The European Union as an Effective Mediator in Peace Negotiations? Conceptual Framework and Plausibility Probe

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Abstract

This paper focuses on the under-researched role of the European Union as a mediator in peace negotiations. It is explorative and mainly conceptual. We develop an analytical framework for investigating the European Union's mediator effectiveness. To probe its empirical plausibility, we apply it to the case of EU mediation between Serbia and Kosovo (Belgrade-Pristina dialogue). Since the beginning of the 2000s 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. Despite an increasing interest in the EU's engagement in international mediation by policy-analysts and practitioners, both EU foreign and security policy scholars and students of conflict resolution have been rather reluctant to pay much attention to the role the EU plays in mediation and peace process support. To fill this research gap at least to a certain extent, the paper seeks to answer the following research questions: How can EU mediator effectiveness be appropriately conceptualised? And what factors influence EU mediator effectiveness? Mediator effectiveness is analysed along two dimensions: 1) goal-attainment and 2) conflict settlement. Building on concepts and empirical findings of both European external policy studies and international mediation literature, our investigation of the conditions of mediator effectiveness is structured around four key variables: mediator leverage, mediation strategy, coherence and the conflict context. In our preliminary empirical analysis of the Belgrade-Pristina dialogue, we find that the EU has been partially successful in terms of conflict settlement and in attaining its narrowly defined goal in finding a settlement for Northern Kosovo, and only moderately effective in achieving its long-term goals with respect to the mediation effort, which refer to the improvement of living conditions in Kosovo and the normalisation of bilateral relations between Kosovo and Serbia. Our investigation of conditions of EU mediator effectiveness indicates that the EU's success in mediating a number of agreements between Kosovo and Serbia can be explained by its great leverage vis-à-vis the conflict parties due to their EU membership aspirations and its interventionist mediation strategy. In addition, external support by third parties and the right timing of the mediation initiative have been conducive to EU success. However, the EU also faces a main dilemma: while a manipulative mediation style might be appropriate to achieve short-term agreements, it is not an adequate strategy to foster mutual confidence and trust between the conflict parties which explains the Union's relative ineffectiveness in attaining its long-term goals.

Keywords: mediation, peace negotiations, EU foreign policy, mediator effectiveness.

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1. Introduction

In November 2009, the Council of the European Union adopted the 'Concept on Strengthening EU mediation and Dialogue Capacities' which aims at establishing a more comprehensive and systematic EU approach to international mediation (Council of the European Union 2009; Gündüz and Herbolzheimer 2010). In this document, which has to be seen as part of the implementation of the ESS and a follow-up to the Report on the Implementation of the ESS in 2008, the EU's significance as an international mediator is described as follows:

> 'The EU has a lot to offer as an actor in mediation. It brings value added and creates new entry points for peace initiatives through its political and financial weight and its comprehensive approach to conflict prevention and resolution, involving CFSP/ESDP and Community instruments. The EU is in an excellent position to provide incentives to the conflict parties and can rely on its wide field presence' (Council of the European Union 2009: 4).

To what extent can one subscribe to this self-assessment portraying the Union as an important and unique actor in international mediation [1]? In fact, the EU 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 October 2008 the EU acts as a mediator and co-chair of the Geneva International Discussions on Georgia's territorial conflicts. Despite an increasing interest in the EU's engagement in international mediation by policy-analysts and practitioners (see for example Grono 2010; Herrberg 2009, 2012; Lanz et al. 2008), the academic literature has not paid much attention to the role the EU plays in mediation so far. To fill this research gap at least to a certain extent, the paper seeks to answer the following research questions:

1) How can EU mediator effectiveness be appropriately conceptualised?

2) What factors influence EU mediator effectiveness?

The research questions indicate that we do not aim to fully explain the variance of degrees of EU mediator effectiveness across different cases of EU mediation. Rather, the main goal of this explorative and mainly conceptual paper is to develop an analytical framework which enables us to investigate potential conditions of the EU's effectiveness as a mediator in peace negotiations. This framework will be applied to the case of current EU mediation between Kosovo and Serbia (so-called Belgrade-Pristina dialogue) to probe its empirical plausibility. Due to the fact that there has been little academic research on EU mediation, there is considerable room for progress in terms of developing analytical frameworks to study EU mediation. As a first step, the paper seeks to offer a conceptualisation of EU mediator effectiveness and identifies potential conditions that influence the EU's effectiveness as a mediator in peace negotiations. By drawing on concepts and empirical findings of international mediation studies, we also aim to enrich the academic research on the EU as an international actor with a new theoretical perspective. Until now, there has been only very little use of insights of international mediation research in EU external policy theorising. In addition, by applying our analytical framework to the case of EU mediation in the Belgrade-Pristina dialogue, we offer a conceptually-driven study on this particular mediation effort which has been empirically under-researched so far.

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[1] In this paper, we follow the definition of mediation by Bercovitch (1992: 8) who defines it as 'process of conflict management, related to but distinct from the parties' own efforts, whereby the disputing parties or their representatives seek the assistance, or accept an offer of help from an individual, group, state or organization to change, affect or influence their perceptions or behavior, without resorting to physical force, or invoking the authority of the law'.

We argue that the the Belgrade-Pristina dialogue process between Serbia and Kosovo is a suitable case for the purpose of probing the empirical plausibility of the analytical framework. From a methodological point of view, the Belgrade-Pristina dialogue process is a suitable case because the EU is the sole mediator in the negotiations. In contrast to the majority of cases of EU mediation, as for example the Geneva International Discussions on Georgia's territorial conflicts or the EU-US co-mediation in FYROM in 2001, there is no other third-party directly involved in the negotiations as mediator. Consequently, we do not face the problem of having to isolate the EU's influence on the outcome of negotiations from other co-mediators' impact. In addition, there is considerable publicly available information on the talks and their contents, partly due to considerable media attention, partly because of the EU's transparency about its role in the negotiations. This is rather the exception than the norm when it comes to researching international mediation efforts. The Belgrade-Pristina dialogue is also quite a special case with regard to its contingency on the European Union enlargement process. In contrast to cases such as EU co-mediation in the Middle East Peace Process or the Geneva International Discussions on Georgia's territorial conflicts, both conflict parties clearly aspire EU membership and thus have strong incentives to cooperate with the EU in the talks, at least to a certain extent. This makes the general mediation environment more favourable to EU mediator effectiveness compared to the aforementioned examples.

We proceed as follows: first, we present the state of the art of research on EU mediation initiatives, including both EU foreign policy literature and international mediation studies. Thereafter, we develop our conceptual framework to analyse EU effectiveness in international mediation. Subsequently, we specify the empirical setting by providing a brief overview of the format and preliminary results of the Belgrade-Pristina dialogue. Finally, 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. The empirical analysis is based on the information gathered through fourteen semi-structured interviews [2] with EU officials, national representatives and civil society experts as well as on the examination of EU documents, newspaper articles and secondary literature.

2. State of the art – research on EU conflict resolution and mediation

In general, there is only very little academic research on the EU's role as a mediator in peace negotiations. There are two strands of political science literature, which are relevant for the purpose of our study: 1) European integration studies and 2) international mediation research. While the former comprises inter alia studies that focus on the EU's role as an international security provider and its actorness and effectiveness in international institutions and multilateral negotiations, students of international mediation investigate the conditions under which conflict parties accept a third party's offer to mediate, the main factors influencing mediation success as well as the long-term effects of mediated agreements. Scholars in both fields have paid only very little attention to EU involvement in international mediation and, thus, analytical frameworks to investigate EU effectiveness in international mediation are sparse. Nevertheless, both fields of research provide fruitful insights that can be utilised to investigate the EU's role as a mediator in peace negotiations.

In the field of European studies, a main focus of research has been and remains to be on

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[2]   The non-attributable interviews have been coded as follows: 'EU' refers to interviews conducted with representatives of the European Commission (EC), the European External Action Service (EEAS) and Members of the European Parliament (MEP). '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.

processes and structures internal to the EU's foreign policy decision-making system. As Whitman and Wolff (2012b: 9) note, 'close scrutiny of the development of institutions and policies, their interrelationships, the divergence and convergence of member states' preferences, etc. has long been a primary focus of studies in this area, not least because of a lack of real-world application', which is due to the fact that a core area of the EU's foreign policy, the European Security and Defence Policy (ESDP), had not become fully operational before 2002. With the launch of ESDP, a steadily increasing scholarly interest in the EU's different roles as security provider can be observed. Accordingly, a great share of studies that deal with the EU's activities to prevent, manage or resolve violent conflicts focus on the operational management, legitimacy and/or effectiveness of ESDP/CSDP military operations and civilian crisis management missions (see e.g. Bickerton 2007; Klein 2010, 2011; Harnisch and Stahl 2009, 2010; Juncos 2011; Wagner 2003; Peen Rodt 2012; Pirozzi 2012). Concerning the theoretical foundation of this literature, the majority of studies applies frameworks that foot on European integration theories such as rational choice institutionalism (Wagner 2003; Klein 2010, 2011) historical institutionalism (Menon 2011; Petrov 2011), sociological institutionalism/constructivism (Juncos 2011, Tonra 2003), governance approaches (Joachim and Dembinski 2011; Kirchner 2006; Smith 2004; Webber et al. 2004) or Europeanisation (Coppieters et al. 2004).

Recently, Whitman and Wolff (2012a) published an edited volume on 'The EU as a Global Conflict Manager' which is composed of several case studies of EU involvement in conflict management activities, analysing the whole range of instruments (including mediation) the EU has applied in different conflicts to contribute to their settlement or resolution. In contrast to the majority of studies mentioned above which focus mainly on EU-internal dynamics and the EU's motivation to engage in conflict resolution, the contributors are particularly interested in the causes of success and failure of EU interventions (Whitman and Wolff 2012b: 5). While the contributors do not specifically focus on EU mediation efforts, Peen Rodt (2012) provides a useful framework for assessing EU performance in military conflict management which, in our point of view, can be partly drawn upon to conceptualise EU effectiveness in international mediation (see section 3.1).

Furthermore, 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 (see e.g. Coppieters et al. 2004; Diez et al. 2006, 2008; Sasse 2009; Tocci 2007, 2008, 2010). Contractual relations can range from EU membership negotiations and accession agreements to looser forms of association such as the European Neighbourhood Policy (ENP) or other regional arrangements as for example the Union for the Mediterranean (UfM) or the Eastern Partnership. In particular, 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 1989: 11). In what ways the EU's use of positive and negative conditionality in mediation contexts relates to its effectiveness will be explored in more detail in section 3.2.

Finally, EU foreign policy researchers have been analysing the EU's actorness in international institutions and multilateral negotiations (see e.g. Groen and Niemann 2012; Groenleer and van Schaik 2007; Jørgensen et al. 2011; Laatikainen and Smith 2006; Niemann and Bretherton forthcoming). Although studies in this field do not address the EU's actorness in peace negotiations, we assume that there are conditions and patterns of EU behaviour which apply to all forms of multilateral negotiations, irrespective of the issue at stake. Consequently, we suggest that some elements of the concept of EU actorness, in particular as formulated in studies that build on Sjöstedt's (1977) and Jupille and Caporaso's (1998) conceptualisations (Groen and Niemann 2012; Groenleer and van Schaik 2007; Thomas 2012), can also be applied to analyse the EU's mediator effectiveness. More specifically, in this paper we suggest that the concept of coherence can be related to the concept of mediator credibility (cf. Keane 2004; see section 3.2), which mediation scholars have identified as one important factor influencing

mediator effectiveness (Kydd 2003; Maoz and Terris 2008).

Similar to EU external and foreign policy scholars, the interest of international mediation students in the European Union's involvement in mediation efforts has also been very limited at best. This is for at least two reasons. First, a recent trend in this area of research seems to be to conduct systematic large-N analyses to test what factors and conditions are conducive for mediation success (see for example Bercovitch 1992, 2009; Bercovitch and Houston 1993, 1996, 2000; Bercovitch and Gartner 2008; Maoz and Terris 2008), instead of focusing on single cases of mediation instances, which had been the more common approach in the 1980s and early 1990s (see for example Princen 1992). Second, students of international mediation do not (yet) seem to consider the EU to be a specific actor in international mediation which one would have to pay considerable attention to.

Nevertheless, there are a few examples of studies that analyse the EU's role as a mediator in particular conflicts by drawing on concepts of international mediation theory. Grono (2010), for example, explains the EU's limited success as mediator in Georgia's territorial conflicts following the Georgian-Russian war by assessing what EU-internal and external factors influence the currently ongoing multi-party peace talks in Geneva. Regarding the EU-internal dimension, she identifies three main factors that pose an obstacle to effective EU mediation: 1) a lack of unity among EU member states concerning the EU's approach towards Russia and the whole Caucasus region, 2) an overlap of mandates and competences of different EU institutions involved in conflict resolution activities on the ground and 3) limited EU acceptability to South Ossetia and Abkhazhia resulting in a minimum level of confidence the parties show in the EU and its capability to mediate a compromise agreement that sufficiently addresses their interests. Forsberg and Seppo (2010) focus on mediation strategies as main conditioning factor of mediation success. The authors sketch out three possible roles of the EU as a mediator which are based on a combination of typologies and concepts both of international mediation studies and EU external policy literature.

In sum, this brief literature review suggests two conclusions: first, the EU and its involvement in mediation activities do not loom high on the agenda of scholars working in the field of European studies or international mediation research. Consequently, there are only rather rudimentary analytical frameworks which aim at explaining the Union's role in mediation. Second, however, we have identified concepts and analytical approaches in both fields of research which can be drawn upon in terms of building blocks for a comprehensive theoretical framework which then can be applied to different cases of EU mediation initiatives. The next section serves to develop such a framework.

3.   Conceptual framework

Defining EU mediator effectiveness

How do we know that a third-party actor has been an effective mediator in peace negotiations? Should a mediator be judged as effective only if the mediation effort has led to a successful outcome? In other words, how can we define and operationalise the main dependent variable of this study, "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. The internal EU perspective on mediator effectiveness assesses whether the EU has successfully achieved its objectives as a mediator in (different phases) of a particular conflict. Thus, this dimension captures what Young (1994: 144) terms 'effectiveness as *goal-attainment*' (emphasis added). 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 (at least partially) solves main 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 the dependent variable dimension "conflict settlement" can take on:

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 for a peaceful solution to the conflict

0) *No agreement*: Mediation does not lead to any agreement on the substance of the conflict neither on any procedures how to keep the negotiation process ongoing

With regard to the dependent variable dimension "goal-attainment", we propose to distinguish three different values which can be understood as main reference points of a continuum of goal-attainment: high, medium and low. A high degree of effectiveness is reached if the EU is able to achieve most or all of its goals stated 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 a priori formulated 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 that there are "hidden goals" which we do not take into account in the empirical analysis.

However, when taking goal-attainment as a standard for evaluating mediator effectiveness, one has to be aware that there is a risk to overestimate the achievements of mediators with minimum goals or to undervalue the accomplishments of highly ambitious mediators [3]. In addition, mediator's goals can be stated so broadly that their measurement is very difficult and they can change over time, in particular in cases where the mediation process extends over

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[3] For example, the UN as a mediator often has only minimal goals such as ending violence or achieving a ceasefire, while the US as a mediator has more ambitious goals such as creating new institutions and building new structures of relationships (Bercovitch 2006: 298). Also cf. Groen and Oberthür (2013: 6-7) on the conditioning effect of the quality of policy objectives regarding the EU's performance in multilateral institutions.

several years, which necessitates a dynamical theoretical framework which allows for changes in the mediator's motivation and aims (cf. Jørgensen et al. 2011: 604).

Conditions of EU mediator effectiveness

Mediation scholars have identified and discussed a wide variety of factors believed to influence mediation success [4]. Kleiboer (1998: 18-23) for example lists twelve main variables which the academic literature revolves, and illustrates thoroughly the contradictory hypotheses and empirical evidence that exist about most of them. Due to the paper's aim to shed light on the activities of one particular mediator (EU), which has been mainly neglected in previous research, our investigation of conditions of EU effectiveness in international mediation focuses on variables that relate to the identity of the mediator and its negotiation behaviour. In addition, we also take the wider conflict context into account. Combining findings both of international mediation studies and research on EU actorness, we distinguish three conditions which we deem most relevant in the context of EU mediation: 1) mediator leverage, 2) mediation strategy, and 3) coherence.

Mediator leverage

There is a general consensus in the mediation literature that mediator identity determines the power or "leverage" he or she has. Leverage, however, is one of the most elusive and under-specified concepts in mediation research (Kleiboer 1996: 371-372). Touval and Zartman (1989: 12), who were among the first to bring up the concept of leverage in the context of international mediation, define it as 'resources of power, influence, and persuasion that can be brought to bear on the parties to move them to agreement'. *Leverage* is here defined as resources and instruments the EU can bring to the negotiation table to spur an agreement between the disputants. As Greig and Diehl (2012: 121) note, 'mediators are likely to be most effective when they bring something to the mediation process that alters the dynamics between the conflicting parties'. Beyond that, we argue that a minimum level of leverage is a necessary precondition for mediation effectiveness, because without the possession of any (whatever kind of) resources, the likelihood to be able to exert influence on the conflicting parties is virtually zero. There are different types of potential resources a mediator can bring to the negotiation table.

First, a mediator might draw on traditional 'power mediation' (Heemsbergen and Siniver 2010) instruments such as coercive measures and positive incentives which build on the logic of *negative* or *positive conditionality* (Tocci 2008: 882-883). Coercive measures involve the threat or active use of military force as well as the imposition of economic sanctions, both aiming at making the present situation more uncomfortable and costly for the conflict parties. In contrast, non-coercive measures or positive incentives represent 'tangible additions to the terms of an agreement between warring parties' (Touval and Zartman 1989: 13). The underlying assumption is that positive incentives change the conflict parties' calculations and persuade them of a better outcome without conflict. Non-coercive 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.

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[4] Amongst others, the following factors have been discussed: conflict intensity (Kressel and Pruitt 1989; Bercovitch and Langley 1993: 686); type of conflict issue (Diehl 1992; Bercovitch and Houston 2000); internal characteristics of conflict parties and their international status (Bercovitch and Houston 2000: 179; Bercovitch and Elgström 2001); rank and status of the mediator and their previous relationship with the conflict parties (Bercovitch and Schneider 2000); mediator impartiality (Kydd 2003, 2006; Rauchhaus 2005; Touval and Zartman 1989: 8-10); initiation and timing of a mediation effort (Zartman 2000); information from previous mediation efforts (Bercovitch and Houston 2000: 184); mediation strategies (Bercovitch 1992; Bercovitch and Gartner 2008).

Second, institutional capacity is another type of resource a mediator can draw on in his/her efforts to promote a settlement between disputants (Greig and Diehl 2012: 121). Institutional capacity may include well-established diplomatic contacts and networks with the opposing sides, an effective intelligence apparatus that monitors the conflict and provides private information about the belligerents' interests and strategies as well as sufficient financial means to fund mediation efforts over a longer period of time. In addition, the possibility to draw on a pool of mediation experts and advisors may improve the third-party negotiator's expertise and mediation skills. These are also valuable mediator resources that increase a mediator's leverage.

In sum, we assume that the more resources (leverage) the EU possesses, the more likely it will be an effective mediator.

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 2008; Beardsley et al. 2006; Bercovitch and Houston 1996). Following the standard taxonomy of ideal types of mediator behaviour (Touval and Zartman 1989; Princen 1992; Bercovitch and Houston 2000) 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 less-interventionist strategy a mediator can adopt. 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, mediation as *formulation* describes a pro-active strategy by which the mediator exerts more control on the mediation process and formally structures the negotiation process, formulates alternative ways and strategies to resolve the conflict and makes substantial suggestions for a compromise. The most interventionist strategy which goes beyond formulation is *manipulation*. Like 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.

Empirical studies indicate that manipulative strategies seem to be the most successful form of mediation behaviour as to achieving a formal agreement between disputing parties (Beardsley et al. 2006; Bercovitch et al. 1991; Bercovitch and Houston 1996) [5]. Consequently, we hypothesise that the more the EU's mediation behaviour shows elements of a manipulative strategy, the higher the chances that the mediation effort will lead to a settlement of the conflict.

Coherence

Drawing on the literature of EU actorness and effectiveness in international institutions and multilateral negotiations, we assume that policy coherence is also relevant in the context of EU involvement in peace negotiations. Coherence is here understood as *vertical coherence* (Bretherton and Vogler 2008*)*, capturing the degree of coordination between individual member states' policies towards a conflict and 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. How do vertical coherence and mediator effectiveness relate to each other?

We assume that a highly coherent EU approach towards a particular conflict – implicating

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[5]   However, findings also suggest that facilitative strategies are best able to secure long-term, self-enforcing peace since manipulative strategies bear the risk to produce 'artificial incentives for agreements that are not likely sustainable over times' (Beardsley 2011).

EU member states' support to common positions and policies – 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 [6]. By the same logic, we expect that a low degree of vertical coherence has a negative effect on EU mediator effectiveness for two reasons. First, if the EU lacks the distinct support of one member state or a group of member states for its common policy towards the conflict, warring parties might have doubt regarding the EU's ability to deliver promises that have been made during the negotiation process, as for example the provision of financial assistance which has been offered to the parties as a positive incentive for making concessions to the other side. Second, a low level of coherence on the mediator's side may generate or intensify spoiler problems (Stedman 1997; see below). The less coherent the EU acts towards a particular conflict, the less credible it is perceived by the countries that are affected by the conflict, and the greater the chances that opposition parties or extremist groups within these countries which seek to derail the peace process exploit this situation, for example by exacerbating the doubts about the EU's eligibility as a mediator and the likelihood of a satisfactory outcome of the negotiations.

Context conditions

Furthermore, we argue that the conditions identified above do not automatically translate into mediator effectiveness (both with regard to the dimension of goal-attainment and conflict settlement). Whether these attributes of mediator identity translate into mediator effectiveness also depends on the conflict context and the conflicting parties' internal characteristics.

Regarding conflict characteristics, two factors are identified in the literature as the most important context conditions: conflict intensity and type of conflict issue. Conflict intensity describes the level of violence in a conflict which is measured by the number of fatalities (overall or per annum). As a number of studies (Regan and Stam 2000; Greig 2001; Young 1967) have shown, the higher the level of violence in a conflict, the higher the chances that parties will agree to a third-party offer to mediate their conflict, but the lower the chances that a mediation effort will lead to a full settlement. Mediation initiatives in conflicts with few fatalities have a higher propensity to lead to a settlement than those with a high number of deaths (Greig and Diehl 2012: 130).

In addition, the nature and complexity of the issue in dispute also affects the likelihood of mediator effectiveness. There is no agreement in the conflict resolution literature on what issues are harder to manage and resolve than others. The lack of consensus also relates to the fact that there is a wide variety of conflict issue typologies. Holsti (1996: 306-334) for example differentiates between twenty-four conflict issues and groups them into five categories: conflict over territory, economics, nation-state creation, ideology and 'human sympathy' (ethnicity, religion). In general, tangible and divisible issues such as territory or state power are perceived as being easier to resolve as conflicts over identity or ideology. However, when tangible issues such as territory have an intangible value for conflict parties due to nationalist or religious associations, they can be difficult to resolve as 'the "win-set" of acceptable outcomes for both parties might be empty; that is, there might be no solution, mediated or otherwise, that both sides will accept' (Greig and Diehl 2012: 131). Furthermore, the complexity of the nature of the conflict also has an influence on the likelihood of mediator effectiveness in terms of conflict settlement. Bercovitch and Langley (1993) find that the more different issues are at stake in a conflict, which may also lead to lengthy and protracted conflicts, the less likely the mediation attempt will result in conflict settlement.

As important as the conflict context are the disputing parties' characteristics. Not only does the mediator's coherence influence his/her effectiveness, but also the degree of *internal cohesion and unity* of the conflict parties may have an effect on whether conflict settlement is more or

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[6]   See also Thomas (2012).

less likely. This relates to what conflict resolution scholars have termed 'spoiler problems' in peace processes (Stedman 1997; cf. Greenhill and Major 2006; Newman and Richmond 2006). Stedman (1997) 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 more fractionalized a conflict party (be it a state, rebel group, etc.) is, the higher the chances that efforts to settle the conflict peacefully will be derailed by factions that act as spoilers and who do not favour certain terms of settlement or a settlement at all.

Another factor that relates to conflict parties' willingness to make concessions in the negotiations is timing. There is no consensus in the mediation literature about the optimal timing of diplomatic intervention. 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 the *conflict context*. While these conditions have been treated separately for analytical purposes, they are in fact interrelated. For example, the choice of mediation strategy primarily depends on the availability of respective resources. In other words, a mediator can only credibly employ a manipulative strategy when he possesses the necessary resources and instruments to offer positive incentives or threaten the use of coercive force.

4. The Empirical Setting: The Belgrade-Pristina Dialogue

Almost two years after the formal opening of the advisory opinion procedure requested by Serbia, the International Court of Justice (ICJ) concluded in July 2010 that Kosovo's unilateral declaration of independence in February 2008 'did not violate any applicable rule of international law' (International Court of Justice 2010: 53). The ICJ's verdict took Serbia rather by surprise because the Serbian political leadership was quite confident that they would win the case (Interview EU-6). On the European side, the verdict provoked a considerable debate among the European member states on how to react to it (interview EU-4), finally leading to a common EU press statement on 22 July 2010 emphasising that both Serbia's and Kosovo's future lie in the European Union and that

> 'the European Union is ready to facilitate a process of dialogue between Pristina and Belgrade. This dialogue would be to promote cooperation, achieve progress on the path to Europe and improve the lives of the people. The process of dialogue in itself would be a factor for peace, security and stability in the region' (European Union 2010).

While Serbia first circulated an own draft of a UN General Assembly Resolution in reaction to the ICJ verdict, it was also put under pressure by the EU not to take any further steps aimed at undermining the effect of the ICJ's opinion, in particular by some EU member states threatening to block the referral of Serbia's EU membership request to the European Commission in the Council, unless Serbia showed a more constructive attitude concerning its relationship with Kosovo (interview EU-4). As a result, the Serbian government finally agreed to co-sponsor the European Union's draft for a UN General Assembly Resolution which in most parts resembled the EU press statement of 22 July 2010. In the resolution, which was finally adopted on 9 September 2010, the General Assembly called for the opening of a dialogue between Kosovo and Serbia under the facilitation of the European Union (United Nations General Assembly 2010). On 8 March 2011, the first round of the Belgrade-Pristina dialogue was held in Brussels in a rather informal setting. As principal mediator, the EU appointed Robert Cooper, an adviser

to Catherine Ashton on the Balkans and the Middle East. On the Kosovar side, the delegation was headed by Deputy Prime Minister Edita Tahiri, whereas the Serbian delegation was led by the Political Director of the Ministry of Foreign Affairs, Boris Stefanovic.

The negotiations within the framework of the dialogue process can be separated into two phases: a first phase ranging from March 2011 to February 2012 and a second from October 2012 until today. In the first phase of negotiations, the EU managed to broker seven agreements [7] on mostly technical issues (see Table 1). The two most important agreements that were concluded in the first phase of negotiations are the agreement on Integrated Border Management (IBM) and on Kosovo's regional representation. The IBM agreement, which was signed on 2 December 2011, envisages the establishment of joint Kosovar-Serbian border management points on all crossings between the two territories. The EU ensured to contribute to the implementation of the agreement by funding the necessary facilities (Council of the European Union 2011c). The practical and operational details of this deal were sorted out in an additional protocol, which, after some weeks of debate (interview EU-1), was signed during the ninth round of negotiations (22-25 February 2012). 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. In fact, Kosovo is now granted the right to participate in conferences and sign international agreements on its own account (Lepore 2012: 3). This is made possible by an asterisk at the official nameplate of Kosovo which leads to a footnote that reads: 'This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence' (Council of the European Union 2012a: 1).

Table 1: Overview of negotiation rounds in the framework of the Belgrade-Pristina dialogue.

Date and round of negotiations	Issues under discussion	Agreement on the issues under discussion
1st round *Technical Dialogue* 8-9 Mar 2011	Cadastres, Civil Registry, CEFTA, customs stamps and free trade	
2nd round 28 Mar 2011	Cadastres, civil registry, custom stamps, energy and electricity, telecommunication	
3rd round 15 Apr 2011	Freedom of movement, mutual recognition of university diplomas and all issues from the first two rounds	
4th round 17-18 May 2011	Missing persons, cultural heritage and university diplomas	
5th round 2 Jul 2011	Freedom of movement, university diplomas, civil registry	*Freedom of movement*: principal agreement on a new travel regime; *Civil registry*: handover of copies of Kosovar civil registry books by Serbia to EULEX

Continued on next page

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[7] In fact, these "agreements" represent unilateral commitments and are officially referred to as "conclusions" due to Serbia's unwillingness to sign any official document with Kosovo which it perceives as equally to recognise Kosovo.

Table 1 – continued from previous page

Date and round of negotiations	Issues under discussion	Agreement on the issues under discussion
6th round 2 Sep 2011	Cadastres, custom stamps, telecommunications	*Cadastres*: agreement on the handover of scanned copies of cadastral records by Serbia to EULEX *Custom stamps*: agreement that Kosovo's custom stamp would bear the name 'Customs of Kosovo', without any state symbols
7th round 21-22 Nov 2011	University diplomas, crossing points and border management, telecommunications, electricity, Kosovo's regional representation	*University diplomas*: mutual recognition facilitated by the European University Association
8th round 30 Nov -2 Dec 2011	Crossing points and border management, Kosovo's regional representation, telecommunications	*Border management*: agreement on Integrated Border Management (IBM), facilitated and funded by the EU
9th round 22-25 Feb 2012	Kosovo's regional representation, crossing points and border management	*Regional representation*: "asterisk agreement" allows Kosovo to represent itself in regional institutions *Border management*: signing of an additional protocol on implementation to the IBM agreement
No round of negotiations between March and October 2012		
10th round 11 Ocotber 2012	Re-start of the negotiations under a new format	*Agreement*: talks will continue on the level of prime ministers
1st round *High-Level Political Dialogue* 19 October 2012	Displaced persons, return of Serb-owned property, protection of cultural heritage, crimes and human organ trade	
2nd (informal) round 7 November 2012	Implementation of the IBM agreement, construction of the Nis-Merdare-Pristina highway	
3rd round 4th December 2012	Implementation of the IBM agreement, improvement of bilateral relations	*IBM*: opening of two border crossings on 10 December and of two more on 31 December *Bilateral relations*: sending of liaison officers to each other's capitals
4th round 17 January 2013	Customs on crossings, Serbian-funded "parallel institutions" in Northern Kosovo	*Customs:* customs paid at administrative crossings will go to a fund under EU auspices which aims at promoting development of municipalities in Northern Kosovo
5th round 6 February President Jahjaga and Nikolic meet for the first time		

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Table 1 – continued from previous page

Date and round of negotiations	Issues under discussion	Agreement on the issues under discussion
6th round – 9th round 19 Feb – 3 April 2013	Status of the Serb majority communities in Northern Kosovo,integration of Kosovo Serb security structures and judicial authorities into the Kosovo security and judicial structures	
10th round 17 April-19 April 2013	Status of the Serb majority communities in Northern Kosovo, integration of Kosovo Serb security structures and judicial authorities into the Kosovo security and judicial structures, bilateral relations	**"First Agreement of Principles Governing the Normalization of Relations":** *Local government*: establishment of an association of Serb majority municipalities in Kosovo with same status as Association of Kosovo municipalities; elections in northern municipalities in 2013 *Police force*: integration of Northern Kosovo police force into Kosovo Police framework *Judicial system*: integration of judicial authorities in Northern Kosovo into Kosovo legal framework *Bilateral relations*: commitment not to block the other side's progress in their respective EU path *Institutions*: Establishment of implementation committee

Despite these agreements, the dialogue process stalled in spring 2012 due to Serbia's general, local and presidential election and the subsequent two-month long process of government formation. Simultaneously, the conflicting parties did not achieve any substantive progress on the implementation of the most important agreements reached during the course of the dialogue, including the issues of freedom of movement, the civil registry and integrated border management (Malazogu and Bieber 2012: 16). Escalations of violence at the border crossings between Serbia and Kosovo as a result of a Kosovar trade boycott of Serbian goods in July 2011 further increased the tensions between the disputants.

After an eight-month hiatus, the EU managed to restart the negotiations in October 2012, which we consider the beginning of the second phase of the Belgrade-Pristina dialogue. The newly formed Serbian delegation led by Dejan Pavicevic and the Kosovo team headed by Edita Tahiri met on 10 October to resume the talks within the framework of the dialogue. At this meeting, the parties agreed to continue the dialogue talks at the level of head of governments, mediated by the High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton. Since 19 October 2012 Serbian Prime Minister Ivica Dacic and Kosovo Prime Minister Hashim Thaci have met several times in Brussels 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). On 4 December 2012, the chief negotiators agreed on further steps to implement the joint border management

agreement and decided to send liaison officers to the other side's capital[8]. One month later, it was agreed that customs paid at administrative crossings will go to a fund under EU auspices which aims at promoting the development of the four municipalities in Northern Kosovo. One key characteristic of the second phase of negotiations is that it focuses mainly on issues related to Northern Kosovo and thus has become more politicised than the first phase of negotiations on technical issues. This became obvious in the period between January and April 2013 when the disputants held six rounds of negotiations in the framework of the Belgrade-Pristina dialogue under EU-facilitation, mainly discussing the status of Serb majority communities and parallel security structures in Northern Kosovo.

While these talks were held in absolute confidentiality without making any progress in the talks public, they led to an agreement on 19 April 2013 that was widely applauded as ground-breaking and historic (European Commission 2013; Prelec 2013). Although the agreement has never been officially published by any side, an authentic version of it was leaked in the Pristina press. The 'First Agreement of Principles Governing the Normalization of Relations' comprises fifteen points, twelve of them focusing on the governance of the Serb-controlled northern part of Kosovo. In essence, the agreement provides for the establishment of an association of the four Serb majority municipalities in Kosovo and elections in these municipalities in autumn 2013. The association shall be granted the same legal status as the already existing Association of Kosovo municipalities. Furthermore, the conflict parties agreed on the integration of the Serb-controlled Northern Kosovo police force and judicial authorities into the existing police and legal framework of Kosovo. Regarding the improvement of bilateral relations, point 14 reads that 'it is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU path'[9].

After the 19 April agreement the dialogue process has still been ongoing, with the latest meeting between the Prime Ministers mediated by Catherine Ashton taking place on 13 December 2013.

5. Plausibility probe: Assessing and explaining EU effectiveness in the Belgrade-Pristina dialogue

In this section we analyse the EU's role as a mediator in the Belgrade-Pristina dialogue from March 2011 until April 2013, focusing particularly on the first phase of negotiations. First, we examine the degree of EU mediator effectiveness by evaluating to what degree the EU managed to achieve its main objectives for the negotiations and whether the mediation effort contributed to the settlement of the conflict. Second, we probe the plausibility of the analytical framework developed in section 3 by assessing the extent to which the conditions and variables identified help us to explain EU effectiveness in this particular case. The plausibility probe is based on the analysis of EU documents, newspaper articles and secondary literature as well as fourteen semi-structured interviews with EU and non-EU policy-makers and experts conducted in October and November 2013.

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[8] 'Belgrade and Pristina agree new steps in EU-facilitated dialogue', EUROPOLITICS, 5 December 2012; http://www.europolitics.info/externa-policies/belgrade-and-pristina-agree-new-steps-in-eu-facilitated-dialogue-art345951-41.html.

[9] 'Text of historic agreement between Serbia and Kosovo', EuropeanVoice, 19 April 2013; `http://www.europeanvoice.com/page/3609.aspx?&blogitemid=1723`.

Assessing EU mediator effectiveness

We have separated EU mediator effectiveness into two dimensions: goal-attainment and conflict settlement.

Regarding the dimension of *goal-attainment*, assessing the degree of EU effectiveness is a challenge because of the difficulty to precisely determine what goals the EU sought to achieve. 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 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). As one official explained, 'we were sticking very closely to the formulation of the General Assembly resolution because that was our kind of authority to play the facilitation role in this process' (interview EU-4). In the course of the mediation process, the EU shifted to the term 'normalisation of relations' when speaking about the main objective of the dialogue process. Until December 2012, the EU member states, however, did not agree on a common definition of normalisation. For some member states like Germany for example, normalisation implies the perspective for Kosovo's early UN membership, while other states, that do not officially recognise Kosovo, are cautious not to grant Kosovo's debated statehood international legitimacy (cf. International Crisis Group 2013: 12). As one official put it, 'normalisation does not necessarily imply a recognition of Kosovo's statehood by Serbia, but that both countries do not block each other on their respective EU path and find a "modus vivendi" for their relations which implies recognising the other side as a normal cooperation partner' (interview NAT-2).

To some extent, it could also be interpreted as a purposeful strategy of the EU not to clearly define what normalisation implies in order not to jeopardise the achievement of the more general goal which 'is to get the parties to interact with each other and to move forward in their relations' (interview NAT-4).

In the conclusions of the General Affairs Council of 11 December 2012, the member states formulated the goals of the EU as to the mediation effort as follows:

> 'In this context, this process should gradually result in the normalisation of relations between Serbia and Kosovo with the prospect of both being able to fully exercise their rights and fulfill their responsibilities. (...) the Council urges further progress on this point, 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 2012b: 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,

> 'the overall objective of the dialogue is that these two countries should treat each other as normal countries. This is not the same as recognising, as you can perfectly treat some entity as a normal country without formally recognising them or have formal diplomatic relations. But 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? Regarding the broader goal of the improvement of living conditions in Kosovo (both for

Kosovars and Kosovo Serbs), the mediation effort has barely led to a *medium* level of progress so far. Most importantly, the agreement on integrated management of crossing points and its implementation have made it easier for Kosovars to travel from Kosovo through Serbia to third countries and vice versa (International Crisis Group 2013: 14-15). However, the free movement of people is not fully realised yet as there are some obstacles to free travel such as the mutual issuance of car insurance fees for traveling from Kosovo to Serbia and vice versa which makes the travel between the two countries rather expensive (interview CS-3; Deda and Peci 2013).

Concerning the movement of goods, the agreement on Kosovo customs stamps of 2 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). Furthermore, there has also been some progress on the issues of university diploma recognition and civil registry books. Until December 2012, Serbia had approved 72 Kosovo-issued diplomas and returned over 1,756 of 12,036 civil registry books, which were removed from Kosovo in 1999 (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 can be tentatively related to the EU mediation effort. In the framework of the dialogue process, the disputants for the first time managed to convene direct negotiations with each other and to reach bilateral agreements on certain conflict issues at the highest political level (interview EU-1). As one of the interviewees noted, 'this fact in itself is a major improvement because less than two years ago it was impossible to imagine that the two Prime Ministers officially meet and talk to each other' (interview NAT-3). This bilateral rapprochement is to a considerable extent attributable to the EU because the EU's presence in the dialogue process guaranteed the status neutrality of the talks (interview 7). 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). Indeed, the slow pace of implementation of concluded agreements and recurring violent escalations along the border and after the local elections in Kosovo on 3 November 2013 reveal how fragile bilateral cooperation between Serbia and Kosovo continues to be.

Concerning the more narrowly defined EU goal of achieving an agreement on the governance of Northern Kosovo, the 19 April agreement in principle constitutes a comprehensive settlement of this major conflict issue. However, many details of the implementation of the agreement have not been sorted out (see below). Thus, it would be too early to judge the agreement as full achievement of an EU goal, but nevertheless, on this particular issue, we evaluate the degree of EU goal-attainment as *medium (to high)*. Taking also into account the more broadly defined EU goals, we would judge the degree of EU goal-attainment as *medium*.

Analysing the EU's effectiveness in terms of *conflict settlement*, we have to assess whether EU mediation had some positive, observable impact on the conflict and its management. Given the fact that the issue of Kosovo's final status had been excluded from the negotiation agenda right from the start of the mediation process, the initiative never aimed to fully solve all issues of incompatibility between the parties (interview EU-4). Despite the dialogue's initial focus on "technical" issues, the EU managed to broker agreements on two minor issues of incompatibility: Kosovo's regional representation and the management of the borders between the two territories. While the Serb-controlled governance and security structures in Northern Kosovo represented a major bone of contention between the two sides since the beginning of the negotiations, the EU succeeded in moving the parties towards the 19 April agreement which addresses an issue of incompatibility which is of major importance to the conflict parties. However, there is an ongoing struggle about the terms of implementation of the agreement's provisions due to the ambiguous formulations of many points in the agreement. As one observer stated, 'on any of these issues which were agreed, it is still a long way to a fully stabilised system where things are fully, clearly implemented' (interview EU-6). In a similar vein, a participant to the talks noted: 'it seems to me that it is sometimes taken as a normality that there is further progress on

the implementation of the achieved agreements. But there are still many issues which have not yet been resolved' (interview NAT-4). In addition, it is too early to predict the long-term effects of the local elections in Kosovo on 4 November 2013 on the implementation process, given the fact that several Northern Kosovo Serb politicians called for a passive boycott of the elections to undermine their legitimacy.

The achievements notwithstanding, there are a number of conflict issues which have not been solved or even addressed within the dialogue process so far. The question of Kosovo's membership in the United Nations and other multilateral international organisations, energy supply and telecommunication, the contested issue of property rights, the administration of the civilian airspace over Kosovo, the preservation of religious and cultural heritage and the issues of missing persons remain issues of (major) incompatibility between the disputants (interview EU-1; interview NAT-2; Deda and Peci 2013). Taking also into account that the terms of implementation of many provisions of the 19 April agreement have not or only partially been agreed on, we argue that on the dependent variable dimension "conflict settlement", the EU's involvement as mediator is to be evaluated as *partially effective.*

All in all, our assessment of EU mediator effectiveness in the Belgrade-Pristina dialogue reveals a *mixed result*. In terms of goal attainment, EU effectiveness has been relatively high when it comes to the more narrowly defined goal of finding a settlement for Northern Kosovo, but relatively modest with regard to the more broadly defined goals of improving the lives of the people and contributing to a full normalisation of relations. Concerning the dimension of conflict settlement, the EU has been partially effective so far, solving some minor and one major issue of incompatibility (governance of Northern Kosovo), though in the latter case the agreement struck, until now, represents more a general accord than an agreement that resolves all contested issues into the last small detail.

Assessing the conditions of EU mediator effectiveness in the Belgrade-Pristina dialogue

This section serves to probe the plausibility of the analytical framework outlined above. We (tentatively) analyse the extent to which the conditions that we identified explain EU mediator effectiveness in the Belgrade-Pristina dialogue.

Mediator leverage

We defined mediator leverage as resources and instruments the EU can bring to the negotiation table to spur an agreement between the disputants. We assumed that the more leverage the EU possesses, the higher the chances that it represents an effective mediator. What resources can the EU draw on in its efforts to mediate in international conflicts? In terms of coercive resources, the EU has proven the capability to deploy military operations both inside and outside Europe. Since 2003 the EU has deployed six military operations within the framework of CSDP, encompassing both traditional peace-keeping *and* peace-enforcement operations (Howorth 2011). In addition, the EU has regularly made use of the instrument of economic sanctions to achieve a variety of objectives. However, according to Portela (2005: 95), only in two out of 21 EU sanctions episodes between 1987 and 2003 did the EU impose sanctions to support peace processes. Concerning non-coercive measures, the EU has a wide array of instruments at its disposal. The Union can offer positive incentives for cooperation through the prospect of free trade and association agreements, the lifting of visa regulations and financial assistance supplies provided by various EC funding instruments such as the European Neighbourhood Policy, the Eastern Partnership, the European Development Fund, the Instrument for Stability, the Peacebuilding Partnership (PbP) and the European Initiative for Democracy and Human Rights (EIDHR), to mention but a few (Duke and Courtier 2010: 31-42; Herrberg et al. 2009). By making the

provision of economic and development assistance conditional on the conflicting parties' indicated willingness to compromise or by promising a future boost of already supplied funds, the EU is able to offer positive incentives to the disputing factions to make substantial concessions. Obviously, the most attractive incentive the EU possesses is the offer of EU membership. How attractive this incentive is depends on how strongly a country aspires to become a future member of the Union.

In the context of the Kosovo-Serbia conflict, the non-coercive type of leverage in form of positive incentives is the most relevant resource for the EU as a mediator. 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 (Todoric and Malazogu 2011: 12). As one EU official put it, 'enlargement is the big pull factor, the main carrot the EU has to offer' (interview EU-1). This also explains why there is a strong political will on the side of the disputants to staying committed to the dialogue process (interview NAT-1). As one representative on the side of the conflict parties admitted, 'a large proportion of our motivation to cooperate in the dialogue stems from the membership perspective for our country. This is maybe the EU's main leverage in this process' (interview NAT-3).

While the EU's leverage vis-à-vis Belgrade is straightforward, the Union's leverage vis-à-vis Pristina is less clear-cut due to Kosovo's contested status. EU member states that do not recognise Kosovo have often pointed to the EU's inability to enter into contractual relations with an entity that does not enjoy full international recognition. Consequently, it was argued that the EU could not credibly promise rewards to Kosovar authorities such as the prospect of negotiations on a Stabilisation and Association Agreement (SAA), which would certainly be a first and important step towards closer ties between Kosovo and the EU (Todoric and Malazogu 2011:11). The question of Kosovo's eligibility for the association and enlargement process has been solved to some extent in October 2012, when the European Commission concluded in its *Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo* that 'the association of Kosovo to the European Union is not in conflict with the fact that the Member States of the Union have different positions on the status of Kosovo under international law' (European Commission 2012: 4). Subsequently, the Council adopted the Commission's position and authorised the Commission to open negotiations on signing an SAA with Kosovo on 28 June 2013[10]. The negotiations on the SAA have been opened on 28 October 2013 and are planned to be concluded in spring 2014. Beside the SAA negotiations, the EU and Kosovo have been involved in a dialogue on visa liberalisation which was launched by the European Commission on 19 January 2012. Visa free travel between the EU and Kosovo 'is the second big "carrot" the EU is able to offer Kosovo, and may be even the more important one compared to EU membership in the short run' (interview NAT-2).

Mediation strategy

We distinguished three ideal-types of mediation strategies: facilitation, formulation and manipulation. What is the EU's primary strategy as a mediator in the Belgrade-Pristina dialogue? While the EU has termed its own efforts in the context of the Belgrade-Pristina dialogue 'facilitation' (Council of the European Union 2011a), we argue that its mediation strategy is best described as a mix of a strategy of formulation and manipulation. Formulation describes a proactive strategy by which the mediator structures the negotiation process, formulates alternative ways and strategies to resolve the conflict and makes substantial suggestions for a compromise. A manipulative strategy goes beyond formulation and includes the utilisation of positive incentives or negative sanctions to push parties towards agreement.

Our analysis of the Belgrade-Pristina dialogue indicates that elements of both strategies can be traced in the EU's mediation behaviour. Referring to the wider context of the negotia-

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[10] 'Fule warns Kosovo of "Difficult" SAA Talks', Balkan Insight, 19 July 2013.

tions, we argue that 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 a clear 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. After the conclusion of agreements on integrated border management and Kosovos' regional cooperation in December 2011 and the signing of an additional protocol in February 2012, the EU rewarded Serbia by officially granting the country the status of EU membership candidacy in March 2012 (European Council 2012; interview EU-6). Only a few weeks later, the European Commissioner for Enlargement, Stefan Füle, launched the feasibility study for a Stabilisation and Association Agreement between the EU and Kosovo which was intended to be both a reward to the Kosovar government and an incentive for its continuing commitment to the dialogue process.

In addition, the feasibility study for SAA negotiations with Kosovo was finalised and made public on 10 October 2012, the same day when the delegations of Kosovo and Serbia met for the first time after the eight-month break of talks and negotiated on a restart of the dialogue process on a higher political level. Moreover, 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. Simultaneously, it reiterated the Union's position that 'a visible and sustainable improvement in relations between Kosovo and Serbia is needed so that both can continue on their respective European paths' and that 'the Council expects the two sides to continue and accelerate their work in addressing all aspects of the relations between them' (Council of the European Union 2012b: 11-12). Only two days after the conflict parties had signed the 19 April agreement, the European Commission recommended starting EU membership negotiations with Serbia in January 2014. The final decision was taken by the European Council on 28 June 2013[11].

The evidence gathered from the interviews we conducted supports the hypothesis that the EU has been purposively drawing on its leverage to move parties to compromises. As one interviewee put it, 'the EU plays very much a balancing role, but sometimes also pushes both parties to move forward. It has the instruments to make this happen' (interview NAT-4). In addition, interview partners stressed that the EU has been purposively playing the "conditionality card" to put pressure on the two parties to find compromise solutions (interview CS-1). As one observer highlighted, 'linking the enlargement process with the negotiations in the framework of the Belgrade-Pristina dialogue has been a purposeful strategy by the EU' (interview NAT-1). However, it seems that it were not so much the EU officials present at the negotiation table who from time to time put some pressure on Belgrade or Pristina to move forward, but individual EU member states who made their consent to steps of further association with Serbia and Kosovo in the Council conditional on progress in the dialogue (interview NAT-2; interview NAT-4).

Apart from the provision of positive incentives or the use of negative sanctions, a manipulative mediation strategy would imply that the mediator actively engages in finding compromise solutions to the problems discussed by proposing elements or even drafting accords of agreement. What are the results of our empirical analysis regarding the EU's mediation behaviour in the actual negotiations? On the side of the EU, officials emphasise that the dialogue process is 'fully in control of both parties' (interview EU-1; interview EU-2). The results of our empirical analysis, however, suggest that EU mediation behaviour shows elements of a formulation strategy (rather than one of facilitation or manipulation). The EU very much played a structuring role in the talks which is typical of a strategy of formulation. In the run-up of the technical dialogue, the EU together 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

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[11] 'EU Hails "Historic" Yes to Serbian Membership', Balkan Insight, 28 June 2013.

EU facilitator sets the negotiation agenda (interview EU-4). As one official noted, however, the letter mentioned principle was

> 'more valid in theory than in practice, because it would not have made sense that the facilitator(s) put a topic on the agenda which one of the two sides refused to talk about. Thus, it did not give the EU any kind of leverage, but the fact that it was up to the EU's representatives to set the agenda gave them at least some room for manoeuvre' (interview EU-4).

In the beginning of the second phase of the Belgrade-Pristina dialogue, the high-level talks between the two Prime Ministers, 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).

Regarding the question whether the EU facilitators also made substantive proposals on how to solve certain conflict issues, the empirical evidence is inconclusive. While some interview partners stressed that the EU did not make any proposals but rather provided the more general framework for a constructive negotiation atmosphere (interview EU-1, interview EU-2), others emphasised that the EU has been acting as 'an active mediator and initiator of all the agreements reached within the dialogue process, who sought to find compromises and also proposed solutions' (interview NAT-3; similarly, interview EU-4).

Beside the EU's structuring role in the talks, there is also considerable evidence that the EU has contributed to the resolution of commitment problems between the parties by offering to assist them in implementing agreements that were reached during the mediation process. One example is the agreement on the recognition of university diplomas. Due to the parties' unwillingness to mutually recognise university diplomas, the EU ensured the implementation of the agreement by entrusting the European University Association with the examination and verification of relevant documents (Malazogu and Bieber 2012: 14). Similarly, the EU promised to contribute to the implementation of the IBM agreement by funding the necessary facilities.

In sum, our analysis of the EU's mediation behaviour suggests that the Union has adopted a strategy which entails elements both of formulation and manipulation. In the theoretical part of the paper, we hypothesised that the more directive/interventionist the EU mediation strategy, the more likely a high degree of mediator effectiveness. To what extent can the EU's mediation strategy explain the degree of effectiveness we have assessed above (partial success in terms of conflict settlement and medium degree of goal-attainment)?

The EU's strong use of conditionality vis-à-vis the disputants has had a considerable impact on the outcomes of the negotiations so far. It was only by offering substantive rewards that the parties agreed to compromise solutions to some conflict issues (interview EU-1; EU-5; EU-6; NAT-2). As one official put it, it was 'the transformative power of Europe' that enabled these achievements (interview EU-1). Consequently, it seems plausible to assume 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. As the relations between the two sides are still dominated by hostility and mistrust, it is unlikely that a less interventionist strategy would have led to similar results (interview EU-5; EU-1; NAT-1). However, this fact also points to the limits of a highly manipulative mediation style: while manipulation is an adequate strategy to produce short-term agreements, it is not an appropriate tool to reduce post-crisis tensions and secure long-term stability. As empirical evidence in mediation research shows, a facilitative-communicative strategy would best serve this purpose (Beardsley 2011; Beardsley et al. 2006). This is the main dilemma of EU mediation in the Kosovo-Serbia conflict and partly explains why the EU has not yet managed to achieve all of its main goals as to the mediation effort: normalisation of relations between two countries and improvement of their bilateral cooperation are long-term goals which cannot be attained as long as mistrust and uncertainty about the other side's intentions govern their interactions. Thus, the EU walks on a thin line: a highly manipulative strategy which is not complemented by

a confidence-building approach will only be successful as long as the conflicting parties perceive the EU's incentives as credible. When the process of Kosovo's and Serbia's further association to the EU becomes 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.

Coherence

Based on the definition of vertical coherence by Bretherton and Vogler (2008), we defined coherence as the degree of coordination between individual member states' policies towards a conflict and mediation activities carried out by EU institutions.

Since Kosovo's unilateral declaration of independence in 2008, the European Union is internally highly divided over the question of legitimacy of Kosovo's statehood. According to the EU General Affairs and External Relations Council's decision on 18 February 2008, the EU leaves it to the member states to decide whether to recognise Kosovo's independence or not (Council of the European Union 2008: 7). While twenty-three 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 EU member states have not agreed on a common stance until today. In the early phase of negotiations, the non-recognition prevented the EU to credibly offer Kosovo a perspective for the liberalisation of visa and SAA negotiations.

However, this has changed in December 2012 when the Council's decision to provide Kosovo with a credible perspective for SAA negotiations was taken with the consent of the five non-recognisers. In fact, it seems that the EU member states are quite united when it comes to the general support of the dialogue process, but there are some dividing lines when it comes to political and legal details in the parallel processes of EU membership negotiations with Serbia and SAA negotiations with Kosovo (interview NAT-4; NAT-2). In addition, interview partners stressed that there is some kind of hierarchy between the member states concerning their level of information about the talks between Serbia and Kosovo. As one national representative noted, 'the member states could have been treated a little bit more equally. Maybe the bigger states have been very well informed, but for smaller member states it was much harder to get a lot of information about what was actually going on in the talks' (interview NAT-1). In addition, it seems that some member states, in particular Germany and the UK, played a key role in adding further credibility to the EU's determination to contribute to the resolution of the conflict (interview EU-4). As Lehne (2012: 6-7) argues, it was the

> 'visits of the UK and German foreign ministers to Belgrade that convinced Tadic to abandon the initiative in the UN General Assembly to reopen status talks, and it was the German chancellor, Angela Merkel, who in August 2011 clearly linked Serbia's candidate status with progress on improving relations with Pristina'.

As one of the interviewees described it, there have been a number of bilateral talks between representatives of single EU member states and of the conflict parties going on, parallel to the Belgrade-Pristhina dialogue mediated by the EEAS. The purpose of these parallel processes, which have often been taking place on the ground between national ambassadors and Serbian or Kosovar government officials, has been to send strong and consistent signals to the conflict parties about the EU's positions (interview NAT-2).

In sum, the EU and its member states have shown a *medium level of coherence* in their efforts to resolve the Kosovo-Serbia conflict. How did the medium level of coherence affect the EU's mediator effectiveness? In the theoretical part of the paper, we made two claims about the relationship between coherence and mediator effectiveness:
1) 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 leaves no room for interpretation concerning the EU's preferences regarding the substance of a negotiated solution, which

in turn increases the likelihood of mediator effectiveness;

2) a low degree of EU coherence has a diminishing effect on the conflicting parties' trust in the EU's ability to deliver promises (credibility) and potentially generates spoiler problems, which reduces the likelihood of mediator effectiveness.

We find some evidence for the claim that low or limited EU coherence has a negative effect on the conflicting parties' trust in the EU's ability to deliver promises. EU internal divisions had raised doubts among Kosovar 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 toward 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 term. Simultaneously, the Union is not as united on the question of Serbia's membership as it may sometimes seem. Ahead of the General Affairs Council's meeting on 11 December 2012, a split became visible between member states that reportedly favoured an early decision on the start of membership negotiations with Serbia (Italy, Greece, Cyprus and Austria) and those that preferred to postpone the decision to spring/summer 2013 (Germany, the UK and Netherlands)[12]. If this split remains or even deepens in the EU membership negotiations with Serbia which will start in 2014, it will be difficult for the EU to credibly uphold early EU membership as a realistic scenario for Serbia.

In contrast, we have not found any evidence for the assumption that low or limited coherence creates or intensifies spoiler problems and thus reduces the likelihood of mediator effectiveness. Spoiler problems that relate to the situation in Northern Kosovo could be partly explained by the non-inclusion of Kosovo's Serbian minority in the Belgrade-Pristina talks and an increase of autonomy of Northern Serb radicals and extremists from Serbia (interview EU-6; International Crisis Group 2013: 10-11; see below).

Context conditions

We have derived the following potential context conditions from the mediation literature: conflict intensity, nature and complexity of the conflict issue, internal characteristics of the conflict parties and right timing of the mediation effort. Regarding conflict intensity and conflict issue, our empirical analysis so far has not produced any substantial and clear evidence on the impact of these factors on EU mediator effectiveness [13]. In contrast, the results of the empirical analysis reveal some confirmatory evidence concerning internal characteristics of the conflict parties and the timing of the mediation effort and point to the tentative importance of one additional context condition which we had not taken into account in the development of our conceptual framework: external support to the mediation effort. There are two factors that seem to have been conducive to EU mediator effectiveness in the context of the Belgrade-Pristina dialogue, in particular with regard to the dimension of conflict settlement: 1) right timing and 2) strong U.S. support.

First, the EU's mediation initiative came to 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 completion of elections and the formation of the government under Prime Minister Thaci, the EU seized the moment to bring the parties to the

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[12] 'EU Countries Split Over Serbian Bid', Balkan Insight 11 December 2012; http://www.balkaninsight.com/en/article/eu-countries-split-over-serbian-candidacy

[13] To a great extent, this might be due to the limited number of interviews conducted with representatives from the conflict parties which will lead to a second round of interviews in the conflict regions in 2014. In addition, it seems that it might be very difficult to precisely trace the influence of these factors on mediator effectiveness, since their relationship with mediator effectiveness is also not very well spelt out in the mediation literature.

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. However, the window of opportunity, which was clearly favourable to EU effectiveness, was slammed shut in spring 2012 in the run-up to Serbia's elections, in particular due to the increasing politicisation of the negotiation process, violent escalations along the border between the two territories and the parties' unwillingness to fully implement concluded agreements.

Second, external support to the EU's mediation efforts, in particular by the U.S., also seems to have been conducive to EU effectiveness (interview EU-4). While the U.S. currently seeks to transfer as much responsibility for the Balkans as possible to the EU, it also aims to help Kosovo to fully consolidate its statehood (Malazogu and Bieber 2012: 37). For this reason, the U.S. fully backs the EU's diplomatic efforts to achieve a normalisation of relations between Serbia and Kosovo (interview NAT-2)[14]. U.S. support was most visible in summer and autumn 2012 when the EU sought to revive the dialogue process. Here, U.S. secretary of state Hillary Clinton strongly supported Catherine Ashton's initiative and exerted additional pressure on the conflict parties to agree to a restart of negotiations and to return to the negotiating table (International Crisis Group 2013: 2).

In contrast, our tentative findings suggest that there is one context condition which tentatively had a constraining effect on mediator effectiveness, both in terms of goal-attainment and conflict settlement: domestic opposition and spoiler problems in Northern Kosovo.

Rising domestic opposition toward the dialogue process in both countries and spoiler problems related to the situation in Northern Kosovo also seems to have had, at least to some extent, a constraining effect on mediator effectiveness. Nationalist parties in both countries disapprove of the dialogue process and argue that participation in the negotiations does not serve the national interest. In Kosovo, opposition parties and civil society groups have been criticising their government for a lack of transparency of the negotiations[15]. In particular representatives of the 'Self-Determination' party (*Vetevendosje*) are very skeptical of the dialogue process which, in their point of view, has maneuvered Kosovo into a deadlock as to the legitimacy of its statehood (Hamilton 2012: 12-13). As the Self-Determination party represents the third-biggest group in the Kosovar parliament, it has some blackmail potential vis-à-vis the Kosovar government. However, until now, the Kosovar government has successfully managed to gain wide domestic support by the majority of political parties in Kosovo.

In Serbia, representatives of the Serbian Radical Party (SRS) argue that negotiating with Kosovo and accepting Kosovo's representation in regional institutions undermines the country's policy of non-recognition. After the agreement on Kosovo's regional representation was reached, SRS deputy leader Dragan Todorovic said that it constituted a "high treason" for the sake of EU candidate status[16]. While the SRS did not manage to mobilise support for its position in Serbia and lost all parliamentary seats in the 2012 elections, it still enjoys great support among the 55,000-65-000 Serbs living in the northern part of Kosovo. Due to their opposing political affiliation, Serbian politicians from Northern Kosovo were not included in the Serbian negotiation team for the Belgrade-Pristina talks (Malazogu and Bieber 2012: 31). Consequently, Kosovo Serbs feel largely excluded from the process and fear that Serbia will sell out the Serbian

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[14] 'U.S. backs Belgrade-Pristina dialogue', Tanjug 5 April 2012; `http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=04&dd=05&nav_id=79628`

[15] 'Kosovo and Serbia keep discussions quiet', Balkan Insight 19 February 2013; `http://www.balkaninsight.com/en/article/kosovo-keeps-secret-deals-with-serbia/serbia-kosovo-relations-serbia-kosovo-negotiations-latest-headlines/5`

[16] 'What matters is EU candidature, not footnotes', BETA & Tanjug 24 February 2012; `http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=02&dd=24&nav_id=78953`

population in Kosovo in return for EU membership. Due to the local population's impression that 'life has become more precarious and difficult, and less predictable' (International Crisis Group 2013: 10) since the dialogue's inception, there is a high level of frustration among Kosovo Serbs, which leads to frequent escalations of violence alongside the border between the Northern municipalities and the Southern part of Kosovo. Indeed, the non-inclusion of Kosovo Serbs in the Belgrade-Pristina dialogue has created a considerable potential for spoilers to encourage mistrust and violence in order to cause a collapse of concluded agreements. As long as the situation in Northern Kosovo remains tense, it will be very difficult to the EU to promote further cooperation and mutual confidence between Pristina and Belgrade, which in turn affects the EU's effectiveness as a mediator (interview NAT-4).

6.   Conclusions

Based on the finding that there is a lack of research on the EU's role as mediator in international peace negotiations, the paper sought to answer the following questions: How can EU mediator effectiveness be appropriately conceptualised? And what factors potentially influence EU mediator effectiveness? Combining an international mediation perspective with the literature on EU actorness and effectiveness, we proposed an analytical framework to explain the degree of EU effectiveness as a mediator in peace negotiations. We distinguished two dimensions of EU mediator effectiveness: the EU's ability to achieve a priori defined goals (*goal-attainment*) and the mediation effort's contribution to an observable positive change of conflict dynamics in terms of *conflict settlement*. Focusing on variables that relate to the identity of the mediator and his negotiation behaviour, we identified four main conditions that we deem most relevant in the specific context of EU mediation: *leverage, mediation strategy, coherence, and the conflict context.*

To probe the empirical plausibility of the analytical framework, we applied it to the case of EU mediation in the Belgrade-Pristina dialogue. Our assessment of EU mediator effectiveness suggests that the EU has been partially successful in terms of conflict settlement, for it managed to mediate agreements on a number of minor conflict issues (such as mutual recognition of university diplomas, customs stamps, return of civil registry books, etc.) and on one issue that is of major importance to the parties (the governance of Northern Kosovo). In terms of goal-attainment, the EU has been relatively effective in brokering an agreement on its narrowly defined goal of finding a settlement to the situation in Northern Kosovo, though the terms of implementation of the agreement still have to be sorted out and negotiations. However, the EU has only been moderately effective in achieving its long-term goals with respect to the mediation effort. While there has been a slight improvement of the living conditions of the affected population, the goal of fostering bilateral cooperation towards the ends of full "normalisation" of relations has only been achieved to a limited degree. Although some moderate rapprochement of the disputants is observable, deep-seated mistrust and uncertainty about the other side's intentions still seem to prevent stable and self-sustaining bilateral cooperation.

What accounts for the EU's partial success in terms of conflict settlement and the attainment of its narrowly defined goals and its rather limited effectiveness in attaining its long-term goals? Our investigation of conditions of EU mediator effectiveness has given indications that the EU's success in mediating a number of agreements between Kosovo and Serbia can be explained by its 1) great leverage vis-à-vis the conflict parties due to their EU membership aspirations and 2) 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. In addition, external support by third parties, in particular the U.S., and the right timing of the mediation initiative during a window of opportunity between March 2011 and February 2012 have been conducive to EU success in terms of conflict settlement.

Regarding the EU's limited effectiveness in attaining its long-term goals, our empirical anal-

ysis suggests three tentative conclusions. First, spoiler problems related to the situation of the Serbian population in Northern Kosovo and domestic opposition against the dialogue process in both countries have constrained their governments' negotiating range. Second, by aiming to improve the living conditions of the affected population and to promote the normalisation of bilateral relations, the EU has set itself rather ambitious and long-term goals, which are difficult to achieve over a period of two years. In addition, it is debatable whether mediation alone is the right tool to achieve these goals or whether the mediation effort should be complemented by other conflict resolution approaches. Third, the EU's rather manipulative mediation behavior might be appropriate to achieve short-term agreements, but it is not an adequate strategy to foster mutual confidence and trust between the conflict parties which is the basis for long-term cooperation. This is the main 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. When the process of Kosovo's and Serbia's further association to the EU becomes 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.

To conclude, the results of our empirical analysis suggest that the conditions of mediator effectiveness identified in our analytical framework have considerable explanatory power. In particular the EU's leverage vis-à-vis conflict parties and its mediation strategy seem to have an important impact on its effectiveness. Coherence seems to be a relevant condition as well, although its influence on effectiveness is more difficult to trace. Further empirical studies are necessary to evaluate whether and how these factors relate to mediator effectiveness. The empirical analysis has also revealed the importance of taking into account the wider conflict context for understanding EU effectiveness, which will be done more explicitly in future research. In sum, the seeming utility of the framework, 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 absence of further case studies suggest that there is substantial ground for further research emanating from this study.

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