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Event Analysis

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Europe's Diplomacy on Public Display: The EU and the Belgrade-Pristina Dialogue

Katarina Ćuković*

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Introduction

The European Union's (EU) role in the negotiations between Belgrade and Pristina can be assessed in two different periods. The first period can be described as 'increased mediation activity', where one highlight was the signing of the 'Brussels Agreement' in 2013 under the supervision of the EU High Representative (HR) Catherine Ashton. By not referring to Kosovo's status and softening disputed parties' attitudes towards each other, the HR and the newly-created European External Action Service (EEAS) managed to prove both internally and externally that the EU is a capable and effective mediator. The following period can be labelled as 'decreased mediation activity', representing the translation of the Brussels Agreement into reality. During this phase, the dialogue was challenged not only by disagreements between Belgrade and Pristina, but also by disagreements from within the EU. Thus, the dialogue did not progress much, and the culmination was that the dialogue was blocked. This period after the Brussels Agreement was marked by intense cooperation between Belgrade and Pristina, due to the importance of the dialogue for their domestic and foreign politics. Therefore, when examining the success of the EU-initiated dialogue, the focus has generally been on the actors of the dialogue, while the EU as a main mediator has received less attention. The EU as a mediator plays a crucial role in shaping the dialogue discourse by offering strong incentives, such as the perspective of EU membership.¹ In order to draw conclusions about the future relations between Belgrade and Pristina, it is therefore important to analyse the role of the EU as a mediator. The purpose of this analysis is to examine the capacity and limitations of the EU as main mediator. Therefore, this analysis argues that throughout the EU-facilitated dialogue, the EU managed to set up a good starting base for overcoming commitment problems among disputed parties and overcoming different preferences within the EU, but it did not ensure unity and the full support of member states for the final process of dialogue.

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¹ Plänitz, Erik. 2018. Towards a Comprehensive Framework of Mediation Success: EU Mediation in the Belgrade–Pristina Dialogue. *Journal of Regional Security* 13(1), 65-96.

The process of normalisation: when?

Under the supervision of German Chancellor Angela Merkel, French President Emmanuel Macron and the European Union (EU) High Representative (HR) Federica Mogherini, representatives from Belgrade and Pristina in April 2019 met in Berlin to discuss possible solutions for unblocking the dialogue. Although a final agreement was not reached, certain differences in regard to the earlier EU-facilitated dialogue were apparent. For the first time since the negotiations between Belgrade and Pristina started, the HR and the European External Action Service (EEAS) were not given the main role in shaping the negotiation agenda. The role of main mediators was given to the two Member States, while the HR and the EEAS were observers of the negotiations. In July 2019, a summit that was supposed to happen in Paris was cancelled, and it is now highly questionable how, when or even if the Belgrade-Pristina dialogue will be restarted. Thus, the latest events regarding the dialogue have opened up discussions on the possible limitations that the EU may have as a mediator. By choosing to directly engage in the dialogue, Berlin and Paris unintentionally revealed the existence of certain divisions within the EU. Besides obvious differences among Belgrade and Pristina, the summit in Berlin revealed differences between Berlin and Paris regarding the final process of normalisation and, finally, it brought up a division between the Member States and the EU's apparatus in Brussels.²¹

Following the latest events, the question is how Member States will agree on finalising the process of normalisation when there is disagreement within the EU on two important topics closely linked to the dialogue: Kosovo's statehood and the EU membership perspective for both Serbia and Kosovo. In order to reach an answer, first it is important to examine whether and to what extent the EU as a mediator in this dispute was able to speak with a single voice.

Who mediates: division of responsibilities?

Even before the EU became the main mediator in the Belgrade-Pristina dialogue, the Member States did not have a united position regarding the final outcome of the process between Belgrade and Pristina. Thus, the EU27's³ unity was not a prerequisite for ensuring the EU's efficiency in mediation. The EU tried to overcome this shortcoming by introducing the 'creative ambiguity approach', which meant that it should not adopt one defined strategy, but rather should create unclear and foggy agreements between disputed parties.⁴ Nevertheless, the creative ambiguity approach was not only the product of domestic circumstances between Belgrade and Pristina; it was also a consequence of the internal situation within the EU.⁵ The Brussels Agreement was the first agreement that should have provided further normalisation of

² Karnitschnig, Matthew. 2019. Macron's Balkan Breakdown. *POLITICO*, 3. May 2019 (accessed: 05. July 2019).

³ The technical phase of dialogue started in 2011. At that time, the European Union had 27 Member States.

⁴ Reljic, Dusan. 2015. EU Facilitated Dialogue: Another exercise in constructive ambiguity. *CEPS*, 28 August 2015.

⁵ Hamilton, Aubrey. 2012. From Technical Arrangements to Political Hagglng. *A Policy Report by the Group of Legal and Political Studies 2*.

relations between Belgrade and Pristina. However, even the term 'normalisation' in the Agreement was ambiguous. Since five Member States have not recognised Kosovo's independence, the term 'normalisation' failed to clarify whether it was 'normalization with recognition' or 'normalization without recognition'. For certain Member States, like Germany or United Kingdom, normalisation is perceived as the process of normalising relations between two states, while for others – mostly non-recognisers – normalisation refers to normalising practical issues without referring to any statehood status.⁶ Although Member States did not agree from the beginning on what the concept of normalisation actually represented, the EU27 were united on a decision that the EU should become the main mediator in this dispute. Why was that the case?

Unquestionably, the EU27 had strong internal and external interests that contributed to this unity. Externally, the EU was facing several challenges which tested its position in the international arena: on-going shifts in the world economy, the emergence of brand new and multidimensional global challenges and the rise of non-Western state actors with ambitious foreign policies.⁷ Internally, with an increase in the EU's external activities, the need for a more coherent foreign policy approach has also increased. These international and foreign policy developments were strong motivating factors for ensuring that the EU, despite its non-united position, would be an effective mediator. Hence, the EU used mediation as an activity that could strengthen and expand the EU's sphere of influence.⁸ The Belgrade-Pristina dialogue represented an ideal opportunity for the EU to show to the world that it is an important international actor.

The Lisbon Treaty formalised the need for a coherent foreign policy approach. In terms of external representation, the Treaty created an EU body, the EEAS, the main goal of which was to strengthen Member States' commitment to further EU integration in the field of foreign policy.⁹ Thus, the new framework of the EU's external representation between the EEAS, the European Commission and the Member States was created, with the goal of reinforcing the EU's external representation. The first important task delegated to the Service was the mediation between Belgrade and Pristina. Institutionally, the EEAS is an organisational hybrid, divided between the Member States and the other EU institutions.¹⁰ In the context of the Belgrade-Pristina dialogue, the HR together with EEAS has the main role in framing the course of the dialogue. They agree on the mediation agenda and oversee the implementation

⁶ Bieber, Florian. 2015. *The Serbia-Kosovo Agreements: An EU Success Story?*. *Review of Central and East European Law* 40(3-4), 285-319.

⁷ Frontini, Andrea and Paul Ivan. 2014. *How to Make EU Foreign Policy Work Better?*, in *The EU's External Action Service: Potentials for a One Voice Foreign Policy*, edited by Dialer, Doris / Neisser, Heinrich and Anja Optiz. (eds.). Innsbruck: Innsbruck University Press, 189-201.

⁸ Van der Hoeven, Rolph. 2010. *Policy Coherence: The Newest Fad in the International Discourse?*, in *European Development Cooperation*, edited by Hoebink, Paul. Amsterdam: Amsterdam University Press, 25-46.

⁹ Erkelens, Leendert and Steven Blockmans. 2012. *Setting up the European External Action Service: an Institutional Act of Balance*. *Centre for the Law of the EU External Relations (CLEER)*, 33.

¹⁰ Henökl, Thomas E. 2015. *How do EU Foreign Policy-Makers Decide? Institutional Orientations within the European External Action Service*. *West European Politics* 38(3), 679-708.

of agreements. Hence, they act as the creators of agreements and have a central role in creating important moments in the dialogue, such as the signing of the Brussels Agreement. However, the HR and the EEAS are not alone in framing the dialogue. They are fully supported by the European Commission, which in certain periods can take over the leading role in mediation, as it has the most effective and direct leverage through its enlargement policies and it can exert a direct influence on the parties to the dispute.

Although not directly involved in dialogue, the Member States have a vital role in framing mediation: they must adopt the mediation agenda and agree on the final outcome of the dialogue. The Treaty of Lisbon formalised EU external representation in the field of Foreign and Security policy, but the unanimity of the Member States is still a prerequisite for achieving defined goals. Still, the delegation given to the EEAS is framed as 'non-exclusive', meaning Member States can have bilateral relations with third parties at the same time as the EEAS.¹¹ This implies that, in situations when there is no united position between the Member States and Brussels, the relations between the two sides can easily become competitive.¹² The consequence is that, instead of representing the common position of the whole Union, the EEAS has often been accused of representing the interests of large Member States.¹³ Due to a complex structure within the EEAS, in contested periods the Member States compete for more power among themselves, while at the same time they compete against EEAS.¹⁴

To avoid disunity within the EU and bring parties to the negotiating table, the EU framed the initial phase of the dialogue as technical. The technical phase was intended to deal with the lives of citizens, without referring to any politically sensitive topics. However, this process had political implications. Each of the issues discussed had status-sensitive aspects.¹⁵ Despite this, the EU managed to act in a united manner and was able to bring both parties to the negotiating table. But this coherence did not refer to framing a further mediation strategy; rather, it was related to the determination of the EU and the Member States to overcome the *status quo* of dispute. In this respect, at the beginning of the dialogue, the HR and the EEAS successfully created agreements without the prior consent of certain Member States.

Yet, when the dialogue officially became political, the contested position within the EU slowly became evident. Compared to the technical phase, the nature of issues discussed did not change much. However, it was in this phase when the

¹¹ Dijkstra, Hylke. 2017. *Non-exclusive delegation to the European External Action Service*, in *The Principal Agent Model and the European Union*, edited by Delreux, Tom and Johan Adriaensen (eds.). Palgrave Macmillan, Cham: Palgrave Studies in European Union Politics, 55-81.

¹² Vanhoonacker, Sophie and Karolina Pomorska. 2013. *The European External Action Service and Agenda-setting in European Foreign Policy*. *Journal of European Public Policy* 20(9), 1316-1331.

¹³ Adler-Nissen, Rebecca. 2014. Symbolic Power in European Diplomacy: The Struggle Between National Foreign Services and the EU's External Action Service. *Review of International Studies* 40(4), 657-81.

¹⁴ Adler-Nissen, *Symbolic Power in European Diplomacy*.

¹⁵ Stefan, Lehne. 2009. *Resolving Kosovo's Status*. Policy Paper / Österreichisches Institut für Internationale Politik. Wien: Österreichisches Institut für Internationale Politik (oiip); Bieber, *The Serbia-Kosovo Agreements*.

EU faced several internal and external crises: the refugee crisis, Brexit and, above all, the democratic crises in some Member States.¹⁶ In this phase, the EU as a mediator found itself restricted. The HR and the EEAS officially started phases where the creative ambiguity approach was no longer an option, but at the same time they did not ensure the support of the EU28 at every step of the phase.

The first signs of crisis between Member States and the EU's apparatus in Brussels regarding the final process of normalisation appeared when certain Member States interpreted initiatives coming from the EU differently. For example, the Spanish government criticised the European Commission's Strategy for the Western Balkans as it was treating Kosovo as an independent state.¹⁷ Meanwhile, the German Ambassador in Pristina pointed out that "if Serbia wants to move toward the EU, the building of the rule of law is a primary condition. But naturally so is the acceptance of Kosovo's independence".¹⁸ Besides these differences between recognisers and non-recognisers, the disunited approach was also seen in the EU accession process, which is another important incentive of the dialogue. After the Brexit referendum, the EU became more inward-looking and Member States moved towards more Eurosceptic and anti-enlargement positions.¹⁹ For instance, the French government made it clear that it is against widening the EU before deep reforms are implemented.²⁰ Moreover, the EU public opinion also appears to be sceptical toward enlargement.²¹ In that regard, due to the EU's internal dilemmas over widening the Union, its position as a mediator shifted from being actively involved in mediation to being an observer of events.

In summary, one can say that during the technical and political phases the EU-facilitated dialogue was not an interactive process. The EU tried to centralise its role as a mediator in order to overcome the disunited position within the EU, and thus the preferences of certain Member States were given secondary priority. This was a manageable strategy at the beginning of the dialogue, as it did not refer to the final goal of mediation. However, when the crucial phase of dialogue started, this approach was no longer an option since this phase emphasised the reaching of an overall agreement, which could not be implemented without the prior involvement of the Member States.

Tensions in the EU-Belgrade-Pristina relations

At the same time, the actors of the dialogue noted that the attitude within the EU had changed, which raised criticism of the EU mediation efforts. Tension between the EU, Belgrade and Pristina sparked after a controversial final

¹⁶ Kmezić, Marko and Florian Bieber. 2017. *Western Balkans and the EU Fresh Wind in the Sails of Enlargement*. Policy paper / Balkans in Europe Policy Advisory Group. Belgrade: Balkans in Europe Policy Advisory Group.

¹⁷ Eszter, Zalan. 2018. Western Balkans Summit Imperilled over Kosovo. *Euobserver*, 4. April 2018 (accessed: 05. July 2019).

¹⁸ Bytyci, Fatos. 2018. Serbia must accept Kosovo independence to join EU: German foreign minister. *Reuters*, 14. February 2018 (accessed: 05. July 2019).

¹⁹ Kmezić and Bieber, *Western Balkans and the EU Fresh Wind in the Sails of Enlargement*.

²⁰ Lukić, Filip. 2019. The French are Clear – Serbia Cannot Enter the EU in 2025. *European Western Balkans*, 9. April 2019 (accessed: 05. July 2019).

²¹ Lukić, *The French are Clear*.

solution to the process of normalisation was unofficially raised by Serbian officials and accepted by Kosovar President Thaci.²² The speculations were that partition or a 'land swap' deal had been proposed, although it remains unclear when and to whom this proposal was offered. This has led to great tensions in EU-Belgrade-Pristina relations.

The Prime Minister of Kosovo, Ramush Haradinaj, demanded that HR Mogherini should be removed from the further process of dialogue.²³ Furthermore, he accused her of derailing the dialogue by emphasising:

*"Mogherini has damaged the dialogue, and this has caused many problems in the region."*²⁴

On the other side, Serbian President Aleksandar Vucic did not particularly criticise the efforts of the HR and EEAS, but he pointed out:

*"they [the Western countries] have no idea what to do with Kosovo, neither with Kosovo nor with anything else in the Western Balkans. They would like to suggest something, but they do not know what to propose. I say that in front of them: they cannot agree among themselves."*²⁵

Meanwhile the EU was sending messages of peace and cooperation, however it did not make clear its stance regarding this issue:

*"the work on a legally binding agreement on comprehensive normalisation that would lead to a lasting, implementable and sustainable solution for all open questions, based on mutual acceptance, in line with international and EU law and acceptable for all member states, is currently ongoing."*²⁶

Moreover, this situation has encouraged other players outside the EU, notably the USA, to become more involved. During the entire Belgrade-Pristina dialogue the USA was an important actor, but during the Brussels Agreement phase it was mostly inactive. However, after the appointment of John Bolton, who has previous experience on the Kosovo issue in his capacity as the UN National Security Advisor and the USA's determination to resolve the Skopje-Athens dispute, it is highly likely that Washington will take the leading role in resolving controversial issues in the Western Balkans.²⁷

²² Nadibaidze, Anna. 2019. Assessing the Revival of EU Enlargement in the Western Balkans. *EUROPP*, 25. January 2019 (accessed: 05. July 2019).

²³ N.N. Now Haradinaj responds to EU again, blames Mogherini. *B92*, 18. December 2018 (accessed: 05. July 2019).

²⁴ N.N. 2019. Haradinaj says he "prevented partition of Kosovo". *B92*, 6. May 2019 (accessed: 05. July 2019).

²⁵ N.N. 2019. Razgraničenje će jednog dana morati da bude na stolu i neki pametni ljudi moraće to da reše. *B92*, 10. July 2019. (Translated by the author) (accessed: 05. July 2019).

²⁶ European Western Balkans. 2019. Kocijančić: The Final Agreement Between Serbia and Kosovo Needs to be Sustainable and Realistic. *EWB*, 19. February 2019 (accessed: 05. July 2019).

²⁷ Ivković, Aleksandar. 2019. The Art of the Deal: Washington's push for a final agreement between Serbia and Kosovo. *European Western Balkans*, 6. March 2019 (accessed: 05. July 2019).

The impact of the EU-facilitated dialogue on Europe's mediation strategy

The Belgrade-Pristina dialogue is the first case where the newly-created EU institution, the EEAS, and the HR were in charge of framing the mediation agenda and strategy. By giving priority to the HR and EEAS, the EU was able to:

Mediate as disunited mediator: The unity of the mediator is a strong tool in achieving the mediation's goal. However, during this dialogue the HR and EEAS did not insist on constant cooperation between the HR, the EEAS and the member states. At the beginning of the dialogue, in order to ensure that the lack of unity among the Member States would not be an obstacle to creating agreements, cooperation between the HR, the EEAS and the Member States was not prioritised. However, by not involving all actors in certain dialogue phases the EU unintentionally caused a disunited approach regarding the final outcome of the dialogue. The non-inclusion of Member States meant that they were not aware of specific steps taken or issues discussed during the mediation.²⁸ Thus, it happened that official statements from the Member States were inconsistent with the EU's mediation effort on the ground. Especially when highly contested topics were discussed, the Member States and the EU easily lost coordination of information, which made it easier to hamper further EU mediation.

Not define main goals: From the beginning of the dialogue, the HR and the Commission have not insisted that Member States confirm their support for framing the dialogue. The agreements were framed in imprecise terms without prior knowledge of whether certain Member States would agree or disagree with specific instances of agreements. In this way, on the one hand, the EU was able to minimise the risk of failing to reach an agreement in the early phase of dialogue. On the other hand, however, this was a risky approach as certain content of agreements could be rejected by the Member States. Therefore, the dialogue was framed in a status-neutral approach which implied that certain priorities were too broadly defined in order to avoid division within the Member States and bring both parties to the negotiating table.

Avoid drawing red lines. By not constantly being in touch with the Member States, the HR and EEAS did not make a clear stance on what their concrete red lines were in this dialogue. This decision had two effects. Externally, it ensured that the parties to the dispute perceived the EU as a neutral mediator. Internally, however, the EU, as a mediator, was unable to establish clear guidelines and strategies for dialogue, as it did not define what was non-negotiable.

Future developments:

Following the latest events, it will be up to a few EU leaders to decide how and under which conditions this process will be finalised. The attitudes of certain Member States, such as Germany, which has a strong influence on both actors

²⁸ N.N. Srbija. 2018. [EU Member States Want Bigger Role in Belgrade - Pristina Dialogue](#). *N1*, 5. June 2018.

of the dialogue, will most likely be decisive. However, given the involvement of the USA in the dialogue, one should not neglect the US's ability to exert final agreement between the parties to the dispute. As far as the EU is concerned, although after the Treaty of Lisbon a delegation of external representation was formalised, putting the HR and EEAS as the main actors of the EU's external activities, the latest events regarding the Belgrade-Pristina dialogue show that Member States' positions are still the driving force for finalising the process of normalization. Seen from the HR and EEAS' perspective, they are not in a position to reinforce agreement between the parties to the dispute as long as the Member States can reject their mediation efforts if it is not in line with their domestic preferences.

Hence, the phase of the dialogue which is crucial for finalising the process of normalisation between Belgrade and Pristina will only start after the certain Member States become directly involved in the dialogue. These negotiations will be even more complex than those negotiated by now, as they will include the diverging priorities not only of the parties to the dispute but also of the Member States. In this context, if the EU wants to maintain its position as a leading mediator it must first frame the new form of dialogue, which will be more outcome-oriented. Second, the EU apparatus is entangled in its status-neutral approach, but the crucial phase of dialogue will require the EU to take a clear position on certain issues. In this context, the EU must clearly define what and how it wants to achieve. Third, the 'carrot and stick' approach, which has become the main tool for influencing cooperation between the parties to the dispute, should be re-examined. The dynamics of the dialogue should not be closely linked to the future prospects for EU enlargement, as the uncertainty regarding a future accession perspective can affect the EU's ability to influence a final agreement between Belgrade and Pristina.

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