

EU FACILITATED BELGRADE – PRISTINA TALKS: ANALYSIS OF THE IMPACT OF DOMESTIC ACTORS ON THE PROCESS OF DIALOGUE

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Zhrnutie

Cieľom tohto článku je kritická analýza dopadov kondicionality EÚ na domáci vývoj v Srbsku a Kosove aplikovaná na aktuálne prebiehajúci proces normalizácie ich vzťahov. Vzhľadom k úlohe, ktorú pri úspešnej aplikácii akejkoľvek kondicionality zohráva prístup a zapojenie lokálnych aktérov, v našom príspevku sa pokúsime o posun analýzy kondicionality EÚ z perspektívy EÚ na jej implikácie na vývoj dynamiky politických klím v Srbsku a Kosove, pričom ako hlavný teoretický rámec budeme využívať model externých podnetov Schimmelfenniga a Sedelmeiera. Vzhľadom k tomu, že akýkoľvek budúci progres v rámci európskej integrácie Srbska a Kosova bol podmienený normalizáciou ich vzťahov, našim hlavným cieľom bude (1) identifikovať kľúčových lokálnych hráčov, (2) analyzovať ich pozície voči EÚ a normalizácii vzťahov medzi Srbskom a Kosovom a (3) testovať ich rolu na dosiahnutých míľnikoch EÚ.

Kľúčové slova: Kosovo, Srbsko, dialóg, normalizácia vzťahov, kondicionalita EÚ, europeizácia

Abstract

The aim of this paper is to analyse the impact of the EU conditionality on the domestic developments in Serbia and Kosovo during the process of normalization of their relations. Given the importance of local ownership and involvement in successful application of the EU conditionality, we will attempt to shift the analysis of EU conditionality from the EU perspective on to its domestic implications within the dynamics of the political climates of Serbia and Kosovo using the Schimmelfennig and Sedelmeier's external incentives model as our main theoretical framework. Since any future progress in the EU integration was made conditional on the progress in normalization of relations between Serbia and Kosovo, our main goal will be to (1) identify the key local actors, to (2) evaluate their positions towards the EU and the normalization of relations between Serbia and Kosovo and to (3) test their impact on the EU milestones already achieved.

Keywords: Kosovo, Serbia, dialogue, normalization of relations, EU conditionality, Europeanization

INTRODUCTION AND THEORETICAL FRAMEWORK

Normalized, good neighbourly relations between Serbia and Kosovo are the newest example of the European Union membership conditionality¹ applied on these two states.

1 Despite the fact that EU conditionality is not limited to enlargement (Grabbe, H. 2002), its practice has been on increase from the end of the Cold War (Anastasakis, O. 2005), when a prospect of the EU membership was given to the countries of the Central and Eastern Europe subject to fulfilment of required criteria. Generally speaking, EU membership conditionality could be

By no means definable as standard or good neighbourly (yet), the relations between Serbia and Kosovo had never seemed to be more constructive than on April 19, 2013. On that day, months-long political dialogue facilitated by the EU resulted in the “First Agreement of Principles Governing the Normalization of Relations“ enabling both contested neighbours to move on the EU enlargement path towards their prospective European future.

In spite of being far from complete, the process of profound restructuring of the relations in order to find a mutually acceptable *modus vivendi /operandi* for Belgrade and Pristina, has – ever since its beginning – been arguably driven by the incentives-based conditionality approach presented by the EU.

The aim of this paper is to question the relevance of the external incentives model of EU membership conditionality by Schimmelfennig and Sedelmeier designed for the Central and Eastern European states accession process applied on the process of normalization of relations between Serbia and Kosovo.

This model provides a basis for the analysis and conceptualization of how and under which circumstances an EU candidate state reacts and complies with international conditions. As a rationally-driven model, the causal mechanism it establishes connects

described as a credible prospect of becoming an EU member after thorough adoption of rules and implementation of reforms set by the EU.

Nature of required reforms is closely connected to the character of would-be EU member states. Needless to say, conditions are essential to reassure EU states that if candidate states become members, they will look like familiar, Western European countries, not bringing instability, authoritarianism, or economic collapse into the EU (Grabbe, H. 2002).

Therefore, the character of the candidate countries has played a significant role in the evolution of the EU conditionality which resulted in its today's multi-layer nature.

While the post-dictatorship enlargement round (Spain, Portugal, Greece) brought emphasis on establishment of functioning democracy, it was during the preparations for the post-communist enlargement round when the EU conditionality had seen the biggest boom so far. Copenhagen accession criteria meant that EU was making membership perspective dependent on fulfilling of not only democratic, but also on economic and technical reforms.

The EU membership perspective has acted as a strong incentive for a candidate state to comply with the rules forming part of EU conditionality during the 2004 enlargement. Often referred to as the EU's most successful foreign policy (Smith, 1998, Zielonka 2006, Schimmelfennig, F. (2008: 918), Aybet and Bieber 2011: 1919, Pipan 2004: 2), enlargement is considered to be one of the greatest contributions to the democratic consolidation and transformation of the post-communist countries of Central and Eastern Europe.

The problem with the current post-conflict round of EU enlargement to Western Balkans is that applicants from the region have to undergo two types of transformation, the post-communist transformation to democracy similar to the CEE countries as well as the post-conflict transformation to functioning state, statehood and society.

Therefore, besides Copenhagen criteria, EU membership conditionality towards Western Balkans countries addresses questions connected to the post conflict reconstruction of the state and society. The cornerstone of this horizontal EU conditionality is the stabilization and association process, including regional cooperation, good neighbourly relations and full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and achieving the priorities set out in the partnerships, concluding and implementing stabilisation and association agreements (SAAs).

The last layer of EU membership conditionality is a vertical, country specific conditionality. In case of Serbia-Kosovo, EU has made it clear that any progress towards their EU membership is dependent on the normalization of their mutual relations.

the outcome defined as a rule adoption with the cost-benefit calculation of model's independent variables.

The main dependent variable of the model is compliance with the EU membership conditionality resulting in a domestic change in a candidate country. Applied on the context of EU-Serbia-Kosovo triangle, we will regard the extent to which the relations between Serbia and Kosovo get normalized under the application of the EU membership conditionality as the outcome of the main dependent variable.

In order for the EU membership conditionality to be effective, a certain level of the EU and domestic factors interaction has to be established (Schimmelfennig 2008: 920). Therefore, on basis of international-domestic divide (Babayan 2015: 28), the independent variables accounting for successful domestic change brought about by the EU conditionality resulting in a progress of a candidate state in the EU integration process are twofold.

Firstly, on the EU side, the probability of rule adoption (which is, in case of Serbia and Kosovo, normalization of their relations) increases depending on how credibly, determinately and clearly EU sets its conditions. Moreover, this probability further increases if these conditions are set as conditions for reward. Thus, a clearly defined, credible condition interlinked with the concrete reward generally in the form of a relevant milestone achievement is a necessary though not sufficient condition for a domestic change to take place.

Besides European level, these conditions have to "fall on the fertile ground" (Schimmelfennig 2008: 918) on the domestic level. As a rationalistic model, external incentives model regards reactions of local actors to both external pressures and stimulus as shaped mainly by their interests in the domestic arena. Actors involved are utility maximizers, complying with the EU rules on the condition that the benefits of EU rewards exceed their domestic adoption costs (Schimmelfennig, Sedelmeier 2005: 12). The success of EU conditionality therefore depends on the result of a utility calculation taking into consideration costs incurred by the target government in case of compliance as well as on the number and relative power of veto players able to block the domestic change.

Given the importance of local ownership and involvement in successful application of conditionality², we will attempt to shift the analysis of EU membership conditionality

2 The principle of conditionality is no newcomer in the international arena. For many years, this tool has been widely applied by a large number of international organizations, especially international financial institutions such as IMF and World Bank. These Breton Woods institutions formalized, designed and redesigned the concept of conditionality over the last decades. When introduced in early 1980s, policy-based conditionality meant linking the release of funds by a donor to the implementation of a desired action or policy by the recipient country.

However, the practice of policy conditionality has recently been widely criticized. Several authors suggest that it may infringe on national sovereignty, undermine democratic processes and institutions in recipient countries, and has been ineffective in bringing about the desired outcomes. The main lesson learned from the literature is that conditionality can be useful in helping identify and implement necessary reforms but that it is only when there is "ownership" of the policy that conditionality can succeed. Cutting a long story short, it could be argued that conditionality helps when it supports governments already strongly committed to reform (World Bank, *The Theory and Practice of Conditionality*, 2005).

Interestingly enough, while international financial institutions seem to be gradually abandoning the concept of conditionality claiming its inefficiency, the EU is moving in a quite opposite

from the EU perspective on to domestic implications of the EU conditionality within the dynamics of the political climates of Serbia and Kosovo.

Therefore, this paper will be organized around the two key hypotheses of Schimmelfennig and Sedelmeier's external incentives model related to local factors which account for compliance with EU conditionality applied on the process of normalization of relations between Serbia and Kosovo.

- 1. *Serbia / Kosovo adopt EU rules if the benefits of EU rewards exceed the domestic adoption costs (Schimmelfennig, Sedelmeier 2005: 12).***
- 2. *The likelihood of normalization of relations between Serbia and Kosovo decreases with the number and relative power of veto players incurring high adoption costs resulting from compliance (Schimmelfennig, Sedelmeier 2005: 12).***

Moreover, extending our research above these original external incentives model hypothesis, we will add and test new hypothesis connected to the domestic level of analysis of Serbia's and Kosovo's compliance with the EU conditionality.

Our analysis will mostly concentrate on the roles of governments and oppositions as official representatives of Serbia and Kosovo influencing the process and extent of EU rules adoption. Taking into consideration the importance of the Northern Kosovo issue in the normalization of their relations, we decided to include the analysis of its representatives' position as well.

- 1. *The stronger the negative attitudes of the government, opposition, influential organizations and individuals, public opinion and North Kosovo representatives towards the normalization of relations between Serbia and Kosovo, the lower the likelihood of Serbia / Kosovo to participate in the Dialogue and comply with its conditions.***
- 2. *The stronger the negative attitudes of the government, opposition, influential organizations and individuals, public opinion and North Kosovo representatives towards the EU, the lower the likelihood of Serbia / Kosovo to participate in the Dialogue and comply with its conditions.***

1. Process Tracing. Model Tracing

External incentives model's hypotheses are based on the assumption that there is a correlation between rule adoption/compliance (X = dependent variable) and domestic actors calculations, their relative power and positions towards the EU and its conditionality (Y = independent variables). In order to test the hypotheses, we will firstly need to identify whether – based on evidence in case – a causal mechanism linking X and Y exists and secondly analyse how it works.

It is worth stating at this point that the very nature and scope of the Dialogue as a condition *sui generis* never used before within the framework of the membership conditionality creates a methodological limitation as there is no comparison available.

direction, pursuing its own *sui generis* type of EU membership conditionality.

In order to address both of these points, we decided to approach the hypotheses using the process tracing method. Firstly, this method attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (variables) and the outcome of the dependent variable (George, Bennett 2004: 206). Being a single case method, process tracing method can be used to make within-case inferences about presence/absence of causal mechanisms (Bennett 2008 in Beach, Pedersen 2011: 6), which enables us to go beyond the no-comparable-case constraint.

Furthermore, causal mechanisms consist of parts/factors, composed of entities (individual persons, groups, states, or structural factors) that engage in activities. The activities are the producers of change transmitting causal forces through a certain mechanism (Beach, Pedersen 2011:8, Beach, Pedersen 2013:39). These units of process-tracing as well as their individual actions and steps in a causal path create a causal sequence resulting in a specific outcome.

Bearing in mind these essential features of process tracing method, we build a deductive, theory-testing model to question the validity of the hypothesis regarding the domestic dimension of the normalization of relations between Serbia and Kosovo in a following manner:

1.1 Key Entities Analysis

Firstly, the key relevant actors / veto players in Serbia and Kosovo influencing the overall compliance / non-compliance with EU conditionality shall be identified. As mentioned earlier, we will mostly focus on the analysis of positions and preferences of their official bodies such as governments and opposition parties.

The ambiguous status of the Northern Kosovo in-between Serbia and Kosovo poses a methodological dilemma when trying to incorporate this actor into either Serbia or Kosovo analysis. We decided to overcome this by merging the Northern Kosovo with subchapters regarding Serbia on ethno-political grounds. Nevertheless, the Northern Kosovo will be treated and analysed as an independent, separate *sui generis* actor.

All actors' views on the EU's requirement on normalization of relations will be divided into three categories: pro-compliance stand (+), anti-compliance stand (-) and compliance-neutral stand (0).

1.2 Key Activities Analysis

Activities analysis will focus on action formation mechanism evaluating how and which actions actors chose. Taking into consideration the impact of the activities undertaken on the process of normalization of relations, we will sort identified activities according to three main categories: activities supporting compliance (+), activities supporting non-compliance (-), compliance neutral activities (0).

1.3 EU Membership Milestones Achievement Analysis

The causal relevance of the key entities and activities in which they are involved during the process of normalization of relations between Serbia and Kosovo will be tested against their role in the outcome of this process.

Bearing in mind that the overall outcome of the process of normalization of relations is still ongoing, the role of relevant actors towards compliance with the EU conditionality

will be tested against several sub-outcomes already reached. These sub-outcomes may take form ranging from a substantial position change of Serbia and Kosovo vis-à-vis normalization of relations to an EU accession milestone achieved.

Therefore, the analysis will be organized according to three milestones which have been achieved ever since progress of both neighbours towards the EU membership became conditional for the normalization of their relations, namely (1) the start of the Dialogue, (2) granting the candidate status for Serbia / feasibility study for Kosovo and (3) the opening of accession negotiations with Serbia / and negotiations on Stabilization and Association Agreement for Kosovo. The hypotheses set in the beginning will be tested against each sub-outcome and these sub-results will be included in each subchapter.

2. Starting Point Tracing

Before any “soaking and poking” (George, Bennett 2004: 89, Schimmelfennig 2013: 5) can be done using the process tracing method, two questions shall be addressed (Falletti 2006: 5). Firstly, when the narrative should start and when it should end (Falletti 2006: 5).

While identification of the relevant end points is easier as they are largely determined by the presence of the outcome of interest (Falletti 2006: 6), deciding on how far to go back in tracing the process (Falletti 2006: 5) so as to find the most relevant starting point marking the beginning of a temporal sequence which will create basis for establishing the causal mechanism in question is much more difficult.

Taking into consideration the track record of Serbia-Kosovo relations, it might be quickly concluded that identifying one specific point triggering causality mechanism leading to the process of normalization of their mutual relations is no easy choice to be made. Any attempt to do so quite naturally runs the risk of oversimplifying the complex causal chain present in the Serbian-Kosovar reality.

Tricky as it may seem, we have decided to take a risk and trace the causality mechanism from the declaration of Kosovo’s independence in February 2008. And there are two main reasons for this choice. Firstly, the declaration itself was a culmination of the previous causality mechanisms encompassing the configuration of relevant actors’ positions and actions. This set-up emerged and was formed after the 1999 Kosovo crisis on both local as well as European level. Secondly, more than a mere result of the previous causality chain, the Kosovo’s independence represents a dynamic turning point marking a shift towards the reconfiguration of the positions and actions taken by all key actors including the EU and its approach towards conditionality.

Coming back to the first argument, it can be observed that accessed from the EU perspective, European policy towards its nearest neighbourhood changed after wars in the Western Balkans as the EU was willing to establish itself as an actor of growing importance in this region offering not only cooperation and assistance, financial aid or privileged relations but also perspective of their possible EU membership. Inspired by the experience gained during the process of the post-communist transformation of the Central-Eastern Europe, the EU upgraded its “sticks and carrots” policy making under the umbrella of a new, special form of accession process based on interconnection between the principle of conditionality and respective progress on the EU membership road. Therefore, the Stabilization and Association Process (SAP) was established with the aim to guide the transformation of the Western Balkans countries through their accession process.

Nevertheless, the type of transformation necessary for the Western Balkans region was a novelty to the EU. As a result of 1990’s wars, the EU has been facing the much more

challenging goal of a post-conflict transformation going far beyond the establishment of functioning market economies and democracy as in the case of the CEE countries. Given the remaining bilateral disputes, importance of a post-war reconciliation in the Western Balkans and security concerns of the international community, re-establishing of good neighbourly relations and regional cooperation became one of the key international challenges to be achieved. Paradoxically enough, while good neighbourly relations have always been an essential part of SAP conditions package to be applied during the Western Balkans accession process, the relations between Serbia and Kosovo did not receive much international attention until unrest in 2004 in Kosovo.

But even then, zero progress of numerous efforts made by international community to resolve the issue of Kosovo status ranging from direct consultations under leadership of Marti Ahtisaari starting in 2005, to establishment of Contact Group and Troika, ended up with Kosovo's unilateral independence declaration by its newly formed assembly in February 2008.

As far as our second argument is concerned, the declaration of Kosovo's independence gave rise to a reconfiguration of the key actors' positions and respective actions. Moreover, looking at the sequence of events that took place after February 2008, it can be argued that the room for normalization of relations between Serbia and Kosovo was created at the moment when the positions of two contested neighbours on the nature of these relations could hardly have been more opposite.

What is more, given the handicaps it was born with, Kosovo's independence left many pondering how sustainable this newly proclaimed independence can possibly be. Major shortcomings of Kosovo's independence were related to two key issues – Kosovo's struggle to become a sovereign functioning state and its aspiration to become an EU member state.

On the first deficit of Kosovo's independence, needless to say, the independence declaration was strongly condemned by Serbia, which considers "Autonomous Province of Kosovo and Metohija" to be its integral part. Not surprisingly, Serbia started pursuing legal and diplomatic measures to reverse the current state of affairs and question the status of Kosovo (European Commission 2009: 29). In addition to that, Kosovo's statehood and its territorial integrity were simultaneously challenged by its limited capacity to exercise power in its northern part inhabited by the majority Serb population.

As far as the second deficit of Kosovo's independence is concerned, Kosovo's EU integration aspirations and the credibility of its membership perspective are influenced by the EU's internal division over Kosovo's independence resulting in the EU's status neutral policy towards Kosovo.

However, Kosovo's independence shortcomings combined with a parallel Serbia's EU membership ambition together with Serbia's upcoming parliamentary and presidential elections in 2008 meant that a space necessary to make Belgrade and Pristina move out of the deadlock caused by Kosovo's independence may be looming on the horizon. In the beginning, Serbia tried to keep Kosovo issue separated from its EU membership aspirations and continued to engage in its EU integration process. Nevertheless, the EU made it clear that these issues are interconnected and a more constructive approach from both neighbours is necessary if they wish to progress on their EU membership path.

The shift in the positions of the EU, Serbia and Kosovo can be traced in the causal chain following Serbia's initiation of the case before the International Court of Justice

(ICJ) in 2008. The advisory opinion published in July 2010 said that the declaration of independence of Kosovo adopted on 17 February 2008 did not violate general international law and the UN Security Council Resolution 1244, which left Serbia in ever growing international isolation. The Serbian parliament consequently adopted by an overwhelming majority a decision reiterating Belgrade's policy of non-recognition of Kosovo and supporting the government's initiative to have the issue referred to the UN General Assembly (European Commission 2010: 19).

Nevertheless, the resolution finally adopted was no match to what it was originally meant to be. No mention of re-opening the negotiation on Kosovo's final status, no mention of unacceptability of a unilateral secession as means of resolving of the territorial disputes (Balkan Insight 2010). Instead, a compromise, joint resolution acknowledging the ICJ opinion and welcoming establishment of an EU facilitated dialogue between Serbia and Kosovo tabled by Serbia and co-sponsored by the EU-27 was adopted by the UN General Assembly on 9 September 2010.

Claiming to help promote cooperation and stability in the region, achieve progress on the path to the EU and improve the lives of the people,³ the Dialogue was another initiative to defreeze what was becoming a frozen conflict and re-open the process of previously failed negotiations between Serbia and Kosovo in a new format.

But unlike the past negotiations, "carrots and sticks" might have seemed more realistic this time. From the EU's sticks perspective, the declaration of Kosovo's independence marked a U-turn in the application of EU conditionality towards both Serbia and Kosovo. On carrots side, the EU made it clear that the visible progress achieved in the process of normalization of the relations between Serbia and Kosovo will enable both to move on in their European integration.

As a result, Serbia and Kosovo opted for a more pragmatic approach towards each other agreeing to participate in the Dialogue facilitated by the EU.

3. Start of the Dialogue Tracing

The aim of this chapter is to analyse the roles of key actors in Serbia and Kosovo during the period starting in September 2010, after the UN declaration supporting the idea of the Dialogue, until its official start in March 2011. In separate sub-chapters, we will firstly try to identify key domestic developments in Kosovo and subsequently in Serbia. As discussed earlier, the North Kosovo analysis will be included in the sub-chapter on Serbia due to ethnic-political reasons and this approach will be applied throughout this paper.

3 Text of United Nations Resolution No. 64 adopted by the General Assembly on 9 September 2010: Having received with respect the advisory opinion of the International Court of Justice of 22 July 2010 on the Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, and having studied with great care the advisory opinion, including the issues on which it was rendered, the General Assembly:

1. acknowledges the content of the advisory opinion of the International Court of Justice on the Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, rendered in response to the request of the General Assembly;
2. welcomes the readiness of the European Union to facilitate a process of dialogue between the parties; the process of dialogue in itself would be a factor for peace, security and stability in the region, and that dialogue would be to promote cooperation, achieve progress on the path to the European Union and improve the lives of the people.

3.1 Kosovo View Tracing

The start of Dialogue was delayed due to a chain of the domestic political developments in Kosovo.

In the end of September 2010, shortly after the UN declaration welcoming the idea of establishing the Dialogue, a political crisis emerged in Kosovo after the Constitutional Court's ruling that the president Fatmir Sejdiu could not simultaneously hold the position of a chair of the Democratic League of Kosovo (LDK). Consequently, Mr. Sejdiu resigned as both – president and leader of LDK, after which LDK decided to leave the ruling coalition formed with the Democratic Party of Kosovo (PDK). As a result of this political turmoil, early general elections were announced on 12 December 2010 paralysing the start of the Dialogue until a new government in Kosovo was formed.

On 22 February 2011, the Kosovo assembly voted on a new coalition government formed by members of the Democratic Party of Kosovo (PDK), New Kosovo Alliance (AKR), the Independent Liberal Party (SLS), the Ibrahim Rugova list, and minority parties. While Serbian engagement in the government was widely viewed as an important indicator of Kosovo's ability to integrate the Serbian community, this set-up meant that PM Thaci's coalition would face a very strong opposition block consisting of the Democratic League of Kosovo (LDK), the Alliance for the Future of Kosovo (AAK), and the nationalist Vetevendosje (VV) movement which was entering the parliament for the first time (Balkan Insight 2011c).

The new government's program for 2011-2015 set ambitious goals regarding Kosovo's European integration (Government of Kosovo 2011). One of its key priorities was to enter into contractual relations with the EU, namely the Stabilization and Association Agreement (SAA), and to consequently obtain the status of a candidate country (Government of Kosovo 2011). Judging by its programme, the position of the Kosovo government (GoK) could be defined as strongly pro-European. Given that Kosovo had been traditionally lagging behind all Western Balkan countries in the EU integration process, it came as no surprise that if the GoK came any closer to achieving the above mentioned goals, it would be necessary that it acted in compliance with the conditions set by the EU.

When it comes to the Dialogue, due to the broad consensus on foreign policy priorities between the coalition partners, general support for the EU facilitated Dialogue could be traced across the whole political spectrum in Kosovo (Radio Free Europe, Radio Liberty 2010b). Still, a number of opposition representatives, especially VV, were rather critical to Kosovo's participation in the Dialogue (Balkan Insight 2011c).

Nevertheless, for the GoK, the picture was clear. At least, as far as its entering position, benefits, outcome expectations and red lines regarding the Dialogue were concerned. Firstly, GoK reiterated that during the process of the Dialogue it was willing to establish a constructive cooperation (Radio Free Europe, Radio Liberty 2010a) as well as to build good inter-state relations with Serbia. It underlined that Kosovo and Serbia were entering the Dialogue as two independent countries (Balkan Insight 2010a, Radio Free Europe Radio Liberty 2010b) respecting the principle of equality (Radio Free Europe, Radio Liberty 2010b). Secondly, facing opposition's accusations that Kosovo would not benefit from the Dialogue, PM Hashim Thaci claimed that one of the advantages of Kosovo's participation in the Dialogue would be its progress in the visa liberalisation process as well as in integration into NATO and the EU (Balkan Insight 2010b). Thirdly,

government's expectations related to the outcome of the Dialogue were based on the assumption that this process would end with Serbia's recognition of Kosovo (Radio Free Europe, Radio Liberty 2011a). What is more, the same was expected from the five EU countries not recognizing Kosovo's independence (Development Group 2012: 8). Fourthly, while a number of technical issues of common interest to be discussed had been identified, the representatives of GoK made it clear that there were issues representing a red line not to be crossed in the negotiations. Most importantly, GoK insisted that under no conditions would issues related to Kosovo's status, its sovereignty, territorial integrity or matters of its internal constitutional order including the future of the Serb-run Northern Kosovo be discussed within the framework of the Dialogue (Balkan Insight 2010c, Balkan Insight 2010d, Balkan Insight 2011a). Limits of Kosovo's negotiating position were set by the Ahtisaari plan and GoK was not willing to offer anything more (Balkan Insight 2010c).

Speaking of the pro-European agenda of GoK, to a large extent it was corresponding with the Kosovo public's strong support for the EU membership, which historically belongs to the highest among the Western Balkans countries (Gallup Balkan Monitor 2009). Therefore, GoK's approach towards and activities connected with Kosovo's participation in the EU-mediated Dialogue based on emphasising its potential benefits, can be described as compliance-positive.

Regarding opposition parties, they were not against the Dialogue as long as it was conducted in a constructive way. Nevertheless, they opposed the approach of the Kosovo government accusing it of weak preparedness for the Dialogue (Development Group 2012:7). Moreover, opposition claimed that Serbia was using the Dialogue for achieving its own political goals (Development Group 2012:6). From the very beginning of the Dialogue, GoK was criticized for not being transparent enough and for not informing the Assembly on the content and status of the talks as promised (Balkan Insight 2011b). Lack of sufficient preliminary consultations as well as explanations of the Dialogue to the opposition and citizens, created tension in the Kosovo political scene (Development Group 2012:6). Nevertheless, the main critique of the participation in the Dialogue voiced by the opposition came from the political movement VV (Radio Free Europe, Radio Liberty 2010a).

Besides accusing the government of starting the Dialogue without transparency of its agenda, and without a proper public and parliamentary debate, VV expressed its concern about turning internal issues of Kosovo into topics negotiable in the Dialogue. Moreover, VV called into question the very nature of the Dialogue, which while being labelled as technical, due to character of the topics, represents the exact opposite since all of the issues are interconnected with Kosovo's statehood and status. Furthermore, VV questioned the credibility of government's argument related to the equality of partners in the Dialogue (Kurti 2011)⁴ due to the fact that Serbia does not recognize the independence of Kosovo, its constitution proclaims that Kosovo is part of Serbia, and Serbia finances and controls the parallel structures in the North Kosovo (Kurti 2011).

As far as the opposition's stand and activities regarding the Dialogue are concerned, it can be concluded that during the pre-Dialogue phase Kosovo's opposition was

4 VV's criticized Serbia for simply following three key goals in relation to Kosovo and the EU – not to recognize the independence of Kosovo, to create a Serb territorial entity inside Kosovo and to advance in EU integrations and become a EU member before Kosovo does.

compliance-positive. This conclusion does not apply on VV which criticized GoK mainly for a lack of transparency and unpreparedness of the process of the Dialogue. Despite the fact that it did not strongly engage in form of massive protesting in this stage, its attitude towards the Dialogue was compliance-negative.

3.2 Serbia View Tracing

In independent Serbia, as the final step in dissolution of Yugoslavia, new ruling coalition headed by Prime Minister Vojislav Kostunica of Democratic Party of Serbia (DSS) was formed on the bases of former anti-Milosevic umbrella movement Democratic Opposition of Serbia after elections of January 2007. Only few months later, mainly because of strong intra-coalition disagreement linked to Kosovo declaration of independence, new elections were announced to be held in May 2008 (Stojiljković 2008: 514).

The government was created out of the election winner For European Serbia coalition with obvious pro-European agenda including moderate Democratic Party (DS) led by president Boris Tadic, who became a real master of executive power instead of formal prime minister Mirko Cvetkovic, ultra- liberal G17 plus, formerly nationalistic Serbian Renewal Movement (SPO) of Vuk Draskovic and various ethnic-minority parties joined somewhat surprisingly by former Slobodan Milosevic's now minor Socialist Party of Serbia (SPS) headed by Ivica Dacic (Sestak et al. 2009: 544-545).

According to its programme, apart from a shift in general focus on to socio-economic issues, the government was fully committed to European future for Serbia, i.e. full-fledged EU membership. Nevertheless, at the same time, the government insisted on pursuing the policy of non-acceptance of the Kosovo's independence of Kosovo. It seemed that the government approached the EU accession and Kosovo question as two separate issues. Government's programme regarding Kosovo explicitly stated that "Serbia would never recognise the independence of Kosovo and Metohija and that the Government, in cooperation with other government bodies, would undertake all legal and diplomatic measures so as to preserve Kosovo and Metohija as an integral part of the Republic of Serbia." (Government of the Republic of Serbia 2008)

This approach was primarily intended to ensure public opinion that Kosovo would remain part of Serbia. Furthermore, the document brought forward continuity of both – direct support to ethnic Serbs living in Kosovo as well as to institutions of Serbia there. Continuity of institutions of Serbia represented the only real influential power of Belgrade in Kosovo and were peculiar for DS leadership because Serbs in Kosovo were much more in favour of radical opposition parties than DS. On the other hand, the government acknowledged the will to launch negotiation with representatives of "Kosovo ethnic Albanians" in order to "find a mutually acceptable solution" (Government of the Republic of Serbia 2008).

Particularly active in following campaign against international recognition of Kosovo was the Minister of Foreign Affairs Vuk Jeremic. During his world tour he tried to persuade traditional Serbian/Yugoslav allies not to recognize Kosovo as well as to block Kosovo's access to various international forums, which was in diplomatic note issued jointly by major western powers condemned as "Serbian aggressive rhetoric regarding Kosovo" (Pantelic 2010). The Socialists especially Ivica Dacic as Minister of Interior, being said to represent interests of Serbian "siloviki", often tended to be less enthusiastic about possible concessions regarding Kosovo (Balkan Insight 2010e).

In September 2010 the government officially praised the UN General Assembly's adoption of a resolution on Kosovo calling for EU mediated dialogue between Serbia and Kosovo to be in line with its own policies (Balkan Insight 2010e). This approach was met with strong criticism from the opposition parties calling the potential Dialogue with Pristina authorities to be "a defeat and shame for the Serbian people" (Balkan Insight 2010e).

One of the important factors influencing the opposition in Serbia was a split in the second most successful, though ultranationalist party with highly limited coalition potential Serbian Radical Party (SRS). Given the importance of SRS under the leadership of Vojislav Seselj (already in Hague) who has numerous times denounced official policies including 1999 withdrawal of Yugoslav security forces from Kosovo as acts of high treason. Meanwhile acting SRS leader Tomislav Nikolic together with Aleksander Vucic split from the party, forming Serbian Progressive Party (SNS) with more moderate approach on various political issues including Kosovo attracting most of the voters from other national political parties, which in long-term meant marginalization of Kostunica and Seselj and therefore a major change in Serbia's political system (Stojiljkovi 2008: 463).

When it comes to public opinion regarding support for Serbia's EU membership, in April 2008 63,69% of Serbian citizens was in favour of EU integration while more than one fifth of respondents was against Serbia's EU integration, which was a result pointing to a trend of a slight decrease in public's support for Serbia's EU membership. As regards the solution for the Kosovo issue, more than a half of respondents preferred autonomy (54,89%), 27,94% supported Kosovo's division, only 6,77% of respondents favoured Kosovo's independence, and 4,00% were in favour of a long lasting protectorate. These results suggested that there was no significant change in public opinion on Serbia's Kosovo policy. When asked whether they would accept to recognize Kosovo's independence in exchange for a faster EU accession, while 18,23% of respondents expressed that they would agree, the vast majority of 71,31% would not. Moreover, 16,16% respondents expressed their full support for the state policies towards Kosovo and Metohija, while more than 60% of those asked were critical (Nova srpska politicka misao, 2008). Attention shall be drawn to the fact that Kosovo issue had not a key topic for a long time in Serbian society. In a survey conducted in August 2009 with the aim to inquire about the most important problem in Serbia, 31% of respondents identified unemployment and only 4% of those asked emphasized Kosovo related issues (Nova srpska politicka misao, 2009).

As far as the situation in the North Kosovo is concerned, Pristina has been lacking real control of this part of its territory ever since it declared its independence in February 2008. The international forces, regarded by the majority of the Serb population of Kosovo as occupiers, failed to enforce their authority over the North Kosovo territory decisively. Therefore, there were four major players competing for influence in the North, namely independent Kosovo, Serbia, international forces and institutions and organizations of local Serbs often acting independently or even openly against will of Serbian government in Belgrade (International Crisis Group 2011: 1-8).

Shortly after the declaration of independence, the Serbs from the North distanced from the developments in Pristina. Moreover, they organized local elections under the legal and political framework of Serbia and formed their own interim parliament "Privremena skupstina" (International Crisis Group 2011: 1-8). Public opinion in the North generally shows no will for integration within the framework of Republic of Kosova. Despite the

fact that after 2008 DSS and other hardliners were being removed from governmental positions in Belgrade, they and their ideas maintained decisive influence among Kosovo Serbs.

The national Serbian Orthodox Church represents another influential actor firmly against any concessions on Kosovo and displaying conservatism, nationalism and anti-western attitudes in general. Kosovo used to be a traditional centre and seat of the Serbian Patriarchate and Serbian Orthodox Church possesses estates and monasteries there.

4. Candidate Status / Launch of Feasibility Study Tracing

In this part, we will test our hypotheses applying them to the period marking the start of the Dialogue on March 7, 2011 until the decision made by the European Council in March 2012 to award Serbia with a candidate status and Kosovo with a launch of the feasibility study on SAA.

During 9 rounds of talks held in Brussels, 7 agreements were reached. Agreements on civil registry books, freedom of movement, university diplomas and cadastre were concluded in the beginning of July 2011. Failure to negotiate customs agreement in July 2011 led to the reciprocity measures taken by Kosovo by imposing embargo on Serbian goods and a subsequent break in the Dialogue. After the customs agreement was achieved in September 2011, clashes in the Northern Kosovo arose over its implementation and lasted until early December 2011, when integrated boarder management (IBM) agreement was achieved. The agreement on the regional representation of Kosovo, which was the last agreement of this phase of the Dialogue, was reached in the end of February 2012.

Despite the fact that topics discussed during the first rounds of the Dialogue were supposed to be of a purely technical character, as Dialogue continued, it was becoming evident that in reality all issues negotiated were tightly connected to Kosovo and Serbia's fundamental dispute. Practically speaking, all technical solutions designed did have respective political implications and their efficient implementation was not possible without touching upon the issue of Kosovo status. Therefore, it was clear that the next phase of the Dialogue would inevitably have to be heading towards the direction of the core problem – the issue of the North Kosovo.

As regards the EU requirements vis-à-vis normalization of the relations between Serbia and Kosovo, a significant change in the EU conditionality applied on both Serbia and Kosovo can be traced during this period. In December 2011, the Council of the European Union stated that the Dialogue, and agreements reached through the Dialogue, would continue to be of crucial importance for both parties as they take further steps towards fulfilling their EU perspective (Council of the European Union 2011: 10). In other words, any step further in the EU integration process was clearly conditioned by the progress made in the normalization of relations between Serbia and Kosovo.

4.1 Kosovo View Tracing

The Dialogue started on 7 March 2011 in Brussels despite a domestically much criticized failure of Kosovo Assembly to adopt a resolution on its acceptable content as well as a mandate (Balkan Insight 2011b) for the negotiations team. After Kosovo's chief negotiator Edita Tahiri travelled to Brussels without waiting for the resolution to be passed,

a deep polarization between government and opposition parties occurred with respect to the legitimacy of the Dialogue (Development Group 2012: 6). Only after the first round of the Dialogue was over, on 10 March 2011 did the Assembly approve a resolution proposed by the ruling PDK⁵ on content for talks between Kosovo and Serbia, despite protests from the opposition (Balkan Insight 2011d). In the end, the three largest opposition parties – LDK, VV and AKK refused to sign the resolution claiming that their remarks regarding exclusion of internal issues of Kosovo, such as police or justice from the Dialogue were not incorporated into the text (Balkan Insight 2011d).

Apart from Kosovo's ambiguous "kick off" of the Dialogue, a number of repetitive features affecting the introductory phase of Dialogue can be traced. Firstly, a substantial mismatch in Kosovo's and Serbia's interpretations of events taking place, agreements concluded and issues to be discussed; secondly, increase in protests organized by the opposition as well as complaints about the transparency of the process; thirdly, interruptions of the Dialogue; fourthly, emergence of the issue of the North Kosovo as a new subject to be included in the Dialogue's agenda.

Coming back to the first point, anytime an agreement was concluded, representatives of Kosovo government interpreted it as a de-facto recognition of Kosovo's independence by Serbia, which was always strongly denied by the latter. Quite in line with this trend was the reaction of PM Hashim Thaci on Borislav Stefanovic's visit⁶ in Pristina in May 2011 (Balkan Insight 2011e). The reason why Kosovo and Serbia had such contrasting perspectives of the Dialogue and its outcomes lies behind the fact that their expectations were lacking compatibility, which became obvious when the first disagreements over agenda appeared. While Edita Tahiri emphasized that for Kosovo, the question of its status "is a closed chapter" and its incorporation to the Dialogue agenda is not acceptable, her counterparty Borislav Stefanovic was of an exactly opposite opinion (Balkan Insight 2011f).

Secondly, the frequency of protests organized mostly by the political movement VV increased. Violent protests accompanying the above mentioned visit of Borislav Stefanovic (Balkan Insight 2011e) together with the protests after the agreement on customs was reached in the beginning of September 2011 (Balkan Insight 2011g) marked the beginning of this trend. VV accused Edita Tahiri of having concluded an agreement which would gradually be destroying Kosovo and PM Hashim Thaci of a retreat from the issue of the North (Balkan Insight 2011g). As Dialogue gradually evolved, the protests continued. In January 2012 VV organized a new protest as a reaction to the government's failure to implement a motion that was previously passed by the Kosovo Assembly. The motion was originally initiated by VV and its aim was to implement the reciprocity measures against Serbia in the political and economic sphere by blocking Serbian goods from entering Kosovo, while Serbia continued to do the same with Kosovar goods entering Serbia (Balkan Analysis 2012). After the government's refusal to implement it, VV issued an ultimatum (Balkan Analysis 2012) claiming that unless the implementation takes place by 1 January 2012, VV would start blocking Serbian goods from entering Kosovo from

5 With 63 votes in favour, 48 against and one abstention, the draft resolution proposed by the ruling party PDK, was approved in Kosovo's Assembly.

6 Stefanovic became the first Serbian official to meet Kosovo officials in Pristina since the NATO intervention in 1999.

14 January. As the deadline passed, the VV-organized protests went ahead, but VV did not receive support from international community representatives in Kosovo (Balkan Analysis 2012).

After an agreement on the regional representation for Kosovo was reached in February 2012, VV called for another massive protest asserting that the deal poses a threat to Kosovo's independence and that government positioned Kosovo's statehood as negotiable and dubitable (Balkan Insight 2012a). Moreover, it gathered 15.000 signatures for a petition asking for an extraordinary session to withdraw the government's decision to enter into the agreement (Balkan Insight 2012a). According to other opposition parties, by agreeing to be officially represented with a footnote, the Kosovo government has *de facto* undermined Kosovo's Constitution giving Serbia "the right of veto over Kosovo" (Bajrami 2013: 7). Kosovar independent analysts and observers also insisted that this agreement was a step back for the country (Bajrami 2013: 7).

Thirdly, interruptions in the Dialogue were closely connected to the issue of the North Kosovo and revealed that unless the very substance of the Dialogue is addressed, any normalization of relations between Kosovo and Serbia is just formal and cannot be efficient.

The Dialogue was blocked for the first time after parties failed to reach an agreement on customs stamps on July 2, 2011. A meeting scheduled for July 19, 2011, the aim of which was to focus on finalizing the agreement, was not held (Bajrami 2013: 7). As a countermeasure, Kosovo introduced its own, reciprocal ban on import of Serbia and Bosnia and Herzegovina goods and launched a police operation in order to enforce this decision (Balkan Insight 2011h). Tensions over who controls the border between Serbia and the Northern Kosovo turned into violence after Pristina deployed police officers and customs officials to the northern crossing points in July (Balkan Insight 2011l). This measure faced resistance from the local Serb population manning roadblocks to prevent Kosovo government from taking control. During the operation, one Kosovo policeman was killed.

On September 2, 2011 customs agreement was reached. This agreement was supposed to be a tensions neutralizer giving end to the previously set mutual embargoes. It should have enabled a re-start of trade between Kosovo and Serbia (Aubrey, Sapic 2013: 7). But when the agreement took effect on September 16, the border crisis reemerged. In response to the deployment of Kosovo customs officials at crossing points, Kosovo Serbs barricaded major roads and bridges in the northern municipalities preventing movement throughout the North (Balkan Insight 2011j).

Serbia subsequently demanded that the situation in the North be part of the Dialogue's agenda (Balkan Insight 2011k). This proposal was firmly refused by Pristina due to the fact that for Kosovo, North is a political issue regarded as an internal matter (Balkan Insight 2011k). When clarifying its position, Kosovo referred to the previously agreed agenda framework according to which topics that would be negotiated in the Dialogue shall be solely technical (Balkan Insight 2011j). The situation resulted in the second interruption of the Dialogue in September, after Serbia left the negotiating table asking to add the issue Northern Kosovo to the agenda (Balkan Insight 2011l). This decision led to escalation of violence in the north on September 28, as hundreds of Kosovo Serbs tried to breach a security barrier manned by NATO peacekeepers in KFOR on the Jarinje border crossing (Balkan Insight 2011i).

Taking into consideration the fact that agreements achieved created a space for future normalization of relations between Serbia and Kosovo, the overall position and activities of GoK can be summarized as compliance-positive. On the other hand, there were growing differences in opinions on the Dialogue between GoK and VV, which was gradually becoming very critical of the Dialogue. Most evident reflection of its compliance-negative approach towards normalization of relations via Dialogue was a significant increase in a number and change in the nature of protests it organized. Other opposition parties remained compliance-neutral.

4.2 Serbia View Tracing

As mentioned earlier, though labelled as technical, the issues discussed during the Dialogue were of political character from its very beginning. Given the increasingly high sensitivity of Kosovo issue in Serbia's internal politics, the EU's "sticks and carrots" pressure based on normalization of relations between Serbia and Kosovo had to be justified for the Serbian home audience.

During this phase, most of the political elite in Belgrade, including president Tadic representing the most influential figure in the government and his Prime Minister Mirko Cvetkovic, was already perceiving the Kosovo question with certain ambivalence. Even if mainstream politicians in Serbia were reluctant to express their indifference towards Kosovo and Kosovo Serbs' fate, the issue was increasingly regarded as an obstacle in Serbia's pro-European course as well as an economic burden for the indebted country (Lehne 2012: 6). Furthermore, Serbia's Democratic Party did not have much support among Kosovo Serbs, who due to the election system remained influential in all Serbian politics traditionally preferring more nationalist political parties e.g. SRS, SNS, DSS or SPS.

In autumn 2011 president Tadic announcing his new "4 point plan" abandoned former intentions on partition of Kosovo along ethnic lines. Despite the fact that the new initiative anticipated no formal recognition of Kosovo independence, it presented a solution within boundaries of Kosovo itself. The "4 point plan" most importantly included creation of a high level of self-government for Serbian majority municipalities within the region of the North with substantial autonomous rights representing a de facto guaranty of Pristina's non-interference. Furthermore, the plan included a special protection of Orthodox monasteries as well as a property related disputes resolution (Lehne 2012: 12). The Serbian government aimed to use the 4 point plan to maintain its formal sovereignty over Kosovo. Moreover, by suggesting practical solutions to issues regarding Kosovo Serbs, it wanted to ensure that Kosovo and Kosovo Serbs related disputes do not represent Serbia's main EU accession obstacle anymore.

When the granting of the candidate status to Serbia was postponed in December 2011, the ruling coalition in Serbia openly expressed its dissatisfaction with the postponement adding that "EU wanted Serbia to recognize Kosovo", which was a price it would never pay" (Helsinki Committee for Human Rights in Serbia 2012: 2). The more nationalist elements in the politics and society as Democratic Party of Serbia DSS and Serb Radical Party SRS together with some media, influential orthodox church and some members of Academia SANU forming the "anti-European block" used this opportunity to stimulate their activity against the EU conditions with respect to accession. Kosovo issue held

a prominent place in their argumentation for “neutrality” resulting in a rejection of closer cooperation with the West and strengthening ties with the East (Helsinki Committee for Human Rights in Serbia 2012: 2). The postponed candidacy also had an impact on the public opinion, according to survey by Nova srpska politicka misao support for further integration to the EU decreased to approximately 50% of the population (Nova srpska politicka misao 2012).

As far as North Kosovo is concerned, the struggle for control of this territory resulted in ever growing chaos. The locals in principle do not have to (and thus do not) pay any taxes, and given the easily permeable borders in the north and south, the North Kosovo became a large duty-free zone negatively effecting Kosovo’s state budget revenues (International Crisis Group 2011: 15). Moreover, the boundary of the North with Kosovo proper, especially the town of Mitrovica, was a vulnerable point of interethnic tensions exploding in interethnic violence from time to time.

After a series of unsuccessful negotiations on customs matters the Kosovo authorities decided to proceed with unilateral action to consolidate their not only fiscal sovereignty over the North, which led to further escalation of the conflict between Pristina and Kosovska Mitrovica.⁷ Local Serbs feared that this act as well as the ongoing negotiations would threaten their interests and result to the increase of the Western pressure on Serbia to recognize the independent Kosovo. Therefore, they responded by building barricades on all major roads linking the crossings with Kosovo proper and engaged in direct attacks on the posts of Kosovo Police.

International authorities after outcry from Belgrade and its allies announced withdrawal of Pristina Police and its replacement by their own troops. On the border, however, together with KFOR soldiers Kosovo custom and police authorities started to operate. A day after angry crowd of ethnic Serbs from Kosovska Mitrovica burned administrative buildings at the border crossing Jarinje and U.S. soldiers responded with live ammunition, consequently (Kurir/Tanjug 2011). The Serbian government has tried to play the role of moderator in the conflict, while having only limited control over the North, but it was not willing to forsake fundamental postulates of its policy towards the North and Kosovo in general.

Even despite an agreement on the operation of crossings between Serbian and Kosovo government, sporadic clashes between local Serbs backed by Belgrade, Kosovo Albanians and international forces seeking to establish control over the North have remained reality.

Quite in line with the above mentioned developments, when the local authorities in the North organized referendum in February in which people were asked whether they accepted the institutions of the so-called Republic of Kosovo, more than 99% of voters answered negatively (Cukani 2012). The main reasons behind their rejection of institutions in Pristina are connected to the social insecurity as well as inability of Kosovo to offer to Kosovo Serbs the level of economic and social services such as healthcare, pensions, education, rule of law, when compared to Serbia.

7 Specifically, the crisis in the North of Kosovo 2011-2012 started with events related to the occupation of crossing points on the border/administrative line between Serbia proper and Kosovo. During the night of 25/26 July 2011 special police unit ROSA manned by Kosovo Albanian passed river Ibar and seized two main crossings to Serbia Jarinje and Brnjak. In: (Kurir/Tanjug 2011)

5. Opening of Accession Negotiations / Stabilization And Association Agreement Tracing

This part will focus on the analysis of relevant domestic actors' positions and activities influencing developments of the second phase of the Dialogue which started in autumn 2012 and lasted until June 2013.

After the participation of both Serbia and Kosovo in the first phase of the Dialogue was awarded by achievements of respective milestones in March 2012, Dialogue was put on hold due to presidential and parliamentary elections in Serbia. Meanwhile, the EU further specified conditions to be met by Serbia and Kosovo and it continued to emphasize that any further progress on their European path is dependent on a visible progress in the normalisation of their relations, including the implementation of agreements reached.

The Dialogue resumed again on 19 October 2012. Taking into consideration the list of issues to be discussed inherited from its first phase as well as growing pressure to address the disputed issue of the North including dismantling the Serbian parallel structures operating in the area, it was necessary that the initially technical Dialogue would be upgraded to high political level.

After a number of failed attempts to find a mutually acceptable solution on the concept of future functioning of the North, the "First Agreement of Principles Governing the Normalization of Relations" was finally concluded on 19 April 2013, just in time for the decisive report of the European Commission evaluating the results of normalization of relations was about to be presented at the Council of the European Union. Given baroness Ashton's positive assessment, on 28 June 2013 the European Council decided to open accession negotiations with Serbia and authorized the opening of negotiations on a Stabilization and Association Agreement with Kosovo.

5.1 Kosovo View Tracing

The domestic developments in Kosovo during this stage of the Dialogue were influenced by several aspects many of which were present during the technical phase as well. Most importantly, the government made a U-turn in its position regarding addressing the issue of the North Kosovo within the framework of the Dialogue. Secondly, there was a sharp increase in the opposition's activities ranging from boycotts and protests to motions passed by the Assembly. Thirdly, the lack of transparency, insufficient communication and information sharing remained to be weak spot of the process influencing the public and policy makers' perception of the Dialogue.

As to the Kosovo government, it entered the political talks with Serbia with high expectations of the outcome, just as was the case in the "Technical Dialogue". The government claimed that negotiations would end with a peace treaty between Kosovo and Serbia, which would mean a de facto recognition of Kosovo's statehood (Balkan Insight 2012b). This approach was identical to the previous part of talks, during which Kosovo representatives would interpret any relevant move of Serbia as a sign of its recognition of Kosovo as an independent state, which was always strongly opposed by Serbia.

Furthermore, it can be argued that political parties' attitudes towards the Dialogue remained generally favourable even during its second part. Unlike the first phase, high level talks started after Kosovo Assembly adopted a resolution of 18 October 2012 on

normalization of relations with Serbia authorizing the government to direct the process. The resolution was proposed by both coalition as well as opposition parties PDK, AAK, KKR, SLS and Group 6+. It passed after debates led by the opposition VV, which paradoxically in the end boycotted the vote (Balkan Insight 2012c). Therefore, there was a full political consensus for the Dialogue from its very beginning, both from the part of the ruling coalition and the opposition parties with the only exception of VV which was strongly against any type of negotiations with Serbia.

From the outset of the Dialogue, the Kosovo government insisted that Kosovo's territorial and constitutional integrity and its internal matters were non-negotiable and would not be discussed with Serbia. This was especially emphasized in relation to the North Kosovo (Bajrami 2013: 5). Despite the fact that Kosovo's red lines were initially set within the framework of the Ahtisaari plan and its constitution, it was becoming clear that finding efficient solutions to the disputes and addressing outstanding topics was not possible without the settlement of the most sensitive issue of the North. Given the requirements of the EU to tackle the North so as to move on towards the next EU integration milestone, the position of the Kosovo government had to undergo the most significant modification with respect to this issue.

Apart from its voting in favour of Dialogue, AAK also became part of the negotiating team with Serbia after its vice president, Blerim Shala, was appointed a political coordinator in November 2012 (Balkan Insight 2012e). This appointment was regarded as a public embrace of the Dialogue by both AAK and its leader, Ramush Haradinaj. With AAK in the Dialogue team and LDK supporting it through parliament, the only real opposition to high level political talks with Serbia remained VV, the third biggest party in the parliament (Bajrami 2013: 10).

As far as VV is concerned, it intensified its activities to show the disapproval of Kosovo's participation in the Dialogue and organized several protests to oppose the talks. It can be concluded that anytime a meeting among Kosovo, Serbia and the EU was held in Brussels a protest organized by VV followed. VV demanded that the negotiations with Serbia stopped (Balkan Insight 2013b) and it protested mainly against autonomy for the North, the partition of Mitrovica (Balkan Insight 2012d) and against holding negotiations with Ivica Dacic, Milosevic's ex-spokesperson (Balkan Insight 2013a). VV claimed that negotiations should not continue until the issue of missing persons from the Kosovo conflict was solved and until Serbia had recognised Kosovo (Balkan Insight 2013a).

On the third argument, the lack of transparency accompanying the whole process of the Dialogue has influenced the political parties' as well as public trust support for this process. MPs have asked Prime Minister Hashim Thaci to give parliament more information about the ongoing EU-led dialogue with Serbia (Balkan Insight 2013d) and the opposition parties (LDK) demanded more clarity about the character of agreements being reached with Serbia in the EU-led dialogue in Brussels (Balkan Insight 2013c).

Generally speaking, the support for the Dialogue across the whole political spectrum in Kosovo remained high even during the second phase of the Dialogue. Not only was the resolution legitimising GoK to participate in the Political Dialogue proposed by both coalition and opposition parties, but also an opposition party AAK became part of the negotiating team with Serbia. Therefore, both GoK's and opposition's approach can be regarded as compliance-positive. In contrast to the general political climate regarding the Dialogue, VV continued to be compliance-negative strongly condemning any type of negotiations with Serbia and organizing protests and boycotts against the Dialogue.

5.2 Serbia View Tracing

After parliamentary elections of May 2012 the winning SNS created a new ruling coalition together with the socialists SPS. The elections meant personal rehabilitation of politics of 90's, even if in significantly modified form and programme. Ivica Dacic, a new Prime Minister and former close associate of Slobodan Milosevic, continued to hold his previous influential position of a minister of home affairs. Furthermore, leader of SNS Tomislav Nikolic, once the closest collaborator of ultranationalist political figure Vojislav Seselj, became a new president of Serbia.

After the Dialogue was officially lifted to higher political level, the Belgrade side was led by the Prime Minister Ivica Dacic from the Socialist Party of Serbia (SPS), later joined by the Deputy Prime Minister Aleksandar Vucic, member of the Serbian Progressive Party (SNS). The policy of concessions in exchange for a promise of further EU integration initiated by the previous coalition government dominated by the Democratic Party (DS) and president Tadic continued even during this phase of the Dialogue. Paradoxical as it may seem, the negotiations were led by former representatives of confrontational nationalist politics, the former Kosovo Liberation Army commander now Kosovo PM Hashim Thaci, once Milošević's close associate and now Serbia's PM Ivica Dacic, and a rising star of Serbian politics Aleksandar Vucic who was formerly politically connected with Serbian ultra-nationalist SRS.

The breakthrough agreement on principles governing the relations between Kosovo and Serbia concluded in April 2013, which was a result of the EU sticks and carrots policy, was presented to public in Serbia as a significant achievement of its government. As Vucic stated given the circumstances the agreement was the best possible they could have done regarding interests of Serbia and Kosovo Serbs in particular (B92 2013).

Most of the relevant parties and their leaderships supported the negotiations as such, socialists, progressives, the Democratic Party and the Liberal Democratic Party (LDP) did not want the integration into the EU to be halted (Helsinki Committee for Human Rights in Serbia 2013b: 4). Nevertheless, the new Serbian executive was not united in a number of various issues regarding Kosovo issue.

Pragmatic approach towards the negotiations process represented mainly by the PM Dacic was strongly criticized by the anti-European or euro-realistic nationally oriented side represented by President Tomislav Nikolic (SNS), the Democratic Party of Serbia (DSS) of Vojislav Kostunica, politically influential Serbian Orthodox Church as well as by some members of the Serbian Academy of Sciences and Arts (SANU). All of these actors were against of making any further concessions on Kosovo (Helsinki Committee for Human Rights in Serbia 2013a: 2). Once again the Kosovo issue pointed out on the peculiar cleavage in the Serbian political scene between supporters and opponents of integration into Euro-Atlantic structures (Helsinki Committee for Human Rights in Serbia 2013a: 2)

Interestingly, as "The First Agreement of Principles Governing the Relations between Kosovo and Serbia" could not be ratified by the parliament, not solely due to the constitutional and technical reasons, it was adopted only in the form of a government's report (Balkan Insight 2013e).

As to the public opinion, according to the polls more than half of Serbians from Serbia proper supported the so called Brussels agreement as the best achievement possible, while

less than 1/3 of the respondents rejected it (RTS/Faktor Plus 2013). Still, the agreement was accompanied by protests attended by several thousands of citizens taking place mainly in Belgrade (Balkan Insight 2013f).

During the negotiation process, the North Kosovo Serbs were protesting against any concessions to Pristina-based institutions, which led to a significant deterioration in relations between government in Belgrade and the North Kosovo representatives. Therefore, the reaction of Serbs from North Kosovo on the agreement reached was strongly negative mainly due to two aspects. Firstly, their representatives were not included in the process of negotiations regarding their own “fate”. Secondly, they were concerned that they would not benefit from their integration into the Republic of Kosovo.

Local municipality elections which took place in 2013 can be regarded as a confirmation of resistance of North Kosovo Serbs towards the institutions of the Republic of Kosovo. Despite Belgrade’s intensive support for the local Serbs participation in elections, which would enable their peaceful integration into the Kosovo political system, both campaign and elections were accompanied by several protests and growing violence disrupting the implementation of Brussels Agreement (Balkan Insight 2013g). As regards elections results, for example in Mitrovica North the turnout reached only about 22%, while one third of the voters were non-Serbs, which can not in any case be seen as a success either for Belgrade, Pristina or for the EU (Republic of Kosovo – Central Election Commission 2013a,b).

Conclusion

The aim of this paper was to analyse the impact of the EU conditionality on domestic developments taking place in Serbia and Kosovo during the process of normalization of their relations. The main theoretical framework used was the Schimmelfennig and Sedelmeier’s external incentives model which evaluates the process of domestic change in a candidate country as a result of its compliance with the rules set by the EU.

As far as the hypotheses tested are concerned, we organized our research within the framework of two key hypotheses of Schimmelfennig and Sedelmeier’s model (Schimmelfennig, Sedelmeier 2005: 12) related to local factors which account the candidate states’ compliance with the EU conditionality.

Therefore, the following hypotheses modified with respect to the process of normalization of relations between Serbia and Kosovo represented the basis of our soaking and poking (George, Bennett 2004: 89, Schimmelfennig 2013: 5):

- 1. *Serbia / Kosovo adopt EU rules if the benefits of EU rewards exceed the domestic adoption costs.***
- 2. *The likelihood of normalization of relations between Serbia and Kosovo decreases with the number and relative power of veto players incurring high adoption costs resulting from compliance.***

Regarding these hypotheses as a broader framework, we added two new specific hypotheses connected to the domestic level of analysis of Serbia’s and Kosovo’s compliance with the EU conditionality, which needs to be properly analysed before the above mentioned broader hypotheses can be challenged in the future research. Therefore,

our aim was to identify the main local actors and their relative power as well as to evaluate their positions towards the EU and the normalization of relations between Serbia and Kosovo.

Our analysis mostly focused on the roles of governments and oppositions as official representatives of Serbia and Kosovo influencing the process and extent of EU rules adoption. Taking into consideration the importance of the North Kosovo issue for the normalization of relations, we decided to include the analysis of its representatives' position as well. Where possible, public opinion and influential organizations and individuals' analysis was provided too.

Having said that, we tested the following hypotheses:

- 1. The stronger the negative attitudes of the government, opposition, influential organizations and individuals, public opinion and North Kosovo towards the normalization of relations between Serbia and Kosovo, the lower the likelihood of Serbia / Kosovo to participate in the Dialogue and comply with its conditions.***
- 2. The stronger the negative attitudes of the government, opposition, influential organizations and individuals, public opinion and North Kosovo towards the EU, the lower the likelihood of Serbia / Kosovo to participate in the Dialogue and comply with its conditions.***

Ever since any future progress in the EU integration was made conditional on the progress in normalization of relations between Serbia and Kosovo, three major milestones have been achieved. Given these sub-outcomes, we decided to test the impact of relevant domestic actors on their achievement and conducted the analysis of overall dependent variable in three steps, each comprising of the separate analysis of Serbia and Kosovo positions.

Firstly, we analysed the very start of the Dialogue, which represents the 1st significant milestone enabling both Serbia and Kosovo to move on towards their European paths. Secondly, we concentrated on local analysis of granting candidate status to Serbia and launching of feasibility study on Kosovo's SAA. Thirdly, we focused on the domestic aspects during the period ending with the EU's decision to open accession negotiations with Serbia and start of negotiations on SAA with Kosovo.

As with Kosovo, a general support for the EU-facilitated Dialogue was traced across the whole political spectrum in Kosovo ever since the Dialogue's beginning. The GoK's programme was based on a strong pro-European agenda, which was to a large extent corresponding with the Kosovo public's strong support for the EU membership. Given that Kosovo was traditionally lagging behind all Western Balkan countries in the EU integration process, GoK was motivated to act in compliance with the conditions set by the EU. Therefore, GoK's approach towards the EU as well as towards Kosovo's participation in the EU-mediated Dialogue can be described as compliance-positive.

As far as the opposition's stand and activities regarding the Dialogue / approach towards the EU are concerned, it can be concluded that during the whole analysed period Kosovo's opposition was compliance-positive, with the only exemption of VV. Paradoxically, opposition's generally positive approach towards the Dialogue / the EU

became more evident during the second, political phase of the Dialogue. Not only was the resolution legitimising GoK to participate in the Political Dialogue proposed by both coalition and opposition parties, but also an opposition party AAK became part of the negotiating team with Serbia. It can be concluded that Kosovo's opposition was compliance-positive.

In contrast to the general political climate regarding the Dialogue, VV had a strong compliance-negative approach towards the Dialogue condemning any type of negotiations with Serbia and organizing protests and boycotts during the whole process of the Dialogue. Despite this fact, VV's relative political power was not sufficient to seriously endanger / block the process of normalization of relations between Serbia and Kosovo and to negatively affect Kosovo's compliance with the EU's conditionality.

As regards Serbia and North Kosovo, governments in Belgrade have been fully committed to European future for Serbia, i.e. full-fledged EU membership since 2008, but still insisted on pursuing the policy of non-acceptance of the Kosovo's independence of Kosovo at the same time. Thus, the pro-European elites or pragmatics approached the EU accession and Kosovo question as two separate issues trying to avoid domestic costs of the fatal decision "Kosovo or EU". Therefore the domestic adoption costs were significantly lower than benefits as the prospect of EU membership was attractive for the majority of electorate. Obviously, the Serbian political elite hasn't been negotiating and signing agreements because of their good will and respect to Pristina institutions and Kosovo Albanians but due to the Western pressure, EU "sticks and carrots" in particular.

Political opposition, influential organizations and nationalist elements in Serbian society forming the "anti-European block" used the ongoing negotiations to stimulate their activity against the EU accession, while Kosovo issue held a prominent place in their campaign. The pragmatics during the negotiations process were pressed by anti-European or Euro-realistic nationally oriented side not to allow any further concessions on Kosovo. So again the Kosovo issue as many times before pointed out on the peculiar cleavage in the Serbian political scene between supporters and opponents of integration into Euro-Atlantic structures.

North Kosovo proved to be powerful veto player influencing Serbian and Kosovo domestic politics strongly opposing any concessions on Kosovo to EU. Representatives of the North supported by most of the local inhabitants suddenly found themselves in political opposition to Belgrade's governments, actively fighting in fact not just Pristina institutions but interference of the West including EU as well as Belgrade partially. Many times, Kosovo Serbs from the North have openly demonstrated their will not to become a part of Kosovo at all, because after all "Kosovo has simply nothing to offer to them".

Coming back to the original argument of Schimmelfennig and Sedelmeier's model, the overall success of the EU conditionality depends on whether the conditions set "fall on the fertile ground" (Schimmelfennig 2008: 918) on the domestic level. Undoubtedly, the Dialogue has played a significant role in motivating both Serbia and Kosovo to start engaging actively in the process of normalization of their relations. But, judging by the effective implementation of the agreements achieved, one might come to a conclusion that the ground in Serbia and Kosovo might be not fertile enough yet.

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