

**SOFIA UNIVERSITY ST. KLIMENT OHRIDSKI**

**Faculty of Philosophy**

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**PhD Program**

**Topic:**

**KOSOVO-SERBIA CONFLICT, FROM NEGOTIATIONS FOR  
FINAL STATUS RESOLUTION TO POLITICAL DIALOGUE  
(2006-2016)**

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## STRUCTURE

This proposal thesis contains a summary, chronology and analysis of the entire process that has permeated the Kosovo after war period up to the Political Dialogue between Pristina and Belgrade after the Independent of Republic of Kosovo, and, as such topic, I consider, that is the first time that addressed at the level of the phd program at Sofia University.

In constant consultation and recommendation of Mentor prof. Tatyana Dronzina title of the proposed thesis is: **KOSOVO-SERBIA CONFLICT, FROM NEGOTIATIONS FOR FINAL STATUS RESOLUTION TO POLITICAL DIALOGUE (2006-2016)**

In subsequent chapters, is presented an analytical overview by different scientific references about theory of Negotiations and Conflicts Management, also official sources and scientific references that from establishing of international administration in Kosovo - (UNMIK), the final status negotiations, the Declaration of Independence, the Advisory opinion of the International Court of Justice - (ICJ), and the umbrella of this journey, as the final chapter, Political Dialogue.

The focus of study analysis of this paper is the Political Dialogue between Pristina and Belgrade, a substance that has made Kosovo a reference point as current issues of political negotiations. So, from this, the Kosovo case, the legal and political arguments by the parties, confronting the negotiations platforms, and the EU mediation way, made this issue a relevant and attractive subject for researches.

Although the study is taking a long period of time, axis of the theme is focused to by reflections and impact of politic negotiations in the bilateral cooperation between Kosovo and Serbia and the strengthen international subjectivity of the Republic of Kosovo through these negotiations.

Subject to its content includes a brief summary of the scope of the International Negotiations , moreover, will highlight how Kosovo is found in the agenda of the EU and as well as a sub-question role of the European Union as a mediator in peace negotiations .

During the research 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 Kosovo and Serbia. In conclusion of this thesis, we will evaluate reflections and impact of political dialogue in the relations between Kosovo and Serbia and to explain what Kosovo has benefited from them on the strengthening on international subjectivity and internal consolidation. Also throught of the Kosovo-Serbia negotiations and theoretical concepts of power imbalance, mediator's formula, internal and external stakeholder's interests and perceptions we will give some recommendation which may be of interest to future scholars in this segment.

## **CHAPTER I**

### **METHODOLOGY**

This research thesis is about International Negotiations, with specific focus on negotiation policies and practices from a theoretical multidisciplinary approach concentrating on practical political negotiations between Kosovo and Serbia. Even though negotiations has had historical importance in the development of bilateral relations, and being aware of the growing academic interest about relations between Kosovo and Serbia, still there is scarcity in the academic literature on this segment, and accordingly we believe that there is a need for more research in this topic. Practical cooperation patterns on this relationship are unexplored from the academic perspective, where only a dozen articles are to be found as researched and various opinion pieces. The International conflicts have become quite a common feature of international relations. When they arise, numerous methods have probably been used to get out of a conflict or to resolve it. So, on this thesis we aim to pay special attention to negotiation. Negotiation is one of the most common responses to any conflict. It is a complex process used to settle disputes over competing interests, resources or positions. The scale of negotiations varies greatly from frequent daily negotiations between individuals through to complex negotiations between states. Correspondingly, negotiation outcomes may have different consequences. Therefore, this study aims to contribute to the lack of empirical evidence and academic literature on policies and practices of Political Negotiations with the main focus on relations between Kosovo and Serbia. This research is of relevance for the case chosen as its outcome can be beneficial for them to address potential drawbacks in the implementation of future political processes in international negotiations and conflicts management.

### **RELEVANCE OF THE TOPIC**

This research is important as it will significantly contribute with new knowledge in the field of practical negotiations between two countries; Republic of Kosovo that (who) sees this process as a dialogue between two independent countries, and Serbia, which does not recognize Kosovo as an independent state, treating negotiations at a technical discussion level. Further, another important element will be to deal with the concepts of political negotiations in such bilateral and multilateral paradigms, taking that Kosovo has taken an important role in the agenda within EUs foreign policy dynamics and also other stakeholders. Based on this we think that the Dialogue between Kosovo and Serbia and the role of EU as a mediator in peace/political negotiations deserves higher academic attention. Also, this research that is based on relevant academic sources, and by using direct interviews with members of Kosovo delegation, will provide useful practical reflections for professionals that aim to deal with negotiations in their work/careers. The importance of research as well is that this study describes the practical experiences of negotiators who have effectively negotiated agreements and solved conflicts. The purpose of this phenomenological study is to understand the strategies negotiators and mediators use in international negotiations and conflict management. A qualitative descriptive approach was used



to achieve this purpose. This study pretends to find specific bodies of knowledge that influence success in negotiation and conflict management. This research may serve as guidance for leaders negotiating complex deals and managing difficult conflicts and aspires to contribute to the body of best practices for negotiators across the world.

## **MAIN RESEARCH HYPOTHESIS**

The main concept of this study is negotiation as a tool for conflict management. This study involves the relationship between the three variables (principles of negotiation, quality and outcome of negotiation and the role of mediator in political dialogue between Kosovo and Serbia) revolving around the principle of international negotiation.

### **Main Hypothesis**

- EU as a mediator use contractual relations with the countries in conflict to incentivize them to achieve progress in mediation processes while UN largely relies on external actors

### **Auxiliary hypotheses**

- *The Lack of a obligatory mechanism of EU challenges the implementation of agreements reached as a result of negotiations*
- *The models of EU and UN crisis management legitimate each other*
- *The solution of Kosovo-Serbia case depends on conflict parties' willingness to compromise*
- *The lack of unity of EU and the ambiguity are obstacles to the implementation of agreements*
- *The acceptance of 'cold peace' and the "hidden tension"*
- *Impact of other internal and external factors in negotiations*
- *Dialogue is a key for the future interstate relation of Kosovo and Serbia*

## **RESEARCH METHODOLOGY**

Based on the conceptual model and hypotheses proposed in the previous description this thesis is a case study, by its very nature. It aims to examine the in order to give an answer to the question whether Political Negotiations has an impact on relation between Kosovo and Serbia. The research will mainly be qualitative in approach, due to the assumed value of the context and setting so as to allow deeper understanding. But, in order to conduct this analysis the research will be based also and on secondary data collection using mixed methods, qualitative and quantitative, and the aim

is to use a descriptive study approach trying to build a theoretical framework proposal based on an inductive logic due to the study of an emerging discipline with lack of previous existing research on the topic and difficulty to empirically test hypothesis. By using the mixed research method we will be able to conduct a research where both methods will complement each other and present a better understanding. To fill this research at least to a certain extent, the thesis seeks to answer to the Research objectives, and this is analyzed along two dimensions: goal-attainment and conflict settlement. Also, building on concepts and empirical findings of both; International Negotiations and International mediation literature, we will try to conclude and to secure one answer to our investigation. In addition to scientific resources and comparative materials, a good part of the research will focus also conducted by interviews of members the negotiations team.

## **CHAPTER- II**

### **MODERN CONFLICT MANAGEMENT**

#### **Conclusions of the second chapter**

In a domain large as conflict management, one that stretches across levels, included, individual, group, organization, nation and touches on potentially any kind of interdependent interaction, theory is also a means to link and align small communities of research working on regions of this vast space.

Each of research has a different approach. In this chapter we treated one theoretical aspect of Conflict Management and consequently Negotiation and Mediation as a tool for Conflict Resolution. Meanwhile in the following chapters, building on concepts and empirical findings of both; International Negotiations and International mediation literature, we will try to conclude and to secure one answer to our research and to present the concept of International Negotiations and Conflict Management like an interconnection between practice and theory.

“The study of international conflict captures an important space in international relations research. Much of the research on international conflict is directed at exploring past and present ways to control, manage, or resolve it. The scope and extent of research on conflict, in general, and on the management and resolution, in particular, suggests that there exists wide variety of approaches to how these topics should be studied.” Some of these approaches differ in terms of substantive content: how they define the basic phenomena under study, which variables they use to account for these phenomena, and-of course-in terms of substantive description and analysis of the conflict process.”

Negotiation and Mediation in peace processes and as preventive measure have become increasingly popular tools of EU conflict resolution. European engagement in peace processes on the Balkans dates back to the early days of the conflict linked with the disintegration of the former Yugoslavia. Increasingly side-lined in the course of the former Yugoslavia conflict, the European

Union re-appeared at the diplomatic scene with the beginning of the 21st century and the end of Kosovo war.

According to Erik Plänitz, returned to the table in 2001 with its role as co-mediator in the conflict between the Albanians and the Republic of Macedonia, the European Union got increasingly engaged in mediation in Balkans region culminating in the Prishtina-Belgrade Dialogue. Started in March 2011 under the auspices of the European Union status talks have so far led to signing of the Brussels Agreement in 2013.

The questions raised in this thesis can help us and forthcoming researchers continue the researching in this field.

But, based on the concept identified while has several roads to solve the conflict, these can be achieved only by negotiation. For the more, even Professor Zartman, Bercovitch and others that we referred in this chapter have, in different studies, discussed the importance of the negotiated process in achieving the resolution of conflict.

These ideas also set the parameters of choice for dealing with salient constraints. The resurgence of conflicts centered on ethnic claims in the Balkans and the Caucasus, Africa and South Asia, has provoked renewed debate among social scientists about the nature and significance of ethnicity in contemporary societies.

Among others, this was a theoretical introduction to the concept and types of conflicts, meanwhile the war between Kosovo and Serbia, though externally and by various authors, can be categorized in various ways, one thing that is undeniable that it gained enormous international scope and consequently managed to activate every world diplomatic-military mechanism, with main role of UN and NATO. However, every conflict has its own specifics, and in following chapters we will try to make an interconnection between other models and Kosovo-Serbia case.

## **CHAPTER III**

### **THE NEGOTIATIONS ON THE FINAL STATUS RESOLUTION OF KOSOVO**

#### **Conclusion of the third Chapter**

The above chronological flow shows that after the war, for a relatively long period the debate about the Kosovo's final status was effectively frozen. The first direct talks between Kosovo Albanians and Serbian leaders started on October 2003. Kosovo has been a territory in limbo for more than eight years. Notwithstanding the deep modernist grounding of the “standards before status” approach fashioned by the United Nations Interim Administration Mission in Kosovo (UNMIK) after policies of conditionality and the idea of “earned sovereignty”, the international community had operated, for half a decade, in naive denial of the continued relevance of self-reliant statehood. In fact, it reinforced a climate of heightened insecurity, in which the conflict remained frozen. Ever

since the publication of the “Eide Report”, resolving the international legal status of Kosovo had become a priority on the international agenda. This process culminated in the report of the UN Secretary-General’s Special Envoy, Martti Ahtisaari, in March 2007. The international community, so it seemed, had finally understood that it needed to close the sovereignty gap that had opened up when it assumed transitional governance functions in 1999 for an unspecified period of time.

The international effort to resolve the question of Kosovo’s status by negotiations which started in 2005 under the leadership of former Finnish president Martti Ahtisaari, ended with Kosovo’s 2008 declaration of independence-falling short of the hoped-for comprehensive solution. Since then, Serbia has been resisting the integration of Kosovo into regional and international institutions.

From beginning to end of Kosovo Status process, the views of the two sides remained diametrically opposite. In view of the tragic events of the 1990s and the de facto full separation from the Serbian state achieved as a result of the 1999 war, Pristina could not accept anything but independence for Kosovo, whereas Belgrade for historical and constitutional reasons of its own could imagine all sorts of outcomes-as long as it was not independence.

The second-best solution, which was the working assumption of most of the international participants in the process, would have been a comprehensive settlement plan backed up by a UN Security Council resolution. Such a comprehensive proposal was in fact elaborated by Ahtisaari after several months of discussions with the parties. It focused in particular on securing the rights of the Serb population of Kosovo through extensive local self-government and constitutional safeguards and the protection of religious and cultural heritage. It also dealt with economic and security issues and provided for significant changes in the international presence in Kosovo. However, when it came to having this proposal endorsed by the UN Security Council in the spring of 2007, relations between Moscow and the West had deteriorated significantly and Russia (with China’s support) blocked the relevant draft resolution. As further delaying the solution of Kosovo’s status would have unleashed a dangerous dynamic on the ground, only a third, relatively unsatisfactory option remained: a declaration of independence by Pristina.

After this decision, the declaration of Independence would be supported by many relevant countries, but also some other countries with consideration power were against, and it was a signal for a hard struggle for the international subjectivity.

However, the road until to Independence, was very long. For more than eight years since the unanimous adoption of resolution 1244 (1999) by the UN Security Council, the international community has been trying to find a solution to the ‘final status’ of Kosovo. Since February 2007, this debate was accelerated; the Special Envoy of the UN Secretary-General, Mr. Martti Ahtisaari, unveiled a plan to set Kosovo on a path to independence. The plan –although fully backed by the West– was highly controversial, both in Serbia and in Russia. To make matters worse, the relations between the Russian federation and some Western countries such as the United States of America and the United Kingdom have rapidly deteriorated as a result of conflicting interests.

The Ahtisaari plan is a compromise that offered Kosovo Albanians the prospect of independence, Kosovo Serbs extensive rights, security and privileged relations with Serbia, and Serbia the chance to put the past behind it once and for all and realise its European future.

It is the best recipe for the creation of a multi-ethnic, democratic and decentralised society and fits within the European Union's multi-ethnic project for the Western Balkans, which ultimately offers the prospect of accession. It should be noted that Kosovo does not create a precedent for other unresolved conflicts. In unanimously adopting resolution 1244 (1999), the Security Council responded to Milosevic's actions in Kosovo by denying Serbia a role in its governance, placing Kosovo under temporary United Nations administration and envisaging a political process designed to determine Kosovo's future. The combination of these factors makes Kosovo's circumstances extraordinary.

#### **CHAPTER IV**

#### **KOSOVO-SERBIA DIALOGUE: CHRONOLOGY, IDEOLOGY, OBJECTIVES, OUTCOMES, SOLUTIONS**

##### **Conclusion of the fourth Chapter**

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designed to determine Kosovo's future. The combination of these factors makes Kosovo's circumstances extraordinary.

## **CHAPTER V :**

### **THE IMPACT OF INTERNATIONAL FACTORS IN NEGOTIATIONS BETWEEN KOSOVO-SERBIA AND COMPARISON OF UN AND EU AS A MEDIATOR**

#### **Conclusion of the fifth Chapter**

Through this research, respectively through analysis and observations of theorists, scientific references, individual interviews and chronological description of the entire negotiation process we tried to answer the hypotheses raised and the questions posed.

The various negotiations surrounding the Kosovo conflict and the territory's status from the beginning of the process were wide-ranging and complex, and involved a large number of factors and institutional settings. Even when focusing only on the international or multilateral level, the picture is highly complex. As one report summarizes for the negotiations in the late-1990s:

The international response was formulated by a dozen or more key states, each with its own perceptions of national interests, its own particular set of domestic constraints and forces, including different perspectives of political and military leadership, and its own analysis of the past and possible future of the Balkans. In addition, these states were collaborating to reach joint policies simultaneously in several distinctly different groupings, including the UN, NATO, the OSCE, and the EU. The logical result was a lack of consistency in the diplomatic response.

In addition, actors and government directly involved in the conflict – the Yugoslav and Serbian governments, representatives of the Kosovar Albanians and then the Kosovo government – also participated in negotiations. Going through this complexity, how can we characterise the most crucial actors, institutions and features of the negotiations?

Let's start with the main actors. For the international or multilateral negotiations, the main actors were the United States and Russia, with further relevant roles for states such as the United Kingdom, France and China. Although, was the United States initiative in the late 1990s pushed for a halt to the conflict. It put pressure on Milosevic, supported sanctions against Yugoslavia, and was in the end willing to intervene militarily – even if only by air attacks – through NATO.

After 1999, the United States was a supporter of and primary advisor to the Kosovar 'provisional government', aided by the enormous prestige of the United States in the eyes of Kosovar Albanians, who perceived the United States as the main reason for their freedom from Serbian rule. By the time of the negotiations on Kosovo's final status, the Kosovar government considered the United States an ally in its quest for independence, and there is indeed evidence that the United States signaled its support for this to the Kosovars. The United States was one of the first states

to recognize Kosovo's independence in February 2008, and it was the main advisor to the Kosova government in the drafting of a constitution for the new state. But, on the other side Russia has mostly been on the side of the Serbs in the negotiations on Kosovo. This is often publicly justified by reference to their common identities, but geopolitical considerations have undoubtedly played a role as well.

But the post-independence period marks another delicate phase on Kosovo-Serbia negotiation. Indeed, between the declaration of Independence and the beginning of the Dialogue between the two countries lies the ICJ process, which, although initiated by Serbia itself, turned out and was finalized as an indisputable seal of Kosovo statehood. At the same time, her advisory opinion paved the way for Dialogue, in more favorable circumstances and conditions, but despite some agreements being signed, did not guarantee and resulted in great achievements in the relations between the two countries.

On the formal plane, the Pristina- Belgrade Dialogue has been mainly orchestrated by the High Representative and backed by the EEAS. The leading role of the HR in the process is facilitated by the unified EU goal of ensuring peace in the European front yard. Although, there is considerable dissent on the status of Kosovo among EU member states, the dialogue received support by the Council and EU foreign ministers that visited the region regularly soliciting both conflict parties to stay committed. Therefore, coherence and internal appropriateness can be rated as high. The balance-sheet of the Belgrade-Pristina Dialogue appears to be ambivalent.

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

Also, in the line with the case study on the Belgrade-Pristina Dialogue suggests that mediation facilitated without the proper involvement of local actors shifts the causes of conflict from the macro to the micro level.

The EU should support the inclusion of local civil society, civil servants and political actors – those who will implement and observe mediation and dialogue efforts, as a key factor to promote sustainable and durable peace.

The attraction of EU membership was enough to counterbalance the obvious differences between the two and made possible the launching of the dialogue. The lack of common assumptions, or common starting points, between the two sides was substituted for by the only common objective they both shared: EU membership.



This situation, according to experts in the field, must not remain at this level of treatment, and consequently efforts should be intensified to reach a final agreement, which would result in positive effects not only for the two countries directly involved, but also for the whole region. According to them, pressure should be increased and additional stimuli used, so as not to create gaps that can be exploited by other actors.

Regarding to this line, and seeing this situation, Russia feels comfortable in its attitudes towards Kosovo, as long as there is no evidence of unity between the EU and the US, unification that they unfolded in 2006-2011, when together they agreed on the conclusion and content of Kosovo's status, recognition of Independence after the declaration, for the deployment of the international civilian mission as well as for the support of the Kosovo-Serbia technical dialogue.

However, beyond these geopolitical calculation, it is time for a real approach to the accumulated historical and interethnic problems in the region, to open new opportunities for the development of the region in the spirit of Europeanization.

Otherwise, maintaining the status quo is impossible when the whole region is in a euphoria for European integration. Remaining Kosovo out of these processes will seriously jeopardize Kosovo's international credibility, reduce the support of major powers (US and EU) and prevent it from joining international organizations such as the Council of Europe, NATO, OSCE, European Union and other regional organizations.

An alternative to unlock this status quo and push the processes towards finalization is the involvement of other actors in mediation.

While Kosovo's authorities in permanent way are requesting involvement of the US in the negotiations with Serbia, on the other hand are the Serbian authorities that demand Russia's involvement in the talks as a counterbalance.

But Maxim Samorukov, deputy editor of Carnegie Russia, in one of his analyzes, citing Russia's continued support for Serbia, says that Vucic uses Russia more as a letter in relations with the West.

The Kremlin would be happy to see the West admit defeat in Kosovo and invite Russia to join the peacemaking efforts. This is unlikely to happen. In recent years, Russia has become known as a troublemaker in the Balkans for fueling interethnic strife in North Macedonia and Bosnia. The overall collapse of trust between the Kremlin and the West has complicated matters, and there is little prospect of returning to business as usual any time soon.

That reality makes Russia too toxic and unreliable for EU or U.S. leaders to consider direct Russian participation in mediating the Kosovo dispute.

Still, Russia's attempts to discourage Serbia from seeking a compromise will not necessarily translate into real efforts to sabotage a deal if one is reached.

The Kremlin understands that Vucic treats ties with Russia primarily as leverage in his dealings with the West. Moscow is annoyed that Vucic appears ready to make major concessions on Kosovo for the sake of bringing Serbia closer to the EU. But years of elaborated contact mean Russia is willing to tolerate Vucic's duplicity rather than

support his opposition—the thinking being that the devil you know is better than the devil you don't. The Kremlin also considers the Serbian leader a fairly reliable partner in carrying out Russia's main project in the wider Balkans.

Looking at the course of this study, consequently the practical chronology of the negotiation process, each new round of talks has a direct cost, consequently delays in consolidation of international subjectivity of Kosovo's and on the other hand a timely benefit from Serbia, which in the most rude way exploits "mediation softness and defects" and use the traditional threat to the west with alternative paths of cooperation.

## **REVIEW OF THE MAIN RESEARCH**

The thesis research focused on the principles of negotiations, attitude of the parties, identification of the connotation, outcomes of negotiation and on the influence of internal and external factors on negotiation.

The empirical and analytical results verified the theoretical model and research hypotheses and consequently interweaving of analytical and chronological models applied in this research proved to be a viable method of thesis. Although, the others methods may well have been possible in the International Negotiation field, the methodology of specific case study also proved to be a good way to approach the field of this thesis, given its particular emphasis on negotiation case between Kosovo and Serbia. In this line, the main study showed also except of references by theory of negotiation and the chronology of process the interviews has been fruitful from the research point of view and have given an authentic impact to the treatment of the problem.

This research thesis has also provides some key ideas which can helping other researchers to examine and use in the forthcoming studies as a guidelines for international negotiations and conflict management. In the Conclusion the hypothesis and research questions are reviewed and the main findings are critically examined as responses to them. In this section are also considered the findings alongside the specific contextual factors of negotiations field. While the practical implications of negotiations are discussed and are made in the format of recommendation as a strategic imperatives for future relations between the two countries and for further scientific researchs.

## **REVIEW OF HYPOTHESIS AND RESEARCH QUESTIONS**

Based on the conceptual model, hypotheses proposed and the research questions and the description on the previous chapters the main concept of this study is negotiation as a tool for

conflict management. As we have submitted on the proposal structure of thesis, this study includes the relationship between the three variables; principles of negotiation, quality and outcome of negotiation and the role of the mediator in the political dialogue between Kosovo and Serbia.

This concept is build around the principle of international negotiation and the main hypothesis: EU as a mediator use contractual relations with the countries in conflict to incentivize them to achieve progress in mediation processes while UN largely relies on external actors. According to the main concept, through the analysis made in the thesis, we drew a few conclusions about some factors that influenced on the negotiation process between Kosovo and Serbia.

This thesis has also reviewed the involvement of the EU's management capabilities in managing the Kosovo crisis, combining a focus on the development of the EU's as an international mediator and the comparisson with other global actors in the international negotiation field.

## **REVIEW OF THE MAIN HYPOTHESE**

This concept is build around the principle of international negotiation and the Main Hypothesis: EU as a mediator use contractual relations with the countries in conflict to incentivize them to achieve progress in mediation processes while UN largely relies on external actors.

In response of the hypothesis raised, we can conclude that the Negotiation and Mediation in peace processes and as preventive measure has become increasingly popular tools of EU conflict resolution. The evidence presented in this research shows that European Union, it is an important negotiator for international peace agreements, while in the dialogue between Kosovo and Serbia, after the Independence of Kosovo, is the main actor. Placed on the international agenda since the 90s, Kosovo, in a way has become an important point of cooperation or even disagreement between various international factors. In addition to the NATO-led military dimension, two of the main actors involved in the administrative, political and diplomatic aspects are the UN and the EU.

The dilemma raised through the analysis and interpretation of references by various authors on this topic, is whether these two organizations cooperate, complement each other, compete with each other or substitute each-other?! From the review of the materials it results that these two mechanisms in most of the cases complement each others basic components, but certainly have differences in management concepts.

Referring to the empirical analysis treated by Julian Bergmann it turns out that despite the similarities there are three main differences between UN and EU in the mediation process between Kosovo and Serbia.

First, while UN mediator Ahtisaari opted for an outcome-oriented approach and sought to pressure Serbia into a pre-determined outcome, the EU's mediation strategy was much more process-oriented and the EU institutions have stated that the main objective of the dialogue is the 'normalization of relations'.

Second, the EU's process-orientation and the more inclusive mediation style compared to the UN's approach enabled the EU to establish itself as an impartial 'honest broker' between the two sides.

Third, the EU has been able to incentivize the parties toward compromise agreement, while the UN mediation team was reliant on external actors such as the Contact Group members to put additional pressure on the parties and/ or provide additional incentives for compromise.

## **REVIEW OF AUXILIARY HYPOTHESES**

In the compliance of the concept of main hypothesis, broader treatment has been made through of the Auxiliary hypotheses, summarized as follows;

### **The Lack of a obligatory mechanism of EU challenges the implementation of agreements reached as a result of negotiations**

Based in this research, the practical truth in the case of EU mediation in the Kosovo-Serbia dialogue is that the Lack of a mandatory mechanism is a major defect of the EU as a mediator.

Recommendation: Referring to the lack of a mandatory mechanism, as elaborated above, we recommend the EU should use in more effective way the well-known lever of contractual relations like a carrot on the parties. Consequently, to "punish" with blockade or "reward" with steps forward, the parties on the road to integration depending on the responsibility they show to the agreements reached. On this case, to put additional conditions for European integration to against Serbia as a non-implementer of agreements.

Conclusion: The Kosovo-Serbia dialogue can serve as a relevant source of defect and gaps as well as new functional needs in the EU's foreign policy structure.

### **The models of EU and UN crisis management need for partnership and legitimacy of each other**

According to the analysis made on this topic, the European Union and the United Nations continue to be considered as the two main actors in managing global crises. In the field, EU and UN operations exhibit some similarities across levels. First, both EU and UN peace operations are consent-based and support rather than substitute local authorities.

In response to this issue raised it turns out that, the three key principles of UN peacekeeping—impartiality, limited resort to force, and consent—by and large apply to EU-led operations.

Consequently, the EU has embraced a conception of crisis management that is close to the UN's and is a priori willing to support the "global-regional peace and security partnership"; also, EU operations need the UN for legitimacy and in their transition strategies, in particular when the UN takes over from the EU and practically enables the EU to withdraw.

### **The Kosovo-Serbia case demonstrates the limits of a dependence on conflict parties' willingness to compromise**

According to the analysis made, another specific is the dependence of demonstrating the willingness of the parties to compromise.

Despite of the readiness statements, in response to this question it can be concluded that the gap in this case starts from the treatment that the parties give to each other and the mediator to them.

The biggest and most irreconcilable difference between the two participants is of an existential, nature as it has to do with the way they perceive and define themselves: what are the two negotiating sides? Are they two neighboring states, as Kosovo assumes, or a state and its runaway province, as Serbia claims? It is obvious that the two different cases require different treatments, follow different processes and produce different results. So, based on this research, in every negotiation process, the positions of the two sides were already known to each other and they were diametrically different. The platforms of the two states have had and still have substantial differences in political and strategic aspects.

### **The lack of unity of EU and the ambiguity are obstacles to the implementation of agreements**

Despite the progress made, a table presented as an annex of this thesis shows that the numerous of topics raised has remained unfinished, while other agreements reached have not been implemented.

From the research done, it also turns out that the ambiguity also was a consequence of the EU's own complex position on Kosovo, with some member states not recognizing Kosovo and thus, entering talks without a clear road map. For many scholars, the negotiation process between Kosovo and Serbia, especially the Brussels agreement for normalisation of relation between two countries is a typical case for post-conflict negotiation. Part of this "specific list" of criteria is ambiguity of agreements or with soft terms "Constructive ambiguity". Not the only, but the most sensitive point of this model is the Association of Serb Municipalities, which is interpreted in different ways by the parties to the dialogue. But, beyond the concrete terms that are the product of the agreement, the ambiguity in this case starts from the treatment that the parties give to each other and the mediator to them. The biggest and most irreconcilable difference between the two participants is of an existential, nature as it has to do with the way they perceive and define themselves: what are the two negotiating sides? Are they two neighboring states, as Kosovo assumes, or a state and its runaway province, as Serbia claims? It is obvious that the two different cases require different treatments, follow different processes and produce different results.

For the EU to become an important factor in the global arena in crisis management, conflict, respectively in negotiation and mediation; the Foreign and Security Policy should not be in the dimension of free interpretation or political will of the member states but should pass as a unified competence where it would be decided by consensus by the Institutions of the European Union.

As a result, at regarding to this point, the EU should have a unique policy for the recognition of Kosovo as an Independent State.

### **The acceptance of 'cold peace', and the “hidden tension”**

To elaborate this point, the findings presented in this research can be summarized as a question: What are the chances that a "hidden tension" behind the ambiguity will erupt. Beyond the case of the Kosovo-Serbia dialogue where ambiguity is a permanent issue of interpretive political discourse "at the discretion of the parties", there is a real risk that such "finalized" agreements thus reappear as a serious problem in the future.

According to Pehar the ambiguities are a kind of Machiavellian manipulative device that brings but temporary satisfaction to the parties as it deceptively, but not really, meets their demands in full. Such satisfaction is deceptive because both parties have the right to interpret ambiguities in their own irreconcilable ways and that is a right they will certainly, sooner or later, start exploiting. That is also why ambiguous agreements may quickly lead to arguments, and turn into disagreements, as, precisely due to ambiguities, conflicts in interpretation will necessarily break out.

Conclusion; From the research done, it also turns out that the ambiguity also was a consequence of the EU's own complex position on Kosovo, with some member states not recognizing Kosovo and thus, entering talks without a clear road map.

### **Impact of other internal and external factors in negotiations and the dialogue as a key for the future interstate relation of Kosovo and Serbia.\**

Following the prescription of analysis of this thesis, and without prejudice the finalization of objectives of the negotiation process, the limit of the period set out to be analyzed in this dissertation, (2016) had marked the peak of slowdown in the formal process of normalization of the relationship between Kosovo and Serbia. Among the many substantial factors that had influenced this stalemate, were as well the a large number of other huge external and internal challenges that EU faced, but however and it cannot be held accountable as the main factor for the created standstill. Except of these problems on part of mediator, contradictions of sides on dialogue, as well as electoral processes, consequently eventually changes in respective governments, also delayed the flow of talks.

Despite of this, the common interest in closer integration into the European Union as the main source of leverage for its third-party role. The Stabilisation and Association Agreement with Kosovo, the membership candidate status for Serbia and visa liberations for both countries have served as powerful and positive incentives for both governments to start a dialogue and to keep the communication channels open during tense times. This gives the EU a unique position, with value.

For the more, the dialogue has proven as a vital for EU aspirations of the Western Balkans, namely Kosovo and Serbia. Both countries are included in enlargement strategy of the European

Commission, but in extremely different circumstances. For Serbia is offered a concrete timeline, whereas Kosovo is once more offered an ambiguous integration path implicated by the five non-recognizers and the stalled political talks.

Conclusion; Based on the perspective of citizens, the Brussels Dialogue is seen to be of paramount importance among of all ethnic communities in Kosovo to improve relations between Kosovo and Serbia. Citizens want the Dialogue to continue, but at the same time question its effectiveness and express distrust about the process. They desire/want more information about the purpose, content, and expected outcomes of negotiations. They perceive conflicting public positions/the public conflicting positions between the parties about what has been agreed upon, and criticize the lack of implementation of past agreements.

### **REVIEW OF RESEARCH QUESTIONS**

Analyzing the chronology of this topic, including scientific references, source interviews, analytical and interpretive descriptions focusing on conflict management, respectively negotiations and mediation, it is a summary conclusion as a answer of Research Questions, as below:

#### **Which theories support these kind of negotiations and what does the negotiation model measure ?**

As treated in the thesis, the Kosovo-Serbia conflict considered; interesting, unique and complex, thus the negotiation methods were in accordance with the specifics of the parties in the process, which were often accompanied by blocking and froing of the parties from the negotiating table.

While in terms of the method of measuring results, in this study the main reference is the number of agreements achived, respectively their implementation, where as can be seen is far from the objectives of the parties and the mediator.

#### **Which are the results of dialogue in normalization of relations between parties on negotiations?**

The 'First Agreement of Principles Governing the Normalization of Relations' reached between the two countries in 2013 has been widely acclaimed as a success story for EU's Common Foreign and Security Policy (CFSP).

Despite considerable improvements related to the integration of local Serbs in the Kosovar system and easing of ethnic tensions, Kosovo and Serbia till this day remain locked in a political and diplomatic dispute regarding Kosovo's statehood and its international status. Nonetheless, irrespective of achievements on the current dialogue and failures on both sides to implement some of the already-agreed provisions and agreements, political drawbacks and wider geopolitical events and factors, full normalization of the relations between Kosovo and Serbia look so far away.

Meanwhile from the citizen perspective, the same provisions, are interpreted differently in Pristina and differently in Belgrade. In this regard, almost a decade after the dialogue between Kosovo and Serbia, this long-lasting and difficult process have triggered many heated debates among the political elite in Kosovo and its citizens.

Almost half of the respondents of "Kosovo Security Barometer" believe that Serbia is benefiting more than Kosovo in this process by referring to the EU integration processes in both states. Similarly, the majority of the respondents believe that the dialogue is failing to reach the overarching goal - the actual normalization of the relations between Kosovo and Serbia.

### **Which are the external factors that influenced the negotiation between Kosovo and Serbia?**

The various negotiations surrounding the Kosovo conflict and the territory's status from the beginning of the process were wide-ranging and complex, and involved a large number of factors and institutional settings. Through the chronological analysis of the process the main actors were the United States and Russia, with further relevant roles for states such as the United Kingdom, Germany, France and China.

The Kosovo-Serbia conflict, as we have pointed out, according to Bergmann, is particularly interesting context to study UN and EU mediation in because it has seen four different episodes of mediation initiated by the UN and EU since the outbreak of the Kosovo war in 1998, the Rambouillet Conference initiated by the UN Contact Group on Former Yugoslavia (1999); the Kosovo Status Talks led by UN Special Envoy Martti Ahtisaari (2006–07) with the EU as observer; the Troika process led by the US, Russia and the EU (2007), and the Pristina-Belgrade dialogue being mediated by the EU since 2011. But should be noted, there is no stage in the state-building process of Kosovo, respectively the finalization with its Independence, in which the US has not been directly or indirectly involved.

Despite the many rifts that have appeared in the transatlantic partnership, the US and Europe continue to be united in their commitment to contain violent nationalism in the Balkans and help the region in its transition to liberal democracy and European integration.

### **Which is the main purpose/objective of mediator in negotiation between Kosovo and Serbia?**

Referring to this research and what is written in official documents the main purpose of the EU on Kosovo-Serbia dialogue is the normalisation of the relations and the enlargement of cooperation between parties as a precondition to help them achieve progress on the path to Europe.

Actually, the EU's firm on policies for Serbia's and Kosovo's political and economic future was initiated as late as 2010. By then, as mentioned on the chapter V, Brussels had a long track record of unsuccessful attempts to get Kosovo and Serbia to commit to a mutual process. In 2010 a press release was issued in regarding the opinion by the International Court of Justice, reaffirming the European perspective of both Serbia and Kosovo, and stressing the principle of good neighborly



relations. More importantly though, a message was communicated that the EU was ready to act as a facilitator in a dialogue process.

However, as mentioned, one feature that above any other defines the relations between Brussels on the one hand, and Pristina and Belgrade on the other, is the tense division between EU member states on the question of status. Out of the 28 member states, 23 have recognised Kosovo as a sovereign entity.

## **RECOMANDATION**

The declaration of independence, February 17, 2008 from the Parliament of Republic of Kosovo, gained attention and cause debates around the world. But this was'nt, the last time when Kosovo gained international attention.

In fact, Kosovo still be an important issue on the international relation and more than a decade after declare of Independence. The recognition of its independent status by other states and negotiation process with Serbia, continues to keep it as a current case on negotiation field and also as a attractive issue for studies on the international relation.

Acording to this and analyzing the chronology of this topic, including scientific references, source interviews, analytical and interpretive descriptions focusing on conflict management, respectively negotiations and mediation, we have made some recommentaions summarized as follows:

- In order for the parties to be able to prepare well and conduct preliminary qualitative internal consultations; the agenda of the meetings should be clearer, therefore before each negotiating round the problems should be identified, and to must determined the implementation deadlines.
- In order for the talks to have a result, mediator in this case the EU as a facilitator on Dialogue, like a first step, must ensure equality between the parties at the table.
- It needs to be dynamize the Euro-Atlantic integration processes in the Western Balkan countries; as a measure to prevent the increase of Russian influence in the Balkans.
- The attitudes of EU and the US must be on the same line, about Kosovo-Serbia dialogue as a crucial guaranty for outcomes of process. The oposite of this can sends the process towards failure. However, looking at the course of the dialogue and comparing the previous processes between the two countries, the most effective alternative to be recommended is the more direct involvement of the United States in this process.

- If the role of the EU is not to be strengthened soon, it should be considered to change the format of the dialogue with the involvement of new mediators or to create new forums to discuss reaching a lasting agreement.
- The role of the European Union in this process is problematic. In Serbia, but especially in Kosovo, there are great disappointments from the mediation of Brussels. It has become clear in recent years that the EU does not have enough authority to enforce the agreements reached between the parties. The EU must play a much bigger and more decisive role in this process, because the oscillations so far from Brussels have prolonged the process and endangered the stability of the Western Balkans.
- In contrast to a BATNA (Best Alternative To a Negotiated Agreement), when "the bottom line" is not the main objectives of a negotiation, in the dialogue process between Kosovo and Serbia, the final agreement should be on the table as soon as possible, as every new round, every new meeting is a risk for new compromises to the detriment of Kosovo.
- The EU should support the inclusion of local civil society, civil servants and political actors – those who will implement and observe mediation and dialogue efforts, as a key factor to promote sustainable and durable peace.
- The efforts to reach a final agreement, should be intensified which would result in positive effects not only for the two countries directly involved, but also for the whole region.
- Consequently, the pressure should be increased and additional stimulus used, so as not to create gaps that can be exploited by other actors with destructive ideas.
- Beyond the geopolitical calculation, it is the time for a real approach to the accumulated historical and interethnic problems in the region, to open new opportunities for the development of the region in the spirit of Europeanization.
- Otherwise, maintaining the status quo is impossible when the whole region is in a euphoria for European integration. Remaining Kosovo out of these processes will seriously jeopardize Kosovo's international credibility, reduce the support of major powers (US and EU) and prevent it from joining international organizations such as the Council of Europe, NATO, OSCE, European Union and other regional organizations.