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# Mediating International Conflicts: the European Union as an Effective Peacemaker?\*

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## ABSTRACT

This article examines how EU effectiveness as mediator in peace negotiations can be appropriately conceptualised and analysed. Mediator effectiveness is analysed along two dimensions: goal-attainment and conflict settlement. The investigation of the conditions of mediator effectiveness is structured around four key sets of variables: mediator leverage, mediation strategy, coherence as well as the conflict context. In our empirical analysis of EU mediation between Serbia and Kosovo (*Belgrade-Pristina dialogue*) we find that the medium degree of EU effectiveness (both in terms of goal-attainment and conflict settlement) can be explained by its great leverage vis-à-vis the conflict parties due to their EU membership aspirations and its mix of a strategy of manipulation and formulation that draws on this leverage to move parties toward agreement through the use of positive incentives. A limited degree of EU coherence and spoiler problems in Northern Kosovo seem to have had a constraining influence on EU effectiveness.

## Introduction

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The European Union has been increasingly involved in directly supporting peace negotiations in inter- and intra-state conflict by taking on the role of a third-party mediator since the beginning of the 2000s. For example, the EU together with the US was engaged in mediating the Ohrid Framework agreement between the Macedonian government and the Albanian minority in 2001. Since 2008 the EU also acts as a mediator and co-chair of the Geneva International Discussions on Georgia's territorial conflicts. In addition, the EU has played a significant role in a number of collective coordination mechanisms to support peace processes such as UN Contact Groups and Groups of Friends (Gündüz and Herbolzheimer 2010). Despite an increasing interest in the EU's engagement in international mediation by policy-analysts and practitioners (e.g. Grono 2010; Herrberg 2009), the academic literature has not paid much attention to the EU's role in peace negotiations, yet. In consequence, we know very little about the contribution of this relatively new actor to the field of international mediation, particularly in terms of its effectiveness and impact. To address this research gap, this paper seeks to answer the following research questions: (A) how can EU mediator effectiveness be appropriately conceptualized and what factors influence EU mediator effectiveness? (B) How effective has the EU been so far as a mediator between Kosovo and Serbia in the Belgrade-Pristina dialogue? While the first question pursues the purpose of theorising, the second one aims at probing the plausibility of our framework.

Why do we need such a framework to study EU mediator effectiveness? In the field of European Foreign policy (EFP) studies, there is a growing number of analyses of the EU's effectiveness in international institutions and multilateral negotiations which have put forward different conceptualisations of EU effectiveness (e.g. Ginsberg 2001; Groenleer and van Schaik 2007; Jørgensen et al. 2011; Laatikainen and Smith 2006; Niemann and Bretherton 2013; Thomas 2012). While acknowledging this literature, we argue that the established frameworks to study EU effectiveness cannot be equally applied to the study of the EU's effectiveness as mediator without substantial modification.

First, effectiveness as a mediator between conflict parties is conceptually different from effectiveness as a direct party to negotiations. Mediators enter negotiations ‘to help those involved achieve a better outcome than they would be able to achieve by themselves’ (Bercovitch 2009: 342).<sup>1</sup> While goal-attainment in dyadic bargaining situations only refers to the achievement of individual goals, the triadic structure of mediation implies that the achievement of the (EU’s) individual goals is ‘mediated’ through its capability to foster the achievement of the overall goal of producing a settlement between the two sides (Greig and Diehl 2012: 2). Second, mediation constitutes a particular type of negotiations that takes place in a very specific context that differs from that of ‘civilian’ negotiations, for example, in the areas of trade or climate change. Context factors such as the intensity of violence in a conflict, the salience of conflict issues at stake and the (violent) history of the relationship between the disputants may have a major impact on negotiation dynamics.

Equally, existing frameworks to study mediation in peace and conflict studies require modification when applied to the EU. While *mediation success* in terms of conflict settlement is the standard dependent variable in mediation research, *mediator effectiveness* is more suitable when studying efforts of a particular mediator because it allows for the integration of more subjective dimensions such as the attainment of the mediator’s goals into the framework. Moreover, the contested/questionable coherence of EU external action has emerged as a crucial factor in the EU foreign policy literature (e.g. Gebhard 2011; Meunier 2000; Thomas 2012) and thus needs to be accounted for as potential condition of EU mediator effectiveness (see section II).

This paper also adds additional value by bringing together different strands of literature that rarely speak to each other: the peace and conflict literature with the one on EU external

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<sup>1</sup> This does not imply, however, that third parties only pursue altruistic goals when they decide to mediate in a conflict (Beardsley 2011: 22-25), but rather that the achievement of the mediator’s goals more directly depends on his/her ability to promote a compromise between the diverging positions of the conflict parties.

policy. Thus, it bears potential to generate new insights and to contribute to "bridge-building" between these different fields of research.

We proceed as follows: first, we review the literature on the EU's role in conflict resolution in general and international mediation in particular. Then, we develop our conceptual framework to analyse EU effectiveness in international mediation. Subsequently, we probe the empirical plausibility of our theoretical framework in the context of the Belgrade-Pristina dialogue by assessing EU mediator effectiveness in the talks and analysing to what extent it can be related to the conditions identified in our framework.

## I. Literature review – research on EU conflict resolution and mediation

In our understanding of mediation, we follow the definition by Bercovitch *et al.* (1991: 8) who define it as a 'process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law'. Consequently, we refer to *EU mediation* as any efforts by single or collective actors representing the Union to assist negotiations between conflict parties and to help them bringing about a settlement to their conflict. This definition implies that EU mediation efforts could be and have *de facto* been carried out by a number of different actors at various levels of the EU's foreign policy system, such as the High Representative, the EU Presidency, EU Special Representatives, Heads of EU delegations or European External Action Service (EEAS) officials.

The few examples of works that explicitly focus on EU mediation in peace negotiations (Grono 2010; Forsberg and Seppo 2010) provide rather case-specific descriptions (and partly explanations) of EU mediation behaviour, but do not substantially contribute to theory-building. This fact notwithstanding, both the European Foreign Policy literature and

international mediation research provide fruitful insights that can be utilised to investigate the EU's effectiveness as a mediator in peace negotiations.

In the field of European Foreign Policy studies, one finds at least three strands of literature, which are relevant for studying the EU's effectiveness as mediator in peace negotiations. First, there is a wide-ranging literature that focuses on the EU's role as a global conflict manager, with a particular focus on EU military operations and civilian crisis management missions in the context of ESDP/CSDP<sup>2</sup>. A considerable share of these studies focuses on how internal EU decision-making influences the behaviour of the EU as a foreign policy actor (Ginsberg 2001; Gross and Juncos 2011; Klein 2010). Thus, this literature provides a fruitful ground both for conceptualising EU mediator effectiveness and defining and operationalising (EU) internal conditions of mediator effectiveness such as leverage/capabilities and coherence.

Second, there are a considerable number of studies that analyse how the EU contributes to conflict resolution through the means of contractual relations with conflict parties, in particular in terms of EU enlargement and the European Neighbourhood Policy (ENP) (Coppieters et al. 2004; Diez et al. 2008; Tocci 2008, 2010). This literature provides us with insights on how 'the EU's granting or withdrawing of a benefit or its infliction or otherwise of a punishment alters the cost-benefit calculus facing policy-makers in conflict contexts' (Tocci 2010: 66). Conditionality and its effects are also highly relevant in the context of mediation, as mediators often use positive incentives and/or negative sanctions to move conflicting parties towards an agreement (Touval and Zartman 1985: 11).

Finally, EU foreign policy researchers have been analysing the EU's actorness and effectiveness in international institutions and multilateral negotiations (see e.g. Groenleer and van Schaik 2007; Jørgensen et al. 2011; Laatikainen and Smith 2006; Niemann and Bretherton 2013; Thomas 2012). Although studies in this field do not address the EU's

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<sup>2</sup> See e.g. Howorth (2011), Ginsberg (2001), Ginsberg and Penksa (2012), Whitman and Wolff (2012).

actorness in peace negotiations, we assume that there are conditions and patterns of EU behaviour that apply to all forms of multilateral negotiations, irrespective of the issue at stake. Consequently, we suggest that some insights of this literature, such as the conceptualisation of effectiveness as goal-attainment, are also useful for theorising the EU's behaviour in peace negotiations.

The interest of mediation researchers in the European Union's involvement in mediation efforts has been limited. The aforementioned case studies by Grono (2010) and Forsberg and Seppo (2010) draw on some concepts of mediation research such as mediator leverage and mediation strategy. More generally, a considerable part of current mediation research deals with the issue of mediation success and its underlying conditions. Empirical (mostly quantitative) studies have generated a wealth of findings concerning the particular conditions under which mediation is successful. Amongst others, the following factors have been discussed: conflict intensity; type of conflict issue; internal characteristics of conflict parties; rank and status of the mediator; mediator impartiality and credibility; initiation and timing of a mediation effort; mediation strategies (see Kleiboer 1998: 18-23; Hellman 2012; Wallensteen and Svensson 2014). This literature is crucial for developing a framework to analyse EU mediation efforts as it provides us with concepts and theoretical propositions, which can be utilised for the study of single mediation incidents (see section II).

In sum, this brief literature review suggests that concepts and analytical approaches in both fields (European Foreign Policy studies and international mediation research) exist that can be drawn upon in terms of building blocks for a comprehensive theoretical framework to study EU mediator effectiveness.

## **II. Conceptual framework**

In the following, we develop a general framework to assess and analyse EU mediator effectiveness, which is intended to be applicable to the full universe of cases of EU mediation.<sup>3</sup> While we acknowledge that additional variables such as ‘mediator coordination’ may have to be added for analysing instances of EU co-mediation (which does not apply to the Belgrade-Pristina dialogue), the applicability of the framework is not contingent on the value of a specific variable.

### *Defining EU mediator effectiveness*

Similar to Peen Rodt’s (2012: 169) conceptualisation of success of EU military operations, we include both EU-specific and conflict-specific perspectives in the definition and operationalisation of mediator effectiveness (see also Jørgensen 1998). The internal EU perspective on mediator effectiveness assesses whether the EU has successfully achieved its objectives as a mediator in a particular conflict. Thus, this dimension captures what Young (1994: 144) terms ‘effectiveness as *goal-attainment*’. The external conflict-perspective evaluates whether the EU mediation effort had some positive impact on the conflict and its management in terms of *conflict settlement*. Thus, this dimension refers to an observable change of conflict behaviour on the sides of the disputants, which may be observable both during the process of mediation and as an outcome. It may result in signing a ceasefire-agreement or an agreement that solves major/minor conflict issues. Young (1994: 142) terms this standard of evaluation ‘problem-solving effectiveness’.

How can we empirically assess these two dimensions of mediator effectiveness? We propose to distinguish six different values on the dependent variable dimension of “conflict settlement”:

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<sup>3</sup> An overview of the universe of cases of EU mediation is provided by a supplementary figure that is accessible online on the authors’ website, <http://international.politics.uni-mainz.de/project-mediation>.

- 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

With regard to the dependent variable dimension “goal-attainment”, we propose to distinguish three different values that can be understood as main reference points of a continuum: high, medium and low. A *high* degree of effectiveness is reached if the EU is able to achieve most or all of the goals set before the start of negotiations. A *medium* degree of goal-attainment describes a situation where the EU is able to achieve some major, but not all of its goals. If the EU attains only some minor goals or fails to achieve any of its goals, the value of goal-attainment will be evaluated as *low*. To determine what goals the EU pursued in the Belgrade-Pristina dialogue process, we investigate EU official documents, press statements and media reports and compare this with insights gained from interviews we conducted with EU policy-makers to avoid missing out on “non-articulated” or “hidden” goals in our analysis.

#### *Conditions of EU mediator effectiveness*

Our investigation of the conditions of EU effectiveness focuses on variables that relate to both the identity of the mediator and its negotiation behaviour. In addition, we also take the conflict context into account. Combining findings of both international mediation studies and research on EU foreign policy, we distinguish four (sets of) conditions which we deem most relevant in the context of EU mediation: (1) mediator leverage, (2) mediation strategy, (3) coherence and (4) conflict context.

(1) *Mediator leverage*: There is a general consensus in the mediation literature that mediator identity determines the power or “leverage” s/he has (Kleiboer 1996: 371-372; Touval and Zartman 1985: 12). *Leverage* is here defined as resources and instruments the EU can bring to the negotiation table to spur an agreement between the disputants. We argue that a minimum level of leverage is a necessary precondition for mediator effectiveness, because without the possession of any resources/instruments, the exertion of influence on the conflicting parties is very unlikely.

A mediator might draw on instruments such as coercive measures and positive incentives which build on the logic of negative/positive conditionality (Tocci 2008: 882-883). Coercive measures involve the threat or use of military force and the imposition of economic sanctions, both aiming at making the present situation more uncomfortable and costly for the conflict parties. In contrast, positive incentives represent ‘tangible additions to the terms of an agreement between warring parties’ (Touval and Zartman 1985: 13). These measures might for example include economic incentives such as free trade and association agreements, lifting of visa regulations or the promise of future direct investments. We assume that the more resources (leverage) the EU possesses, the more likely it will be an effective mediator.

(2) *Mediation strategy*: Empirical findings in international mediation research indicate that the particular strategy the mediator adopts to foster an agreement between the conflict parties

has an impact on mediator effectiveness (Beardsley 2011; Bercovitch and Houston 1996). Following the taxonomy of ideal types of mediator behaviour by Touval and Zartman (1985), we distinguish three different mediation strategies/styles the EU can adopt: facilitation, formulation and manipulation (cf. Beardsley et al. 2006; Bercovitch 2009).

*Facilitation* is the least-interventionist strategy. It implies that the mediator primarily serves as a channel of communication and information provider among disputants, but does not make substantive proposals for a compromise solution. In contrast, *formulation* describes a pro-active strategy by which the mediator exerts more control on the mediation process and formally structures the negotiation process, formulates alternatives to resolve the conflict, and makes substantial suggestions for compromise. The most interventionist strategy which goes beyond formulation is *manipulation*. Similar to a strategy of formulation, the mediator contributes to the negotiations by making substantive proposals, but also directly influences the bargaining structure and process through the use of coercive measures and/or the provision of positive incentives.

Studies suggest that manipulative strategies seem to be the most successful form of mediation behaviour for achieving a formal agreement between disputing parties (Beardsley et al. 2006; Bercovitch et al. 1991; Bercovitch and Houston 1996).<sup>4</sup> Consequently, we hypothesise that the more ‘manipulative’ the EU’s mediation strategy, the higher the chances that the mediation effort will lead to a settlement of the conflict.

(3) *Coherence*. Drawing on the literature of EU actorness and effectiveness in international negotiations, we assume that coherence is also relevant in the context of EU involvement in peace negotiations (cf. Bretherton and Vogler 2006; Gebhard 2011). Coherence as understood

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<sup>4</sup> However, findings also suggest that facilitative strategies are best suited to secure long-term peace, while manipulative strategies bear the risk to produce artificial incentives for agreements that are not likely sustainable over time (Beardsley 2011).

in this article captures the degree of coordination and substantive agreement between individual member states' policies towards a conflict, and the mediation activities carried out by EU institutions such as the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy (HR) or EU Special Representatives for a particular conflict region.

We assume that a highly coherent EU approach towards a particular conflict sends a strong signal of the EU's determination to help the warring parties to solve their conflict and, simultaneously, leaves no room for interpretation concerning the EU's preferences regarding the substance of a negotiated solution (Thomas 2012; Maoz and Terris 2008). By the same logic, we expect that a low degree of coherence has a potentially negative effect on EU mediator effectiveness. If the EU lacks the distinct support of one member state or a group of member states for its common policy towards the conflict, conflict parties are likely to doubt the EU's ability to deliver promises that have been made during the negotiation process. This, in turn, would undermine the credibility of the Union's commitment.<sup>5</sup>

(4) *Conflict context.* Whether the attributes identified above translate into mediator effectiveness is also likely to depend on the conflict context. It is undisputed in the mediation literature that the degree of conflict parties' *internal cohesiveness* may have an important effect on the likelihood of conflict settlement. Cohesiveness has either been operationalized as the parties' internal power structure or as the nature and number of their constituencies (Kleiboer 1996: 365-366). The second notion of cohesiveness relates to what conflict

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<sup>5</sup> As one of the reviewers noted, the opposite effect is also plausible: a divided EU may be more effective because both sides in the dispute would be reassured that their interests are represented by the mediator. While we fully agree with the plausibility of this hypothesis, it did not play out in our empirical investigation. Nevertheless, it may be relevant in other cases and will therefore be considered when applying the framework to additional cases of EU mediation in future research.

resolution scholars have termed ‘*spoiler problems*’ in peace processes (Stedman 1997). Stedman (1997: 5) defines spoilers as ‘leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it’. The higher the number of constituencies and thus the more fractionalized a conflict party is, the higher the chances that efforts to settle the conflict peacefully will be derailed by factions that act as spoilers.

An important context factor that relates to conflict parties' willingness to make concessions in the negotiations is *timing*.<sup>6</sup> There is some degree of empirical evidence in the literature of a curvilinear relationship between mediation timing and its impact on conflict dynamics (Greig 2001; Regan and Stam 2000). ‘Mediations attempted early or late tend to reduce the duration of conflict’ (Greig and Diehl 2012: 122). The reasons for “good” or “bad” timing may be manifold, not only depending on conflict intensity, but also on domestic or internal politics on the side of the disputants.

In sum, we have identified four conditions of EU mediator effectiveness: *mediator leverage*, *mediation strategy*, coherence, and *conflict context*. While these conditions have been treated separately for analytical purposes, they are in fact interrelated. In particular, the choice of mediation strategy primarily depends on the availability of respective resources (i.e. leverage). A mediator can only credibly employ a manipulative strategy when s/he possesses the necessary resources and instruments to offer positive incentives or threaten the use of coercive force.

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<sup>6</sup> Other context variables that have been discussed by mediation scholars but have been excluded here are nature of conflict issue(s) and conflict intensity. There is no clear agreement in the literature on what issues are harder to manage than others, and diverging hypotheses on the importance of this factor have been suggested (cf. Greig and Diehl 2012). Similarly, there are conflicting hypotheses and empirical claims about conflict intensity’s impact (and its direction) on mediation success (Kleiboer 1998: 20). Due to this theoretical and empirical ambiguity and the difficulty of establishing causal links between these factors and EU mediator effectiveness, we decided not to integrate them into the framework.

Before proceeding onto our empirical analysis, our research design needs to be briefly elaborated: in order to arrive at inferences on our research question we use process tracing as a fundamental tool of (within-)case analysis. In the framework presented here, process tracing is defined ‘as the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator’ (Collier 2011: 823). It is put into practice through triangulation across multiple data sources, including 14 semi-structured interviews<sup>7</sup> (with EU officials, national representatives and civil society experts) as well as the examination of EU documents, major media, and secondary literature. Instead of testing for a causal relationship between EU mediator effectiveness and the conditions of effectiveness, we rather aim for a lower degree of explanatory ambition which is not clearly defined in the literature, but may be best described as ‘plausibility probe’ (Eckstein 1975: 108-113). Similar to a pilot study in experimental research, a plausibility probe serves to check the plausibility of a theoretical argument before undertaking more extensive empirical research (Odell 2001: 166). Consequently, the following section seeks to provide plausible arguments based on empirical analysis for the factors that have had a conducive or constraining effect on EU mediator effectiveness in the Belgrade-Pristina dialogue. As the dialogue process is still ongoing, to avoid methodological difficulties of analysing a “moving target”, we decided to focus on the EU’s role as a mediator in the Belgrade-Pristina dialogue from March 2011 until April 2013.

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<sup>7</sup> The non-attributable interviews have been coded as follows: ‘EU’ refers to interviews conducted with representatives of the European Commission, the EEAS and Members of the European Parliament. ‘NAT’ refers to interviews with representatives of national governments (both EU member states’ and conflict parties’) and ‘CS’ to interviews with representatives of civil society organisations. The interviews were conducted throughout the autumn of 2013.

### **III. Plausibility probe: analysing EU effectiveness in the Belgrade-Pristina dialogue**

In April 2013 the governments of Kosovo and Serbia signed the ‘First Agreement of Principles Governing the Normalization of Relations’ which was widely applauded as ground-breaking and historic (European Commission 2013; Prelec 2013). The agreement provides for the establishment of an association of the four Serb majority municipalities in Kosovo, the integration of the Serb-controlled Northern Kosovo police force and judicial authorities into the existing police and legal framework of Kosovo, and the mutual consent not to block the other side’s progress in their respective EU path (European Voice 19 April 2013). This was a milestone in a mediation process referred to the ‘Belgrade-Pristina dialogue’ which had been initiated by the EU two years prior based on UN General Assembly Resolution 64/298 that called for a dialogue facilitated by the EU in reaction to the International Court of Justice’s verdict that Kosovo’s unilateral declaration of independence did not violate any applicable rule of international law (UN General Assembly 2010).<sup>8</sup>

In a first phase of negotiations from March 2011 to February 2012, EU lead facilitator Robert Cooper and his team managed to broker seven agreements on mostly technical issues.<sup>9</sup> The two most important agreements that were concluded in the first phase of negotiations are those on Integrated Border Management (IBM) and on Kosovo’s regional representation. The IBM agreement of December 2011 envisages the establishment of joint Kosovar-Serbian border management points on all crossings between the two territories. The EU ensured to

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<sup>8</sup> For a detailed overview of the evolution of the mediation process, see Tannam (2013).

<sup>9</sup> These “agreements” are officially referred to as “conclusions” due to Serbia’s unwillingness to sign any official document with Kosovo, an act that would be regarded equal to recognising Kosovo. They include inter alia the installation of a new travel regime, handover of copies of Kosovar civil registry books and cadasters by Serbia to EULEX, mutual recognition of university diplomas, the sending of liaison officers to each other’s capitals, and a customs regime (see Malazogu and Bieber 2012; Todoric and Malazogu 2011).

contribute to the implementation of the agreement by funding the necessary facilities (Council of the EU 2011c). The same round of negotiations also led to the agreement on Kosovo's representation in regional fora. Also known as "asterisk agreement" or "footnote agreement", it allows Kosovo to represent itself in regional institutions, no longer being officially represented by UNMIK as a proxy (Lepore 2012: 3).

After an eight-month hiatus due to Serbia's general, local and presidential elections, the EU managed to restart the negotiations in October 2012, which we consider the beginning of the second phase of the Belgrade-Pristina dialogue. Since October 2012 the prime ministers of both sides have regularly met in Brussels under the facilitation of the High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton to achieve progress on the normalisation of their relations, parallel to a number of meetings of different working groups focusing on specific issues such as border management or customs (New Policy Center 2013).

#### *Assessment of EU mediator effectiveness*

EU mediator effectiveness is conceptualised along two dimensions: goal-attainment and conflict settlement. Regarding *goal-attainment*, for analytical purposes we differentiate between broader and more narrowly-defined EU goals. Referring to broader EU goals, the EU initially adopted the formulation of the UN General Assembly Resolution stating that the main purpose of the dialogue was 'to discuss issues that are aimed at improving lives of people and bringing the parties closer to the EU' (Council of the European Union 2011b: 1). In the course of the mediation process, when speaking about the main objective of the dialogue process, the EU shifted to the term 'normalisation of relations', which has been described as follows:

'(...) the prospect of both [entities] being able to fully exercise their rights and fulfill their responsibilities. (...) including irreversible progress towards delivering structures in northern

Kosovo which meet the security and justice needs of the local population in a transparent and cooperative manner, and in a way that ensures the functionality of a single institutional and administrative set up within Kosovo' (Council of the European Union 2012: 11).

The Council's conclusions of December 2012 also point to the more narrowly defined goal the EU has been pursuing in the framework of the dialogue process, which is to broker an agreement on the governance of Northern Kosovo. As one official stated,

'(...) ultimately, it became clear that the situation in Northern Kosovo was the main problem discussed in the talks. In the course of the dialogue process, we recognised that from time to time, in almost every issue, there was some Northern angle to it. Thus, eventually the ultimate objective became to find a settlement for Northern Kosovo' (interview EU-4).

To what extent has the EU attained its goals in the context of the Belgrade-Pristina dialogue so far? *Goal attainment* has been high when it comes to the more narrowly defined objective of finding a settlement for Northern Kosovo. The April 2013 agreement in principle constitutes a comprehensive settlement of this major conflict issue as it proposes substantial compromise solutions on the future governance structures in Northern Kosovo that both sides could agree on (Deda and Qosaj-Mustafa 2013). However, EU effectiveness has been relatively modest with regard to the more broadly defined EU goals such as the improvement of living conditions in Kosovo (both for Kosovars and Kosovo Serbs) and the normalisation of bilateral relations. The implementation of the IBM agreement has facilitated travel for Kosovars to third countries and vice versa and the agreement on customs stamps of September 2011 has paved the way for free trade between the two territories and allowed Kosovo to increase its external trade dealings (Malazogu and Bieber 2012: 13). However, the free movement of people, for example, is not fully realised yet as some obstacles to free travel such as mutual issuance of high car insurance fees remain (interview CS-3; Deda and Qosaj-Mustafa 2013). Furthermore, progress on the issues of university diploma recognition and the

return of Kosovo civil registry books has been relatively modest (International Crisis Group 2013: 14).

Regarding the goal of fostering bilateral cooperation between Kosovo and Serbia, some moderate rapprochement between the conflict parties is observable, which is attributable to the EU because the Union's presence in the dialogue process guaranteed the status neutrality of the talks (interviews NAT-3, EU-5). The moderate rapprochement notwithstanding, however, 'there remains a risk that they [Kosovo and Serbia] will misread one another after the dialogue's encouraging and somewhat surprising early success' (International Crisis Group 2013: 3). Taking all EU goals together, we would judge the overall degree of EU goal-attainment as *medium*.

In terms of *conflict settlement*, the EU managed to broker agreements on seven minor issues of incompatibility (see footnote 12). The April 2013 agreement on governance and security structures in Northern Kosovo represents a substantial settlement of a major conflict issue between the two sides. However, the ongoing struggle about the terms of implementation of the agreement and the outstanding settlement of a number of conflict issues – such as Kosovo's (potential) membership in the UN and other multilateral international organisations, energy supply, telecommunication, property rights, preservation of religious and cultural heritage and the issue of missing persons – demonstrate that the incompatibility of interests between the two sides has not been fully resolved, yet (interview EU-1, EU-6; interview NAT-2; Deda and Qosaj-Mustafa 2013).

Taking all this into account, we argue that the results of the dialogue represent a remarkable partial settlement of the conflict, as the parties managed to settle one major conflict issue (level 4 in terms of our conflict settlement scale) and a number of minor issues (level 3). For this reason, the EU's effectiveness in terms of conflict settlement is to be evaluated as *medium (to high)*.

### *Conducive factors*

Based on our empirical analysis, we argue that the EU's success in mediating a number of agreements between Kosovo and Serbia can be explained by its (a) great leverage *vis-à-vis* the conflict parties due to their EU membership aspirations and (b) its mix of a strategy of formulation and manipulation that draws on this leverage to move parties toward agreement through the use of positive incentives.

As for *mediator leverage*, since both Serbia and Kosovo aspire EU membership and seek to win EU appeal in the mediation process to improve their prospect of future EU membership, ‘enlargement is the big pull factor, the main carrot the EU has to offer’ (interview EU-1; Todorovic and Malazogu 2011: 12). This also explains why there is a strong political will on the side of the disputants to stay committed to the dialogue process (interview NAT-1). In the case of Kosovo’s government, visa free travel between the EU and Kosovo ‘is the second big “carrot” the EU is able to offer and may be even the more important one compared to EU membership in the short run’ (interview NAT-2). Thus, the EU possesses a high degree of leverage *vis-à-vis* the conflicting parties, mainly because of its ability to offer positive incentives in terms of further association to the Union, which is highly attractive to both of them.

Whether this potential translates into mediator effectiveness largely depends on the respective strategy the mediator adopts. While the EU has termed its own efforts in the context of the Belgrade-Pristina dialogue ‘facilitation’ (Council of the European Union 2011a), we claim that its mediation strategy is best described as a mix of formulation and manipulation. The actual behaviour of EU officials in the negotiations can be appropriately described as a strategy of *formulation*. The EU very much played a structuring role in the talks: in the run-up to the technical dialogue, the EU (along with the conflicting parties) developed some general principles on how to structure the talks, one of which was that the

talks were status-neutral, another one that the EU facilitator sets the negotiation agenda (with the consent of the parties) (interview EU-4). In the beginning of the second phase of the Belgrade-Pristina dialogue, HR Catherine Ashton reportedly presented a list of possible topics to discuss, which could also be seen as an indication of the EU's structuring role in the mediation process (interview NAT-3). It seems that the EU, at least in some instances, also acted as 'an active mediator and initiator of concrete agreements reached within the dialogue process, seeking compromises and also proposed solutions' (interview NAT-3; similarly, interview EU-4), thus straddling the boundaries between formulation and manipulation.

In addition, the EU has created an important incentive structure for the parties to make concessions within the dialogue process by explicitly linking the dialogue to Kosovo's and Serbia's EU membership perspective. This linkage of incentives and rewards with progress in the dialogue process is an indication of what mediation scholars have termed a *manipulative* strategy. Progress in the talks has often been directly followed by EU rewards and incentives for further cooperation, signaling a purposive strategy by the EU (interview EU-6; interview NAT-1, NAT-4). For example, one week after the prime ministers of Kosovo and Serbia had reached an agreement on further steps toward the implementation of the IBM agreement and sending liaison officers to each other's capital on 4 December 2012, the General Affairs Council announced a possible decision to open negotiations for a SAA with Kosovo and membership negotiations with Serbia for spring 2013. Only two days after the conflict parties had signed the April 2013 agreement, the European Commission recommended starting EU membership negotiations with Serbia in January 2014.

In sum, our analysis of the EU's mediation behaviour suggests that the EU's mix of a strategy of formulation and manipulation together with its substantial leverage can to a considerable extent explain the EU's effectiveness in mediating agreements on a number of conflict issues. In particular, by offering substantive rewards the EU managed to move the

parties to agree to compromise solutions to some of their conflict issues (interview EU-1; EU-5; EU-6; NAT-2).

In addition, *timing* as a context factor seems to have been conducive to EU mediator effectiveness. The EU's mediation initiative came at the right time. While the EU had already held first talks with the conflicting parties on the possibility of opening of a dialogue process in autumn 2010, it was decided in Brussels to wait for the outcome of parliamentary elections in Kosovo in December 2010. After the formation of the government under Prime Minister Thaci, the EU seized the moment to bring the parties to the negotiating table to achieve substantial progress before the parliamentary and presidential elections in Serbia in spring 2012. Indeed, the EU utilised a 'window of opportunity' (Todoric and Malazogu 2011: 3) to avoid that the dialogue process would become fully politicised in the course of an election campaign. The initial focus on rather technical issues certainly further contributed to a low level of politicisation and public attention to the process.

### *Constraining factors*

Our empirical analysis suggests that two factors had a constraining effect on the mediation process: (a) limited EU coherence and (b) lack of internal cohesiveness in Kosovo and Serbia and spoiler problems in Northern Kosovo.

First, in terms of *coherence*, EU member states are highly divided over the question of Kosovo's statehood since its unilateral declaration of independence in 2008. While 23 member states have recognised Kosovo, five of them have not. Consequently, the EU's position on the most important issue of conflict, the status question, is highly incoherent as there is no common EU stance until today. Although it seems that the EU member states are considerably united regarding the general support of the Belgrade-Pristina dialogue process, there are a number of dividing lines when it comes to political and legal aspects in the parallel processes of EU membership negotiations with Serbia and SAA negotiations with Kosovo. In

the early phase of negotiations, for example, the non-recognition prevented the EU to credibly offer Kosovo a perspective on the visa liberalisation and SAA negotiations as there was significant uncertainty about the terms of an agreement with a political entity that is not recognised by all EU member states (interview NAT-4; NAT-2).

We found some evidence for the claim that the lack of EU coherence has a negative effect on the conflicting parties' trust in the EU's ability to deliver promises. EU internal divisions have raised doubts among Kosovo elites about the likelihood of an early start of SAA negotiations between the Union and Kosovo and have increased the impression that some EU member states are somewhat biased towards Serbia (interview NAT-4). As long as EU member states will not manage to find a consensus on the recognition of Kosovo, a credible membership perspective for the country does not seem to be a realistic scenario for the short to medium term, thus undermining EU leverage. Simultaneously, the Union has not been as united on the question of Serbia's membership as it may sometimes seem. While some EU member states such as Cyprus, Greece and Austria are considerably supportive of Serbian membership in the EU, in particular Germany, UK and the Netherlands have been more reluctant towards such a perspective (BalkanInsight 11 December 2012; BalkanInsight 23 December 2013) and also more demanding concerning Serbia's willingness to compromise. This seems to have fostered suspicion among Serb negotiators concerning the credibility of the EU's commitment towards the accession process (interview NAT-2, EU-4).

Second, our findings suggest that the *internal cohesiveness* of both conflict parties has been under considerable strain due to domestic opposition towards the dialogue process and *spoiler problems* related to Northern Kosovo. Nationalist parties in both countries disapprove of the dialogue process and argue that participation in the negotiations does not serve the national interest (Balkan Insight 19 February 2013).

In addition, Kosovo Serbs feel largely excluded from the process and fear that Serbia will sell out the Serbian population in Kosovo in return for EU membership. This has led to spoiler

behaviour on the side of Kosovo Serbs in terms of efforts to derail the negotiation process by encouraging mistrust and violence in order to prevent further compromises in the negotiations and blocking the implementation of already concluded agreements, which culminated in escalations of violence alongside the border between the Northern municipalities and the Southern part of Kosovo in spring 2012 following a Kosovo trade boycott of Serbian goods (Malazogu and Bieber 2012: 31). This meant a major setback to the negotiations which came to a halt until October 2012, coupled with disagreement about the recognition of customs stamps and the management of the border (interview EU-4).

## Conclusions

Combining an international mediation perspective with the literature on EU actorness and effectiveness, we proposed a framework to analyse the degree of EU effectiveness as a mediator in peace negotiations. To probe the empirical plausibility of the analytical framework, we applied it to the case of EU mediation in the Belgrade-Pristina dialogue.

The results of our empirical analysis suggest that the EU's success in mediating a number of agreements between Kosovo and Serbia can be explained by its (a) great leverage vis-à-vis the conflict parties due to their EU membership aspirations and (b) its mix of a strategy of formulation and manipulation that draws on this leverage to move parties toward agreement through the use of positive incentives. In addition, the right timing of the mediation initiative during a window of opportunity between March 2011 and February 2012 has been conducive to EU effectiveness. Why has EU mediation not led to comprehensive conflict settlement and goal attainment? Our results suggest that a limited degree of EU coherence and spoiler problems in Northern Kosovo had a constraining influence on the EU's effectiveness as mediator in the Belgrade-Pristina dialogue.

The EU's rather interventionist mediation strategy, which may be appropriate to achieve short-term agreements, but not an adequate strategy to foster mutual confidence and trust

between the conflict parties as a basis for long-term cooperation, points to a dilemma of EU mediation in the Kosovo-Serbia conflict. The EU's strategy of formulation and manipulation can only be successful in the long run as long as the conflict parties perceive the EU's incentives as credible. Should the process of Kosovo's and Serbia's further association to the EU become stalled due to EU internal divisions, there is a high risk that both the credibility of the EU as a mediator and the disputants' commitment to the dialogue will substantially decrease, which could have detrimental effects for the whole peace process.

Our paper indicates that bringing together peace and conflict studies and EU foreign policy research is a valuable undertaking. First, scholars in both fields engage in researching a topic that they have so far rather neglected: neither has mediation as an instrument of EU foreign policy loomed high on the agenda of European integration scholars, nor has the EU as an actor in international mediation gained much attention by students of peace and conflict. Second, our analysis has demonstrated that concepts, which have predominantly applied in one field of study, can be transferred to the other one in a fruitful manner.

The tentativeness of parts of the preceding analysis, the possibility of greater specification regarding the causal relevance of hypothesised conditions (e.g. which ones are merely *conducive* and which ones *necessary*, and perhaps even *sufficient*), and the heuristic limits of the plausibility probe suggest that the generalisability of the findings is limited. Nevertheless, we argue that there is substantial ground for further research emanating from this study. In particular, studying cases in which the incentive of EU enlargement might be absent but where it may draw on other sources for leverage (e.g. development aid, economic cooperation) may enrich our understanding of the extent to which EU mediator success is contingent on the EU enlargement perspective. In addition, analysing instances of EU co-mediation (e.g. Geneva International Discussions on Georgia's Territorial Conflicts) may shed further light on the question of to what extent EU effectiveness depends on the support of and coordination with other third parties involved in mediation activities.

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