they understood that it is needed to consolidate statehood so to prevent crisis, for example Kosovo North [inhabited mostly by Serbs] becoming autonomous. (Interview 5)

However, before engaging with local political leaders, BPRG lobbied important embassies first to seek approval for a nationally designed process (Interview 5). This demonstrates that international actors were willing to support nationally-led mediation once it became clear that national NGOs could act as “an intermediary and connecting mechanism between external actors and national political actors and beneficiary communities” (Visoka 2015: 268).

It is important to note that all three abovementioned NGOs have drawn on the social capital built through their key staff members’ previous work with local constituencies. For example, KDI has been a leading watchdog and capacity-builder of Kosovo’s parliamentary oversight function and because of this it possesses a well-developed network of contacts in parliament. BPRG staff members, meanwhile, have contacts with all of the major political parties on account of their previous work with International Crisis Group. In the words of one of the civil society representatives interviewed, it is not their “knowledge of mediation skills, but their in-depth understanding of the context that brings them credibility with local actors” (Interview 5).

In summary, mediation by international NGOs at the earlier stages of conflict was possible due to their links with international interveners in the conflict and a perception of an unbiased approach towards local dynamics, while the two national NGOs became acceptable to local actors because of a mutually hurting stalemate and to the internationals because of their failure to mediate internal conflict among Kosovo Albanian political parties.
Efficiency and cost-effectiveness

A key lesson identified for running Track II initiatives is the need for flexibility in the allocation of costs due to the fact that activities might need to be adjusted in a volatile political environment. The need to accommodate flexible costs is most obvious wherever a last-minute cancellation or postponement of agreed meetings occurs, or where meetings between two sides are moved to a neutral territory (for example, a third country). This occurred after MPs from Vetëvendosje, who disapprove of all agreements made with Serbia, were photographed replacing Kosovo vehicle registration number plates with Serbian plates in order to attend CIG meeting in Serbia (Interview 12). Representatives of all three initiatives have confirmed that at least some meetings were cancelled at the last-minute due to political incidents.

All abovementioned initiatives, run by non-profits, have managed to decrease the political cost of their actions to their sponsors as they are not directly linked with, or blamed for, negative outcomes, while they can harvest the successes by introducing them into the Track I dialogue. This is one reason why mediation by an internal mediator—a local NGO, with perceived ‘peace spoilers’ such as Vetëvendosje—was allowed instead of the usual direct negotiation by Western embassies being enforced. Additionally, Serbian government actors seem to prefer launching informal dialogue facilitated by an international NGO so as to avoid the scrutiny that they would be susceptible to if the cooperation was officially launched. Having learned from the experience of the Serbian Office for Cooperation with Civil Society, which was criticised for undermining the official position of non-recognition of the “self-proclaimed independent Kosovo authorities” by hosting a Kosovo counterpart at a regional conference in Belgrade, the Serbian Office for EU Integration opted for a track one-and-a-half format for the exchange with Kosovo’s Ministry for EU Integration, mediated by CIG (Interview 6). In this way, the actors could always claim that the meetings that took place had an informal nature and therefore did not deviate from official positions.

In sum, the Track II dialogues are cost-effective as they are flexible in implementation, possess familiarity with the local context, and decrease the political costs for their sponsors and the Track I process. However, to assess their cost-effectiveness, we should ask whether the Track I dialogue would achieve the same success without the parallel Track II dialogues run by civil society. For this purpose, below we will assess in further detail the mediation success of the Track II dialogue, as well as its contributions to the Track I dialogue.

External effectiveness of local dialogues

Regarding their external effectiveness, the initiatives were arguably successful in reaching process agreements and in the settlement of minor conflict issues (3 according to the scale introduced by Bergmann and Niemann (2015) referred to earlier). The primary goal of CIG and BPRG was very general: it was to establish the dialogue processes through which some
disputes would be resolved in a non-violent way. All of the initiatives seem to have succeeded in doing so by establishing regular contacts among groups that had not been communicating directly or had only been involved in public disputes prior to the launch of the dialogues. For example, CIG claims that the process has “significantly contributed to better understanding between the parties and improving their knowledge about each other’s positions and limitations of their maximalist demands. Many of participants have moderated their views following these interactions” (Roinishvili Grigorev, cited in CIG 2015: 3). In the words of one of the regular participants in the CIG-mediated Track II dialogue among civil society, academics and politicians, “it helped us understand not only each other’s position, but also another perspective” (Interview 5). Similarly, the major achievement of BPRG mediation is to teach “Kosovo Albanian political parties to agree to disagree on certain issues without throwing tear gas at each other” (Interview 3).

CIG works on “strengthening domestic conflict resolution capacities and decreasing dependency on international mediation” (Gashi and Novakovic 2017: 7) by increasing local participation in the dialogue on normalisation. They were successful in expanding the inclusiveness of dialogue by setting up a joint parliamentary Group for Cooperation that involves most of the ruling and opposition parties15 from both Serbia and Kosovo in direct exchange. This group and the Track II dialogues facilitated by CIG were successful in “defining in more detail some of the issues discussed in Brussels” such as the expectations of both sides held by the Association/Community of Serbian Municipalities. They have also highlighted the lack of full implementation of a number of agreements, which in turn have serious impacts, such as the limited freedom of movement owing to the non-recognition of Kosovar vehicle registration number plates in Serbia. While other civil society organisations involved in monitoring the Brussels Agreement have also highlighted a number of weakness in the process, CIG provided a safe forum for discussion among political actors and civil society in the Track II format, facilitating consensus on some issues. They both “put forward new items on agenda” (CIG 2015 5–6) and “put pressure on both governments to implement some of the agreements like recognition of diplomas” (CIG 2015 36–38). Analysing the published conclusions from CIG meetings, we can see that many recommendations have been reiterated multiple times within different groups, indicating that the process of reaching consensus is slow and dependent on domestic political factors that constrain participants from taking, or enable participants to take action. However, the possibility for international NGOs to coordinate dialogues with the participation of diverse stakeholders allows for the translation and feeding of a given dialogue from one track into other tracks, which in turn facilitates progress in reaching consensus.

15 Representatives of right-wing Serbian parties that disapprove of Brussels-mediated dialogue did not accept the invitation to take part in the CIG-mediated dialogue, while VV fromthe Kosovo parliament is a part of parliamentary group.
BPRG was similarly successful in facilitating contact among political opponents within Kosovo Albanian parties. They first engaged the vice-presidents of key government and opposition parties, until they reached enough trust in dialogue to agree to the first face-to-face meeting among political leaders. That meeting, which occurred in August 2016, was the first to take place after two years of violent conflict and obstruction in parliament (BPRG 2016a). In the words of the organisers, the success was also evident in a symbolic way, as this was “the first joint photo of political leaders” since the start of the parliamentary crisis in 2014 (Interview 5). Another indicator of success was that in March 2017, after ten rounds of internal dialogue, party representatives met and “negotiated difficult issues without the presence of members of the international community” (BPRG 2017b). A major success of BPRG was seen in the agreement among Kosovo Albanian political parties on a so-called Roadmap for [internal] Dialogue and a Code of Conduct for parliamentary elections in 2017. The Roadmap for Dialogue is a process agreement mediated by BPRG in 2016 within which priorities to be resolved among Kosovo Albanian parties were agreed: border demarcation with Montenegro, dialogue with Serbia, transformation of the armed forces, electoral reform, and the establishment or implementation of parliamentary rules and procedures and other critical legislation (Interview 5). Some of the issues on the agenda were ‘resolved’ by addressing the procedure for further dialogue within official institutional processes, such as the Election Code of Conduct, which was also endorsed by the Electoral Commission president (BPRG 2017c). The national dialogue succeeded in drafting an agreement on how to proceed with discussions on border demarcation with Montenegro (BPRG 2016b), an issue over which there had previously been violent clashes between the political opposition and the executive. A solution to this divisive issue has not yet been found, however.

The KDI-facilitated process significantly increased the transparency of the Brussels Dialogue by securing the publication of reports on the implementation of the Dialogue on the government’s website, along with official and NGO-led monitoring reports on the KDI’s dedicated internet portal for voters. However, they criticised the EU for not publishing the final text containing all of the agreements reached. Most importantly, they facilitated an intense dialogue in parliamentary committees, securing the attendance of top government officials, preparing briefings for MPs and engaging members of parliament in roundtable discussions on the implementation and future vision of the Brussels Dialogue (KDI 2017b). By carrying-out regular public opinion polls on the dialogue, they managed to assess the level of familiarity of citizens with deals made on their behalf (KDI 2016a), to acquire information on additional issues that citizens wanted resolved as a part of the Brussels Dialogue (for example, missing persons), and to access support for the new phase of dialogue.

All of those interviewed for this report described a positive contribution to conflict prevention resulting from the establishment of communication channels for both sides of the conflict and the proactive resolution of certain disputes that further dialogue is building
Representatives of both KDI and BPRG cite the fact that “no teargas has been used in parliament or protests” as evidence of the positive impact their mediation has had on conflict prevention among Kosovo Albanian political parties since the start of their internal dialogue (Interviews 1 and 5). Moreover, the internal political dialogue facilitated by BPRG led to agreement on the establishment of a platform for dialogue on the border demarcation with Montenegro (one of the more contentious issues within the Kosovo Albanian political community). On 25 October 2016, the Kosovo Albanian parties agreed that “Parliamentary parties will work together with the aim to reach a consensus-based agreement on the Demarcation with Montenegro. Parties will not take actions as long as the dialogue on the issue continues” (BPRG 2016c). Similarly, within this framework, key issues to be resolved in relation to the dialogue with Serbia were agreed upon: the stages for the development of a vision within the national dialogue, a system for consultation within parliament (a special committee chaired by the political opposition), and a cohesive agenda for a vision for the Association/Community of Serbian municipalities (Interview 5).

**Legitimacy of Track II dialogues**

In this section, we differentiate the legitimacy given to Track II initiatives by the general public, organised local actors (government, political opposition and civil society) and the international community (Randall and Verkoren 2017). It is difficult to examine the public acceptance of the agreements facilitated by the three abovementioned civil society organisations, given that the initiatives led by CIG and BPRG are not publicly known, except in the circles of those who are involved with or provide direct support to the initiatives. The exception to this is the Kosova Democratic Institute, which holds most of its activities in public, such as roundtables between MPs and civil society, apart from some consultations with individual parties and committee sessions. The findings suggest that the practice of increasing the inclusiveness of the dialogue with Serbia is being accepted by all political parties and most citizens. However, it is important to note that the public surveys that concluded this started from the position of “preserving Kosovo’s sovereignty in its current form and strengthening it” which is perceived as an “exclusionary practice” by the Kosovo Serbian population (Interviews 4, 13, 14 and 15), many of whom disagree with the current design of the political system. While the KDI-run dialogue within parliament did not aim to officially facilitate dialogue among Kosovo Albanians only, the background of its organisation attributed legitimacy based on ethnic belonging (Visoka 2015: 9) among a majority of the Kosovo Albanian population. As such, it has only partially succeeded in including Kosovo Serbian representatives.

CIG and BPRG have built their success on the creation of a space for dialogue among participants behind closed doors and under confidential Chatham House rules (Interviews 5, 6, 7 and 12). CIG periodically publishes an overview of the discussions with a list of participants or opens debates on how to move inter-ethnic and inter-state relations
forward. BPRG usually informs expert members of the public on the outcomes of the dialogue with brief press releases. Based on the willingness and interest to take part in CIG activities, we conclude that this initiative enjoys wide legitimacy among local governments, opposition parties and non-state actors within both Kosovo and Serbia. At the same time, CIG is applying a procedural-formulation mediation strategy by drawing up the agenda for the meetings based on individual consultations with all sides (Bercovitch and DeRouen 2004).

BPRG was criticised by the media for its negative influence on the domestic political process. For the purpose of maintaining the equal status of both ruling and opposition parties in the dialogue, the participants of BPRG-facilitated dialogues agreed that BPRG staff will present to media initial agreements among participating parties. In the words of one participant, “the media preferred highly polarised debate, so once they got information on the minimal consensus reached among politicians they were disappointed and accused BPRG of keeping the government in power” by allowing them to avoid scrutiny by media (Interview 5). In order to broaden the legitimacy of internal dialogue, BPRG also initiated a process of consultation with key civil society, media and academic opinion-makers to secure their “support for the ongoing format of the political dialogue between the government and the opposition” (BPRG 2017d). Most importantly, BPRG staff members are aware of the risk of the erosion of accountability that can result from making and maintaining political deals outside of official institutions. That is why they argue that the goal of mediation “is not to increase understanding among political parties, but to agree on procedural tools for internal consensus and dialogue among Kosovo Albanians that is to be implemented by institutions” (Interview 5). An example of this is the recommendation to set up a special parliamentary commission for the consultations between the opposition and the government on key divisive issues similar to the one the Croatian parliament developed for accession negotiations with the EU. The Croatian model allowed for disputes to remain behind closed doors, and therefore also facilitating the ability to speak with one voice to external parties and enhance the country’s negotiating position.

**Links to the Track I Brussels Dialogue**
The three analysed initiatives have different levels of connection with the Track I mediation in Brussels and have deployed different strategies to ensure the support of key Western countries and the EU for the NGO-driven mediation processes. The participation of international actors in locally-driven mediation efforts has also influenced perceptions of the legitimacy of local dialogue.

KDI maintains contact with the EU Office in Pristina and feeds in proposals on new issues for the new round of dialogue based on the results of public opinion surveys and of the discussions facilitated among MPs. They do not invite internationals to their events outside
of Pristina. CIG and BPRG have had different experiences. As aforementioned, the CIG process facilitated track one-and-a-half dialogue among the chief negotiators from Kosovo and Serbia. In the words of one of the interviewees, politicians seem to prefer CIG-facilitated dialogue over the official process as the former “is more informal” (Interview 3).

In the words of one participant in the process, this unofficial dialogue “allowed chief negotiators to freely express all frustrations: about the EU as a mediator, about each other and their political bosses... and then to become ready to go back to the negotiation table” (Interview 6). CIG supported them to discuss an “overall vision for the dialogue” and “not to discuss individual divisive issues such as the wall” (Interview 7). Moreover, the local knowledge and information on conflict dynamics gained in Track II dialogues among MPs and representatives from civil society and academia is transmitted to the EEAS and key embassies. For that purpose, CIG staff members visit Brussels at least once every three months to conduct detailed discussions with EEAS staff involved in the mediation of Track I dialogue, and holds briefings for key embassies at the same time (Interview 7). Furthermore, CIG presents proposals on how to move the Brussels Dialogue forward based on discussions within the multi-track dialogues that they facilitate (Gashi and Novakovic 2017).

BPRG similarly forwards the agenda and conclusions of each round of internal dialogue to the key EEAS personnel in charge of mediating Track I dialogue, as well as to the DG NEAR Commissioner Johannes Hahn, to all Quinta embassies,16 and to regional players supporting Kosovo Albanian agenda17 (Interview 5). BPRG has been even more proactive in maintaining the support of key Pristina-based embassies and the EU for the internal dialogue. They engaged Western embassies in preparation meetings before engagement in national dialogue began, and invited Quinta and EU ambassadors to attend the first couple of rounds of internal dialogue. Besides attributing observer status to the EU officials attending internal dialogues, BPRG holds regular briefings for them to ensure a ‘feedback loop’ is established and maintained with the Track I process (Interview 5).

BPRG claimed to have established an informal ‘Group of Friends of the Dialogue’ among the Pristina-based embassies and the EU Office to “mobilize their support for the locally designed process” of dialogue among key political parties (Interview 5). In this way, they ensured that all international actors felt that they were held in equal regard in terms of their importance and their inclusion even when they were not physically observing the internal dialogue meetings among Kosovo Albanian political parties. In this group, BPRG was mediating between international actors to ensure that they would “refrain from criticising local actors with whom they disagree as initially German and U.S. representatives were shouting at the opposition parties”, as well as preparing the international community “to speak with one voice towards Kosovo politicians” (Interview 5). The final support function of

16 The US, UK, Germany, France and Italy.
17 Croatia, Slovenia and Albania.
foreign embassies was to feed key agreements made within the Kosovo Albanian internal dialogue to Kosovo Serbs, so that the dialogue with their political representatives in Srpska Lista could build on the outcomes of the first process. The international community agreed to promote this agenda as long as whatever is agreed is “not to change solutions put forward in Ahtisaari Agreement and will provide support for Brussels Dialogue” (Interview 5). All observed practices led to the conclusion that the officially proclaimed goal of increasing local ownership of the Track II dialogue had still not led to the achievement of autonomy from international actors.

Despite contact with key EEAS personnel in charge of the mediation of the Brussels Dialogue, it is not clear to what extent the EU is integrating the outcomes of the Track II dialogues into the Track I process. According to an interviewee, “It is impossible for an individual in the EEAS in charge of Brussels Dialogue and relationship with Turkey to keep track of dialogues taking place among Kosovo Albanians, between Kosovo Albanian and Kosovo Serbian political representatives and between Belgrade and Pristina” (Interview 4). Several interviewees also argued that more human resources and better coordination among the EEAS HQ, the EU’s presence in the field, and the Member States are needed in relation to the outcomes of the multi-track dialogue to ensure the effectiveness of EU mediation (Interviews 5, 6, 9 and 10).

There is a perception among civil society actors in Kosovo that there is no systematic multi-track diplomacy being conducted by the EU; rather, inputs made within different tracks depend on the familiarity of NGOs involved with EU actors. This may lead to missed opportunities to ensure the consistency and to strengthen the sustainability of agreements reached. Civil society actors interviewed believed that this was partially due to the fact that the EU lacked a clear vision of what the end-goal of the process should be. “It sometimes feels, especially during election campaigns, that the EU lacks vision and it depends on civil society organisations and member states for proposals on how to push the agenda forwards”, one interviewee explained (Interview 4). Kosovo civil society organisations highlighted the lack of transparency regarding the EU’s role and the agreements reached as an obstacle to greater engagement with the Track I process. While the ‘strategic ambiguity’ of the Brussels-mediated agreements may have been beneficial initially, as it allowed the dialogue agenda to be filled with new issues (Interviews 1, 4 and 5), it is now perceived as a barrier to demanding accountability from the elites regarding the lack of implementation of agreements (Interview 1). Moreover, there is a criticism that the EU is not clear about whether it is facilitating dialogue (using a communication strategy) or mediating dialogue (using a manipulative strategy) as it uses language selectively: “when the agreements made in Brussels are perceived as a success, the EU claims that it is mediating the dialogue, but when the process is stalled or there is a crisis, the EU takes responsibility only for facilitating dialogue” (Interview 5). Representatives of all three initiatives were in favour of the EU taking a directive role by spelling-out the next phases of dialogue and the expected
outcomes, for example a comprehensive legal settlement without specifying its contents. This would also help Track II dialogues to feed into the Track I process.

Concluding remarks
As demonstrated by the case study, mediation by international NGOs at the earlier stage of conflict was possible due to their links with the international interveners and a perception among both international and local actors of an unbiased approach being taken towards local dynamics. The two national NGOs became acceptable to local actors because of the existence of a mutually hurting stalemate and to the internationals because of their own failure to mediate internal conflict among Kosovo Albanian political parties. Track II dialogues are an effective way of establishing trust among parties in the first track, as well as for the development of solutions for the implementation of agreements made within Track I. Serbian government actors prefer the track one-and-a-half format, which allows them to test new cooperation initiatives while avoiding the scrutiny they would be susceptible to from their local constituencies if cooperation were to be launched officially. All three initiatives enjoy international legitimacy, but have limited reach amongst the general public as, with the exception of KDI-run dialogue, they mostly take place behind closed doors. Only the international NGO-run initiative enjoys legitimacy with political actors from major sides of the ethnic and political divides within Kosovo and Serbia, while the two national NGO-driven initiatives enjoy the legitimacy of those local political actors with whom they share ethnic ties.

Regarding the role of the EU in promoting local dialogue, the EU has not recognised the lack of inclusiveness in the Brussels Dialogue as a problem on the path to the normalisation of relations between Kosovo and Serbia; it has primarily been engaged in the mediation of dialogue between the ruling elites of both entities. The responsibility to provide support for the inclusion of other political and social actors through Track II and track one-and-half dialogues in the discussion on normalisation has been left to the Member States and other donors.

The EU has not yet recognised the potential for non-profit organisations to act as mediators in the conflict between Kosovo and Serbia. It did not promote, support or fund mediation efforts by the non-profit organisations despite the fact that they managed to prevent the escalation of intra-ethnic conflict and to reach minor agreements. Besides facilitating the attendance of local or Brussels-based EU officials at some of meetings mediated by international and local NGOs, the EU has other significant opportunities to publicly leverage Track II mediation and to use its outcomes in the Track I dialogue. The EU is, however, benefiting from the information and local knowledge generated through these processes on what actions are possible at a particular moment, on potential new issues to be added to the agenda, and on potential scenarios for a comprehensive agreement. It is also benefiting from the conflict prevention work of Kosovo Albanian political parties without taking the political risks associated with directly engaging with the more radical non-state actors such as Vetëvendosje, which oppose the Brussels Dialogue.
Unpacking the European Union’s role in mediation and dialogue in the conflict between Serbia and Kosovo reveals a mixed balance sheet. Despite their differing political positions on the status of Kosovo, EU Member States and institutions worked unanimously towards the signing of the Brussels Agreement in 2013. Facilitating high-level dialogue that involved the prime ministers and presidents of Serbia and Kosovo under the auspices of the European Union displayed leadership on the part of the High Representative. European institutions demonstrated their ability and capacity to act in the post-Lisbon era. This Track I dialogue contributed to the official normalisation of relations between Belgrade and Pristina. Hence, when focusing solely on the EU’s standpoint, the effectiveness of its intervention could not be higher. Admittedly, this is only one side of the argument, as the Brussels Agreement and the high-level Dialogue led to normalisation on the diplomatic level, but failed to address the local roots of the conflict. Statistics, databases and reports suggest that the intensity of local violence in North Kosovo has not decreased. Both case studies find that the Agreement reached in Brussels lacks local legitimacy as regional civil society was not involved in the mediation process between the political elites of the EU, Serbia and Kosovo. Until now, the European Union has failed to acknowledge this deficit on the path to normalisation between Serbia and Kosovo. Track II mediation and dialogue is not yet funded or supported by the European Union. Existing initiatives are driven by other donors or EU Member States.

The EU should encourage national ownership of the dialogue process by recognising the importance that credible internal dialogues are had in both communities run by local actors (such as national NGOs) and enhancing its reach into the first-track dialogue. Making connections between Track II intra-ethnic and inter-ethnic dialogue on the one hand, and Track I dialogue on the other, should not be left to international NGOs in informal consultations with key personnel within the EEAS. The allocation of more human resources and more effort to achieving better coordination among the EEAS HQ, the EU’s presence in the field, and Member States is needed to ensure the effectiveness of mediation by the EU, in relation to the outcomes of multi-track dialogue. Representatives of all three initiatives favoured the idea of the EU taking a directive role in mediation by deciding on the next dialogue phases and their expected outcomes and directly supporting local dialogues.

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18 For example, among Kosovo Albanians.
19 For example, between Kosovo Serbs and Kosovo Albanians.
Based on the assessment of both case studies on EU mediation and local-level dialogue, we propose the following lessons and policy recommendations:

7) **Increase local ownership towards inclusive peace processes**

   In line with recent research, the case study on the Belgrade-Pristina Dialogue suggests that mediation facilitated without the proper involvement of local actors shifts the causes of conflict from the macro to the micro level. Empirical evidence shows an increase in intra-state violence within the majority Kosovo Albanian population that seems to be related to the outcome of the EU-facilitated agreement reached between Belgrade and Pristina. The EU should support the inclusion of local civil society, civil servants and political actors – those who will implement and observe mediation and dialogue efforts, either through Track II or Track III dialogues as a key factor to promote sustainable and durable peace.

8) **Provide political support for Track II and Track III initiatives**

   The EU should provide systematic political support for Track II and Track III dialogues, both within and between Kosovo and Serbia, to ensure an inclusive process and sustainable agreements in mediation dialogue between Belgrade and Pristina. The EU’s political support should encourage national ownership of dialogue processes by recognising the importance of credible internal dialogues in both communities run by local actors such as national NGOs, enhancing its reach into Track I dialogue. Track II dialogues could also be supported financially by EEAS or the EC.

9) **What next? The need for a post-mediation strategy**

   The signing of the Brussels Agreement can be considered a success in the peace process and on the road towards the normalisation of relations between Belgrade and Pristina. However, this has also contributed to new areas of tension in North Kosovo. Deep disagreement about the implementation of the Brussels Accords led to violence among Kosovo Albanians and political standstill in Kosovo. So far, the European Union’s institutions have not shown much interest in the unintended sideshows accompanying the implementation of the dialogue. Designing a post-mediation strategy that solves these open questions is crucial for the sustainable implementation of the Brussels agreement.

10) **Limit mediators’ bias – merging mediation with enlargement undermines legitimacy**

    Belgrade’s acceptance of the dialogue was accompanied by Serbia’s goal of EU membership and the EU’s insistence on normalisation between Belgrade and Pristina. However, the EU’s strong commitment to assist Serbia on its path to membership may be interpreted as biased by Kosovo. In fact, the EU’s legitimacy was tarnished by the lack of unity among EU Member States regarding Kosovo’s independence. Although in the Belgrade-Pristina negotiations this was overshadowed by Kosovo’s aspiration for a seat at the international table, offering too many incentives to one stakeholder may discredit the EU as a mediator.
11) *Improve coherence between Track I and II dialogue*

The EU should either run the multi-track dialogue on normalisation between Kosovo and Serbia or ensure better coordination between the Track I dialogue that it runs and the Track II dialogues supported by other international actors. It should ensure that inputs from Track II internal dialogues within majority populations in both entities (Kosovo Albanians in Kosovo and Serbs in Serbia) on a vision for the comprehensive agreement, and outcomes of the Track II inter-ethnic dialogue among Kosovo Albanians and Kosovo Serbs, feed into the Track I dialogue between political leaderships.

12) *Strengthen human resources for mediation*

The EEAS team in charge of coordinating the mediation of the Belgrade-Pristina dialogue should be strengthened to have more people tasked exclusively with the coordination of this process. It should also ensure a better exchange of information among key EEAS staff and the European Commission and between actors in the field.


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### Table 5: Milestones in EU-Serbia/Kosovo relations and chronology of Belgrade-Pristina Dialogue

<table>
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<tr>
<th>Year</th>
<th>Event</th>
<th>Serbia</th>
<th>Kosovo</th>
<th>Dialogue on Normalisation of relations between Belgrade and Pristina (Major Agreements)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>22-12-2009</td>
<td>Serbia applies for EU membership</td>
<td>14-10-2009</td>
<td>European Commission issues communication 'Kosovo-Fulfilling its European Perspective'</td>
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<td>2010</td>
<td>14-06-2010</td>
<td>EU members decide to start SAA ratification process</td>
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<td>2010</td>
<td>22-07-2010</td>
<td>The International Court of Justice issues advisory opinion on Kosovo’s declaration of independence</td>
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<td>2011</td>
<td>14-10-2011</td>
<td>European Commission delivers its Opinion on Serbia’s EU membership application, granting candidate status based on one key priority.</td>
<td>08-03-2011</td>
<td>Following a UN General Assembly Resolution the Kosovo-Serbia technical dialogue begins</td>
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<td>March to November 2011</td>
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<td>2012</td>
<td>01-03-2012</td>
<td>European Council confirms Serbia as a candidate country</td>
<td>19-10-2012</td>
<td>High-level dialogue between Kosovo and Serbia as facilitated by HR/VP Ashton begins.</td>
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<td>10-10-2012</td>
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<td>10-09-2012</td>
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<td>14-06-2012</td>
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<td>30-05-2012</td>
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<td>19-01-2012</td>
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<td></td>
<td>21-02-2012</td>
<td>9th round achieved consensus on Regional Representation and cooperation</td>
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<td>19-10-2012</td>
<td>1st round of high-level dialogue and political confirmation of previous agreements reached during technical negotiations</td>
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<td></td>
<td>07-11-2012</td>
<td>2nd round ended with deployment of liaison officers to both capitals</td>
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<td>03-12-2012</td>
<td>3rd round agreement on IBM on four border crossings</td>
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<td>Date</td>
<td>Event</td>
<td>Notes</td>
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<td>17-12-2013</td>
<td>Council adopted the negotiating framework with Serbia and agreed to hold the 1st Intergovernmental Conference with Serbia in January 2014</td>
<td>January to April 2013 4th to 9th round yielded no major agreements</td>
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<td>01-09-2013</td>
<td>Entry into force of the EU-Serbia Stabilisation and Association Agreement 28-06-2013</td>
<td>19-04-2013 Signing of First Agreement of Principles Governing the Normalisation of Relations (Brussels Agreement)  - association of Serb majority municipalities  - integration of the Judiciary  - integration of the Police  - integration of Security Structures  - organisation 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</td>
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<td>28-06-2013</td>
<td>European Council endorsed the Commission’s recommendation to open negotiations with Serbia</td>
<td>2014</td>
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<td>21-01-2014</td>
<td>Holding of 1st EU-Serbia Intergovernmental Conference</td>
<td>25-07-2014 The EU and Kosovo chief negotiators initial Stabilisation and Association Agreement between the EU and Kosovo in Brussels  November 2013 to March 2014 18th to 23rd round yielded no major agreements</td>
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<td>14-12-2015</td>
<td>Opening of Chapters 32 “financial control” and 35 “other issues - Item 1: Normalisation of relations between Serbia and Kosovo”</td>
<td>2015</td>
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<td>10-02-2015</td>
<td>1st round of negotiations 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 municipalities, energy, telecommunications, freedom of movement on Mitrovica Bridge</td>
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<td>18-07-2016</td>
<td>Opening of Chapters 23 “Judiciary and fundamental rights” and 24 “Justice, freedom and security”</td>
<td>2016</td>
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<td>01-04-2016</td>
<td>The Stabilisation and Association Agreement between the EU and Kosovo enters into force</td>
<td>October 2015 to November 2016 5th to 7th round yielded no major agreements</td>
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</tbody>
</table>

Source: Burazer 2015; Directorate-General for Neighbourhood and Enlargement 2016a, b.
ANNEX II: LIST OF INTERVIEWS

Interview 1, Kosovo NGO representative, Pristina, Kosovo, 31 March 2017.
Interview 2, Kosovo NGO representative, Pristina, Kosovo, 31 March 2017.
Interview 3, Kosovo NGO representative, Pristina, Kosovo, 27 March 2017.
Interview 4, Kosovo NGO representative, Mitrovica, Kosovo, 3 February 2017.
Interview 5, Kosovo NGO representative, Pristina, Kosovo, 28 March 2017.
Interview 6, International NGO, Belgrade, Serbia, 26 November 2016.
Interview 8, Kosovo NGO representative, Mitrovica, Kosovo, 22 April 2017.
Interview 9, Local employee in international mission, Pristina, Kosovo, 2 February 2017.
Interview 10, Diplomat, Pristina, Kosovo, 30 March 2017.
Interview 11, Diplomat, Pristina, Kosovo, 29 March 2017.
Interview 12, Serbian MP, Belgrade, Serbia, 16 November 2016.
Interview 13, Kosovo NGO representative, Mitrovica, Kosovo, 21 April 2017.
Interview 14, Kosovo NGO representative, Mitrovica, Kosovo, 21 April 2017.
Interview 15, Local politician, Mitrovica, Kosovo, 22 April 2017.
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